

# Board Of Harbor Commissioners

## Crescent City Harbor District

3 May 2022

Regular Harbor Commission Meeting



# Regular Meeting

## Board of Harbor Commissioners of the Crescent City Harbor District

Rick Shepherd, President Harry Adams, Secretary  
Wes White, Commissioner; Brian Stone, Commissioner; Gerhard Weber, Commissioner

### AGENDA

**Date:** Tuesday, May 3, 2022

**Time:** Open Session 2:00 p.m.  
Closed Session following Open Session

**Place:** 101 Citizens Dock, Crescent City, CA 95531 and via Zoom Webinar

**PURSUANT TO AB 361, THE PUBLIC AND BOARD MAY PARTICIPATE IN THIS MEETING VIA TELECONFERENCE AS SOCIAL DISTANCING MEASURES ARE RECOMMENDED BY STATE OFFICIALS.**

#### Virtual Meeting Options

Link for Zoom Webinar: <https://us02web.zoom.us/j/82717545424?pwd=aExZeTRuL0VreFVEZGwweUR2TEpldz09>

Please enter passcode: 182536

## **Call to Order**

## **Roll Call**

## **Pledge of Allegiance**

## **Public Comment**

*This portion of the Agenda allows the public to comment to the Board on any issue not itemized on this Agenda, however, the Board may not take action or engage in discussion on any item that does not appear on the Agenda. Periods when public comments are allowed, Harbor Commissioners will allow attendees to submit questions and/or comments using the Zoom in-meeting chat function. The Harbor Commission asks that members of the public keep questions and comments succinct and relevant.*

## **REGULAR SESSION**

### **1. Consent Calendar**

*Consent Calendar items are considered routine and will be approved by one Motion, with no separate discussion prior to voting. The public, staff, or members of the Harbor Commission may request specific items be removed from the Consent Agenda for separate consideration or action.*

- a. Approval of the Meeting Minutes of the April 5, 2022 Regular Meeting.**
- b. Approval of the Warrant List from April 15, 2022 through April 27, 2022.**
- c. Approval of Resolution No. 2022-07 Making Findings and Determinations Under AB 361 for Continued Virtual Meetings.**

**2. Financial Reports**

- a. **Account Balances**

**3. New Business**

- a. **Review and vote to approve Abatement Proposal from Infinity Abatement Services to remove and dispose of asbestos materials in three sites within the Crescent City Harbor District.**

**4. Unfinished Business**

- a. **Solar Update**

**5. Communications and Reports**

- a. **CEO / Harbormaster Report**
- b. **Harbor Commissioner Reports**

**6. Adjourn to Closed Session**

**CLOSED SESSION**

- a. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
(Gov. Code section 54957(b)(1).)  
Title: CEO/Harbormaster

b. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code section 54956.8.)

Property: 437 Vance Avenue, Crescent City, CA 95531

District negotiator: CEO/Harbormaster

Under negotiation: Price

c. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Government Code section 54956.8.)

Property Address: 245 Anchor Way, Crescent City Harbor, CA 95531

District negotiator: Tim Petrick, Harbormaster

Negotiating parties: Vic Markytan, M&M Diving Owner

Under negotiation: Lease Negotiations

**7. Adjourn Closed Session**

**8. Report out of Closed Session**

**9. ADJOURNMENT**

*Adjournment of the Board of Harbor Commissioners will be until the next meeting scheduled for Tuesday, May 17, 2022, at 2 p.m. PDT. The Crescent City Harbor District complies with the Americans with Disabilities Act. Upon request, this agenda will be made available in appropriate alternative formats to person with disabilities, as required by Section 12132 of the Americans with Disabilities Act of 1990 (42 U.S.C. §12132). Any person with a disability who requires modification in order to participate in a meeting should direct such request to (707) 464-6174 at least 48 hours before the meeting, if possible.*



## **1. Consent Calendar**

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- b. Approval of the Warrant List from April 15, 2022 through April 27, 2022.**
- c. Approval of Resolution No. 2022-07 Making Findings and Determinations Under AB 361 for Continued Virtual Meetings.**

***Public Comment?***



<b>Regular Meeting Minutes of the Board of Harbor Commissioners of the Crescent City Harbor District</b>	
Harbor District Office, 101 Citizens Dock Road Crescent City, CA 95531	April 5, 2022 2:00 p.m.

## Board of Harbor Commissioners of the Crescent City Harbor District

### MINUTES

*Regular Meeting, Tuesday April 5, 2022 at 2:00 P.M.*

**CALL TO ORDER:** 2:00 PM

**ROLL CALL:**

<i>PRESENT:</i>	<i>President</i>	RICK SHEPHERD
	<i>Secretary</i>	HARRY ADAMS
	<i>Commissioner</i>	WES WHITE
	<i>Commissioner</i>	BRIAN STONE
	<i>Commissioner</i>	GERHARD WEBER

*ABSENT:* NONE

*QUORUM:* YES

**PLEDGE OF ALLEGIANCE:**

**SPECIAL STATEMENT:**

President Shepherd read a statement prepared by the Harbor’s legal counsel regarding a developer who had hoped to present his development proposal to the Board. The developer, Jim Fry, CEO of On-Site Development, was seeking to persuade the Board to discontinue ongoing negotiations with Renewable Energy Capital (REC), so that the Board might consider alternative developers. REC had previously been selected through a competitive request for proposal (RFP) process in 2020. The legal statement advised the public that due to the nature of ongoing negotiations with REC, and certain exclusive rights granted to REC from the RFP process, it would be inappropriate to consider alternative developers. President Shepherd then removed agenda items (3A) and (3B), which were intended to consider the approval of ground leases with REC, in order to allow the Board additional time to negotiate with REC.

**PUBLIC COMMENT:** The following individuals addressed the Board regarding subject matters not on the meeting agenda:

Roger Gitlin expressed frustration that the Board would not be hearing the development proposal from On-Site Development. Mr. Gitlin suggested the Board could overrule the advice of its legal counsel on the matter. Mr. Gitlin also expressed frustration over delays that were preventing dredging in the Harbor.

Leonard Franklin encouraged the Board to consider the proposal from On-Site Development. Mr. Franklin disagreed with the determination made by the Harbor's legal counsel, which had advised the Board not to entertain the proposal from On-Site.

Kevin Hendrick expressed support for the Board, and he emphasized his strong faith in the moral integrity of each Board member to make an individual decision on Harbor development that would maximize the public benefit.

Christopher Johns expressed concerns over an RV trailer that had been abandoned at Bayside RV Park. CEO/Harbormaster Tim Petrick reassured Mr. Johns that the Harbor had hired a professional disposal person to remove the trailer.

Gerhard Weber temporarily stepped down from his role as Harbor Commissioner to address the Board as a member of the public. Mr. Weber addressed criticism that the Board was giving undue deference to its legal counsel. Mr. Weber explained the importance of the Board following professional legal advice so that its conduct did not engender legal jeopardy. Mr. Weber then applauded the Board for taking time to carefully negotiate with REC and not rush to a decision prematurely. The Board's decision to delay its planned vote on the ground lease with REC was evidence that the Board was acting carefully to bring about the best outcome for the public.

Annie Nehmer echoed the comments of Commissioner Weber, and supported the decision to delay the vote on the ground lease with REC. Ms. Nehmer requested that future meetings provide progress updates on security gates at the docks, the Marine Travelift crane, and revisions to the Harbor's Ordinance Code.

Kay Fry addressed the Board as project manager for On-Site Development. Ms. Fry sought to persuade the Board that it had a legal right to discontinue negotiations with REC and consider alternative developers. Ms. Fry then described a large hotel renovation project in Nashville, TN, completed by her firm. She presented the project as evidence of her firm's capabilities.

## **1) CONSENT CALENDAR**

***(1A) Approval of the Warrant List from March 11, 2022 through March 29, 2022.***

***(1B) Approval of Resolution No. 2022-04 Making Findings and Determinations Under AB 361 for Continued Virtual Meetings.***

The Board reviewed various entries on the warrant list, and received clarification from CEO/Harbormaster Tim Petrick. Commissioner White **moved** to approve the consent calendar. Secretary Adams **seconded** the motion. President Shepherd then opened up public comment



on the agenda item. No members of the public commented. President Shepherd then moved the discussion back to the Board.

**POLLED VOTE** was called, **MOTION CARRIED.**

*Ayes:* WEBER, STONE, WHITE, ADAMS, SHEPHERD / *Nays:* NONE

*Absent:* NONE / *Abstain:* NONE

## **2) FINANCIAL REPORT: Account Balances**

The Board reviewed account balances and Commissioner Stone inquired concerning when the Harbor could expect to receive property tax funds. Commissioner Stone also inquired concerning the transfer of COVID-19 grant funds from the Harbor's operating account into the LAIF interest bearing account. CEO/Harbormaster Tim Petrick replied that he would look into both matters. President Shepherd then opened up public comment. No members of the public commented. President Shepherd then moved the discussion to the next agenda item.

## **3) NEW BUSINESS**

### ***(3A) Discuss and vote to approve Easter Egg Hunt Event sponsored by the Crescent City Harbor District.***

CEO/Harbormaster Tim Petrick provided background and explained that the easter egg hunt would be supported by a number of sponsors, including Alexandre Family Farm, Rural Human Services, Stella's Adventures, Northcoast Marine Mammal Center, and FV Sunset. The hunt would include a combination of real eggs and candy. Secretary Adams **moved** to approve the event. Commissioner White **seconded** the motion. President Shepherd then opened up public comment on the agenda item. No members of the public commented. President Shepherd then moved the discussion back to the Board.

**POLLED VOTE** was called, **MOTION CARRIED.**

*Ayes:* STONE, WHITE, WEBER, ADAMS, SHEPHERD / *Nays:* NONE

*Absent:* NONE / *Abstain:* NONE

### ***(3B) Review and discuss two Lease Proposals for new trucks for Harbor Maintenance. Vote to approve one Lease Proposal.***

CEO/Harbormaster Tim Petrick reviewed two proposals for fleet vehicles, one proposal was for two Toyota Tacoma trucks, and a second proposal was for two Ford Ranger trucks. The Tacoma option was somewhat more expensive at \$819.83 per month for each truck with a 48-month lease term. The second option, for Ranger trucks, had the advantage of better fuel economy and a slightly lower cost at \$702.37 per month for each truck with a 48-month lease term. Both lease options provided unlimited mileage. Mr. Petrick felt the trucks were more or

less equally suitable, and so he recommended the Ranger option based on its lower cost. Secretary Adams felt the Tacoma truck was a higher quality product. Commissioner Stone advocated for the Ranger option based on its lower cost. President Shepherd also supported the Ranger option. Commissioner Weber advocated for the Ranger option because he preferred an American made product. He believed both vehicles were comparable in terms of vehicle quality.

President Shepherd then opened up public comment on the agenda item. Annie Nehmer encouraged the Board to purchase trucks outright, as opposed to leasing them. She suggested that a purchase option was generally more cost effective than a lease option. President Shepherd explained that based on the quotes received by the Harbor, the total cost of ownership was approximately equal when comparing purchase and lease options, even after accounting for the value of the vehicle at the end of 48 months. President Shepherd preferred that the Harbor return leased vehicles at the end of 48 months, because he expected they would incur significant wear and tear under the Harbor's typical operating conditions.

Commissioner White **moved** to approve leasing Ford Ranger trucks under the terms of the 48-month proposal. Secretary Adams **seconded** the motion. President Shepherd then moved the discussion back to the Board.

**POLLED VOTE** was called, **MOTION CARRIED.**

*Ayes:* WEBER, STONE, WHITE, ADAMS, SHEPHERD / *Nays:* NONE

*Absent:* NONE / *Abstain:* NONE

#### **4) UNFINISHED BUSINESS**

##### ***(4A) Dredge Permit Update.***

CEO/Harbormaster Tim Petrick notified the Board that a bathymetric survey had been completed, which generated a map of depths throughout the Harbor. Mr. Petrick anticipated that sediment samples would be collected within the next couple of weeks. Testing of the samples would then be conducted to satisfy additional requirements for a dredge permit application.

President Shepherd then opened up public comment. No members of the public commented. President Shepherd then moved the discussion to the next agenda item.

##### ***(4B) Solar Update.***

CEO/Harbormaster Tim Petrick informed the Board that there were not any significant updates to report for the solar project. Commissioner Weber inquired concerning whether a solar panel maintenance schedule had been included in the Harbor's contract with Renewable Energy Capital (REC). Mr. Petrick replied that REC had been conducting periodic panel cleanings, but he would have to look into whether there were any specific maintenance requirements under the terms of the contract.

President Shepherd then opened up public comment. No members of the public commented. President Shepherd then moved the discussion to the next agenda item.

## **5) COMMUNICATIONS AND REPORTS**

### ***(5A) Assistant Harbormaster Report***

Assistant Harbormaster Todd Garrett reviewed his report to the Board regarding his attendance at the Pacific Offshore Wind Summit in San Francisco from March 28<sup>th</sup> to 30<sup>th</sup>. The summit involved over 600 attendees and nearly 100 speakers including, David Hochschild, Chair of California Energy Commission, Amanda Lefton, Director of Bureau of Ocean Energy Management (BOEM), along with additional representatives of Federal and State agencies, and many private sector/non-governmental organization specialists.

Mr. Garrett explained that federal lease auctions for California offshore wind areas were planned for the fall of 2022. Wind deployment was part of California's clean-power strategy, addressed in Assembly Bill 525 (AB 525). Federal agencies were collaborating with states and private industry to identify potential impacts and solve challenges. For example, the Coast Guard was assessing vessel traffic safety and conducting a port access study. One significant challenge was the need to improve the power grid to accept gigawatts of power that would arrive onshore if wind development plans were fully realized. Such an influx of electricity could potentially necessitate a 10x increase in grid capacity.

Mr. Garrett next described how the federal government had been promoting offshore wind to meet climate goals while creating opportunities for ports and people. The Departments of Energy and Commerce sought to deploy 30 gigawatts of offshore wind by 2030, which was expected to create nearly 80,000 jobs. Lease auctions on the east coast were already underway, and the New York "Bight" leases totaled 4.37 billion USD. The Department of Transportation had recently announced port investments to develop infrastructure to support offshore floating wind deployment. The Bureau of Ocean Energy Management (BOEM) had an Environmental Assessment (EA) posted at [boem.gov](http://boem.gov) for the Humboldt Wind Energy Area and the Coast Guard was accepting comments for related Vessel Traffic Assessment.

Crescent City Harbor District (CCHD) was continuing to make inquiries into offshore wind studies and funding opportunities to enhance Harbor infrastructure. Initial reports indicated that CCHD was well suited for operations and maintenance headquarters and could accept an energy cable landing. A future EA for Del Norte offshore wind would assess impacts and provide opportunities for the public to learn about and comment on proposed actions. Mr. Garrett encouraged the public to consult online resources for additional information, including: [offshorewindca.org](http://offshorewindca.org) and [boem.gov](http://boem.gov)

President Shepherd expressed concern that governmental agencies needed to carefully consider input from stakeholders, such as commercial fisherman, before moving forward with offshore wind development. Secretary Adams expressed concern about potential adverse environmental impacts from wind development. Secretary Adams also questioned whether wind turbines would have satisfactory reliability in ocean conditions, especially considering the corrosive nature of ocean salt spray.

President Shepherd then opened up public comment. No members of the public commented. President Shepherd then moved the discussion to the next agenda item.

***(5B) Commissioner Reports.***

(a) Commissioner White: reported on his participation in the Pacific Offshore Wind Summit. Commissioner White emphasized that federal studies had identified the Del Norte offshore area as one of the best global sites for wind power, based on the strength and consistency of wind in the area. At the summit, Commissioner White was impressed with the enormous level of interest from wind power developers. Attendees of the summit included large multinational conglomerates such as Shell and British Petroleum, along with smaller companies that specialized in wind power, such as Principle Power (based out of Emeryville, CA). In order to gain a good understanding of the complexities of wind power development, and the many different stakeholders involved, Commissioner White encouraged the public to read an enlightening article in Smithsonian Magazine that reported on the experience of the Block Island Wind Farm, located off the coast of Rhode Island (online article available here: <https://www.smithsonianmag.com/science-nature/historic-community-blockisland-pushing-nation-toward-wind-power-revolution-180979789/>).

(b) Commissioner Stone: reported on his participation in the Pacific Offshore Wind Summit. Commissioner Stone emphasized the strong momentum that was moving wind power development forward. This was based on a number of factors, including concern over climate change, the need to support increasing demands for electricity, and a desire to reap economic benefits from a growing new industry. Commissioner Stone highlighted the \$4.3 billion investment already made to secure offshore wind power leases on the east coast, demonstrating an enormous commitment from wind power developers. Commissioner Stone then reviewed estimates of potential job growth from the wind power industry. Available data suggested that Del Norte County had the potential to realize 8,000 to 10,000 high paying new jobs to implement offshore wind power. This would engender an enormous improvement in the economic health of the community. Commissioner Stone emphasized that most of the local jobs would derive from operations and maintenance of wind turbines as opposed to wind turbine installation activities. Installation would likely originate from the Humboldt Bay area.

(c) Commissioner Weber: no report for this meeting.

(d) Secretary Adams: expressed concern over the environmental risks from wind power development. As an example, he brought attention to the approximately 5,000 gallons of lubricating oil contained within a wind turbine that could contaminate the ocean. Secretary Adams also expressed concern over the adverse impact to ocean life. Secretary Adams then turned his discussion to Harbor infrastructure. He recently completed a survey of Harbor buildings as part of an ad hoc committee with President Shepherd, and they were both astonished at the poor condition of Harbor assets.

(e) President Shepherd: reported that the crab-fishing season would be closing early due to concerns over whale entanglements with fishing gear, even though observed entanglements had never occurred off the Del Norte coast, only in more southerly areas such as Monterey Bay.

**6) ADJOURNMENT**

*ADJOURNMENT TO THE BOARD OF HARBOR COMMISSIONERS NEXT REGULAR MEETING SCHEDULED FOR TUESDAY, APRIL 19, 2022 AT 2 P.M., VIA ZOOM WEB CONFERENCE AND IN-PERSON AT THE MAIN HARBOR OFFICE, LOCATED AT 101 CITIZENS DOCK ROAD.*

Approved this \_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Rick Shepherd, President

\_\_\_\_\_  
Harry Adams, Secretary

**Crescent City Harbor District**  
**Check Detail**  
April 15 - 27, 2022

Type	Num	Date	Name	Item	Account	AMOUNT
Check		04/20/2022	KENNETH BRUCE DWELLEY	BAYSIDE PAYMENT	1047 · BAYSIDE RV PARK 1766	-4,190.50
Check		04/20/2022	ROBERT J. FRAZIER	BAYSIDE PAYMENT	1047 · BAYSIDE RV PARK 1766	-4,190.50
Check	ACH	04/15/2022	CALPERS RETIREMENT	EMPLOYEE RETIREMENT	1040 · CCHD US BANK OPERATING 4766	-1,694.05
Check	ACH	04/20/2022	CHARTER	INTERNET FOR HARBOR	1040 · CCHD US BANK OPERATING 4766	-224.98
Check	ACH	04/20/2022	CA DEPT OF TAX AND FEE ADMINISTRATION	SALES USE TAX FOR 1/22-3/22 QUARTER	1040 · CCHD US BANK OPERATING 4766	-38.00
Check	1417	04/15/2022	CLR LAUNDRY	LAUNDRY MACHINES BAYSIDE	1047 · BAYSIDE RV PARK 1766	-881.50
Bill Pmt -Check	1418	04/15/2022	SUBURBAN PROPANE	PROPANE FOR BAYSIDE	1047 · BAYSIDE RV PARK 1766	-359.44
Bill Pmt -Check	1419	04/15/2022	PACIFIC POWER	ELECRICITY FOR BAYSIDE	1047 · BAYSIDE RV PARK 1766	-4,487.86
Bill Pmt -Check	1420	04/15/2022	MENDES SUPPLY CO	BAYSIDE JANITORIAL SUPPLIES	1047 · BAYSIDE RV PARK 1766	-132.16
Bill Pmt -Check	1421	04/15/2022	LEVI COOLEY DBA OUTDOOR SOLUTIONS	TREE REMOVAL SERTVICES	1047 · BAYSIDE RV PARK 1766	-750.00
Check	2215	04/15/2022	CLR LAUNDRY	LAUNDRY MACHINES REDWOOD	1045 · REDWOOD HARBOR VILLAGE 0707	-718.00
Bill Pmt -Check	2216	04/15/2022	PACIFIC POWER	ELECTRICITY FOR REDWOOD	1045 · REDWOOD HARBOR VILLAGE 0707	-4,843.76
Check	6377	04/15/2022	WM & LEORA DEBACKER	REFUND OF MOORAGE DUE TO NEW OWNERSHIP	1040 · CCHD US BANK OPERATING 4766	-931.00
Bill Pmt -Check	6378	04/15/2022	ARAMARK INC	UNIFORM CLEANING SERVICE	1040 · CCHD US BANK OPERATING 4766	-600.32
Bill Pmt -Check	6379	04/15/2022	INDUSTRIAL STEEL & SUPPLY	CRATE REPAIR AND PARTS FOR CITIZENS DOCK	1040 · CCHD US BANK OPERATING 4766	-3,036.96
Bill Pmt -Check	6380	04/15/2022	KILLOPS LAND SURVEYING 1	LAND SURVEYING FOR LEASES	1040 · CCHD US BANK OPERATING 4766	-3,628.58
Check	6381	04/18/2022	CARPENTERS LOCAL 751	UNION DUES FOR MAINTENANCE	1040 · CCHD US BANK OPERATING 4766	-100.00
Bill Pmt -Check	6382	04/18/2022	INFINITE CONSULTING SERVICES	IT SERVICES	1040 · CCHD US BANK OPERATING 4766	-2,923.29

**Crescent City Harbor District**  
**Check Detail**  
April 15 - 27, 2022

Bill Pmt -Check	6383	04/18/2022 LAI TRUST	PAYMENT FOR CHEVY SIERRA	1040 · CCHD US BANK OPERATING 4766	-972.43
Bill Pmt -Check	6384	04/18/2022 HOME DEPOT CREDIT SERVICES	CREDIT CARD PAYMENT	1040 · CCHD US BANK OPERATING 4766	-3,253.98
Bill Pmt -Check	6385	04/18/2022 C RENNER PETROLEUM INC	FUEL FOR MAINTENANCE	1040 · CCHD US BANK OPERATING 4766	-169.26
Bill Pmt -Check	6386	04/18/2022 PACIFIC POWER	ELECTRICITY FOR HARBOR	1040 · CCHD US BANK OPERATING 4766	-43.75
Bill Pmt -Check	6387	04/18/2022 PACIFIC CREST ENGINEERING INC.	2129 ISWPPP PREPARATION	1040 · CCHD US BANK OPERATING 4766	-665.00
Bill Pmt -Check	6388	04/18/2022 ACCOUNTEMP	FINANCIAL ADVISOR	1040 · CCHD US BANK OPERATING 4766	-4,339.20
Bill Pmt -Check	6389	04/18/2022 MENDES SUPPLY CO	JANITORIAL SUPPLIES FOR HARBOR	1040 · CCHD US BANK OPERATING 4766	-474.00
Bill Pmt -Check	6390	04/18/2022 STREAMLINE	MEMBERSHIP DUES	1040 · CCHD US BANK OPERATING 4766	-200.00
Bill Pmt -Check	6391	04/18/2022 COUNTRY MEDIA INC	NEWSPAPER AD BIDS FOR MARINE SECURITY GATES PROJECT	1040 · CCHD US BANK OPERATING 4766	-240.30
				<b>TOTAL</b>	<b>\$44,088.82</b>

**RESOLUTION NO. 2022-07**

**A RESOLUTION OF THE BOARD OF HARBOR  
COMMISSIONERS OF THE CRESCENT CITY HARBOR  
DISTRICT MAKING FINDINGS AND DETERMINATIONS  
UNDER AB 361 FOR CONTINUED VIRTUAL MEETINGS**

**WHEREAS**, the Crescent City Harbor District (“District”) is committed to preserving and nurturing public access and participation in meetings of the Board of Harbor Commissioners (“Board”); and

**WHEREAS**, all meetings of District’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963)(the “Brown Act”), so that any member of the public may attend, participate, and watch the District Board meetings or any meetings where District legislative bodies conduct their business; and

**WHEREAS**, starting in March 2020, in response to the spread of COVID-19 in the State of California, the Governor issued a number of executive orders aimed at containing the COVID-19 virus; and

**WHEREAS**, among other things, these orders waived certain requirements of the Brown Act to allow legislative bodies to meet virtually; and

**WHEREAS**, on September 16, 2021 the Governor signed Assembly Bill 361 (“AB361”)(in effect as of October 1, 2021), which allows legislative bodies to meet virtually provided there is a state of emergency, and either: (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, the California Health Officer issued an order on December 22, 2021 that the recent emergency of the Omicron variant has further emphasized the importance of prevention efforts;

**WHEREAS**, social distancing is form of prevention that allows for the participation of the community, staff, presenters, and legislative body members in a safe environment, with no risk of contagion and it is recommended that legislative bodies continue to implement 100% of remote meetings; and

**WHEREAS**, on January 4, 2022, the Board adopted Resolution 2022-01 authorizing remote teleconference meetings of the Crescent City Harbor District; and

**WHEREAS**, on February 1, 2022, the Board adopted Resolution 2022-02 authorizing the extension of remote teleconference meetings of the Crescent City Harbor District; and

**WHEREAS**, on March 1, 2022, the Board adopted Resolution 2022-03 authorizing the extension of remote teleconference meetings of the Crescent City Harbor District; and



**WHEREAS**, on April 5, 2022, the Board adopted Resolution 2022-04 authorizing the extension of remote teleconference meetings of the Crescent City Harbor District; and

**WHEREAS**, the Board has reconsidered the circumstances of the state of emergency and finds that state officials continue to recommend measures to promote social distancing; and

**WHEREAS**, the Board desires that the District shall continue to hold virtual meetings pursuant to AB 361 and Government Code section 54953(e).

**NOW, THEREFORE, THE BOARD OF HARBOR COMMISSIONERS OF THE CRESCENT CITY HARBOR DISTRICT DOES HEREBY RESOLVE AND FIND AS FOLLOWS:**

**Section 1.** The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

**Section 2.** The Board of Harbor Commissioners of the Crescent City Harbor District shall be authorized to continue to meet virtually in accordance with Government Code section 54953(e) and without compliance with section 54953(b)(3).

**Section 3.** This Resolution does not prevent or prohibit the Board from holding hybrid meetings (containing both virtual and in-person components) or from meeting in-person, provided such meetings comply with AB 361 and with all state and local health orders.

**Section 4.** The Board shall take action to renew this Resolution every 30 days for as long as any state or local officials continue to recommend any measures to promote social distancing, but the Board may terminate the Resolution at any time. In the event that more than 30 days pass between regular Board meetings, the Board shall take action to renew this Resolution prior to taking any action or engaging in any deliberation or discussion in a virtual meeting; renewal of this Resolution may occur either at the beginning of the next regular meeting or at a special meeting called for such purposes. In the event this Resolution has lapsed, and the Board has not terminated it, the Board shall be authorized to, and shall, make any required findings in order to meet virtually under AB 361.

**Section 5.** If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Board declares that the Board would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

**Section 6.** This Resolution shall take effect immediately upon its adoption.

APPROVED, ADOPTED AND SIGNED this 3rd day of May 2022.

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Rick Shepherd, President  
Board of Harbor Commissioners  
Crescent City Harbor District

ATTEST:

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Mike Rademaker, Clerk  
Board of Harbor Commissioners  
Crescent City Harbor District

AYES:

NOES:

ABSENT:

ABSTAIN:

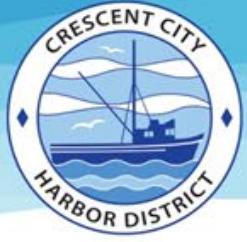


## **2. Financial Reports**

### **a. Account Balances**

***Public Comment?***

<b>BANK BALANCES AS OF 4.14.22</b>		<b>BANK BALANCES AS OF 4.27.22</b>		<b>DIFFERENCE</b>
CCHD OPERATING	\$509,827.19	CCHD OPERATING	\$484,695.83	-\$25,131.36
CCHD SAVINGS	\$30,021.29	CCHD SAVINGS	\$30,021.29	\$0.00
REDWOOD HARBOR	\$16,881.83	REDWOOD HARBOR	\$10,412.67	-\$6,469.16
BAYSIDE RV PARK	\$9,075.04	BAYSIDE RV PARK	\$19,183.47	\$10,108.43
LAIF ACCOUNT	\$1,396,610.08	LAIF ACCOUNT	\$1,397,710.65	\$1,100.57
<b>TOTALS</b>	<b>\$1,962,415.43</b>	<b>TOTALS</b>	<b>\$1,942,023.91</b>	<b>-\$20,391.52</b>



### **3. New Business**

- a. Review and vote to approve Abatement Proposal from Infinity Abatement Services to remove and dispose of asbestos materials in three sites within the Crescent City Harbor District.**

***Public Comment?***

# Infinity Abatement Services



19215 Snowburst Ct. Redding Ca. 96003  
 Phone (530)605-8850 Fax (530)222-8080  
 Calif. License #883918 DOSH #100 DIR#1000003246



To- Renewable Energy Capital  
 Attn- Alex Lemus

Reference: Crescent City Harbor Abatement Work- misc. sites

Infinity Abatement Services will remove and dispose of the following materials from 3 sites as listed in the asbestos reports-

## Redwood Overflow Parking lot bathrooms-

-All Roofing materials and vent mastics

## 160 Anchor Way-

- All roofing materials and vent mastics
- All linoleum flooring and mastics
- All interior painted trim

## 100 Citizens Dock road-

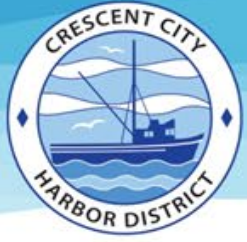
- All Sheetrock ceilings/insulation/nails
- All floor tiles and mastics
- All roof vent mastic

\*\* IAS will sample demolition waste stream for Lead paint content, so that demolition contractor can haul all waste.

**Price-\$31,490.00**

- \* All waste will be hauled to Anderson Landfill located In Anderson California.
- \*Price includes disposal, North coast AQMD notification fees for asbestos removal, OSHA notification, insurance, and personal sampling.
- \*All workers will be certified to remove Lead/Asbestos and have current medical exam.
- \*All local, state and federal laws will be followed.
- \*Owner to supply power and water
- \*Exclusions- possible duct tape damage to wall surfaces, replacement of materials removed.

Joe Nixt  
4/29/22



## **4. Unfinished Business**

### **a. Solar Update**

***Public Comment?***





## **5. Communications and Reports**

### **a. CEO/ Harbormaster Report**

***Public Comment?***



## **CEO Report May 3, 2022, Harbor Commission Meeting**

The harbor office has been open sporadically the last 10 days due to tech issues. We have the computers straightened out and operating now and as we get more hardware upgraded things should only operate more smoothly. We appreciate your patience.

Electrical metering with MarineSync is operational and we have sent the first set of power usage charges with the April Statement. Please make sure that you are plugged into your correct pedestal and check your plugs on both the harbor side and the boat side for any signs of corrosion or scorching. Notify the harbor office if there are any issues so that maintenance can look into resolving the problem.

Recreational Salmon Season has opened for the month of May! Please be cognizant of the tides when launching our hauling boats. When boats are launched at low tide and yanked off the trailer it damages the docks in the launch ramp, which can damage your boat as well. Make sure you have enough water to float your boat off the trailer.

We've come to a contract agreement with Thomas Zickgraf to become the new Accounting Manager/Controller for the harbor district. He has an exceptional background and will be an asset to the harbor as we get the harbor finances straightened out with increased transparency. Thomas will be starting mid May.

Mike Bahr, grant writer contracted to the harbor, was able with the help of harbor staff to get the first grant application filed for the seawall replacement with Cal OES. We feel confident that we will receive funding and be able to move forward with the first phases of the seawall replacement.

Port a potties have been placed on Anchor way for the summer. They will be locked at night by security and opened in the morning. If we experience vandalism we will be liable for the costs so we will endeavor to keep them secured when not in use.

I have received a reasonable quote for once again lighting the flag pole so that we can fly the flag out front. The lights will be ordered and installed asap.

Our newest Staff member in the RV Parks, Dylan, has been doing a great job cleaning up around RHV. We're working on cleaning it up as best we can before the spring tourist rush.



## **5. Communications and Reports**

### **b. Harbor Commissioner Reports**

Pursuant to the Brown Act, this item allows the Commissioners to briefly discuss activities engaged in since the previous public meeting.

**Commissioner Wes White**

**Commissioner Brian Stone**

**Commissioner Gerhard Weber**

**Commissioner Harry Adams, Secretary**

**Commissioner Rick Shepherd, President**

## 6. Adjourn to Closed Session

### CLOSED SESSION

- a. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Gov. Code section 54957(b)(1).)  
Title: CEO/Harbormaster
  
- b. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
(Gov. Code section 54956.8.)  
Property: 437 Vance Avenue, Crescent City, CA  
95531 District negotiator: CEO/Harbormaster  
Under negotiation: Price
  
- c. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
(Government Code section 54956.8.)  
Property Address: 245 Anchor Way, Crescent City Harbor, CA 95531  
District negotiator: Tim Petrick, Harbormaster  
Negotiating parties: Vic Markytan, M&M Diving Owner  
Under negotiation: Lease Negotiations



## **7. Adjourn Closed Session**

## **8. Report out of Closed Session**

## **9. ADJOURNMENT**

*Adjournment of the Board of Harbor Commissioners will be until the next meeting scheduled for Tuesday, May 17, 2022, at 2 p.m. PDT. The Crescent City Harbor District complies with the Americans with Disabilities Act. Upon request, this agenda will be made available in appropriate alternative formats to person with disabilities, as required by Section 12132 of the Americans with Disabilities Act of 1990 (42 U.S.C. §12132). Any person with a disability who requires modification in order to participate in a meeting should direct such request to (707) 464-6174 at least 48 hours before the meeting, if possible.*

