

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

DATE: September 23, 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 September 9, 2004 meeting.

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

8. Non Agenda

9. Unfinished Business

- a. Consideration of proposed rockfish management measures.
- b. Consideration of Promissory Note in the amount of \$200,000 together with interest payable at the rate of 8% to be secured by Deed of Trust to Real Property owned by the North Coast Railroad Authority.

10. New Business

- a. Consideration of renewal of Permit No. 03-03 to the Department of Fish and Game for the Removal and Disposal of *Zostera japonica*.
- b. Consideration of nomination of 1st District Supervisor Jimmy Smith to the Klamath Fishery Management Council.
- c. Consideration of Purchase and Sale Agreement between Humboldt Bay Harbor, Recreation and Conservation District and Simpson Samoa Company, a Washington Corporation, pertaining to lease termination, conveyance of real property and easement by Simpson Samoa Company, a Washington Corporation, to the Harbor District, payment of \$550,000 cash from Simpson to the Humboldt Bay Harbor, Recreation and Conservation District, and authorize the President of the Board of Commissioners to execute the same.
- d. Consideration of receiving and accepting Grant Deed from Simpson Samoa Company, a Washington Corporation, to the Humboldt Bay Harbor, Recreation and Conservation District in and to real property at Samoa, Humboldt County, California consisting of ± 84 acres described in said Grant Deed known as (a) ± 2.1 acres adjacent to the Samoa school, (b) ± 23 acres known as Dredge Spoil Site west of Vance Avenue and east of New Navy Base Road, (c) ± 14 acres east of Vance Avenue and west of Humboldt Bay, and (d) ± 45 acres of Tide and Submerged Lands north of the Samoa bridge, and authorize the President of the Board of Commissioners to sign the acceptance thereof.
- e. Consideration of Easement Agreement with the Humboldt Bay Harbor, Recreation and Conservation District to enter into an easement agreement whereby the Harbor District would acquire an easement for the lands described in the Grant Deed to be conveyed by Simpson Samoa Company, a Washington Corporation, to the Harbor District granting the Harbor District access easement rights to New Navy Base Road, Samoa, and authorize the President of the Board of Commissioners to execute the same.
- f. Consideration of Access, Use and Maintenance Agreement with Simpson Samoa Company, a Washington Corporation, with Simpson having the rights and obligations to operate a water tank on lands owned by the Humboldt Bay Harbor, Recreation and Conservation District, and authorize the President of the Board of Commissioners to execute the same.

- g. Consideration of Tideland Lease Termination Agreement terminating that lease dated July 1, 1999 between Humboldt Bay Harbor, Recreation and Conservation District and Simpson Samoa Company, a Washington Corporation, of Harbor District lands and a written Memorandum to be recorded thereof, and authorize the President of the Board of Commissioners to execute the same.
- h. Consideration of Sale Escrow Instructions with First American Title Company, 1034 6th Street, Eureka, California dated September 23, 2004 for completion of the Purchase and Sale Agreement described in paragraphs 10.a, 10.b, 10.c, 10.d, and 10.e above between the Humboldt Bay Harbor, Recreation and Conservation District and Simpson Samoa Company, a Washington Corporation, and authorize the President of the Board of Commissioners to execute the same.

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

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; Stockton Pacific Enterprises; and Simpson Samoa Company.

Negotiating parties: David Hull, Chief Executive Officer; 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.

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:

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