

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

**DATE:** January 13, 2005

**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 meeting minutes for the meeting of December 16, 2004.
- b. Consideration of payment to Kernan Construction for repair of fire line at the Old Samoa site. \$4,112.59
- c. Consideration of payment to Pacific Affiliates for plans and specifications for maintenance dredging of Woodley Island Marina and various Eureka waterfront sites \$5,984.00
- d. Consideration of payment to Pacific Affiliates for sediment and soil testing for maintenance dredging of Woodley Island Marina and various Eureka waterfront sites \$895.20

**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
  - a. Slide presentation by Moss Bittner on the northern section of the NWP rail line.

**8. Non Agenda**

**9. Unfinished Business**

**10. New Business**

- a. Consideration of Extension of Permit 03-06 to Chevron Products Company for Marine Terminal Maintenance Dredging.
- b. Consideration of Approval of Resolution 2005-01 Establishing Federal and State Legislative Priorities for the Humboldt Bay Harbor, Recreation and Conservation District During the 2005 Legislative Session.
- c. Consideration of Exclusive Right To Negotiate Agreement with Ted Kuiper.
- d. Consideration of Adoption of FY2004/05 Mid-Year Budget.
- e. Consideration of Amendment No. 3 to Agreement 2000-A for Humboldt Bay GIS Physical Characteristics Mapping Services.
- f. Consideration of Approval of Agreement with Oscar Larson and Associates to Develop a Work Plan for the Integration of Humboldt Bay Harbor and Railroad Revitalization Efforts with the Port of Oakland.

**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 Wetzler, 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**

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**