

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

DATE: September 23, 2010

TIME: 6:00 p.m. 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 pursuant to the provisions of the California Government Code Section 54957.6 (Negotiations with Represented Employees)**
 - 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.

Agenda for September 23, 2010 Board Meeting

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 September 9, 2010 Board Meeting
- b. Consideration of approval of Woodley Island Marina sewer pump station repairs from Rogers Machinery Company, Inc. \$ 7,500.00

8. Communications and Reports

- a. Chief Executive Officer's Report
- b. District Counsel's Report
- c. Staff Reports
 - a. District Planner: Status Report on District Planner Activities
- d. Commissioner Reports
- e. Advisory Committee Reports
- f. Other
 - a. 2012-2016 Strategic Plan discussion

9. Non Agenda

10. Unfinished Business

11. New Business

- a. Consideration of approval of Humboldt Bay Management Plan Advisory Committee's sea-level rise policy implementation recommendation.
- b. Consideration of adoption of Resolution 2010-16 authorizing the execution of Grant Agreement No. 10-018 with the State Coastal Conservancy for the Humboldt Bay Water Trails Program Implementation Phase II.
- c. Consideration of award of bid and approval of purchase agreement with Lithia of Eureka for the purchase of one new grant funded truck.
- d. Consideration of award of bid and approval of purchase agreement with Pape' Material Handling for the purchase of one new grant funded forklift.
- e. Consideration of award of bid and approval of purchase agreement with CDW Government for the purchase of one new grant funded large format DesignJet plotter.
- f. Consideration of Approval of Sixth Extension and Amendment of Agreement with the International Longshore and Warehouse Union, AFL-CIO; Local 14, Unit A.
- g. Request for Direction on Hiring Replacement of Humboldt Bay Harbor, Recreation and Conservation District Director of Conservation Position.

12. Administrative and Emergency Permits

12. ADJOURNMENT

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

September 23, 2010

PRESENT:

Commissioner Pellegrini
Commissioner Curless
Commissioner Wilson
Commissioner Marks

ABSENT:

Commissioner Higgins

President Curless called the Executive Closed Session to order at 6:03 p.m.

President Curless adjourned the Executive Closed Session to order at 6:32p.m.

President Curless called the regular meeting of the Board of Commissioners to order at 7:02 p.m.

President Curless lead those present in the Pledge of Allegiance.

District Counsel reported on the Executive Closed Session as follows: Status of negotiations with the Harbor District labor union – District Counsel read a statement from the Board:

“After protracted negotiations with the collective bargaining unit representatives and several contract extension proposals, the District had presented the union with a “last best offer” for a contract extension effective July 1, 2010. The collective bargaining unit has rejected the District’s offer, choosing to rather submit another counter-proposal.

In the opinion of the District, the collective bargaining unit’s position on retirement benefits for retiring employees is substantially unchanged since the negotiations began, and that position is unacceptable to the District.

Unfortunately, under the circumstances, the District believes the current negotiations have reached an impasse. The District will not engage in additional negotiations until such time as the collective bargaining unit may present a proposal to the District that the District believes suggests position by the collective bargaining unit that provides reason to believe an acceptable agreement may be reached.

Since July 1, 2010 the employees represented by the collective bargaining unit have been working without a contract, and their employment relationship since that time has, and will remain, governed solely by the District’s personnel policies as they currently exist, or as those policies may be revised in the future. Should the District consider future revisions to the existing Personnel Policies, the District will recognize its duty to meet and confer with the collective bargaining unit prior to taking any action that affects the terms and conditions of employment of the employees represented by the collective bargaining unit. However, the collective bargaining unit representatives have been advised that such a “meet and confer” does not include a requirement that the collective bargaining unit agree to potential changes in the existing Personnel Policies, absent a new contract with different terms.”

PUBLIC COMMENT: None

CONSENT CALENDAR

President Curless stated Items (b) and (c) of the Consent Calendar have been pulled for further discussion.

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

Item (b): The dollar amount stated for this item was incorrect. The correct amount is \$6,250.

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

Item (c): Commissioner Pellegrini asked Commissioner Wilson for additional detail on the travel expenses to the World Ocean Conference. Commissioner Wilson stated he attended the conference after finding out District staff would not be attending. He said he attended the conference four years ago and the information was beneficial.

Commissioner Pellegrini asked if the conference benefitted Commissioner Wilson's professional career. Commissioner Wilson said there was no overlap; the conference was specific to Harbor District activities.

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

CEO REPORT

- ❖ 9/13: CEO attended a pre-construction meeting with Granite Construction, Brad Porter from Moffat & Nichols, representatives of the Resort Improvement District #1 on the Shelter Cove Breakwater Rehabilitation Project.
- ❖ 9/23: CEO chaired the Harbor Safety Committee meeting.
- ❖ 9/22: Maintenance completed rebuilding the sewer pump out station on Dock D. This was a grant funded by the Department of Boating and Waterways.
- ❖ 9/9-10: CEO attended the Fall meeting of the CA Association of Port Authorities.
- ❖ 9/17: CEO reported the log ship docked at Fairhaven Terminal left and will return in 40 days.
- ❖ The residence cruise ship *The World* will return to Humboldt Bay in June 2012.
- ❖ 9/21: CEO and Director of Conservation attended the Humboldt Bay Management Plan Advisory Committee meeting.

DISTRICT COUNSEL REPORT

District Counsel reported he reviewed the contract for the MARAD grant, previously approved by the Board of Commissioners.

STAFF REPORT

District Planner: Status Report on District Planner Activities

Dr. Chad Roberts provided the Board of Commissioners with the status of grants he is currently working under for the District. These include Wetland Demonstration Project; Using New Methodologies to Assess Seasonal Estuaries along the California Coastline; and California Wetland Management Work Group.

COMMISSIONERS REPORTS

Commissioner Wilson:

- ❖ Attended the World Ocean Conference in San Francisco. Sea level rise, ocean acidification and wave energy were a few of the issues discussed.
- ❖ Congratulated staff for moving forward with the marine highway program.
- ❖ Thanked staff for research on video upgrade.

Commissioner Marks:

- ❖ Said he is interested in what would be considered roadblocks for a wave energy project.

ADVISORY COMMITTEE REPORTS

Commissioner Marks:

- ❖ Said the negotiations with the District's employee union are ongoing.

OTHER

2012-2016 Strategic Plan Discussion

CEO stated it is time to start planning for the 2012-2016 Strategic Plan. This document recommends what projects to work on in the next five years. He said the 2007-2011 committee consisted of five committee members, two Board members and two District staff. Recommended projects were divided into five categories: Woodley Island Marina, harbor, recreation, conservation and administration. Ted Loring was the facilitator and his cost was approximately \$10,000.

Commissioner Wilson said he thought during the last process there was no nexus for the entire Board to weigh in on the discussions until the end; there should be workshops periodically. He said there should be more measurable goals.

CEO stated he will bring back a plan for consideration by the Board of Commissioners.

NON-AGENDA: None

UNFINISHED BUSINESS: None

NEW BUSINESS

A. CONSIDERATION OF APPROVAL OF HUMBOLDT BAY MANAGEMENT PLAN ADVISORY COUNCIL'S SEA-LEVEL RISE POLICY IMPLEMENTATION RECOMMENDATION.

CEO reported the Humboldt Bay Management Plan Advisory Committee recommends the Board of Commissioners direct District Staff to implement the District's sea level rise policy through the following actions:

1. Establish by the end of 2011 a partnership council within the HBMP Advisory Committee of affected local governments (the District, the City of Eureka, the City of Arcata, Humboldt County, and the Wiyot Tribe) and state and federal management agencies to identify on-the-ground land use policy and management concerns in responding to sea level rise in the Humboldt Bay Area.
2. Incorporate concerns of other state and local agencies and service providers that may be affected by sea level rise (HBMWD, CalTrans, HCSD, Manila CSD, NCRA).
3. Incorporate guidance from State Lands Commission, Coastal Commission, and Army Corps of Engineers, or other approval agencies regarding elements of a local response program required for permit approvals.
4. District to work with partners throughout the effort to secure funding to identify impacts of sea level rise in the Humboldt Bay region (coastal flood hazard, dike design, erosion protection, ecological restoration and enhancement program elements), and to develop technical design and maintenance elements, adaptation strategies, implementation program responses, and pilot projects.
5. HBMP Advisory Committee (including representation from state/federal agencies with authority over bay's trust resources and members of the public) to advise upon potential sea level rise response options.
6. Support educational and training programs, research collaboration, outreach to public to assess community vulnerability to sea level rise, and to communicate strategies to initiate adaptation.
7. Develop coordinated program for approval agencies (Corps of Engineers, Coastal Commission, Regional Water Board, FWS, NMFS) to streamline the implementation of the Humboldt Bay sea level rise response program.

8. Develop timeline for adoption of and task list for policies that include sea level rise response and also address general management of Humboldt Bay.
9. Add explicit policy focus for agricultural and conservation areas that extends HBMP Policy HSM-3 to all parts of the bay.

COMMISSIONER PELLEGRINI MOVED TO DIRECT STAFF TO IMPLEMENT THE DISTRICT'S SEA LEVEL RISE POLICY THROUGH THE RECOMMENDED ACTIONS OF THE HUMBOLDT BAY MANAGEMENT PLAN ADVISORY COMMITTEE. COMMISSIONER MARKS SECONDED.

Pete Oringer, a member of the Humboldt Bay Management Plan Advisory Committee, said the District is the appropriate agency to take charge of the sea level rise discussion. He said there is enormous emphasis on collaboration to be effective in doing what needs to be done.

Susan Schlosser said this is a complicated new issue and forecasting models should be used as opposed to historical trends.

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF ADOPTION OF RESOLUTION 2010-16 AUTHORIZING THE EXECUTION OF GRANT AGREEMENT NO. 10-018 WITH THE STATE COASTAL CONSERVANCY FOR THE HUMBOLDT BAY WATER TRAILS PROGRAM IMPLEMENTATION PHASE II.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF ADOPTION OF RESOLUTION 2010-16 AUTHORIZING THE EXECUTION OF GRANT AGREEMENT NO. 10-018 WITH THE STATE COASTAL CONSERVANCY FOR THE HUMBOLDT BAY WATER TRAILS PROGRAM IMPLEMENTATION PHASE II. COMMISSIONER WILSON SECONDED.

ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF AWARD OF BID AND APPROVAL OF PURCHASE AGREEMENT WITH LITHIA OF EUREKA FOR THE PURCHASE OF ONE NEW GRANT-FUNDED TRUCK.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF PURCHASE AGREEMENT WITH LITHIA OF EUREKA FOR THE PURCHASE OF ONE NEW GRANT-FUNDED TRUCK NOT TO EXCEED \$34,245.83. COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT.

D. CONSIDERATION OF AWARD OF BID AND APPROVAL OF PURCHASE AGREEMENT WITH PAPE' MATERIAL HANDLING FOR THE PRUCHASE OF ONE NEW GRANT-FUNDED FORKLIFT.

COMMISSIONER PELLEGRINI MOVED FOR THE AWARD OF BID AND APPROVAL OF PURCHASE AGREEMENT WITH PAPE' MATERIAL HANDLING FOR THE PURCHASE OF ONE NEW GRANT-FUNDED FORKLIFT NOT TO EXCEED \$30,746.00 PLUS TAX AND SHIPPING IF APPLICABLE. COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT.

E. CONSIDERATION OF AWARD OF BID AND APPROVAL OF PURCHASE AGREEMENT WITH CDW GOVERNMENT FOR THE PURCHASE OF ONE NEW GRANT-FUNDED LARGE FORMAT DESIGNJET PLOTTER.

COMMISSIONER PELLEGRINI MOVED FOR THE AWARD OF BID AND APPROVAL OF PURCHASE AGREEMENT WITH CDW GOVERNMENT FOR THE PURCHASE OF ONE NEW GRANT-FUNDED LARGE FORMAT DESIGNJET PLOTTER NOT TO EXCEED \$10,225.04. COMMISSIONER WILSON SECONDED. MOTION CARRIED WITHOUT DISSENT.

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

President Curless stated this item was pulled.

G. REQUEST FOR DIRECTION ON HIRING REPLACEMENT OF HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT DIRECTOR OF CONSERVATION POSITION.

CEO reported Commissioner Higgins was unable to attend this Board meeting, but submitted a letter to the Board outlining his thoughts on hiring a replacement for the Director of Conservation position.

CEO said there are two pieces to this issue: 1) the immediate work load and the number of projects, some near completion. Adam Wagschal, the current Director of Conservation is willing to complete these projects under contract with his new employer, HT Harvey and Associates; and 2) recruitment of a replacement.

CEO stated if a replacement was hired right away, Adam would have the time to train the new hire. Otherwise, Adam could continue to work under contract, if approved, to complete some current projects.

President Curless said he recommended hiring Adam on contract through the end of the fiscal year.

Commissioner Wilson stated starting the recruitment now would be prudent, but would retain Adam through June. Commissioner Wilson recommended a 60-day recruitment process.

Commissioner Marks said he felt it would be reasonable to retain Adam through the end of the fiscal year, and was concerned about the burden on CEO.

COMMISSIONER PELLEGRINI MOVED TO RETAIN ADAM WAGSCHAL THROUGH THE END OF THE FISCAL YEAR AND TO START RECRUITMENT FOR HIS REPLACEMENT ON OR BEFORE APRIL 1, 2011.

Commissioner Wilson asked CEO to come back to the Board of Commissioners with a proposal for the transition and a time frame for recruitment/hiring.

COMMISSIONER PELLEGRINI PULLED HER MOTION.


CEO said he will work with HT Harvey & Associates on an agreement and transition plan to bring back for Board consideration.

ADMINISTRATIVE AND EMERGENCY PERMITS

Administrative Permit A-2010-05 was issued to California Redwood Company for dock repairs.

The Regular Meeting of the Board of Commissioners adjourned at 8:37 p.m.

APPROVED BY:



Richard Marks
Secretary

RECORDED BY:



Patricia L. Tyson
Director of Administrative Services