

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

DATE: December 15, 2011

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.
 - a. Move to Executive Closed Session pursuant to the provisions of the California Government Code Section 54956.8 (Conference with Real Property Negotiator)
 1. Conference with Real Property Negotiator
Negotiating Parties: Paul Brisso, District Counsel; Mike Wilson, Board President; Patricia Tyson, Interim Chief Executive Officer

Under Negotiation:
 - 1) Potential lease terms for District property acquisition from Pacific Gas & Electric Company.
 - 2) Potential lease terms of property to California Redwood Company.
 - 3) Potential lease terms of property to Freshwater Tissue Company.
 - 4) Potential lease terms of property to Timber Heritage Association.
 - 5) Potential lease terms of District property to TJS Leasing and Holding Company, Inc.
 - 6) Potential lease terms of District property to Taylor Mariculture, Inc.
 - 7) Potential acquisition of approximately 570 acres of north bay tidelands currently owned by Eugene Gabrych.
2. Adjourn 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.

Agenda for December 15, 2011 Regular Board Meeting

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.

- a. Consideration of approval of minutes from the November 10, 2011 Special Board meeting.
- b. Consideration of approval of minutes from the November 22, 2011 Special Board meeting.

7. Communications and Reports

- a. Interim 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 approval to proceed with Redwood Marine Terminal (Berths 1 & 2) waterfront transportation access planning using available U.S. Department of Transportation Federal Highway Administration (FHWA) funding.

10. New Business

- a. Election of Secretary of the Board of Commissioners.
- b. Consideration of directing staff to prepare and submit a grant application to the California Coastal Conservancy to support a feasibility study of the beneficial reuse of dredged material in Humboldt Bay for habitat restoration and sea level rise adaptation.
- c. Consideration of travel expenses for two Commissioners to attend the CA Maritime Leadership Symposium, February 1-2, 2012 in Sacramento, CA.
- d. Consideration of approval of CEO job description.

11. Administrative and Emergency Permits

12. Adjournment

**ADDENDUM TO
A G E N D A
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

DATE: December 15, 2011

TIME: 7:00 p.m.

PLACE: Conference Room, Woodley Island Marina

10. New Business

- e. Consideration of approval of Consent to Assignment of 2011 Submerged Lands Lease Between Lessor Humboldt Bay Harbor, Recreation and Conservation District and Assignee/Lessee Estate of G.A. Hunter (South Bay Marina Lease).
- f. Consideration of directing staff to prepare and submit a grant application to Collaborative Fisheries Research West for a collaborative fisheries research project to assess the abundance of Pacific Halibut in Northern California waters.
- g. Consideration of award of contract and approval of purchase agreement with L3 Communications/Klein Associates Inc. for the purchase and installation of one new side scan sonar.
- h. Consideration of award of contract and approval of purchase agreement with Security Lock and Alarm for the purchase and installation of a new Bosch or equivalent surveillance system installed at Woodley Island Marina.
- i. Review proposals and Consideration of award of contract and approval of purchase agreement for the purchase of new portable and fixed radio communications meeting narrowband requirements, portable radio repeater and upgrade of existing radio communications to meet narrowband requirements.

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

December 15, 2011

PRESENT

Commissioner Newman
Commissioner Dale
Commissioner Wilson
Commissioner Higgins
Commissioner Marks

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

President Wilson adjourned the Executive Closed Session at 6:55 P.M.

President Wilson called the Regular Meeting of the Board of Commissioners to order at 7:05 P.M.

President Wilson asked Commissioner Dale to lead those present in the Pledge of Allegiance.

District Counsel reported on the Executive Closed Session as follows: Potential lease terms of property to California Redwood Company, Freshwater Tissue Company, Timber Heritage Association; Potential lease terms of District property to TJS Leasing and Holding Company, Inc., Taylor Mariculture, Inc.; Potential acquisition of approximately 570 acres of north bay tidelands currently owned by Eugene Gabrych – no action to report.

PUBLIC COMMENT

Pete Oringer stated that what he assumes is the GEM car used by Woodley Island Security and Maintenance is not adequately lit to be on Highway 255 and that it should be equipped with proper lighting for street driving. Mr. Oringer said that over the last several months the Wiyot Tribe has made contacts in Washington, D.C. with investors interested in possibly investing in Humboldt Bay. Mr. Oringer read excerpts from a letter to the District by the Wiyot Tribe that stated the Tribe is interested in port activities and possible leasing options, mariculture, participation in short sea shipping, tourism, and international trade. He read that there are multiple investors interested in the potential of Humboldt Bay if a connection to rail is established. He said these investors would like a regional show of support for large-scale projects. Mr. Oringer stated these investors are interested in possibly funding a rail connection in the amount of one billion dollars if given confidence of local agency support.

Commissioner Higgins said that this is related to Agenda Item 9A.

Mr. Oringer clarified that he wanted to make sure they got a chance to speak regarding the East-West railroad route.

President Wilson asked District Counsel to confirm that this item can be talked about in Agenda Item 9A..

District Counsel stated that it can if it is concerning why the Board should not take the action that is listed.

Jan Kraepelien said he wanted to make sure there is time on the Agenda to make a presentation on the Railroad Feasibility Study. He also welcomed the new Commissioners.

President Wilson stated there were no requests this week to change the agenda.

CONSENT CALENDAR

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

INTERIM CEO REPORT

- ❖ 12/02: Had the swearing-in ceremony for Commissioners Newman, Dale and Higgins.
- ❖ Participated with District management staff and representatives from the US Coast Guard and the Sheriff's Department in a conference call organized by CAPA to discuss preparations for the Occupy CA Ports movement on December 12 and then the District kept in contact with CAPA updating every 2 hours. There was no activity to report on Humboldt Bay.
- ❖ Attended a meeting at California Redwood Company on December 12 to meet with timber representatives to garner support for the TIGER III grant application. It was well attended, resulting in many positive responses and letters of support.
- ❖ Reported the Bar Pilots and Director of Facility Maintenance traveled to Moose Boats in Petaluma to view the progress on the District's fire boat. They also attended a San Francisco Pilots Association Winter Meeting.
- ❖ Reported public bid openings were held for the radio communications, side scan sonar and Woodley Island surveillance system. These projects are funded by the 2007 and 2008 Homeland Security Grants.
- ❖ Attended two CEO Selection Committee meetings and several TIGER III grant meetings.
- ❖ Met with Commissioners Newman and Dale to orient them on being a Commissioner. Wished them luck.

DISTRICT COUNSEL REPORT: None

STAFF REPORT

- ❖ District Treasurer reported that the District's annual audit is complete and will be presented by the auditor in January 2012.
- ❖ Director of Conservation said the Steering Committee for the Humboldt Bay Symposium will be meeting soon. He requested the presence of one or two Commissioners on that Committee. Commissioner Higgins requested to be on the Committee and Commissioner Dale suggested Commissioner Newman. President Wilson appointed Commissioners Newman and Higgins. Director of Conservation also stated he attended a half-day symposium at HSU on Spartina control.

COMMISSIONERS AND ADVISORY COMMITTEE REPORTS

Commissioner Newman:

- ❖ Reported that the quality test for crab was done and analyzed last week by the Department of Fish and Game. Stated the pre-soak will be January 13 at noon, with the first pull on January 15 at midnight, dependent on a price settlement.
- ❖ Attended the Eureka School Board meeting last night to express the District's interest and cooperation with the NJROTC and establishing a Maritime High curriculum. NJROTC is losing some of their funding from the US Navy. This program would teach the students knowledge about commercial fishing, shipping, and things bay-related. Stated he was impressed with the students' ability to express themselves and with their instructor.

Commissioner Dale:

- ❖ Attended the weekly Monday morning staff meeting and was shocked by how much work the small staff does.
- ❖ Stated he recently used the Fields Landing Boat Yard to put a boat together and launch it. Said he and the crew from Washington assisting him thought the staff working at the Boat Yard was great and that the facility was very nice.

Commissioner Wilson:

- ❖ Reported that the District was not one of the recipients of the TIGER III grant. Stated that the recipient selection process was sped up even more than what was expected. Said there were 26 recipients and 1,100 applications. The District knew this process would be challenging, but proceeded anyway. The District gathered around twenty-five letters of support, which contributed to a nice end product in the grant application.

Commissioner Higgins:

- ❖ Has spent a lot of time with the Executive Search Committee.
- ❖ Welcomed new Commissioners Newman and Dale.

Commissioner Marks:

- ❖ Attended the swearing-in of the new Commissioners and welcomed them.

NON-AGENDA

District Counsel reported that since the Agenda and Addendum were published, the CEO Search Committee met and discussed advertising for the CEO search. He stated that if the Board decides that immediate action is needed and in the interest of the District to expedite the Selection Process, this item would be added under New Business Item 10J.

COMMISSIONER HIGGINS MOVED TO ADD TO THE AGENDA AS NEW BUSINESS ITEM 10J: THE RECOMMENDATION OF THE CEO SEARCH COMMITTEE FOR ADVERTISING EXPENDITURES. COMMISSIONER DALE SECONDED.

Commissioner Higgins stated that the CEO Selection Committee is an active, strong committee that has taken decisive, expeditious action. He reported that the District is now going on 90 days without a CEO.

Commissioner Dale said that it would push the advertising out a month if the Board waited to put this item on the next agenda.

MOTION CARRIED WITHOUT DISSENT.

UNFINISHED BUSINESS

A. CONSIDERATION OF APPROVAL TO PROCEED WITH REDWOOD MARINE TERMINAL (BERTHS 1 & 2) WATERFRONT TRANSPORTATION ACCESS PLANNING USING AVAILABLE U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION (FHWA) FUNDING.

President Wilson passed the gavel to Vice President Marks since he had been working on this project.

COMMISSIONER HIGGINS MOVED FOR APPROVAL TO PROCEED WITH REDWOOD MARINE TERMINAL (BERTHS 1 & 2) WATERFRONT TRANSPORTATION ACCESS PLANNING USING AVAILABLE U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION (FHWA) FUNDING. COMMISSIONER WILSON SECONDED.

Bill Barnum referred to an email present in the Board Packet between the Commissioners and former CEO David Hull listing options for spending the ISTEAF funds. Mr. Barnum stated he liked Option #1- Humboldt Bay Alternative Rail Route Study. He said the contents of this motion must be suggested in other communication, since it is not present in this same email. Mr. Barnum is a real estate lawyer and

Minutes

Regular Meeting of the Board of Commissioners
Humboldt Bay Harbor, Recreation and Conservation District
December 15, 2011
Page 4 of 12

stated he is struck by the contention in the motion before the Board that there is a need for easements. He displayed a map showing land the District owns. Mr. Barnum stated an easement on your own property is not needed. He was concerned that the vague description of the project did not warrant grant funds being spent. Mr. Barnum stated the Board should not act on this motion.

Mike O'Hern, land surveyor with Kelly O'Hern Associates, was hired about four years ago to plot some field notes for the Humboldt Eastern Railroad route starting in Korbelt and ending in Redding. He was given J. Lintell's field notes and plotted them on a map of Northern California. Mr. O'Hern handed this map out to the Board. Mr. O'Hern stated he will be available to answer questions if there are any regarding the work he has done.

Lisa Guber of Blue Lake stated she strongly believes in alternative routes. She said she is a big fan of the Annie-Mary Rails to Trails, which has done many feasibility studies. Ms. Guber reported that \$160,000 has already been spent on Rails to Trails between Blue Lake and Arcata. She requested those who support a feasibility study for the East-West Rail Route coordinate with HCAOG and asked that the Board not waste public funds on a feasibility study.

Tim Brentbleck from Samoa read a letter from Jack Birdwell, delegate for Central Labor Council of Humboldt and Del Norte Counties. In Mr. Birdwell's letter, he urged the Board to use the funds to for an East-West feasibility study.

Damien Mooney of Kneeland, President of Local ILWU 14, read a letter supporting spending grant funds on a feasibility study for the East-West railroad.

Jim Pell of Eureka read a letter from John H. Williams, President of the Northwestern Pacific Railroad Company, in support of a feasibility study for the East-West railroad.

Edgar Rodey read a letter from Sid Berg of the Building and Construction Trades Council of Humboldt and Del Norte Counties in support of the East-West railroad feasibility study.

Bob Simpson of Freshwater Tissue Company apologized to Interim CEO and District Counsel. He stated that three weeks ago, Commissioner Wilson called to meet with himself and Charles Benbow, a partner of Freshwater Tissue, asking what the District would need to do to get an easement. Mr. Simpson stated he does not believe Freshwater Tissue Company and Taylor Mariculture are compatible. He proposed a compromise: if Freshwater Tissue Company was impacted, Taylor Mariculture could be relocated. Mr. Simpson stated he does not want to hurt Taylor Mariculture's business, but he also does not want to be the handicap in the District's plans. He stated he is willing to help with an easement conditional on Taylor Mariculture being potentially relocated.

Commissioner Wilson said Bob Simpson was referencing closed-door negotiations, which are non-binding. He stated he cannot legally comment.

Commissioner Marks said negotiations with Freshwater Tissue Company and Taylor Mariculture are being discussed in closed session. He was concerned with the amount of knowledge Mr. Simpson is publicly imparting.

Lawrence LaBranche of Eureka reported he was in support of the East-West railroad route feasibility study.

Pete Oringer stated there are many in support of a feasibility study for the East-West rail route.

Kathy Moxon of Freshwater stated she was a founding member of the Citizens for Port Development in the 1980's. She said she also previously served on the Headwaters Board. Ms. Moxon reported that there have been numerous studies over the past 30 years showing there are no markets for infrastructure development. She stated her concern about the railroad, and said this area needs to

know what will go over that route before it is invested in. Ms. Moxon said Humboldt County cannot afford to have infrastructure it cannot support, and stated that demand should pull infrastructure.

Richard Lentz of Cutten stated he is surprised by the amount of support present in support of the East-West rail feasibility study. He suggested the Board table this item.

Tina Christiansen reported she would like to mirror Mr. Lentz's suggestion until more information is available. She said this area is seeing more activity out of the Harbor than it has in ten years. She asked the Board not to shut their community out.

Chuck Ciancio from Cutten stated that as a forester, he knows the Eel River Canyon well. He said the Southern railroad route has problems. Although Mr. Ciancio does not like taxpayer money being spent for studies, he said that if the money is going to be spent anyway and it brings jobs, it is worth doing.

Larry Goldberg from Trinidad said he and this community have always been interested in economic development. He reported it took the community ten years to get a fiber cable here with little or no dissent and four years to get a redundant cable. He stated the railroad has been pushed for 20 years with dissent. Mr. Goldberg reported he believes it is infeasible, with millions already having been spent.

Mark Lovelace of the County Board of Supervisors said there is no partnership because this study involves other counties, agencies, and landowners. He stated the District is not the agency to head something like the East-West railroad. He said the District could be one of the agencies, but would not be the lead.

Jacqueline Debets said the East-West railroad is not surfacing in other agencies.

Jan Kraepelien stated he supports the East-West railroad feasibility study.

Bill Bertain said the Eastern rail route study was done in 1909, but that it would have taken longer to get to San Francisco, where the markets were. He stated the railroad lines got neglected because there was not enough product to ship. Mr. Bertain said there is now a huge need for rails to ports, particularly on the West Coast. He asked the Board to table this item and find out more from Bob Simpson if the District needs to spend money to purchase easements. Mr. Bertain pointed out the statute creating the District stated the District has authority over rail. Mr. Bertain read portions of a letter from Michael E. Jani of Humboldt Redwood Company. He said there is a lot of interest in this Port from all over the state, but this area has to show interest in appropriate industry. He passed out a resolution that he asked the Board to consider.

Commissioner Wilson stated the timing is bad on this, since the first report is due January 22. He reported the District has one meeting before then. Commissioner Wilson said that former staff for the District spent almost a year to have this money spent as it is laid out in this item. He reported the Samoa Peninsula has no federally designated connector link between highway and waterfront, making it difficult to get federal funds for development. He said that this District went through a public process three or four years ago where people stated they wanted the Redwood Marine Terminal area developed and the District has been working hard towards this end. He stated the project as recommended in the Staff Report moves this project forward. Commissioner Wilson reported this project matches many plans that were publicly reviewed, including the Strategic Plan and Regional Transportation Plans. Easements are not the only problem; there are also drainages to cross and all this planning takes time, effort and resources. He read a list of tasks of potential work plan items. He stated that the map drawn by Mike O'Hern that is recreated from the person who walked the proposed Eastern railroad route in 1909 is not based on the use of topographical maps or an understanding of geology. Commissioner Wilson said \$200,000 was already spent on a railroad feasibility study in 2003 by PB Ports and Marine and the study did not advance or kill the possibility of an active railroad. He stated a pre-feasibility study for aquaculture has been done by HSU students that cost the District nothing. He said the study did advance community dialogue enough in a non-threatening way so the

District could apply for grants. Commissioner Wilson reported that his objection is not with the idea of looking at an East-West railroad route, but with battling it out. He stated a train study would create controversy and take resources away from what the District needs to get done today.

Commissioner Dale stated he agrees with Commissioner Wilson. He said he supports railroad routes, but that the District has tenants and jobs in hand with what is being proposed. Commissioner Dale also said the idea of the East-West route should not be squashed.

Commissioner Newman reported that he believes development of a dock is the way the District needs to look. He stated that although this area still needs to look at an active railroad route, the dock development is important.

Commissioner Marks said the five-year Strategic Plan has been worked on with the public. He reported that no one ever brought up the railroad during those well-attended meetings. Commissioner Marks stated he supports the rail. He said the East-West route has significant environmental issues, and that he has not given up hope on the North-South route.

Commissioner Higgins reported that passion for the railroad is good, and that he supports the railroad. He said that the District has a viable business enterprise; but it is economically stressed, and the District cannot pursue projects outside of the core business. Commissioner Higgins stated there is potential business at Redwood Marine Terminal and the Commission has to be practical and grounded. He said this should create real jobs and that the studies say that this area will not get containers. Commissioner Higgins reported it is the Board's duty to do something tangible with the Redwood Marine Terminal. He stated the recreation folks and railroad folks should work together.

Commissioner Marks suggested HSU students could do a feasibility study on the railroad similar to the one done on aquaculture and that he wanted the money the District has available now to create jobs now.

MOTION CARRIED WITHOUT DISSENT.

Vice President Marks handed the gavel back to President Wilson.

President Wilson called a five-minute break to the meeting.

NEW BUSINESS

A. ELECTION OF SECRETARY OF THE BOARD OF COMMISSIONERS.

President Wilson stated Commissioner Pellegrini was the Secretary at the time she left office. He said since her term had expired, the District will need a replacement until the January annual meeting when officers will be re-elected.

COMMISSIONER MARKS MOVED FOR COMMISSIONER HIGGINS TO BE SECRETARY OF THE BOARD OF COMMISSIONERS. COMMISSIONER NEWMAN SECONDED.

MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF DIRECTING STAFF TO PREPARE AND SUBMIT A GRANT APPLICATION TO THE CALIFORNIA COASTAL CONSERVANCY TO SUPPORT A FEASIBILITY STUDY OF THE BENEFICIAL REUSE OF DREDGED MATERIAL IN HUMBOLDT BAY FOR HABITAT RESTORATION AND SEA LEVEL RISE ADAPTATION.

COMMISSIONER HIGGINS MOVED FOR DIRECTING STAFF TO PREPARE AND SUBMIT A GRANT APPLICATION TO THE CALIFORNIA COASTAL CONSERVANCY TO SUPPORT A FEASIBILITY STUDY OF THE BENEFICIAL REUSE OF DREDGED MATERIAL IN HUMBOLDT BAY FOR HABITAT RESTORATION AND SEA LEVEL RISE ADAPTATION. COMMISSIONER MARKS SECONDED.

Director of Conservation stated this grant application is relatively simple. He said there is some similar studies being done in the Bay area. Director of Conservation reported this would build off the Corps of Engineers' Regional Sediment Plan.

District Counsel asked what would happen to the Roy Curless Dump Site.

Director of Conservation said it would facilitate the District's ability to use it.

Commissioner Higgins said he considered this good news and an innovative, beneficiary use for clean sediment in Humboldt Bay.

Commissioner Dale asked if repairing dikes and levees for agricultural lands could be added to this item.

Director of Conservation stated the sediments that have been in a marine environment have to be washed of salt before using for agricultural land.

COMMISSIONER HIGGINS AMENDED HIS MOTION TO CONSIDERATION OF DIRECTING STAFF TO PREPARE AND SUBMIT A GRANT APPLICATION TO THE CALIFORNIA COASTAL CONSERVANCY TO SUPPORT A FEASIBILITY STUDY OF THE BENEFICIAL REUSE OF DREDGED MATERIAL IN HUMBOLDT BAY INCLUDING BUT NOT LIMITED TO HABITAT RESTORATION, SEA LEVEL RISE ADAPTATION, AND AGRICULTURAL LAND ENHANCEMENT. COMMISSIONER MARKS AGREED.

MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF TRAVEL EXPENSES FOR TWO COMMISSIONERS TO ATTEND THE CALIFORNIA MARITIME LEADERSHIP SYMPOSIUM, FEBRUARY 1-2, 2012, IN SACRAMENTO, CA.

COMMISSIONER DALE MOVED FOR APPROVING TRAVEL EXPENSES FOR TWO COMMISSIONERS TO ATTEND THE CALIFORNIA MARITIME LEADERSHIP SYMPOSIUM, FEBRUARY 1-2, 2012, IN SACRAMENTO, CA. COMMISSIONER NEWMAN SECONDED.

Commissioner Wilson stated he has attended two or three times and once for Commissioner Marks. He said the Symposium is very educational and that Commissioners learn the District's place as a Port in California; other Ports have different challenges, and some similar.

Commissioner Higgins volunteered to go.

Commissioner Newman declined due to crab season.

Commissioner Dale asked the cost.

Commissioner Higgins said it is good for the District's representatives to attend conferences, and it would be a good orientation on ports and activities for Commissioner Dale.

Bar Pilot Tim Petrusha asked if the Board would consider sending either him or Bar Pilot John Powell.

President Wilson asked for an amendment to include one staff.

COMMISSIONER DALE ACCEPTED THE FRIENDLY AMENDMENT. COMMISSIONER NEWMAN SECONDED. MOTION CARRIED WITHOUT DISSENT.

D. CONSIDERATION OF APPROVAL OF CEO JOB DESCRIPTION.

Commissioner Wilson stated he worked on the CEO Job Description with Commissioner Dale and Former Commissioner Pellegrini. He reported that Bob Gearheart commented on the description, and that the Committee made changes based on his comments.

Commissioner Higgins said that with most CEO salaries being between \$140,000 and \$160,000, the recommendation was to lessen the amount of experience desired from ten or 15 years to five years. Commissioner Higgins and District Counsel also recommended adding as a qualification the applicant must be able to obtain a TWIC (Transportation Worker's Identification Card).

Casey Allen asked that the Board change the wording from required to desired for the Bachelor's Degree.

COMMISSIONER MARKS MOVED FOR APPROVAL OF CEO JOB DESCRIPTION WITH THE CHANGES. COMMISSIONER NEWMAN SECONDED.

Commissioner Dale said the Committee discussed this item at length after reviewing many similar descriptions, and it was decided to leave the Bachelor's Degree as required.

Commissioner Higgins stated the Committee did not wish to lower the bar since there will be many applications.

Commissioner Wilson reported the Board has the discretion to interview whom they want if they meet the requirements or not.

COMMISSIONER MARKS AMENDED HIS MOTION TO INCLUDE THE CHANGES DISCUSSED BY THE BOARD. COMMISSIONER NEWMAN STATED THAT HE DID NOT FEEL A BACHELOR'S DEGREE WAS NECESSARY, BUT THAT HE WOULD ACCEPT THE AMENDMENT.

Andy Colona asked what the Board's intention was by lowering the experience required instead of only desiring a Bachelor's Degree.

Commissioner Wilson stated there may be some people that have less experience but have shown themselves very motivated that can still do an excellent job.

Andy Colona said it does not necessarily take education to do a good job.

Commissioner Higgins explained that the wording changes were due to suggestions from Committee Member Troy Nicolini and were discussed in the Committee meeting on Tuesday.

Commissioner Wilson read into the record the amendment to replace in the CEO Job Description "attends meetings of the Board of Commissioners, implements Commission policies and directions, and is responsible for the District's overall leadership, management, supervision and team building" with "is responsible for the District's overall leadership and management and works in conjunction with the Board of Commissioners to develop and accomplish long-term visionary goals for the District. The Chief Executive Officer provides supervision and leadership to staff and is responsible for creating a positive and inclusive work environment that fosters teamwork and a passion for serving the people of Humboldt County."

COMMISSIONER MARKS ACCEPTED THE AMENDMENT. COMMISSIONER NEWMAN SECONDED. MOTION CARRIED WITHOUT DISSENT.

E. CONSIDERATION OF APPROVAL OF CONSENT TO ASSIGNMENT OF 2011 SUBMERGED LANDS LEASE BETWEEN LESSOR HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT AND ASSIGNEE/LESSEE ESTATE OF G.A. HUNTER (SOUTH BAY MARINA LEASE).

COMMISSIONER MARKS MOVED FOR APPROVAL OF CONSENT TO ASSIGNMENT OF 2011 SUBMERGED LANDS LEASE BETWEEN LESSOR HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT AND ASSIGNEE/LESSEE ESTATE OF G.A. HUNTER (SOUTH BAY MARINA LEASE). COMMISSIONER DALE SECONDED.

District Counsel stated the South Bay Marina lease was previously held by Gilbert Hunter, Dennis Hunter's father. He said when Gib passed away, the Estate was the lessee. District Counsel reported now that the Estate has been settled, Dennis Hunter Properties, LLC will become the lessee upon approval by the Board. He stated that an LLC is designed to avoid personal liability beyond the assets of the LLC, but that he had negotiated with Mr. Hunter that he will also be personally guaranteeing the lease. District Counsel told Mr. Hunter that if the Board needed his presence for concerns or questions, he would suggest they table the item until the next meeting.

Commissioner Dale asked if this was for a dock in Field's Landing.

District Counsel stated it is next to Humboldt Bay Forest Products' dock.

MOTION CARRIED WITHOUT DISSENT.

F. CONSIDERATION OF DIRECTING STAFF TO PREPARE AND SUBMIT A GRANT APPLICATION TO COLLABORATIVE FISHERIES RESEARCH WEST FOR A COLLABORATIVE FISHERIES RESEARCH PROJECT TO ASSESS THE ABUNDANCE OF PACIFIC HALIBUT IN NORTHERN CALIFORNIA WATERS.

COMMISSIONER DALE MOVED FOR DIRECTING STAFF TO PREPARE AND SUBMIT A GRANT APPLICATION TO COLLABORATIVE FISHERIES RESEARCH WEST FOR A COLLABORATIVE FISHERIES RESEARCH PROJECT TO ASSESS THE ABUNDANCE OF PACIFIC HALIBUT IN NORTHERN CALIFORNIA WATERS. COMMISSIONER HIGGINS SECONDED.

Commissioner Higgins stated the item needs modification and deferred to Director of Conservation for an explanation.

Director of Conservation said the former Director of Conservation has advised the District that halibut will probably not be at the top of the list of priorities for this funding and recommended adding salmon, rockfish, and crab to the list to study. Director of Conservation asked the Board to limit the motion to end after "project".

COMMISSIONER DALE ACCEPTED THE FRIENDLY AMENDMENT TO PREPARE AND SUBMIT A GRANT APPLICATION TO COLLABORATIVE FISHERIES RESEARCH WEST FOR A COLLABORATIVE FISHERIES RESEARCH PROJECT. COMMISSIONER HIGGINS SECONDED. MOTION CARRIED WITHOUT DISSENT.

Tom Marking stated that IPHC is planning on doing halibut population surveys in this area. He said there has been no population data in ten years and reported that they know this area has halibut, but that it is on the southern end of the halibut.

Minutes

Regular Meeting of the Board of Commissioners
Humboldt Bay Harbor, Recreation and Conservation District
December 15, 2011
Page 10 of 12

Commissioner Wilson asked Mr. Marking if there is some caution in moving forward with this item.

Tom Marking stated the study may not have much importance because of the abundance of product in Oregon and Washington.

Casey Allen asked that the grant project include the artificial reef.

Director of Conservation stated getting the artificial reef in the water will be time consuming and this may not be the appropriate time for inclusion.

Commissioner Wilson asked staff to remain aware of funding opportunities for the artificial reef.

MOTION CARRIED WITHOUT DISSENT.

G. CONSIDERATION OF AWARD OF CONTRACT AND APPROVAL OF PURCHASE AGREEMENT WITH L3 COMMUNICATIONS/KLEIN ASSOCIATES INC. FOR THE PURCHASE AND INSTALLATION OF ONE NEW SIDE SCAN SONAR.

COMMISSIONER DALE MOVED FOR AWARD OF CONTRACT AND APPROVAL OF PURCHASE AGREEMENT WITH L3 COMMUNICATIONS/KLEIN ASSOCIATES INC. FOR THE PURCHASE AND INSTALLATION OF ONE NEW SIDE SCAN SONAR. COMMISSIONER HIGGINS SECONDED.

Bar Pilot Tim Petrusha stated this product was purchased to originally scan under docks for security, but will also be used to check the shoaling on Humboldt Bay's Bar in winter if the Corps of Engineers cannot get here.

Interim CEO stated this purchase is part of a Homeland Security grant, although the District pays up front.

MOTION CARRIED WITHOUT DISSENT.

H. CONSIDERATION OF AWARD OF CONTRACT AND APPROVAL OF PURCHASE AGREEMENT WITH SECURITY LOCK AND ALARM FOR THE PURCHASE AND INSTALLATION OF A NEW BOSCH OR EQUIVALENT SURVEILLANCE SYSTEM INSTALLED AT WOODLEY ISLAND MARINA.

COMMISSIONER HIGGINS MOVED FOR AWARD OF CONTRACT AND APPROVAL OF PURCHASE AGREEMENT WITH SECURITY LOCK AND ALARM FOR THE PURCHASE AND INSTALLATION OF A NEW BOSCH OR EQUIVALENT SURVEILLANCE SYSTEM INSTALLED AT WOODLEY ISLAND MARINA. COMMISSIONER MARKS SECONDED.

Director of Facility Maintenance stated this item is being funded by Homeland Security grant money. He said it will be linked to Field's Landing, and that it will be a valuable addition.

Commissioner Wilson asked if streaming online is possible.

Director of Facility Maintenance reported these funds are earmarked for Port Security. He said that all cameras will be hard wired and that there will be trenching on Woodley Island. Director of Facility Maintenance stated he insisted on a five-year warranty.

Commissioner Wilson requested that since trenching will be used, conduit should be considered.

District Counsel asked Director of Facility Maintenance if the installed product will be Bosch. He stated since the bid asks for Bosch or equivalent, the response from the company should state explicitly the manufacturer.

MOTION CARRIED WITHOUT DISSENT.

I. REVIEW PROPOSALS AND CONSIDERATION OF AWARD OF CONTRACT AND APPROVAL OF PURCHASE AGREEMENT FOR THE PURCHASE OF NEW PORTABLE AND FIXED RADIO COMMUNICATIONS MEETING NARROWBAND REQUIREMENTS, PORTABLE RADIO REPEATER AND UPGRADE OF EXISTING RADIO COMMUNICATIONS TO MEET NARROWBAND REQUIREMENTS.

District Counsel reported that there was one bid that was not received in time due to a very minor "postage due" that did not get picked up from the Post Office by District staff. He recommended that the Board accept the bid and open it. District Counsel recommended staff do so in a public setting since this proposal did not get opened during the public bid opening.

COMMISSIONER MARKS MOVED TO TABLE. MOTION FAILED FOR LACK OF A SECOND.

COMMISSIONER MARKS MOVED TO OPEN THE BID IN PUBLIC. COMMISSIONER DALE SECONDED.

MOTION CARRIED WITHOUT DISSENT.

The bid was opened in public by Interim CEO. She stated the bid was from Day Wireless Systems in Chico for the amount of \$28,993.42.

Commissioner Wilson recommended staff analyze bids and come back to the Board.

Commissioner Dale asked who the other bids are from.

Commissioner Marks responded they were from Six Rivers Communications and RWS.

Commissioner Higgins asked Director of Facility Maintenance for his comments.

Director of Facility Maintenance said he recommended going with the lowest bidder.

COMMISSIONER HIGGINS MOVED FOR AWARD OF CONTRACT AND APPROVAL OF PURCHASE AGREEMENT FOR THE PURCHASE OF NEW PORTABLE AND FIXED RADIO COMMUNICATIONS MEETING NARROWBAND REQUIREMENTS, PORTABLE RADIO REPEATER AND UPGRADE OF EXISTING RADIO COMMUNICATIONS TO MEET NARROWBAND REQUIREMENTS TO LOW BIDDER RWS SERVICES. COMMISSIONER DALE SECONDED. MOTION CARRIED WITHOUT DISSENT.

J. CONSIDERATION OF CEO SEARCH COMMITTEE'S RECOMMENDATION TO APPROVE ADVERTISING EXPENSES RELATED TO THE CHIEF EXECUTIVE OFFICER POSITION SEARCH.

Commissioner Higgins reported that the CEO Search Committee has met and has a recommended, modest budget for media outreach.

COMMISSIONER DALE MOVED FOR APPROVAL OF ADVERTISING EXPENSES NOT TO EXCEED \$5,000.00. COMMISSIONER HIGGINS SECONDED.

Commissioner Dale stated there are some deadlines coming up shortly.

Commissioner Higgins stated the Committee is confident they can do a good job selecting and finding a CEO, instead of hiring a search firm.

Jan Kraepelien said the CEO Job Description should state that understanding of shipping is essential, not desirable. He asked the Board to let the public ask questions of potential candidates for the CEO position.


Commissioner Higgins stated confidentiality must be maintained throughout the process for people applying locally.

MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

The Regular Meeting of the Board of Commissioners adjourned at 10:27 P.M.

APPROVED BY:



Patrick Higgins
Secretary

RECORDED BY:



Kim Farrell
Clerk