

**MINUTES OF THE REGULAR SESSION
OF THE BOARD OF HARBOR COMMISSIONERS OF THE
CRESCENT CITY HARBOR DISTRICT**

August 4, 2009

COMMISSIONERS PRESENT:

Jack Reese, President
Scott Feller
Ray Martell, Secretary
Ron Phillips
James Ramsey

COMMISSIONERS ABSENT:

None

OTHERS PRESENT:

Richard Young, C.E.O./Harbormaster
Kenneth & Rachel Towe, Harbor RV Anchorage
Wayne Gavin, Alber Seafood
Beverly Noll, Noll Longboard Surf Contest
Rachel and Ken Towe, Harbor RV

Karen Phillips, P.S. Secretarial
Kurt Madar, Triplicate
Don Reynolds, CPA
Bill Renfroe, Tri-Agency
Robert N. Black, Counsel

President Reese opened the meeting at 6:30 p.m. in open session to discuss the following agenda items.

Commissioner Ramsey led the Pledge of allegiance.

Public comment.

The following persons addressed the Commission: Bill Renfroe, Tri-Agency Executive Director commented on the progress staff have made on the items listed in the memorandum of understanding progress between the Harbor and Tri-Agency EDA. The Harbormaster/C.E.O. and Mr. Renfroe have completed the scoping process. The development of assumptions is the next step and the process is moving forward according to Mr. Renfroe. Commissioners asked questions regarding the ARRA federal stimulus funds and whether any of those funds would trickle down to the Harbor.

1. **Consent agenda.**
Public comment: Requests to remove items from the Consent Agenda may be heard at this time.
 - A) **Approval of the warrants issued since July 21, 2009.**
 - B) **Approval of the minutes of the Regular Meeting of July 21, 2009.**

No public comments were made with regard to the consent agenda.

Commissioner Ramsey indicated that a warrant made to him should be for medical reimbursement and not a paycheck (#246839, #26858) as listed. He also asked about the checks for Verizon, US Cellular and Charter Communications for internet and cell phone service suggesting that the bundling of services could save funds.

ON A MOTION BY COMMISSIONER PHILLIPS, SECONDED BY COMMISSIONER FELLER, AND UNANIMOUSLY CARRIED ON A POLLED VOTE, THE CRESCENT CITY BOARD OF HARBOR COMMISSIONERS APPROVED AND ADOPTED THE CONSENT AGENDA, CONSISTING OF ITEMS 1.A-B, AS PRESENTED.

2. **Consideration of a request to place a memorial bench in the harbor for Tom Timmer.**

Discussion was held regarding the recent death of local fisherman Tom Timmer and the placement of a memorial bench in his honor. Beverly Noll addressed the Commission on behalf of the Timmer family and requested that a bench placed in his memory. The family will pay for the bench, the plaque and the inscription. They would like the Harbor to place the bench at the top of %B+Dock. There is also a long standing request to place a bench on %B+Dock for Ray Dunham. The benches will need to be moved during the reconstruction project. There is another bench already in place for Paul Dunham in the same area.

ON A MOTION BY COMMISSIONER FELLER, SECONDED BY COMMISSIONER PHILLIPS, AND UNANIMOUSLY CARRIED, THE CRESCENT CITY BOARD OF HARBOR COMMISSIONERS APPROVED THE ACCEPTANCE OF A BENCH IN MEMORY OF TOM TIMMER AND THE HARBOR STAFF WILL PLACE THE BENCH IN AN APPROPRIATE LOCATION.

3. **Consideration of a request from Bev Noll for use of harbor facilities for overflow parking during the Noll Longboard Surf event.**

Beverly Noll presented a request to use the harbor facilities during the October 2009 Noll Longboard Surf contest. This is the 14th year the event will be held. The event is expanding to four days. They anticipate 240-250 contestants and approximately 2,000 spectators.

ON A MOTION BY COMMISSIONER PHILLIPS, SECONDED BY COMMISSIONER MARTELL, AND UNANIMOUSLY CARRIED, THE CRESCENT CITY BOARD OF HARBOR COMMISSIONERS APPROVED THE USE OF THE HARBOR FOR OVERFLOW PARKING DURING THE OCTOBER 2-4, 2009 NOLL LONGBOARD SURF CONTEST AS REQUESTED.

4. Consideration and presentation of the audit for fiscal year 2007/2008.

C.E.O. Young presented Don Reynolds, CPA, who presented the audit report for the period ending June 30, 2008. The audit report's approval was held up due to the many projects on the Harbor's plate. The district did generate a positive net equity of almost \$400,000.00. The declining operating revenues are not good, however. A management study and analysis will be added to the 2009 audit. Post-retirement health benefits liability need to be added to the 2009 audit based on current laws.

ON A MOTION BY COMMISSIONER RAMSEY, SECONDED BY COMMISSIONER MARTELL, AND UNANIMOUSLY CARRIED, THE CRESCENT CITY BOARD OF HARBOR COMMISSIONERS APPROVED THE AUDIT REPORT FOR FY ENDING JUNE 30, 2008 AS PRESENTED.

5. Consideration of a request from the Republican Women's organization to use the Harbor meeting room.

C.E.O. Young presented the request from the Republican Women's group to use the Harbor meeting room. The request is to use the meeting room one day per month for 2-3 hours. There is no policy for use of the meeting room; however, the Harbor has typically allowed use of the room by nonprofit organizations on an as available basis. Staff will come up with a policy for the room use by local organizations.

ON A MOTION BY COMMISSIONER MARTELL, SECONDED BY COMMISSIONER FELLER, AND UNANIMOUSLY CARRIED, THE CRESCENT CITY BOARD OF HARBOR COMMISSIONERS APPROVED THE REQUEST BY THE REPUBLICAN WOMEN'S ORGANIZATION TO USE THE HARBOR MEETING ROOM AS PRESENTED.

6. Consideration and adoption of Ordinance 36: An Uncodified Ordinance of the Board of Harbor Commissioners of the Crescent City Harbor District Adopting a Fee Schedule.

Discussion was held regarding Ordinance 36, which will be uncodified. The ordinance represents a 3% fee increase across the board as directed at the last meeting. Staff would like clarification for two issues with regard to the rental of an inner basin slip for the whole year versus an outer basin spot for a half season. Staff suggested that the policy be changed to allow persons renting an outer basin slip for the entire season, on a space available basis under the same conditions as currently apply, to rent an inner basin slip for the difference between the annual rate for the inner basin slip and the amount paid for the outer basin slip.

ON A MOTION BY COMMISSIONER FELLER, SECONDED BY COMMISSIONER MARTELL, AND CARRIED ON A THREE-FIFTHS POLLED VOTE, WITH COMMISSIONERS RAMSEY AND PHILLIPS, VOTING ~~NO~~; THE CRESCENT CITY BOARD OF HARBOR COMMISSIONERS WAIVED THE READING, READ IN TITLE ONLY AND ADOPTED ORDINANCE NO. 36 WITH THE POLICY STATEMENT AS PRESENTED BY STAFF.

7. Consideration of a Resolution supporting the local fishing community.

Discussion was held regarding the resolution and discussions that are ongoing in the community for a joint (City County & Harbor) resolution to be signed regarding the Marine Protection Areas. Staff was directed to continue working on a joint resolution with Mr. Hensell.

8. Standing Agenda Items. Discussion and consideration of status of inner basin rebuilding project.

Discussion was held regarding the status of the inner boat basin rebuild. The scope of work was not completed in time for the agenda and was not presented. The permitting for the FEMA projects is taking longer than anticipated. Some permit requests were submitted to the Coastal Commission last November. The earliest they will be approved is this October, and some may be delayed longer than that. This does not bode well for the permitting of the inner basin rebuilding project and it may extend the time line for completion.

9. Committee reports from other standing and ad hoc committees.

The following committee reports were given: Commissioner Ramsey reported on the Visitor's Information Bureau at the corner where the Lighthouse Museum would be placed. The facility would have a thematic scheme.

10. C.E.O.'s report on current matters and issues planned or in progress.

The C.E.O.'s report consisted to the following topics: 1) HTP . permit was approved by the water board effective September 11, 2009; 2) Dredging . the Corps has raised no objections to our dredging plan, however the Fish and Game has requested a biological assessment prior to beginning dredging of the inner Harbor for Longfin Smelt; 3) Dredging the Federal Channel - C.E.O. met with representatives of the Corps of Engineers and the dredging contractors regarding dredging in the Federal Channel, they conducted a site inspection of the dredging area and the disposal site, they are completing their documentation of requirements for dredging, and if everything tracks according to schedule they may begin dredging sometime in September, this is ARRA money; 4) FEMA Projects . eight of the FEMA projects have been completed as listed in the report; 5) Computer Systems - the new computers are installed and functioning, there have been some e-mail issues, but most have been resolved, some software issues are becoming appeared and there will need to be some upgrades at a modest additional expense; 6) Marine Life Protection Act . a team from the Marine Live Protection Initiative is here in town conduction interviews of commercial and sport fishermen regarding important areas where they fish, this background information will become the basis for analyzing the effects of marine protected areas in our region, people who want to participate in the interview process can contact the Harbor office ; 7) Remote Activation fro Tsunami Siren . C.E.O. met with County OES regarding the installation of the remote activation device for the Harbor; 8) Smokey II . was hauled out and demolished, this was a very cost effective move and was demolished within 3.5 hours; 9) Electric Vault . the new electric vault has been installed and we are ready for the switch over to the new electric box, which has been scheduled over August 19 and will involved shutting off power to the inner basis, Harbor office and Citizens Dock for most of the day; and 10) Maintenance Crew . a list of projects was presented that have been completed and or crews are working on.

11. Board Comments.

The following commissioners made comments: Commissioner Feller asked about the FEMA projects, and when the sea lion dock and other docks ready for salmon season. President Reese asked that the key to the shower be given to security to resolve the problem. A new lock needs to be put on the door for after hours use. Commissioner Feller stated that he attend a meeting with the C.E.O. regarding the Marine Protected areas. He indicated that Assemblyman Doug La Malfa is coming up to the area tomorrow and will be meeting with folks in the area and elected officials with Senator Aanastead and his chief of staff. Commissioner Ramsey noticed that the Art Gallery is painting and it looks nice. Commissioner Martell asked why the docks were not going to be constructed by salmon season. Staff simply does not have time to get the docks done. Commissioner Phillips asked if the red tagged pots will be moved for the car show on August 15, 2009.

12. **CLOSED SESSION.** The Board of Harbor Commissioners will now meet in closed session to discuss two items:

(1) Pursuant to Government Code Section 54956.8. Conference with real property negotiators. Property: 170 Marine Way. Agency negotiators: Commissioner Scott Feller, Commissioner James Ramsey, CEO Richard Young. Negotiating Parties: Crescent City Harbor District with Rika Blue, dba Talking Crow Studios. Under negotiation: Lease terms including monthly rent and term of lease.

(2) Pursuant to Government Code Section 54956.9(a). Existing litigations 11 cases: Mark Russo v. Crescent City Harbor District, CCHD vs. Vessel Intrepid, CCHD vs. Vessel Daphne and Geri M. Flanagan and Darryl Mr. Oberacker, CCHD vs. Vessel Victory at Sea (aka Christie R) and Jake Anderson, CCHD vs. Schnacker re Vessel Smokey II, CCHD vs. Haddad, CCHD vs. Flanagan, Oberacker, Stolt, re Vessel Helios, CCHD vs. Don Stanbrough re Vessel Alibi, CCHD vs. Charlie Brown re Vessel Amber Lynn, CCHD vs. Ben Sampels re Vessel Polaris, CCHD vs. James Kovacs and Janson Elliott re Vessel Sea Grit.

President Reese recessed the open session at 7:44 p.m. and immediately convened in closed session to discuss the closed session items listed above. The closed session was adjourned at 8:35 p.m. and Counsel announced the following action was taken during closed session: no reportable action was taken.

13. Adjournment

There being no further business to come before the Commission, President Reese adjourned the meeting at 8:36 p.m., until the next regularly scheduled meeting on August 18, 2009 at 6:30 p.m.

Jack Reese, President

Ray Martell, Secretary

Approved this _____ day
of _____, 2009.