

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

25 May 2005

PRESENT:

Commissioner Pellegrini
Commissioner Curless
Commissioner Fritzsche
Commissioner Hunter
Commissioner Ollivier

The Closed Session was called to order at 6:00p.m. Closed Session adjourned at 6:45 p.m.

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

District Counsel reported that during Closed Session potential litigation regarding the Louisiana-Pacific tideland lease were discussed, but no action was taken.

PUBLIC COMMENT

Aldo Bongio stated he attends the Citizens for Port Development meeting and thinks that CEO should attend those meeting. He asked why there are two harbor groups.

David Elsebusch commended the Harbor District Board of Commissioners for adhering to the Brown Act. He feels the County of Humboldt Board of Supervisors does not follow the Brown Act. He said he was also hoping the Board of Commissioners would comment on the relevance of the City of Eureka's Harbor Commission.

Penny Elsebusch reported that she had attended the Headwaters Fund Board meeting where the discussion centered on brainstorming on grant distribution. She said one of the current thoughts for grant distribution is promotion of the arts or purchase of computers. Ms. Elsebusch said that she thought the Harbor District should request grant funding of a marine-associated project. April and October are the months of Headwaters grant funding distribution and she urged the Harbor District to apply soon.

CONSENT CALENDAR

Commissioner Fritzsche requested that Item A be pulled from the Consent Calendar for further discussion.

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

Commissioner Fritzsche requested that the word "Smith" on the third page be changed to "Smithsonian".

COMMISSIONER FRITZSCHE MOVED FOR APPROVAL OF ITEM A OF CONSENT CALENDAR INCLUDING REQUESTED CHANGE. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

CEO REPORT

- ∨ 5/18: The Shelter Cove Breakwater Rehabilitation project public comment period ended.
- ∨ 5/20: CEO met with Larry Margler of Winzler & Kelly to discuss the analysis of the comments on the Shelter Cove Breakwater Rehabilitation project.
- ∨ 5/16-17: CEO and Administrative Assistant toured all of the Harbor District's facilities with Jim Emerson, an SDRMA consultant. This courtesy visit was scheduled as a part of the Harbor District's orientation into SDRMA, the company that provides the Harbor District's property, liability and Worker's Compensation policies. On May 13th, representatives from the Resource Improvement District at Shelter Cove were available to show Mr. Emerson the Harbor District's facilities in Shelter Cove.

- √ 5/24-25: CEO continued working on the maintenance dredging project and submitted the Mitigated Negative Declaration for the Kuiper Aquaculture Terminal project whose public comment period ends June 20th.

DISTRICT COUNSEL'S REPORT: None

STAFF REPORT: None

COMMISSIONER REPORTS

Commissioner Fritzsche reported that the University of California Press previously had printed books on deep-water fish and tide pool fish in California among others, by authors Fitch and Lavenberg. Bob Lavenburg recently looked at HSU's fish specimens and records as part of his updating the previous books.

Commissioner Hunter reported that Jacqueline Debets spoke at the Eureka Rotary Club on May 16th on the economics of Humboldt County and the Prosperity! strategy. Commissioner Hunter felt that she left out two very important pieces of Humboldt County economy: Humboldt Bay development and the railroad.

Commissioner Hunter reported he was a guest speaker on KINS radio's Talk Shop and talked about the Harbor District's current projects.

ADVISORY COMMITTEE REPORTS

Port of Oakland Advisory Committee Update

Commissioner Ollivier reported that he, Commissioner Curless, CEO and Ken Davlin met to discuss the partnership between the Port of Humboldt Bay and Port of Oakland. There is approximately \$2,000-\$3,000 left in Mr. Davlin's consultant contract, but Commissioner Ollivier stated that the committee's intention is to not let Mr. Davlin loose until the project is well underway. The committee is in the process of developing a report outlining the partnership's mission, defining the program and marketing strategies, among many other important concepts. Commissioner Ollivier thanked the public for their support.

President Pellegrini thanked Commissioner Curless for temporarily taking her place on the Port of Oakland Advisory Committee.

OTHER

Adopt-the-Bay Presentation

CEO reported that in 2003 the Board of Commissioners approved the Adopt-the-Bay program as a way of soliciting involvement of service groups, schools etc to become more involved with the bay environment. He then introduced Conservation Specialist Jeff Robinson.

The Conservation Specialist stated that one of the Harbor District's missions is to protect, monitor and enhance Humboldt Bay and the Adopt-the-Bay program is an educational component of the Harbor District. He made a short PowerPoint presentation that described the program and highlighted current projects and ideas for prospective projects. Congregants of Temple Beth El have undertaken one of the recent projects. Annually the group gathers to eradicate invasive species and plant native trees in the Gerald O. Hansen Wildlife Area on Woodley Island.

Commissioner Fritzsche asked if certificates were provided to those participating in these various projects. Conservation Specialist responded that there are certificates. For the elementary school groups, educational coloring books are given to the participants.

Aldo Bongio thanked the Board members for their years of service and stated he knows they are trying to do their best. Because the County needs jobs, he suggested bringing the Port of Oakland representatives here to talk with Humboldt County citizens. Mr. Bongio also suggested the Board of Commissioners request a grant

from the Headwaters Fund, or the County as a whole will be hurt if the money is spent and there is nothing real to show for it. Without the port and the railroad, the County will not progress.

Commissioner Fritzsche thanked the Conservation Specialist for his work in developing the program and stated he looked forward to seeing more participants in the Adopt-the-Bay program.

NON-AGENDA: None

UNFINISHED BUSINESS

A. PUBLIC HEARING ON FY 2005/2006 BUDGET.

President Pellegrini opened the public hearing and stated there is no action to be taken at this meeting.

David Elsebusch asked how much money the Harbor District had in savings and suggested those funds be stated in the budget.

Commissioner Fritzsche stated that these are lean times, but the Harbor District has funds put away for large projects. He asked if the Operating Expenses could be brought more into balance if the security guards are replaced by a security system in Fields Landing. CEO responded that the Operating Revenue suffers from the State property tax shift this year. Staff time was spent on developing a "lean" budget, but it did not make much of a difference in the bottom line. He reminded the Board of Commissioners that the budget presented is an "aggressive" budget.

Commissioner Fritzsche suggested that eliminating the Engineer and Planner positions would decrease the Operating Expenses.

Commissioner Hunter suggested that the budget be developed on a "project" basis and pertinent expenses would be assigned to the individual project. District Treasurer stated that the Board of Commissioners has designated specific funds in the County Treasury to individual projects already.

CEO stated that without the Engineer and Planner positions, the Harbor District contracts for those services. Even though the positions have a placeholder in the budget, it is possible the positions will not be filled in the next fiscal year. No job descriptions have been developed yet and an applicant search has not begun. The budget is a planning tool and if the Board of Commissioners wishes the positions to be removed, that will be done.

Commissioner Fritzsche stated that if the project the engineer will be hired for were the Redwood Dock, the funds would be taken from the restricted funds set aside for Redwood Dock. District Treasurer said that even with the engineer and planner positions in the budget, restricted funds could still be allocated for the engineer and planner if funds have been set-aside in restricted funds for the specific project.

President Pellegrini said that the audits for the last twelve years have shown a positive year-end balance, except for the year of the payment for the deepening project. Because the current maintenance dredging project makes up the bulk of the capital expenditures, President Pellegrini stated fiscal year 2005/06 might be the second time the Harbor District will show a deficit.

CEO stated that there are a number of projects where engineering services could be helpful. One of the projects is the development of the west end of Woodley Island. The maintenance dredging contracts is another project utilizing in-house engineering oversight. He also said that an engineer's advice could be used when bidding some projects. CEO stated that the working model of the proposed District Engineer and Planner is similar to that of the District Treasurer and District Counsel; that is, they work on an hourly basis only on those tasks directed by the Board of Commissioners or CEO.

President Pellegrini stated there is no action necessary on the preliminary budget at this meeting. The First Reading of the budget for FY 2005/06 will be on June 7th and the Second Reading and Adoption will be considered on June 28th, which is prior to the beginning of that fiscal year.

Penny Elsebusch said that McKinleyville Community Services District hired a Staff Engineer for more than \$40,000 and found they still needed to contract out for engineering services due to time factors on some projects. McKinleyville Community Services District did not rehire the position when it became vacant.

Aldo Bongio stated that it is better to hire an engineer as needed and not hired as a staff position. He suggested if the Harbor District is able to obtain grant funds from the Headwaters Fund, then that money would be well spent on local engineering consultants.

NEW BUSINESS

A. CONSIDERATION OF SUPPORTING A DISASTER DECLARATION FOR THE 2005 CALIFORNIA SALMON FISHERIES.

President Pellegrini recused herself due to a perceived conflict of interest on this item since her husband is a commercial fisherman. She handed the gavel to Vice President Hunter.

CEO reported there is a low salmon return expected this year, which impacts the coastal fisheries industry. At least two times before, NOAA Fisheries declared the salmon fisheries of the West Coast a disaster. He said the staff recommendation to the Board of Commissioners is to instruct NOAA Fisheries to expedite the preparation of a disaster analysis and upon completion, to ask for their immediate disaster declaration.

COMMISSIONER FRITZSCHE MOVED FOR THE APPROVAL TO INSTRUCT NOAA FISHERIES TO EXPEDITE THE PREPARATION OF A DISASTER ANALYSIS AND UPON COMPLETION, TO ASK FOR THEIR IMMEDIATE DISASTER DECLARATION. COMMISSIONER CURLESS SECONDED. MOTION CARRIED WITHOUT DISSENT.

President Pellegrini returned to the room; Vice President Hunter gave her the gavel.

B. CONSIDERATION OF ACCEPTING ADOPT-THE-BAY APPLICATION FROM HUMBOLDT BAY OYSTER COMPANY FOR DEBRIS REMOVAL IN MAD RIVER SLOUGH.

CEO introduced Todd VanHerpe, the principle of Humboldt Bay Oyster Company in Mad River Slough. CEO stated that Mr. VanHerpe has agreed to participate in a two-year debris removal program through the Harbor District's Adopt-the-Bay program. Mr. VanHerpe has already been doing debris removal at his own cost.

Todd VanHerpe stated the Adopt-the-Bay program is a great way to get involved with the stewardship of the bay.

COMMISSIONER HUNTER MOVED TO ACCEPT THE ADOPT-THE-BAY APPLICATION FROM HUMBOLDT BAY OYSTER COMPANY FOR DEBRIS REMOVAL IN MAD RIVER SLOUGH. COMMISSIONER FRITZSCHE SECONDED.

David Elsebusch stated he did not think it was clear how the Adopt-the-Bay application involves the Harbor District since Mr. VanHerpe is already doing the debris removal. Conservation Specialist responded that Mr. VanHerpe, at this time, has incurred the fee to pay for the debris removal; he takes the debris to McKinleyville recycling. He will now bring the debris to the Harbor District and put in their dumpster; the Harbor District will incur the cost as part of its conservation mandate.

Mr. VanHerpe stated he currently separates the recycling from the garbage, tires, monitors, sofas, etc. and that it is costly to take them to the dump. He said that annual cost is about \$200 per year.

President Pellegrini said that if it became too costly to the Harbor District to dispose of all the garbage Mr. VanHerpe brings to the dumpster, the Harbor District will pursue a partnership with the County to offset the costs.

Commissioner Fritzsche asked how to stop the violators. CEO responded that by Mr. VanHerpe's daily viewing of the Slough and his constant attention to debris removal, violators should be deterred.

MOTION CARRIED WITHOUT DISSENT.

President Pellegrini presented the Adopt-the-Bay participation certificate to Todd VanHerpe.

C. CONSIDERATION OF PERMIT AND AGREEMENT WITH GARY BLASI TO OPERATE A CHARTER SERVICE FROM WOODLEY ISLAND MARINA.

CEO stated that Mr. Blasi's charter service will operate similar to Phil Glenn's current agreement to operate a charter service from Woodley Island Marina.

COMMISSIONER OLLIVIER MOVED FOR THE APPROVAL OF PERMIT AND AGREEMENT WITH GARY BLASI TO OPERATE A CHARTER SERVICE FROM WOODLEY ISLAND MARINA.
COMMISSIONER CURLLESS SECONDED.

Commissioner Fritzsche asked if additional directional signage would be needed. CEO stated that the Harbor District maintains control over where any signs are placed.

Commissioner Fritzsche asked if the boat was a 2001 model, how was it purchased new in 2004. Mr. Blasi responded that the boat was a demo model and had only 19 hours on it when he purchased the boat.

Aldo Bongio stated that it was wonderful the Board of Commissioners was supporting a private entrepreneur.

MOTION CARRIED WITHOUT DISSENT.

ADMINISTRATIVE AND EMERGENCY PERMITS: None

The Regular Meeting of the Board of Commissioners adjourned at 8:25 p.m.

APPROVED BY:

RECORDED BY:

Roy Curless, Secretary

Patricia L. Tyson, Admin. Assistant