

AGENDA  
RESCHEDULED REGULAR MEETING  
OF THE BOARD OF HARBOR COMMISSIONERS  
MOSS LANDING HARBOR DISTRICT  
7881 Sandholdt Road  
Moss Landing, CA 95039  
May 31, 2016, 7 P.M.

**A. CLOSED SESSION**

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A closed session will be held immediately prior to the public open meeting, **and will begin at 6:00 p.m.** The public open meeting will begin at **7:00 p.m., or as soon thereafter as the Closed Session is concluded**, and any action taken at the Closed Session will be reported out at that time.

1. Confer with real property negotiators pursuant to Government Code §54956.8 regarding Moss Landing Commercial Park (formerly National Refractories). Negotiating parties: General Manager and District Counsel.
2. Confer with real property negotiators pursuant to Government Code §54956.8 regarding APN 413.022.003 (NH Building Pad). Negotiating parties: General Manager and District Counsel.
3. Confer with legal counsel and General Manager regarding two (2) matters of litigation pursuant to Government Code § 54956.9(a): 1. Catalano vs. MLHD and 2. Deyerle vs. MLHD.
4. Confer with legal counsel and General Manager regarding two (2) matters of significant exposure to litigation pursuant to Government Code §54956.9(d)(2).

**B. OPEN SESSION CALL TO ORDER - PLEDGE OF ALLEGIANCE**

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**Roll Call**

Russ Jeffries – President	Linda G. McIntyre – General Manager
Tony Leonardini – Vice President	Mike Rodriguez – District Counsel
Vince Ferrante – Secretary	Tom Razzeca – Assistant General Manager
Andrew Amaral - Commissioner	Marie Della Maggiore – Dir. Of Administrative Services, Assistant to the GM
Margaret "Peggy Shirrel - Commissioner	

**C. PRESIDENT'S REMARKS**

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The President will use this opportunity to inform the public of issues affecting the District and other items of a general nature not otherwise provided for on this agenda.

**D. PUBLIC COMMENTS**

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Members of the general public may address the Board of Harbor Commissioners regarding any item that is not on the Agenda. The President may limit the total amount of time of testimony on particular issues and for each individual speaker.

**E. CONSENT CALENDAR**

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All matters listed on the Consent Calendar are considered to be routine by the Board of Harbor Commissioners and will be enacted by one motion at the appropriate time. There will be no separate discussion on these items. If discussion is desired, that item will be removed from the Consent Calendar and will be considered separately.

1. Approval of the April 27, 2016 Regular Meeting Minutes.
2. Approval of the May 17, 2016 Special Meeting Minutes.

## **F. TREASURER'S REPORT**

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3. Financial Reports – Month ending April 30, 2016.

## **G. MANAGER'S REPORTS**

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The General Manager will make oral or written presentations on the below listed subjects. The Board may take such action as deemed necessary. The Manager may present additional reports; however, the Board may not take action on any such item not on this Agenda.

4. Projects Status/Update
5. Community Relations; Requests/Issues
6. Summary of Permits Issued
7. Meeting Announcements
8. Assigned Liveboard Report
9. Assigned Slip Income Report
10. Incident Report

## **H. COMMITTEE REPORTS**

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11. Finance Committee – Chair Ferrante/V. Chair Leonardini
12. Elkhorn Slough Advisory Committee – Amaral/Alt. Leonardini
13. Special Districts/LAFCO – Jeffries/Ferrante
14. Liveboard Committee – Chair Amaral/V. Chair Jeffries
15. Harbor Improvement Committee – Chair Shirrel/V. Chair Amaral
16. Real Property Committee I – Chair Leonardini/V. Chair Jeffries
17. Real Property Committee II – Chair Ferrante/V. Chair Shirrel
18. Meetings Commissioners attended at District Expense (AB 1234 requirement)

## **I. PUBLIC HEARING**

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19. ITEM – Public Hearing and Fixing of the Final Budget of the Moss Landing Harbor District for the Fiscal Year 2016-2017. Recommendation: Hold Public Hearing, receive comments and make adjustments as necessary. Fix Final Budget.

- a. Staff report
- b. Open Public Hearing
- c. Close Public Hearing
- d. Board discussion
- e. Board action

## **J. NEW BUSINESS**

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20. ITEM – Update on North Harbor wharf/visitor dock access erosion emergency repair project.

- a. Staff report
- b. Public comment
- c. Board discussion
- d. Board action

21. ITEM - Update on B Dock emergency finger replacement project.

- a. Staff report
- b. Public comment
- c. Board discussion
- d. Board action

22. ITEM – Consider Adopting Ordinance No. 200 amending Chapter 20, "District Fee Schedule".

- a. Staff report
- b. Public comment
- c. Board discussion

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**SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947**

d. Board action

23. ITEM – Consider adopting Resolution No. 16-17 approving or disapproving the proposed changes to the CSDA Bylaws.

- a. Staff report
- b. Public comment
- c. Board discussion
- d. Board action

#### **K. COMMISSIONERS COMMENTS AND CONCERNS**

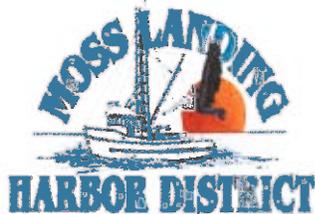
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Commissioners may address items of concern at this time, and may request that items be placed on future agendas in accordance with the By-laws of the Board.

#### **L. ADJOURN MEETING**

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The next Regular Meeting of the Board of Harbor Commissioners is scheduled for June 22, 2016 at the offices of the Moss Landing Harbor District, 7881 Sandholdt Road, Moss Landing, CA 95039. Individuals who require special accommodations are requested to contact the Executive Assistant to the General Manager by calling 831.633.5417 or by emailing [dellamaggiore@mosslandingharbor.dst.ca.us](mailto:dellamaggiore@mosslandingharbor.dst.ca.us) no less than 72 hours prior to the meeting or in the case of a Special Meeting, as soon as possible after the Agenda is posted. Copies of the agenda will be available 72 hours prior to the meeting and may be obtained by logging onto [www.mosslandingharbor.dst.ca.us](http://www.mosslandingharbor.dst.ca.us) or by contacting the District at 831.633.5417. All meetings are noticed and conducted in accordance with the Ralph M. Brown Act.



**MINUTES**  
**RESCHEDULED REGULAR MEETING**  
**OF THE BOARD OF HARBOR COMMISSIONERS**  
**MOSS LANDING HARBOR DISTRICT**  
7881 Sandholdt Road  
Moss Landing, CA 95039  
April 27, 2016, 7 P.M.

**A. CLOSED SESSION**

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The Board adjourned to closed session at 6:00 p.m. to discuss the following:

1. Confer with real property negotiators pursuant to Government Code §54956.8 regarding Moss Landing Commercial Park (formerly National Refractories). Negotiating parties: General Manager and District Counsel.
2. Confer with real property negotiators pursuant to Government Code §54956.8 regarding APN 413.022.003 (NH Building Pad). Negotiating parties: General Manager and District Counsel.
3. Confer with legal counsel and General Manager regarding two (2) matters of litigation pursuant to Government Code § 54956.9(a): 1. Catalano vs. MLHD and 2. Deyerle vs. MLHD.
4. Confer with legal counsel and General Manager regarding two (2) matters of significant exposure to litigation pursuant to Government Code §54956.9(d)(2).

**B. OPEN SESSION CALL TO ORDER - PLEDGE OF ALLEGIANCE**

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The meeting was called to order at 7:14 p.m. After the Pledge of Allegiance, roll was called.

Commissioners present:

Russ Jeffries – President

Tony Leonardini – Vice President

Vince Ferrante – Secretary

Andrew Amaral - Commissioner

Margaret "Peggy" Shirrel - Commissioner

Staff present:

Linda G. McIntyre – General Manager

Mike Rodriguez – District Counsel

Tom Razzeca – Assistant General Manager

Marie Della Maggiore – Dir. Of Administrative

Services, Assistant to the GM

**C. PRESIDENT'S REMARKS**

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President Jeffries reported that the Board met in closed session; no reportable action was taken, direction was given to the General Manager and District Counsel, and the Board will return to closed session at the conclusion of the open session.

**D. PUBLIC COMMENTS**

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No public comments.

**E. CONSENT CALENDAR**

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1. Approval of the March 30, 2016 Rescheduled Regular Meeting Minutes. A motion was made by Commissioner Leonardini and seconded by Commissioner Ferrante to approve the minutes of the March 30, 2016 meeting. The motion passed 4-0-1 on a roll call vote; Commissioners Jeffries, Leonardini, Ferrante and Shirrel voting aye; Commissioner Amaral abstained.

**F. TREASURER'S REPORT**

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2. Financial Reports – Month ending March 31, 2016. GM McIntyre gave the financial report. The highlights were:

- Marina revenues are higher than budgeted by \$38K. South Harbor parking is better than budget by \$37K and temporary berthing is better by 12K. This is offset by assigned and transient berthing is below budget by a total of \$16K, \$5K and \$11K respectively.

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**SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947**

- Marina expenses are lower than budgeted by \$117K. This is largely due to a combination of repairs and maintenance costs as well as personnel expenses coming in under budget but will likely be expended prior to the end of the fiscal year.
- Marina operations show a year-to-date profit of \$42K which is higher than budgeted by \$155K.
- Lease and other operating revenue is better than budget by \$112K mostly due to property tax revenue (over \$58K), higher amenity and dry storage revenue offset by lower than anticipated revenue for North Harbor Use Fee income.
- Lease and other operation expenses are slightly below budget by \$4K.
- Lease and other operations show a year-to-date profit of \$462K, higher than budget by \$64K.
- Overall for the nine month period ending March 31, 2016, combined operations show a profit of \$504K; higher than budget by \$219K.

She added that in the three remaining months of the fiscal year, the crab fishing closure combined with the poor salmon season (which is now scheduled to close early on July 15) may skew the numbers and throw us off target.

A motion was made by Commissioner Shirrel and seconded by Commissioner Amaral to accept the month-ending March 30, 2016 financial report. The motion passed unanimously on a roll call vote; all commissioners voting aye.

#### **G. MANAGER'S REPORTS**

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3. Projects Status/Update – Written report, no further comments.
4. Community Relations; Requests/Issues – Written report. GM McIntyre added that the vessel pumpout station started leaking and a pipe broke. Assistant GM Tom Razzeca located the leak in the pipe and coordinated the excavation and repair. It was quite a project requiring the use of jackhammer, concrete saw, backhoe and forklift, all done by District staff. Hole will be closed up tomorrow and quotes will be obtained for replacing the asphalt.
5. Summary of Permits Issued – Written report, no further comments.
6. Meeting Announcements – Written report, no further comments.
7. Assigned Liveboard Report – Written report, no further comments.
8. Assigned Slip Income Report – Written report, no further comments.
9. Incident Report – Written report, no further comments.

#### **H. COMMITTEE REPORTS**

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10. Finance Committee – No meetings reported.
11. Elkhorn Slough Advisory Committee – No meetings reported.
12. Special Districts/LAFCO – President Jeffries reported that he and Commissioner Ferrante had attended the Special Districts of Monterey County April meeting at which presentations were given by representatives of the Monterey County Gang Task Force and the Legislative Outreach Program of CSDA.
13. Liveboard Committee – No meetings reported.
14. Harbor Improvement Committee – No meetings reported.
15. Real Property Committee I – President Jeffries reported that he had met with Gregg Marine Drilling and Ken Israel of Caravel Environmental last month about the erosion problem on the property boundary between the District and Gregg Marine.
16. Real Property Committee II – No meetings reported.
17. Meetings Commissioners attended at District Expense (AB 1234 requirement) – Commissioner Ferrante reported he had attended a meeting of the CSDA Legislative Committee. He thanked GM McIntyre for the letter of opposition to SB 885.

## I. NEW BUSINESS

18. ITEM – Update on North Harbor wharf/visitor dock access erosion emergency repair project.
  - a. Staff report – GM McIntyre gave the staff report.
  - b. Public comment – No public comment.
  - c. Board discussion – Commissioner Ferrante commented that it is ridiculous for CalTrans to hold up this project. President Jeffries commented it is also costing taxpayers more money as the erosion spreads to the CalTrans property. GM McIntyre added that CalTrans had also suggested that the District put up a 6-foot fence around the area which she doubts the Coastal Commission would allow. She said it is troubling that CalTrans seems to lack the sense of urgency this project requires and that they have no process for expediting an emergency permit.
  - d. Board action – The Board by consensus agreed that the emergency conditions necessitating the project still existed and that all terms and conditions of Resolution 16-01 remain in effect.
19. ITEM - Update on B Dock emergency finger replacement project.
  - a. Staff report – Gm McIntyre gave the staff report. She added that she received an email today from the contractor informing us that the materials were on the way.
  - b. Public comment – No public comments.
  - c. Board discussion – No further discussion.
  - d. Board action - The Board by consensus agreed that the emergency conditions necessitating the project still existed and that all terms and conditions of Resolution 16-02 remain in effect.
20. ITEM – Consider adopting the preliminary budget for FY 2016-2017.
  - a. Staff report – GM McIntyre gave the staff report.
  - b. Public comment – No public comment.
  - c. Board discussion – The Budget Committee members thanked staff for all their efforts in making the process smooth and easy. Commissioner Leonardini said he expects this budget may change in the future based on what bids are received for future projects.
  - d. Board action – A motion was made by Commissioner Ferrante and seconded by Commissioner Amaral to adopt the preliminary budget as presented. The motion passed unanimously on a roll call vote, 5-0-0. President Jeffries said he will keep the Ad Hoc Budget Committee intact because we may want to do some mid-year review and revisions.
21. ITEM – Consider Adopting Resolution 16-15 calling for general election in November 2016.
  - a. Staff report – GM McIntyre gave the staff report.
  - b. Public comment – No public comment.
  - c. Board discussion – No further discussion.
  - d. Board action – A motion was made by Commissioner Ferrante and seconded by Commissioner Leonardini to adopt Resolution No. 16-15. The motion passed unanimously on a roll call vote, 5-0-0.
22. ITEM – Consider Resolution No.16-16 casting a vote for LAFCO Alternate Member seat election.
  - a. Staff report – GM McIntyre gave the staff report.
  - b. Public comment – No public comment.
  - c. Board discussion – There was discussion of the candidate qualifications.
  - d. Board action – A motion was made by Commissioner Ferrante and seconded by Commissioner Shirrel to adopt Resolution No. 16-16 casting a vote for Grant Leonard in the LAFCO election. The motion passed unanimously on a roll call vote, 5-0-0.

**J. COMMISSIONERS COMMENTS AND CONCERNS**

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Commissioner Ferrante commented that the appearance of the harbor looks amazing and it is wonderful to see the harbor buzzing with activity.

**RETURN TO CLOSED SESSION:** The Board returned to closed session at 8:10 p.m.

**RETURN TO OPEN SESSION:** At 9:06 p.m. the Board returned to Open Session. President Jeffries reported that no action was taken and direction was given to the GM and District Counsel.

**K. ADJOURN MEETING**

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The meeting adjourned at 9:07 p.m.

Respectfully submitted:

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Vince Ferrante, Secretary  
Board of Harbor Commissioners

ATTEST:

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Linda G. McIntyre, Deputy Secretary  
Board of Harbor Commissioners



MINUTES  
SPECIAL MEETING  
OF THE BOARD OF HARBOR COMMISSIONERS  
MOSS LANDING HARBOR DISTRICT  
7881 Sandholdt Road  
Moss Landing, CA 95039  
May 17, 2016, 4 P.M.

**A. CLOSED SESSION**

The Board adjourned to closed session at 4:00 p.m. to discuss the following:

1. Confer with legal counsel and General Manager regarding one (1) matter of litigation pursuant to Government Code § 54956.9(a): 1. Deyerle vs. MLHD.
2. Confer with legal counsel and General Manager regarding two (2) matters of significant exposure to litigation pursuant to Government Code §54956.9(d)(2)

**B. OPEN SESSION CALL TO ORDER - PLEDGE OF ALLEGIANCE**

The meeting was called to order at 5:41 p.m. After the Pledge of Allegiance, roll was called.

Commissioners present:

- Russ Jeffries – President
- Tony Leonardini – Vice President
- Vince Ferrante – Secretary
- Margaret “Peggy Shirrel – Commissioner

Commissioners Excused:

- Andrew Amaral - Commissioner

Staff present:

- Linda G. McIntyre – General Manager
- Mike Rodriquez – District Counsel
- Tom Razzeca – Assistant General Manager
- Marie Della Maggiore – Dir. Of Administrative Services, Assistant to the GM

**C. PRESIDENT’S REMARKS**

President Jeffries reported that the Board met in closed session; no reportable action was taken and direction was given to the General Manager and District Counsel.

**D. PUBLIC COMMENTS**

No public comments.

**E. COMMISSIONERS COMMENTS AND CONCERNS**

No comments.

**F. ADJOURN MEETING**

The meeting adjourned at 5:43 p.m.

Respectfully submitted:

Vince Ferrante, Secretary  
Board of Harbor Commissioners

ATTEST:

Linda G. McIntyre, Deputy Secretary  
Board of Harbor Commissioners

**Moss Landing Harbor District**  
**Balance Sheet**  
As of April 30, 2016

	<u>Apr 30, 16</u>	<u>Apr 30, 15</u>	<u>\$ Change</u>	<u>% Change</u>
<b>ASSETS</b>				
<b>Current Assets</b>				
<b>Checking/Savings</b>				
1018 · Union Bank- Trust Account	694,445	595,421	99,024	17%
1002 · Petty Cash	500	500	0	0%
1010 · Union - M.M.	3,370,546	2,502,475	868,071	35%
1009 · Union - Operating	-115,404	80,844	-196,248	-243%
1011 · Union - Payroll	19,124	42,084	-22,960	-55%
1015 · 1st Capital Bank	1,541,309	1,538,230	3,079	0%
1016 · Pinnacle Bank Interest Account	22,922	22,922	0	0%
1020 · Umpqua - Restricted	1,007,719	1,006,328	1,391	0%
<b>Total Checking/Savings</b>	<b>6,541,161</b>	<b>5,788,804</b>	<b>752,357</b>	<b>13%</b>
<b>Accounts Receivable</b>				
<b>11290 · Leases</b>				
1282 · NNN Receivable	69,378	42,362	27,016	64%
<b>Total 11290 · Leases</b>	<b>69,378</b>	<b>42,362</b>	<b>27,016</b>	<b>64%</b>
1200 · Marina Receivables	70,454	55,382	15,072	27%
1201 · Marina - Allow for Bad Debt	-27,302	-27,000	-302	-1%
<b>Total Accounts Receivable</b>	<b>112,530</b>	<b>70,744</b>	<b>41,786</b>	<b>59%</b>
<b>Other Current Assets</b>				
<b>1271 · Prepaid Expenses</b>				
1270 · Insurance	13,227	19,989	-6,762	-34%
1280 · Other	0	7,548	-7,548	-100%
<b>Total 1271 · Prepaid Expenses</b>	<b>13,227</b>	<b>27,537</b>	<b>-14,310</b>	<b>-52%</b>
<b>Total Other Current Assets</b>	<b>13,227</b>	<b>27,537</b>	<b>-14,310</b>	<b>-52%</b>
<b>Total Current Assets</b>	<b>6,666,918</b>	<b>5,887,085</b>	<b>779,833</b>	<b>13%</b>
<b>Fixed Assets</b>				
1650 · Construction in Progress	319,505	257,375	62,130	24%
1670 · Equipment	773,609	766,671	6,938	1%
<b>1700 · Improvements</b>				
1710 · NH Buildings & Improvements	7,868,580	7,868,580	0	0%
1720 · NH Floating Docks	524,675	524,675	0	0%
1725 · NH Offsite Improvements	632,218	632,218	0	0%
1730 · SH Buildings & Improvements	8,256,228	8,246,852	9,376	0%
1740 · SH Floating Docks	9,135,149	9,098,326	36,823	0%
<b>Total 1700 · Improvements</b>	<b>26,416,850</b>	<b>26,370,651</b>	<b>46,199</b>	<b>0%</b>
1900 · Land	1,642,860	1,642,860	0	0%
<b>1800 · Less - Depreciation</b>				
1805 · Equipment	-767,114	-749,240	-17,874	-2%
1810 · NH Buildings & Improvements	-3,211,377	-2,952,383	-258,994	-9%
1820 · NH Floating Docks	-484,057	-472,077	-11,980	-3%
1825 · NH Offsite Improvements	-418,807	-390,473	-28,334	-7%
1830 · SH Buildings & Improvements	-5,544,143	-5,333,029	-211,114	-4%
1840 · SH Floating Docks	-4,692,498	-4,275,375	-417,123	-10%

**Moss Landing Harbor District**  
**Balance Sheet**  
As of April 30, 2016

	<u>Apr 30, 16</u>	<u>Apr 30, 15</u>	<u>\$ Change</u>	<u>% Change</u>
Total 1800 · Less - Depreciation	<u>-15,117,996</u>	<u>-14,172,577</u>	<u>-945,419</u>	<u>-7%</u>
Total Fixed Assets	<u>14,034,828</u>	<u>14,864,980</u>	<u>-830,152</u>	<u>-6%</u>
Other Assets				
1530 · Principal Financial CS	7,389	7,389	0	0%
1320 · Workers Comp Deposit	200	200	0	0%
Total Other Assets	<u>7,589</u>	<u>7,589</u>	<u>0</u>	<u>0%</u>
<b>TOTAL ASSETS</b>	<u><u>20,709,335</u></u>	<u><u>20,759,654</u></u>	<u><u>-50,319</u></u>	<u><u>-0%</u></u>

Moss Landing Harbor District  
**Balance Sheet**  
As of April 30, 2016

	<u>Apr 30, 16</u>	<u>Apr 30, 15</u>	<u>\$ Change</u>	<u>% Change</u>
<b>LIABILITIES &amp; EQUITY</b>				
<b>Liabilities</b>				
<b>Current Liabilities</b>				
<b>Accounts Payable</b>				
2010 · Accounts Payable	-15,355	169,053	-184,408	-109%
<b>Total Accounts Payable</b>	<u>-15,355</u>	<u>169,053</u>	<u>-184,408</u>	<u>-109%</u>
<b>Other Current Liabilities</b>				
2082 · MLCP Cost Reimb. Deposit	107,082	123,143	-16,061	-13%
2020 · Accrued Salaries Payable	2,285	0	2,285	100%
2021 · Accrued Vacation	78,788	83,226	-4,438	-5%
2030 · Customer Deposits	292,266	284,458	7,808	3%
2050 · Employee 457 Payable	-172	0	-172	-100%
2080 · Prepaid Berth Fees	128,220	152,517	-24,297	-16%
2087 · Lease Deposits	14,164	42,289	-28,125	-67%
2086 · Prepaid Leases				
20861 · Duke	0	61,527	-61,527	-100%
20862 · MBARI	25,709	25,187	522	2%
<b>Total 2086 · Prepaid Leases</b>	<u>25,709</u>	<u>86,714</u>	<u>-61,005</u>	<u>-70%</u>
2051 · Note Interest Payable				
2062 · Umpqua Accrued Interest	35,872	33,883	1,989	6%
<b>Total 2051 · Note Interest Payable</b>	<u>35,872</u>	<u>33,883</u>	<u>1,989</u>	<u>6%</u>
<b>Total Other Current Liabilities</b>	<u>684,214</u>	<u>806,230</u>	<u>-122,016</u>	<u>-15%</u>
<b>Total Current Liabilities</b>	<u>668,859</u>	<u>975,283</u>	<u>-306,424</u>	<u>-31%</u>
<b>Long Term Liabilities</b>				
2605 · Umpqua Loan	4,406,076	4,755,901	-349,825	-7%
<b>Total Long Term Liabilities</b>	<u>4,406,076</u>	<u>4,755,901</u>	<u>-349,825</u>	<u>-7%</u>
<b>Total Liabilities</b>	<u>5,074,935</u>	<u>5,731,184</u>	<u>-656,249</u>	<u>-11%</u>
<b>Equity</b>				
3050 · Prior Year Earnings	8,822,078	7,857,104	964,974	12%
3020 · Retained Net Assets	6,456,231	6,456,231	0	0%
<b>Net Income</b>	<u>356,088</u>	<u>715,132</u>	<u>-359,044</u>	<u>-50%</u>
<b>Total Equity</b>	<u>15,634,397</u>	<u>15,028,467</u>	<u>605,930</u>	<u>4%</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>20,709,332</u></u>	<u><u>20,759,651</u></u>	<u><u>-50,319</u></u>	<u><u>-0%</u></u>

**Moss Landing Harbor District  
Profit & Loss Budget vs. Actual  
July 2015 through April 2016**

	<u>Jul '15 - Apr 16</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
<b>4000 · MARINA REVENUES</b>				
<b>4100 · Berthing Income</b>				
4110 · Assigned Berthing	1,273,401	1,278,185	-4,784	100%
4115 · Temporary Berthing	181,123	168,174	12,949	108%
4130 · Transient Berthing	36,958	48,330	-11,372	76%
4112 · Qtrly/Annual Discount	-3,799	-6,188	2,389	61%
4113 · Commercial Vessel Dscnt	-13,273	-12,500	-773	106%
4114 · Away (1 mnth) Dscnt	-905	-620	-285	146%
4120 · Liveaboard Fees	90,602	85,000	5,602	107%
4260 · Towing - Intra Harbor	900	830	70	108%
4270 · Pumpouts	1,000	670	330	149%
4140 · Non Operable Surcharge	0	290	-290	0%
4220 · Wait List	7,052	5,830	1,222	121%
4282 · Recovered Lien Costs	700	750	-50	93%
4280 · Late Fees	22,895	25,000	-2,105	92%
<b>Total 4100 · Berthing Income</b>	<u>1,596,654</u>	<u>1,593,751</u>	<u>2,903</u>	<u>100%</u>
<b>4200 · Other Income - Operations</b>				
4225 · Merchandise	729	420	309	174%
4285 · Dog Fee	1,335	800	535	167%
4230 · SH Parking	88,144	49,000	39,144	180%
4290 · Misc	1,567	2,000	-433	78%
<b>Total 4200 · Other Income - Operations</b>	<u>91,775</u>	<u>52,220</u>	<u>39,555</u>	<u>176%</u>
<b>Total 4000 · MARINA REVENUES</b>	<u>1,688,429</u>	<u>1,645,971</u>	<u>42,458</u>	<u>103%</u>

**Moss Landing Harbor District**  
**Profit & Loss Budget vs. Actual**  
July 2015 through April 2016

Expense	Jul '15 - Apr 16	Budget	\$ Over Budget	% of Budget
<b>5200 · General &amp; Administrative</b>				
5100 · Advertising	2,351	3,000	-649	78%
5921 · Internet Billing Service	1,444	1,510	-66	96%
5210 · Dues & Subscriptions	6,018	4,550	1,468	132%
<b>5220 · Office Supplies</b>				
5223 · Administration	1,942	4,040	-2,098	48%
5225 · Operations	3,468	13,390	-9,922	26%
<b>Total 5220 · Office Supplies</b>	<b>5,410</b>	<b>17,430</b>	<b>-12,020</b>	<b>31%</b>
<b>5230 · Postage &amp; Equip Lease</b>				
5232 · Meter Lease	369	470	-101	79%
5235 · Postage	1,047	1,240	-193	84%
<b>Total 5230 · Postage &amp; Equip Lease</b>	<b>1,416</b>	<b>1,710</b>	<b>-294</b>	<b>83%</b>
<b>5240 · Copier Lease &amp; Supplies</b>				
5242 · Copier Lease	3,121	3,090	31	101%
5245 · Toner & Supplies	0	160	-160	0%
<b>Total 5240 · Copier Lease &amp; Supplies</b>	<b>3,121</b>	<b>3,250</b>	<b>-129</b>	<b>96%</b>
<b>5250 · Telephone &amp; Communications</b>				
5253 · Administration	8,847	7,490	1,357	118%
5255 · Operations	1,110	1,030	80	108%
<b>Total 5250 · Telephone &amp; Communications</b>	<b>9,957</b>	<b>8,520</b>	<b>1,437</b>	<b>117%</b>
<b>5260 · Professional Services</b>				
5269 · Payroll Processing	2,846	2,540	306	112%
5263 · Audit fees	14,500	14,000	500	104%
5262 · Accounting	29,936	33,500	-3,564	89%
5265 · Legal	81,035	83,340	-2,305	97%
5268 · Computer Consulting	4,754	1,730	3,024	275%
<b>Total 5260 · Professional Services</b>	<b>133,071</b>	<b>135,110</b>	<b>-2,039</b>	<b>98%</b>
5270 · Licenses & Permits	387			
5281 · Resale Merchandise	1,226			
5290 · Credit Card Fees	8,333	6,680	1,653	125%
<b>Total 5200 · General &amp; Administrative</b>	<b>172,734</b>	<b>181,760</b>	<b>-9,026</b>	<b>95%</b>
<b>5300 · Personnel</b>				
<b>5310 · Salaries</b>				
5313 · Administration	211,941	212,012	-71	100%
5315 · Operations	96,403	137,808	-41,405	70%
5318 · Maintenance	60,935	85,087	-24,152	72%
<b>Total 5310 · Salaries</b>	<b>369,279</b>	<b>434,907</b>	<b>-65,628</b>	<b>85%</b>
<b>5330 · Payroll Taxes</b>				
5333 · Administration	14,940	16,195	-1,255	92%
5335 · Operations	8,004	11,992	-3,988	67%
5338 · Maintenance	4,821	6,407	-1,586	75%
<b>Total 5330 · Payroll Taxes</b>	<b>27,765</b>	<b>34,594</b>	<b>-6,829</b>	<b>80%</b>
<b>5340 · Employee Benefits</b>				
5343 · Administration	64,084	62,760	1,324	102%

**Moss Landing Harbor District**  
**Profit & Loss Budget vs. Actual**  
July 2015 through April 2016

	<u>Jul '15 - Apr 16</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
5345 · Operations	32,968	35,340	-2,372	93%
5348 · Maintenance	36,510	42,910	-6,400	85%
<b>Total 5340 · Employee Benefits</b>	<b>133,562</b>	<b>141,010</b>	<b>-7,448</b>	<b>95%</b>
5350 · Workers Compensation				
5353 · Administration	3,000	3,250	-250	92%
5355 · Operations	5,870	6,360	-490	92%
5358 · Maintenance	6,670	7,220	-550	92%
<b>Total 5350 · Workers Compensation</b>	<b>15,540</b>	<b>16,830</b>	<b>-1,290</b>	<b>92%</b>
5360 · Education & Training				
5363 · Administration	3,470	620	2,850	560%
<b>Total 5360 · Education &amp; Training</b>	<b>3,470</b>	<b>620</b>	<b>2,850</b>	<b>560%</b>
<b>Total 5300 · Personnel</b>	<b>549,616</b>	<b>627,961</b>	<b>-78,345</b>	<b>88%</b>
5400 · Insurance				
5410 · Liability Insurance	94,979	95,830	-851	99%
<b>Total 5400 · Insurance</b>	<b>94,979</b>	<b>95,830</b>	<b>-851</b>	<b>99%</b>
5500 · Utilities				
5540 · Sewer	29,890	35,880	-5,990	83%
5510 · Garbage	43,114	42,710	404	101%
5520 · Gas and Electric	172,077	162,290	9,787	106%
5530 · Water	26,938	26,480	458	102%
<b>Total 5500 · Utilities</b>	<b>272,019</b>	<b>267,360</b>	<b>4,659</b>	<b>102%</b>
5600 · Operating Supplies				
5610 · Vehicles	6,249	3,000	3,249	208%
5620 · Vessels	58	0	58	100%
5625 · Operations	19,465	17,830	1,635	109%
<b>Total 5600 · Operating Supplies</b>	<b>25,772</b>	<b>20,830</b>	<b>4,942</b>	<b>124%</b>
5700 · Depreciation	393,331	393,750	-420	100%
5800 · Repairs & Maintenance				
5810 · Vehicles	2,786	2,160	626	129%
5820 · Vessels	0	420	-420	0%
5830 · Equip Rental	2,750	6,910	-4,160	40%
5840 · Small Tools	600	4,780	-4,180	13%
5850 · Repair Materials	30,234	69,070	-38,836	44%
5860 · Outside Service Contracts	44,451	50,000	-5,549	89%
5870 · Derelict Disposal	17,020	15,000	2,020	113%
<b>Total 5800 · Repairs &amp; Maintenance</b>	<b>97,841</b>	<b>148,340</b>	<b>-50,499</b>	<b>66%</b>
5900 · Financial Expenses				
5920 · Bank Service Charges	3,443			
5990 · Bad Debt	21,250	20,830	420	102%
<b>Total 5900 · Financial Expenses</b>	<b>24,693</b>	<b>20,830</b>	<b>3,863</b>	<b>119%</b>
<b>Total · MARINA EXPENSES</b>	<b>1,630,985</b>	<b>1,756,661</b>	<b>-125,677</b>	<b>93%</b>
<b>Net Ordinary Income - Marina Operations</b>	<b>57,445</b>	<b>-110,690</b>	<b>168,135</b>	<b>-52%</b>

**Moss Landing Harbor District  
Profit & Loss Budget vs. Actual  
July 2015 through April 2016**

	Jul '15 - Apr 16	Budget	\$ Over Budget	% of Budget
<b>4400 · LEASE AND OTHER INCOME</b>				
<b>4050 · Trust Lands Lease Revenue</b>				
4051 · Dynegy Outfall	51,249	52,120	-871	98%
4052 · MBARI - MARS Cable	1,247	1,281	-34	97%
4053 · MBARI	20,887	20,660	227	101%
<b>Total 4050 · Trust Lands Lease Revenue</b>	<b>73,383</b>	<b>74,061</b>	<b>-678</b>	<b>99%</b>
<b>4500 · Leases</b>				
4501 · K-Pier Lease	13,719	13,620	99	101%
<b>4502 · Cannery Building</b>				
4518 · Suite 5	19,430	13,480	5,950	144%
4510 · Suite 6	20,422	20,320	102	101%
4520 · Suite 9	662	6,664	-6,002	10%
4504 · Suite 3	68,614	67,674	940	101%
4511 · Suite 1 & 10	13,996	13,896	100	101%
4515 · Suite 4	66,357	66,053	304	100%
4517 · Suite 2	24,684	24,698	-14	100%
4523 · Canary NNN	18,150	25,000	-6,850	73%
<b>Total 4502 · Cannery Building</b>	<b>232,315</b>	<b>237,785</b>	<b>-5,470</b>	<b>98%</b>
4530 · RV Lot	25,439	25,322	117	100%
4540 · Martin & Mason	21,932	23,699	-1,767	93%
4541 · SH Spare Office	3,401	4,276	-875	80%
<b>4560 · North Harbor</b>				
4562 · Sea Harvest	28,372	29,600	-1,228	96%
4568 · Monterey Bay Kayaks	28,830	24,630	4,200	117%
4572 · Pottery Planet	30,876	34,830	-3,954	89%
<b>Total 4560 · North Harbor</b>	<b>88,078</b>	<b>89,060</b>	<b>-982</b>	<b>99%</b>
<b>Total 4500 · Leases</b>	<b>384,884</b>	<b>393,762</b>	<b>-8,878</b>	<b>98%</b>
<b>4600 · District Property Taxes</b>	<b>258,755</b>	<b>200,000</b>	<b>58,755</b>	<b>129%</b>
<b>4700 · Other Revenues &amp; Concessions</b>				
4727 · Key Sales	6,235	2,500	3,735	249%
4125 · Amenity Fee	238,494	230,320	8,174	104%
<b>4710 · Vending Activities</b>				
4711 · Washer/Dryer	7,319	6,250	1,069	117%
<b>Total 4710 · Vending Activities</b>	<b>7,319</b>	<b>6,250</b>	<b>1,069</b>	<b>117%</b>
4720 · Dry Storage	48,395	35,000	13,395	138%
4725 · North Harbor Use Fee	54,720	66,666	-11,946	82%
4726 · Annual Launch Fee (Sm. Water)	0	0	0	0%
4730 · NH Washdown	2,462	2,084	378	118%
4735 · Camp/RV	3,202	3,334	-132	96%
4740 · Equipment Rental	947			
4751 · Permits	8,820	5,000	3,820	176%
4755 · Floating Docks	0			
4765 · Faxes, Copies & Postage	36	100	-64	36%
4770 · Surplus Auction/Sales	0	100	-100	0%
4301 · Cost Reimbursement	35,000	35,000	0	100%

**Moss Landing Harbor District  
Profit & Loss Budget vs. Actual  
July 2015 through April 2016**

	Jul '15 - Apr 16	Budget	\$ Over Budget	% of Budget
<b>Total 4700 · Other Revenues &amp; Concessions</b>	405,630	386,354	19,276	105%
<b>4800 · Interest</b>				
4846 · Umpqua Interest	1,138			
4843 · First Capital Bank	2,565			
4841 · Union Bank Interest	2,262	1,040	1,222	218%
<b>Total 4800 · Interest</b>	5,965	1,040	4,925	574%
<b>Total 4400 · LEASE AND OTHER INCOME</b>	1,128,617	1,055,217	73,400	107%
<b>7000 · LEASE AND OTHER EXPENSES</b>				
<b>7100 · Interest Expense</b>				
7134 · Umpqua Accrued Interest	109,952	108,050	1,902	102%
<b>Total 7100 · Interest Expense</b>	109,952	108,050	1,902	102%
<b>7200 · Other Financial Expenses</b>				
7230 · LAFO Administrative Charges	5,637	5,400	237	104%
7221 · CSDA Dues	5,659	5,500	159	103%
<b>Total 7200 · Other Financial Expenses</b>	11,296	10,900	396	104%
<b>5700 · Depreciation</b>	393,331	393,750	-420	100%
<b>7300 · Commissioner Expenses</b>				
7320 · Monthly Stipend	8,500	16,670	-8,170	51%
7321 · Employer Payroll Taxes	627			
7330 · Incurred Expenses	1,357			
<b>Total 7300 · Commissioner Expenses</b>	10,484	16,670	-6,186	63%
<b>Total 7000 · LEASE AND OTHER EXPENSES</b>	525,063	529,370	-4,308	99%
<b>Net Ordinary Income - Lease &amp; Other Operations</b>	603,555	525,847	77,708	115%
<b>Net Ordinary Income - Combined Operations</b>	660,999	415,157	245,842	159%
<b>Other Income/Expense</b>				
<b>Other Expense</b>				
<b>9000 · CAPITAL PROJECT EXPENSES</b>				
5880 · Dredging	73,002	50,000	23,002	146%
9050 · Project Consultant	693			
9302 · Tsunami shoreline repairs	29,698			
9800 · Dock Replacement	135,946			
9309 · New NH Restaurant	45,044			
9565 · Miscellaneous Capital Projects	9,545			
9150 · Cannery	10,982			
<b>Total 9000 · CAPITAL PROJECT EXPENSES</b>	304,910	50,000	254,910	610%
<b>Total Other Expense</b>	304,910	50,000	254,910	610%
<b>Net Other Income</b>	-304,910	-50,000	-254,910	610%
<b>Net Income</b>	<u>356,089</u>	<u>365,157</u>	<u>-9,068</u>	<u>98%</u>

**Moss Landing Harbor District**  
**Profit & Loss YTD Comparison**  
July 2015 through April 2016

	Jul '15 - Apr 16	Jul '14 - Apr 15	\$ Change	% Change
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
<b>4000 · MARINA REVENUES</b>				
<b>4100 · Berthing Income</b>				
4110 · Assigned Berthing	1,273,401	1,266,315	7,086	1%
4115 · Temporary Berthing	181,123	183,336	-2,213	-1%
4130 · Transient Berthing	36,958	57,008	-20,050	-35%
4112 · Qtrly/Annual Discount	-3,799	-1,975	-1,824	-92%
4113 · Commercial Vessel Dscnt	-13,273	-12,550	-723	-6%
4114 · Away (1 mnth) Dscnt	-905	-1,812	907	50%
4120 · Liveaboard Fees	90,602	86,242	4,360	5%
4260 · Towing - Intra Harbor	900	2,700	-1,800	-67%
4270 · Pumpouts	1,000	200	800	400%
4220 · Wait List	7,052	7,865	-813	-10%
4282 · Recovered Lien Costs	700	2,332	-1,632	-70%
4280 · Late Fees	22,895	24,472	-1,577	-6%
<b>Total 4100 · Berthing Income</b>	<b>1,596,654</b>	<b>1,614,133</b>	<b>-17,479</b>	<b>-1%</b>
<b>4200 · Other Income - Operations</b>				
4225 · Merchandise	729	391	338	86%
4285 · Dog Fee	1,335	1,340	-5	-0%
4230 · SH Parking	88,144	58,443	29,701	51%
4290 · Misc	1,567	36,869	-35,302	-96%
<b>Total 4200 · Other Income - Operations</b>	<b>91,775</b>	<b>97,043</b>	<b>-5,268</b>	<b>-5%</b>
<b>4300 · Operating Grant Revenues</b>		30,000	-30,000	-100%
<b>Total 4000 · MARINA REVENUES</b>	<b>1,688,429</b>	<b>1,741,176</b>	<b>-52,747</b>	<b>-3%</b>
<b>Expense</b>				
<b>5200 · General &amp; Administrative</b>				
5100 · Advertising	2,351	1,103	1,248	113%
5921 · Internet Billing Service	1,444	1,550	-106	-7%
5210 · Dues & Subscriptions	6,018	4,682	1,336	29%
<b>5220 · Office Supplies</b>				
5223 · Administration	1,942	3,811	-1,869	-49%
5225 · Operations	3,468	13,775	-10,307	-75%
<b>Total 5220 · Office Supplies</b>	<b>5,410</b>	<b>17,586</b>	<b>-12,176</b>	<b>-69%</b>
<b>5230 · Postage &amp; Equip Lease</b>				
5232 · Meter Lease	369	480	-111	-23%
5235 · Postage	1,047	1,276	-229	-18%
<b>Total 5230 · Postage &amp; Equip Lease</b>	<b>1,416</b>	<b>1,756</b>	<b>-340</b>	<b>-19%</b>
<b>5240 · Copier Lease &amp; Supplies</b>				
5242 · Copier Lease	3,121	3,177	-56	-2%
5245 · Toner & Supplies		170	-170	-100%
<b>Total 5240 · Copier Lease &amp; Supplies</b>	<b>3,121</b>	<b>3,347</b>	<b>-226</b>	<b>-7%</b>
<b>5250 · Telephone &amp; Communications</b>				
5253 · Administration	8,847	7,710	1,137	15%

**Moss Landing Harbor District**  
**Profit & Loss YTD Comparison**  
July 2015 through April 2016

	Jul '15 - Apr 16	Jul '14 - Apr 15	\$ Change	% Change
5255 · Operations	1,110	1,064	46	4%
<b>Total 5250 · Telephone &amp; Communications</b>	<b>9,957</b>	<b>8,774</b>	<b>1,183</b>	<b>13%</b>
<b>5260 · Professional Services</b>				
5269 · Payroll Processing	2,846	2,617	229	9%
5263 · Audit fees	14,500	14,000	500	4%
5262 · Accounting	29,936	29,464	472	2%
5265 · Legal	81,035	60,891	20,144	33%
5268 · Computer Consulting	4,754	1,778	2,976	167%
<b>Total 5260 · Professional Services</b>	<b>133,071</b>	<b>108,750</b>	<b>24,321</b>	<b>22%</b>
5270 · Licenses & Permits	387		387	100%
5281 · Resale Merchandise	1,226		1,226	100%
5290 · Credit Card Fees	8,333	6,869	1,464	21%
<b>Total 5200 · General &amp; Administrative</b>	<b>172,734</b>	<b>154,417</b>	<b>18,317</b>	<b>12%</b>
<b>5300 · Personnel</b>				
<b>5310 · Salaries</b>				
5313 · Administration	211,941	192,835	19,106	10%
5315 · Operations	96,403	125,340	-28,937	-23%
5318 · Maintenance	60,935	77,384	-16,449	-21%
<b>Total 5310 · Salaries</b>	<b>369,279</b>	<b>395,559</b>	<b>-26,280</b>	<b>-7%</b>
<b>5330 · Payroll Taxes</b>				
5333 · Administration	14,940	14,726	214	1%
5335 · Operations	8,004	10,909	-2,905	-27%
5338 · Maintenance	4,821	5,832	-1,011	-17%
<b>Total 5330 · Payroll Taxes</b>	<b>27,765</b>	<b>31,467</b>	<b>-3,702</b>	<b>-12%</b>
<b>5340 · Employee Benefits</b>				
5343 · Administration	64,084	57,398	6,686	12%
5345 · Operations	32,968	32,940	28	0%
5348 · Maintenance	36,510	38,637	-2,127	-6%
<b>Total 5340 · Employee Benefits</b>	<b>133,562</b>	<b>128,975</b>	<b>4,587</b>	<b>4%</b>
<b>5350 · Workers Compensation</b>				
5353 · Administration	3,000	3,000		
5355 · Operations	5,870	5,870		
5358 · Maintenance	6,670	6,670		
<b>Total 5350 · Workers Compensation</b>	<b>15,540</b>	<b>15,540</b>		
<b>5360 · Education &amp; Training</b>				
5363 · Administration	3,470	574	2,896	505%
<b>Total 5360 · Education &amp; Training</b>	<b>3,470</b>	<b>574</b>	<b>2,896</b>	<b>505%</b>
<b>Total 5300 · Personnel</b>	<b>549,616</b>	<b>572,115</b>	<b>-22,499</b>	<b>-4%</b>
<b>5400 · Insurance</b>				
5410 · Liability Insurance	94,979	97,544	-2,565	-3%
<b>Total 5400 · Insurance</b>	<b>94,979</b>	<b>97,544</b>	<b>-2,565</b>	<b>-3%</b>
<b>5500 · Utilities</b>				
5540 · Sewer	29,890	24,471	5,419	22%

**Moss Landing Harbor District**  
**Profit & Loss YTD Comparison**  
July 2015 through April 2016

	Jul '15 - Apr 16	Jul '14 - Apr 15	\$ Change	% Change
5510 · Garbage	43,114	40,140	2,974	7%
5520 · Gas and Electric	172,077	170,000	2,077	1%
5530 · Water	26,938	23,469	3,469	15%
<b>Total 5500 · Utilities</b>	<b>272,019</b>	<b>258,080</b>	<b>13,939</b>	<b>5%</b>
<b>5600 · Operating Supplies</b>				
5610 · Vehicles	6,249	6,866	-617	-9%
5620 · Vessels	58		58	100%
5625 · Operations	19,465	12,768	6,697	52%
<b>Total 5600 · Operating Supplies</b>	<b>25,772</b>	<b>19,634</b>	<b>6,138</b>	<b>31%</b>
<b>5700 · Depreciation</b>	<b>393,331</b>	<b>393,331</b>		
<b>5800 · Repairs &amp; Maintenance</b>				
5810 · Vehicles	2,786	913	1,873	205%
5820 · Vessels		176	-176	-100%
5830 · Equip Rental	2,750	-208	2,958	1,422%
5840 · Small Tools	600	2,024	-1,424	-70%
5850 · Repair Materials	30,234	29,245	989	3%
5860 · Outside Service Contracts	44,451	48,358	-3,907	-8%
5870 · Derelict Disposal	17,020	6,790	10,230	151%
<b>Total 5800 · Repairs &amp; Maintenance</b>	<b>97,841</b>	<b>87,298</b>	<b>10,543</b>	<b>12%</b>
<b>5900 · Financial Expenses</b>				
5928 · Loan Issuance Costs		73,463	-73,463	-100%
5920 · Bank Service Charges	3,443	1,815	1,628	90%
5990 · Bad Debt	21,250	17,000	4,250	25%
<b>Total 5900 · Financial Expenses</b>	<b>24,693</b>	<b>92,278</b>	<b>-67,585</b>	<b>-73%</b>
<b>Total · MARINA EXPENSES</b>	<b>1,630,985</b>	<b>1,674,697</b>	<b>-43,712</b>	<b>-3%</b>
<b>Net Ordinary Income - Marina Operations</b>	<b>57,445</b>	<b>66,480</b>	<b>-9,035</b>	<b>-14%</b>
<b>4400 · LEASE AND OTHER INCOME</b>				
<b>4050 · Trust Lands Lease Revenue</b>				
4051 · Dynegy Outfall	51,249	50,112	1,137	2%
4052 · MBARI - MARS Cable	1,247		1,247	100%
4053 · MBARI	20,887	19,694	1,193	6%
<b>Total 4050 · Trust Lands Lease Revenue</b>	<b>73,383</b>	<b>69,806</b>	<b>3,577</b>	<b>5%</b>
<b>4500 · Leases</b>				
4501 · K-Pier Lease	13,719	14,709	-990	-7%
<b>4502 · Cannery Building</b>				
4518 · Suite 5	19,430	6,398	13,032	204%
4510 · Suite 6	20,422	1,954	18,468	945%
4512 · Suites 7		17,584	-17,584	-100%
4520 · Suite 9	662	6,441	-5,779	-90%
4504 · Suite 3	68,614	66,030	2,584	4%
4511 · Suite 1 & 10	13,996	13,435	561	4%
4515 · Suite 4	66,357	63,857	2,500	4%
4517 · Suite 2	24,684	26,537	-1,853	-7%

**Moss Landing Harbor District  
Profit & Loss YTD Comparison  
July 2015 through April 2016**

	Jul '15 - Apr 16	Jul '14 - Apr 15	\$ Change	% Change
4523 · Canary NNN	18,150	16,565	1,585	10%
<b>Total 4502 · Cannery Building</b>	<b>232,315</b>	<b>218,801</b>	<b>13,514</b>	<b>6%</b>
4530 · RV Lot	25,439	24,481	958	4%
4540 · Martin & Mason	21,932	23,045	-1,113	-5%
4541 · SH Spare Office	3,401	4,135	-734	-18%
<b>4560 · North Harbor</b>				
4562 · Sea Harvest	28,372	33,558	-5,186	-15%
4568 · Monterey Bay Kayaks	28,830	28,698	132	0%
4572 · Pottery Planet	30,876	30,543	333	1%
<b>Total 4560 · North Harbor</b>	<b>88,078</b>	<b>92,799</b>	<b>-4,721</b>	<b>-5%</b>
<b>Total 4500 · Leases</b>	<b>384,884</b>	<b>377,970</b>	<b>6,914</b>	<b>2%</b>
<b>4600 · District Property Taxes</b>	<b>258,755</b>	<b>249,215</b>	<b>9,540</b>	<b>4%</b>
<b>4700 · Other Revenues &amp; Concessions</b>				
4727 · Key Sales	6,235	4,210	2,025	48%
4125 · Amenity Fee	238,494	218,495	19,999	9%
<b>4710 · Vending Activities</b>				
4711 · Washer/Dryer	7,319	7,709	-390	-5%
<b>Total 4710 · Vending Activities</b>	<b>7,319</b>	<b>7,709</b>	<b>-390</b>	<b>-5%</b>
4720 · Dry Storage	48,395	41,079	7,316	18%
4725 · North Harbor Use Fee	54,720	56,838	-2,118	-4%
4730 · NH Washdown	2,462	2,124	338	16%
4735 · Camp/RV	3,202	6,209	-3,007	-48%
4740 · Equipment Rental	947	803	144	18%
4751 · Permits	8,820	5,757	3,063	53%
<b>4755 · Floating Docks</b>				
4765 · Faxes, Copies & Postage	36	65	-29	-45%
4301 · Cost Reimbursement	35,000		35,000	100%
<b>Total 4700 · Other Revenues &amp; Concessions</b>	<b>405,630</b>	<b>343,289</b>	<b>62,341</b>	<b>18%</b>
<b>4800 · Interest</b>				
4846 · Umpqua Interest	1,138	1,373	-235	-17%
4843 · First Capital Bank	2,565	2,560	5	0%
4841 · Union Bank Interest	2,262	1,310	952	73%
4825 · Pinnacle Bank CDs		350	-350	-100%
<b>Total 4800 · Interest</b>	<b>5,965</b>	<b>5,593</b>	<b>372</b>	<b>7%</b>
<b>Total 4400 · LEASE AND OTHER INCOME</b>	<b>1,128,617</b>	<b>1,045,873</b>	<b>82,744</b>	<b>8%</b>
<b>7000 · LEASE AND OTHER EXPENSES</b>				
<b>7100 · Interest Expense</b>				
7134 · Umpqua Accrued Interest	109,952	101,655	8,297	8%
7132 · Municipal Finance		674	-674	-100%
7135 · Union Bank Interest		2,910	-2,910	-100%
7110 · DBAW Loans		6,365	-6,365	-100%
7130 · CIEDB		45,287	-45,287	-100%
<b>Total 7100 · Interest Expense</b>	<b>109,952</b>	<b>156,891</b>	<b>-46,939</b>	<b>-30%</b>

**Moss Landing Harbor District**  
**Profit & Loss YTD Comparison**  
July 2015 through April 2016

	Jul '15 - Apr 16	Jul '14 - Apr 15	\$ Change	% Change
<b>7200 · Other Financial Expenses</b>				
7230 · LAFO Administrative Charges	5,637	5,303	334	6%
7221 · CSDA Dues	5,659	5,288	371	7%
<b>Total 7200 · Other Financial Expenses</b>	<b>11,296</b>	<b>10,591</b>	<b>705</b>	<b>7%</b>
<b>5700 · Depreciation</b>	<b>393,331</b>	<b>393,331</b>		
<b>7300 · Commissioner Expenses</b>				
7310 · Election Costs		161,865	-161,865	-100%
7320 · Monthly Stipend	8,500	10,600	-2,100	-20%
7321 · Employer Payroll Taxes	627		627	100%
7330 · Incurred Expenses	1,357	1,067	290	27%
<b>Total 7300 · Commissioner Expenses</b>	<b>10,484</b>	<b>173,532</b>	<b>-163,048</b>	<b>-94%</b>
<b>Total 7000 · LEASE AND OTHER EXPENSES</b>	<b>525,063</b>	<b>734,345</b>	<b>-209,282</b>	<b>-28%</b>
<b>Net Ordinary Income - Lease &amp; Other Operations</b>	<b>603,555</b>	<b>311,529</b>	<b>292,026</b>	<b>94%</b>
<b>Net Ordinary Income - Combined Operations</b>	<b>660,999</b>	<b>378,008</b>	<b>282,991</b>	<b>75%</b>
<b>Other Income/Expense</b>				
<b>Other Income</b>				
<b>8000 · CAPITAL PROJECT REVENUE</b>				
8215 · FEMA Grant Receivable		506,041	-506,041	-100%
<b>Total 8000 · CAPITAL PROJECT REVENUE</b>		<b>506,041</b>	<b>-506,041</b>	<b>-100%</b>
<b>Total Other Income</b>		<b>506,041</b>	<b>-506,041</b>	<b>-100%</b>
<b>Other Expense</b>				
<b>9000 · CAPITAL PROJECT EXPENSES</b>				
9054 · Sea Lion Deterrent Fencing		25,969	-25,969	-100%
5880 · Dredging	73,002	23,913	49,089	205%
9050 · Project Consultant	693		693	100%
9302 · Tsunami shoreline repairs	29,698	31,389	-1,691	-5%
9800 · Dock Replacement	135,946	10,854	125,092	1,152%
9309 · New NH Restaurant	45,044	60,475	-15,431	-26%
9250 · Security Camera		6,938	-6,938	-100%
9565 · Miscellaneous Capital Projects	9,545	9,376	169	2%
9150 · Cannery	10,982		10,982	100%
9420 · NH Launch Ramp				
<b>Total 9000 · CAPITAL PROJECT EXPENSES</b>	<b>304,910</b>	<b>168,914</b>	<b>135,996</b>	<b>81%</b>
<b>Total Other Expense</b>	<b>304,910</b>	<b>168,914</b>	<b>135,996</b>	<b>81%</b>
<b>Net Other Income</b>	<b>-304,910</b>	<b>337,127</b>	<b>-642,037</b>	<b>-190%</b>
<b>Net Income</b>	<b>356,089</b>	<b>715,135</b>	<b>-359,046</b>	<b>-50%</b>

**Moss Landing Harbor District**  
**A/P Aging Summary**  
As of April 30, 2016

	<u>Current</u>	<u>1 - 30</u>	<u>31 - 60</u>	<u>61 - 90</u>	<u>&gt; 90</u>	<u>TOTAL</u>
A.L. Lease	87.71	0.00	0.00	0.00	0.00	87.71
ACE Hardware	24.94	0.00	0.00	0.00	0.00	24.94
Airgas	74.75	0.00	0.00	0.00	0.00	74.75
AT&T	0.00	-709.88	0.00	0.00	0.00	-709.88
Californian, The	0.00	188.17	0.00	0.00	0.00	188.17
CalPERS	0.00	-7,562.78	0.00	0.00	0.00	-7,562.78
Caravel	14,600.00	0.00	0.00	0.00	0.00	14,600.00
Central Coast Systems, Inc.	105.00	0.00	0.00	0.00	0.00	105.00
Cintas	430.18	0.00	0.00	0.00	0.00	430.18
Good Earth Industries	2,435.00	0.00	0.00	0.00	0.00	2,435.00
Green Line	1,175.00	0.00	0.00	0.00	0.00	1,175.00
Konica Minolta Premier Finance	0.00	0.00	0.00	0.00	-117.11	-117.11
Linda G. McIntyre	0.00	-400.00	0.00	0.00	0.00	-400.00
Monterey Regional Waste Management Dist.	236.70	0.00	0.00	0.00	0.00	236.70
Pajaro Valley Lock Shop	0.00	160.45	0.00	0.00	0.00	160.45
Pajaro/Sunny Mesa C.S.D.	2,259.11	0.00	0.00	0.00	0.00	2,259.11
PG&E	0.00	-20,000.00	0.00	0.00	0.00	-20,000.00
Premium Assignment Corporation	0.00	-10,328.12	0.00	0.00	0.00	-10,328.12
Principal Financial	0.00	-465.73	0.00	0.00	0.00	-465.73
Rabobank	227.62	0.00	0.00	0.00	0.00	227.62
Redshift	0.00	-136.85	0.00	0.00	0.00	-136.85
Royal Wholesale Electric	305.08	0.00	0.00	0.00	0.00	305.08
Sea Engineering, Inc.	0.00	0.00	0.00	0.00	402.50	402.50
Social Vocational Services, Inc.	0.00	-1,022.45	0.00	0.00	0.00	-1,022.45
U.S. Bank	1,212.92	0.00	0.00	0.00	0.00	1,212.92
United Site Services of Calif., Inc.	120.57	0.00	0.00	0.00	0.00	120.57
VALIC	4,229.83	0.00	0.00	0.00	-3,517.23	712.60
Verizon Wireless	228.09	0.00	0.00	0.00	0.00	228.09
Vision Sevice Plan	0.00	-229.46	0.00	0.00	0.00	-229.46
Wald, Ruhnke & Dost Architects, LP	631.25	0.00	0.00	0.00	0.00	631.25
<b>TOTAL</b>	<b><u>28,383.75</u></b>	<b><u>-40,506.65</u></b>	<b><u>0.00</u></b>	<b><u>0.00</u></b>	<b><u>-3,231.84</u></b>	<b><u>-15,354.74</u></b>

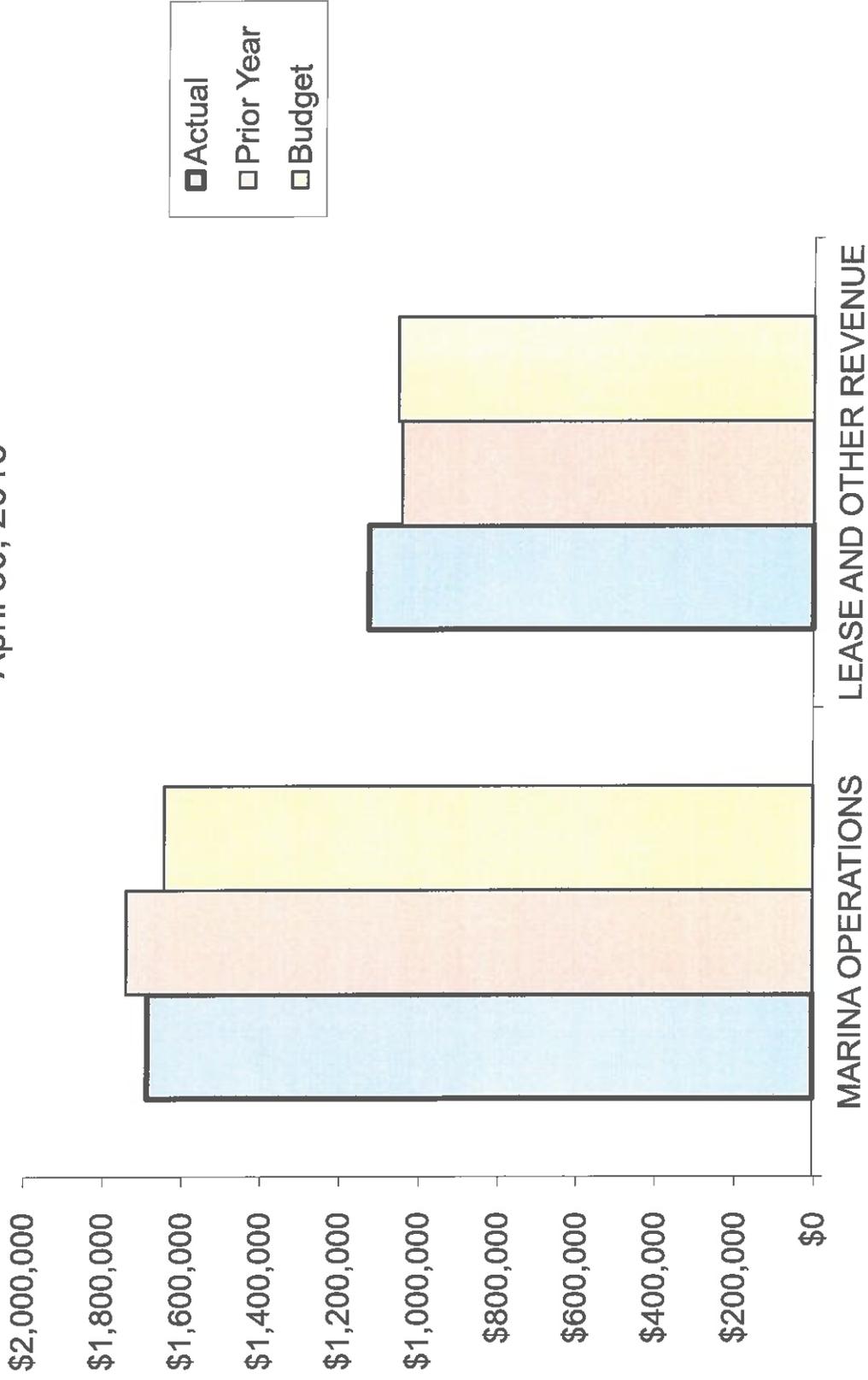
**Moss Landing Harbor District  
Warrant Listing  
As of April 30, 2016**

Type	Date	Num	Name	Amount
<b>1009 - Union - Operating</b>				
Bill Pmt -Check	04/01/2016	16241	Bayside Oil, Inc.	-207.00
Bill Pmt -Check	04/01/2016	16242	Big Bear Bottled Water	-61.10
Bill Pmt -Check	04/01/2016	16243	Byte Technology	-37.50
Bill Pmt -Check	04/01/2016	16244	Carmel Marina Corporation	-109.72
Bill Pmt -Check	04/01/2016	16245	Castroville "ACE" Hardware	-11.09
Bill Pmt -Check	04/01/2016	16246	Central Coast Systems, Inc.	-432.18
Bill Pmt -Check	04/01/2016	16247	Green Valley Supply	-739.95
Bill Pmt -Check	04/01/2016	16248	Khevin Mellegers	-457.00
Bill Pmt -Check	04/01/2016	16249	MBS Business Systems	-103.36
Bill Pmt -Check	04/01/2016	16250	Mora Door, Inc.	-683.44
Bill Pmt -Check	04/01/2016	16251	Social Vocational Services, Inc.	-1,022.45
Bill Pmt -Check	04/01/2016	16252	ThyssenKrupp Elevator - 042	-572.13
Bill Pmt -Check	04/01/2016	16253	U.S. Bank	-2,203.50
Bill Pmt -Check	04/01/2016	16254	United Site Services of Calif., Inc.	-120.57
Bill Pmt -Check	04/01/2016	16255	Wendy L. Cumming, CPA	-4,016.25
Bill Pmt -Check	04/01/2016	16256	Zach Mitchell	-390.00
Bill Pmt -Check	04/01/2016	16257	Zeph Despard	-400.00
Bill Pmt -Check	04/11/2016	16258	AT&T	-103.60
Bill Pmt -Check	04/11/2016	16259	Cameron Curtis	-249.70
Bill Pmt -Check	04/11/2016	16260	Carmel Marina Corporation	-653.04
Bill Pmt -Check	04/11/2016	16261	Castroville "ACE" Hardware	-40.29
Bill Pmt -Check	04/11/2016	16262	Central Coast Systems, Inc.	-517.50
Bill Pmt -Check	04/11/2016	16263	Cintas	-520.85
Bill Pmt -Check	04/11/2016	16264	Jay Serio	-333.00
Bill Pmt -Check	04/11/2016	16265	Konica Minolta Premier Finance	-266.43
Bill Pmt -Check	04/11/2016	16266	MRWPCA	-4,503.75
Bill Pmt -Check	04/11/2016	16267	Office Depot	-131.24
Bill Pmt -Check	04/11/2016	16268	Pajaro/Sunny Mesa C.S.D.	-2,941.63
Bill Pmt -Check	04/11/2016	16269	PG&E	-20,000.00
Bill Pmt -Check	04/11/2016	16270	Premium Assignment Corporation	-10,328.12
Bill Pmt -Check	04/11/2016	16271	Principal Financial	-465.73
Bill Pmt -Check	04/11/2016	16272	Redshift	-136.85
Bill Pmt -Check	04/11/2016	16273	Reserve Account	-500.00
Bill Pmt -Check	04/11/2016	16274	Royal Wholesale Electric	-185.55
Bill Pmt -Check	04/11/2016	16275	Sea Engineering, Inc.	-3,013.00
Bill Pmt -Check	04/11/2016	16276	Social Vocational Services, Inc.	-1,022.45
Bill Pmt -Check	04/11/2016	16277	Sunrise Express	-43.33
Bill Pmt -Check	04/11/2016	16278	Valero Marketing and Supply Company	-108.73
Bill Pmt -Check	04/11/2016	16258	Vision Sevice Plan	0.00
Bill Pmt -Check	04/11/2016	16280	Carmel Marina Corporation	-653.04
Bill Pmt -Check	04/11/2016	16281	MRWPCA	-1,389.56
Bill Pmt -Check	04/11/2016	16282	Rabobank	-227.62
Bill Pmt -Check	04/11/2016	16283	Carmel Marina Corporation	-2,506.08

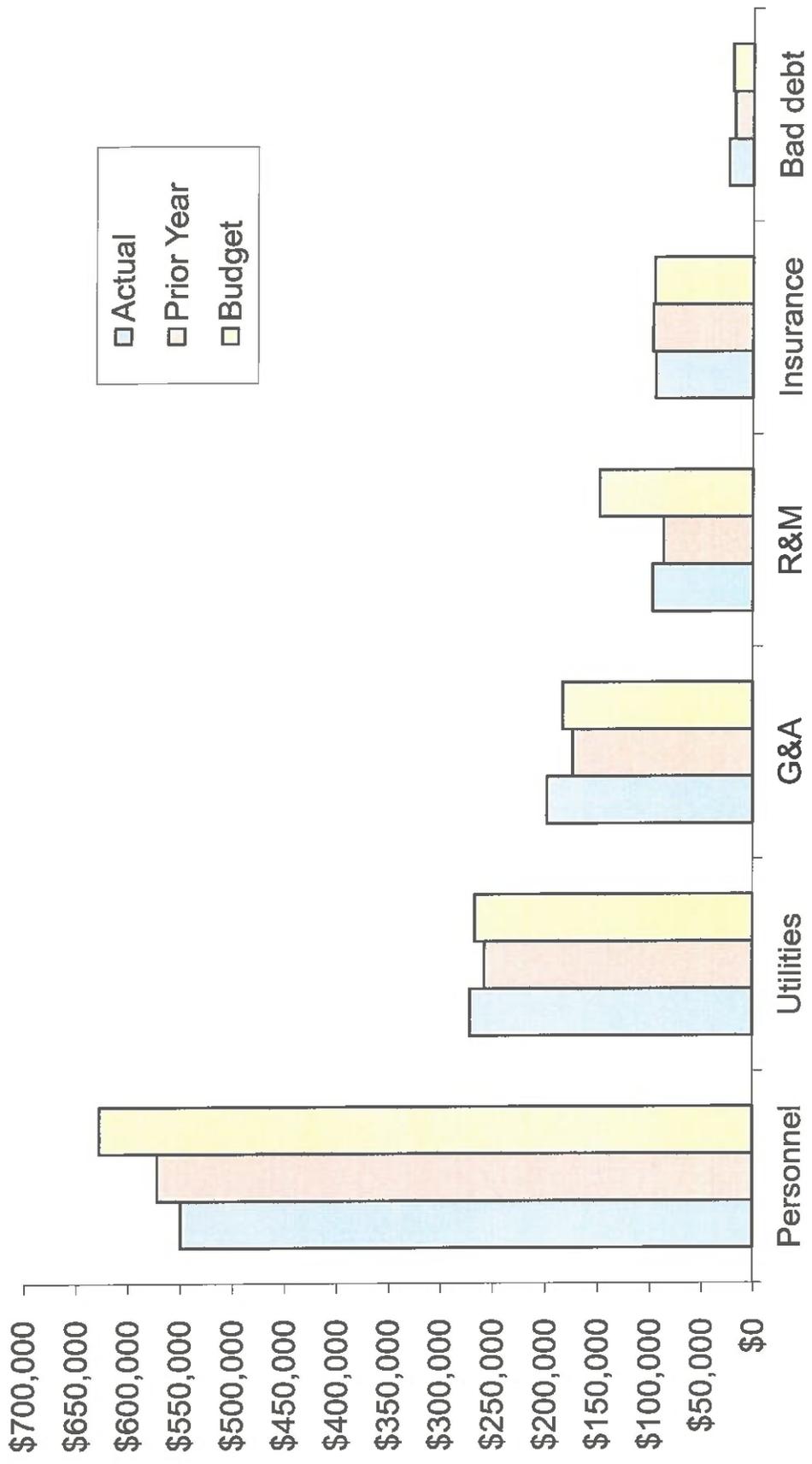
**Moss Landing Harbor District  
Warrant Listing  
As of April 30, 2016**

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
Bill Pmt -Check	04/11/2016	16284	VALIC	-4,174.43
Bill Pmt -Check	04/20/2016	16285	Airgas	-73.72
Bill Pmt -Check	04/20/2016	16286	Ambient Air	-880.00
Bill Pmt -Check	04/20/2016	16287	AT&T	-208.62
Bill Pmt -Check	04/20/2016	16288	Auto Care Towing	-613.50
Bill Pmt -Check	04/20/2016	16289	Bayside Oil, Inc.	-2,232.50
Bill Pmt -Check	04/20/2016	16290	Big Bear Bottled Water	-61.10
Bill Pmt -Check	04/20/2016	16291	CalPERS	-7,562.78
Bill Pmt -Check	04/20/2016	16292	Dennis Powell	-646.00
Bill Pmt -Check	04/20/2016	16293	Jarvis, Fay, Doportto & Gibson, LLP	-8,430.00
Bill Pmt -Check	04/20/2016	16294	Kie-Con, Inc.	-121,499.30
Bill Pmt -Check	04/20/2016	16295	Linda G. McIntyre	-400.00
Bill Pmt -Check	04/20/2016	16296	Scotts Valley Sprinkler	-564.83
Bill Pmt -Check	04/20/2016	16297	Unisource Worldwide, Inc.	-1,804.66
Bill Pmt -Check	04/20/2016	16298	Vance Sprock	-535.00
Bill Pmt -Check	04/20/2016	16299	Verizon Wireless	-228.23
Bill Pmt -Check	04/20/2016	16300	Wald, Ruhnke & Dost Architects, LP	-3,703.25
Bill Pmt -Check	04/20/2016	16301	WASH	-202.08
Bill Pmt -Check	04/20/2016	16302	AT&T	-501.26
Bill Pmt -Check	04/25/2016	16303	Vision Sevice Plan	-229.46
Bill Pmt -Check	04/29/2016	16304	Ambient Air	-880.00
Bill Pmt -Check	04/29/2016	16305	Aspen Enviornmental Group	-2,428.75
Bill Pmt -Check	04/29/2016	16306	Byte Technology	-75.00
Bill Pmt -Check	04/29/2016	16307	Carmel Marina Corporation	-109.72
Bill Pmt -Check	04/29/2016	16308	DMV/Lien Sale Section	-40.00
Bill Pmt -Check	04/29/2016	16309	Henderson Marine Supply	-305.30
Bill Pmt -Check	04/29/2016	16310	Interstate Battery System of SJ	-103.27
Bill Pmt -Check	04/29/2016	16311	Revel Enviornmental Manufacturing , Inc.	-572.00
Bill Pmt -Check	04/29/2016	16312	Sea Engineering, Inc.	-8,390.00
Bill Pmt -Check	04/29/2016	16313	Tom's Septic Construction	-725.00
Bill Pmt -Check	04/29/2016	16314	Tony Osbon	-390.50
Bill Pmt -Check	04/29/2016	16315	United Site Services of Calif., Inc.	-120.57
Bill Pmt -Check	04/29/2016	16316	Wendy L. Cumming, CPA	-2,497.50
Total 1009 · Union - Operating				-233,596.66
<b>TOTAL</b>				<b>-233,596.66</b>

**Marina, Lease and Other Revenue**  
**Year to Date Actual vs. Budget and Prior Year**  
**April 30, 2016**

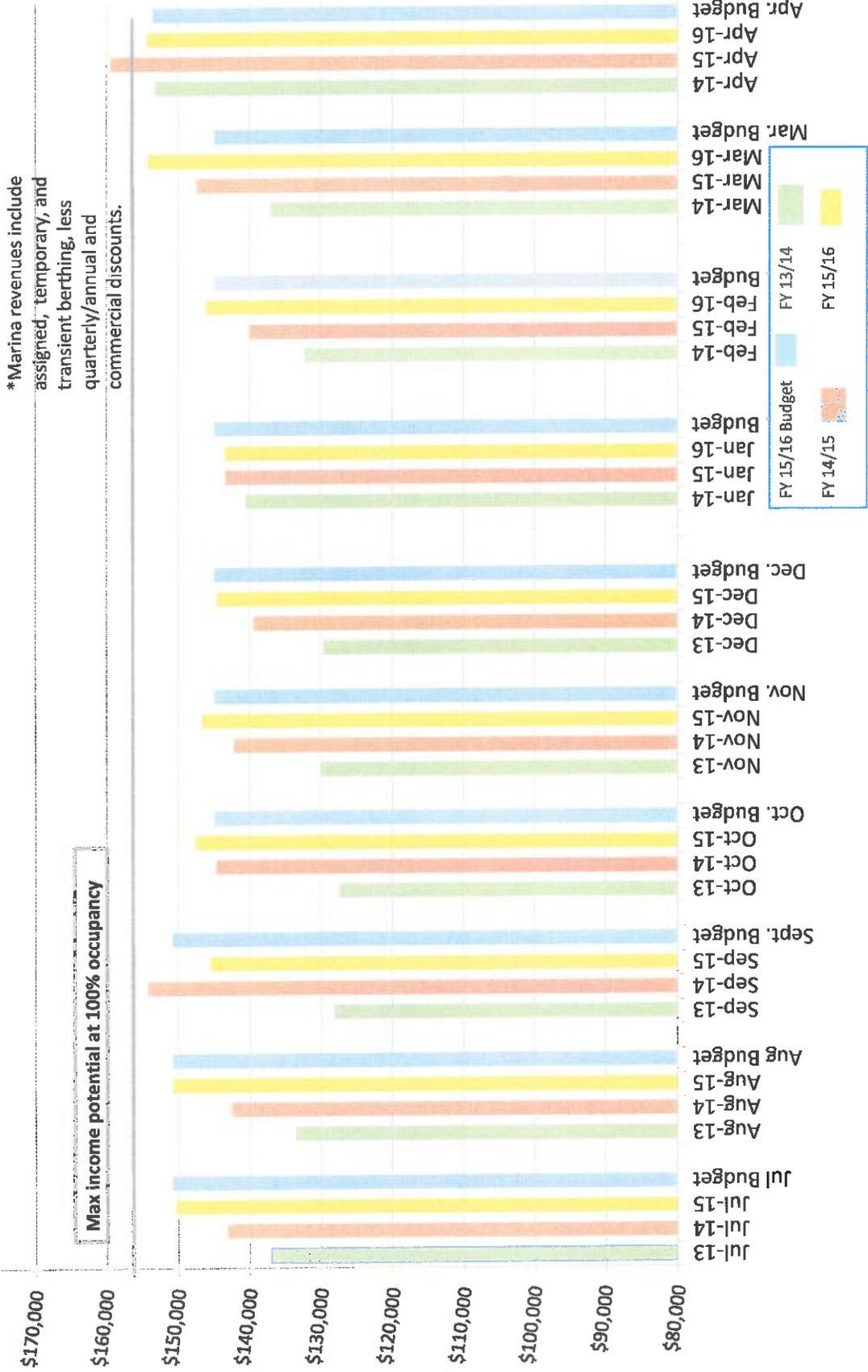


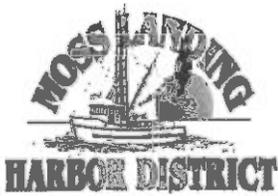
## Operating Expenses Year to Date Actuals vs. Budget and Prior Year April 30, 2016



**\*\*Expenses Exclude Dredging, Depreciation and Interest Expenses\*\***

# Moss Landing Harbor District Marina Revenue\* (Berthing) - 3 Year Comparison





BOARD OF COMMISSIONERS  
 Russell Jeffries  
 Tony Leonardini  
 Vincent Ferrante  
 Andrew Amaral  
 Margaret "Peggy" Shirrel, Ph.D.

7881 SANDHOLDT ROAD  
 MOSS LANDING, CA 95039

TELEPHONE – 831.633.5417  
 FACSIMILE – 831.633.4537



GENERAL MANAGER  
 HARBORMASTER  
 Linda G. McIntyre, Esq

## STAFF REPORT

### ITEM NUMBER 4 – PROJECT STATUS BOARD MEETING OF MAY 31, 2016

WHEN	WHAT	STATUS			COMMENTS
		DONE	ON TARGET	REVISED	
During NH Building Construction	Install electrical lights around the perimeter of NH parking lot as budget permits.			X	Awaiting relocation of electrical box during NH Building project. This will be an ongoing project. We will commence obtaining new permits as appropriate.
After NH Building Construction	Postponed due to budget constraints* Repair Cannery Building unimproved parking lot Lease proposal for site is pending.			X	Lease proposal for this site is pending as of June 2015; meeting proposed for February 2016.
After NH Building Construction	Postponed due to budget constraints* Install hardwood in Assistant GM's, Executive Assistant's and the GM's offices			X	Postponed due to budgeting constraints.
2015 - 2017?	Improve area around B dock entrance to a park-like setting			X	Follows undergrounding of electric pole next to B Dock by PG&E.
After NH Building construction	Postponed due to budget constraints* Magnetic Key Card system installation			X	B, C & J Docks completed; Next Docks: G & I dock @ \$3K per gate plus \$2200 if a relay is needed.
Sometime in 2016	Tsunami Shoreline Erosion Project			X	Obtained FEMA extension of completion deadline to 12.31.16; pending permit approvals
Emergency Repairs by end of summer 2016	NH pedestrian wharf and gangway access erosion			X	El Niño storms created emergency; Cal Trans delaying project; required a survey at District expense & encroachment permit on their unimproved Right of Way adjacent to wharf damage.
Ongoing (started 2014)	Sea Lion deterrent fencing as needed. Alternative deterrent methods being employed with better success (constant shooing coupled with constant paintball gun use)			X	Installed in several trouble spots throughout South Harbor. Discovered fencing doesn't work except in limited circumstances.
Ongoing (started July 2015)	Replacement of three (3) HVAC Units SC Cannery Bldg (one unit replaced in October 2015)		X		One unit immediately in need of replacement was replaced October 2015.
Emergency project May 2016	Replace B dock end tie; 6 additional 50' fingers destroyed by El Niño storm surges		X		El Niño storms created emergency – on 1.27.16; PROJECT COMPLETED mid-May 2016
FY 2017	NH visitor dock replacement			X	Visitor dock at NH destroyed by sea lions; because of 2 El Niño emergency projects will have to budget in 2017

\*NORTH HARBOR BUILDING HAS PRIORITY.



**BOARD OF COMMISSIONERS**  
Russ Jeffries  
Tony Leonardini  
Vincent Ferrante  
Andrew Amaral  
Margaret "Peggy" Shirrel, Ph.D.

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MOSS LANDING, CA 95039

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**EXECUTIVE  
GENERAL MANAGER**

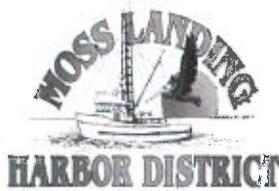
**HARBORMASTER**  
Linda G. McIntyre, Esq.

## **STAFF REPORT**

### **ITEM NUMBER 5 – COMMUNITY RELATIONS REPORT BOARD MEETING OF MAY 31, 2016**

1. KION 46 TV broadcast live from South Harbor on May 19 as part of their weekly "Central Coasting" featuring various locales throughout the County. Check it out on their website if you weren't able to catch the live broadcast; they did an exceptional job of showcasing Moss Landing Harbor, the village, the restaurants, the Elkhorn Slough, the wildlife in the area and generally brought some good publicity to us.
2. KION 46 TV did a report on Special Districts in Monterey County; they interviewed Kate McKenna of LAFCO, a Board member on the Castroville Cemetery District and the GM of the Moss Landing Harbor District. It was broadcast on Tuesday, May 24 and you can view it on KION's website if you missed it.
3. Assistant General Manager Tommy Razzeca received a fully paid scholarship from Wells Fargo Bank to attend the CSDA General Manager's Leadership Summit in Lake Tahoe next month.
4. Several Commissioners and staff attended the annual Chamber dinner at Moss Landing Café. It was nice to reconnect with other Chamber members and enjoy a fantastic gourmet dining experience.
5. Lee Genz at the Dynegy Power Plant graciously allowed us to tie up a couple of large vessels at their dock for a few days during the B-Dock emergency project. Our thanks to a good neighbor!

*SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947*



**BOARD OF COMMISSIONERS**  
 Russ Jeffries  
 Tony Leonardini  
 Vince Ferrante  
 Andrew Amaral  
 Margaret "Peggy" Shirrel, Ph.D.

7881 SANDHOLDT ROAD  
 MOSS LANDING, CA 95039

TELEPHONE – 831.633.5417  
 FACSIMILE – 831.633.4537



**EXECUTIVE  
 GENERAL MANAGER  
 HARBORMASTER**

Linda G. McIntyre, Esq.

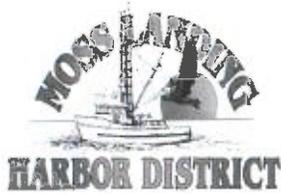
## STAFF REPORT

### ITEM NUMBER 6 – SUMMARY OF PERMITS ISSUED BOARD MEETING OF MAY 31, 2016

**As of May 25, 2016**

Permittee	Issue Date	Status	Permit Type	Exp. Date
Fast Raft	7/8/2015	Current	Facilities Use	7/8/2016
MLML San Jose State - R. Starr	8/16/2015	Current	Facilities Use	8/16/2016
Long Marine Lab/U.S. Geo Survey	9/1/2015	Current	Facilities Use	9/1/2016
Elkhorn Slough Safari - merchandising	10/1/2015	Current	Peddlers	10/1/2016
Elkhorn Slough Safari - tours	10/1/2015	Current	Facilities Use	10/1/2016
Blue Water Ventures	10/31/2015	Current	Facilities Use	10/31/2016
Wild Fish - Vicki Crow	11/20/2015	Current	Peddlers	11/20/2016
Blue Water Marine	11/2/2015	Current	Facilities Use	11/2/2016
Pacific Yachts - Chris Chrones	1/1/2016	Current	Facilities Use	01/1/2017
Elkhorn Slough Research Foundation	1/1/2016	Current	Facilities Use	1/1/2017
Monterey Bay Hydrobikes	2/4/2016	Current	Facilities Use	2/4/2017
Blue Ocean Whale Watch	2/18/2016	Current	Facilities Use	2/18/2017
Whisper Charters	2/22/2016	Current	Facilities Use	2/22/2017
Kahuna Sportfishing	3/19/2016	Current	Facilities Use	3/19/2017
REI Outdoor School	3/26/2016	Current	Facilities Use	3/26/2017
Venture Quest Kayaking	5/16/2016	Current	Facilities Use	5/16/2017
Kayak Connection	5/18/2016	Current	Facilities Use	5/18/2017
Secret Harbor Charter Tours	5/24/2016	Current	Facilities Use	5/24/2017
Sanctuary Cruises	6/6/2016	Renewing	Facilities Use	6/6/2017
Sea Goddess Whale Watching	6/10/2016	Current	Facilities Use	6/10/2017
SUP Shack	TBD	New App	Facilities Use	
Sea Mist Entertainment Food Truck	TBD	Approved	Peddlers	

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Linda G. McIntyre, Esq.

## STAFF REPORT

### ITEM NUMBER 7 – MEETING ANNOUNCEMENTS BOARD MEETING OF MAY 31, 2016

Tuesday, June 7, 2016 – Monterey County 2016 Presidential Primary Election  
[elections@co.monterey.ca.us](mailto:elections@co.monterey.ca.us), (831) 796-1499, or (866) 887-9274.

June 6–7 (Sat.–Sun.) Monterey Bay Aquarium World Ocean Day Celebration, 9:30 a.m.–6 p.m. general public, 9 a.m.–6 p.m. Aquarium members. Included with Aquarium admission  
<http://www.montereybayaquarium.org/visit/special-events/world-oceans>

Sunday, July 31, 2016 – Moss Landing 46<sup>th</sup> Annual Street Faire

August 6-7, 2016 - Moss Landing Marine Labs 50<sup>th</sup> Anniversary Celebration

2016 Meeting Schedule Monterey Bay National Marine Sanctuary Advisory Council (SAC).  
For more information contact Nichole Rodriguez, [nichole.rodriguez@noaa.gov](mailto:nichole.rodriguez@noaa.gov); 831.647.4206

June 17<sup>th</sup> – Pacific Grove or Carmel

August 19<sup>th</sup> – Moss Landing

October 21<sup>st</sup> – Cambria

December 8<sup>th</sup> – Monterey

Monterey County Fish and Game Advisory Commission – Meetings are on the 2nd Tuesday of even months. <http://www.co.monterey.ca.us/bcandc/fishgame.html>

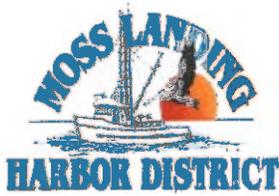
2016 Meeting Schedule Special Districts Association of Monterey County

(Tuesdays)

July 19, 2016

October 18, 2016

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## STAFF REPORT

### ITEM NUMBER 8 - ASSIGNED LIVEBOARD REPORT BOARD MEETING OF MAY 31, 2016

Pursuant to Ordinance Code §6.110 D) 1), attached is the report containing the names of all permitted liveboard vessels and all persons living aboard. The permits for these liveboards have automatically renewed through the last day of this month. As of this writing, there are three (3) revocation actions pending.

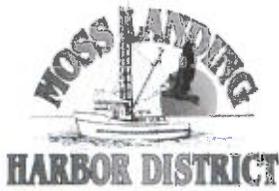
### LIVEBOARDS

<u>Name</u>	<u>Vessel</u>
1. Avis, S.	<i>Sportfisher</i> , ON 556296
2. Anderson, T.	<i>Lanikai</i> CF 4134N
3. Auten, D.	<i>Serenity</i> , CF 8246 VH
4. Bachmanova, A.	<i>Espresso</i> , ON991915
5. Bohigian, D.	<i>Finesse</i> , CF 3764 ET
6. Burns, P.	<i>Tralfamadore</i> , CF 9430 GL
7. Byrnes, K.	<i>Grand Slam</i> , CF 4540 FE
8. Callahan, T.	<i>Deb on Air</i> , CF 3174 HA
9. Cayuela, R.	<i>Rachel Angelet</i> , CF 6969 UB
10. Chojnowski, G.	<i>Moon Shadow</i> , CF 2325 SZ
11. Clark, N.	<i>China Cloud</i> , ON 999772
12. Cloer, J./Ajuria M.	<i>Laurie</i> , CF 2688 EX
13. Chambers, B.	<i>Pyxis</i> , ON 984193
14. Comendant, T.	<i>Mariah</i> , CF 9747 GR
15. Crow, F.	<i>Tortuga</i> , ON 1190479
16. Degnan, P.	No Name, CF 8344 GT
17. Delahanty, G.	<i>Dreamer</i> 8370 EA
18. Elwell, G.	<i>Pearl</i> , ON 557575
19. Faneuf, C.	<i>Sandpiper</i> , CF 6280 EU
20. Felicano, J.	<i>Takara</i> , CF 3767 AS
21. Graham, D.	<i>Shelter Dog</i> , ON 593068
22. Harrington, H.	<i>Isle of View</i> , ON 997142
23. Ho, R.	<i>Carolynn Ann</i> CF 5796 FG
24. Heatley, J.	<i>Darla Jean</i> , CF 2303 UN
25. Jerred, D.	<i>Westwind</i> , CF8564 GM
26. Groom D	<i>Phoenix</i> , CF 5084 GJ
27. Jones, H.	<i>Laetare</i> , CF 5495 YB

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28. Jones, T.	<i>Sanity</i> , CF 5249 SC
29. Johnson, J. /LaFever M.	<i>Aztlan</i> , ON 281903
30. Kampas,B.	<i>Tee-Time</i> CF 5670 UY
31. Knudson L./Knudson A.	<i>Spellbound</i> , ON 082155
32. Kurle L.	<i>Sweet Liberty</i> ON 105217
33. Larke, R.	<i>Rhiannon</i> , CF 8551 CA
34. Larmour, J.	<i>The Mar</i> , CF 0113 UP
35. Maris, T.	<i>Nimble</i> , CF 3730 KB
36. Markley, S.	<i>Olivia</i> , CF 0322 VP.
37. Nieman J.	<i>Inia</i> , ON 1074183
38. Niswonger, R.	<i>Illusion</i> , CF 0836 TA
39. Nunes, D.	<i>Auroora</i> , ON 676686
40. Otis, T.	<i>Blue Moon</i> , CF 1886 GT
41. Phelps, B.	<i>Shadow II</i> , ON 661129
42. PhillipsA/FlavinS/FlavinC/FlavinS	<i>Odyle</i> , ON 559168
43. Power, O.	<i>La Haina</i> , CF 1275 CV
44. Raaphorst, D./Raaphorst M.	<i>Spirit</i> , ON 664971
45. Reins, D.	<i>Second Paradise</i> , ON 912484
46. Rotger, M.	<i>Raven</i> , ON 241650
48. Roulet, J.	<i>Double Eagle</i> , ON 519846
49. Piro, Daniel	<i>Gulf Star</i> CF 6082 GL
50. Schuber, T.	<i>Bulldog</i> , ON 1219673
51. Stegmann, R.	<i>Wild Goose</i> , ON 589319
52. Stark, H.	<i>Outta Here</i> , CF 8370 EA
53. Snyder, R.	<i>Jeannie B</i> , ON 261236
54. Thomas, B.	<i>Coho</i> , CF 9974 KK
55. Tufts, M.	<i>Enchantress</i> , CF 0878 SX
56. Warren, R./Malendrez R.	<i>La Wanda</i> , CF 5014 FR
57. Whaley, C/ Whaley C.	<i>Karuna</i> , ON 653218
58. Woytek, B.	<i>Menez La Vie</i> , ON 6700921
59. Wolinski, Peter	<i>Ramona</i> , ON 1114657
60. Waters, J./Waters, M.	No Name CF 5670 GD

Total Number Vessels: 60  
Total Number Persons: 69  
Pending Revocations: -3-



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## STAFF REPORT

ITEM NUMBER 9 - SLIP INCOME REPORT  
 BOARD MEETING OF MAY 31, 2016

Slip Rates 2015/2016 per linear foot:

Assigned: \$7.15/ft./month  
 Temporary: \$11.35/ft./month  
 Transient: \$1.00/ft./day

### INCOME

<u>April 2016</u>	<u>April 2015</u>	<u>April 2016 Budget</u>
\$154,404	\$162,854	\$144,966

We are above budget by \$888. We are below prior year by \$8,450 in lower temporary and transient berthing revenue due to slower crab and salmon seasons as well as El Niño weather patterns.

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## STAFF REPORT

### ITEM NUMBER 10 – INCIDENT REPORT BOARD MEETING OF MAY 31, 2016

April 30, 2016 – Staff received a report of person boarding and removing items near a vessel on A dock. Staff immediately went to investigate but did not locate anyone in the area.

May 11, 2016 - Staff called Monterey County Sheriff's Department about a grey Ford Super Duty truck that had been parked near the entrance to the dirt lot at the North Harbor. The Sheriff's department transferred the call to the Highway Patrol who said they would send an officer. The truck was gone the next day and staff is unaware of how it was removed.

May 13, 2016 - Staff received numerous complaints about being threatened on the water and docks by an individual from a certain vessel that does not have a slip in the Harbor. Staff looked for this vessel but it could not be located in the Harbor.

May 18, 2016 - A deckhand on one of the commercial fishing vessels came into the office and reported that a male individual had pulled a gun on him. The victim was able to identify the individual and staff called the Monterey County Sheriff's Department. A Sheriff's Deputy arrived and took the victim's statement. We are still unaware if any arrests have been made.

May 21, 2016 - Staff received a call that a vessel on B dock had sunk in its slip. Staff contacted the owner and the vessel was raised the next day.

**No further incidents to report as of the date of this report May 24, 2016.**

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## STAFF REPORT

### ITEM NUMBER 19 – FIXING THE FY 2016-2017 FINAL BUDGET BOARD MEETING OF MAY 31, 2016

After the Board adopts a Preliminary Budget, Harbors & Navigation Code § 6093 requires the publication of a notice that the Preliminary Budget has been adopted, specifying a date not less than 30 days from the publication of the notice for the purpose of fixing the Final Budget.

The Preliminary Budget was adopted at the April 27, 2016 regular meeting, and a Notice of Adoption was published in the Salinas Californian on April 29, 2016 according to Code requirements. No written comments were received during the public review period and no requests were made for copies of the Preliminary Budget.

Commissioner Leonardini is the Chairman of the Ad Hoc Budget Committee and Commissioner Peggy Shirrel is Vice-chair, and they may wish to make additional comments to the Board on behalf of that Committee.

The Board should conduct a public hearing, consider making any changes, and then fix the final budget for the fiscal year 2016-2017.

Once adopted, the General Manager will provide a copy of the final budget to the Monterey County Board of Supervisors no later than August 1 in accordance with Harbors and Navigation Code §6093.3.

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MOSS LANDING HARBOR DISTRICT									
BUDGET F	A	B	C	D	F	F	G	H	
	FYE 6/30/11	FYE 6/30/12	FYE 6/30/13	FYE 6/30/14	FYE 6/30/15	Projected FYE 6/30/16	Budget FYE 6/30/16	Budget FYE 6/30/17	CPI = 2.25%
	16.27%	19.42%	20.18%	20.76%	17.87%	19.53%	19.00%	19.00%	
	6.31/ft	6.40/ft	6.80/ft	6.80/ft	6.95/ft	7.15/ft	7.15/ft	7.35/ft	
Revenues	1,399,246	1,361,276	1,391,429	1,427,124	1,528,415	1,523,730	1,533,821	1,576,725	Vacancy Rate based on 22070 LF
Marina Revenues	100,623	144,229	157,951	177,190	227,629	234,145	213,780	239,413	11.60/ft no amenity fee (Prior year 11.35/ft)
1 Assigned Berthing	50,353	52,449	60,500	64,865	65,608	51,805	58,000	64,756	1.25/ft (Prior year 1.00/ft)
2 Temporary Berthing	(13,848)	(10,439)	(10,830)	(6,961)	(5,290)	(7,500)	(7,500)	(5,200)	3% annual
3 Transient Berthing	(17,735)	(15,982)	(15,543)	(14,596)	(14,855)	(15,000)	(15,000)	(15,000)	less \$0.50/ft, 41 berth holders avg. 30 ft. boats
4 Utility/Annual Discount	96,300	95,790	92,790	93,265	104,242	106,000	102,000	105,000	\$130 for each person (\$127 in 2016)
5 Commercial Discount	750	1,800	1,500	1,800	3,000	1,500	1,000	750	\$150 each way
6 Liveaboard Fees	1,150	400	400	950	200	1,000	800	800	\$200 per occurrence
7 Intra-Harbor Towing	-	-	-	-	-	-	-	-	\$175 per month
8 Pump outs	4,743	6,867	8,999	10,895	10,115	7,500	7,000	7,000	\$75 filling fee/\$250 application fee liveaboard
9 Non-Op Surcharge	-	648	1,308	1,358	2,332	400	2,000	1,000	
10 Assigned Slip/LA App. Fee	35,996	30,408	25,670	26,681	27,597	27,500	30,000	30,000	
11 Recovered Lien Costs	1,657,578	1,667,446	1,714,074	1,782,571	1,948,983	1,932,380	1,926,251	2,005,244	\$30 dollar charge per month (\$25 in 2016), on balances over \$90 past due
12 Late Fees	-	-	-	-	-	-	-	-	
13 Total Marina Revenues	22,493	22,529	22,850	23,930	23,725	25,440	24,793	26,104	Paid annually w/CPI (Expires 4/30)
14 Trust Lands Lease Revenue	2,183	1,097	1,156	1,182	1,208	1,247	1,281	1,280	Paid annually w/CPI (Expires 2/31)
15 MBARI - Dock	55,206	55,914	50,418	59,830	60,390	61,668	62,544	63,278	Paid annually w/CPI (Expires 3/50)
16 MBARI-MARS Cable	79,882	79,540	80,424	84,942	85,323	88,355	88,618	90,661	
17 Dynegy Outfall	-	-	-	-	-	-	-	-	
18 Total Trust Lands Lease Revenue	82,951	74,680	76,656	78,512	80,361	82,543	81,702	84,696	\$6,967.70 mo. (ML Seafood Lund's, Prev. Sea Harvest) (Expires 11/31)
19 Leases	70,724	72,394	74,109	75,790	77,717	79,832	79,923	81,914	\$6,738.50/mo. (Monterey Fish) (Expires 11/31)
20 Cannery Suites - (3)	14,904	15,194	15,459	15,914	16,427	16,794	16,813	17,238	\$1,417.67/mo. (Jablonski) (Expires 12/22)
21 - (1&10)	27,696	27,087	27,599	28,340	28,993	29,854	29,884	30,635	\$2,519.70/mo. (Deyerie) (Expires 8/21)
22 - (2)	-	-	-	-	2,394	9,701	5,609	9,955	\$918.85 (Running Stream) (Expires 4/16) w/ (5) 1-yr option
23 - (5A)	-	-	-	-	7,840	7,869	7,872	13,969	\$1,149.23 (Local Bounty)(Expires 12/15) w/ (1) 1-yr option
24 - (5B)	46,000	21,577	37,375	41,276	23,834	24,423	24,452	25,057	\$2,061.67 (Biomaterial LLC) (Expires 1/15) w/ (1) 1-yr option
25 - (6A, B & D)	2,103	7,285	7,478	7,658	7,857	662	8,063	-	\$644.10/mo. (Gregg Marine) (term. 7/1/2015)
26 - (9)	-	-	-	-	-	-	-	-	Under stairs
27 - (8)	-	-	-	-	-	-	-	-	
28 - (8)	14,624	14,894	15,220	15,628	16,063	16,460	16,479	16,888	\$1,388.54/mo. (Deyerie) (Expires 11/15)
29 - K-Pier	26,966	61,967	64,851	39,611	65,728	30,000	30,000	30,000	Utility reimbursement per lease
30 Cannery NIN	624	520	-	-	-	-	-	-	12 months at \$52/month (Kayak Connec.) (Expired)
31 Floating Docks	36,181	34,684	34,496	36,156	39,078	37,279	35,515	37,000	\$2,686.62 base + % rent (Expires 5/32)
32 Sea Harvest Restaurant	33,612	33,708	38,352	35,449	44,500	39,852	41,791	40,000	\$3,151.78/mo. (Month to month)
33 Pot Stop	37,844	28,155	26,350	30,251	45,736	31,256	29,556	30,000	\$1,213.15/mo, plus percentage rent (Month to month)
34 MB Kayak	21,673	20,886	21,300	22,571	23,045	21,932	23,699	22,504	\$7,879.88, or 24% of gross, whichever is greater (Exp. 10/24)
35 Martin/Mason	3,947	4,676	4,396	4,917	5,044	5,167	5,174	5,301	\$436.214/mo. (Expires 9/16) (Mont. Bay Elec.)
36 S.H. Spare Office	26,738	27,629	28,358	29,055	29,794	30,604	30,639	31,399	\$2,563.31/mo. No less than 3% in lease agmt. (Expires 9/31)
37 RV/Lot	446,587	445,336	471,989	461,128	514,411	464,229	467,172	476,557	
38 Total Lease Revenue	250,432	245,348	245,878	254,070	263,230	280,000	276,388	276,555	\$52 for all assign. vessels in harbor (prior year \$52)
39 Amenities Fee	40,717	42,686	42,225	47,831	50,809	55,200	42,000	58,650	10'X20'/\$75, 10'X30'/\$85, 10'X40'/\$95
40 Dry Storage (2)-Gear & Trailer	39,907	87,328	77,094	66,291	69,040	60,000	80,000	68,000	Vessels: \$17.00 use/park, \$11.00 use, \$100.00 annual use, Kayaks/PWC:
41 North Harbor Use Fee	1,563	2,182	2,739	2,919	2,855	2,200	2,500	2,000	\$4 for 6 min
42 NH Boat Wash	26,294	44,162	46,348	44,872	67,945	105,000	60,000	120,000	Monthly permits \$100, daily \$8, 24 hrs. \$15
43 SH Parking	-	-	-	-	-	-	-	-	

MOSS LANDING HARBOR DISTRICT		A		B		C		D		E		F		G		H	
BUDGET /2017		FYE 6/30/11		FYE 6/30/12		FYE 6/30/13		FYE 6/30/14		FYE 6/30/15		FYE 6/30/16		FYE 6/30/16		FYE 6/30/17	
46	Camping/RV	2,202	2,632	3,929	4,786					6,509	4,000	4,000	4,000	4,000	4,000	4,000	4,000
47	Equipment Rental	300	756	1,398	7					803	1,000	250	750	250	750	750	750
48	Facilities Use Permits	3,530	2,715	2,575	4,971					6,057	8,000	6,000	11,000	6,000	11,000	11,000	11,000
49	Vending (Soda/Laundry)	7,491	8,701	8,507	7,723					9,107	9,000	7,500	8,000	7,500	8,000	8,000	8,000
50	Merchandise - Clothing, etc.	835	1,739	522	592					673	1,000	500	1,000	500	1,000	1,000	1,000
51	Copies, Key Sales, Bid Packages, etc.	94	127	113	448					5,592	8,000	3,000	8,000	3,000	8,000	8,000	8,000
52	Grant - DBW Derelict Disposal	-	-	30,000	28,857					30,000	10,000	20,000	10,000	20,000	10,000	10,000	10,000
53	Desal Reimbursement	-	-	-	-					53,781	103,000	35,000	200,000	35,000	200,000	200,000	200,000
54	Misc. Charge/Pet fee	2,885	9,338	2,259	5,624					11,024	2,500	3,000	3,000	3,000	3,000	3,000	3,000
55	Surplus Sale & Misc., Insurance reimb.	348	500	-	-					33,624	-	100	100	100	100	100	100
56	Total Other Revenue	376,598	448,214	463,987	466,991					611,049	648,900	540,238	771,055	540,238	771,055	771,055	771,055
57	TOTAL REVENUES	2,560,645	2,640,536	2,730,084	2,795,632					3,159,776	3,133,964	3,022,280	3,343,518	3,022,280	3,343,518	3,343,518	3,343,518
58	Expenses																
59	Media/Publications/Advertising	18,324	11,444	14,911	12,155					3,797	3,000	5,000	5,000	5,000	5,000	5,000	5,000
60	General & Administrative	113,965	50,340	40,350	92,139					66,936	57,000	57,000	60,000	57,000	60,000	60,000	60,000
61	Accountant	37,419	37,931	38,178	37,922					34,459	38,000	40,000	40,000	40,000	40,000	40,000	40,000
62	Auditor	13,950	14,450	14,950	13,500					14,500	14,500	14,000	14,500	14,000	14,500	14,500	14,500
63	Attorney	48,997	60,546	41,923	43,490					66,010	60,000	65,000	75,000	65,000	75,000	75,000	75,000
64	CEQA-Desal Expenses reimbursable	-	-	-	-					20,705	103,000	35,000	200,000	35,000	200,000	200,000	200,000
65	Personnel	660,890	686,036	694,000	712,287					705,874	723,000	745,000	746,000	745,000	746,000	746,000	746,000
66	Insurance & Bonding	100,492	108,098	109,211	115,019					114,425	115,000	115,000	118,000	115,000	118,000	118,000	118,000
67	PG&E	166,602	192,358	193,295	162,654					218,251	196,000	194,750	196,000	194,750	196,000	196,000	196,000
68	Sewer	28,779	32,511	31,849	48,227					38,059	37,000	43,050	40,000	43,050	40,000	40,000	40,000
69	Water	27,309	27,163	26,633	30,971					28,722	31,000	31,775	32,000	31,775	32,000	32,000	32,000
70	Trash	52,246	52,045	46,072	49,072					50,241	52,000	51,250	53,000	51,250	53,000	53,000	53,000
71	Maintenance & Repairs	51,275	52,482	57,390	91,668					39,038	45,000	100,000	85,000	100,000	85,000	85,000	85,000
72	Operating Supplies	15,396	24,183	27,015	22,371					23,121	25,000	25,000	30,000	25,000	30,000	30,000	30,000
73	Outside Service Contracts	43,147	59,010	38,980	63,368					63,368	45,000	60,000	60,000	60,000	60,000	60,000	60,000
74	Bad Debt	28,051	29,204	25,000	16,928					24,355	25,000	25,000	25,000	25,000	25,000	25,000	25,000
75	Commissioner Expenses	18,841	16,631	17,333	13,620					14,967	15,000	20,000	15,000	20,000	15,000	15,000	15,000
76	Comm Election	-	-	-	-					161,865	-	-	175,000	-	175,000	-	175,000
77	Derelict Disposal	-	13,769	90,318	113,078					9,790	20,000	30,000	30,000	30,000	30,000	30,000	30,000
78	LAFCO	5,054	4,846	4,781	4,677					5,303	5,637	5,400	5,700	5,400	5,700	5,700	5,700
79	CSDA	4,141	4,257	4,576	4,919					5,288	5,659	5,500	5,700	5,500	5,700	5,700	5,700
80	County EIR	-	8,288	-	-					-	-	-	-	-	-	-	-
81	Dredging	133,181	90,405	1,176,600	11,534					31,001	50,000	50,000	25,000	50,000	25,000	25,000	25,000
82	Depreciation	768,434	762,708	766,841	949,095					945,417	945,000	945,000	945,000	945,000	945,000	945,000	945,000
83	Total Expenses	2,338,493	2,338,705	3,460,206	2,608,976					2,684,982	2,609,796	2,662,725	2,960,900	2,662,725	2,960,900	2,960,900	2,960,900
84	Net Operating Income (Loss)	224,152	301,831	(730,122)	186,656					474,784	524,068	359,555	362,618	359,555	362,618	362,618	362,618
85																	
86	Interest and Tax Income																
87	Interest - Pinnacle Bank CD's	25,170	6,216	4,319	3,750					350	-	-	-	-	-	-	-
88	Interest - First Capital Bank	9,459	14,391	5,700	3,085					3,074	3,050	-	3,000	-	3,000	3,000	3,000
89	Interest Umpqua	-	-	-	-					1,625	1,500	-	1,000	-	1,000	1,000	1,000
90	Interest Union Bank - Trust Account	-	-	-	-					-	-	1,250	100	-	100	100	100



MOSS LANDING HARBOR DISTRICT		A	B	C	D	F	F	G	H
BUDGET /2017									
		FYE 6/30/11	FYE 6/30/12	FYE 6/30/13	FYE 6/30/14	FYE 6/30/15	Projected FYE 6/30/16	Budget FYE 6/30/16	Budget FYE 6/30/17
138									
139	Cash Flow Reconciliation								
140	Add: Net Income (Loss)							443,565	
141	Add: Depreciation							945,000	
142	Plus: Loan Payments							(359,356)	
143	Net Increase (decrease) in Cash							1,029,207	
144									
145	Reserved Funds Allocation								
146	Capital Projects to be Funded							(4,361,000)	All other capital projects funded by General funds
147	Plus Net increase (decrease) in Cash							1,029,207	
148									
149	From General Funds							(3,331,793)	Extra funds needed for capital project funds



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## STAFF REPORT

ITEM NUMBER – 20 – North Harbor Erosion Emergency - UPDATE  
BOARD MEETING OF MAY 31, 2016

Resolution 16-01, declaring El Niño-caused erosion at the North Harbor wharf access an emergency, states that Staff and the Board shall review the status of the emergency at every regularly scheduled meeting to determine whether the emergency can be terminated.

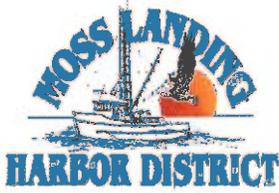
At the last update, staff reported that our consultant ran into an issue with CalTrans which insisted that the District obtain a survey of our boundary lines at our expense and apply for an encroachment permit which has further delayed the repair. Erosion continues to deteriorate the wharf access and the electrical panel pad. In the interest of moving forward before more severe or irreparable damage occurs, staff arranged for the survey which has been completed. Our engineering consultant is preparing more extensive drawings per the requirements of the encroachment permit application and will be or has submitted the permit application to CalTrans.

Caltrans minimum review time for a permit is 3 weeks if there are no changes/questions, but can take up to 6 weeks and then add a week or two for revisions and resubmission for approval. Therefore the earliest the repair could commence is the beginning of July but possibly not until August.

Based on the observation and opinion of our engineering consultant and what can be seen with the naked eye, it is evident that the condition of the wharf area continues to be an emergency and work on the project should not be terminated.

The Board should indicate on the record by simple consensus that emergency conditions continue to exist and that the provisions of Resolution 16-01 should continue in full force and effect.

*SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947*



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## **STAFF REPORT**

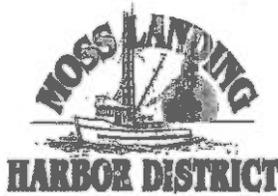
**ITEM NUMBER – 21 – B Dock Emergency Finger Repair Project - UPDATE**  
**BOARD MEETING OF MAY 31, 2016**

As the Board will recall, an emergency was declared by Resolution 16-02 with respect to deteriorated and potentially hazardous conditions at B-Dock. The Board authorized an expenditure of an amount not to exceed \$300,000 for emergency repairs.

The repairs to B-Dock have now been finished by Kie-Con, Inc. at a cost of \$233,000 to Staff's satisfaction and the project is complete.

Staff recommends that the Board declare that appropriate repairs have been made to B-Dock and that the previously established emergency has been terminated.

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## STAFF REPORT

### ITEM NUMBER 22 – ORDINANCE NO. 200 “DISTRICT FEE SCHEDULE” BOARD MEETING OF MAY 31, 2016

When the Board fixes the final budget an Ordinance modifying the fee schedule must be adopted to coincide with the fees approved in the Budget. Attached is Ordinance No.200 reflecting the new fee schedule.

Highlights of the fees that have been changed, largely by COLA based on a CPI of 2.25% are as follows:

Assigned slip fees increased from \$7.15 to \$7.35 per foot per month.  
Temporary slip fees increased from \$11.35 to \$11.60 per foot per month.  
Transient slip fees increased from \$1.00 per foot per day to \$1.25 per foot per day.  
The assigned-vessel pass-through Amenities fee is unchanged at \$52 per month.  
The monthly Liveaboard Fee was increased from \$127 per person to \$130 per person.  
Dry storage has increased \$5 per space.  
Parking increased from \$7 per day to \$8 per day; 24 hours from \$14 to \$15; monthly parking permit from \$80 to \$100

Staff recommends that the Board consider the adjustments as presented and adopt Ordinance No. 200 modifying the District's Fee Schedule to reflect the new fees.

*SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947*

ORDINANCE NO. 200

AN ORDINANCE OF THE BOARD OF HARBOR COMMISSIONERS OF THE MOSS LANDING HARBOR DISTRICT AMENDING CHAPTER 20 – “FEES AND CHARGES” OF THE MOSS LANDING HARBOR DISTRICT ORDINANCE CODE

WHEREAS, District is proposing to amend Chapter 20 - “Fee and Charges” of the Moss Landing Harbor District Ordinance Code through the modification, elimination and addition of certain fees and charges;

WHEREAS, District has held two open and noticed budget committee meetings requesting input on the proposed changes prior to the proposed date of adoption of this Ordinance and has received comments from Board Members.

THEREFORE, BE IT ORDAINED by the Board of Harbor Commissioners of the Moss Landing Harbor District as follows:

Chapter 20 of the Moss Landing Harbor District Ordinance Code, titled “Fees and Charges,” is hereby amended in the manner set forth in Exhibit “A,” attached hereto and by this reference incorporated herein. Although Exhibit A is set forth in the underline-strikeout format for ease of reference with respect to the changes made to the Code, the final version of the same shall be incorporated into the Code with struck-out items deleted and underlining removed.

This Ordinance was introduced and adopted at a regular meeting of the Moss Landing Harbor District Board of Harbor Commissioners on May 31, 2016 to become effective July 1, 2016, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:  
Board of Harbor Commissioners

\_\_\_\_\_  
Russ Jeffries, President

\_\_\_\_\_  
Linda G. McIntyre, Deputy Secretary  
Board of Harbor Commissioners

**Table 20.100 - District Fee Schedule**  
**Revised July 1, 20165**

The fees and charges for services established by the Board under Section 20.100 of the Moss Landing Harbor District Ordinance Code for (A) berth rental fees, (B) District permits, and (C) services and equipment, are set forth below:

**A) Berth rental fees.** Berth rental fees for assigned, temporary, and transient berths, and for mooring in designated locations, are in the amounts set forth. Exceptions to assigned berth fees may be granted by the Board when the Board determines that conditions may warrant the suspension of the assigned berth charge or assessing a different charge against the government of the United States, or of any other nation, or otherwise is in the interest of public welfare.

1) **Assigned Berth Permit Fees** - Calculated on a monthly basis of \$7.3545/foot. All vessels holding an assigned berth permit will be billed on the basis of vessel length over-all, or berth length, whichever is the greater for the berth to which the vessel is assigned. This is irrespective of the actual berth held by the vessel. Persons having an Assigned Berth shall be entitled to the following discounts:

a) **Annual Payment Discount** - A discount of 3% off the regular fee for payment of one year in advance. All such annual fees are due on October 1<sup>st</sup> of each year.

Should an assigned berth permit be issued subsequent to October 1<sup>st</sup> of any year, and the permittee wishes to pay the slip fee annually, a discount of 3% off the regular fee will be applied for the remaining months thru the following September 30<sup>th</sup>.

Existing annual assigned berth permittees will be entitled to a 3% discount until all annual accounts expire on September 30<sup>th</sup>, 2008.

In the event the berthing permit is terminated prematurely the berthing fee shall be recalculated without the advance payment discount prior to issuing of any refund. This discount may not be taken in addition to the Quarterly Payment Discount.

b) **Quarterly Payment Discount** - A discount of 3% off the regular fee for payment of 3 months in advance. In the event the berthing permit is terminated prematurely the berthing fee shall be recalculated without advance payment discount prior to issuing of any refund. This discount may not be taken in addition to the Annual Payment Discount.

c) **Commercial Vessel Discount** - A discount of \$.50/foot for commercial vessels defined as follows:

(i) **Commercial Fishing Vessel** - A vessel currently licensed by the California Department of Fish and Game for commercial fishing, and currently documented by the United States Coast Guard as a fishing vessel or licensed by a state, and having landing receipts dated not more than one year prior to the date of application for commercial discount. Application for commercial discount shall be made under penalty of perjury on forms provided by the District.

(ii) The \$5,000 landing receipt requirement is suspended during any closure of any given fishery for which the assigned slipholder has a valid permit and on which the slipholder has relied in the past to meet the provisions of this section. The suspension is valid until the fishery reopens, the slipholder allows the fishing permit to lapse, or for a period of two years, whichever first occurs. Nothing contained herein shall prohibit the District from discontinuing or reducing the discount at any time.

- (iii) Notwithstanding the foregoing, unless the vessel provides \$5,000 worth of landing receipts, no persons will be allowed to stay on board the vessel without a liveaboard permit applied for and issued in accordance with §6.110.
  - (iv) Commercial Passenger Vessel - A vessel currently documented by the United States Coast Guard for the carriage of passengers or licensed by a state, and having proof of commercial service in the form of receipts or IRS Form 1040, Schedule C or other such proof acceptable to the Harbormaster, and whose owner holds a current Facilities Use Permit issued by the Moss Landing Harbor District permitting the commercial use of the vessel in or from Moss Landing Harbor. Application for commercial discount shall be made under penalty of perjury on forms provided by the District.
  - (v) Other Commercial Vessel - A vessel currently documented by the United States Coast Guard or licensed by a state, and having proof of commercial status acceptable to the Harbormaster, and whose owner holds a current Facilities Use Permit issued by the Moss Landing Harbor District permitting the commercial use of the vessel in or from Moss Landing Harbor. Application for commercial discount shall be made under penalty of perjury on forms provided by the District.
- d) Offloading Commercial Vessel Discount – a discounted berth fee of 50¢/foot per day will be charged to commercial vessels that are not subject to an existing berthing agreement with Moss Landing Harbor that offload fish in an established commercial fish offloading facility in the Harbor, subject to providing a landing receipt for such service to the Harbor upon check-in. Such discounted fee shall be in effect for a maximum of 48 hours. Thereafter, the vessel shall be subject to standard berthing fees established by the District's fee schedule.
- e) Traveling Vessel Discount - A discount of \$1.00/foot for each full calendar month that the vessel is away from Moss Landing Harbor. This discount may only be taken if the owner or operator of the vessel notifies the harbor office on or before the 1<sup>st</sup> day of the month that the vessel will be absent for the month following.  
Except as otherwise provided for in this section the definition of "Commercial Vessel" contained in Section 2.200 remains in effect.
- 2) Temporary Berth Permit Fees - Calculated on a monthly basis of \$11.35/foot. All vessels holding a temporary berth permit will be billed on the basis of the berth size appropriate to the length of their vessel over-all. Fees apply whether vessel is side-tied, end-tied, in a berth or rafted. Fees apply whether or not vessel has access to utilities. Persons having a temporary berth shall be entitled to the following discount:
- a) Quarterly Payment Discount - A discount of 3% off the regular fee for payment of 3 months in advance. In the event the berthing permit is terminated prematurely the berthing fee shall be recalculated without advance payment discount prior to issuing of any refund.
- 3) Transient Berth Permit Fees - Calculated on a daily basis of \$1.2500/foot. All vessels holding a transient berth permit will be billed on the basis of boat length over-all. Fees apply whether vessel is side-tied, end-tied, in a berth or rafted. Fees apply whether or not vessel has access to utilities. The minimum daily fee shall be \$10.00. No discounts.
- 4) Multi-Hull Permit Fees – Unless occupying only a single berth, catamaran type vessels shall pay 150% of the applicable berthing fees for a vessel of its length, or length of its berth, as applicable and trimaran type vessels shall pay 200% of the applicable berthing fee for a vessel of its length, or length of its berth, as applicable.
- 5) In addition to berth rental fees specified above all Assigned Berth Permittees vessels utilizing District owned or operated facilities shall be charged an AMENITY FEE in the amount of \$52.00 per month. The AMENITY FEE shall be billed on a monthly basis only without adjustment.

Failure to pay in accordance with your berthing agreement will result in disconnection of power to your vessel.

- 6) Liveaboard Fee: Liveaboards, as defined by §6.110 shall pay a fee of \$127.00 per person per month.
- 7) Pet Fee: Any berther or regular visitor of the Harbor District or regular visitor of a berther who brings a pet onto District property shall pay a monthly fee of \$5.00 per pet.

B) **District permits.** Permit application fees and permit fees are in the amounts set forth below. Applications for construction permits, rental business permits, short-term facilities use permit, and special activities use permits shall be accompanied by the CEQA review deposit described in paragraph C of this Table 20.100.

Permit	Application Fee	Permit Fee
Construction Permit	Actual cost to District. Payable in increments as explained on application form. CEQA review fee is also required.	None. Lease or License may be required as condition of permit.
Access/Use Permit Trailered Vessels, Includes 12 hours Parking		Daily Permit - \$17.00 per In and Out. Annual Permit - \$160.00 per calendar year. Vessels – Launch Only; \$11.00
Access/Use Permit PWC and Kayaks only; Includes 12 hours Parking		\$11.00 per day (Vehicle + a PWC/Kayak) \$140.00 per calendar year. Additional PWC/ Kayak – Launch Access Only; \$6.00 Annual Launch Access Only - \$62.00
Parking Permit Assigned vessel receives one "free" Assigned Parking Permit.	None	Temporary and Transient Vessels and other persons having business in the Harbor or any additional liveaboard - \$100 <del>0.00</del> per month. Daily Parking \$87.00; \$154.00/24 hrs. Boat Trailer Parking overnight in certain areas as designated by General Manager - \$10.00
Living Aboard Permit Required By All Assigned Vessels With One or More Persons Living Aboard Except Commercial Fishing Vessels, Transient Vessels	\$250.00 – One time application processing fee	\$130 <del>27.00</del> per person per month.
Recreational Vehicle Park (Only available through District if commercial RV Park is full)	None.	Self-contained vehicles only on unimproved site. \$50.00per night. Failure to pay will result in removal of vehicle at owner's expense.
Amenity Fee		\$52.00 per month
Peddling Permit – Goods or	\$250.00 application fee	\$250.00 payable @ \$62.50 quarterly,

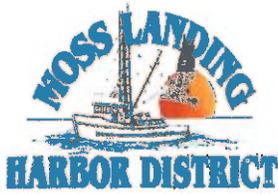
Services with Principal Place of Business Being off Site.		nonrefundable.
Facilities Use Permit	\$250.00 application fee plus appropriate CEQA review fee if use is not exempt from CEQA.	\$250.00 per year. Lease or license may be required as a condition of permit.
Special Activities Use Permit	\$250.00 application fee plus appropriate CEQA review fee if use is not exempt from CEQA.	\$250.00
Pet Permit		\$5.00 per month per pet.

C) **District services and equipment.** Persons utilizing the below-described District services and equipment shall pay the fee shown below. Persons utilizing other District services required by this Code shall pay the amount of expenses actually incurred by the District to provide the service. Examples include but are not limited to the expense under Section 6.120.B.2 of a surveyor to determine a vessel unseaworthy, the District's costs and expenses under Section 14.150.C for refuse removal. Use of District equipment shall be in the discretion of the General Manager and persons utilizing such equipment will be required to execute a written waiver of liability in advance of such use.

Service/Equipment	Fee
Pass-through credit card transaction fee	\$7.00 per transaction added to all payments made to District using MasterCard or Visa.
Appeal to the Board (Sec. 24.100)	\$25.00 filing fee
Berth Exchange Between Two Assigned Berth Holders (Sections 6.024 and 6.026)	\$25.00 processing fee for berth exchange between two assigned berth holders to be split between applicants.
Berth Rental Security Deposit (assigned berth) (Section 6.022.B.1.a.)	\$500.00
Assigned Slip and Liveboard Waiting List (Sec. 6.050.C.1 and (E))	<p>\$75.00 waiting list fee payable annually in January. An assigned vessel that intends to be away for one year or greater may give up its berth and be assigned to the highest position on the waiting list by payment of an annual fee equal to one month's berthing fee in advance and without discount. In the case of multiple vessels utilizing this provision Section 6.050(B) shall apply.</p> <p>The aforementioned \$75 assigned slip wait list application fee shall be waived in the event slips in the size category being applied for are available immediately.</p> <p>Notwithstanding the foregoing fee waiver, the applicant will be required to complete the wait list application for administrative and documentary tracking purposes.</p>
CEQA Review - Sections 20.240 and 22.220	\$60.00 deposit for project application subject to review by General Manager. \$500 deposit for project application subject to review by Board. Additional fees in amount actually incurred by the District for consultant, studies,

Service/Equipment	Fee
	public notices, etc. (See Section 20.240.)
Copies of Code Amendments – Section 1.200(B)(9)	\$1.00 for first page, \$0.15 for each additional page. Fees waived for official distribution copies per Ordinance Code.
Copies of Public Records – Section 20.210	\$1.00 for first page, \$0.15 for each additional page. Must complete request. Fees may be waived for official copies.
Dry Storage Space Rental – Section 12.300	Palletized or Unitized storage of materials or gear. . Loose gear or materials must be secured on pallets and stacked not more than 8 feet high. Vehicles including boats on trailers; current registration required. Inoperable vehicle registration or immobile vehicles not allowed. 10' X 20' = \$750.00 10' X 30' = \$850.00 10' X 40' = \$950.00
Small Barge	\$115.00 per hour or fraction thereof for equipment and 1 employee, 1 hour minimum.
Skiff	\$150.00 per hour or fraction thereof for equipment and 1 employee, 1 hour minimum.
Forklift	\$75.00 per hour or fraction thereof including 1 employee, 1 hour minimum.
Truck	\$200.00 per hour or fraction thereof for equipment and 2 employees, 1 hour minimum.
Floating Barge/Crane (Requires skiff at separate skiff fee)	\$200.00 per hour or fraction thereof for equipment and 2 employees (skiff separate), 1 hour minimum.
Miscellaneous Equipment	As determined by the General Manager.
Pumpout	\$200.00 per hour or fraction thereof for 1 pump and 1 employee; \$100.00 per hour or fraction thereof for each additional pump with employee, 1 hour minimum.
Refloating of Sunken Vessel	The greater of \$800 or actual costs.
Towing Outside the Harbor (for non-emergency in Elkhorn Slough)	\$250.00 per hour or fraction thereof for one boat and two employees. Time begins when boat leaves berth. Time ends when boat returns to berth. 2 hour minimum.
Towing Within the Harbor	\$150.00 one way - includes 1 boat and two employees. \$100.00 per hour for each additional boat with employee, 1 hour minimum.
District Vehicle	\$75.00 per hour or fraction thereof for vehicle and 1 employee, 1 hour minimum.
District Personnel	\$70.00 per hour or fraction thereof per employee during normal business hours; \$100.00 per overtime hour or fraction thereof per employee, 1 hour minimum.
Phone Installation	\$90.00 flat fee (installation only, any repairs refer above to

Service/Equipment	Fee
	District personnel for hourly rate)
Inoperable Vessel Mooring Surcharge - Sec. 6.120.C	\$175.00 per month until the vessel is made operable, or is removed from the Harbor, pro-rated for periods less than 1 month. Surcharge begins at the expiration of the 30-day period.
Key Issuance	Metal keys - \$25.00 per key deposit. Deposit will be forfeited if key not returned within 60 days of departure. Magnetic keys - \$10 per key purchase price. District may repurchase in its discretion in an amount based on condition. Magnetic key fobs - \$12 per fob purchase price. District may repurchase in its discretion in an amount based on condition.
Returned Check, Non-Sufficient Funds	\$25.00 per check.
Late Payment Handling Charge - Section 20.010(C)(2)	\$30 <del>25</del> .00 per occurrence on balances of \$90.00 <del>30</del> or more.
Mailed Notices - Chapter 24.200 A) 2) a) (ii)	\$5.00 per individual notice; Fees waived for official distribution required by Brown Act, or to other agencies, or committee members.



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## REPORT

### ITEM NUMBER 23 – PROPOSED CSDA BYLAWS UPDATES BOARD MEETING OF MAY 31, 2016

The California Special Districts Association (CSDA) Board of Directors is the governing body responsible for all policy decisions affecting CSDA's member services and legislative programs.

The Moss Landing Harbor District is a current member of CSDA. Any independent special district with current membership in CSDA is eligible to vote on any ballot submitted by the CSDA Board of Directors.

The CSDA Board of Directors and the CSDA Elections and Bylaws Committee have submitted the proposed changes to the CSDA Bylaws attached as Exhibit A.

Because the last amendment of the Bylaws was done in 2014, most of the proposed changes are technical, non-substantive updates of information. The one substantive change is the addition of Section 5D, "Electronic Meetings". This would allow CSDA Board members to participate in meetings without being physically present. Members participating by electronic transmissions or video screen would retain the same rights of participation including voting.

Staff recommends that (1) the Board determine if they approve or disapprove the proposed changes as one and approve Resolution No. 16-17, (2) mark the ballot accordingly, (3) the President execute the ballot postcard where indicated and (4) direct staff to submit the Ballot to CSDA before the deadline of June 24, 2016 for receiving ballots.

*SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947*

# RESOLUTION 16-17

## A RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS OF THE MOSS LANDING HARBOR DISTRICT FOR THE APPROVAL OF CHANGES TO THE CALIFORNIA SPECIAL DISTRICTS ASSOCIATION BYLAWS

\* \* \* \* \*

**WHEREAS**, the California Special Districts Association (CSDA) Board of Directors is the governing body responsible for all policy decisions affecting CSDA's member services and legislative programs, and its functions are crucial to the operation of the Association and to the representation of the common interests of all California's special districts before the Legislature and the State Administration, and

**WHEREAS**, the functions of the Board involve directing legislative advocacy in Sacramento, responding to pending legislation and public policy documents, direction to CSDA staff and consultants on all member service programs, and providing strategic guidance to the CSDA organization, and

**WHEREAS**, the governing policy of the CSDA is the CSDA Bylaws, and

**WHEREAS**, periodically, the CSDA Board of Directors will review and recommend changes to the CSDA Bylaws, and

**WHEREAS**, a ballot has been distributed to CSDA member agencies asking for a vote as to whether or not to adopt the proposed recommended changes in attached Exhibit A.

**NOW THEREFORE, BE IT RESOLVED THAT** the Board of Harbor Commissioners of the Moss Landing Harbor District hereby votes to Approve or Disapprove the proposed changes in Exhibit A and direct staff to return the ballot to CSDA so marked.

\* \* \* \* \*

### CERTIFICATION

Resolution 16-17 was duly adopted by the Board of Harbor Commissioners of the Moss Landing Harbor District at a special meeting of the Board held on the 31<sup>st</sup> day of May, 2016, a quorum present and acting throughout, by the following vote, to wit:

AYES:

NOES:

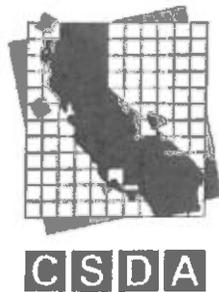
ABSENT:

ABSTAIN:

ATTEST:

\_\_\_\_\_  
Russ Jeffries, President  
Board of Harbor Commissioners

\_\_\_\_\_  
Linda G. McIntyre, Deputy Secretary  
Board of Harbor Commissioners



# **BYLAWS**

## **California Special Districts Association**

### **Approved Bylaw Revision Dates:**

**Revised 1996**

**Revised 1999**

**Revised 2004**

**Revised October 1, 2009**

**Revised August 2, 2010**

**Revised August 1, 2011**

**Revised July 1, 2014**

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**ARTICLE I – GENERAL**

**Section 1. Purpose:**

In addition to the general and specific purposes set forth in the Articles of Incorporation of the California Special Districts Association (CSDA), CSDA will provide outreach, education, and member services, and shall generate legislative advocacy for member interests. CSDA will interact with the government associations and groups that support or oppose its membership's interests.

**Section 2. CSDA Regions/Networks:**

The state of California shall be divided along county boundaries into six voting regions/networks. The areas of the regions/networks have been determined by the Board of Directors of CSDA.

Exhibit A.....Map of the six (6) regions/networks of CSDA.

**Section 3. Principal Office:**

The principal business office of CSDA shall be located in Sacramento, California.

## **ARTICLE II – MEMBERSHIP**

### **Section 1. Qualification of Membership:**

There may be several classes of membership in CSDA, as determined by the Board of Directors. The following classes have been adopted:

#### **A. Regular Voting Members:**

Regular voting members shall be any public agency formed pursuant to either general law or special act for the local performance of governmental and/or proprietary functions within limited boundaries, and which meets any one of the following criteria:

1. Meets the definition of "independent special district" set forth in Government Code Section 56044 by having a legislative body all of whose members are elected, or which members are appointed to fixed terms; or
2. A public agency whose legislative body is composed of representatives of two or more other public agencies. Such representatives may be either members of the legislative body or designated employees of such other public agencies. Public agencies which qualify as regular members pursuant to these criteria include, but are not limited to the following public agencies: (a) air quality management districts; (b) air pollution control districts; (c) county water agencies or authorities; (d) transit or rapid transit districts, or transportation authorities; (e) metropolitan water districts; (f) flood control and/or water conservation districts; (g) sanitation agencies.

Regular voting members do not include the state, cities, counties, school districts, community college districts, dependent districts, or joint powers authorities. Dependent districts are defined as those special districts whose legislative body is composed exclusively of members of a Board of Supervisors of a single county or city council of a single city, LAFCOs, joint powers authorities or the appointees of such legislative bodies with no fixed terms.

Regular voting members have voting privileges and may hold seats on the Board of Directors.

#### **B. Associate Non-Voting Members:**

Associate members shall be those organizations such as dependent districts, cities, mutual water companies, and those public agencies that do not satisfy the criteria for regular voting membership specified in Section A above.

Associate members have no voting privileges, except as approved members on a CSDA committee, and may not hold a seat on the Board of Directors.

#### **C. Business Affiliate Members:**

Business Affiliate members shall be those persons or organizations that provide services to special districts and/or have evidenced interest in the purposes and goals of

CSDA. Business Affiliates have no voting privileges, except as approved members on a CSDA committee, and may not hold a seat on the Board of Directors.

**Section 2. Membership Application:**

Application for membership to CSDA will be directed to staff, who will determine if the applicant's interest and purpose is in common with CSDA. If the applicant meets the requirements of membership, the Board of Directors shall approve the new member by a majority vote of the Board. Acceptance to membership shall authorize participation in CSDA activities as specified in these Bylaws.

**Section 3. Membership Dues:**

The membership dues of CSDA shall be established annually by a majority vote of the Board of Directors at a scheduled Board meeting. Authority to adjust the dues shall remain with the Board of Directors.

**Section 4. Membership Voting:**

Matters to be voted upon by the membership shall be determined by the Board of Directors in accordance with these Bylaws. Only those matters of which proper notice was given by CSDA may be voted upon.

**A. Voting Designee:**

In accordance with these Bylaws, regular voting members in good standing shall have voting privileges. The governing body of each regular voting member shall designate ~~by resolution, one~~ representative from their respective district who shall have the authority to exercise the right of the regular voting member to vote. Such voting designee shall be a Board member or managerial employee of the member regular voting member.

**B. Voting Authorization:**

Those regular voting members who have paid the required dues as set by the Board of Directors are members in good standing. Each regular voting member in good standing shall be entitled to one vote on all matters brought before the membership for vote at any meeting or mail-by ballot.

**Section 5. Membership Quorum:**

**A. Meeting Quorum:**

Twenty-five voting designees, as defined in Article II, Section 4, officially designated by each regular voting member present at any annual or special meeting of the CSDA shall constitute a quorum. ~~Absentee ballots shall not be accepted. No regular voting member shall have the right to vote by means of an absentee or proxy ballot.~~

**B. Mailed or Electronic Ballot Quorum:**

Mail ballots or electronic ballots received from 25 voting designees officially designated by each regular voting member shall constitute a quorum. Each regular voting member shall

1. Notice Requirements. Written notice of any annual membership meeting shall be given at least 45 days before the meeting date either personally, by first class registered or certified mail, or by electronic transmission.

2. Electronic Notice. Notice given by electronic transmission by CSDA shall be valid if delivered by either (a) facsimile telecommunication or electronic mail when directed to the facsimile number or electronic mail address for that main contact member on record with CSDA; (b) posting on an electronic message board or network that CSDA has designated for such communications, together with a separate electronic notice to each member of the posting; or (c) any other means of electronic communication. Such electronic transmission must be directed to a member which has provided to CSDA an unrevoked consent to the use of electronic transmission for such communications. The method of electronic communication utilized must create a record that is capable of retention, retrieval and review by CSDA.

All such electronic transmissions shall include a written statement that each member receiving such communication has the right to have the notice provided in non-electronic form. Any member may withdraw its consent to receive electronic transmissions in the place of written communications by providing written notice to CSDA of such withdrawal of consent.

Notice shall not be given by electronic transmission by CSDA if CSDA is unable to deliver two (2) consecutive notices to a member by that means, or otherwise becomes aware of the fact that the member cannot receive electronic communications.

#### D. Electronic Meetings:

Members not physically present in person at either an annual or special meeting of members may participate in such a meeting by electronic transmission or by electronic video screen communication by and between such members and CSDA. Any eligible member participating in a meeting electronically shall be deemed present in person and eligible to vote at such a meeting, whether that meeting is to be held at a designated place, conducted entirely by means of electronic transmission, or conducted in part by electronic communication between CSDA and those members who are not capable of being physically present at such designated meeting place.

Annual and special meetings of the members may be conducted in whole or in part by electronic transmission or by electronic video screen communication by and between CSDA and its members if all of the following criteria are satisfied: (1) CSDA implements reasonable procedures to provide members participating by means of electronic communication a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to hear the proceedings of the meeting including comments of members participating in person substantially concurrent with such proceedings; and (2) any votes cast by a member by means of electronic communication by and between CSDA and a member must be recorded and maintained in the minutes by CSDA.

#### C. ~~Mail Ballot:~~

~~The Board of Directors may at its discretion authorize the voting upon any issue, by written ballot mailed to each regular voting member in good standing. Such ballot shall~~

be entitled to one vote. No regular voting member shall have the right to vote by means of a proxy.

## **Section 6. Membership Meetings:**

### **A. Annual Business Meeting:**

The annual business meeting of the members shall be held at the Annual CSDA Conference at such time and place as determined by the Board of Directors. Written notice of the annual business meeting distributed by mail or electronically shall include all matters that the Board intends to present for action and vote by the members.

~~Written notice of any annual meeting of the members of CSDA, via mail and/or electronic delivery, and/or facsimile shall be sent to each regular voting member in good standing, at least 45 days in advance of the designated date of such meeting. The notice shall include the time and place, and all matters the Board of Directors intends to present for action and vote by the members.~~

### **B. Special Meetings:**

Special meetings of the members may be called at any time by the President, by a majority of the Board of Directors, or ~~by a majority of at least a quorum of the members (25 members).~~ Written notice shall include all matters the Board of Directors intends to present for action and vote by the members. Such a special meeting may be called by written request, specifying the general nature of the business proposed to be transacted and addressed to the attention of and submitted to the President of the Board. The President shall direct the Chief Executive Officer to cause notice to be given promptly to the members stating that a special meeting will be held at a specific time and date fixed by the Board. No business other than the business that was set forth in the notice of the special meeting may be transacted at a special meeting.

~~Written notice of any special meeting of the members of CSDA, via mail and/or electronic delivery, and/or facsimile shall be sent to each regular voting member in good standing, at least ten days in advance of the designated date of such meeting. The notice shall include the time and place, and all matters intended to be presented for action and vote by the members.~~

### **C. Notice of Meetings:**

Whenever members are permitted to take any action at any annual or special meeting, written notice of the meeting distributed by mail or electronically shall be given to each member entitled to vote at that meeting. The notice shall specify the place, date and hour of the meeting, and the means of electronic transmission or electronic video screen communication to be utilized by and between CSDA and its members, if any, by which members may participate in the meeting. For the Annual Membership Meeting, the notice shall state the matters that the Board intends to present for action by the members. For a special meeting the notice shall state the general nature of the business to be transacted and shall state that no other business may be transacted. The notice of any meeting at which directors are to be elected shall include the names of all persons who are nominees when notice is given.

~~be mailed by first class mail, at least 45 days in advance of the date the CSDA has designated for the return of the ballot by each member to CSDA.~~

**E. Majority Vote:**

~~A majority of votes cast or ballots received shall be necessary to carry any matter voted upon, provided a quorum of members has voted in person or by mail ballot. Voting by proxy shall not be allowed. Any matter submitted to the membership for action or approval shall constitute the action or approval of the members only when: (1) the number of votes cast by regular voting members present at the meeting equals or exceeds the quorum requirement of 25 registered voters; and (2) the number of votes approving the action or proposal equals or exceeds a majority (50% plus one) of the regular voting members present and casting votes on the issue.~~

**F. Solicitation of Written Ballots from Members:**

~~All solicitations of votes by written ballot, whether by means of electronic communication or first class mail, shall: (1) state the number of returned ballots needed to meet the quorum requirement (25 returned ballots); (2) state, with respect to returned ballots other than for election of directors, that the majority of returned ballots must indicate approval of each measure in order to adopt such measure; and (3) specify the time by which the written ballot must be received by CSDA in order to be counted. Each written ballot so distributed shall: (1) set forth the proposed action; (2) give members an opportunity to specify approval or disapproval of each proposal; and (3) provide a reasonable time in which to return the ballots to CSDA either electronically or by first class mail.~~

~~Each written ballot distributed by first class mail shall be mailed to each regular voting member at least 45 days in advance of the date designated for return of the ballot by each such member to CSDA. Written ballots transmitted electronically to members shall be electronically communicated at least 45 days in advance of the date designated for return of the ballot by each member to CSDA.~~

**G. Return of Ballots:**

~~Written ballots shall be returned either by first class mail or by electronic communication to either the principal business address of CSDA or CSDA's designated electronic format specified on the ballot prior to the close of business (5:00 pm) on the designated election date. Written ballots received either by first class mail or electronic communication from regular voting members after the specified date shall not be counted and shall be invalid.~~

**H. Number of Votes Required for Approval:**

~~Approval by written ballot shall be valid only when (1) the number of votes cast by written ballot either by means of electronic communication or first class mail within the specified time equals or exceeds the quorum required to be present at a meeting authorizing the action (25 votes); and (2) the number of approvals equals or exceeds the number of votes that would be required for approval at a meeting of members, i.e. 50% plus one of those participating members casting written ballots either electronically or by first class mail.~~

**Section 7. Termination of Membership:**

Any member delinquent in the payment of dues for a period of three months after said dues are due and payable, shall be notified in writing of such arrearage, and shall be given written notice of possible termination. If such delinquent dues remain unpaid for 45 days after said notice, the delinquent member shall automatically cease to be a member of CSDA. CSDA's Chief Executive Officer may approve special payment arrangements if deemed necessary.

A delinquent member may be restored to membership by making written application to the Board of Directors of the CSDA. Such reinstatement shall be at the discretion of the Board.

## **ARTICLE III – DIRECTORS**

### **Section 1. Number of Directors:**

The authorized number of elected directors to serve on the Board of Directors shall be 18. Each regular voting member agency shall be limited to one seat on the Board.

There shall be three directors elected from each of the six CSDA regions/networks. Directors elected from each of the six regions/networks shall hold staggered three year terms. The three directors serving a term of office from a region/network shall be elected from three different regular voting member agencies located in that region/network.

### **Section 2. Term of Office:**

Directors elected from each of the six regions/networks shall hold staggered three year terms. After the annual election of directors, a meeting of the Board shall be held to ratify the election results. The term of office of the newly elected persons shall commence on the following January 1 and shall terminate in three years.

### **Section 3. Nomination of Directors:**

Nomination shall be by region/network. Any regular voting member in good standing is eligible to nominate one person from their district to run for director of CSDA. The director nominee shall be a board member of the district or a managerial employee as defined by that district's Board of Directors. Nomination of the director designee shall be made by a resolution or minute action of the regular voting member's Board of Directors. Only one individual from each regular voting member district may be nominated to run at each election. In the event an incumbent does not re-run for his/her seat, the nomination period for that region/network shall be extended by ten days.

The CSDA staff, in conjunction with the Elections and Bylaw Committee, will review all nominations received and accept all that meet the qualifications set by these Bylaws. A slate of each region's/network's qualified nominees will be submitted by mail or electronic ballot, to that region's/network's regular voting membership for election pursuant to Article III, Section 4

### **Section 4. Election of Directors:**

The Election and Bylaws Committee shall have primary responsibility for establishing and conducting elections. The Committee may enforce any regulation in order to facilitate the conduct of said elections. Voting for directors shall be by the regular voting members from the region/network from which they are nominated.

The Election and Bylaws Committee shall meet each year to review, with staff, the regions/networks where election of directors will be necessary. The Committee will coordinate, with staff, the dates nomination requests shall be mailed to the regular voting members, the official date for the nomination requests to be received at the CSDA office, and set the date of the election.

#### **A. Written Notice:**

Written notice requesting nominations of candidates for election to the Board of Directors shall be sent by first class mail or electronically to each regular voting member in good standing on the date specified by the Election and Bylaws Committee, which shall be at least 120 days prior to the election. The nominations must be received either by mail or electronically by CSDA before the established deadline which shall be no later than 60 days prior to the election. Nominations received after the deadline date shall be deemed invalid.

**B. Balloting and Election:**

Voting for directors shall be by written ballot distributed by mail or by electronic transmission by CSDA directly or via third-party to members eligible to vote in each network.

After the nomination period for directors is closed, a ~~written mailed~~ ballot specifying the certified nominees in each ~~region/network~~ shall be distributed by first class mail or electronically to each regular voting member in that ~~region/network~~ ~~by first class mail~~. Each such regular member in good standing in each ~~region/network~~ shall be entitled to cast one vote for each of that ~~region's/network's~~ open seats on the Board.

The ballot for each ~~region/network~~ shall contain all nominations accepted and approved by CSDA staff. In the event there is only one nomination in a ~~region/network~~, the nominee shall automatically assume the Seat up for election and a ballot shall not be mailed or electronically transmitted. Staff will execute a Proof of Service certifying the date upon which all regular voting members of each ~~region/network~~ were ~~mailed sent~~ a ballot, either by first class mail or by electronic transmission. The form of written ballot and any related materials sent by electronic transmission by CSDA and completed ballots returned to CSDA by electronic transmission by participating members must comply with all of the requirements of Article II, Section 6.F-H of these Bylaws. If a member does not consent to electronic communication for balloting purposes, a form of written ballot will be mailed to such participating member no later than 45 days prior to the date scheduled for such election. All written ballots shall indicate that each participating member may return the ballot by electronic communication or first class mail.

All solicitations of votes by written ballot shall: (1) state the number of returned ballots needed to meet the quorum requirement (25); (2) state, with respect to ballots for election of directors, that those nominees receiving the highest number of votes for each Board position subject to election will be certified as elected to that Board position.

Election of a nominee to a Board position shall be valid only when: (1) the number of votes cast by written ballot, transmitted either electronically or by first class mail, within the time specified, equals or exceeds the quorum required to be present at a meeting of members authorized in such action (25); and (2) the number of written ballots approving the election of a nominee must be the highest number of votes cast for each Board position subject to election as would be required for an election of a nominee at a meeting of the members. -

Written Bballots shall be returned either by first class mail or by electronic mail communication to either the principal business address of CSDA or CSDA's designated electronic format specified on the ballot prior to the close of business (5:00 pm) on the

designated election date, which shall be at least 45 days prior to the Annual Conference. Written Ballots received either by first class mail or electronic communication after the specified date shall be invalid and shall not be counted.

All written ballots received by mail shall remain sealed until opened in the presence of the Election and Bylaws Committee chairperson or his/her designee. All electronic ballots will be prepared, distributed, authenticated, received, tabulated, and kept secure and confidential.

#### **Section 5. Event of Tie:**

In the event of a tie vote, a supplemental ~~mail-written~~ ballot containing only the names of those candidates receiving the same number of votes shall be distributed either by first class mail or electronically mailed to each regular voting member in the ~~region/network~~ where the tie vote occurred.

Those ~~mail-written~~ ballots received by mail or electronically prior to the close of business (5:00 pm) on the date designated by the Election and Bylaws Committee shall be considered valid and counted. All supplemental ~~mail-written~~ ballots received after the designated date whether by first class mail or electronically shall will be deemed invalid. All written ballots received either by mail or electronically shall remain sealed as provided in Article III, Section 4.B of these Bylaws until opened in the presence of the Committee chair or his/her designee.

In the event the supplemental ~~mail-written~~ ballot also results in a tie vote, the successful candidate will be chosen by a drawing by lot.

#### **Section 6. Director Vacancy:**

In the event of a director vacating his/her seat on the Board of Directors, an individual who meets the qualifications as specified in these Bylaws may be appointed or elected to complete the director's unexpired term.

##### **A. Two or Three Vacant Seats In the Same Region/Network:**

In the event more than one seat on the CSDA Board of Directors in any one ~~region/network~~ is vacant at the same time, such vacancies shall be filled by election. A ~~mail-written~~ ballot shall be prepared; listing all nominees for that ~~region/network~~ accepted and approved by CSDA and distributed to each regular voting member in each such network either by first class mail or by electronic communication pursuant to the provisions of Article III, Section 4.A and B of these Bylaws

Regular members of each ~~region/network~~ shall be entitled to cast one vote for each open seat in that ~~region/network~~ by returning a completed written ballot to CSDA either by first class mail or by electronic communication. The candidate receiving the most votes will be elected to the vacant seat with the longest remaining term. The candidate receiving the second highest number of votes will be elected to fill the vacant seat with the second longest remaining term. The candidate receiving the third highest number of votes will be elected to fill the vacant position with the third longest remaining term.

##### **B. Vacancy Before Nomination Period**

In the event of a vacancy occurring "before" the nomination period, at the discretion of the CSDA Board, the vacancy may be filled by appointment or special election.

Should the CSDA Board choose to fill the vacancy by appointment, notification of the vacancy and request for nominations shall be sent by regular mail or electronic communication to all regular members in good standing in the network in which the vacancy occurred. The network's existing directors sitting on the CSDA Board shall interview all interested candidates of that network and bring a recommendation to the CSDA Board of Directors for consideration. The Board shall make the appointment to fill the unexpired term of the vacated Board position.

Should the CSDA Board choose to fill the vacancy by special election, written notification of the vacancy and request for nominations shall be sent either by first class mail or electronically to each regular member in good standing in the network in which the vacancy occurred. Nominations will be accepted for the vacant seat by first class mail or by electronic communication and shall be placed on the written ballot for election in that network. Such election shall be conducted pursuant to the provisions of Article III, Section 4.A and B hereof.

**B.C. Vacancy During Nomination Period:**

In the event of a vacancy occurring "during" the nomination period, the vacancy shall be filled by election. Written notification of the vacancy and request for nominations shall be sent either by first class mail or electronically to each regular member in the region/network in which the vacancy occurred. Nominations will be accepted for the vacant seat by first class mail or by electronic communication and shall be placed on the mail-written ballot for election in that region/network. Such election shall be conducted pursuant to the provisions of Article III, Section 4.A and B hereof.

**C.D. Vacancy After Nomination Period:**

In the event of a vacancy occurring "after" the nomination period has closed, at the discretion of the CSDA Board, the vacancy may remain unfulfilled until the next regularly scheduled election or may be filled by appointment. Should the CSDA Board choose to fill the vacancy by appointment, notification of the vacancy and request for nominations shall be sent by regular mail or electronic communication to all regular members in good standing in the region/network in which the vacancy occurred.

The region's/network's existing directors sitting on the CSDA Board shall interview all interested candidates of that region/network and bring a recommendation to the CSDA Board of Directors. The Board shall make the appointment to fill the unexpired term of the vacated Board position.

**Section 7. Director Disqualification:**

- A. A director shall become disqualified from further service upon the occurrence of the following:

A director's district is no longer a member of CSDA; a director is no longer a board member or an employee of a member district; and/or a director shall resign.

Any officer or director may resign at any time by giving written notice to the President or CEO. Any such resignation shall take effect at the date of the receipt of such notice or at any time specified therein.

- B. The position of a director may be declared vacant by a majority vote of the CSDA Board of Directors when a director is unexcused and fails to attend three consecutive meetings of the Board.

**Section 8. Powers of Directors:**

Subject to the limitations of these Bylaws, the Articles of Incorporation, and the California General Nonprofit Corporation Law, all corporate powers of the CSDA shall be exercised by or under the authority of the Board of Directors.

## **ARTICLE IV – DIRECTOR MEETINGS**

### **Section 1. Place of Meetings:**

Meetings of the Board of Directors shall be held in the state of California, at such places as the Board may determine.

### **Section 2. Ratification Meeting:**

Following the election of Directors, the Board shall hold a meeting at such time and place as determined by the Board for the purpose of ratifying the newly elected directors and to transact other business of CSDA.

### **Section 3. Organization Meeting:**

After the ratification meeting, an organizational meeting of the Board shall be held at such time and place as determined by the Board for the purpose of electing the officers of the Board of Directors and the transaction of other business of CSDA.

### **Section 4. Planning Session:**

As directed by the Board of Directors, a special Strategic Planning Meeting shall be held to review and evaluate the plans, policies and activities related to the business interests of CSDA.

### **Section 5. Regular Meetings:**

The dates of the regular meetings of the Board of Directors shall be ratified at the last Board meeting of the previous year. The meetings shall be held at such time and place as the Board may determine. The dates and places of the Board meetings shall be published in the CSDA's publications for the benefit of the members.

### **Section 6. Special Meetings:**

A special meeting of the Board of Directors, for any purpose, may be called at any time by the President or by any group of ~~seven-10~~ directors or as described in Article II, Section 6.B.

Such meetings may be held at any place designated by the Board of Directors. In the event directors are unable to personally attend the special meeting, teleconferencing means will be made available.

Notice of the time and place of special meetings shall be given personally to the directors, or sent by written or electronic communication. All written notices shall be sent at least ten days prior to the special meeting and electronic notices at least five days prior.

### **Section 7. Quorum:**

A quorum of the Board of Directors for the purpose of transacting business of the CSDA shall consist of ten directors. A majority vote among at least ten directors present at a duly noticed meeting shall constitute action of the Board of Directors.

### **Section 8. Board Meetings by Telephone and Electronic Communications:**

Any Board meeting may be held by conference telephone, video screen communication or other electronic communications equipment. Participation in such a meeting under this Section shall constitute presence in person at the meeting if both of the following apply: (a) each Board member participating in the meeting can communicate concurrently with all other Board members; and (b) each member of the Board is provided a means of participating in all matters before the Board, including the capacity to propose or interpose an objection to a specific action to be taken by CSDA, and the capacity to vote on any proposal requiring action of the Board.

**Section 98. Official Records:**

All official records of the meetings of the CSDA shall be maintained at the principal business office of the CSDA.

## **ARTICLE V – OFFICERS**

### **Section 1. Number and Selection:**

The officers of CSDA shall be the President, Vice President, Secretary, Treasurer and the Immediate Past President. The officers shall be elected annually from the then current members of the Board of Directors without reference to regions/networks. All officers shall be subordinate and responsible to the CSDA Board of Directors and shall serve without compensation.

Each shall hold office for the term of one year, or until resignation or disqualification.

The Board of Directors may appoint such other officers as the business of CSDA may require. Each of the appointed officers shall hold office for such period, have such authority, and perform such duties as are provided in these Bylaws or as the Board of Directors may determine.

### **Section 2. Duties of the President:**

The President shall be the chief officer of the CSDA and shall, subject to the approval of the Board of Directors, give supervision and direction to the business and affairs of CSDA.

The President shall preside at all Board of Director and membership meetings. The President shall be an ex-officio member of all Standing Committees. The President shall appoint committee chairs and vice-chairs and members of the Standing Committees, subject to confirmation by the Board of Directors.

The President shall have the general powers, duties and management usually vested in the office of the president of a corporation. The President shall have such other powers and duties as may be prescribed by these Bylaws or by the vote of the Board of Directors.

### **Section 3. Duties of the Vice President:**

In the absence of, or disability of the President, the Vice President shall perform all of the duties of the President. When so acting, the Vice President shall have all the powers of the President, and be subject to all the restrictions upon the President.

The Vice President shall be an ex-officio member of all of the Standing Committees.

### **Section 4. Duties of the Secretary:**

The Secretary or a designee appointed by the Board of Directors shall give notice of meetings to the Board of Directors, and notices of meetings to the members as provided by these Bylaws.

The Secretary or designee shall record and keep all motions and resolutions of the Board. A record of all meetings of the Board and of the members shall be maintained. All written records of the Secretary shall be kept at the business office of CSDA.

A list of the membership of CSDA shall be maintained by the Secretary or such designee. Such record shall contain the name, address and type of membership, of each member. The date of membership shall be recorded, and in the event the membership ceases, the date of termination.

The Secretary or designee shall perform such other duties as may be required by law, by these Bylaws, or by the Board of Directors.

**Section 5. Duties of the Treasurer:**

The Treasurer or a designee appointed by the Board of Directors shall keep and maintain adequate and correct accounts of the properties and the business transactions of CSDA, including accounts of its assets, liabilities, receipts, disbursements, gains and losses. The books of account shall at all times be open to inspection by any director or member of the CSDA.

The Treasurer or designee shall be responsible to cause the deposit of all moneys of the CSDA, and other valuables in the name and to the credit of CSDA, with such depositories as may be designated by the Board of Directors.

The Treasurer or designee, shall disburse, or cause to be disbursed by persons as authorized by resolution of the Board of Directors, the funds of CSDA, as ordered by the Board of Directors.

The Treasurer or designee shall serve as chair of the CSDA Fiscal Committee. The Treasurer shall render to the President and the Board of Directors an account of all financial transactions and the financial condition of CSDA at each Board meeting and on an annual basis, or upon request of the Board.

The Treasurer or designee shall, after the close of the fiscal year of CSDA, cause an annual audit of the financial condition of CSDA to be done.

The Treasurer or such designee shall perform such other duties as may be required by law, by these Bylaws, or by the Board of Directors.

**Section 6. Disbursement of Funds:**

No funds shall be disbursed by CSDA unless a check, draft or other evidence of such disbursement has been executed on behalf of CSDA by persons authorized by resolution of the Board of Directors.

**Section 7. Removal of Officers:**

Officers of the Board may be removed with or without cause at any meeting of the Board of Directors by the affirmative vote of a majority of the Board of Directors present at such meeting.

## **ARTICLE VI – COMMITTEES**

### **Section 1. Committee Structure:**

Each committee shall have a chair and a vice-chair who shall be directors of the Board of Directors. Each committee shall have at least two Board members and no more than nine Board members. Directors may be appointed as alternate members of a committee, in the event of an absent committee member.

Other members of any committee may include designees of regular, associate or Business Affiliate members.

### **Section 2. Committee Actions:**

All actions of any committee of the CSDA shall be governed by and taken in accordance with the provisions of these Bylaws. All committees shall serve at the pleasure of the Board and have such authority as provided by the Board of Directors. Minutes of each committee meeting shall be kept and each committee shall present a report to the Board of Directors at each scheduled Board meeting.

No committee may take any final action on any matter that, under these Bylaws, or under the California Nonprofit Public Benefit Corporation Law, also requires approval of the members of the CSDA.

All committees, regardless of Board resolution, are restricted from any of the following actions as imposed by the California Nonprofit Public Benefit Corporation Law

No committee may: Fill vacancies on the Board of Directors or on any committee that has authority of the Board; create any other committees of the Board or appoint the members of the committees of the Board.

No committee may fix compensation of the directors for serving on the Board or on any committee; expend corporate funds to support a nominee for director; or approve any contract or transaction to which CSDA is a party and in which one or more of its directors has a material financial interest.

No committee may amend or repeal Bylaws or adopt new Bylaws or amend or repeal any resolution of the Board that by its express terms is not subject to amendment or repeal.

### **Section 3. Committee Meetings:**

Meetings of the committees of CSDA shall be held in accordance with the provisions of these Bylaws. The time and place for regular meetings of such committees may be determined by the Board or by such committees. Special meetings of the committees may be called by the chair of such committee, or by the Board of Directors.

Written notice of any regular or special committee meeting may be given either personally, by first class mail, or by electronic transmission as specified in Article II, Section 6.C.2 of these Bylaws. Any committee meeting may also be held by conference telephone, video screen communication or other electronic communication equipment. Participation in such a meeting under this Section shall constitute presence in person at the committee meeting if both of the

following apply: (a) each committee member participating in the meeting can communicate concurrently with all other committee members; and (b) each member of the committee is provided a means of participating in all matters before the committee, including the capacity to propose or interpose an objection to a specific action to be taken by that committee, and the capacity to vote on any proposal requiring action or recommendation by the committee.

#### **Section 4. Standing Committees:**

Standing Committees of CSDA shall be advisory in nature except for the Finance Corporation (see Section 4D). The Standing Committees are: Executive, Professional Development, Elections and Bylaw, Finance Corporation, Fiscal, Legislative, Member Services and Audit.

The President shall recommend the appointment of committee officers and members of each Standing Committee except the Executive Committee. All committee members are subject to ratification by the Board of Directors.

##### **A. Executive Committee:**

The Executive Committee shall consist of all officers of CSDA. Members shall include the President, Vice President, Secretary, Treasurer and the Immediate Past President of CSDA. If the Immediate Past President is no longer a member of the Board of Directors, a previous past president may be appointed. If there are no directors who have served as President in the past, the President shall appoint a current director to serve as a member of the Executive Committee.

Subject to these Bylaws and approval of the Board of Directors, the Executive Committee shall have full power, authority and responsibility for the operation and function of the CSDA.

##### **B. Professional Development Committee:**

The Professional Development Committee shall provide advice, feedback and general guidance for plan, organize and direct CSDA professional development programs and events.

##### **C. Election and Bylaws Committee:**

The Election and Bylaws Committee shall be responsible for conducting all elections for the CSDA Board of Directors as provided in these Bylaws. The Committee shall annually review the Bylaws and shall be responsible for membership vote on any bylaw changes and approval of election materials.

##### **D. Finance Corporation Committee:**

The Finance Corporation Committee shall serve as the Board of Directors of the CSDA Finance Corporation a California non-profit public benefit corporation organized to provide financial assistance to CSDA members in acquiring, constructing and financing various public facilities and equipment for the use and benefit of the public. The Finance Corporation Committee is not an advisory committee, but has all of the powers described in the CSDA Finance Corporation Bylaws, which are incorporated herein by

this reference. Such powers include the powers to manage and control the business affairs of the corporation, to approve policies for the corporation's operations, and to enter into all contracts necessary to provide financial assistance to CSDA members.

**E. Fiscal Committee:**

The Treasurer shall serve as the chair of the Fiscal Committee and shall, with the Committee, be responsible for oversight of all the financial transactions of the CSDA. An annual budget shall be reviewed by the committee and ratified by the Board of Directors.

**F. Legislative Committee:**

The Legislative Committee shall be responsible for the development of CSDA's legislative agenda. The Committee shall review, direct and assist the CSDA Advocacy and Public Affairs Department with legislative and public policy issues.

**G. Member Services Committee:**

~~The Member Services Committee shall be responsible for recruitment and recommendation of new members to the CSDA Board of Directors.~~ The Member Services Committee shall be responsible for recruitment and retention activities as well as recommendation of new members and benefits to the CSDA Board of Directors. All new members shall be ratified by the Board of Directors.

**H. Audit Committee:**

The Audit Committee is responsible for maintaining and updating internal controls. The Committee selects the Auditor for Board of Directors approval and provides guidance to the auditors on possible audit and fraud risks. The Committee reviews the audit and management letter and makes recommendation to the Board of Directors for action.

**Section 5. Ad Hoc Committees:**

The President may appoint other Ad Hoc Committees and their officers as may be determined necessary for the proper operation of the CSDA. The Standing Committees and the Ad Hoc Committees shall plan and authorize such programs as may be directed by the Board of Directors.

The Ad Hoc Committees shall be advisory in nature and shall be composed of at least two members of the Board of Directors. Other members of such committees may include designees of regular, associate or professional members, or members of the public, as approved by the Board of Directors.

**Section 6. Special Committee of the Board:**

A Special Committee may be granted authority of the Board as a Committee of the Board, as required by the California Nonprofit Public Benefit Corporation Law, provided by a specific resolution adopted by a majority of the Board of Directors then in office. In such case, the Special Committee shall be composed exclusively of two or more directors, but less than a quorum of the Board of Directors.

## **ARTICLE VII – INDEMNIFICATION**

### **Section 1. Right of Indemnity:**

To the fullest extent permitted by law, the CSDA shall defend, indemnify and hold harmless both its past and present directors, officers, employees and other persons described in Section 5238(a) of the California Corporations Code, against any and all actions, expenses, fines, judgments, claims, liabilities, settlements and other amounts reasonably incurred by them in connection with any "proceeding", as that term is used in the Section 5238(a) of the California Corporations Code.

"Expenses", as used in these Bylaws, shall have the same meaning as in Section 5238(a) of the California Corporations Code.

### **Section 2. Approval of Indemnity:**

On written request to the Board by any person seeking indemnification under Section 5238(b) or Section 5238(c) of the California Corporations Code, the Board shall promptly determine under Section 5238(e) of the California Corporations code whether the applicable standard of conduct set forth in Section 5238(b) or Section 5238(c) has been met, and if so, the Board shall authorize indemnification.

If the Board cannot authorize indemnification because the number of directors who are parties to the proceeding with respect to which indemnification is sought prevents the formation of a quorum of directors who are not parties to that proceeding, the Board shall promptly call a meeting of the members.

At the request for indemnification meeting, the members shall determine under Section 5238(e) of the California Corporations Code whether the applicable standard or conduct set forth in Section 5238(b) or Section 5238(c) has been met, and, if so, the members present at the meeting in person or by proxy shall authorize indemnification.

### **Section 3. Insurance:**

The CSDA shall have the right to purchase and maintain insurance to the full extent permitted by law, on behalf of its officers, directors, employees, and agents, against any liability asserted against or incurred by any officer, director, employee or agent in such capacity, or arising out of the officer's, director's, employee's, or agent's status as such.

### **Section 4. Liability:**

No member, individual, director, or staff member of the CSDA shall be personally liable to the CSDA's creditors, or for any indebtedness or liability. Any and all creditors shall look only to the CSDA's assets for payment.

## **ARTICLE VIII – LOCAL CHAPTERS~~AFFILIATED CHAPTERS~~**

### **Section 1. Purpose:**

The purpose of ~~local-affiliated~~ chapters is to provide a local forum of members for the discussion, consideration and interchange of ideas concerning matters relating to the purposes and powers of special districts and the CSDA.

The ~~local-affiliated~~ chapters may meet to discuss issues bearing upon special districts and the CSDA. The chapters may make recommendations to the CSDA's Board of Directors.

### **Section 2. Organization:**

The regular voting members of CSDA are encouraged to create and establish ~~local-affiliated~~ chapters. In order to be recognized as a CSDA Chapter, each Chapter must approve and execute a Chapter Affiliation Agreement in order to obtain the right to use the CSDA name, logo, membership mailing list, intellectual property, endorsements, and CSDA staff support and technical assistance in conducting Chapter activities. The terms and conditions of the Chapter Affiliation Agreement are incorporated herein by this reference.

Each chapter formed prior to August 1, 2011, including but not limited to the following chapters must have at least one CSDA member in their membership at all times: Alameda, Butte, Contra Costa, Kern, Marin, Monterey, Orange (ISDOC), Placer, Sacramento, San Bernardino, San Diego, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara and Ventura. Such existing chapters may include as members local organizations, districts and professionals who are not members of CSDA.

New chapters formed after August 1, 2011, are required to have 100 percent of their special district members be current members of CSDA in order to be a chapter affiliate of CSDA. Such ~~local-chapters~~ may include members of local organizations and professionals who are not members of CSDA.

~~Local-Affiliated~~ chapters shall be determined ~~to be affiliates of the CSDA~~ upon approval and execution of the Chapter Affiliation Agreement by the ~~local~~ chapter and approval and ratification of the Chapter Affiliation Agreement by the CSDA Board of Directors. The chapters shall be required to provide updated membership lists to the CSDA at least annually.

CSDA and its ~~local-affiliated~~ chapters shall not become or be deemed to be partners or joint ventures with each other by reason of the provisions of these Bylaws or the Chapter Affiliation Agreement.

### **Section 3. Rules, Regulations and Meetings:**

Each ~~local-affiliated~~ chapter shall adopt such rules and regulations, meeting place and times as the membership of such ~~local-affiliated~~ chapter may decide by majority vote. Rules and regulations of the ~~local-affiliated~~ chapter shall not be inconsistent with the Articles of Incorporation or Bylaws of CSDA.

### **Section 4. Financing of Local-Affiliated Chapters:**

No part of CSDA's funds shall be used for the operation of the ~~local-affiliate chapters-affiliates~~. CSDA is not responsible for the debts, obligations, acts or omissions of the ~~local-affiliate~~ chapters.

**Section 5. Legislative Program Participation:**

~~Local-Affiliate~~ chapters may function as a forum in regard to federal, state and local legislative issues. The chapters may assist CSDA in the distribution of information to their members.

## ARTICLE IX – AMENDMENTS TO THE BYLAWS

### Section 1. Amendment Proposals:

Any regular voting member in good standing may propose changes to these Bylaws. The proposed amendments shall be reviewed by the Board of Directors and submitted to the Election and Bylaws Committee for their study.

After examination by the Election and Bylaws Committee and upon ~~resolution approval by~~ approval by of the Board of Directors the amendment proposals may be submitted for vote at the Annual Business meeting of the members held by CSDA, at a specially called meeting, or by a ~~mailed or~~ mailed or ~~electronic ballot.~~ electronic ballot.

### Section 2. Amendment Membership Meeting:

Prior notice in writing of the proposed amendment/s to these Bylaws shall be given either by first class mail or by electronic transmission by the Board of Directors to the regular voting members in good standing, not later than 45 days in advance of the amendment meeting pursuant to the provisions of Article II, Section 6.C of these Bylaws. The electronic notice shall include copies of the proposed amendments.

Electronic copies of the proposed amendment/s shall also be available on the CSDA website for review by the regular voting members prior to the meeting. Copies of the proposed amendments shall also be available for the regular voting members at the amendment membership meeting.

The amendment membership meeting may be conducted as an electronic meeting pursuant to the provisions of Article II, Section 6.D of these Bylaws.

### Section 3. Mailed Written Bylaw Amendment Ballot:

The Board of Directors of CSDA may submit Bylaw amendments for approval of regular voting members by mail or electronic ballot rather than by means of an amendment membership meeting.

When a ~~mailed-written~~ mailed-written ballot is ~~utilized-used~~ utilized to amend these Bylaws, the ballot shall include the text of all proposed Bylaw amendments and matters the Board of Directors intends to present for action and vote by the members. Such written ballot shall contain the information specified in Article II, Section 6.F of these Bylaws and shall be mailed-distributed by CSDA to all regular voting members either by first class mail or by electronic transmission at least 45 days in advance of the date designated for return of the ballot. ~~The ballot shall be mailed by first class mail, not later than 45 days in advance of the date CSDA has designated for the receipt of the ballot.~~

Written ballots shall be returned either by first class mail or by electronic communication to either the principal business address of CSDA or CSDA's designated electronic format specified on the ballot prior to the close of business (5:00 pm) on the designated election date. Written ballots received either by first class mail or electronic communication after the specified date shall not be counted and will be deemed invalid. ~~The amendment ballot must be received by CSDA, no later than the established deadline date and time. Ballots received after the specified deadline will be deemed invalid~~

**Section 4. Bylaw Amendment Ratification:**

**A. Membership Meeting:**

The proposed Bylaw amendments ~~shall be~~ deemed adopted by the members when the number of votes cast by a majority vote of all regular voting members present at a such membership meeting meets or exceeds the required, at which a quorum of 25 regular voting members, and the number of votes cast approving the Bylaw amendments constitutes a majority of votes cast, i.e., 50% plus one of regular voting members casting ballots at such meeting, as defined in Article 2, Section 5 of these Bylaws, of the members is present.

**B. Mailed or Electronic Ballot:**

The proposed Bylaw amendment/s shall be deemed adopted by a majority of the regular voting members by mail or electronic ballot when the provisions of Article II, Section 6.H of these Bylaws have been satisfied when ballots have been returned by a quorum of the regular voting members, and have been approved by a majority vote of the mail ballots returned.

**EXHIBIT A**



**California Special District Association  
DISTRICT NETWORKS**

