

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

4 December 2006

PRESENT:

Commissioner Pellegrini
Commissioner Curless
Commissioner Wilson
Commissioner Ollivier

ABSENT:

Commissioner Hunter

The Closed Session was called to order at 6:00 p.m. Closed Session adjourned at 6:41 p.m.

The regular meeting of the Board of Commissioners was called to order by President Pellegrini at 7:00 p.m.

Commissioner Wilson led those present in the Pledge of Allegiance.

District Counsel reported on the items discussed during Closed Session: Real Property Negotiations – Shelter Cove Fish Cleaning Station and the Samoa Shops Property; Potential Litigation – the 303(d) listing of Humboldt Bay by the State Water Resources Control Board. No action was taken these items.

PUBLIC COMMENT

Marcus Brown handed pictures of the Roundhouse and Boiler Shop at the Samoa Shops Property to the Board of Commissioners. The pictures showed the condition of the buildings, specifically the roofs. Mr. Brown said it was imperative the Board take action to arrest the deterioration of the buildings.

David Elsebusch expressed his disapproval of the way Closed Session items are listed on the Harbor District Board of Commissioners meeting agendas. He said the format is not compliant with the Brown Act and difficult for the public to decide what the Board of Commissioners in Closed Session will discuss. Mr. Elsebusch also suggested Closed Session should be held after the Regular Meeting to give the public an opportunity to comment on the Closed Session items.

President Pellegrini said she was disappointed in Mr. Elsebusch's continued criticism of the Board of Commissioners, both in writing letters to the local newspapers and during Public Comment at the Board's meetings.

CONSENT CALENDAR

President Pellegrini stated Commissioner Wilson had asked for Item 6(b) to be pulled for further discussion.

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF ITEM 6(A) OF THE CONSENT CALENDAR.
COMMISSIONER OLLIVIER SECONDED. MOTION CARRIED WITHOUT DISSENT.

Commissioner Wilson asked that Pacific Affiliates provide a breakdown of their costs on future invoices.

COMMISSIONER WILSON MOVED FOR THE APPROVAL OF ITEM 6(B) OF THE CONSENT CALENDAR.
COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

CEO REPORT

- 11/15: CEO met with County Supervisor Jimmy Smith and Don Tuttle regarding the Fields Landing Boat Ramp. The County is considering an upgrade to the boat ramp facility and parking lot expansion.
- 11/16: CEO attended the Harbor Safety Committee meeting.
- 11/28: CEO and Commissioners Hunter and Ollivier attended a Port/Rail Advisory Committee Meeting.

- 11/30: Redwood Dock Advisory Committee and CEO met with Marcus Brown and Mike Kellogg of the Timber Heritage Association regarding the Samoa Shops Property.
- CEO reported the maintenance dredging at the City's Public Marina is halfway done. Progress has been slow due to debris, but the dredging at that facility should be done within the next 7-10 days. CEO stated the dredging should begin at Woodley Island Marina in January.
- CEO reported a letter was sent to FERC stating that removal of the four dams on the Klamath River be considered as an alternative during the re-licensing process
- 11/28: The vessel Betty L sank in its slip at Woodley Island Marina. CEO stated Harbor District staff provided efficient and competent assistance to the Coast Guard and OSPR.

DISTRICT COUNSEL'S REPORT

District Counsel thanked the Board of Commissioners and staff inviting him to the Employee Recognition Dinner held at the Eagle House.

STAFF REPORT: None

COMMISSIONER REPORTS

Commissioner Wilson reported he attended the interagency trail meeting to discuss plans for a corridor trail between Eureka and Arcata.

Commissioner Wilson reported he attended the Humboldt Bay Watershed Action Committee for watershed practitioners around Humboldt Bay.

Commissioner Wilson stated work is ongoing on the levy on Mad River Slough.

Commissioner Wilson reported several birds were found near Humboldt Bay covered in oil. The oily substance turned out to be fish oil the birds had come in contact with in an uncovered dumpster.

Commissioner Wilson said he was pleased the letter was sent to the State Water Resources Control Board opposing their decision to list Humboldt Bay as impaired for dioxins. He said the City of Arcata was going to send their own letter as well.

Commissioner Ollivier said he and Commissioner Hunter attended a Port/Rail Advisory Committee meeting, along with Mitch Stogner, Alan Hemphill and Angel Lucero. The group spoke by phone with former Congressman Doug Bosco, who is assisting NCRA with obtaining funding for line repairs. Commissioner Ollivier said discussion centered on the present and future of the rail at Humboldt Bay and the group is anxious for the results of the Redwood Marine Terminal feasibility study. CEO stated the Harbor District and NCRA are taking a cooperative approach on the use of the Proposition 1B funds.

Commissioner Pellegrini stated she was sorely disappointed in the picture on the front page of the Times-Standard showing dredge materials flowing out of the pipe onto the Samoa beach. While she said the picture was accurate, the caption was very inflammatory and full of glaring errors. Many people called the editor of the Times-Standard requesting a retraction; however, the retraction printed in the paper continued on with incorrect information and made matters worse.

Commissioner Pellegrini said Jennifer Savage also reported incorrectly in her article in the Arcata Eye. The article stated two pieces of the maintenance dredging project were pulled due to the efforts of Pete Nichols and Humboldt Baykeeper. Commissioner Pellegrini stated it was actually due to the permit process and restrictions.

Commissioner Pellegrini stated at the last Board of Commissioners meeting, Mr. Elsebusch had distributed to the Board a letter he wrote to the McKinleyville Press, in which he referred to the Harbor District Board of Commissioners as "hopelessly corrupt." Commissioner Pellegrini also said the name-calling was not appreciated.

David Elsebusch responded he knew the "hopelessly corrupt" statement was "over the top", but he said he stood by his commentary. He also said he could not remember a time when a member of the public was called on the carpet for their comments and public officials should be more circumspect. The public should be allowed to have their opinions.

Commissioner Pellegrini said she has listened to his criticism for six years and it is not public comment; it is abuse.

ADVISORY COMMITTEE REPORTS: None

OTHER: None

NON-AGENDA: None

UNFINISHED BUSINESS: None

NEW BUSINESS

A. CONSIDERATION OF ADOPTION OF RESOLUTION 2006-18 ESTABLISHING LEGISLATIVE PRIORITIES FOR THE 2007 LEGISLATIVE SESSIONS.

COMMISSIONER CURLESS MOVED FOR THE ADOPTION OF RESOLUTION 2006-18 ESTABLISHING LEGISLATIVE PRIORITIES FOR THE 2007 LEGISLATIVE SESSIONS. COMMISSIONER OLLIVIER SECONDED.

Commissioner Wilson made the following requests:

Federal Government #3: change "finding" to "funding"
Federal Government #10: add Eel River to be included with the Klamath River
State of California #13: add the boat ramp and parking facility within the City of Arcata
State of California #15: remove "provided it does not interfere with private property rights"

District Counsel stated the intent of #15 was trails would be a voluntary project by the landowners and not be achieved through condemnation.

COMMISSIONER CURLESS AGREED TO AMEND HIS MOTION TO INCLUDE ALL COMMISSIONER WILSON'S REQUESTED CHANGES, EXCLUDING HIS REQUEST TO CHANGE STATE OF CALIFORNIA ITEM #15. COMMISSIONER OLLIVIER SECONDED.

David Elsebusch commented he thought Local Government #2's reference to unrestricted access was too broad.

ROLL CALL VOTE WAS TAKEN:

COMMISSIONER PELLEGRINI – AYE
COMMISSIONER CURLESS – AYE
COMMISSIONER WILSON – AYE
COMMISSIONER HUNTER – ABSENT
COMMISSIONER OLLIVIER – AYE

MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

The Regular Meeting of the Board of Commissioners adjourned at 7:50 p.m.

APPROVED BY:

RECORDED BY:

Signature on File
Roy Curless, Secretary

Signature on File
Patricia L. Tyson, Admin. Assistant