

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

DATE: **October 13, 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

 Under Negotiation:
 - 1) **Potential lease terms for District property acquisition from Pacific Gas and Electric Company.**
 - 2) **Potential lease terms of property to Timber Heritage Association.**
 - 3) **Potential lease terms of District property to TJS Leasing and Holding Company, Inc.**
 - 4) **Potential lease terms of District property to Taylor Mariculture, Inc.**
 - 5) **Potential lease terms of District property to Freshwater Tissue Company**
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 October 13, 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 September 15, 2011 Special Board meeting.
- b. Consideration of approval of District office duct cleaning services by Ducts Unlimited \$700.00

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

- 1. Presentation by Ken Bates on the scientific debris left in Humboldt Bay marsh and upland areas.

8. Non Agenda

9. Unfinished Business

10. New Business

- a. Consideration of declaring Figas Construction low bidder for vessel deconstruction.
- b. Consideration of adoption of Resolution 2011-16, A Resolution Limiting the Indirect Costs Charged to Projects Funded by the Humboldt Bay Harbor, Recreation and Conservation District.
- c. Consideration of forming a Board Committee to formulate Chief Executive Officer recruitment process.

11. Administrative and Emergency Permits

12. Adjournment

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

OCTOBER 13, 2011

PRESENT:

Commissioner Pellegrini
Commissioner Curless
Commissioner Wilson
Commissioner Higgins
Commissioner Marks

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

President Wilson adjourned the Executive Closed Session at 6:28 P.M.

President Wilson called the regular meeting of the Board of Commissioners to order at 7:02 P.M.

President Wilson asked Donna Tam to lead the Pledge of Allegiance.

District Counsel reported on the items discussed during Executive Closed Session as follows: Potential lease terms for District property acquisition from Pacific Gas and Electric Company; Potential lease terms of District property to Timber Heritage Association, TJS Leasing and Holding Company, Inc., Taylor Mariculture, Inc., and Freshwater Tissue Company – no action taken.

PUBLIC COMMENT:

Jan Kraepelien called the termination of David Hull's contract the worst disaster in the Harbor District. He stated the way the Board proceeded was shameful, with a phone call to Mr. Hull, and they brought this on themselves. He believed it must have been a political maneuver with a couple of people wanting to get rid of him. He stated Mr. Hull was well known. He asked what the hurry was with two new Commissioners coming into the District soon. He felt the Board's motivation was to make this into a Sausalito-style port and said it would never happen because the area would lose too many jobs. He stated that if we lost the port, there would be 8,500 trucks on the road for fuel. Imagine the ecological damage if one goes over the highway.

Commissioner Higgins called Jan's dedication to Mr. Hull commendable. He also asked Mr. Kraepelien to cease reporting misinformation to the County Board of Supervisors regarding the unanimous decision reached by the District's Board about the personnel matter with David Hull.

Sid Berg reported he was approached by several individuals in the community concerning the lack of jobs. Stas Margaronis held a meeting at the Labor Temple about creating jobs that centers around Humboldt Bay. He has a long-term vision about creating a jobs bank. His website is www.rbtus.com. Mr. Berg suggested the District reach out to the Port of Stockton for a short-sea shipping option. He states we cannot wait for jobs to come to us, but must create them.

Eleanor Byrd recently took a trip to Sacramento where she was appalled by the traffic. Ms. Byrd stated we must get the Marine Highway project going to help with pollution, fuel expense, and traffic. She said we must all push one direction to possibly receive President Barack Obama's stimulus money since he will be campaigning soon.

CONSENT CALENDAR

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

Item (b) Sid Berg wished to verify there were at least two or three bids for duct cleaning for fairness. He stated there has been an increase in scams where debris just gets blown right back into the building. Interim CEO stated there were two bids, Ducts Unlimited for \$700.00 and Design Air for \$1140.00. Ducts

Unlimited was the low bid. Commissioner Wilson stated if the Director of Facility Maintenance could do it himself, he would.

Ken Bates stated he wished to be on the list for the fire and rescue boat bid packets.

INTERIM CEO REPORT

- ❖ Bid packages were mailed out this week requesting bids on the Port Authority Security/Work and Fire/Rescue boats. November 3 will be the opening of the bids. The results will be discussed at the November 10 Board meeting. The boats have a delivery schedule of May 31, 2012, an aggressive schedule. These purchases are funded with Proposition 1B grant funds.
- ❖ Met with President Wilson and Suzanne Dockal of Dockal and Associates regarding the TIGER III grant application. They moved forward with fine-tuning the project description.
- ❖ Captain Powell will pilot the *Global Pioneer* tonight fully loaded with logs being exported to China.
- ❖ The California Maritime Leadership Symposium will be held in Sacramento February 1-2, 2012. Last year, Commissioners Wilson and Marks attended.

DISTRICT COUNSEL REPORT: None

STAFF REPORT: None

COMMISSIONERS AND ADVISORY COMMITTEE REPORTS

Commissioner Pellegrini:

- ❖ No report

Commissioner Curless:

- ❖ No report

Commissioner Wilson:

- ❖ Recently watched a movie about Patagonia fighting the building of more dams.
- ❖ Received a phone call from Stephen Kullman, Wiyot Tribe, regarding Indian Island cleanup and referred the project to Commissioner Marks since it is in his District.
- ❖ Stated he could not attend the meeting at the Labor Temple with Stas Margaronis.
- ❖ Wished to assure Eleanor Byrd of the District's support of short sea shipping. The TIGER III funds are to purchase loading equipment and a barge. He stated that the funding is \$550 million for the nation, \$140 million for rural areas. The District is requesting \$10 million and must address financial matches, cost benefit ratio, and national significance in the application. He reported that the Port of Stockton was awarded a TIGER grant for barges to use between Oakland and Stockton. From what he understands, the barges have been purchased but are not being used. Commissioners and staff also met with other ports during the California Maritime Leadership Symposium in May on a study for a feeder program for the West Coast.

Commissioner Higgins:

- ❖ Attended Labor Hall meeting with Stas Margaronis and was impressed with his energy and that of the crowd. The Economic Development Committee should be re-energized.
- ❖ States that the North Coast Local Agency Coastal Coordination Committee has a meeting scheduled for November 10. Among the items for discussion is a co-management plan for regional participation in fisheries data collection and resource management. This relates to the well thought

- out comment letter written by District staff Drew Barrett, who has expertise in halibut studies, to the Pacific Fisheries Management Council regarding potential closures for Pacific halibut sport fishing.
- ❖ The committee regarding the dog policy on Woodley Island is working out practical solutions. Marina tenants will be polled and the issue is on the way to being resolved.

Commissioner Marks:

- ❖ There has been an increase in commerce on the Samoa peninsula. The smaller industries are expanding, and the chip export plant is hoping to re-open next year.
- ❖ The Samoa Peninsula Fire District is considering a Community Services District.

OTHER

PRESENTATION BY KEN BATES ON THE SCIENTIFIC DEBRIS LEFT IN HUMBOLDT BAY MARSH AND UPLAND AREAS.

Ken Bates gave a presentation with pictures that were taken over the past two weeks showing the scientific debris left from active and non-active permits around the Bay. The debris mostly consists of spot flags. Mr. Bates was concerned with the bird netting at the G & R Metals site across from Woodley Island Marina. There are cut squares on the north part of Woodley Island that he feels are too noticeable and will take a long time to grow back.

Commissioner Wilson asked Director of Conservation to confirm the permittees are performing the requirements of the District's permits.

NON-AGENDA

Commissioner Wilson asked the Board to consider adding two letters to the agenda that require action before the next meeting is scheduled and were not received prior to the mailing of the agenda. The first letter is to the Pacific Fishery Management Council regarding Pacific halibut sport fishing regulations.

COMMISSIONER CURLESS MOVED TO ADD DISCUSSION OF THE LETTER TO THE PACIFIC FISHERY MANAGEMENT COUNCIL LETTER TO THE AGENDA. COMMISSIONER HIGGINS SECONDED. MOTION CARRIED WITHOUT DISSENT.

Commissioner Wilson also requested the addition of a letter of commitment to the County of Humboldt, Natural Resources Planning Division regarding the Federal Emergency Management Agency's Local Mitigation Plan requirements.

COMMISSIONER HIGGINS MOVED TO ADD DISCUSSION OF THE LETTER TO THE COUNTY OF HUMBOLDT TO THE AGENDA. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

UNFINISHED BUSINESS: None

NEW BUSINESS

A. CONSIDERATION OF DECLARING FIGAS CONSTRUCTION LOW BIDDER FOR VESSEL DECONSTRUCTION.

Sid Berg cautioned to make sure the vessel deconstruction is done according to environmental laws. Commissioner Wilson said the District staff will monitor the deconstruction.

COMMISSIONER MARKS MOVED FOR APPROVAL OF DECLARING FIGAS CONSTRUCTION LOW BIDDER FOR VESSEL DECONSTRUCTION. COMMISSIONER PELLEGRINI SECONDED. MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF ADOPTION OF RESOLUTION 2011-16, A RESOLUTION LIMITING THE INDIRECT COSTS CHARGED TO PROJECTS FUNDED BY THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT.

Director of Conservation stated that the District regularly enters into contracts for projects where the other agency typically charges an indirect overhead cost. Depending on that agency, it can be up to 40 percent. This resolution limits the amount to 15% that other agencies can charge. There is some flexibility written into the resolution since the Board can approve amounts above 15 percent.

Commissioner Higgins reports the District does not wish to alienate agencies with higher overheads, but that costs are concerning.

COMMISSIONER PELLEGRINI MOVED FOR THE ADOPTION OF RESOLUTION 2011-16 LIMITING THE INDIRECT COSTS CHARGED TO PROJECTS FUNDED BY THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT. COMMISSIONER CURLESS SECONDED.

ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF FORMING A BOARD COMMITTEE TO FORMULATE CHIEF EXECUTIVE OFFICER RECRUITMENT PROCESS.

Commissioners Pellegrini and Wilson volunteered to be part of the process of determining the method to hire a new CEO. Commissioner Marks stated he was contacted by an incoming Commissioner who wishes to be involved in the process.

Commissioner Higgins recommended expeditious action to get as many qualified candidates as possible.

Jan Kraepelien believes the new Commissioners should be part of the committee, and the item should be on the agenda so the public can comment on it. He wished to know what the cost would be and what the Board's agenda is for hiring a new CEO. Will there be less accent on port? He also asked if re-hiring David Hull was an option. He stated that Mr. Hull was a great fundraiser, and he felt that public trust had been shaken.

Commissioner Pellegrini stated the Board has not altered their vision. Their objective is to keep the Harbor open. The District employs two full-time Bar Pilots crucial to the infrastructure of the Port.

Todd Van Herpe reported he would also like to see incoming Commissioners and members of the public as part of the process.

Commissioner Pellegrini asked if there would be legal reason the two new Commissioners could not be involved. District Counsel responded that they are not currently members of the legislative body until sworn in. It would be after their swearing in that the problem would arise if there were more than two Commissioners on the committee.

Commissioner Curless stated that David Hull was not the only person who brought a lot of money into Humboldt Bay. Former CEO, Jack Alderson, was also successful in this area. Commissioner Curless said he would speak to Greg Dale since he will be on the Board at the time of the hiring decision.

D. CONSIDERATION OF COMMENT LETTER TO THE PACIFIC FISHERY MANAGEMENT COUNCIL REGARDING THE PACIFIC HALIBUT REGULATIONS.

Commissioner Higgins stated there is a lack of data and he would like the District to be the lead on the collection of data. The letter will state the District supports a closure date of September 30 instead of October 31 to avoid potential overharvest. Commissioner Higgins stated the District currently has the capacity and expertise to conduct biological sampling to provide an estimate to generate a well-informed catch limit for our region.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF A COMMENT LETTER TO THE PACIFIC FISHERY MANAGEMENT COUNCIL REGARDING THE PACIFIC HALIBUT REGULATIONS. COMMISSIONER MARKS SECONDED. MOTION CARRIED WITHOUT DISSENT.

E. CONSIDERATION OF LETTER OF COMMITMENT TO THE COUNTY OF HUMBOLDT SUPPORTING THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT'S JURISDICTIONAL PARTICIPATION IN THE COUNTY'S MULTI-JURISDICTIONAL HAZARD MITIGATION PLANNING.

COMMISSIONER HIGGINS MOVED FOR APPROVAL OF A LETTER OF COMMITMENT TO THE COUNTY OF HUMBOLDT SUPPORTING THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT'S JURISDICTIONAL PARTICIPATION IN THE COUNTY'S MULTI-JURISDICTIONAL HAZARD MITIGATION PLANNING. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS


Interim CEO reported there were two administrative permits approved since the last Board meeting. The first was Permit #A-2011-12 to California Redwood Company for dock structure repairs. The second was Permit #A-2011-13 to Chevron for Waterfront Drive seawall repair.

The Regular Meeting of the Board of Commissioners adjourned at 8:22 P.M.

APPROVED BY:


Ronnie Pellegrini
Secretary

RECORDED BY:


Kim Farrell
Clerk