

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

**DATE:** June 27, 2013  
**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 24 hours 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 Sections 54956.8 (Conference with Real Property Negotiator) and 54957.6 (Negotiations with Represented Employees)
    1. Conference with Real Property Negotiator  
Negotiating Parties: Paul Brisso, District Counsel; Mike Wilson, Board President; Richard Marks, Vice President; Jack Crider, Chief Executive Officer  
  
Under Negotiation:  
Freshwater Tissue Company property purchase negotiations
    2. Conference with Labor Negotiator  
Agency Negotiators: Chief Executive Officer, District Counsel, 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 Session**
6. **Public Comment**

*Note: This portion of the Agenda allows the public to speak to the Board on the 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 any 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 for each speaker 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 June 27, 2013 Regular Board Meeting**

**7. Consent Calendar: None**

*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.*

**8. Communications and Reports**

- a. Chief Executive Officers Report
- b. Staff Reports
- c. District Counsel's and District Treasurer's Reports
- d. Commissioner and Committee Reports
- e. Other

**9. Non Agenda**

**10. Unfinished Business**

- a. Public Hearing and First Reading of the FY 2013/14 Budget.

**11. New Business**

- a. Consideration of ballot for Special District Election for representative to serve as a regular "voting" member on the Humboldt Local Agency Formation Commission (LAFCo).

**12. Administrative and Emergency Permits**

**13. Adjournment**

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

**June 27, 2013**

**PRESENT**

Commissioner Wilson  
Commissioner Marks  
Commissioner Higgins

**ABSENT**

Commissioner Newman  
Commissioner Dale

President Wilson called the Executive Closed Session to order at 6:00 P.M.

President Wilson adjourned the Executive Closed Session at 7:00 P.M.

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

President Wilson asked Kent Sawatzky to lead those present in the Pledge of Allegiance.

District Counsel reported out of the Executive Closed Session as follows: Freshwater Tissue property purchase negotiations; Conference with Labor Negotiator – no action to report.

**PUBLIC COMMENT**

Monte Provolt of Fieldbrook stated he has been thinking over the District's proposed Freshwater Tissue purchase and has been confused why a government agency is buying land and removing it from the tax rolls; government should encourage private enterprise. Mr. Provolt said he thought a terminal was a bad idea due to empty ones sitting in the Bay; wanted to know what the export will be. Mr. Provolt asked the Board to do a marketing survey to show the public the project is worth the staff time/tax dollars that are being devoted to it.

District Counsel stated if the District does purchase Freshwater Tissue, it does take it off the tax rolls; but the proposed plans are to buy the property and lease to private companies.

Kent Sawatzky of Blue Lake said he is looking forward to seeing the pre-feasibility study on the railroad and requested a 72-hour notice before a Meeting to peruse it.

Charles Class reported he is trying to get a bed and breakfast operational at the Marina and requested wireless internet for its tenants.

Sebastian Elrite of Aqua-Rodeo Farms stated he is concerned about the Union negotiations for the District's classified employees and asked if there were Commissioners involved in the process. District Counsel said the Commissioners will be involved when it gets to a point where their involvement is required and it will be in Open Session.

**CONSENT CALENDAR:** None



## COMMUNICATIONS AND REPORTS

### CHIEF EXECUTIVE OFFICER REPORT

- ❖ Reported the dredge *Yaquina* will be in Humboldt Bay next month; the additional \$500,000 needed for dredging has been approved by the Corps of Engineers; thanked everyone who sent a letter of support.  
Commissioner Wilson stated the Washington, D.C. trip was effective for this reason and that Congressman Thompson and District lobbyist Will Edington helped immensely.
- ❖ Received a draft copy of the report from BST Associates; asked the Board to read the document and comment on it.
- ❖ Stated the aquaponics greenhouse is built and the components are being shipped.

### STAFF REPORTS

#### Director of Conservation

- ❖ Went with representatives of the Wiyot Tribe and NOAA to see marine debris in the Bay; looks likely the Marine Debris Grant will be approved.
- ❖ Visited the Tuluwat Village with the Wiyot Tribe to see what cleanup they had done with the funds from EPA; reported Leroy Zerlang is offering to donate some equipment time for the project.
- ❖ Said the New Directions crew is helping with Spartina.

#### Bar Pilot John Powell

- ❖ Used the side scan sonar with Director of Conservation to find the sunken railroad wheels to tie to the fireworks barge.
- ❖ Reported a log ship departed the Bay on June 20; another one is due on July 8.

#### DISTRICT COUNSEL REPORT: None

#### DISTRICT TREASURER REPORT

- ❖ Stated the District is at the end of its Fiscal Year.

### COMMISSIONER AND COMMITTEE REPORTS

#### Commissioner Higgins

- ❖ Attended an MPA Monitoring Enterprise meeting.
- ❖ Said IPHC will be in the area July 18 to monitor Eel River algae and low water levels.

#### Commissioner Marks

- ❖ Attended an Upstate RailConnect meeting and thought it was good information.
- ❖ Went to a Humboldt Bay Harbor Working Group meeting which was well-attended.
- ❖ Reported the Economic Development Committee meeting will be reconvening July 15.

#### Commissioner Wilson

- ❖ Attended an Upstate RailConnect meeting and went on a tour of the Bay.

#### NON AGENDA: None

## **UNFINISHED BUSINESS**

### **A. PUBLIC HEARING AND FIRST READING OF THE FY 2013/14 BUDGET.**

Director of Administrative Services stated when the Board discussed the Preliminary Budget at their previous meeting, they asked for changes; Commissioner Newman's proposals are included in the new Budget.

Commissioner Marks said the Budget Committee recommends Commissioner Newman's Budget and the District will still have a balanced budget.

Commissioner Higgins reported it is good to see the District's financial trend move in the right direction.

Kent Sawatzky stated there are costs and revenue for Freshwater Tissue and wanted to know if those are from existing leases.

Karen Brooks said it is nice to have dialogue on the Budget; is curious about certain expenses pertaining to Redwood Dock and utilities. Ms. Brooks reported it would be good to have more detail and explanations and that Freshwater Tissue should have its own page.

Charles Class reported he did not know the District was planning to charge for dock electricity and asked if it would be billed monthly; asked why the monthly liveaboard charge will be zero.

Debbie Provolt stated she would like more grant information included and asked what would happen to grant funds for Freshwater Tissue if the project did not go through.

Bill McBroome said fishing boat crewmembers that spend the night on board the vessel are not being charged liveaboard fees, though they use the same amenities such as water, electricity and trash bins.

Sebastian Elrite reported he liked the format of the Preliminary Budget better than the current one due to the numbers being separated better; stated former Commissioner and President of the Board said a 25 percent increase was too high.

Commissioner Wilson stated the District paid \$80,000 last year in dock electricity so they are trying to lessen that expense and hoping for conservation; said the liveaboard tenants help the District by being extra public safety around the Island.

District Counsel said the liveaboard charge used to include electricity, but now the District intends to invoice the tenants for it; there is no need for the charge.

Commissioner Wilson reported the possible Freshwater Tissue purchase has been on previous Agendas and there are tenants interested in the property that no agency seems to be helping to facilitate.

CEO stated the current plan for Redwood Dock is for commercial fishing activities to produce some revenue but at this time, it is just generating expenses to get it prepared; Freshwater Tissue numbers are primarily in the Budget as placeholders and revenues are from tenants.

Commissioner Higgins said while the District has made no commitments to the purchase of Freshwater Tissue, negotiations are ongoing; wants to have a public meeting when things progress.

Karen Brooks reported she would like to know how much of the money spent will be public funds.



Commissioner Wilson responded the Board will divulge that information when they can; supports what the Budget Committee came up with.

Commissioner Higgins said he understands a full rate increase but believes compromise is a prudent decision.

Commissioner Marks reported the Marina will still not make revenue according to this Budget.

COMMISSIONER MARKS MOVED FOR APPROVAL OF THE FIRST READING OF THE FY 2013/14 BUDGET. COMMISSIONER HIGGINS SECONDED.

Commissioner Higgins stated Ken Bates requested the District do research into other ports and their rebuilding; said they are all publicly funded and there will be at least a match.

MOTION CARRIED WITHOUT DISSENT.

#### NEW BUSINESS

**A. CONSIDERATION OF BALLOT FOR SPECIAL DISTRICT ELECTION FOR REPRESENTATIVE TO SERVE AS A REGULAR "VOTING" MEMBER ON THE HUMBOLDT LOCAL AGENCY FORMATION COMMISSION (LAFCo).**

COMMISSIONER MARKS MOVED FOR APPROVAL OF BALLOT FOR SPECIAL DISTRICT ELECTION FOR REPRESENTATIVE TO SERVE AS A REGULAR "VOTING" MEMBER ON THE HUMBOLDT LOCAL AGENCY FORMATION COMMISSION (LAFCo). COMMISSIONER HIGGINS SECONDED.

Commissioner Marks said he would like to vote for Troy Nicolini and has worked with him in the past.

Commissioner Higgins reported he is in conflict due to such phenomenal candidates, but has also worked with Troy Nicolini.

Monte Provolt stated he would like to know more about the process and LAFCo.

District Counsel said the agency is to coordinate among various public agencies and is made up of seven commissioners; the District gets to vote for the Special District Commissioner.

MOTION CARRIED WITHOUT DISSENT TO VOTE FOR TROY NICOLINI.

#### ADMINISTRATIVE AND EMERGENCY PERMITS

President Wilson adjourned the Regular Meeting of the Board of Commissioners at 8:13 P.M.

APPROVED BY:

  
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Patrick Higgins  
Secretary

RECORDED BY:

  
\_\_\_\_\_  
Kim Farrell  
Clerk