

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

**18 December 2003**

**PRESENT:**

Commissioner Pellegrini  
Commissioner Curless  
Commissioner Fritzsche  
Commissioner Ollivier

**ABSENT:**

Commissioner Hunter

The Closed Session was called to order at 6:00 p.m. District Counsel reported the items of discussion: the Simpson Samoa lease, the Harbor District audit of the US Army Corps of Engineers Harbor Deepening Project records, the August 2003 claim for damages by Ray and Barbara Vasconcellos, Simpson Samoa lease and the Pacific Coast Federation of Fishermen's Associations lawsuit.

Closed session adjourned at 6:42 p.m.

The regular meeting of the Board of Commissioners was called to order by Vice-President Fritzsche at 7:00 p.m. Roll call was taken. Vice-President Fritzsche led those present in the Pledge of Allegiance.

District Counsel reported the following items were discussed during Closed Session: the Simpson Samoa lease, the Harbor District audit of the US Army Corps of Engineers Harbor Deepening Project records, the August 2003 claim for damages by Ray and Barbara Vasconcellos, Simpson Samoa lease and the Pacific Coast Federation of Fishermen's Associations lawsuit. No action was taken.

**PUBLIC COMMENT**

David Elsebusch reported he attended the Eureka City Council meeting on December 16<sup>th</sup> and was particularly interested in the discussion on a potential LNG facility on Humboldt Bay.

**CONSENT CALENDAR**

COMMISSIONER CURLESS MOVED TO APPROVE THE CONSENT CALENDAR AS REVISED. COMMISSIONER PELLEGRINI SECONDED. MOTION CARRIED WITHOUT DISSENT.

**CEO REPORT**

- 12/5: A surplus and lien sale was held at the Fields Landing Boat Yard. The vessels Yankee Girl, Defiant and the barge were sold. No bids were received on the vessel Gypsy Lee.
- 12/9: CEO attended the Northcoast Leadership Round Table Transportation Committee meeting. Various harbor projects were discussed.
- 12/16: The Humboldt County Board of Supervisors approved the \$45,000 Headwaters Grant for the Eelgrass fish community study currently underway. Commissioner Fritzsche thanked CEO for his efforts to obtain this grant.
- 12/18: The Notice to Proceed on the Shelter Cove Breakwater Rehabilitation Project was issued as a result of the approval of the Coastal Conservancy \$100,000 grant. CEO reported he will meet with a representative of Moffatt and Nichols on Sunday, December

- 21<sup>st</sup> to discuss the project and since a low tide is scheduled for that day, and a few days thereafter, this will be a prime time for data collection.
- 12/18: CEO met with David Schneider, Pacific Affiliates, regarding surveying for the maintenance dredging of Woodley Island Marina scheduled for Winter 2005.

**DISTRICT COUNSEL'S REPORT:** None

**STAFF REPORT**

Administrative Assistant and District Treasurer presented the Monthly Management and Treasurer's Reports which will be presented the second Board meeting of every month and will be reported for the previous month.

**COMMISSIONER REPORTS**

Commissioner Fritzsche reported a \$254,800 grant was awarded to Jeff Black and Frank Shaughnessy, HSU professors to study the effects of grazing geese on eelgrass in Humboldt Bay.

**ADVISORY COMMITTEE REPORTS:** None

**OTHER:** None

**NON AGENDA:**

Vice-President Fritzsche suggested New Business Item 10 (g) should be heard prior to Item 10 (a) since the auditors were present in the audience.

**UNFINISHED BUSINESS**

**A. CONSIDERATION OF RESOLUTION 2003-16 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY NAIM AND LOUISE OBEJI FOR THE RENOVATION OF BOAT LAUNCHING AND MARINA FACILITIES AT EZ LANDING.**

COMMISSIONER CURLESS MOVED TO ADOPT RESOLUTION 2003-16 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY NAIM AND LOUISE OBEJI FOR THE RENOVATION OF BOAT LAUNCHING AND MARINA FACILITIES AT EZ LANDING WITH THE CONDITION THAT THE DOCK IS BUILT PARALLEL TO THE LAND AS PREVIOUSLY BUILT. COMMISSIONER OLLIVIER SECONDED.

ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT.

**B. CONSIDERATION OF GRANTING PERMIT NO. 03-05 TO NAIM AND LOUISE OBEJI FOR THE RENOVATION OF THE BOAT LAUNCHING AND MARINA FACILITIES AT EZ LANDING.**

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF PERMIT 03-05 TO NAIM AND LOUISE OBEJI FOR THE RENOVATION OF THE BOAT LAUNCHING AND MARINA FACILITIES AT EZ LANDING WITH THE CONDITION THE DOCK IS BUILT

PARALLEL TO THE LAND. COMMISSIONER PELLEGRINI SECONDED. MOTION CARRIED WITHOUT DISSENT.

## **NEW BUSINESS**

### **G. CONSIDERATION OF ACCEPTING FOR FILING ANNUAL AUDIT FOR FY 2002-03.**

Stacy Edgmon, CPA of Aycok and Edgmon CPAs presented the Annual Audit for FY 2002-03. Ms. Edgmon stated the Harbor District's audit was classified as unqualified, the highest rating that can be awarded an audit. She also stated the Harbor District staff and Treasurer kept the financial records in a very orderly fashion, which made the audit process very smooth. She thanked staff and District Treasurer for their participation in the audit and looks forward to working with staff again next year.

COMMISSIONER PELLEGRINI MOVED TO ACCEPT FOR FILING THE ANNUAL AUDIT FOR FY 2002-03. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

### **A. CONSIDERATION OF ONE-YEAR EXTENSION OF PERMIT 1998-3 TO COAST SEAFOODS FOR MARICULTURE ACTIVITIES.**

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF A ONE-YEAR EXTENSION OF PERMIT 1998-3 TO COAST SEAFOODS FOR MARICULTURE ACTIVITIES. COMMISSIONER OLLIVIER SECONDED.

CEO stated that Coast Seafoods continues to meet the obligations of the Mitigated Negative Declaration. The Mariculture Monitoring Committee met on December 4<sup>th</sup> to discuss the permit extension and the results of that discussion are included in the conditions of the permit extension.

CEO also reported that in mid-2004 the final WRAC report should be received and that information considered for the potential renewal of Coast Seafoods' permit. The CEQA process would then begin.

Greg Dale thanked CEO for his efforts to obtain the Headwaters grant of \$45,000 for the eelgrass study. He stated mariculture activities have stopped temporarily due to rainfall and that the State may modify their rules for closure due to rainfall.

Kaye Strickland asked Mr. Dale if he thought the State would relax or stiffen their rainfall closure regulations. Mr. Dale stated he thought the State would relax their regulation to be consistent with information collected in a recent water quality study.

MOTION CARRIED WITHOUT DISSENT.

### **B. CONSIDERATION OF RESOLUTION 2003-13 AUTHORIZING EXECUTION OF THE FIFTH AMENDED AND RESTATED JOINT POWERS AGREEMENT AND APPROVING MEMBERSHIP WITH THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY WORKERS' COMPENSATION PROGRAM.**

Administrative Assistant reported that the Workers' Compensation annual premiums through the State Compensation Insurance Fund program are currently approximately \$51,000. Through the Harbor District's membership in California Special Districts Association, participation in a Workers' Compensation program is available through the Special District Risk Management Authority (SDRMA). The annual premium would be approximately \$25,000. This program is a self-insured program available to special districts only, unlike State Compensation Insurance Fund who is obligated to insure any employer in California, and will be effective January 1, 2004.

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF RESOLUTION 2003-13 AUTHORIZING EXECUTION OF THE FIFTH AMENDED AND RESTATED JOINT POWERS AGREEMENT AND APPROVING MEMBERSHIP WITH THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY WORKERS' COMPENSATION PROGRAM. COMMISSIONER PELLEGRINI SECONDED. ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT.

**C. CONSIDERATION OF RESOLUTION 2003-14 AUTHORIZING APPLICATION TO THE DIRECTOR OF INDUSTRIAL RELATIONS, STATE OF CALIFORNIA FOR A CERTIFICATE OF CONSENT TO SELF-INSURE WORKERS' COMPENSATION LIABILITIES.**

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF RESOLUTION 2003-14 AUTHORIZING APPLICATION TO THE DIRECTOR OF INDUSTRIAL RELATIONS, STATE OF CALIFORNIA FOR A CERTIFICATE OF CONSENT TO SELF-INSURE WORKERS' COMPENSATION LIABILITIES. COMMISSIONER PELLEGRINI SECONDED. ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT.

**D. CONSIDERATION OF RESOLUTION 2003-15 ESTABLISHING VARIOUS FEES FOR SERVICES.**

CEO reported that staff had put together a complete listing of all the Harbor District fees for various services into one document to be approved by resolution. These fees will be reviewed during the budget process every year for possible revision.

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF RESOLUTION 2003-15 ESTABLISHING VARIOUS FEES FOR SERVICES. COMMISSIONER OLLIVIER SECONDED. ROLL CALL VOTE WAS TAKEN:

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

MOTION CARRIED WITHOUT DISSENT.

**E. CONSIDERATION OF REPAIR TO DOOR AT THE FIELDS LANDING BOAT BUILDING AND REPAIR FACILITY.**

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF REPAIR TO DOOR AT THE FIELDS LANDING BOAT BUILDING AND REPAIR FACILITY NOT TO EXCEED \$41,307. COMMISSIONER PELLEGRINI SECONDED.

CEO reported the company that built the original door will provide repair parts to be installed by their authorized representative. Repairs to the Fields Landing Boat Building and Repair Facility were included in the FY 2003-04 budget.

MOTION CARRIED WITHOUT DISSENT.

**F. CONSIDERATION OF UPGRADE TO HARBOR DISTRICT COMPUTER SYSTEM.**

CEO reported that in 1999, a complete replacement of the Harbor District's computer system was done in order to standardize equipment and software throughout the office. The upgrade proposed here will include nine work stations and the office server. The operating system will be upgraded as well as various programs used.

COMMISSIONER CURLESS MOVED FOR THE APPROVAL OF THE UPGRADE TO HARBOR DISTRICT COMPUTER SYSTEM BY R & D COMPUTERS NOT TO EXCEED \$10,308.26. COMMISSIONER OLLIVIER SECONDED.

Commissioner Fritzsche stated that changing to flat screen monitors should also be considered.

MOTION CARRIED WITHOUT DISSENT.

**ADMINISTRATIVE AND EMERGENCY PERMITS**

CEO reported that Administrative Permit A- 2003-06 was granted to Jeff Black and Frank Shaughnessy for a Black Brant foraging study.

The Regular Meeting of the Board of Commissioners adjourned at 7:55 p.m.

APPROVED BY:

RECORDED BY:

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

\_\_\_\_Signature on File\_\_\_\_\_  
Patricia L. Tyson, Admin. Assistant