

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

DATE: December 16, 2010

TIME: 6:00 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 five (5) working days in advance of the meeting.

1. Call to Order at 6:00 p.m.

a. Move to Executive Closed Session

- Conference with Labor Negotiator pursuant to the provisions of the California Government Code Section 54957.6 (Negotiations with Represented Employees)

Agency Negotiator: Chief Executive Officer, District Counsel, District Treasurer, two (2) or less of the members of the Board of Commissioners.

Employee organization: As recognized by the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District, including International Longshore and Warehouse Union, Local 14A.

- Conference with Legal Counsel – Anticipated Litigation pursuant to the provisions of the California Government Code Section 54956.9

Consideration of claim by Ozzie Gregorio

2. Adjourn Closed Session

3. Call to Order Regular Session at 7:00 p.m. and Roll Call

4. Pledge of Allegiance

5. Report on Executive Closed Session

6. 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.

7. 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 November 11, 2010 Special Meeting of the Board of Commissioners.
- b. Consideration of approval of minutes from the November 11, 2010 Board meeting.
- c. Consideration of approval of training expenses for Director of Facilities Maintenance to attend a Backflow Testing Workshop, January 17-22, 2011. \$935.00
- d. Consideration of approval of purchase of Warn winch for the Port Security vehicle from Rocky's Off Road. \$2,371.43

8. 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
 - a. Presentation on the Year in Review/Strategic Plan Update

9. Non Agenda

10. Unfinished Business

11. New Business

- a. Consideration of appointing two District Commissioners to meet with the Humboldt Bay Municipal Water District regarding commercial water use.
- b. Consideration of adoption of Resolution 2010-16 Supporting Implementation and Cooperative Management of the Proposed South Humboldt Bay Marine Protected Area.
- c. Consideration of approval of two-year deferment on the District's three remaining loans with the CA Department of Boating and Waterways.
- d. Consideration of approval of agreement with Pacific Affiliates, Inc. for hydrographic survey services related to Redwood Marine Terminal Berth 1 and 2 and Fields Landing Boat Yard slip.
- e. Consideration of approval of agreement with Winzler and Kelly for sediment sampling and analysis and biological assessment for proposed maintenance dredging at Redwood Marine Terminal Berth 1 and 2.
- f. Consideration of approval of agreement with Winzler and Kelly for sediment sampling and analysis and biological assessment for proposed maintenance dredging at the Fields Landing Boat Yard slip.

12. Administrative and Emergency Permits

13. ADJOURNMENT

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

December 16, 2010

PRESENT:

Commissioner Pellegrini
Commissioner Curless
Commissioner Wilson
Commissioner Higgins
Commissioner Marks

President Curless called the Executive Closed Session to order at 6:04 p.m.

President Curless adjourned the Executive Closed Session to order at 6:57 p.m.

President Curless called the regular meeting of the Board of Commissioners to order at 7:06 p.m.

President Curless led those present in the Pledge of Allegiance.

District Counsel reported on the items discussed during Closed Session: Status of negotiations with the Harbor District employee union - no action was taken; and Conference with Legal Counsel on anticipated litigation through claim for damages filed by Ozzie Gregorio – The Board of Commissioners voted to reject the claim.

PUBLIC COMMENT: None

NEW BUSINESS

President Curless moved Item 11(a) to this place in the agenda.

A. CONSIDERATION OF APPOINTING TWO DISTRICT COMMISSIONERS TO MEET WITH THE HUMBOLDT BAY MUNICIPAL WATER DISTRICT REGARDING COMMERCIAL WATER USE.

Carol Rische, General Manager of the Humboldt Bay Municipal Water District (HBMWD), and Kaitlin Sopoci-Belknap, Board Member of HBMWD, explained with the recent loss of the pulp mill HBMWD's revenue has been affected. An Advisory Committee was formed to research options and receive public input. As a result of the Advisory Committee's work, the top three water use options recommended to the HBMWD Board are 1) local commercial/industrial water sales, which would include water for aquaculture; 2) transport of water to another public agency outside HBMWD and 3) consideration of dedicating some portion of the available water for in-stream flows if there is demonstrated environmental benefit of such.

Initial meetings are being scheduled with interested parties such as the Harbor District to discuss commercial water use options. Commissioners Pellegrini and Marks agreed to meet with Ms. Sopoci-Belknap and Bruce Rupp.

CONSENT CALENDAR

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

CEO REPORT

- ❖ Shelter Cove Breakwater Rehabilitation Project was started on November 19 and completed on December 4. Some road and ramp repair will have to wait for better weather. It took 11 years to fund and permit the project and a little over 2 weeks to construct the new breakwater. CEO has already received an email from a happy Shelter Cove resident.
- ❖ The Sea Level Rise Partnership Council met on November 18 for the first time There was good participation from staffs of Harbor District, City of Arcata, City of Eureka and the Wiyot tribe.
- ❖ On November 19 the District received its new grant-funded port security truck. It is a great addition for the District and necessary for hauling response equipment, etc.
- ❖ Director of Maritime Commerce continues to work with local cargo handling equipment operators on exemptions to the Mobile Cargo Handling Equipment Regulation.
- ❖ Misty Schmidt's last day as Clerk for the Harbor District was November 30. Kim Farrell is the temporary Clerk.
- ❖ CEO met with PG&E representatives on December 8 on dredging the King Salmon Canal. PG&E has now dedicated internal resources to this issue and continues to make progress.
- ❖ On December 9, CEO and Mark Andre from the City of Arcata met with George Williamson of LAFCO regarding the process that would need to be followed if the District is to acquire the assets and functions of Reclamation District 768 in Arcata Bay. CEO will continue to review the information and will likely return to the Board of Commissioners with a proposal in the future.
- ❖ The District's Employee Recognition Dinner was held on December 11. CEO thanked Commissioners Marks and Higgins for attending the event.

DISTRICT COUNSEL REPORT: None

STAFF REPORT

The Monthly Management Report for Fiscal Year to Date November 30, 2010 and a listing of checks written in November 2010 were included in the Commissioners' packets.

COMMISSIONERS AND ADVISORY COMMITTEE REPORTS

Commissioner Pellegrini:

- ❖ Asked if Department of Boating and Waterways would allow reprogramming the excess unused funds from the Shelter Cove Breakwater Rehabilitation Project.
- ❖ Thanked the Blue Ribbon Task Force for holding firm on the unified MPA array. She gave kudos to Supervisor Jimmy Smith and former Assemblymember Strom-Martin for their support on the project and said she hopes the Fish & Game Commission approves the array.
- ❖ Reported crab season has started.

Commissioner Wilson:

- ❖ Reported he has attended two meetings on aquaculture expansion in Humboldt Bay. The next meeting will be during the first week of January.
- ❖ Stated he is happy the air quality issue is moving forward.
- ❖ Said the new video camera and tripod are being used for the first time during this meeting.
- ❖ Met with Carl Schoenhofer, California Redwood Corporation, to discuss chip export and said all indicators are positive for this project.

Commissioner Higgins:

- ❖ Reported he had a wonderful time at the recent Employee Recognition Dinner.
- ❖ Said he is concerned the Fish & Game Commission will approve a deficient conservation plan relative to the MPA and he would like to send a letter to the Commission supporting the unified array.
- ❖ Attended the Department of Navy meeting where the issue was the offshore training and the effects of sonar on whales.

Commissioner Marks:

- ❖ Said he also enjoyed the Employee Recognition Dinner.
- ❖ Reported the Samoa Peninsula Fire District is starting the LAFCO process to create a Samoa Community Services District.

Commissioner Curless:

- ❖ Stated he is very happy the Shelter Cove Breakwater Rehabilitation Project is complete. He said he did hear rumors that there was damage to the road to Shelter Cove caused by the trucks hauling the rock for the jetty. He asked several Shelter Cove residents if the rumors were true and they stated that there was no damage and that the contractors did a good job.

OTHER

Presentation on the Year in Review/Strategic Plan Update

CEO briefly reviewed the District Accomplishments during 2010 and reviewed the progress made on the Management Objectives in the 2007-2011 Strategic Plan during 2010. CEO also gave a PowerPoint picture presentation highlighting the District's accomplishments during 2010.

NON-AGENDA: None

UNFINISHED BUSINESS: None

NEW BUSINESS

B. CONSIDERATION OF ADOPTION OF RESOLUTION 2010-16 SUPPORTING IMPLEMENTATION AND COOPERATIVE MANAGEMENT OF THE PROPOSED SOUTH HUMBOLDT BAY MARINE PROTECTED AREA.

COMMISSIONER PELLEGRINI MOVED FOR THE ADOPTION OF RESOLUTION 2010-16 SUPPORTING IMPLEMENTATION AND COOPERATIVE MANAGEMENT OF THE PROPOSED SOUTH HUMBOLDT BAY MARINE PROTECTED AREA. COMMISSIONER WILSON SECONDED.

CEO reported Fish & Game Commission had concerns enforcing the proposed South Bay portion of the MPA. The Harbor District proposes to mark the corners and maintain the markers.

ROLL CALL VOTE WAS TAKEN:

COMMISSIONER PELLEGRINI – AYE
COMMISSIONER CURLESS – AYE
COMMISSIONER WILSON – AYE
COMMISSIONER HIGGINS – AYE
COMMISSIONER MARKS – AYE

MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF APPROVAL OF TWO-YEAR DEFERMENT ON THE DISTRICT'S THREE REMAINING LOANS WITH THE CA DEPARTMENT OF BOATING AND WATERWAYS.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF TWO-YEAR DEFERMENT ON THE DISTRICT'S THREE REMAINING LOANS WITH THE CA DEPARTMENT OF BOATING AND WATERWAYS. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

D. CONSIDERATION OF APPROVAL OF AGREEMENT WITH PACIFIC AFFILIATES, INC. FOR HYDROGRAPHIC SURVEY SERVICES RELATED TO REDWOOD MARINE TERMINAL BERTH 1 AND 2 AND FIELDS LANDING BOAT YARD SLIP.

COMMISSIONER PELLEGRIN MOVED FOR THE APPROVAL OF AGREEMENT WITH PACIFIC AFFILIATES, INC. FOR HYDROGRAPHIC SURVEY SERVICES RELATED TO REDWOOD MARINE TERMINAL BERTH 1 AND 2 AND FIELDS LANDING BOAT YARD SLIP. COMMISSIONER MARKS SECONDED.

Commissioner Wilson asked if Berths 1 and 2 were being used currently. CEO stated staff has tried to pursue interim uses, but the berths are too shallow. At least two different businesses have been turned away due to the shallow draft situation. This hydrographic survey is necessary for the environmental documents, which are still at least one year away from completion. CEO reported he is meeting with the Regional Water Quality Control Board next week regarding the upland disposal site repermitting.

MOTION CARRIED WITHOUT DISSENT.

E. CONSIDERATION OF APPROVAL OF AGREEMENT WITH WINZLER AND KELLY FOR SEDIMENT SAMPLING AND ANALYSIS AND BIOLOGICAL ASSESSMENT FOR PROPOSED MAINTENANCE DREDGING AT REDWOOD MARINE TERMINAL BERTH 1 AND 2.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF AGREEMENT WITH WINZLER AND KELLY FOR SEDIMENT SAMPLING AND ANALYSIS AND BIOLOGICAL ASSESSMENT FOR PROPOSED MAINTENANCE DREDGING AT REDWOOD MARINE TERMINAL BERTH 1 AND 2. COMMISSIONER MARKS SECONDED.

CEO stated has tried every way possible to get funding from another source, but it is not possible. The funds for this project will come from Fund Balance Reservations.

MOTION CARRIED WITHOUT DISSENT.

F. CONSIDERATION OF APPROVAL OF AGREEMENT WITH WINZLER AND KELLY FOR SEDIMENT SAMPLING AND ANALYSIS AND BIOLOGICAL ASSESSMENT FOR PROPOSED MAINTENANCE DREDGING AT THE FIELDS LANDING BOAT YARD SLIP.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF AGREEMENT WITH WINZLER AND KELLY FOR SEDIMENT SAMPLING AND ANALYSIS AND BIOLOGICAL ASSESSMENT FOR PROPOSED MAINTENANCE DREDGING AT THE FIELDS LANDING BOAT YARD SLIP. COMMISSIONER PELLEGRINI SECONDED.

Commissioner Wilson said it is important to keep the Fields Landing Boat Yard facility useful and open.

Commissioner Pellegrini asked what the reason would be for the 31% increase in the use of the boat yard in 2010. Director of Facility Maintenance said the word is out the self-serve boat yard is a friendly,

accommodating facility that attracts many out of town customers. He said there have been several recent renovations to the boat yard.

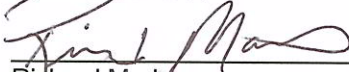
Commissioner Wilson complimented Director of Facility Maintenance on his work for the Harbor District; he has saved the Harbor District thousands of dollars through his ability and his staff's ability to repair Harbor District facilities in-house.

MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

The Regular Meeting of the Board of Commissioners adjourned at 8:45 p.m.

APPROVED BY:



Richard Marks
Secretary

RECORDED BY:



Patricia L. Tyson
Director of Administrative Services