

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

13 February 2008

PRESENT:

Commissioner Pellegrini
Commissioner Curless
Commissioner Wilson (absent for Closed Session)
Commissioner Hunter
Commissioner Higgins

The Closed Session was called to order at 6:00p.m. Closed Session adjourned at 6:05 p.m.

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

Commissioner Wilson led those present in the Pledge of Allegiance.

District Counsel reported the Closed Session items as follows: Liability Claim: Claim submitted by Larry Littrell whose property was vandalized and items stolen while parked in the parking lot at Woodley Island Marina. Board of Commissioners voted to reject Mr. Littrell's claim and authorized District Counsel to send a letter to Mr. Littrell informing him of this action.

President Hunter announced a new addition to the Harbor District family – Caden Alexander is CEO's new grandson.

PUBLIC COMMENT: None

CONSENT CALENDAR

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

David Elsebusch asked the Board if they knew what Expenses Pending Transfer meant. The Board said they did, but asked District Treasurer to explain further.

District Treasurer stated during the fiscal year, capital expenses are incurred. The Board of Commissioners' approval of Expenses Pending Transfer formalizes the transfer of the expenses to capital assets.

Commissioner Wilson asked if the expenses become assets in the General Ledger. District Treasurer responded they do.

CEO REPORT

- ❖ CEO reported the recruitment for the Director of Facility Maintenance is over and 19 applications were received. 8 applicants will be interviewed tomorrow.
- ❖ The Director of Conservation Division recruitment will close this Friday.
- ❖ 2/5: the meeting of the Humboldt Bay dredge materials management program for all dredge activities in Humboldt Bay consistent with the Humboldt Bay Management Plan.
- ❖ 2/5: The Humboldt Bay Symposium Steering Committee met and refined the program for the event.
- ❖ 2/6-8: CEO attended a CMANC meeting where the discussion centered on the Corps of Engineers' appropriations for California ports and harbors.
- ❖ CEO, Director of Administrative Services and District Treasurer met to discuss 2008/09 budget planning.
- ❖ CEO has been working with the Corps of Engineers regarding shoaling. According to the Corps, Humboldt Bay is high on the emergency list for dredging, but the soonest the Yaquina would be here is mid-March. The dredge Essayons is in dry dock for maintenance. Currently the Humboldt Bay Bar Pilots have limited the draft to 29'.
- ❖ Redwood Marine Terminal Feasibility Study: CEO reported TranSystems is working hard to have a revised draft ready for review this week. As soon as it is received by CEO, a press release will be sent out, the revised draft will be put on the website and available for review in the Harbor District office.

The Board of Commissioners decided if the revised draft is not available to the public by Monday, February 18th, the Board will not consider the item until their first meeting in March.

DISTRICT COUNSEL REPORT: None

STAFF REPORT: None

COMMISSIONER REPORTS

Commissioner Pellegrini stated she had a medical appointment in San Francisco early tomorrow so she might have to leave the meeting tonite early.

Commissioner Pellegrini said she was told there were appliances abandoned on the Harbor District property near the Fields Landing Boat Ramp.

Commissioner Wilson said he attended a Spartina workshop today.

Commissioner Wilson said he was a guest on KHUM radio's Coastal Currents, hosted by Humboldt Baykeeper Pete Nichols. He spoke primarily about the shoaling problem.

Commissioner Wilson said he is considering filing papers to run for Third District Supervisor since John Woolley is not seeking re-election.

Commissioner Pellegrini asked Commissioner Wilson about his meeting with Connie Stewart, Assemblymember Berg's representative and asked District Counsel about a Board member's limitations when representing the Harbor District.

District Counsel stated a Commissioner doesn't lose his First Amendment right to express his own views; however it is important to not represent himself as the Harbor District or present views unless authorized by the Board of Commissioners.

Commissioner Wilson said he met with Connie Stewart to discuss the trails project and the Coastal Conservancy grant.

President Hunter reported he met with Michael Jani, Mendocino Redwood Company, the main distributor for a home improvement center. President Hunter suggested CEO and Director of Maritime Commerce meet with Mr. Jani to discuss rail needs.

Commissioner Higgins reported he attended the Chamber of Commerce dinner and congratulated CEO on receiving the Tom Cooke Award.

Commissioner Higgins said he knew Michael Jani from the Mendocino Redwood Company and said the company operates under good stewardship practices for restoration, care of roads and community commitment.

Commissioner Higgins reported he attended the Timber Heritage Association strategic planning meeting on February 9th.

ADVISORY COMMITTEE REPORTS

President Hunter said he is currently the Board's representative on RREDC and said he would offer his position to another Board member if they were interested. Commissioner Pellegrini said she was interested in finding a replacement for her position as alternate representative as well.

OTHER

Todd Van Herpe, Humboldt Bay Oyster Company, made a presentation to the Board of Commissioners on the clean-up of the Mad River Slough under the Harbor District's Adopt-the-Bay program. Mr. Van Herpe said he and his staff have collected many different types of garbage, ranging from microwaves and computers to ordinary household garbage. Through the Adopt-the-Bay program, the garbage can be brought to the Harbor District for disposal at no cost to the adoptee. Mr. Van Herpe said it has been his experience that the clean-up has dissuaded further dumping.

Commissioner Higgins stated Mr. Van Herpe's efforts are commendable and inspirational.

President Hunter stated Mr. Van Herpe's presentation would be a good one for local service clubs. Mr. Van Herpe said education outreach is important and essential; Humboldt Bay is a resource for the community.

Sid Berg suggested a press release be written to promote the cooperation between private enterprise and a public agency.

NON-AGENDA: None

UNFINISHED BUSINESS: None

NEW BUSINESS

A. CONSIDERATION OF ACCEPTING FOR FILING ANNUAL AUDIT FOR FY 2006/07.

District Treasurer introduced auditor Stacey Edgmon. Ms. Edgmon reported to the Board of Commissioners no material weaknesses or deficiencies in the internal control were found during the audit; no matters requiring reporting under Governmental Auditing Standards were found.

Commissioner Wilson noted the unrestricted cash decreased in the last fiscal year and asked what happens when it gets to zero. Ms. Edgmon responded the majority of assets are fixed and the decrease last year is attributed to the maintenance dredging costs. She said when unrestricted cash is low, usually the entity borrows money or refinances bonds.

David Elsebusch asked why it took the auditors several months to complete the audit; it's old news now. He also said he thinks paychecks for District Treasurer and District Counsel should be made out to the individual and not their firm.

Dave Spreen said it appears the Harbor District continues to spend capital assets for maintenance and once depleted will be unable to use for true capital expenditures.

COMMISSIONER PELLEGRINI MOVED FOR THE ACCEPTING FOR FILING ANNUAL AUDIT FOR FY 2006/07. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF ADOPTION OF RESOLUTION 2008-04 ADOPTING THE HUMBOLDT COUNTY NATURAL HAZARDS MITIGATION PLAN.

COMMISSIONER WILSON MOVED FOR THE ADOPTION OF RESOLUTION 2008-04 ADOPTING THE HUMBOLDT COUNTY NATURAL HAZARDS MITIGATION PLAN. COMMISSIONER CURLESS SECONDED.

CEO stated this resolution allows the Harbor District access to FEMA funds for pre-disaster mitigation for Humboldt County. All 27 agencies involved also have to adopt resolutions such as this.

ROLL CALL VOTE WAS TAKEN:

COMMISSIONER PELLEGRINI – AYE
COMMISSIONER CURLESS – AYE
COMMISSIONER WILSON – AYE
COMMISSIONER HUNTER – AYE
COMMISSIONER HIGGINS – AYE

MOTION CARRIED WITHOUT DISSENT.

C. CONSIDERATION OF MODIFICATION NO. 1 TO FUNDING AGREEMENT WITH THE US FISH AND WILDLIFE SERVICE FOR THE COHO RESIDENCE TIMING AND HABITAT USE IN HUMBOLDT BAY VIA ACOUSTIC TELEMTRY PROJECT.

COMMISSIONER PELLEGRINI MOVED FOR THE APPROVAL OF MODIFICATION NO. 1 TO FUNDING AGREEMENT WITH THE US FISH AND WILDLIFE SERVICE FOR THE COHO RESIDENCE TIMING AND HABITAT USE IN HUMBOLDT BAY VIA ACOUSTIC TELEMTRY PROJECT. COMMISSIONER HIGGINS SECONDED. MOTION CARRIED WITHOUT DISSENT.

Andy Colonna asked if the study would be expanded to include Chinook salmon. Bill Pinnix of USFWS stated the Coho is listed under Federal and State endangered species and any activity in the bay under this project has to address the impacts of an endangered species. He said it could be another 2-3 years before the tagging technology for Chinook is available.

D. CONSIDERATION OF APPROVAL OF FUNDING AGREEMENT WITH US FISH AND WILDLIFE SERVICE FOR IMPLEMENTATION OF SEAGRASSNET EELGRASS SAMPLING IN HUMBOLDT BAY.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF FUNDING AGREEMENT WITH US FISH AND WILDLIFE SERVICE FOR IMPLEMENTATION OF SEAGRASSNET EELGRASS SAMPLING IN HUMBOLDT BAY. COMMISSIONER PELLEGRINI SECONDED.

CEO reported Bill Pinnix has been coordinating the quarterly since Jeff Robinson's passing in July 2007. This agreement allows USFWS as the contractor to oversee the project at a value of \$13,193.

MOTION CARRIED WITHOUT DISSENT.

E. CONSIDERATION OF ADOPTION OF RESOLUTION 2008-05 DESIGNATING THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT'S AGENT FOR APPLICATION TO OBTAIN DEPARTMENT OF HOMELAND SECURITY GRANT FUNDS.

COMMISSIONER CURLESS MOVED FOR THE ADOPTION OF RESOLUTION 2008-05 DESIGNATING THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT'S AGENT FOR APPLICATION TO OBTAIN DEPARTMENT OF HOMELAND SECURITY GRANT FUNDS. COMMISSIONER PELLEGRINI SECONDED.

CEO stated this resolution allows the Harbor District to access grant funds for security enhancements; a requirement is the entity has to designate who can apply for the funds and who can receive the funds. The Harbor District's portion of the approximately \$40 million statewide grant is \$586,000.

ROLL CALL VOTE WAS TAKEN:

COMMISSIONER PELLEGRINI – AYE
COMMISSIONER CURLESS – AYE
COMMISSIONER WILSON – AYE
COMMISSIONER HUNTER – AYE
COMMISSIONER HIGGINS – AYE

MOTION CARRIED WITHOUT DISSENT.

F. CONSIDERATION OF ADOPTION OF RESOLUTION 2008-06 ACCEPTING TRANSFER OF TIDELANDS PROPERTY FROM COAST SEAFOODS COMPANY.

District Counsel reported Coast Seafoods Company applied to California Coastal Commission (CCC) for a Coastal Development Permit and as part of the permit CCC required Coast Seafoods to transfer to a public entity to hold in public trust 50 acres of tidelands. The Harbor District has the authority to hold land in public trust. The resolution authorizes the Board of Commissioners to execute the necessary documents to formally accept the deed for the 50 acres of tidelands.

Greg Dale, Coast Seafoods Company, said the permit has been issued and the 50 acres of tidelands is along the Mad River Slough Channel.

Melvin McKinney asked if the property was going to be held in a reserve or refuge status. Greg Dale said the property will be held in perpetuity and cannot be developed.

Dave Spreen said the Harbor District is accepting liability by assuming the property. He asked the Board if they know the property is not polluted or what the cost would be to clean it up if it is polluted.

District Counsel said there is no knowledge of any testing and no knowledge of contamination. He said the previous owners would be the responsible party for any cleanup.

Commissioner Wilson said the Mad River Channel is known for pollution issues. Greg Dale stated Coast Seafoods has not done any mariculture activity on the property; it is merely property they own.

COMMISSIONER PELLEGRINI MOVED FOR THE ADOPTION OF RESOLUTION 2008-06 ACCEPTING TRANSFER OF TIDELANDS PROPERTY FROM COAST SEAFOODS COMPANY. COMMISSIONER CURLESS SECONDED. ROLL CALL VOTE WAS TAKEN:

COMMISSIONER PELLEGRINI – AYE
COMMISSIONER CURLESS – AYE
COMMISSIONER WILSON – AYE
COMMISSIONER HUNTER – AYE
COMMISSIONER HIGGINS – AYE

MOTION CARRIED WITHOUT DISSENT.

G. CONSIDERATION OF DIRECTING CHIEF EXECUTIVE OFFICER TO RESEARCH TELEVISIONING DISTRICT BOARD MEETINGS.

COMMISSIONER HIGGINS MOVED FOR THE APPROVAL OF DIRECTING CHIEF EXECUTIVE OFFICER TO RESEARCH TELEVISIONING DISTRICT BOARD MEETINGS. COMMISSIONER WILSON SECONDED.

Andy Colonna, who has been videotaping the Harbor District Board meetings for several months, explained the complex work involved in putting the video tapes on the local access channel.

President Hunter said it is the intent to direct CEO to research the costs involved and equipment needed to televise the Harbor District Board meetings. Commissioner Wilson suggested webstreaming and podcasting.

MOTION CARRIED WITHOUT DISSENT.

At this point in the meeting, Commissioner Pellegrini excused herself and left the meeting.

H. CONSIDERATION OF PROPOSED COMMITTEE STRUCTURE.

CEO explained three committee elements staff was proposing to the Board of Commissioners. District Counsel stated there were no Brown Act concerns with the proposal.

The Board members and members of the public discussed the individual committee recommendations suggested by CEO.

COMMISSIONER WILSON MOVED TO TABLE THE CONSIDERATION OF PROPOSED COMMITTEE STRUCTURE. COMMISSIONER CURLESS SECONDED.

President Hunter said a committee structure should "lighten the load", not make it more cumbersome. He appointed Commissioner Higgins to work with CEO, District Counsel and himself to prepare a recommendation for the Board of Commissioners to consider at a future meeting.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

The Regular Meeting of the Board of Commissioners adjourned at 10:00 p.m.

APPROVED BY:

RECORDED BY:

____Signature on File_____
Roy Curless
Secretary

____Signature on File_____
Patricia L. Tyson
Director of Administrative Services