

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

DATE: June 24, 2004

TIME: 6:00 p.m. Executive Closed Session
7:00 p.m. Regular Session

PLACE: Meeting Room, Woodley Island Marina

The Meeting Room is wheelchair accessible. Accommodations and access to Harbor District meetings for people with other handicaps must be requested of the Administrative Assistant 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 paragraph 9 of the Agenda, Executive Closed Session involving the provisions of the California Government Code Sections 54956.5, 54953 et seq., 54956.8, 54956.9, 54956.95, 54957, 54957.1, 54957.6 and 54957.7 as set forth in the Executive Closed Session of paragraph 12 hereafter.**
2. **Call to Order Regular Session at 7:00 p.m. and Roll Call**
3. **Pledge of Allegiance**
4. **Report on Executive Closed Session**
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.

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 June 9, 2004

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7. Communications and Reports

- a. 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 Mike Harvey – Humboldt Economic Land Plan

8. Non Agenda

9. Unfinished Business

- a. Second Reading and Adoption of FY 2004/05 Budget.

10. New Business

- a. Consideration of Agreement and Third Amendment Lease with Fresh Freeze Supply, Inc.
- b. Consideration of Interim Tenancy Agreement with Simpson Samoa.
- c. Consideration of Retaining NRC Environmental Services for Sump Cleaning Services at the Fields Landing Boat Yard.
- d. Consideration of Amendment No. 2 with Roberts, Kemp and Associates, LLC for Consulting Services Related to the Humboldt Bay Management Plan.
- e. Consideration of Extending Permit No. 1998-2 to Pacific Affiliates, Inc. for Maintenance Dredging of Schneider Dock.
- f. Consideration of Approval of the Costs to Perform the Biological Resources Studies for the Woodley Island Marina Maintenance Dredging Project by Mad River Biologists, Not to Exceed \$5,675.
- g. Consideration of Adoption of Resolution No. 2004-10 Authorizing the Issuance of \$3,000,000 of the District's Refunding Bonds, Series 2004, and the Execution and Delivery of a Fiscal Agent Agreement, A Continuing Disclosure Agreement and an Official Statement in Connection with the Issuance of Such Bonds and Authorizing Actions Related Thereto.
- h. Consideration of payment to BNY Western Trust Company for services related to Refunding Bonds Series 2004 in the amount of \$5,450.00.

11. Administrative and Emergency Permits

12. EXECUTIVE CLOSED SESSION-PURSUANT TO AND INVOLVING THE PROVISIONS OF CALIFORNIA GOVERNMENT CODE SECTIONS 54956.5, 54953 et. Seq., 54956.8, 54956.9, 54956.95, 54957, 54957.1, 54957.6, and 54957.7 as follows:

- (a) With respect to a closed session held pursuant to Section 54956.7:

LICENSE/PERMIT DETERMINATION

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Applicant(s):

(b) With respect to every item of business to be discussed in closed session pursuant to Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: The real property owned by the Humboldt Bay Harbor, Recreation, and Conservation District and leased or may be leased to third parties presently and in the future and subject to re-negotiation or

amendments concerning price or payment or both including but not limited to the following: VITA-SEA AKA Fur Breeders, Inc.; South Bay Marina; Fields Landing; Humboldt Marine; Stanwood Murphy, Jr.; Woodley Island Marina Slip Rentals and Upland Rentals; Louisiana-Pacific Corporation; Simpson Timber Company; Simpson Paper Company –Samoa Pulp Mill; Coast Seafoods Company; Ted Kuiper; Sera Group; Hungry U Restaurant, Inc. AKA Cafe Marina; and Simpson Samoa Company.

Negotiating parties: David Hull, Chief Executive Officer; Jeremiah R. Scott, Jr., District Counsel and Mark Wetzel, District Treasurer.

Under Negotiation:

(c) With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Name of case: Humboldt Bay Harbor, Recreation and Conservation District v. Guvench, et al., Humboldt County Superior Court case number CV 9700198; Humboldt Bay Harbor, Recreation and Conservation District vs. Arbuckle, et al., Humboldt County Superior Court Case No. CV 990163; Humboldt Bay Harbor, Recreation and Conservation District vs. Elmer Newby, Superior Court Case No. CV00347; United States District Court Case No. C003585; Pacific Coast Federation of Fishermen Association, Humboldt Bay Harbor, Recreation and Conservation District, et al., vs. United States Bureau of Reclamation, United States District Court Case No. C02-2006.

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Claims of Manson/Bean Stuyvesant against US Army Corps of Engineers, (Humboldt Bay Harbor, Recreation and Conservation District contracting party with Corps of Engineers), Humboldt Bay Improvement Project dredge project – District audit of US Army Corps of Engineers; Claim for alleged damages by Barbara and Ray Vasconcellos.

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: Initiation of litigation pursuant to subdivision (c) of Section 94596.9: One or more.

(d) With respect to every item of business to be discussed in closed session pursuant to Section 54956.95:

LIABILITY CLAIMS

Claimant:

(e) With respect to every item of business to be discussed in closed session pursuant to Section 54957:

THREAT TO PUBLIC SERVICES OR FACILITIES

Consultation with:

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PUBLIC EMPLOYEE APPOINTMENT

Title:

PUBLIC EMPLOYMENT

Title:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title:

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(f) With respect to every item of business to be discussed in closed session pursuant to Section 54957.6:

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 Longshoremen and Warehousemen's Union, Local #14A.

Unrepresented employee:

(g) With respect to closed session called pursuant to Section 54957.8:

CASE REVIEW/PLANNING

REPORT INVOLVING TRADE SECRET

Discussion will concern: Proposed new service, program or facility

Estimated date of public disclosure:

HEARINGS

Subject matter:

13. ADJOURNMENT