

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

DATE: May 23, 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 May 23, 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. Consideration of adoption of Preliminary FY 2013/14 Budget.

11. New Business

- a. Discussion regarding the need for a District Planner.
- b. Consideration of letter of support for the application of Commissioner Richard Marks to be appointed as a Humboldt County representative to the North Coast Railroad Authority.
- c. Consideration of award of bid to and approval of agreement with Redwood Electrical Services for the installation of electrical power pedestals at Woodley Island Marina in the amount of \$16,000;00.
- d. Consideration of approval of permit and agreement to operate a charter service with Cliff Friedley dba *Foreel Sportfishing* at Woodley Island Marina.
- e. Consideration of approval of permit and agreement to operate a charter service with John W. Kramer dba *Joli Time Sport Fishing* at Woodley Island Marina.
- f. Consideration of approval of Application and Permit for Use of Woodley Island for Humboldt Amateur Radio Club to hold their annual meeting gathering.
- g. Consideration of accepting for filing Permit Application 2013-03 to the Humboldt Bay Harbor, Recreation and Conservation District for the Humboldt Bay Mariculture Pre-Permitting Project
- h. Consideration of Resolution 2013-05 Authorizing CEO Jack Crider to sign grant agreement No. 12-092, and any subsequent amendments, for the acceptance of \$500,000 from the Coastal Conservancy for the Spartina Eradication Program.

12. Administrative and Emergency Permits

13. Adjournment

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

May 23, 2013

PRESENT

Commissioner Newman
Commissioner Dale
Commissioner Wilson
Commissioner Marks
Commissioner Higgins

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 7:06 P.M.

President Wilson asked Ronnie Pellegrini 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

Kevin Pinto stated a few meetings ago Commissioner Wilson chastised Ken Bates about a letter he wrote regarding actions of the District. Mr. Pinto did not feel this was right because he felt Mr. Bates was expressing public thought.

Commissioner Wilson said the problem was not with the content, it was the wording.

Commissioner Higgins reported respect is always necessary.

CONSENT CALENDAR: None

COMMUNICATIONS AND REPORTS

CHIEF EXECUTIVE OFFICER REPORT

- ❖ Traveled to San Francisco with the District's Bar Pilots and attended several meetings: met the president of the San Francisco Bar Pilots Association; attended a meeting regarding the possible Freshwater Pulp Mill purchase with Willis Group, an environmental pollution insurance group; the underwriters are willing to write the necessary policy; met with the Army Corps requesting \$500,000 more in dredging for the dredge *Yaquina* to dredge areas in Humboldt Bay the dredge *Essayons* could not get to; met with the Environmental Manager for San Francisco Bay about dredging; met with John Hummer about this year's rounds of Tiger grant applications.

STAFF REPORTS

Director of Conservation

- ❖ Made a presentation to the City Council about the District's aquaculture pre-permitting project.
- ❖ Has been working on Spartina eradication.
- ❖ Mailed the CEQA for Hog Island Oyster Company Permit.

Director of Facility Maintenance

- ❖ Has been working closely with CEO on many projects.

DISTRICT COUNSEL REPORT

- ❖ Missed the last Board Meeting due to being invited to attend an event by the U.S. Air Force War College.

DISTRICT TREASURER REPORT

- ❖ Said the District has approximately two million dollars; collecting on large dollar grants receivables has been helpful.

COMMISSIONER AND COMMITTEE REPORTS

Commissioner Newman

- ❖ Reported commercial salmon season has been slow this year.

Commissioner Dale

- ❖ Stated today is his wedding anniversary.

Commissioner Wilson

- ❖ Attended a meeting in San Francisco with Commissioner Marks for pulp mill purchase negotiations.
- ❖ Met with Commissioner Marks and the Humboldt Bay Harbor Working Group today.

Commissioner Marks

- ❖ Attended Budget meetings.
- ❖ Went to San Francisco with Commissioner Wilson.
- ❖ Met with the Humboldt Bay Harbor Working Group and Commissioner Wilson.

Commissioner Higgins

- ❖ Said HASA and Sea Grant have been awarded mini-grants for sport Halibut data; an HSU graduate will be collecting the data.
- ❖ Is excited about the four million dollars that will be coming to the North Coast for the Monitoring Enterprise.
- ❖ Reported HSU is leading a regional effort to see if MPA's are effective to fish stocks.
- ❖ Stated the sport Salmon season has gone pretty well.
- ❖ Will be recruiting for the Economic Development Committee.

NON AGENDA: None

UNFINISHED BUSINESS

A. CONSIDERATION OF ADOPTION OF PRELIMINARY FY 2013/14 BUDGET.

Commissioner Wilson reminded everyone there are two more scheduled budget meetings, so tonight is not the final meeting.

Director of Administrative Services said there was a Budget Committee Meeting last week; after tonight's meeting, the 30-day public comment period will begin with June 27 being the First Reading and July 11 the Second Reading and Adoption of the FY2013/14 Budget. Ms. Tyson reported the District is required by the Department of Boating and Waterways to separate Marina from general expenses and revenue; stated some of the bigger Marina changes are the elimination of the annual rate discount, the dredging surcharge is increased, a float replacement charge and a marine mechanic at the Fields Landing Boat Yard have been added.

Commissioner Higgins said there is a lot of progress being made to develop a balanced Budget even though deferred maintenance expenses are making it difficult; Director of Administrative Services has done a good job.

CEO reported the District's trend has been to lose about \$230,000 per year, so an increase in the Woodley Island Marina dredging surcharge is included in this Budget; the floats are about 30 years old, so a float replacement charge is being proposed. Mr. Crider stated the District has decreased security expenses by decreasing the amount of hours Security is on the Island; has increased revenue by running the Marina at 95 percent occupancy. CEO said with those changes, eliminating the annual moorage rate and fully funding dredging, the District should be able to break even.

Commissioner Newman reported as a tenant, he sees this Budget as quite severe with the District doubling their income and putting the burden on tenants.

Commissioner Wilson asked for an average amount of fishing boat sizes.

Commissioner Newman stated around 45 feet.

CEO said the increase amounts to approximately \$6.00 per foot.

Commissioner Newman said it will be more when electricity is charged.

Commissioner Dale reported the majority of tenants are paying on an annual basis and the District's costs are below average due to the annual discount of about 16%; there is not as much funding for public agencies as there used to be.

Mary Williamson stated she thinks the increase is too much and wants to know how the surcharges will be protected; said she believed step increases would be better or a decreased annual discount rate.

Bill McBroome said if the annual rate is eliminated and electricity is charged, the increase will be about 33 to 34 percent.

Ronnie Pellegrini reported she called Harbor Districts on the West Coast and the only port that does not give an annual discount is Astoria; while dredge spoils cannot be put on the beach any more, many organizations stated they would help with funding and questioned if the District has pursued those options. Ms. Pellegrini stated the City of Eureka rebuilt their Marina and did not increase their rates to do so; asked that the Board look for a different source of funds.

George Boling said with the annual rate elimination and the District charging electricity, the increase would be around 50 percent.

Candee Mooslin reported she had a note from Ken Bates that she read stating boats are being turned away that want moorage at Woodley Island.

Butch Weese stated he only keeps his boat at the Marina for convenience, although he does not fish from Humboldt Bay; said if the rates double, there is no reason to stay and that people will find other marinas to keep their boats in.

David Helliwell said he agreed with Commissioner Newman that it is a severe budget with an increase of about 50 percent with electricity being charged; asked if the "mud tax" the County charges is given to the District and if building a J-dock had been considered. Also, Mr. Helliwell asked if the dredge spoils could go into the large hole that will have to be dug by PG&E during the decommissioning of the Humboldt Bay Power Plant. Mr. Helliwell stated the District should call the organizations that said they would help find funding for dredge spoils; said it is not uncommon to subsidize marinas because they provide other benefits.

Director of Administrative Services reported .8 percent of the "mud tax" collected by the County comes to the District.

Kevin Pinto stated a smaller discount for the annual rate would be preferable; does not understand why the Fields Landing Boat Yard does not make more revenue with the number of boats being hauled out. Mr. Pinto said he understands the docks need to be replaced and suggested unloading fish as a valuable service for the District to offer, just as Crescent City does.

Vivian Helliwell reported there has been a 35 percent increase in the past five years and that now it will be about 54 percent before electricity is even charged.

Debbie Provolt stated the District trying to save money would not harm the tenants, but cost increases will. Ms. Provolt said there have been no public meetings to discuss the possible Freshwater Tissue purchase. The public should have been kept informed of such a large purchase.

Commissioner Newman reported a severe rate increase for tenants that do not fish from this area encourages them to dock their boats elsewhere.

Commissioner Dale stated the dock replacement surcharge would be put into a separate account similar to the dredging surcharge' and while he does not mind subsidizing the Marina to an extent, the current amount seems high. Commissioner Dale said dealing with increased expenses seems a larger issue than the access to revenue generation at the moment.

Commissioner Wilson reported while subsidies are okay if they provide a service to the community, there should be a maximum; has been discussing dredging options with the City. Commissioner Wilson stated he wants to move forward with the float replacement surcharge due to the accessibility of public funds requiring financial matches to do capital improvements.

Commissioner Marks said the Marina has been running at a deficit for years and does not know what the solution is; does not want to do anything that is not in the best interest of the public.

Commissioner Wilson asked Commissioner Newman to write down his comments for the next Board Meeting if he is fishing.

Commissioner Higgins reported the possible pulp mill purchase is a huge potential benefit for the community; the District is positioned as a government agency to seek funds where private enterprises cannot. Commissioner Higgins stated he cannot divulge facts discussed in Closed Session, but would like to see public comment before the possible transaction occurs.

Susan Penn said she hopes with the proposed increase for salaries, she hopes a new maintenance hire's time will be spent on the docks.

Bill McBroome reported he would like to see the storage yard enlarged; there is no water or electricity needed, so it is free revenue.

COMMISSIONER HIGGINS MOVED FOR ADOPTION OF PRELIMINARY FY 2013/14 BUDGET. COMMISSIONER DALE SECONDED. MOTION CARRIED WITH COMMISSIONER NEWMAN DISSENTING.

NEW BUSINESS

A. DISCUSSION REGARDING THE NEED FOR A DISTRICT PLANNER.

Board and Staff discussed securing a District Planner.

B. CONSIDERATION OF LETTER OF SUPPORT FOR THE APPLICATION OF COMMISSIONER RICHARD MARKS TO BE APPOINTED AS A HUMBOLDT COUNTY REPRESENTATIVE TO THE NORTH COAST RAILROAD AUTHORITY.

COMMISSIONER NEWMAN MOVED FOR LETTER OF SUPPORT FOR THE APPLICATION OF COMMISSIONER RICHARD MARKS TO BE APPOINTED AS A HUMBOLDT COUNTY REPRESENTATIVE TO THE NORTH COAST RAILROAD AUTHORITY. COMMISSIONER DALE SECONDED.

Commissioner Wilson read the proposed letter of support.

Commissioner Dale asked if this opening is due to a vacancy on the NCRA Board.

Commissioner Wilson stated it is, and that the County Board of Supervisors appoints the replacement.

MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF AWARD OF BID TO AND APPROVAL OF AGREEMENT WITH REDWOOD ELECTRICAL SERVICES FOR THE INSTALLATION OF ELECTRICAL POWER PEDESTALS AT WOODLEY ISLAND MARINA IN THE AMOUNT OF \$16,000.00.

COMMISSIONER HIGGINS MOVED FOR APPROVAL OF AGREEMENT WITH REDWOOD ELECTRICAL SERVICES FOR THE INSTALLATION OF ELECTRICAL POWER PEDESTALS AT WOODLEY ISLAND MARINA IN THE AMOUNT OF \$16,000.00. COMMISSIONER MARKS SECONDED.

Director of Facility Maintenance said he interviewed the lowest bidder and checked on his qualifications; invited him to install a pedestal. Mr. Bobillot reported the owner is a local businessman and is eager to begin the work.

MOTION CARRIED WITHOUT DISSENT.

D. CONSIDERATION OF APPROVAL OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE WITH CLIFF FRIEDLY DBA FOREEL SPORTFISHING AT WOODLEY ISLAND MARINA.

COMMISSIONER DALE MOVED FOR APPROVAL OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE WITH CLIFF FRIEDLEY DBA FOREEL SPORTFISHING AT WOODLEY ISLAND MARINA. COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT.

E. CONSIDERATION OF APPROVAL OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE WITH JOHN W. KRAMER DBA JOLI TIME SPORT FISHING AT WOODLEY ISLAND MARINA.

COMMISSIONER DALE MOVED FOR APPROVAL OF PERMIT AND AGREEMENT TO OPERATE A CHARTER SERVICE WITH JOHN W. KRAMER DBA JOLI TIME SPORT FISHING AT WOODLEY ISLAND MARINA. COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT.

F. CONSIDERATION OF APPROVAL OF APPLICATION AND PERMIT FOR USE OF WOODLEY ISLAND FOR HUMBOLDT AMATEUR RADIO CLUB TO HOLD THEIR ANNUAL MEETING AND GATHERING.

COMMISSIONER DALE MOVED FOR APPROVAL OF APPLICATION AND PERMIT FOR USE OF WOODLEY ISLAND FOR HUMBOLDT AMATEUR RADIO CLUB TO HOLD THEIR ANNUAL MEETING AND GATHERING. COMMISSIONER NEWMAN SECONDED. MOTION CARRIED WITHOUT DISSENT.

G. CONSIDERATION OF ACCEPTING FOR FILING PERMIT APPLICATION 2013-03 TO THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT FOR THE HUMBOLDT BAY MARICULTURE PRE-PERMITTING PROJECT.

COMMISSIONER HIGGINS MOVED FOR ACCEPTING FOR FILING PERMIT APPLICATION 2013-03 TO THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT FOR THE HUMBOLDT BAY MARICULTURE PRE-PERMITTING PROJECT. COMMISSIONER MARKS SECONDED.

Director of Conservation stated this is the District's project but still needs a Permit; if accepted by the Board, will begin the 30-day public comment period, with CEQA being the next step. Mr. Berman said the idea is to lease the City's tidelands, then sublease them.

Commissioner Higgins reported he is glad this project is moving forward and hopes the City realizes this will produce revenue for them.

Commissioner Higgins stated he is excited to see more jobs being made available in this area.

Kevin Pinto said he was shocked at the amount of aquaculture happening in bays north of this area; would love to see the opportunity for new people and businesses.

Commissioner Dale reported this would allow for more small businesses.

MOTION CARRIED WITHOUT DISSENT.

H. CONSIDERATION OF RESOLUTION 2013-05 AUTHORIZING CEO JACK CRIDER TO SIGN GRANT AGREEMENT NO. 12-092, AND ANY SUBSEQUENT AMENDMENTS, FOR THE ACCEPTANCE OF \$500,000 FROM THE COASTAL CONSERVANCY FOR THE SPARTINA ERADICATION PROGRAM.

COMMISSIONER MARKS MOVED FOR APPROVAL OF RESOLUTION 2013-015 AUTHORIZING CEO JACK CRIDER TO SIGN GRANT AGREEMENT NO. 12-092, AND ANY SUBSEQUENT AMENDMENTS, FOR THE ACCEPTANCE OF \$500,000 FROM THE COASTAL CONSERVANCY FOR THE SPARTINA ERADICATION PROGRAM. COMMISSIONER HIGGINS SECONDED.

Director of Conservation said this is a formality for the Coastal Conservancy since the District does not have this Resolution in place.

Commissioner Dale stated he was at a meeting where there was concern that Spartina would start growing in areas where eradication work has been done for the last 20 years.

ROLL CALL VOTE WAS TAKEN:

COMMISSIONER NEWMAN – AYE
COMMISSIONER DALE – AYE
COMMISSIONER WILSON – AYE
COMMISSIONER MARKS – AYE
COMMISSIONER HIGGINS – AYE

MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

President Wilson adjourned the Regular Meeting of the Board of Commissioners at 9:26 P.M.

APPROVED BY:



Patrick Higgins
Secretary

RECORDED BY:



Kim Farrell
Clerk