

AGENDA
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

DATE: October 27, 2011

TIME: 5:30 p.m. Regular Session

PLACE: Woodley Island Marina Meeting Room

The Meeting Room is wheelchair accessible. Accommodations and access to Harbor District meetings for people with other handicaps must be requested of the Director of Administrative Services at 443-0801 five (5) working days in advance of the meeting.

1. **Call to Order Regular Session at 5:30 p.m. and Roll Call**
2. **Pledge of Allegiance**
3. **Public Comment**

Note: This portion of the Agenda allows the public to speak to the Board on various issues not itemized on this agenda. A member of the public may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to the Brown Act, the Board may not take action on an item that does not appear on the Agenda. Each speaker is limited to speak for a period of three (3) minutes regarding each item on the Agenda. Each speaker is limited to speak for a period of three (3) minutes during the PUBLIC COMMENT portion of the Agenda regarding items of special interest to the public not appearing on the Agenda that are within the subject matter jurisdiction of the Board of Commissioners. The three (3) minute time limit may not be transferred to other speakers. The three (3) minute time limit may be extended by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District. The three (3) minute time limit for each speaker may be enforced by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District.

4. **Consent Calendar**

Note: All matters listed under the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion. There will be no separate discussion of these items. If discussion is required, that item will be removed from the Consent Calendar and considered separately.

- a. Consideration of approval of minutes from the September 22, 2011 Special Board meeting.
- b. Consideration of approval of travel expenses for Commissioner Wilson to attend the Association of Pacific Ports Fly-in, Fly-out Seminar: "Building Effective Port Infrastructure", October 28, 2011 in Portland, OR.
- c. Consideration of Amendment to Agreement for Services with Dockal and Associates.

5. **Communications and Reports**

- a. Interim Chief Executive Officer's Report
- b. District Counsel's Report
- c. Staff Reports
- d. Commissioner Reports
- e. Advisory Committee Reports
- f. Other

Agenda for October 27, 2011 Regular Board Meeting

6. Non Agenda

7. Unfinished Business

8. New Business

- a. Consideration of directing staff to prepare and submit a Brownfields grant application to the US Environmental Protection Agency to fund detailed assessments of soil and groundwater contamination at the Redwood Marine Terminal and the Field's Landing Boat Yard.
- b. Consideration of CEO Selection Committee creation process and CEO search and selection schedule.
- c. Consideration of authorizing the Board President to sign a Letter of Commitment from the Humboldt Bay Harbor, Recreation and Conservation District committing \$100,000.00 upon the successful award of the TIGER III grant funds.
- d. Consideration of authorizing the Board President to sign a letter of support and commitment of in-kind resources for the Wiyot Tribe's 'Debris Removal Project' Grant Application.

9. Administrative and Emergency Permits

10. Adjourn to Executive Closed Session

11. Call Executive Closed Session to Order

a. Move to Executive Closed Session pursuant to the provisions of the California Government Code Section 54956.8 (Conference with Real Property Negotiator)

1. **Conference with Real Property Negotiator**
Negotiating Parties: Paul Brisso, District Counsel; Mike Wilson, Board President and Patricia Tyson, Interim Chief Executive Officer

Under Negotiation:

- 1) **Potential lease terms for District property acquisition from Pacific Gas and Electric Company.**
- 2) **Potential lease terms of property to Timber Heritage Association.**
- 3) **Potential lease terms of District property to TJS Leasing and Holding Company, Inc.**
- 4) **Potential lease terms of District property to Taylor Mariculture, Inc.**
- 5) **Potential lease terms of District property to Freshwater Tissue Company**
- 6) **Possible acquisition of approximately 570 acres of north bay tidelands currently owned by Eugene Gabrych**

12. Adjourn Executive Closed Session

13. Call to Order Regular Session

14. Report on Executive Closed Session

15. Adjournment

**MINUTES
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

OCTOBER 27, 2011

PRESENT:

Commissioner Pellegrini
Commissioner Wilson
Commissioner Marks

ABSENT:

Commissioner Curless
Commissioner Higgins

President Wilson called the regular meeting of the Board of Commissioners to order at 5:30 P.M.

President Wilson asked Casey Allen to lead those present in the Pledge of Allegiance.

PUBLIC COMMENT: None

CONSENT CALENDAR

COMMISSIONER PELLEGRINI MOVED FOR APPROVAL OF THE CONSENT CALENDAR.
COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT.

INTERIM CEO REPORT

Interim Chief Executive Officer was absent for this meeting.

DISTRICT COUNSEL REPORT: None

STAFF REPORT

Director of Conservation reported that he and Director of Facility Maintenance are driving to Shelter Cove tomorrow to meet with Richard Culp, General Manager of the Resort Improvement District #1, to discuss operations of the fish cleaning station and how to minimize the effects of the fish waste on the birds.

District Counsel asked if the Shelter Cove Resort Improvement District still maintains the fish station.

Director of Facility Maintenance replied that they do and District staff goes to Shelter Cove once a year for inspections.

Commissioner Wilson stated he had spoken with Monte Merrick regarding the cleanup of the birds, and he may come and give a presentation at one of the Board meetings. Director of Conservation said Mr. Merrick is still interested in doing so.

COMMISSIONERS AND ADVISORY COMMITTEE REPORTS

Commissioner Pellegrini:

- ❖ Met with the Dog Policy Advisory Committee. As a result, staff sent a survey to marina tenants regarding the dog policy on Woodley Island. The mailing asked their preference on a possible changing of the ordinance. Dockmaster also added a section on the mailing requiring tenants to acknowledge the prohibited uses of the bilge water collection system. When the results come in, a recommendation will be made to the Board on whether to change the Ordinance.

- ❖ The Commercial Fishermen's Wives of Humboldt will host a Blessing of the Fleet on Saturday, November 5 at 10:00 a.m. Commissioner Pellegrini encourages everyone to come out and participate. The event is prior to crab season, which theoretically starts December 1. It is very likely the season will not begin on time this year. There will not be a boat parade this year.
- ❖ The Sons of Italy will host the third annual lunch honoring women veterans on November 4 from 10:00 a.m. to 2:00 p.m. Women veterans' lunches will be free.

Commissioner Wilson:

- ❖ Met with District Counsel, Interim CEO and Bob Simpson regarding Freshwater Pulp potential lease agreement.
- ❖ Met with Commissioner Higgins, Director of Facility Maintenance, Interim CEO and Timber Heritage Association discussing lease update and potential ERTN (exclusive right to negotiate).
- ❖ Met with Commissioner Pellegrini, Roger James, and Commissioners-elect Aaron Newman and Greg Dale regarding the CEO hiring process.
- ❖ Will be leaving after the meeting tonight to drive to Portland for an Association of Pacific Ports seminar on port infrastructure. Commissioner Wilson said smaller ports that are similar to Humboldt Bay, such as Bellingham, Astoria, and Grays Harbor are being well represented.

Commissioner Marks:

- ❖ Reported there was another fatality on Highway 255. Commissioner Marks is not sure of what the solution may be.
- ❖ Met with District Counsel and Commissioner Pellegrini regarding personnel policies.

NON-AGENDA: None

UNFINISHED BUSINESS: None

NEW BUSINESS

A. CONSIDERATION OF DIRECTING STAFF TO PREPARE AND SUBMIT A BROWNFIELDS GRANT APPLICATION TO THE US ENVIRONMENTAL PROTECTION AGENCY TO FUND DETAILED ASSESSMENTS OF SOIL AND GROUNDWATER CONTAMINATION AT THE REDWOOD MARINE TERMINAL AND THE FIELD'S LANDING BOAT YARD.

Director of Conservation stated that the District applied last year, but the grant application was not successful. US Environmental Protection Agency staff walked him through the scoring process for last year's application. The work for this year's application is already 90% complete. The first phase of funding is for the testing. If the District received another round of funding, it would take care of the cleanup of the site.

Commissioner Pellegrini asked Director of Conservation if he felt comfortable with the application or if it needed many revisions. Director of Conservation said it will not take long to revise the application for this year, using last year's application as a base.

Commissioner Wilson remarked that the summary seems to be the most important part in Brownfields grant applications. Director of Conservation said it is true, the big picture is the more important piece of the application; therefore, fine detail will not be written in.

COMMISSIONER PELLEGRINI MOVED FOR DIRECTING STAFF TO PREPARE AND SUBMIT A BROWNFIELDS GRANT APPLICATION TO THE US ENVIRONMENTAL PROTECTION AGENCY TO FUND DETAILED ASSESSMENTS OF SOIL AND GROUNDWATER CONTAMINATION AT THE REDWOOD MARINE TERMINAL AND FIELD'S LANDING BOAT YARD. COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF CEO SELECTION COMMITTEE CREATION PROCESS AND CEO SEARCH AND SELECTION SCHEDULE.

Commissioner Wilson stated the Board's intent is to make this process as transparent as possible.

District Counsel advised a rewording of Item 7 to read "Board will interview leading candidates". This allows the Board to interview someone the Selection Committee did not choose.

Casey Allen asked if the current job description is on the District's website.

Commissioner Wilson told him that if it is not, to give Interim CEO a call next week. It would definitely be in the District's Personnel Policies.

Jan Kraepelien wished to make sure the two Commissioners-elect were to be part of the process.

Commissioner Wilson stated that they are, and their input so far has been much appreciated and helpful. He also said that the proposed dates are not set in stone.

COMMISSIONER MARKS MOVED FOR APPROVAL WITH CORRECTIONS OF THE CEO SELECTION COMMITTEE CREATION PROCESS AND CEO SEARCH AND SELECTION SCHEDULE. COMMISSIONER PELLEGRINI SECONDED. MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF AUTHORIZING THE BOARD PRESIDENT TO SIGN A LETTER OF COMMITMENT FROM THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT COMMITTING \$100,000.00 UPON THE SUCCESSFUL AWARD OF THE TIGER III GRANT FUNDS.

Commissioner Wilson stated the name of the project was amended on the application. He said the grant will be used for container-moving and loading equipment. The District is requesting approximately \$10 million. There is a \$0 match required from rural areas, but the District is proposing \$100,000.00 to show the commitment to the application.

Commissioner Pellegrini commented that this was an exciting time. At least eight years ago people came before the Board asking them to move forward with this project, but it takes time to get all of the puzzle pieces in place. It is exciting to be at the "ask" part of this project.

Commissioner Marks commented that we will still be doing raw resource extraction, but there is a possibility of shipping finished product.

COMMISSIONER MARKS MOVED FOR AUTHORIZING THE BOARD PRESIDENT TO SIGN A LETTER OF COMMITMENT FROM THE HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT COMMITTING \$100,000.00 UPON THE SUCCESSFUL AWARD OF THE TIGER III GRANT FUNDS. COMMISSIONER PELLEGRINI SECONDED. MOTION CARRIED WITHOUT DISSENT.

D. CONSIDERATION OF AUTHORIZING THE BOARD PRESIDENT TO SIGN A LETTER OF SUPPORT AND COMMITMENT OF IN-KIND RESOURCES FOR THE WIYOT TRIBE'S "DEBRIS REMOVAL PROJECT" GRANT APPLICATION.

Commissioner Wilson stated he has not worked for the Wiyot Tribe in over five years, so he felt he could vote at this time.

COMMISSIONER PELLEGRINI MOVED FOR APPROVAL OF AUTHORIZING THE BOARD PRESIDENT TO SIGN A LETTER OF SUPPORT AND COMMITMENT OF IN-KIND RESOURCES

Minutes
Regular Meeting of the Board of Commissioners
Humboldt Bay Harbor, Recreation and Conservation District
October 27, 2011
Page 4 of 4

FOR THE WIYOT TRIBE'S "DEBRIS REMOVAL PROJECT" GRANT APPLICATION.
COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS: NONE

The Board of Commissioners adjourned to Executive Closed Session at 6:02 P.M.

President Wilson adjourned the Executive Closed Session at 6:35 P.M.

President Wilson called to order the Regular Meeting of the Board of Commissioners at 6:36 P.M.


District Counsel reported the Executive Closed Session as follows: Potential lease terms for District property acquisition from Pacific Gas and Electric Company and possible acquisition of approximately 570 acres of North Bay tidelands currently owned by Eugene Gabrych - no discussion. Potential lease terms of property to Timber Heritage Association, TJS Leasing and Holding Company, Inc., Taylor Mariculture, Inc., and Freshwater Tissue Company - no action taken.

APPROVED BY:



Ronnie Pellegrini
Secretary

RECORDED BY:



Kim Farrell
Clerk