

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

**23 October 2007**

**PRESENT:**

Commissioner Pellegrini  
Commissioner Curless  
Commissioner Wilson  
Commissioner Hunter  
Commissioner Ollivier

The Closed Session was called to order at 6:02 p.m. Closed Session adjourned at 6:14 p.m.

President Curless called the regular meeting of the Board of Commissioners to order at 7:00 p.m.

Commissioner Ollivier led those present in the Pledge of Allegiance.

District Counsel reported the Closed Session items as follows: Real Property Negotiations – Simpson Timber Company lease extension/renewal. No action was taken.

**PUBLIC COMMENT**

Bill Pinnix reported to the Board of Commissioners the SeaGrass Net team was in North Bay today taking measurements and samples. Once the samples are taken, they are dried and weights are recorded. He said the main purpose of the project is long-term monitoring of sea grass to view changes over time. Mr. Pinnix said tomorrow the team will be in South Bay.

CEO stated the Harbor District's pontoon boat, operated the by the bar pilots, is used to transport equipment and people to the various sites.

**CONSENT CALENDAR**

COMMISSIONER HUNTER MOVED FOR THE APPROVAL OF THE CONSENT CALENDAR.  
COMMISSIONER OLLIVIER SECONDED. MOTION CARRIED WITHOUT DISSENT.

**CEO REPORT**

- Ø 10/16: Director of Maritime Commerce and CEO met Mike Kellogg at the Roundhouse in Samoa and toured the facility. As a requirement of their lease, Timber Heritage Museum has made repairs to the roof and cleaned the facility. CEO stated they have done a very good job with the property.
- Ø CEO reported since he is the President of CAPA this year, the Harbor District is hosting CAPA's Fall meeting, which will be held on October 25 and 26.
- Ø CEO reported District Planner and the North Coast Wetlands Development Team are making good progress on obtaining permission to enter various Humboldt Bay sites and conducting their assessments.
- Ø CEO said, as Mr. Pinnix told the Board of Commissioners, the SeaGrass Net project is making progress. Thanks to Mr. Pinnix assuming the team leader position on this District project.

**STAFF REPORT:** None

**COMMISSIONER REPORTS**

Commissioner Pellegrini reported she met with Sea Grant representative Carrie Pomeroy on the socioeconomic baseline project, which will determine the effects of regulatory, economic and environmental factors on north coast fishermen. She said the study is funded by the Coastal Conservancy and the information will be shared with regulatory agencies.

Commissioner Wilson reported he has been asked to be a keynote speaker on Best Management Practices for stormwater management.

Commissioner Wilson reported he attended a Jacoby Creek Trust Workshop on October 20<sup>th</sup>.

Commissioner Wilson reported he attended the Ocean Protection Council wave generation workshop on October 23<sup>rd</sup> and the reception on October 24<sup>th</sup>.

Commissioner Hunter said the District's Director of Maritime Commerce spoke to the RREDC Board. Commissioner Hunter said it was a quality program and Mr. Lacy was well-received.

Commissioner Ollivier reported he attended an ILWU pensioners meeting on October 17<sup>th</sup>. He said the marine shipping industry is the largest growing industry today.

### **ADVISORY COMMITTEE REPORTS**

Commissioner Hunter said the Board of Commissioners should be considering adoption of the Strategic Plan at their next meeting. He asked the Board to move the meeting to November 15<sup>th</sup> because he has another engagement on November 8<sup>th</sup> and would like to be at the meeting to discuss the Strategic Plan.

### **DISTRICT COUNSEL'S REPORT**

District Counsel stated he was charged with reviewing the Board of Commissioners' committee structure and the application of the Brown Act requirements for compliance.

District Counsel said a standing committee, which has continuing subject matter jurisdiction, is subject to the Brown Act. The Strategic Plan Advisory Committee is subject to the Brown Act because it includes less than a quorum of the Board, members of the public and has continuing subject matter jurisdiction until the Strategic Plan is adopted by the Board.

The Human Resources and Redwood Dock committees are not subject to the Brown Act because the committees are not granted continuous jurisdiction as they are task-oriented, issue by issue, given a discreet task to return to the Board with a recommendation. The Standing Committees may be appointed by the President at the beginning of his year, but the committees have no jurisdiction until they are given a direction by the Board.

President Curless asked District Counsel if the President has the right to appoint the committee members. District Counsel said the way it is done is by consensus, allowing a Board member to agree or disagree with the selections.

Commissioner Wilson asked if the Redwood Dock is a standing committee. District Counsel responded it is a standing committee with no continuing jurisdiction.

Commissioner Wilson said there were meetings and interviews with Wilson Lacy prior to hiring him and the committee did so without specific direction, yet it came to the Board as an agenda item for consideration. District Counsel said his recollection was that the Human Resources committee was given direction by the Board to interview for the Director of Maritime Commerce position as part of the approved staffing reorganization plan.

Commissioner Wilson asked under the Brown Act if standing committees have continuing jurisdiction to go off and do whatever they want to in that particular field or are they only authorized to go off and perform specific acts authorized by the Board of Commissioners. District Counsel said his understanding is the Harbor District standing committees do not have the authority to act without the Board's direction.

Commissioner Pellegrini asked if the Redwood Dock committee could meet with someone on their own who has come into town without permission from the Board of Commissioners. District Counsel responded they cannot because the committee does not have continuing jurisdiction/authorization to do so.

Commissioner Wilson said there is a lot of gray area and opportunity for misinterpretation regarding the requirements of the Brown Act and he thought it would be prudent to formulate policies on committee activities so no misinterpretation can be made and the Board of Commissioners will be protected. Commissioner Pellegrini said she thought that was the purpose of the Brown Act.

District Counsel said the Board of Commissioners could formalize their committee policies stating the standing committees are appointed at the beginning of the year by the Board of Commissioners, but that those committees do not have any jurisdiction except for specific tasks that may be assigned by the consensus of the Board. He said that would formalize and clarify the way the Board has been operating.

Commissioner Hunter stated two Commissioners could meet with potential business clients on the spur of the moment without Board permission as long as they are not acting in a committee capacity and then would report on the meeting during the Board meeting under Commissioner Reports.

Commissioner Wilson said in going through past minutes it is not always clear the committees are given specific direction. District Counsel stated that it is possible the minutes do not show that level of detail and he recommended a basic policy on committee structure so that the Board does not get bogged down in similar recent litigation as other agencies.

District Counsel stated having a policy does not insulate the Board of Commissioners and the Harbor District from liability; it would shift Commissioner Wilson's concern that the Board's informal practice violated the Brown Act to a potential change that either the Board violated their own policy, assuming the policy complied with the Brown Act, or the policy itself violated the Brown Act.

Commissioner Hunter asked how long the continuing jurisdiction lasts. District Counsel said there is no time limit, but when the task is completed, continuing jurisdiction ends. Commissioner Hunter said then when the Strategic Plan has been adopted by the Board of Commissioners and the committee is no longer needed, the specific task jurisdiction goes away and the committee disbands.

Commissioner Wilson said he just wanted to make sure the Board was operating properly. Commissioner Pellegrini stated she has full trust and faith in the District Counsel's abilities to make sure the Board of Commissioners is doing everything correctly.

## **OTHER**

CEO reported the Pasha Group had travel conflicts; therefore their presentation is postponed.

Commissioner Hunter said he wanted to make sure the resolution honoring Bob Davenport is not delayed.

**NON-AGENDA:** None

**UNFINISHED BUSINESS:** None

## **NEW BUSINESS**

### **A. CONSIDERATION OF RESOLUTION 2007-11 ESTABLISHING FINDINGS RELATIVE TO THE APPLICATION BY THE COUNTY OF HUMBOLDT FOR THE RYAN SLOUGH BRIDGE IMPROVEMENT PROJECT.**

COMMISSIONER OLLIVIER MOVED FOR THE APPROVAL OF RESOLUTION 2007-11 ESTABLISHING FINDINGS RELATIVE TO THE APPLICATION BY THE COUNTY OF HUMBOLDT FOR THE RYAN SLOUGH BRIDGE IMPROVEMENT PROJECT. COMMISSIONER PELLEGRINI SECONDED.

Commissioner Wilson asked CEO if this was a straight-forward permit application. CEO responded the project area is at the edge of the Harbor District's jurisdiction, but a permit is required; and the project is consistent with the policies in the Humboldt Bay Management Plan.

ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT.

**B. CONSIDERATION OF PERMIT 07-07 TO THE COUNTY OF HUMBOLDT FOR THE RYAN SLOUGH BRIDGE IMPROVEMENT PROJECT.**

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF PERMIT 07-07 TO THE COUNTY OF HUMBOLDT FOR THE RYAN SLOUGH BRIDGE IMPROVEMENT PROJECT. COMMISSIONER OLLIVIER SECONDED. MOTION CARRIED WITHOUT DISSENT.

**ADMINISTRATIVE AND EMERGENCY PERMITS:** None

The Commissioners wished Commissioner Pellegrini all the best in her upcoming surgical procedure.

The Regular Meeting of the Board of Commissioners adjourned at 7:53 p.m.

APPROVED BY:

RECORDED BY:

\_\_\_\_Signature on File\_\_\_\_\_  
Ronnie Pellegrini  
Secretary

\_\_\_\_Signature on File\_\_\_\_\_  
Patricia L. Tyson  
Director of Administrative Services