

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

DATE: May 10, 2012
TIME: 6:00 p.m. Executive Closed Session
7:00 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 24 hours in advance of the meeting.

1. Call to Order at 6:00 p.m.
 - a. Move to Executive Closed Session pursuant to the provisions of the California Government Code Sections 54956.8 (Conference with Real Property Negotiator) and 54957 (Public Employee Evaluation of Performance)
 1. Conference with Real Property Negotiator
Negotiating Parties: Paul Brisso, District Counsel; Mike Wilson, Board President; Patrick Higgins, Commissioner; Jack Crider, Chief Executive Officer

Under Negotiation:
 - 1) Potential lease terms of property to Taylor Mariculture, Inc.
 - 2) Potential lease terms of property to Timber Heritage Association.
 2. Public Employee Evaluation of Performance – Evaluations of Director of Administrative Services, Director of Facility Maintenance, Director of Conservation Division, Bar Pilots (2)
2. Adjourn Executive Closed Session
3. Call to Order Regular Session at 7:00 p.m. and Roll Call
4. Pledge of Allegiance
5. 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.

6. 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.

Agenda for May 10, 2012 Regular Board Meeting

7. Communications and Reports

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

8. Non Agenda

9. Unfinished Business

- a. Consideration of adoption of Resolution 2012-08 which establishes findings relative to the application by Chevron USA Inc. for the Fire Suppression System at Chevron Terminal.
- b. Consideration of granting Permit 12-01 to Chevron USA Inc. for the Fire Suppression System at Chevron Terminal.

10. New Business

- a. Consideration of adoption of Resolution 2012-10 approving membership in the ACWA Joint Powers Insurance Authority, Consenting to join the Health Benefits Program of the ACWA Joint Powers Insurance Authority, Ratifying the Action of the ACWA Health Benefits Authority Board of Directors to Terminate the Health Benefits Authority Joint Powers Agreement, and Authorizing and Directing the Harbor District Chief Executive Officer to Execute all Necessary Documents.
- b. Consideration of joining in the efforts of North Coast Rail Authority and US Fish & Wildlife Service to remove billboards under California Department of Transportation Permit #6270, District 1, Hwy 101 in Humboldt County, Postmile 83.971L, 230'N of Bayside Cutoff and Permit #23824, District 1, Hwy 101 in Humboldt County, Postmile 84.13L, 1300'N of Bayside Cutoff respectively.

11. Administrative and Emergency Permits

12. Adjournment

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

May 10, 2012

PRESENT

Commissioner Newman
Commissioner Wilson
Commissioner Marks
Commissioner Higgins

ABSENT

Commissioner Dale

President Wilson called the Executive Closed Session to order at 6:02 P.M.

President Wilson adjourned the Executive Closed Session at 6:40 P.M.

President Wilson called the Regular Meeting of the Board of Commissioners to order at 7:01 P.M.

Russ Gans, present in the absence of District Counsel reported on the Executive Closed Session as follows: Potential lease terms of property to Taylor Mariculture, Inc.; Potential lease terms of property to Timber Heritage Association – no action to report.

President Wilson asked Pete Johnston to lead those present in the Pledge of Allegiance.

PUBLIC COMMENT

Pete Johnston said that he is the current President of Timber Heritage Association and is in attendance tonight to introduce himself to the Commissioners. He stated he is looking forward to have a working with the District in the future.

Chief Executive Officer reported he is amazed by Timber Heritage Association's collection of rail cars.

CONSENT CALENDAR: None

CHIEF EXECUTIVE OFFICER REPORT

- ❖ Thanked the Commissioners for introducing him to hundreds of community members, showing a positive outlook to the District's community standing. Said he is proud to be part of the staff and the community.
- ❖ Has been focused on staffing, operations, and financial controls. Stated the District has dedicated, hard-working and skilled staff that have kept it running under little direction. Reported that most administrative staff has been with the District over ten years and that some of the procedures need updating for better enabling the Commissioners timely information. Said that it is critical that he meet with stakeholders within the first 30 days of his arrival, and hopes the Commissioners will pass contact information on to him.

DISTRICT COUNSEL REPORT

- ❖ No report.

STAFF REPORT

Director of Conservation thanked all who worked on the Humboldt Bay Symposium Steering Committee. He also reported that he enjoyed touring Humboldt Bay with people involved in aquaculture, the Chief Executive Officer and Commissioner Dale.

Dockmaster said that she and Director of Facility Maintenance recently returned from Nanaimo, British Columbia, where they attended the 38th Annual Pacific Coast Congress of Harbormasters and Port Captains. She stated one of the topics on the agenda was how to tailor marinas to the needs of future audiences; this hot topic discussed new construction, reconstruction and renovation of marinas as agencies try to extend the life of their facilities. Dockmaster reported Woodley Island Marina was built to be a 40-year marina, and that it is 31 years old. She said the Maintenance Department has been innovative and has given the District facilities extra years. Dockmaster stated that renovation is a serious cost and that Woodley Island Marina will need a major renovation in the next 10 or 15 years. She reported that currently the trend is that boats are being built wider and the Marina will require more 30-foot slips.

Captain Petrusha reported the dredge *Essayons* arrived Tuesday and has been working on the bar and entrance to Humboldt Bay. He said he recently returned from Seattle with Captain Powell and Director of Facility Maintenance where they inspected the Port Security Boat; he said it exceeded their expectations and should be delivered on Thursday.

COMMISSIONER REPORTS

Commissioner Newman

- ❖ No report.

Commissioner Dale

- ❖ Absent.

Commissioner Wilson

- ❖ Stated the Humboldt Bay Symposium went extremely well and he enjoyed the speakers. Reported he heard many compliments from the community, including that it was the best Symposium they had attended.

Commissioner Marks

- ❖ Said he enjoyed the Symposium and thanked Commissioner Wilson for being an MC.
- ❖ Stated that the chip export facility is looking for workers.
- ❖ Reported that softball has begun.

Commissioner Higgins

- ❖ Said the Humboldt Bay Symposium went well and that he was happy the District's new Chief Executive Officer could attend. He stated he would like to get the Symposium material aired on Access Humboldt.
- ❖ Reported he is playing softball.
- ❖ Said the Water Day on the Eel River this past Sunday attracted 100 to 150 people. Access to the proceedings is available on KMUD in their Audio Archives; and eventually may be available on Access Humboldt.
- ❖ Stated District staff has shared great ideas at the Budget Meetings.
- ❖ Reported he met with representatives of Timber Heritage Association; he is excited that the Chief Executive Officer has past experience with an operating and historic railroad.

UNFINISHED BUSINESS

A. CONSIDERATION OF ADOPTION OF RESOLUTION 2012-08 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY CHEVRON USA INC. FOR THE FIRE SUPPRESSION SYSTEM AT CHEVRON TERMINAL.

COMMISSIONER HIGGINS MOVED FOR ADOPTION OF RESOLUTION 2012-08 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY CHEVRON USA INC. FOR THE FIRE SUPPRESSION SYSTEM AT CHEVRON TERMINAL. COMMISSIONER MARKS SECONDED.

Director of Conservation said the Terminal's fire suppression system is being upgraded at the mandate of the California State Lands Commission. He stated that most of the work to be done is on land, but some lines do extend to the dock, which prompted Chevron to apply for a permit from the District. Director of Conservation said the Coastal Commission has issued a waiver and that the project is exempt from CEQA.

ROLL CALL VOTE WAS TAKEN –

COMMISSIONER NEWMAN – AYE
COMMISSIONER DALE – ABSENT
COMMISSIONER WILSON – AYE
COMMISSIONER MARKS – AYE
COMMISSIONER HIGGINS – AYE

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF GRANTING PERMIT 12-01 TO CHEVRON USA INC. FOR THE FIRE SUPPRESSION SYSTEM AT CHEVRON TERMINAL.

COMMISSIONER MARKS MOVED FOR GRANTING PERMIT 12-01 TO CHEVRON USA INC. FOR THE FIRE SUPPRESSION SYSTEM AT CHEVRON TERMINAL. COMMISSIONER HIGGINS SECONDED. MOTION CARRIED WITHOUT DISSENT.

NEW BUSINESS

A. CONSIDERATION OF ADOPTION OF RESOLUTION 2012-10 APPROVING MEMBERSHIP IN THE ACWA JOINT POWERS INSURANCE AUTHORITY, CONSENTING TO JOIN THE HEALTH BENEFITS PROGRAM OF THE ACWA JOINT POWERS INSURANCE AUTHORITY, RATIFYING THE ACTION OF THE ACWA HEALTH BENEFITS AUTHORITY BOARD OF DIRECTORS TO TERMINATE THE HEALTH BENEFITS AUTHORITY JOINT POWERS AGREEMENT, AND AUTHORIZING AND DIRECTING THE HARBOR DISTRICT CHIEF EXECUTIVE OFFICER TO EXECUTE ALL NECESSARY DOCUMENTS.

COMMISSIONER MARKS MOVED FOR ADOPTION OF RESOLUTION 2012-10 APPROVING MEMBERSHIP IN THE ACWA JOINT POWERS INSURANCE AUTHORITY, CONSENTING TO JOIN THE HEALTH BENEFITS PROGRAM OF THE ACWA JOINT POWERS INSURANCE AUTHORITY, RATIFYING THE ACTION OF THE ACWA HEALTH BENEFITS AUTHORITY BOARD OF DIRECTORS TO TERMINATE THE HEALTH BENEFITS AUTHORITY JOINT POWERS AGREEMENT, AND AUTHORIZING AND DIRECTING THE HARBOR DISTRICT CHIEF EXECUTIVE OFFICER TO EXECUTE ALL NECESSARY DOCUMENTS. COMMISSIONER HIGGINS SECONDED.

Director of Administrative Services reported ACWA's Health Benefits Authority that provides the District's medical insurance is being dissolved; she stated that it will probably not affect the District's premiums.

Commissioner Higgins asked Director of Administrative Services if the District saves money by joining with ACWA.

Director of Administrative Services reported that the District does save money by being part of a pool of member agencies and that if the Resolution is not passed, the District cannot receive coverage through ACWA.

ROLL CALL VOTE WAS TAKEN:

COMMISSIONER NEWMAN – AYE
COMMISSIONER DALE – ABSENT
COMMISSIONER WILSON – AYE
COMMISSIONER MARKS – AYE
COMMISSIONER HIGGINS - AYE

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF JOINING IN THE EFFORTS OF NORTH COAST RAIL AUTHORITY AND US FISH & WILDLIFE SERVICE TO REMOVE BILLBOARDS UNDER CALIFORNIA DEPARTMENT OF TRANSPORTATION PERMIT #6270, DISTRICT 1, HWY 101 IN HUMBOLDT COUNTY, POSTMILE 83.971L, 230'N OF BAYSIDE CUTOFF AND PERMIT #23824, DISTRICT 1, HWY 101 IN HUMBOLDT COUNTY, POSTMILE 84.13L, 1300'N OF BAYSIDE CUTOFF RESPECTIVELY.

President Wilson passed the gavel to Vice-President Marks.

COMMISSIONER HIGGINS MOVED FOR JOINING IN THE EFFORTS OF NORTH COAST RAIL AUTHORITY AND US FISH & WILDLIFE SERVICE TO REMOVE BILLBOARDS UNDER CALIFORNIA DEPARTMENT OF TRANSPORTATION PERMIT #6270, DISTRICT 1, HWY 101 IN HUMBOLDT COUNTY, POSTMILE 83.971L, 230'N OF BAYSIDE CUTOFF AND PERMIT #23824, DISTRICT 1, HWY 101 IN HUMBOLDT COUNTY, POSTMILE 84.13L, 1300'N OF BAYSIDE CUTOFF RESPECTIVELY. COMMISSIONER WILSON SECONDED.

Director of Conservation said the request for the District to join the efforts to remove the billboards came from Eric Nelson, Manager of the Humboldt Bay National Wildlife Refuge.

Commissioner Wilson reported the billboards are on tidelands, and that the property lines are not clear. He stated the billboard company had two years to produce evidence of money paid for renting the billboards, which they have not done. Commissioner Wilson said the Board of Commissioners previously wrote a letter of support for the removal of the billboards including excerpts added from the Management Plan. He stated that if nothing is done, further inaction would continue to allow private use of public lands with no public benefit. Commissioner Wilson reported that another course of action would be for the District to lease the land, although this action is not consistent with the Management Plan.

Commissioner Marks asked if the billboards are on District property, could the District recover the back-lease money.

Chief Executive Officer said staff is clear on direction.

Karen Brooks asked if this issue was covered a few years ago when the problem was with USFWS not cashing the checks; she also asked if any agency had requested CBS Outdoor to attend meetings to work out this issue.

Commissioner Wilson stated those issues concerned different billboards and that it would fall to CalTrans if they believed CBS Outdoor was encroaching on their property to maintain the bulletin boards.

MOTION CARRIED WITHOUT DISSENT.

Chief Executive Officer asked President Wilson to appoint a committee to review his recommendations as stated in his CEO report. President Wilson appointed Commissioners Newman and Higgins to work with CEO.

ADMINISTRATIVE AND EMERGENCY PERMITS

Director of Conservation reported there was one Administrative Permit issued: #A-2012-04 to Ginger Waffard for use of dock at Woodley Island Marina for the temporary deployment of an experimental apparatus to examine the longevity of epiphytic colonies on eelgrass blades.

President Wilson adjourned the regular meeting of the Board of Commissioners at 7:56 P.M.

APPROVED BY:



Patrick Higgins
Secretary

RECORDED BY:



Kim Farrell
Clerk