

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

DATE: December 17, 2009

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 five (5) working days in advance of the meeting.

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

Move to Executive Closed Session pursuant to the provisions of the California Government Code Section 54957.6 (Negotiations with Represented Employees)

1. Conference with Labor Negotiator

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.

2. Adjourn Executive 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. Approval of minutes from the December 3, 2009 Board of Commissioners meeting.
- b. Consideration of approval of travel for District Bookkeeper to attend a Fiscal Management Workshop sponsored by the California Emergency Management Agency (CalEMA) in Redding CA, January 5, 2010.

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

9. Non Agenda

10. Unfinished Business

- a. Consideration of Fifth Extension and Amendment of Agreement with the International Longshore and Warehouse Union AFL-CIO Local 14, Unit A.

11. New Business

- a. Consideration of loan repayment options proposed by the NCRA.
- b. Consideration of approval of North Coast Local Agency Coastal Coordination Committee Memorandum of Agreement.
- c. Consideration of approval of Exclusive Right to Negotiate with Taylor Mariculture, LLC for a portion of Redwood Marine Terminal, Berth 2.

10. Administrative and Emergency Permits

11. ADJOURNMENT

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

December 17, 2009

PRESENT:

Commissioner Pellegrini
Commissioner Curless
Commissioner Wilson
Commissioner Higgins
Commissioner Marks

ABSENT:

None

Vice President Curless called the Executive Closed Session to order at 6:07 p.m. Executive Closed Session adjourned at 6:18 p.m.

Vice President Curless called the regular meeting of the Board of Commissioners to order at 7:01 p.m.

Vice President Curless led those present in the Pledge of Allegiance.

CEO reported on the Executive Closed Session as follows: Conference with Labor Negotiator – No action taken.

PUBLIC COMMENT:

Todd VanHerpe thanked the Harbor District Board and staff for their MLPA participation. He also thanked the Board and staff for their support of Taylor Mariculture utilizing Berth 2 at the Redwood Marine Terminal for the expansion of their mariculture activities.

David Elsebusch said District CEO presented an application to the Headwaters Fund Board without prior approval by the District Board of Commissioners. He asked if there was any limitation to the amount of money CEO can spend or obligate staff time; and if not, he asked the Board to set such limitation.

Stephen Pepper introduced John Hummer, US Maritime Administration (MARAD), to the Board of Commissioners.

John Hummer stated he is the "gateway guy" for the West Coast. He said MARAD wants to become more involved in helping ports with infrastructure as an alternative to highway shipping. Short Sea Shipping is one of the options and Mr. Hummer has been working with Stephen Pepper on his project to bring short sea shipping to Humboldt Bay.

Commissioner Curless asked if the ships in Suisun Bay will be cleaned before taking to Texas. Commissioner Pellegrini said District CEO has had conversations with Congressman Thompson over the last two years about bringing the ships to Humboldt Bay for scrapping. She suggested Mr. Hummer contact Congressman Thompson as well.

Commissioner Higgins suggested Mr. Hummer attend the 2010 Humboldt Bay Symposium.

Penny Elsebusch referred to an article in the McKinleyville Press regarding resource grants for the MLPA and asked about the details of the grants.

CONSENT CALENDAR

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

CEO REPORT

- ❖ Met with engineers on the PG&E power plant project regarding moving the engines from the Schneider dock to Fields Landing Marine Terminal. Movement will most likely take place after the first of the year; some permits still need to be obtained.
- ❖ Met with Tactical Survey Services representatives regarding the mapping of all docks in Humboldt Bay as part of the port security grant. CEO stated it was a good opportunity for him and the Director of Maritime Commerce to meet with local dock owners.
- ❖ 12/10: CEO attended the Humboldt Bay Municipal Water District meeting regarding a contract with the pulp mill.
- ❖ Comments deadline for the Chevron Maintenance Dredging project Mitigated Negative Declaration is January 13, 2010.
- ❖ Application has been made to the Headwaters Fund Board for a grant for the Pre-MLPA Community Characterization and Risk Assessment. The Board of Supervisors will consider approval of this grant in January 2010. CEO reminded the Board of Commissioners there is no commitment until the Board approves the grant agreement.

DISTRICT COUNSEL REPORT: None

STAFF REPORT: None

COMMISSIONERS REPORTS

Commissioner Pellegrini:

- ❖ Reported she attended the Employee Recognition Dinner and had a great time. She said the District staff is hardworking, loyal and dedicated.
- ❖ Said regarding the MLPA process, Senator Wiggins had stated the State has never had a local three-County group pushing the voice of the community and this reflects well on the Harbor District.
- ❖ Reported Crab season started out slow, but has been improving.
- ❖ Thanked John Hummer for speaking to the Board and appreciates his expertise.

Commissioner Wilson:

- Reported he has been sworn in for his second term.
- Met with Director of Conservation and others regarding opportunities and constraints for expansion potential of oyster mariculture and products in Humboldt Bay. He said he is working with HSU students on a mapping analysis of Humboldt Bay.
- Also thanked Mr. Hummer for his time.

Commissioner Marks:

- Reported he was sworn in as Commissioner on December 4th.
- Attended the Board of Supervisors meeting where Director of Conservation made an excellent presentation.
- Attended the Humboldt Bay Municipal Water District meeting regarding the effects of the pulp mill's closure on water usage and costs. He said the Water District approved with some restrictions to protect the public's interest which is a positive move forward for the pulp mill. The pulp mill has obtained a conditional loan guarantee.

ADVISORY COMMITTEE REPORTS

Commissioner Higgins:

- Reported that MLPA arrays must be submitted by February 1, 2010. Since this is a time-consuming project, the group has requested the Harbor District Board submit a letter requesting a time extension. Commissioner Pellegrini would sign the letter as the Committee Chairperson.

Commissioner Wilson:

- Suggested any future grant applications to the Headwaters Fund be discussed by the Board of Commissioners prior to submittal.

OTHER: None

NON-AGENDA: None

UNFINISHED BUSINESS

A. CONSIDERATION OF FIFTH EXTENSION AND AMENDMENT OF AGREEMENT WITH THE INTERNATIONAL LONGSHORE AND WAREHOUSE UNION AFL-CIO LOCAL 14, UNIT A.

Commissioner Pellegrini stated the agreement is the product of several meetings between her and Commissioner Hunter and the District's employee union representatives.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF FIFTH EXTENSION AND AMENDMENT OF AGREEMENT WITH THE INTERNATIONAL LONGSHORE AND WAREHOUSE UNION AFL-CIO LOCAL 14, UNIT A. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

NEW BUSINESS

A. CONSIDERATION OF LOAN REPAYMENT OPTIONS PROPOSED BY THE NCRA.

CEO reported repayment of the loan by NCRA has been extended once before and the NCRA Board discussed at their December 9th meeting options for repayment. The NCRA Board approved payment of half of the balance by December 31, 2009 and the remainder by June 30, 2010.

District Counsel has recommended a second amendment to NCRA's promissory note specifying the repayment conditions.

COMMISSIONER PELLEGRINI MOVED TO AUTHORIZE DISTRICT STAFF TO NEGOTIATE AND THE DISTRICT'S ACTING PRESIDENT TO SIGN A SECOND AMENDMENT TO THE PROMISSORY NOTE WITH NCRA THAT INCLUDES PAYMENT OF ONE-HALF OF THE PRINCIPAL BALANCE AND INTEREST ACCRUED TO DATE TO THE DISTRICT BY DECEMBER 31, 2009 AND PAYMENT OF THE REMAINING HALF OF THE PRINCIPAL BALANCE AND ACCRUED INTEREST TO THE DISTRICT BY JULY 1, 2010 AND INCLUDING ALL OTHER TERMS OF THE PROMISSORY NOTE AND SECURITY AGREEMENT TO REMAIN IN FULL FORCE AND EFFECT. COMMISSIONER WILSON SECONDED.

Commissioner Wilson said he would prefer the collateral be on real property, not receivables. Commissioner Higgins said he was satisfied with the arrangement and thought the NCRA collateral is "rock solid."

David Elsebusch said he had heard previously NCRA would pay 100% by December 31, 2009. He asked why the situation has changed.

Commissioner Higgins said NCRA's biggest problem is they have little cash flow.

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF APPROVAL OF NORTH COAST LOCAL AGENCY COASTAL COORDINATION COMMITTEE MEMORANDUM OF AGREEMENT.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF NORTH COAST LOCAL AGENCY COASTAL COORDINATION COMMITTEE MEMORANDUM OF AGREEMENT. COMMISSIONER HIGGINS SECONDED. MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF APPROVAL OF EXCLUSIVE RIGHT TO NEGOTIATE WITH TAYLOR MARICULTURE, LLC FOR A PORTION OF REDWOOD MARINE TERMINAL, BERTH 2.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF EXCLUSIVE RIGHT TO NEGOTIATE WITH TAYLOR MARICULTURE, LLC FOR A PORTION OF REDWOOD MARINE TERMINAL, BERTH 2. COMMISSIONER WILSON SECONDED.

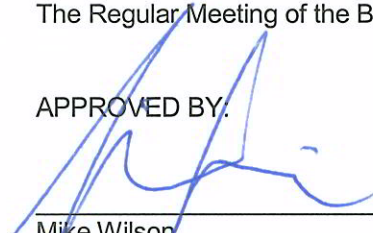
CEO introduced Mitch White of Taylor Mariculture, LLC. Mr. White stated this is the preliminary first step in a long process. He thanked staff for their support and specifically CEO for his assistance. He said the Taylors feel there is great support for their project from the Harbor District Board and staff.

MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

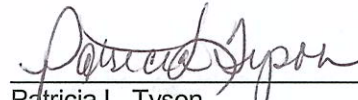
The Regular Meeting of the Board of Commissioners adjourned at 8:17 p.m.

APPROVED BY:



Mike Wilson
Secretary

RECORDED BY:



Patricia L. Tyson
Director of Administrative Services