

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

27 March 2008

PRESENT:

Commissioner Pellegrini
Commissioner Curless
Commissioner Wilson
Commissioner Hunter
Commissioner Higgins

The Closed Session was called to order at 6:00p.m. Closed Session adjourned at 6:17 p.m.

President Hunter called the regular meeting of the Board of Commissioners to order at 7:00 p.m.

President Hunter led those present in the Pledge of Allegiance.

District Counsel reported the Closed Session items as follows: Potential Liability/Real Property Negotiations – Shelter Cove Mario's Marina property purchase negotiations, fish cleaning station and potential eminent domain. No action taken.

President Hunter wished Commissioner Curless well on his knee surgery tomorrow.

President Hunter stated the item currently listed under Non Agenda on the agenda should actually be under Unfinished Business.

PUBLIC COMMENT

Marcus Brown reported the annual fundraiser for the Timber Heritage Association will be held on April 19 at the River Lodge in Fortuna.

Melvin McKinney asked about the status of the King Salmon railroad dike repair permits. CEO stated improvements were made last year; erosion fence is still in place and the project will continue after Coastal Commission approval.

Dennis Mayo spoke about the status of the Marine Life Protection Area for Northern and Southern California. He also said Department of Fish and Game has not made a final recommendation on whether they will close rockfish fishing along the CA coast. He said there is a good chance Shelter Cove and Point St. George areas will be closed down for recreational, and possibly commercial, fishing. Mr. Mayo said the numbers and methods of assessments are not being calculated accurately and will forward information to the Board as it comes available. Mr. Mayo also read a letter written by County Supervisor Jimmy Smith to the Department of Fish & Game.

CONSENT CALENDAR

President Hunter asked for a correction in the minutes from March 13, 2008. On page 3 under New Business Item C the minutes stated Commissioner Hunter made a motion, when actually Commissioner Higgins made the motion.

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF THE CONSENT CALENDAR WITH THE NOTED CHANGE. COMMISSIONER PELLEGRINI SECONDED. MOTION CARRIED WITHOUT DISSENT.

CEO REPORT

- 3/17: Alan Bobillot, recently hired Director of Facility Maintenance, started work.
- 3/13: Dredge Yaquina started work in Humboldt Bay. Yaquina has worked on and off due to weather and is concentrating on the area around Buoy 9.
- 3/18: President Hunter, Commissioner Higgins and CEO met regarding the District's committee structure.

- 3/20: CEO chaired the Harbor Safety Committee meeting.
- 3/18: Humboldt Bay Symposium Steering Committee meeting was held.
- Redwood Marine Terminal Feasibility Study: TranSystems continues to work on the business plan.
- Director of Maritime Commerce worked with a number of business people, including one ship builder suitable for short sea shipping trade. He also spoke with commercial fishermen and a wooden boat builder.
- Prop 1B: CEO continues to work with CTC, legislative advocates, and NCRA; but there is no news yet on the grant funding.
- CEO reported the captain of the local tugboat used by Harbor District bar pilots has had a medical emergency in his family and may be unable to operate the tug on occasion. Captain John Powell, a Harbor District bar pilot, is certified and licensed to operate a tugboat. An agreement has been drafted and signed by Captain Powell, CEO and District Counsel stating Captain Powell will take a temporary leave of absence without pay during times he is needed to operate the tugboat. He will be an employee of Knutson and will be covered under their employee and liability insurances, holding the Harbor District harmless, during times of his employment with Knutson.

DISTRICT COUNSEL REPORT

District Counsel stated at the last meeting it was requested he research the legality of declaring real property surplus and then transfer the property to a non-profit organization. He said this is a complex legal issue. There is no problem declaring the property surplus. There is no problem declaring the property surplus and giving it to a government entity. There is no problem declaring the property surplus and selling it for market value. However, there is a gray area when considering giving surplus property to a non-profit organization.

District Counsel suggested the Board consider a long-term lease for the property in order to maintain control of the property.

STAFF REPORT

Director of Administrative Services reported she attended a Safety/Claims Day seminar in Sacramento hosted by SDRMA. The first half of the day constituted sexual harassment training, a requirement of all supervisory personnel of public agencies every two years. The second half of the day was break-out workshops on workers comp, liability claims, identity theft and safety programs. The Harbor District earns discount points towards insurance premiums for attending these seminars.

COMMISSIONER REPORTS

Commissioner Pellegrini said the Pacific Marine Fisheries Council will take public comment on the salmon disaster on April 1 at 7 p.m. at the Red Lion Hotel.

Commissioner Pellegrini reported she and her husband Paul just celebrated their 20th wedding anniversary and their oldest daughter turned 18.

Commissioner Curless said he has received many phone calls about the status of the breakwater rehabilitation in Shelter Cove.

Commissioner Curless reported he is having knee replacement surgery tomorrow.

Commissioner Wilson said the City of Arcata is sponsoring an Open Space workshop to discuss a proposal for a regional recreation district.

Commissioner Wilson said he has attended the Humboldt Bay Symposium meetings.

Commissioner Wilson said the Board of Supervisors will consider the adoption of a resolution stating Humboldt County is the lead agency to obtain a potential \$50 million of trails funding. Humboldt County has been identified as high on the list for the funding.

Commissioner Wilson said he referred shipbuilders to CEO and Director of Maritime Commerce to discuss options for Humboldt Bay. Commissioner Wilson said this particular business would create 100-150 jobs locally.

Commissioner Wilson reported he met with Mr. Steven Pepper regarding short sea shipping.

President Hunter said he attended a Chamber of Commerce meeting and listened to a presentation by PG&E regarding wave energy and the status of the Humboldt Bay Power Plant.

Commissioner Higgins reported he attended his first RREDC meeting as the Harbor District alternate representative. He said Commissioner Wilson, the Harbor District representative, was also in attendance.

ADVISORY COMMITTEE REPORTS

Commissioner Higgins stated he met with President Hunter and CEO regarding the District's committee structure.

OTHER: None

NON-AGENDA

COMMISSIONER WILSON MOVED TO ADD TO THE AGENDA AS NEW BUSINESS ITEM A DISCUSSION OF ROCKFISH SEASON AND REGULATIONS. THIS ITEM IS TIME SENSITIVE AND JUST CAME TO THE ATTENTION OF THE BOARD SUBSEQUENT TO THE POSTING OF THE AGENDA AND REQUIRES ACTION PRIOR TO THE NEXT BOARD MEETING. COMMISSIONER HIGGINS SECONDED. MOTION CARRIED WITHOUT DISSENT.

COMMISSIONER PELLEGRINI MOVED TO ADD TO THE AGENDA AS NEW BUSINESS ITEM B THE APPROVAL OF CAPTAIN JOHN POWELL TO TAKE A LEAVE OF ABSENCE TO WORK FOR KNUTSON TUGBOATS AS EARLY AS MARCH 28, 2008. THIS ITEM IS TIME SENSITIVE AND JUST CAME TO THE ATTENTION OF THE BOARD SUBSEQUENT TO THE POSTING OF THE AGENDA AND REQUIRES ACTION PRIOR TO THE NEXT BOARD MEETING. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

UNFINISHED BUSINESS

A. CONSIDERATION OF PROPOSED COMMITTEE STRUCTURE

CEO, through the Committee Committee, presented to the Board of Commissioners protocol for two types of committees: task-oriented committees and Humboldt Bay Management Plan Advisory Committee.

COMMISSIONER HIGGINS MOVED FOR THE ADOPTION OF STAFF'S RECOMMENDATIONS FOR THE FORMATION OF TWO ELEMENTS OF DISTRICT COMMITTEES AND DIRECT THE CHIEF EXECUTIVE OFFICER TO BEGIN THE PROCESS OF FORMATION OF THE HUMBOLDT BAY MANAGEMENT PLAN ADVISORY COMMITTEE. COMMISSIONER WILSON SECONDED.

David Elsebusch said he didn't agree with the proposed task-oriented committees and said it is inappropriate for the President to make appointments. He said Board members should volunteer in public meetings and that finance and human resources should not be considered task-oriented.

Marcus Brown asked about members of the public serving on committees that may have a conflict of interest. Commissioner Higgins responded a conflict of interest suggests a person receives some monetary gain and that person should not be a committee participant.

District Counsel suggested the Board President should make appointments with consensus of the Board of no more than 2 Commissioners to a committee.

COMMISSIONER HIGGINS REQUESTED AS A FRIENDLY AMENDMENT TO HIS ORIGINAL MOTION THE FOLLOWING CHANGES BE MADE TO CEO'S AGENDA REPORT:

1. ALL COMMITTEES FORMED BY THE BOARD OF COMMISSIONERS ARE TO BE "STAFFED" BY DISTRICT "PERSONNEL" "WITH THE PARTICIPATION OF" ONE OR MORE BOARD MEMBERS
2. THE BOARD PRESIDENT SHALL MAKE APPOINTMENTS "WITH THE CONSENSUS OF THE BOARD" OF NO MORE THAN TWO COMMISSIONERS TO ANY TASK-ORIENTED BOARD COMMITTEE....
3. THE HBMPAC MAY REQUEST PERMISSION FROM THE BOARD OF COMMISSIONERS TO FORM, "AMEND" OR DISBAND ANY TECHNICAL, SCIENTIFIC OR OTHER SUBCOMMITTEES AS NECESSARY TO ASSIST THE HBMPAC IN THEIR WORK.

COMMISSIONER WILSON SECONDED COMMISSIONER HIGGINS' FRIENDLY AMENDMENT.

After much discussion about committee structure and public participation, the Board came to a consensus.

MOTION CARRIED WITHOUT DISSENT.

NEW BUSINESS

A. CONSIDERATION OF DISCUSSION OF ROCKFISH SEASON AND REGULATIONS.

Commissioner Higgins stated it is important to let Department of Fish & Game know the Harbor District does not support their decisions to limit rockfish fishing.

COMMISSIONER HIGGINS MOVED TO APPROVE CEO TO WRITE A LETTER TO DEPARTMENT OF FISH & GAME EXPRESSING THE HARBOR DISTRICT'S CONCERN ABOUT THE ROCKFISH FISHING CLOSURE AND REQUEST THEM NOT TO TAKE PRESCRIPTIVE ACTION. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF APPROVAL OF CAPTAIN JOHN POWELL TO TAKE A LEAVE OF ABSENCE TO WORK FOR KNUTSON TUGBOATS AS EARLY AS MARCH 28, 2008.

District Counsel stated a memo of request was received from Captain John Powell on Monday, March 24, 2008 to allow him to take a leave of absence from the Harbor District periodically to operate the tugboat for Knutson Tugboats. The current tugboat operator has had a medical emergency in his family and may be unable to operate the tugboat occasionally. Captain Powell is licensed and certified to operate the tugboat. District Counsel stated the Harbor District would be held harmless for any liability during Captain Powell's leaves.

District Counsel stated an agreement was drafted and Captain Powell, CEO and District Counsel signed the agreement.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF CAPTAIN JOHN POWELL TO TAKE A LEAVE OF ABSENCE TO WORK FOR KNUTSON TUGBOATS AS EARLY AS MARCH 28, 2008. COMMISSIONER WILSON SECONDED.

David Elsebusch said the Board of Commissioners is using poor judgment to make an agreement without Board consensus.

District Counsel stated this item was not on the agenda since he and CEO had only been aware of the situation in the last couple of days.

David Elsebusch asked when the situation first came to the attention of the CEO. CEO replied he was notified by Captain Powell on Monday, March 24th and was informed Captain Powell was licensed to operate the tug on Wednesday, March 26th.

MOTION CARRIED WITHOUT DISSENT.

C. FY 2008/09 BUDGET WORKSHOP

District Treasurer gave the summary of the draft budget for FY 2008/09 as follows: Revenue \$3,199,555; Operating Expenses \$2,386,033; Non-Operating Expenses \$1,323,547; Excess Revenues under Expenses (\$510,025).

CEO gave a Powerpoint presentation on the budget to the Board of Commissioners. One of the sources to increase revenue is to raise the fees at Woodley Island Marina and Fields Landing Boat Yard. The last time the fees were increased was in 2001, and 2000.

Commissioner Wilson said he would like a recap of the fund balance for the last ten years. District Treasurer said he would do a supplemental schedule showing that information for the Board.

Commissioner Wilson asked about the need for continued meetings with Port of Oakland. CEO responded the Port of Oakland is still the logical partner for short sea shipping; therefore there is still a need for meetings.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

The Regular Meeting of the Board of Commissioners adjourned at 9:40 p.m.

APPROVED BY:

RECORDED BY:

____Signature on File_____
Roy Curless
Secretary

____Signature on File_____
Patricia L. Tyson
Director of Administrative Services