

AGENDA  
REGULAR MEETING  
OF THE BOARD OF HARBOR COMMISSIONERS  
MOSS LANDING HARBOR DISTRICT  
7881 Sandholdt Road  
MOSS LANDING, CA 95039  
June 24, 2015, 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 **5:30 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. 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 Restaurant and Visitor Dock). Negotiating parties: General Manager and District Counsel.
3. Confer with real property negotiators pursuant to Government Code §54956.8 regarding unimproved lot next to Cannery Building. Negotiating parties: General Manager and District Counsel.
4. Confer with legal counsel and General Manager regarding two (2) matters of potential litigation pursuant to Government Code § 54956.9(a): Claim of Catalano and Claim of Adventure Alley, LLC.
5. 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
Frank Gomes, Jr. – Commissioner	Marie Della Maggiore – Executive Assistant
Andrew Amaral - 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 May 20, 2015 Special Meeting Minutes.
2. Approval of the May 27, 2015 Regular Meeting Minutes.
3. Approval of the June 17, 2015 Special Meeting Minutes.
4. Approve Amendment No. 6 to the ML Community Plan EIR Services Contract.

#### **F. FINANCIAL REPORT**

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5. Financial report month ending May 31, 2015

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

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The General Manager will make oral or written presentations on the below 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.

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

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

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13. Finance Committee – Chair Ferrante/Vice Chair Leonardini
14. Elkhorn Slough Advisory Committee – Amaral/Alt. Leonardini
15. Special Districts – Jeffries/Ferrante
16. Liveboard Committee – Chair Jeffries/Vice Chair Amaral
17. Harbor Improvement Committee – Chair Gomes/Vice Chair Amaral
18. Real Property Committee I – Chair Jeffries/Vice Chair Leonardini
19. Real Property Committee II – Chair Gomes/Vice Chair Ferrante
20. Meetings attended by Commissioners at District expense since the last regular meeting of the Board (AB 1234 requirements). Such reports may be oral or written.

#### **I. NEW BUSINESS**

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21. ITEM – Consider DWD MOU.
  - a. Staff report
  - b. Public comment
  - c. Board discussion
  - d. Board action
22. ITEM – Consider NOP for People's desal.
  - a. Staff report
  - b. Public comment
  - c. Board discussion
  - d. Board action
23. ITEM – Consider approving the District's insurance renewal package.
  - a. Staff report
  - b. Public comment

- c. Board discussion
  - d. Board action
24. ITEM – Consider financing options for insurance renewal premiums.
- a. Staff report
  - b. Public comment
  - c. Board discussion
  - d. Board action
25. ITEM – Discuss and consider options regarding bid for North Harbor Restaurant Project.
- a. Staff report
  - b. Public comment
  - c. Board discussion
  - d. Board action
26. ITEM – Consider and select a candidate for CSDA Board of Directors, Coastal Network, Seat A.
- a. Staff report
  - b. Public comment
  - c. Board discussion
  - d. Board action

#### **J. 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.

#### **K. ADJOURN MEETING**

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The next Regular Meeting of the Board of Harbor Commissioners is scheduled for July 22, 2015 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 Regular Meeting 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  
SPECIAL MEETING  
OF THE BOARD OF HARBOR COMMISSIONERS  
MOSS LANDING HARBOR DISTRICT  
7881 Sandholdt Road  
MOSS LANDING, CA 95039

May 20, 2015, 3:00 PM

**A. OPEN SESSION – PLEDGE OF ALLEGIANCE – ROLL CALL**

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The meeting was called to order at 3:00 p.m. After the Pledge of Allegiance, roll was called.

**Commissioners present:**

Russ Jeffries - President  
Tony Leonardini – Vice President  
Vincent Ferrante – Secretary  
Frank Gomes – Commissioner  
Andrew Amaral – Commissioner

**Staff present:**

Linda G. McIntyre – General Manager  
Mike Rodriguez – District Counsel  
Tom Razzeca – Assistant General Manager  
Marie Della Maggiore – Executive Assistant

**B. PUBLIC COMMENTS**

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No public comments.

**C. NEW BUSINESS**

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1. ITEM - Peoples Moss Landing Desalination Project – Introduction of EIR Consultant Candidate's team members and discussion of Project and consultant's duties and obligations.

a. Staff report - No written report.

b. Public comment - No public comment.

c. Board discussion - Susan Lee, Project Manager for Aspen Environmental Group, introduced the Aspen team: Sandra Alarcon Lopez, Public Information Coordinator; Chris Huntley, Senior Biologist and Biology Team Leader, and; Vicky Hill; NEPA consultant. Also present from the Peoples Moss Landing Desal Project were Attorney David Balch and Environmental Consultant Steve Brown. Ms. Lee said the site visit went well and there were no notable obstacles apparent. President Jeffries commented that the CEQA Consultant services would be paid by the project owner and there was discussion of the next steps in the CEQA process and timeframes. Ms. Lee said the timeframe for completion depends largely on the quality of the document received. President Jeffries asked Mr. Balch when the draft CEQA document would be ready. Mr. Balch responded that they first need to incorporate the comments from the scoping meetings and added delays due to such things as adding in North Harbor [County] and the transfer of the lead agency agreement from Pacific Grove. District Counsel Mike Rodriguez asked for clarification that we would not be seeing any form of the document until the NOP process is complete to which Mr. Brown replied "correct". President Jeffries asked why a copy of the draft so far could not be presented to the consultant to which Mr. Brown replied it is not ready for any kind of distribution, there are still lead agency issues, financial issues, ownership issues and contractual issues between himself and the project owner Nader Agha. Commissioner Gomes commented that it sounds like they either can't or won't finish (the document) and without good faith, we will not be able to help you. Mr. Brown said that he just needs more time and refuses to turn over a "half baked" product to which President Jeffries responded "we have heard this many times, over a year ago." Counsel Rodriguez asked for clarification that Mr. Brown is representing that the draft NOP he is prepared to submit will be a complete representation of what is to be covered in the EIR to which Mr. Brown

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answered yes. Counsel Rodriguez added that although we are only deciding whether to approve Aspen to move forward, this is definitely a different proposal than we were given a year or more ago by Mr. Agha. Mr. Balch commented that back in January or March they had stated to the Board that Mr. Brown had gone as far as he could go without the NOP to which President Jeffries replied this is not new; this has come up long before you (Balch) were even involved. He added that if his client (Agha) continues to fail to produce, he may lose the District as lead agency. Commissioner Leonardini said he feels the same and he also wants to ensure the General Manager and District Counsel are not left out of the loop on any point here on out. There was discussion of the recent financial issues over the Agha property, the threat of foreclosure and refinancing efforts and the upcoming injunction hearing. Mr. Balch stated that 4 of 5 investors have executed forbearance agreements but the 5<sup>th</sup> one will not sign and the hearing on the injunction is scheduled for May 27 so he will be able to report the results at the next Board meeting. The GM asked what happens if the injunction is not granted and Mr. Balch stated they could file Chapter 11 or take out emergency funding. Under Chapter 11 they could continue to perform unless the Trustee advises otherwise. Ms. Lee then asked about communication protocol and GM McIntyre responded that everything should go through her and District Counsel. President Jeffries reiterated that Aspen is the consultant for the District and even the simplest phone request from any party should be brought to the GM's attention. There was discussion of other desal projects on which Aspen had consulted and the testing of slant wells in Monterey County. Aspen asked for copies of any studies or reports that have been conducted on wells, biological studies, etc. and for a good mailing list of property owners, agencies, etc. within the scoping area.

d. Board action - Counsel Rodriguez stated that no action was required; this was a meeting with the consultant per the conditions of contract approval. President Jeffries thanked them for coming. Commissioner Leonardini offered to connect the Aspen team with any Agriculture representatives and Commissioner Gomes offered an aerial tour of the site.

#### **D. ADJOURNMENT**

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The meeting was adjourned at 4:00 pm.

Respectfully submitted,

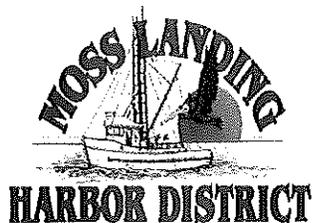
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Vince Ferrante, Secretary  
Board of Harbor Commissioners

ATTEST:

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Linda G. McIntyre, Deputy Secretary  
Board of Harbor Commissioners



MINUTES  
REGULAR MEETING  
OF THE BOARD OF HARBOR COMMISSIONERS  
MOSS LANDING HARBOR DISTRICT  
7881 Sandholdt Road  
MOSS LANDING, CA 95039  
May 27, 2015, 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. 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 Restaurant and Visitor Dock). Negotiating parties: General Manager and District Counsel.
3. Confer with real property negotiators pursuant to Government Code §54956.8 regarding unimproved lot next to Cannery Building. Negotiating parties: General Manager and District Counsel.
4. Confer with legal counsel and General Manager regarding two (2) matters of potential litigation pursuant to Government Code § 54956.9(a): Claim of Catalano and Claim of Adventure Alley, LLC.
5. 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 7:32 p.m. After the Pledge of Allegiance, roll was called.

Commissioners present:

Russ Jeffries – President  
Tony Leonardini – Vice President  
Vince Ferrante – Secretary  
Frank Gomes, Jr. – Commissioner  
Andrew Amaral - Commissioner

Staff present:

Linda G. McIntyre – General Manager  
Mike Rodriguez – District Counsel  
Tom Razzeca – Assistant General Manager  
Marie Della Maggiore – Executive Assistant

**C. PRESIDENT'S REMARKS**

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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**

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Mary Ann Leffel, President of the Monterey County Business Council, spoke to the Board regarding the proposed Fish Farm at the Moss Landing Commercial Park and urged the Board to work out an agreement with the property owner so that the Fish Farm project could move forward. She said the project would bring approximately 82 jobs to the area. Mark Pender, developer for the Monterey Bluewater Farms project also spoke to the Board about the project and said they are working very closely with the Business Council and the property owner, Nader Agha, and hope a deal can be made soon. He added they are ready to break ground and there is a lot of investor funding on the line but they have been "dead in the water" for six months now waiting for the property owner to work out the lease details with the District. He requested the Board provide something in writing such as a letter indicating that the District would be issuing a grant deed to the property owner so that Bluewater Farms may enter into a long term lease of the property. There was discussion of the project operations and Mr. Pender stated that they have all the County permits required.

## **E. CONSENT CALENDAR**

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1. A motion was made by Commissioner Ferrante and seconded by Commissioner Gomes to approve the Consent Calendar consisting of the April 22, 2015 Regular Meeting Minutes. The motion passed unanimously on a roll call vote.

## **F. FINANCIAL REPORT**

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2. Written report. GM McIntyre noted that Marina Revenues were better than budget by \$113K largely due to South Harbor parking fees from whale watching visitors and that we had received higher than anticipated property tax revenues from the County.

A motion was made by Commissioner Leonardini and seconded by Commissioner Ferrante to approve the month-ending April 30, 2015 financial reports. The motion passed unanimously on a roll call vote.

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

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3. Projects Status/Update - Written report, no additional comments.
4. Community Relations; Requests/Issues - Written report, Commissioner Ferrante commented that No. 3, report of energy cost savings during the PG&E Peak Day Pricing Program days shows a nice effort on the part of liveboards and staff. GM McIntyre added that she and Assistant GM Tom Razzeca had a conference call with the RWQCB and were successful in getting them to issue a Notice of Termination for the Stormwater Permit. This will save money in testing, lab work and staff time. She added that we may decide to conduct our own testing occasionally to ensure our efforts for clean water are effective.
5. Summary of Permits Issued - Written report, no additional comments.
6. Meeting Announcements - Written report, no additional comments.
7. Assigned Liveboard Report - Written report, no additional comments.
8. Slip Income Report - Written report, no additional comments.
9. Incident Report - Written report, no additional 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 – No meetings reported.
13. Liveboard Committee – Next meeting to be scheduled in July 2015.
14. Harbor Improvement Committee – No meetings reported.
15. Real Property Committee I – No meetings reported.
16. Real Property Committee II – One meeting; will report out later on the agenda.
17. Ad Hoc Budget Committee – No meetings reported.
18. Meetings attended by Commissioners at District expense since the last regular meeting of the Board (AB 1234 requirements). - No additional meetings reported.

## **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 2015-2016. Recommendation: Hold Public Hearing, receive comments and make adjustments as necessary. Fix Final Budget.

- a. Staff report - GM McIntyre gave the staff report.
- b. Open Public Hearing - President Jeffries opened the public hearing. There were no public comments.
- c. Close Public Hearing - President Jeffries closed the public hearing.
- d. Board discussion - Commissioner Gomes, Chair of the Ad Hoc Budget Committee, commented that the new budget focused on moving forward with the restaurant project and if that situation changes, the committee will meet and recommend adjustments accordingly.

e. Board action - A motion was made by Commissioner Leonardini and seconded by Commissioner Gomes to fix the final budget for fiscal year 2015-2016. The motion passed unanimously on a roll call vote.

#### **J. NEW BUSINESS**

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20. ITEM – Consider Adopting Ordinance No. 199 amending Chapter 20, “District Fee Schedule”.
- 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 Gomes and seconded by Commissioner Amaral to adopt Ordinance No. 199. The motion passed unanimously on a roll call vote.
21. ITEM – Consider denying the claim of Dan Catalano.
22. ITEM – Consider denying the claim of Adventure Alley LLC.
- a. Staff report - District Counsel Mike Rodriquez said that Items 21 and 22 can be taken together as they arose out of the same incident. No written report. Staff recommended denial of both claims.
  - b. Public comment - No public comment.
  - c. Board discussion - No further discussion.
  - d. Board action - A motion was made by Commissioner Gomes and seconded by Commissioner Ferrante to deny the claim of Dan Catalano and the claim of Adventure Alley LLC. The motion passed unanimously on a roll call vote.

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

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Commissioner Gomes asked for clarification of the issue raised by the Bluewater Fish Farm representatives. President Jeffries clarified that they want a long term lease with Nader Agha which isn't possible unless he negotiates a lease renewal with the District. Counsel Rodriquez said the District does not have any direct responsibility to provide anything they requested.

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

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President Jeffries adjourned the meeting at 8:15 pm.

Respectfully submitted.

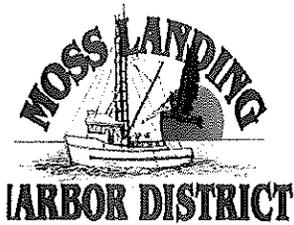
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Vince Ferrante, Secretary  
Board of Harbor Commissioners

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

June 17, 2015, 5:30 PM

**A. OPEN SESSION – PLEDGE OF ALLEGIANCE – ROLL CALL**

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The meeting was called to order at 7:10 p.m. After the Pledge of Allegiance, roll was called.

Commissioners present:

Russ Jeffries - President  
Tony Leonardini – Vice President  
Vince Ferrante - Secretary  
Frank Gomes - Commissioner  
Andrew Amaral - Commissioner

Staff present:

Linda G. McIntyre – General Manager  
Mike Rodriguez – District Counsel  
Tom Razzeca – Assistant General Manager  
Marie Della Maggiore – Executive Assistant

**B. PUBLIC COMMENTS**

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There were no public comments.

**C. NEW BUSINESS**

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1. ITEM – Discuss and consider options regarding bid for North Harbor Restaurant Project.

- a. Staff report - Written report. No additional comments.
- b. Public comment - No public comment.
- c. Board discussion - Mr. Henry Ruhnke of the firm Wald, Ruhnke & Dost Architects spoke to the Board about the North Harbor Restaurant Project and options based on receipt of only one construction bid at the bid opening last Friday, June 12. There was lengthy discussion of the concerns the Board raised regarding project costs and bid results.
- d. Board action - The Board directed the General Manager to research 1) why there was only one bid received for construction by calling planholders who did not submit bids, 2) meet and confer with architect to review detailed costs sheets and attempt to reduce those costs, and 3) review the restaurant operation lease and report back at the next meeting.

**D. ADJOURNMENT**

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President Jeffries adjourned the meeting at 6:55 pm.

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

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**AMENDMENT NO. 6  
TO FUNDING AGREEMENT  
BETWEEN COUNTY OF MONTEREY AND  
VARIOUS PROJECT APPLICANTS  
FOR THE MOSS LANDING COMMUNITY PLAN UPDATE  
ENVIRONMENTAL IMPACT REPORT**

**THIS AMENDMENT NO. 6** to the Funding Agreement between the County of Monterey, a political subdivision of the State of California (hereinafter, "County") and Elkhorn Slough Foundation; Haute Properties, LLC; Monterey Bay Aquarium Research Institute; Moss Landing Commercial Park, LLC dba Moss Landing Business Park; Moss Landing Harbor District; Quin Delta, LLC; San Jose State University Research Foundation; Keith Family Investments, LLC and/or assignee; and Phil DiGirolamo (hereinafter, "PROJECT APPLICANTS") is hereby entered into between the County and the PROJECT APPLICANTS (collectively, the "Parties") and effective as of the last date opposite the respective signatures below.

**WHEREAS**, PROJECT APPLICANTS entered into a Funding Agreement with County on February 9, 2011 (hereinafter, "Agreement"); and

**WHEREAS**, Agreement was amended by the Parties on May 31, 2011 (hereinafter, "Amendment No. 1"), June 4, 2012 (hereinafter, "Amendment No. 2"), May 29, 2013 (hereinafter, "Amendment No. 3"), June 2, 2014 (hereinafter, "Amendment No. 4"), and May 26, 2015 (hereinafter, Amendment No. 5"); and

**WHEREAS**, an Environmental Impact Report (EIR) is required for the Moss Landing Community Plan Update (hereinafter, "PROJECT"); and

**WHEREAS**, County engaged EMC Planning Group, Inc. (hereinafter, "CONTRACTOR") to prepare the EIR for the PROJECT; and

**WHEREAS**, the EIR has not been completed for the PROJECT; and

**WHEREAS**, County has identified a need to complete a County-funded Corridor Traffic Study in the Moss Landing Area to better understand options for implementation of the Moss Landing Community Plan Update; and

**WHEREAS**, County has identified a need to revise the impact analysis to be contained in the EIR to account for a revised project description; and

**WHEREAS**, due to the CONTRACTOR's detailed knowledge and work history with the PROJECT and as a cost saving measure, County will further engage CONTRACTOR to complete the Corridor Traffic Study as well as the revised impact analysis for the Moss Landing Project; and

**WHEREAS**, data collected by the CONTRACTOR for the completion of the Corridor Traffic Study may, as time allows, be incorporated into the Final EIR for the PROJECT; and

**WHEREAS**, the Corridor Traffic Study and the revised impact analysis for the Draft EIR will be funded by the County; and

**WHEREAS**, the Parties wish to further amend the Agreement to increase the amount by \$69,448.00 to allow County funding for costs incurred by CONTRACTOR to complete the Corridor Traffic Study and revise the impact analysis for the Draft EIR for completion of the PROJECT as identified in the Agreement and as amended by this Amendment No. 6.

**NOW, THEREFORE**, the Parties agree to amend the Agreement as follows:

1. Amend Paragraph B of "Recitals", to read as follows:

Due to the magnitude and complexity of THE PROJECT, the County of Monterey, Resource Management Agency (RMA), Director of Planning, hereinafter, "DIRECTOR", in conjunction with the RMA – Public Works, and PROJECT APPLICANTS have agreed that it is necessary and desirable that COUNTY engage EMC Planning Group, Inc., hereinafter, "CONTRACTOR", to prepare an Environmental Impact Report, hereinafter, "EIR", attend public hearings and meetings on THE PROJECT, and perform related work. CONTRACTOR shall perform the Scope of Work specified in the Professional Services Agreement between COUNTY and CONTRACTOR, attached to this AGREEMENT as Exhibits "1" and "1A", and incorporated herein by reference as if fully set forth. COUNTY shall manage THE PROJECT work performed by CONTRACTOR.

2. Amend Paragraph C of "Recitals", to read as follows:

COUNTY and PROJECT APPLICANTS hereby agree that COUNTY shall engage CONTRACTOR to provide the services set forth in Exhibits "1" and "1A" of this AGREEMENT.

3. Add Paragraph I to "Recitals", as follows:

COUNTY and PROJECT APPLICANTS acknowledge that the County of Monterey, RMA – Planning will fund the CONTRACTOR's Base budget as set forth in Exhibit "1A" of this AGREEMENT.

4. Amend Paragraph 1, "Maximum Budget for THE PROJECT", to read as follows:

1. **Maximum Budget for THE PROJECT.** The maximum amount assessed for THE PROJECT is increased in the amount of \$69,448.00, for a total amount not to exceed \$473,588.00:

CONTRACTOR's Base Budget:	\$254,986.00
COUNTY Deposit (based on time and materials):	\$ 53,140.00
COUNTY Deposit: (based on percentage of CONTRACTOR's Base Budget and Project Contingency):	\$ 51,000.00
Project Contingency:	\$ 45,014.00
CONTRACTOR's Base Budget (based on Amendment No. 6):	\$ 69,448.00
<u>Maximum Budget Under AGREEMENT:</u>	<u>\$473,588.00</u>

5. Amend the first sentence of Paragraph 3, "CONTRACTOR – CONTRACTOR'S Base Budget", to read as follows:

COUNTY shall engage CONTRACTOR in accordance with the Professional Services Agreement between COUNTY and CONTRACTOR, attached hereto and incorporated by this reference as Exhibits "1" and "1A".

6. All other terms and conditions of the Agreement remain unchanged and in full force.

7. This Amendment No. 6 shall be attached to the Agreement and incorporated therein as fully set forth in the Agreement.

8. The recitals to this Amendment No. 6 are incorporated into the Agreement and this Amendment No. 6.

IN WITNESS WHEREOF, the Parties hereby execute this Amendment No. 6 to the Agreement which shall be effective as of the last date opposite the respective signatures below.

COUNTY OF MONTEREY

By: \_\_\_\_\_  
Director of Planning

Date: \_\_\_\_\_

PROJECT APPLICANTS\*  
Elkhorn Slough Foundation

By: \_\_\_\_\_  
(Signature)

Its: \_\_\_\_\_  
Judith Connor, Vice President  
(Print Name and Title)

Date: \_\_\_\_\_

By: \_\_\_\_\_  
(Signature)

Its: \_\_\_\_\_  
Robert Hartmann, Secretary  
(Print Name and Title)

Date: \_\_\_\_\_

Approved as to Form and Legality  
Office of the County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

Date: \_\_\_\_\_

\*INSTRUCTIONS: IF PROJECT APPLICANT is a corporation, including limited liability and non-profit corporations, the full legal name of the corporation shall be set forth in the Agreement together with the signatures of two specified officers. If PROJECT APPLICANT is a partnership, the name of the partnership shall be set forth in the Agreement together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. IF PROJECT APPLICANT is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign this Agreement.

PROJECT APPLICANT\*

Haute Properties, LLC

By: \_\_\_\_\_  
(Signature)

Its: Kim Solano, Owner  
(Print Name and Title)

Date: \_\_\_\_\_

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PROJECT APPLICANT\*

Monterey Bay Aquarium Research Institute

By: \_\_\_\_\_  
(Signature)

Its: Chris Scholin, President & CEO  
(Print Name and Title)

Date: \_\_\_\_\_

By: \_\_\_\_\_  
(Signature)

Its: C. Michael Pinto, CFO  
(Print Name and Title)

Date: \_\_\_\_\_

\*INSTRUCTIONS: IF PROJECT APPLICANT is a corporation, including limited liability and non-profit corporations, the full legal name of the corporation shall be set forth in the Agreement together with the signatures of two specified officers. If PROJECT APPLICANT is a partnership, the name of the partnership shall be set forth in the Agreement together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. IF PROJECT APPLICANT is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign this Agreement.

PROJECT APPLICANT\*

Moss Landing Commercial Park, LLC  
dba Moss Landing Business Park

By: \_\_\_\_\_  
(Signature)

Its: Nader Agha, Managing Partner / Member  
(Print Name and Title)

Date: \_\_\_\_\_

\*INSTRUCTIONS: IF PROJECT APPLICANT is a corporation, including limited liability and non-profit corporations, the full legal name of the corporation shall be set for in the Agreement together with the signatures of two specified officers. If PROJECT APPLICANT is a partnership, the name of the partnership shall be set forth in the Agreement together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. IF PROJECT APPLICANT is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign this Agreement.

PROJECT APPLICANT\*

Moss Landing Harbor District

By: \_\_\_\_\_  
(Signature)

Its: Russ Jeffries, Board President  
(Print Name and Title)

Date: \_\_\_\_\_

By: \_\_\_\_\_  
(Signature)

Its: Linda G. McIntyre, Board Secretary  
(Print Name and Title)

Date: \_\_\_\_\_

\*INSTRUCTIONS: IF PROJECT APPLICANT is a corporation, including limited liability and non-profit corporations, the full legal name of the corporation shall be set forth in the Agreement together with the signatures of two specified officers. If PROJECT APPLICANT is a partnership, the name of the partnership shall be set forth in the Agreement together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. IF PROJECT APPLICANT is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign this Agreement.

PROJECT APPLICANT\*

Quin Delta, LLC

By: \_\_\_\_\_

(Signature)

Its: \_\_\_\_\_

John Gregg, Manager

(Print Name and Title)

Date: \_\_\_\_\_

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PROJECT APPLICANT\*

San Jose State University Research Foundation

By: \_\_\_\_\_  
(Signature)

Its: Pamela C. Stacks, Vice President, SJSURF  
(Print Name and Title)

Date: \_\_\_\_\_

By: \_\_\_\_\_  
(Signature)

Its: Pamela C. Stacks, Interim COO  
and Secretary of the Board, SJSURF  
(Print Name and Title)

Date: \_\_\_\_\_

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PROJECT APPLICANT\*

Keith Family Investments, LLC and/or assignee

By: \_\_\_\_\_

(Signature)

Its: \_\_\_\_\_

Chris Keith, Managing Partner

(Print Name and Title)

Date: \_\_\_\_\_

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PROJECT APPLICANT\*

Phil DiGirolamo

By: \_\_\_\_\_  
(Signature)

Its: Phil DiGirolamo, Owner  
(Print Name and Title)

Date: \_\_\_\_\_

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# **EXHIBIT 1A**

**AMENDMENT NO. 6 TO THE  
PROFESSIONAL SERVICES AGREEMENT  
BETWEEN  
EMC PLANNING GROUP, INC.  
AND THE COUNTY OF MONTEREY  
FOR THE  
MOSS LANDING COMMUNITY PLAN UPDATE  
ENVIRONMENTAL IMPACT REPORT**

**AMENDMENT NO. 6  
TO PROFESSIONAL SERVICES AGREEMENT  
BETWEEN COUNTY OF MONTEREY AND  
EMC PLANNING GROUP, INC.**

**THIS AMENDMENT NO. 6** to the Professional Services Agreement between the County of Monterey, a political subdivision of the State of California (hereinafter, "County") and EMC Planning Group, Inc. (hereinafter, "CONTRACTOR") is hereby entered into between the County and the CONTRACTOR (collectively, the "Parties") and effective as of the last date opposite the respective signatures below.

**WHEREAS**, CONTRACTOR entered into a Professional Services Agreement with County on February 9, 2011 (hereinafter, "Agreement"); and

**WHEREAS**, Agreement was amended by the Parties on May 31, 2011 (hereinafter, "Amendment No. 1"), June 5, 2012 (hereinafter, "Amendment No. 2"), May 29, 2013 (hereinafter, "Amendment No. 3"), June 2, 2014 (hereinafter, "Amendment No. 4"), and May 26, 2015 (hereinafter, "Amendment No. 5"); and

**WHEREAS**, the Environmental Impact Report (EIR) has not been completed for the Moss Landing Community Plan Update (hereinafter, "PROJECT"); and

**WHEREAS**, County has identified a need to complete a County-funded Corridor Traffic Study in the Moss Landing Area to better understand options for implementation of the Moss Landing Community Plan Update; and

**WHEREAS**, County has identified a need to revise the impact analysis to be contained in the EIR to account for a revised project description; and

**WHEREAS**, due to the CONTRACTOR's detailed knowledge and work history with the PROJECT and as a cost savings measure, County will further engage CONTRACTOR to complete the Corridor Traffic Study as well as the revised impact analysis for the Moss Landing Project; and

**WHEREAS**, data collected by the CONTRACTOR for the completion of the Corridor Traffic Study may, as time allows, be incorporated into the Final EIR for the PROJECT; and

**WHEREAS**, the Corridor Traffic Study and the revised impact analysis for the Draft EIR will be funded by the County; and

**WHEREAS**, the Parties wish to further amend the Agreement to increase the amount by \$69,448.00 to complete the Corridor Traffic Study and revise the impact analysis for the Draft EIR for completion of the PROJECT as identified in the Agreement and as amended by this Amendment No. 6.

**NOW, THEREFORE**, the Parties agree to amend the Agreement as follows:

1. Amend the first sentence of Paragraph 1, "Services to be Provided", to read as follows:

The County hereby engages CONTRACTOR to perform, and CONTRACTOR hereby agrees to perform, the services described in **Exhibits A and A-1** in conformity with the terms of this Agreement.

2. Amend Paragraph 2, "Payments by County", to read as follows:

County shall pay the CONTRACTOR in accordance with the payment provisions set forth in **Exhibits A and A-1**, subject to the limitations set forth in this Agreement. The total amount payable by County to CONTRACTOR under this Agreement shall not exceed the sum of \$369,448.00.

3. Amend Paragraph 4, "Additional Provisions/Exhibits", by adding "Exhibit A-1, Scope of Services/Payment Provisions".
4. All other terms and conditions of the Agreement remain unchanged and in full force.
5. This Amendment No. 6 shall be attached to the Agreement and incorporated therein as if fully set forth in the Agreement.
6. The recitals to this Amendment No. 6 are incorporated into the Agreement and this Amendment No. 6.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 6 to the Agreement which shall be effective as of the last date opposite the respective signatures below.

**COUNTY OF MONTEREY**

**CONTRACTOR\***

By: \_\_\_\_\_  
Director of Planning

EMC Planning Group, Inc.  
Contractor's Business Name

Date: \_\_\_\_\_

By: \_\_\_\_\_  
(Signature of Chair, President or Vice President)

Its: \_\_\_\_\_  
(Print Name and Title)

Date: \_\_\_\_\_

**Approved as to Form and Legality  
Office of the County Counsel**

By: \_\_\_\_\_  
(Signature of Secretary, Asst. Secretary, CFO,  
Treasurer or Asst. Treasurer)

By: \_\_\_\_\_  
Deputy County Counsel

Its: \_\_\_\_\_  
(Print Name and Title)

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Approved as to Fiscal Provisions**

By: \_\_\_\_\_  
Auditor/Controller

Date: \_\_\_\_\_

**Approved as to Indemnity and Insurance Provisions**

By: \_\_\_\_\_  
Risk Management

Date: \_\_\_\_\_

\*INSTRUCTIONS: IF CONTRACTOR is a corporation, including limited liability and non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two specified officers. If CONTRACTOR is a partnership, the name of the partnership shall be set forth above together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. IF CONTRACTOR is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign the Agreement.

## EXHIBIT A-1 - SCOPE OF SERVICES/PAYMENT PROVISIONS

To Agreement by and between  
County of Monterey, Resource Management Agency – Planning,  
hereinafter referred to as “County”

and

EMC Planning Group, Inc., hereinafter referred to as “CONTRACTOR”

### A. SCOPE OF SERVICES

CONTRACTOR will provide a Corridor Traffic Study and a revised impact analysis for the Moss Landing Community Plan Update Environmental Impact Report (EIR) to reflect changes in build-out capacity of the Community Plan.

A.1 CONTRACTOR shall provide services and staff, and otherwise do all things necessary for or incidental to the performance of work, as set forth below:

#### **Weekend Traffic Counts:**

Conduct one (1) day of weekend peak period traffic counts (11:00 a.m. to 3:00 p.m.) to support possible analysis of weekend traffic in Moss Landing. Advise whether an analysis of weekend traffic is justified for the Moss Landing Community Plan Update EIR.

Cost: \$2,500

#### **Weekend Traffic Analysis (Optional Task):**

After weekend traffic counts are concluded, a need to analyze weekend traffic for the Moss Landing Community Plan Update EIR may be required. Once a determination of the need for the analysis is made, CONTRACTOR shall prepare the analysis of weekend traffic to be included in the Moss Landing Community Plan Update EIR being prepared to support the adoption of the Moss Landing Community Plan.

\*\*Optional services described above shall not be provided unless authorized in writing by the County’s Project Planner prior to optional services being provided.\*\*

Cost: \$4,500

#### **Traffic Report:**

Prepare a Corridor Traffic Study for the portion of State Route 1 from Jetty Road to just south of Potrero Road, and update the traffic impact analysis related to the Community Plan build-out, and to separate out Phase III projects from the Existing Plus Monterey Bay Aquarium Research Institute (MBARI) scenario.

Cost: \$50,000

#### **Noise Report:**

Review of revised traffic report, re-calculation of traffic noise exposures, and revision of report.

Cost: \$1,000

## EXHIBIT A-1 - SCOPE OF SERVICES/PAYMENT PROVISIONS

### **Water Supply:**

Review the County's revised water use numbers and update the prior work product as a water supply evaluation.

Cost: \$2,760

### **CalEEMod Air Quality and Greenhouse Gas Emission Modeling:**

Update CalEEMod computer modeling. New Community Plan development assumptions will be entered in the CalEEMod air and greenhouse gas emissions modeling program and provide new emission data generated as a .pdf file for County use. The MBARI model run will be revised to remove Phase III components, consistent with the traffic report. This work will be conducted by CONTRACTOR.

Cost: \$2,500

### **Sub-Consultant Overhead:**

A five percent (5%) sub-consultant overhead will be charged to administer contracts, coordinate work, review work products, and for communication with sub-consultants.

Cost: \$2,688

### **Excess Administrative Costs through May 31, 2017:**

Additional administrative costs will be accrued and are expected to be incurred through May 31, 2017 in accordance with the Agreement.

Cost: \$3,500

A.2 CONTRACTOR shall produce the following deliverables as indicated below:

### **Report Preparation:**

For all tasks involving revised reports or data, CONTRACTOR will provide the revised reports and/or data outputs in electronic format (.pdf and/or Microsoft Word) to the County to allow the County to make revision to the proof Draft EIR. All information will be forwarded to the following individual:

Martin Carver, AICP  
Management Specialist  
County of Monterey, Resource Management Agency – Planning  
168 West Alisal Street, 2<sup>nd</sup> Floor  
Salinas, CA 93901  
Email: [carverm@co.monterey.ca.us](mailto:carverm@co.monterey.ca.us)  
Telephone: (831) 796-6049

**EXHIBIT A-1 - SCOPE OF SERVICES/PAYMENT PROVISIONS**

**B. PAYMENT PROVISIONS**

**B.1 COMPENSATION/PAYMENT**

County shall pay an amount not to exceed \$69,448 for the performance of all things necessary for or incidental to the performance of work as set forth in Exhibit A-1, Scope of Services/Payment Provisions. CONTRACTOR's compensation for services rendered shall be based on the following costs:

<b>Cost</b>	
<b>Task</b>	<b>Task Total</b>
Weekend Traffic Counts	\$ 2,500
Weekend Traffic Analysis (Optional)	\$ 4,500
Traffic Report	\$ 50,000
Noise Report	\$ 1,000
Water Supply	\$ 2,760
CalEEMod Air Quality and Greenhouse Gas Emission Modeling	\$ 2,500
Sub-Consultant Overhead	\$ 2,688
Excess Administrative Costs	\$ 3,500
<b>Grand Total:</b>	<b>\$ 69,448</b>

There shall be no travel reimbursement allowed during this Agreement.

CONTRACTOR warrants that the cost charged for services under the terms of this Agreement are not in excess of those charged any other client for the same services performed by the same individuals.

**EXHIBIT A-1 - SCOPE OF SERVICES/PAYMENT PROVISIONS**

Invoices for work products / deliverables under the Agreement shall be submitted when the work product is complete, shall identify the document or work product being delivered and shall include the following:

**1. Invoice Coversheet**

*EMC Planning Group, Inc.  
Moss Landing Community Plan Update Environmental Impact Report*

Date: \_\_\_\_\_ Invoice No. \_\_\_\_\_

*Original Agreement Term: May 4, 2010 to May 31, 2011  
Original Agreement Amount: \$ 300,000.00 (\$254,986.00 base budget plus \$45,014.00 project contingency)*

*Amendment No. 1: Term Extension to May 31, 2012*

*Amendment No. 2: Term Extension to May 31, 2013*

*Amendment No. 3: Term Extension to May 31, 2014*

*Amendment No. 4: Term Extension to May 31, 2015*

*Amendment No. 5: Term Extension to May 31, 2017*

<i>This Invoice:</i>	\$	2,500.00	<i>Weekend Traffic Counts</i>	_____
	\$	4,500.00	<i>Weekend Traffic Analysis (Optional)</i>	_____
	\$	50,000.00	<i>Traffic Report</i>	_____
	\$	1,000.00	<i>Noise Report</i>	_____
	\$	2,760.00	<i>Water Supply</i>	_____
	\$	2,500.00	<i>CalEEMod Air Quality and Greenhouse Gas Emission Modeling</i>	_____
	\$	2,688.00	<i>Sub-Consultant Overhead</i>	_____
	\$	3,500.00	<i>Excess Administrative Costs</i>	_____
<b>Total:</b>				<u><b>\$69,448.00</b></u>

Remaining Balance \$ \_\_\_\_\_

Approved as to Work/Payment: \_\_\_\_\_ Date: \_\_\_\_\_  
*Martin Carver, Management Specialist*

All Invoices Are To Be Sent To:  
Diana Lemos, Account Clerk  
County of Monterey Resource Management Agency - Planning  
168 West Alisal Street, 2<sup>nd</sup> Floor, Salinas, CA 93901  
Telephone: (831) 755-5220

**2. Invoice Detail**

Each invoice shall indicate the hours worked by task and by staff member, with the corresponding billing rates.

8:21 AM  
06/19/15  
Accrual Basis

Moss Landing Harbor District  
**Balance Sheet**  
As of May 31, 2015

	May 31, 15	May 31, 14	\$ Change
<b>ASSETS</b>			
<b>Current Assets</b>			
<b>Checking/Savings</b>			
1018 · Union Bank- Trust Account	506,419	42,206	464,213
1002 · Petty Cash	500	500	0
1010 · Union - M.M.	2,470,158	1,561,551	908,607
1009 · Union - Operating	87,551	32,017	55,534
1011 · Union - Payroll	43,464	17,939	25,525
1015 · 1st Capital Bank	1,538,474	1,535,409	3,065
1014 · Pinnacle Bank CDARS CD	0	750,000	-750,000
1016 · Pinnacle Bank Interest Account	22,922	21,944	978
1020 · Umpqua - Restricted	1,006,456	0	1,006,456
<b>Total Checking/Savings</b>	<b>5,675,944</b>	<b>3,961,566</b>	<b>1,714,378</b>
<b>Accounts Receivable</b>			
<b>11290 · Leases</b>			
1282 · NNN Receivable	35,650	36,496	-846
1297 · Jablonski	1,343	0	1,343
<b>Total 11290 · Leases</b>	<b>36,993</b>	<b>36,496</b>	<b>497</b>
1200 · Marina Receivables	104,216	87,913	16,303
1201 · Marina - Allow for Bad Debt	-29,125	-31,250	2,125
<b>Total Accounts Receivable</b>	<b>112,084</b>	<b>93,159</b>	<b>18,925</b>
<b>Other Current Assets</b>			
<b>1271 · Prepaid Expenses</b>			
1270 · Insurance	11,103	19,378	-8,275
1280 · Other	10,440	12,785	-2,345
<b>Total 1271 · Prepaid Expenses</b>	<b>21,543</b>	<b>32,163</b>	<b>-10,620</b>
1210 · Grants Receivable	0	98,402	-98,402
<b>Total Other Current Assets</b>	<b>21,543</b>	<b>130,565</b>	<b>-109,022</b>
<b>Total Current Assets</b>	<b>5,809,571</b>	<b>4,185,290</b>	<b>1,624,281</b>
<b>Fixed Assets</b>			
1650 · Construction in Progress	257,375	73,860	183,515
1670 · Equipment	766,671	751,113	15,558
<b>1700 · Improvements</b>			
1710 · NH Buildings & Improvements	7,868,580	7,868,580	0
1720 · NH Floating Docks	524,675	524,675	0
1725 · NH Offsite Improvements	632,218	632,218	0
1730 · SH Buildings & Improvements	8,246,852	8,226,171	20,681
1740 · SH Floating Docks	9,098,326	9,067,439	30,887
<b>Total 1700 · Improvements</b>	<b>26,370,651</b>	<b>26,319,083</b>	<b>51,568</b>
1900 · Land	1,642,860	1,642,860	0
<b>1800 · Less - Depreciation</b>			
1805 · Equipment	-750,941	-729,110	-21,831
1810 · NH Buildings & Improvements	-2,973,966	-2,758,769	-215,197
1820 · NH Floating Docks	-473,080	-461,217	-11,863
1825 · NH Offsite Improvements	-392,922	-362,989	-29,933
1830 · SH Buildings & Improvements	-5,350,428	-5,141,019	-209,409
1840 · SH Floating Docks	-4,309,908	-3,840,624	-469,284
<b>Total 1800 · Less - Depreciation</b>	<b>-14,251,245</b>	<b>-13,293,728</b>	<b>-957,517</b>
<b>Total Fixed Assets</b>	<b>14,786,312</b>	<b>15,493,188</b>	<b>-706,876</b>
<b>Other Assets</b>			

8:21 AM  
06/19/15  
Accrual Basis

Moss Landing Harbor District  
**Balance Sheet**  
As of May 31, 2015

	<u>May 31, 15</u>	<u>May 31, 14</u>	<u>\$ Change</u>
<b>LIABILITIES &amp; EQUITY</b>			
<b>Liabilities</b>			
<b>Current Liabilities</b>			
<b>Accounts Payable</b>			
2010 · Accounts Payable	16,695	35,639	-18,944
<b>Total Accounts Payable</b>	<u>16,695</u>	<u>35,639</u>	<u>-18,944</u>
<b>Other Current Liabilities</b>			
2082 · MLCP Cost Reimb. Deposit	123,143	100,000	23,143
2020 · Accrued Salaries Payable	14,579	0	14,579
2021 · Accrued Vacation	83,226	82,756	470
2023 · Accrued Payroll Taxes	6,034	231	5,803
2030 · Customer Deposits	289,530	287,496	2,034
2050 · Employee 457 Payable	759	0	759
2080 · Prepaid Berth Fees	165,089	149,438	15,651
2087 · Lease Deposits	43,409	40,371	3,038
<b>2086 · Prepaid Leases</b>			
20861 · Duke	57,044	55,817	1,227
20862 · MBARI	23,121	-1,777	24,898
<b>Total 2086 · Prepaid Leases</b>	<u>80,165</u>	<u>54,040</u>	<u>26,125</u>
<b>2051 · Note Interest Payable</b>			
2062 · Umpqua Accrued Interest	33,885	0	33,885
2055 · CIEDB Accrued Interest	0	47,667	-47,667
2060 · DBAW - Accrued Interest	0	36,500	-36,500
2061 · Muni. Finance Interest Payable	0	7,479	-7,479
<b>Total 2051 · Note Interest Payable</b>	<u>33,885</u>	<u>91,646</u>	<u>-57,761</u>
<b>2072 · Current Portion</b>			
2071 · Muni. Finance Lease · CP	0	31,080	-31,080
2073 · Union Current Portion	0	47,791	-47,791
2075 · CIEDB Current Portion	0	0	0
<b>Total 2072 · Current Portion</b>	<u>0</u>	<u>78,871</u>	<u>-78,871</u>
<b>Total Other Current Liabilities</b>	<u>839,819</u>	<u>884,849</u>	<u>-45,030</u>
<b>Total Current Liabilities</b>	<u>856,514</u>	<u>920,488</u>	<u>-63,974</u>
<b>Long Term Liabilities</b>			
2605 · Umpqua Loan	4,755,901	0	4,755,901
2076 · Municipal Finance Lease	0	282,700	-282,700
2603 · Union Bank NP	0	398,266	-398,266
2600 · CIEDB LOAN	0	3,251,668	-3,251,668
2601 · DBAW	0	857,887	-857,887
<b>Total Long Term Liabilities</b>	<u>4,755,901</u>	<u>4,790,521</u>	<u>-34,620</u>
<b>Total Liabilities</b>	<u>5,612,415</u>	<u>5,711,009</u>	<u>-98,594</u>
<b>Equity</b>			
3050 · Prior Year Earnings	7,857,104	7,382,781	474,323
3020 · Retained Net Assets	6,456,231	6,456,231	0
Net Income	677,723	136,048	541,675
<b>Total Equity</b>	<u>14,991,058</u>	<u>13,975,060</u>	<u>1,015,998</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u>20,603,473</u>	<u>19,686,069</u>	<u>917,404</u>

**Moss Landing Harbor District**  
**Profit & Loss Budget vs. Actual**  
July 2014 through May 2015

	Jul '14 - May 15	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
<b>4000 · MARINA REVENUES</b>				
<b>4100 · Berthing Income</b>				
4110 · Assigned Berthing	1,361,747	1,359,512	2,235	100%
4115 · Temporary Berthing	203,620	139,625	63,995	146%
4130 · Transient Berthing	63,008	51,793	11,215	122%
4112 · Qtrly/Annual Discount	(2,066)	(4,469)	2,403	46%
4113 · Commercial Vessel Dscnt	(13,789)	(13,750)	(39)	100%
4114 · Away (1 mnth) Dscnt	(2,002)	(2,425)	423	83%
4120 · Liveaboard Fees	94,992	91,663	3,329	104%
4260 · Towing - Intra Harbor	3,150	1,000	2,150	315%
4270 · Pumpouts	200	700	(500)	29%
4140 · Non Operable Surcharge	-	350	(350)	0%
4220 · Wait List	9,170	5,500	3,670	167%
4282 · Recovered Lien Costs	2,436	1,000	1,436	244%
4280 · Late Fees	26,647	27,500	(853)	97%
<b>Total 4100 · Berthing Income</b>	<b>1,747,113</b>	<b>1,657,999</b>	<b>89,114</b>	<b>105%</b>
<b>4200 · Other Income - Operations</b>				
4225 · Merchandise	498	900	(402)	55%
4285 · Dog Fee	1,480	1,584	(104)	93%
4230 · SH Parking	62,443	43,834	18,609	142%
4290 · Misc	4,063	1,166	2,897	348%
<b>Total 4200 · Other Income - Operations</b>	<b>68,484</b>	<b>47,484</b>	<b>21,000</b>	<b>144%</b>
4300 · Operating Grant Revenues	30,000	20,000	10,000	150%
<b>Total 4000 · MARINA REVENUES</b>	<b>1,845,597</b>	<b>1,725,483</b>	<b>120,114</b>	<b>107%</b>

Moss Landing Harbor District  
Profit & Loss Budget vs. Actual  
July 2014 through May 2015

	Jul '14 - May 15	Budget	\$ Over Budget	% of Budget
5343 · Administration	65,192	65,637	(445)	99%
5345 · Operations	36,843	37,109	(266)	99%
5348 · Maintenance	42,484	51,755	(9,271)	82%
<b>Total 5340 · Employee Benefits</b>	<b>144,519</b>	<b>154,501</b>	<b>(9,982)</b>	<b>94%</b>
5350 · Workers Compensation				
5353 · Administration	3,000	2,365	635	127%
5355 · Operations	5,870	3,674	2,196	160%
5358 · Maintenance	6,670	12,232	(5,562)	55%
<b>Total 5350 · Workers Compensation</b>	<b>15,540</b>	<b>18,271</b>	<b>(2,731)</b>	<b>85%</b>
5360 · Education & Training				
5363 · Administration	574			
<b>Total 5360 · Education &amp; Training</b>	<b>574</b>			
<b>Total 5300 · Personnel</b>	<b>650,877</b>	<b>640,580</b>	<b>10,297</b>	<b>102%</b>
5400 · Insurance				
5410 · Liability Insurance	106,430	105,490	940	101%
<b>Total 5400 · Insurance</b>	<b>106,430</b>	<b>105,490</b>	<b>940</b>	<b>101%</b>
5500 · Utilities				
5540 · Sewer	26,471	39,417	(12,946)	67%
5510 · Garbage	46,145	45,834	311	101%
5520 · Gas and Electric	190,000	160,417	29,583	118%
5530 · Water	26,177	28,417	(2,240)	92%
<b>Total 5500 · Utilities</b>	<b>288,793</b>	<b>274,085</b>	<b>14,708</b>	<b>105%</b>
5600 · Operating Supplies				
5610 · Vehicles	10,569	4,584	5,985	231%
5625 · Operations	13,370	18,500	(5,130)	72%
<b>Total 5600 · Operating Supplies</b>	<b>23,939</b>	<b>23,084</b>	<b>855</b>	<b>104%</b>
5700 · Depreciation	432,664	432,667	(4)	100%
5800 · Repairs & Maintenance				
5810 · Vehicles	585	815	(230)	72%
5820 · Vessels	176			
5830 · Equip Rental	3,197	29,266	(26,069)	11%
5850 · Repair Materials	35,139	61,568	(26,429)	57%
5860 · Outside Service Contracts	50,800	45,834	4,966	111%
5870 · Derelict Disposal	6,790	45,000	(38,210)	15%
<b>Total 5800 · Repairs &amp; Maintenance</b>	<b>96,687</b>	<b>182,483</b>	<b>(85,796)</b>	<b>53%</b>
5900 · Financial Expenses				
5928 · Loan Issuance Costs	73,463			
5920 · Bank Service Charges	1,648	847	801	195%
5990 · Bad Debt	19,125	31,160	(12,035)	61%
<b>Total 5900 · Financial Expenses</b>	<b>94,236</b>	<b>32,007</b>	<b>62,229</b>	<b>294%</b>
<b>Total · MARINA EXPENSES</b>	<b>1,854,486</b>	<b>1,846,265</b>	<b>8,221</b>	<b>100%</b>
<b>Net Ordinary Income - Marina Operations</b>	<b>(8,889)</b>	<b>(120,782)</b>	<b>111,894</b>	<b>7%</b>

**Moss Landing Harbor District**  
**Profit & Loss Budget vs. Actual**  
July 2014 through May 2015

	Jul '14 - May 15	Budget	\$ Over Budget	% of Budget
<b>4800 · Interest</b>				
4846 · Umpqua Interest	1,501			
4843 · First Capital Bank	2,804	2,842	(38)	99%
4841 · Union Bank Interest	1,718	1,506	212	114%
4825 · Pinnacle Bank CDs	350	3,432	(3,082)	10%
<b>Total 4800 · Interest</b>	<b>6,373</b>	<b>7,780</b>	<b>(1,407)</b>	<b>82%</b>
<b>Total 4400 · LEASE AND OTHER INCOME</b>	<b>1,125,002</b>	<b>961,404</b>	<b>163,598</b>	<b>117%</b>
<b>7000 · LEASE AND OTHER EXPENSES</b>				
<b>7100 · Interest Expense</b>				
7134 · Umpqua Accrued Interest	101,657			
7132 · Municipal Finance	674	14,107	(13,433)	5%
7135 · Union Bank Interest	2,910	19,476	(16,566)	15%
7110 · DBAW Loans	6,365	35,389	(29,024)	18%
7130 · CIEDB	45,287	118,181	(72,894)	38%
<b>Total 7100 · Interest Expense</b>	<b>156,893</b>	<b>187,153</b>	<b>(30,260)</b>	<b>84%</b>
<b>7200 · Other Financial Expenses</b>				
7230 · LAFO Administrative Charges	5,303	4,781	522	111%
7221 · CSDA Dues	5,288	4,919	369	108%
<b>Total 7200 · Other Financial Expenses</b>	<b>10,591</b>	<b>9,700</b>	<b>891</b>	<b>109%</b>
5700 · Depreciation	432,664	432,667	(4)	100%
<b>7300 · Commissioner Expenses</b>				
7310 · Election Costs	162,015	300,000	(137,985)	54%
7320 · Monthly Stipend	12,200	15,583	(3,383)	78%
7330 · Incurred Expenses	1,067	2,750	(1,683)	39%
<b>Total 7300 · Commissioner Expenses</b>	<b>175,282</b>	<b>318,333</b>	<b>(143,051)</b>	<b>55%</b>
<b>Total 7000 · LEASE AND OTHER EXPENSES</b>	<b>775,430</b>	<b>947,853</b>	<b>(172,424)</b>	<b>82%</b>
<b>Net Ordinary Income - Lease &amp; Other Operations</b>	<b>349,573</b>	<b>13,551</b>	<b>336,022</b>	<b>2580%</b>
<b>Net Ordinary Income - Combined Operations</b>	<b>340,684</b>	<b>(107,231)</b>	<b>447,915</b>	<b>-318%</b>

**Moss Landing Harbor District**  
**Profit & Loss YTD Comparison**  
 July 2014 through May 2015

	<u>Jul '14 - May 15</u>	<u>Jul '13 - May 14</u>	<u>\$ Change</u>	<u>% Change</u>
Ordinary Income/Expense				
Income				
4000 · MARINA REVENUES				
4100 · Berthing Income				
4110 · Assigned Berthing	1,361,747	1,306,366	55,381	4%
4115 · Temporary Berthing	203,620	160,686	42,934	27%
4130 · Transient Berthing	63,008	49,124	13,884	28%
4112 · Qtrly/Annual Discount	(2,066)	(4,217)	2,151	51%
4113 · Commercial Vessel Dscnt	(13,789)	(13,318)	(471)	-4%
4114 · Away (1 mnth) Dscnt	(2,002)	(2,294)	292	13%
4120 · Liveaboard Fees	94,992	84,765	10,227	12%
4260 · Towing - Intra Harbor	3,150	1,650	1,500	91%
4270 · Pumpouts	200	950	(750)	-79%
4220 · Wait List	9,170	9,345	(175)	-2%
4282 · Recovered Lien Costs	2,436	1,358	1,078	79%
4280 · Late Fees	26,647	24,431	2,216	9%
Total 4100 · Berthing Income	<u>1,747,113</u>	<u>1,618,846</u>	<u>128,267</u>	<u>8%</u>
4200 · Other Income - Operations				
4225 · Merchandise	498	677	(179)	-26%
4285 · Dog Fee	1,480	1,530	(50)	-3%
4230 · SH Parking	62,443	41,558	20,885	50%
4290 · Misc	4,063	3,785	278	7%
Total 4200 · Other Income - Operations	<u>68,484</u>	<u>47,550</u>	<u>20,934</u>	<u>44%</u>
4300 · Operating Grant Revenues	30,000	-	30,000	100%
Total 4000 · MARINA REVENUES	<u>1,845,597</u>	<u>1,666,396</u>	<u>179,201</u>	<u>11%</u>

**Moss Landing Harbor District**  
**Profit & Loss YTD Comparison**  
July 2014 through May 2015

	Jul '14 - May 15	Jul '13 - May 14	\$ Change	% Change
5353 · Administration	3,000	3,300	(300)	-9%
5355 · Operations	5,870	7,667	(1,797)	-23%
5358 · Maintenance	6,670	7,370	(700)	-9%
<b>Total 5350 · Workers Compensation</b>	<b>15,540</b>	<b>18,337</b>	<b>(2,797)</b>	<b>-15%</b>
5360 · Education & Training				
5363 · Administration	574	417	157	38%
5365 · Operations	-	325	(325)	-100%
<b>Total 5360 · Education &amp; Training</b>	<b>574</b>	<b>742</b>	<b>(168)</b>	<b>-23%</b>
5370 · Uniforms				
5375 · Operations	-	1,823	(1,823)	-100%
5378 · Maintenance	-	1,823	(1,823)	-100%
<b>Total 5370 · Uniforms</b>	<b>-</b>	<b>3,646</b>	<b>(3,646)</b>	<b>-100%</b>
<b>Total 5300 · Personnel</b>	<b>650,877</b>	<b>634,415</b>	<b>16,462</b>	<b>3%</b>
5400 · Insurance				
5410 · Liability Insurance	106,430	99,642	6,788	7%
<b>Total 5400 · Insurance</b>	<b>106,430</b>	<b>99,642</b>	<b>6,788</b>	<b>7%</b>
5500 · Utilities				
5540 · Sewer	26,471	35,255	(8,784)	-25%
5510 · Garbage	46,145	44,483	1,662	4%
5520 · Gas and Electric	190,000	142,654	47,346	33%
5530 · Water	26,177	27,751	(1,574)	-6%
<b>Total 5500 · Utilities</b>	<b>288,793</b>	<b>250,143</b>	<b>38,650</b>	<b>15%</b>
5600 · Operating Supplies				
5610 · Vehicles	10,569	4,446	6,123	138%
5625 · Operations	13,370	15,674	(2,304)	-15%
<b>Total 5600 · Operating Supplies</b>	<b>23,939</b>	<b>20,120</b>	<b>3,819</b>	<b>19%</b>
5700 · Depreciation	432,664	428,454	4,210	1%
5800 · Repairs & Maintenance				
5810 · Vehicles	585	804	(219)	-27%
5820 · Vessels	176	-	176	100%
5830 · Equip Rental	3,197	6,335	(3,138)	-50%
5850 · Repair Materials	35,139	55,401	(20,262)	-37%
5860 · Outside Service Contracts	50,800	52,635	(1,835)	-3%
5870 · Derelict Disposal	6,790	113,078	(106,288)	-94%
<b>Total 5800 · Repairs &amp; Maintenance</b>	<b>96,687</b>	<b>228,253</b>	<b>(131,566)</b>	<b>-58%</b>
5900 · Financial Expenses				
5928 · Loan Issuance Costs	73,463	-	73,463	100%
5920 · Bank Service Charges	1,648	1,909	(261)	-14%
5990 · Bad Debt	19,125	21,250	(2,125)	-10%
<b>Total 5900 · Financial Expenses</b>	<b>94,236</b>	<b>23,159</b>	<b>71,077</b>	<b>307%</b>
<b>Total · MARINA EXPENSES</b>	<b>1,854,486</b>	<b>1,826,309</b>	<b>28,177</b>	<b>2%</b>
<b>Net Ordinary Income - Marina Operations</b>	<b>(8,889)</b>	<b>(159,913)</b>	<b>151,024</b>	<b>94%</b>

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Accrual Basis

**Moss Landing Harbor District**  
**Profit & Loss YTD Comparison**  
July 2014 through May 2015

	<u>Jul '14 - May 15</u>	<u>Jul '13 - May 14</u>	<u>\$ Change</u>	<u>% Change</u>
4843 · First Capital Bank	2,804	2,824	(20)	-1%
4841 · Union Bank Interest	1,718	6,037	(4,319)	-72%
4825 · Pinnacle Bank CDs	350	3,124	(2,774)	-89%
4845 · SBB Interest	-	345	(345)	-100%
<b>Total 4800 · Interest</b>	<u>6,373</u>	<u>12,330</u>	<u>(5,957)</u>	<u>-48%</u>
<b>Total 4400 · LEASE AND OTHER INCOME</b>	<u>1,125,002</u>	<u>1,100,632</u>	<u>24,370</u>	<u>2%</u>
<b>7000 · LEASE AND OTHER EXPENSES</b>				
<b>7100 · Interest Expense</b>				
7134 · Umpqua Accrued Interest	101,657	-	101,657	100%
7132 · Municipal Finance	674	17,395	(16,721)	-96%
7135 · Union Bank Interest	2,910	22,733	(19,823)	-87%
7110 · DBAW Loans	6,365	40,000	(33,635)	-84%
7130 · CIEDB	45,287	129,000	(83,713)	-65%
<b>Total 7100 · Interest Expense</b>	<u>156,893</u>	<u>209,128</u>	<u>(52,235)</u>	<u>-25%</u>
<b>7200 · Other Financial Expenses</b>				
7230 · LAFO Administrative Charges	5,303	4,677	626	13%
7221 · CSDA Dues	5,288	4,919	369	8%
<b>Total 7200 · Other Financial Expenses</b>	<u>10,591</u>	<u>9,596</u>	<u>995</u>	<u>10%</u>
<b>5700 · Depreciation</b>	<u>432,664</u>	<u>428,454</u>	<u>4,210</u>	<u>1%</u>
<b>7300 · Commissioner Expenses</b>				
7310 · Election Costs	162,015	150	161,865	107910%
7320 · Monthly Stipend	12,200	11,400	800	7%
7330 · Incurred Expenses	1,067	870	197	23%
<b>Total 7300 · Commissioner Expenses</b>	<u>175,282</u>	<u>12,420</u>	<u>162,862</u>	<u>1311%</u>
<b>Total 7000 · LEASE AND OTHER EXPENSES</b>	<u>342,766</u>	<u>231,144</u>	<u>111,622</u>	<u>48%</u>
<b>Net Ordinary Income - Lease &amp; Other Operations</b>	<u>1,214,900</u>	<u>1,297,942</u>	<u>(83,042)</u>	<u>-6%</u>
<b>Net Ordinary Income - Combined Operations</b>	<u>1,206,011</u>	<u>1,138,029</u>	<u>67,982</u>	<u>6%</u>

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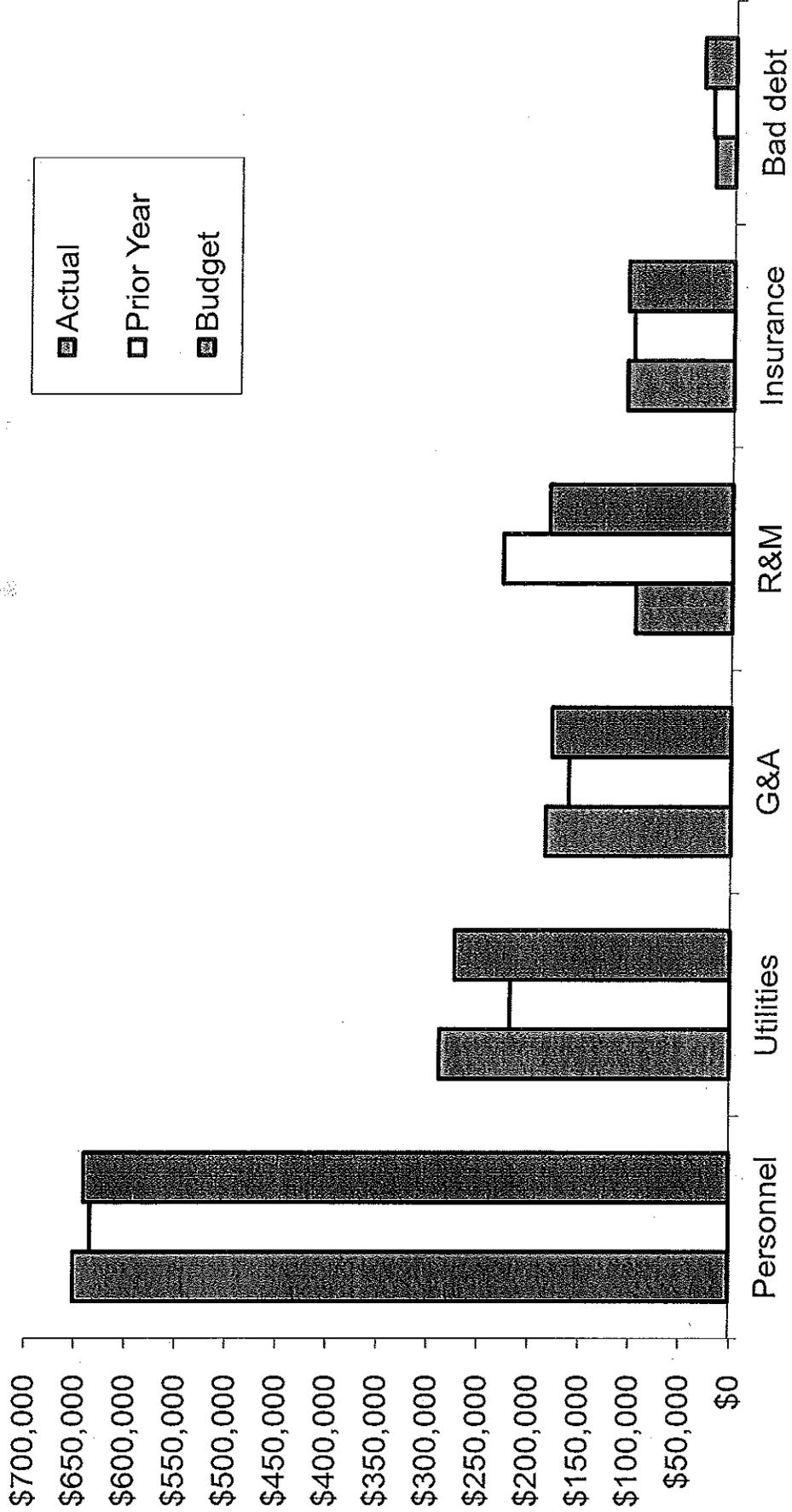
Moss Landing Harbor District  
A/P Aging Summary  
As of May 31, 2015

	<u>Current</u>	<u>1 - 30</u>	<u>31 - 60</u>	<u>61 - 90</u>	<u>&gt; 90</u>	<u>TOTAL</u>
Airgas	70.64	0.00	0.00	0.00	0.00	70.64
Amaral, Andrew -	200.00	0.00	0.00	0.00	0.00	200.00
AT&T	76.95	0.00	0.00	0.00	0.00	76.95
Big Creek Lumber	754.52	0.00	0.00	0.00	0.00	754.52
Byte Technology	37.50	0.00	0.00	0.00	0.00	37.50
CalPERS	0.00	-6,838.23	0.00	0.00	0.00	-6,838.23
Carmel Marina Corporation	2,132.20	0.00	0.00	0.00	0.00	2,132.20
Cintas	479.34	0.00	0.00	0.00	0.00	479.34
Ferrante, Vincent	200.00	0.00	0.00	0.00	0.00	200.00
Geoff Hough	383.00	0.00	0.00	0.00	0.00	383.00
Gomes, Jr., Frank	200.00	0.00	0.00	0.00	0.00	200.00
Jeff Gibson	550.00	0.00	0.00	0.00	0.00	550.00
Jeffries, Russell	500.00	0.00	0.00	0.00	0.00	500.00
Linda G. McIntyre	0.00	-400.00	0.00	0.00	0.00	-400.00
Michael Altieri	50.00	0.00	0.00	0.00	0.00	50.00
MRWPCA	4,892.20	0.00	0.00	0.00	0.00	4,892.20
Nick Cartwright	25.00	0.00	0.00	0.00	0.00	25.00
Pajaro/Sunny Mesa C.S.D.	2,708.60	0.00	0.00	0.00	0.00	2,708.60
Pete Marquez	222.00	0.00	0.00	0.00	0.00	222.00
PG&E	0.00	-10,000.00	0.00	0.00	0.00	-10,000.00
Principal Financial	0.00	-678.52	0.00	0.00	-604.50	-1,283.02
Rabobank	1,017.43	0.00	0.00	0.00	0.00	1,017.43
Robbie Bray Care of Ultimate Image	500.00	0.00	0.00	0.00	0.00	500.00
Royal Wholesale Electric	239.20	0.00	0.00	0.00	0.00	239.20
Social Vocational Services, Inc.	0.00	-929.50	0.00	0.00	0.00	-929.50
State of Calif. Dept. of Fish & Wildlife	0.00	191.00	0.00	0.00	0.00	191.00
State Steel Company	161.44	0.00	0.00	0.00	0.00	161.44
Tony Leonardini	500.00	0.00	0.00	0.00	0.00	500.00
U.S. Bank	422.44	0.00	0.00	0.00	0.00	422.44
U.S. Bank Corporate Payment Systems	422.44	0.00	0.00	0.00	0.00	422.44
Unisource Worldwide, Inc.	481.51	0.00	0.00	0.00	0.00	481.51
United Site Services of Calif., Inc.	111.40	0.00	0.00	0.00	0.00	111.40
Valero Marketing and Supply Company	444.18	0.00	0.00	0.00	0.00	444.18
VALIC	7,886.98	0.00	0.00	0.00	0.00	7,886.98
Verizon Wireless	211.71	0.00	0.00	0.00	0.00	211.71
Vince Stone	0.00	0.00	0.00	0.00	418.00	418.00
Vision Sevice Plan	0.00	-164.99	0.00	0.00	0.00	-164.99
Wald, Ruhnke & Dost Architects, LP	0.00	7,188.13	0.00	0.00	0.00	7,188.13
Wendy L. Cumming, CPA	2,632.50	0.00	0.00	0.00	0.00	2,632.50
<b>TOTAL</b>	<b><u>28,513.18</u></b>	<b><u>-11,632.11</u></b>	<b><u>0.00</u></b>	<b><u>0.00</u></b>	<b><u>-186.50</u></b>	<b><u>16,694.57</u></b>

**Moss Landing Harbor District**  
**Warrant Listing**  
As of May 31, 2015

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
Bill Pmt -Check	05/11/2015	15765	Rabobank	-612.19
Bill Pmt -Check	05/11/2015	15766	Redshift	-136.85
Bill Pmt -Check	05/11/2015	15767	Social Vocational Services, Inc.	-929.50
Bill Pmt -Check	05/11/2015	15768	Thomas Cala	-187.00
Bill Pmt -Check	05/11/2015	15769	Tom's Septic Construction	-1,467.90
Bill Pmt -Check	05/11/2015	15770	U.S. Bank Equipment Finance	-260.59
Bill Pmt -Check	05/11/2015	15771	United Site Services of Calif., Inc.	-23.01
Bill Pmt -Check	05/11/2015	15772	Valero Marketing and Supply Company	-139.92
Bill Pmt -Check	05/11/2015	15773	VALIC	-5,257.99
Bill Pmt -Check	05/11/2015	15774	Vision Sevice Plan	-164.99
Bill Pmt -Check	05/11/2015	15775	WASH	-202.08
Bill Pmt -Check	05/11/2015	15776	William Ghoriso	-222.00
Bill Pmt -Check	05/11/2015	15777	AT&T	-76.97
Bill Pmt -Check	05/11/2015	15778	Carmel Marina Corporation	-212.24
Bill Pmt -Check	05/11/2015	15779	AT&T	-460.42
Bill Pmt -Check	05/11/2015	15780	Carmel Marina Corporation	-2,013.16
Bill Pmt -Check	05/11/2015	15781	Carmel Marina Corporation	-2,671.68
Bill Pmt -Check	05/22/2015	15782	Ambient Air	-2,192.86
Bill Pmt -Check	05/22/2015	15783	Byte Technology	-75.00
Bill Pmt -Check	05/22/2015	15784	Gideon, Yohn	-1,428.93
Bill Pmt -Check	05/22/2015	15785	Home Depot	-990.20
Bill Pmt -Check	05/22/2015	15786	Integral Consulting, Inc.	-3,555.50
Bill Pmt -Check	05/22/2015	15787	Jarvis, Fay, Doportto & Gibson, LLP	-10,190.00
Bill Pmt -Check	05/22/2015	15788	Linda G. McIntyre	-400.00
Bill Pmt -Check	05/22/2015	15789	Reserve Account	-500.00
Bill Pmt -Check	05/22/2015	15790	Shawn Meyer	-444.00
Bill Pmt -Check	05/22/2015	15791	Sunrise Express	-43.33
Total 1009 - Union - Operating				-236,740.74
<b>TOTAL</b>				<b>-236,740.74</b>

Operating Expenses  
 Year to Date Actuals vs. Budget and Prior Year  
 May 31, 2015



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



7881 SANDHOLDT ROAD  
MOSS LANDING, CA 95039

TELEPHONE – 831.633.5417  
FACSIMILE – 831.633.4537



GENERAL MANAGER  
HARBORMASTER

BOARD OF COMMISSIONERS  
Russell Jeffries  
Tony Leonardini  
Vincent Ferrante  
Frank Gomes, Jr.  
Andrew Amaral

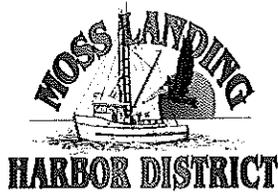
Linda G. McIntyre, Esq.

## PROJECT STATUS REPORT

ITEM NUMBER 6  
BOARD MEETING OF JUNE 24, 2015

WHEN	WHAT	STATUS			COMMENTS
		DONE	ON TARGET	REVISED	
During NH Restaurant	Install electrical lights around the perimeter of NH parking lot as budget permits.			X	Awaiting relocation of electrical box in conjunction with NH Restaurant project. This will be an ongoing project. We will commence obtaining new permits as appropriate.
After NH Restaurant	Postponed due to budget constraints* Repair Cannery Building unimproved parking lot Lease proposal for site is pending.				Lease proposal for this site is pending as of June 2015.
After NH Restaurant	Postponed due to budget constraints* Install hardwood in Assistant GM's, Executive Assistant's and the GM's offices			X	Postponed to next FY 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 Restaurant	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 2015 if extension granted	Tsunami Shoreline Erosion Project			X	FEMA granted extension of completion deadline to 12.31.14; impossible to meet deadline; requested additional extension. Also renewing permits.
After NH Restaurant	Postponed due to budget constraints* NH pedestrian wharf and gangway access erosion		X		Purchased steel plate as temporary fix to erosion. Capital project to be included in a future FY budget.
Ongoing (started 2014)	Sea Lion deterrent fencing as needed		X		B Dock: Completed from the end tie (B178) to B165. Fingers on B131 and B137 + 6 or 7 other trouble spots on B dock. A Dock: Completed from the end tie (A100) to A98. Maintenance Dock; most of E Dock.
After NH Restaurant	Postponed due to budget constraints* NH visitor dock replacement Lease proposal I pending		X		Visitor dock at NH destroyed by sea lions – obtained replacement quote with different structural engineering (no pilings). \$450,000 estimate.

\*NORTH HARBOR RESTAURANT HAS PRIORITY.



BOARD OF COMMISSIONERS  
 Russell Jeffries  
 Tony Leonardini  
 Vincent Ferrante  
 Frank Gomes, Jr.  
 Andrew Amaral

7881 SANDHOLDT ROAD  
 MOSS LANDING, CA 95039

TELEPHONE – 831.633.5417  
 FACSIMILE – 831.633.4537



GENERAL MANAGER  
 HARBORMASTER

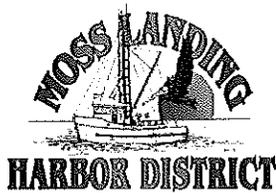
Linda G. McIntyre, Esq.

## PROJECT STATUS REPORT

ITEM NUMBER 6  
 BOARD MEETING OF JUNE 24, 2015

WHEN	WHAT	STATUS			COMMENTS
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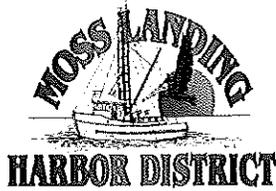
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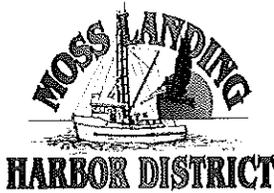
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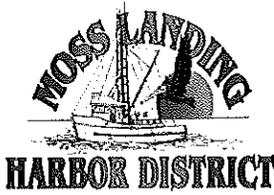
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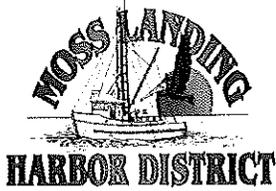
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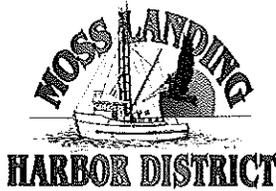
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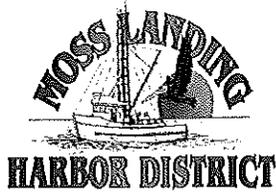
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### STAFF REPORT

#### ITEM NUMBER 7 – COMMUNITY RELATIONS REPORT BOARD MEETING OF JUNE 24, 2015

1. The Salmon Project (STP) Update: We received a very nice email from the Director of the Monterey Bay Salmon & Trout project thanking Tom and his crew for their support. They reported they released 130,000 young salmon in Moss Landing during the project.

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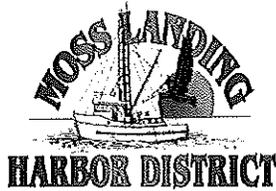
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## STAFF REPORT

### ITEM NUMBER 8 – SUMMARY OF PERMITS ISSUED BOARD MEETING OF JUNE 24, 2015

As of June 19, 2015 Permittee	Issue Date	Renewal Status	Permit Type	Exp. Date
Long Marine Lab - J. Tomoleoni	6/1/2014	Current	Facilities Use	6/1/2015
Sanctuary Cruises	6/6/2014	Current	Facilities Use	6/6/2015
Fast Raft	7/8/2014	Current	Facilities Use	7/8/2015
MLML San Jose State - R. Starr	8/16/2014	Current	Facilities Use	8/16/2015
Save Our Shores Dockwalker Event	4/21/2015	As Needed	Facilities Use	8/22/2015
Elkhorn Slough Safari - merchandising	10/1/2014	Current	Peddlers	10/1/2015
Elkhorn Slough Safari - tours	10/1/2014	Current	Facilities Use	10/1/2015
Meridian Charters - Brian Ackerman	10/15/2014	Current	Facilities Use	10/15/2015
Blue Water Adventures	10/31/2014	Current	Facilities Use	10/31/2015
Wild Fish - Vicki Crow	11/20/2014	Current	Peddlers	11/20/2015
Ray McDonnell - Crab	12/30/2014	Current	Peddlers	12/30/2015
Pacific Yachts - Chris Chrones	1/1/2015	Current	Facilities Use	01/1/2016
Elkhorn Slough Research Foundation	1/1/2015	Current	Facilities Use	1/1/2016
Blue Ocean Whale Watch	2/18/2015	Current	Facilities Use	2/18/2016
Whisper Charters	2/22/2015	Current	Facilities Use	2/22/2016
Kahuna Sportfishing	3/19/2015	Current	Facilities Use	3/19/2016
REI Outdoor School	3/26/2015	Current	Facilities Use	3/26/2016
Mtry Bay Aquarium Otter Studies	4/1/2015	Current	Facilities Use	4/1/2016
Mtry Bay Salmon & Trout Project	5/14/2015	Current	Facilities Use	5/14/2016
Venture Quest Kayaking	5/16/2015	Current	Facilities Use	5/16/2016
Kayak Connection	5/18/2015	Current	Facilities Use	5/18/2016
Sea Goddess Whale Watching	6/10/2015	Current	Facilities Use	6/10/2016

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## STAFF REPORT

### ITEM NUMBER 9 – MEETING ANNOUNCEMENTS BOARD MEETING OF JUNE 24, 2015

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>

July 18, 2015 – MBARI Annual Open House, Noon-5PM, 7700 Sandholdt Rd, Moss Landing, [www.mbari.org/about/openhouse.html](http://www.mbari.org/about/openhouse.html)

July 26, 2015 – Annual Moss Landing Antique and Street Faire, [www.mosslandingchamber.com](http://www.mosslandingchamber.com)

9/21/2015 - 9/24/2015 – CSDA Annual Conference & Exhibitor Showcase, Marriott Monterey, <http://www.csda.net>

2015 Meeting Schedule Monterey Bay National Marine Sanctuary Advisory Council. For more information please contact Erin Ovalle at (831) 647-4206.

August 19, 2015, Half Moon Bay

October 23, Cambria

December 11, 2015, Monterey

2015 Meeting Schedule Special Districts Association of Monterey County

(Tuesdays)

July 21, 2015

October 20, 2015

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HARBORMASTER  
Linda G. McIntyre, Esq.

ITEM NUMBER 10 - ASSIGNED LIVEBOARD REPORT  
BOARD MEETING OF June 24, 2015

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 is one (0) revocation actions pending.

LIVEBOARDS

<u>Name</u>	<u>Vessel</u>
1. Avis, S.	<i>Sportfisher</i> , ON 556296
2. Anderson, Taylor	<i>Lanikat</i> CF 4134N
3. Auten, D.	<i>Serenity</i> , CF 8246 VH
4. Bohigian, D.	<i>Finesse</i> , CF 3764 ET
5. Burns, P.	<i>Tralfamadore</i> , CF 9430 GL
6. Byrnes, K.	<i>Grand Slam</i> , CF 4540 FE
7. Callahan, T.	<i>Deb on Air</i> , CF 3174 HA
8. Chojnowski, G.	<i>Moon Shadow</i> , CF 2325 SZ
9. Clark, N.	<i>China Cloud</i> , ON 999772
10. Cloer, J./Ajuria M.	<i>Laurie</i> , CF 2688 EX
11. Chambers, B.	<i>Pyxis</i> , ON 984193
12. Comendant, T.	<i>Mariah</i> , CF 9747 GR
13. Crow, F.	<i>Tortuga</i> , ON 1190479
14. Degnan, P.	No Name, CF 8344 GT
15. Delahanty, Glen	<i>Dreamer</i> 8370 EA
16. Elwell, G.	<i>Pearl</i> , ON 557575
17. Faneuf, Clifford L.	<i>Sanpiper</i> , CF 6280 EU
18. Felicano, J.	<i>Takara</i> , CF 3767 AS
19. Graham, D.	<i>Shelter Dog</i> , ON 593068
20. Harrington, H.	<i>Isle of View</i> , ON 997142
21. Ho, R.	<i>Carolynn Ann</i> CF 5796 FG
22. Heatley, J.	<i>Darla Jean</i> , CF 2303 UN
23. Jerred, D.	<i>Westwind</i> , CF8564 GM
24. Jordan, J.	<i>Valkyria</i> , ON 974018
25. Jones, H.	<i>Laetare</i> , CF 5495 YB
26. Jones, T.	<i>Sanity</i> , CF 5249 SC
27. Johnson, J. /LaFever M.	<i>Aztlan</i> , ON 281903

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28. Johnston, D.	Glass Slipper, CF 4358 HN
29. Kampas,B.	<i>Tee-Time</i> CF 5670 UY
30. Knudson L./Knudson A.	Spellbound, ON 082155
31. Kurle L.	<i>Sweet Liberty</i> ON 105217
32. Larke, R.	<i>Rhiannon</i> , CF 8551 CA
33. Larmour J.	<i>The Mar</i> , CF 0113 UP
34. Maris, T.	<i>Nimble</i> , CF 3730 KB
35. Markley, S.	Olivia, CF 0322 VP.
36. Nieman J.	Inia, ON 1074183
37. Niswonger, R.	<i>Illusion</i> , CF 0836 TA
38. Nunes, D.	Auroora, ON 676686
39. Otis, T.	<i>Blue Moon</i> , CF 1886 GT
40. Raaphorst, D./Raaphorst M.	<i>Spirit</i> , ON 664971
41. Phillips A/Flavin S. Flavin C .Flavin S.	Odyle, ON 559168
42. Power, E.	La Haina, CF 1275 CV
43. Reins, D.	<i>Second Paradise</i> , ON 912484
44. Rodrigues, W.	Anam Cara, CF 3367 TJ
45. Rotger, M.	<i>Raven</i> , ON 241650
46. Roulet, J.	<i>Double Eagle</i> , ON 519846
47. Scagliotti, B./Powers G.	<i>Breezing Up</i> , ON 559013
48. Schuber, T.	<i>Bulldog</i> , ON 1219673
49. Stegmann, R.	<i>Wild Goose</i> , ON 589319
50. Stark, Howard	<i>Outta Here</i> , CF 8370 EA
51. Snyder, R.	<i>Jeannie B</i> , ON 261236
52. Thomas, B.	<i>Coho</i> , CF 9974 KK
53. Tufts, M.	<i>Enchantress</i> , CF 0878 SX
54. Warren, R./Malendrez R.	La Wanda, CF 5014 FR
55. Whaley, C/ Whaley C.	<i>Karuna</i> , ON 653218
56. Woytek, B.	<i>Menez La Vie</i> , ON 6700921
57. Wolinski, Peter	<i>Ramona</i> , ON 1114657
58. Waters Jared/ Mia	No Name CF 5670 GD
59. Phelps, Brian/Gruber, Rhonda	<i>Shadow II</i> , DOC 661129
60. Cayuela, Rachel	Rachel Angela, CF6969UB

Total Number Vessels: 60  
Total Number Persons: 72  
Pending Applications: 0



BOARD OF COMMISSIONERS  
 Russ Jeffries  
 Tony Leonardini  
 Vincent Ferrante  
 Frank Gomes, Jr.  
 Andrew Amaral

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 11 - SLIP INCOME REPORT  
 BOARD MEETING OF JUNE 24, 2015

Slip Rates 2014/2015 per linear foot:

Assigned: \$6.95/ft./month  
 Temporary: \$11.10/ft./month  
 Transient: \$1.00/ft./day

### INCOME

May 2015

May 2014

Budget

\$158,585

\$148,172

\$143,318

We are doing better than last year by \$10,413 and better than budget by \$15,267.



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GENERAL MANAGER  
HARBORMASTER  
Linda G. McIntyre, Esq.

## STAFF REPORT

### ITEM NUMBER 12 – INCIDENT REPORT BOARD MEETING of JUNE 24, 2015

6/4/2015 - A vessel owner from B dock reported a 2hp kicker motor stolen from the stern of his vessel sometime during the previous night. Staff and the owner of the motor believe that it was taken by someone using a skiff or other small vessel during the late night or early morning hours. The tenant filed a report with the Monterey County Sheriff, night staff has been directed to keep an eye out for small vessels accessing harbor docks and tenant vessels under cover of darkness. Staff also contacted a neighboring vessel owner who also may have had a small kicker motor taken during the incident; staff is awaiting a reply from the neighboring vessel owner.

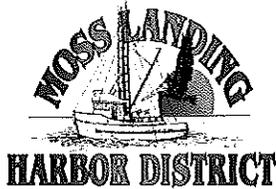
6/9/2015 - A Harbor tenant reported that while on E dock he noticed an unauthorized person aboard his other vessel located on A dock, by the time the tenant made his way to A dock no person was found aboard the vessel. The tenant reported nothing was missing from his vessel but asked staff to keep an eye out for any unauthorized persons accessing his vessel.

6/11/2015 - Staff received a report of a man in the water next to B dock, 4 MLHD staff members responded to the area and assisted the man in getting back on to the dock. The man was uninjured and refused medical attention.

6/13/2015 - The tenant who was contacted on 6/4/15 by Harbor staff in regards to a possible missing kicker motor confirmed to the Harbor office that he did in fact have a motor stolen. The tenant filed a report with the Monterey County Sheriff; staff continues to watch for suspicious activity in an attempt to keep any other items from being taken from our tenants.

No additional incidents as of June 16, 2015 (date of this report).

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## STAFF REPORT

### ITEM NUMBER 21 – CONSIDER EIR MOU REGARDING DEEP WATER DESAL BOARD MEETING OF JUNE 24, 2015

I (GM) received an email from the Resource Protection Coordinator at the MBNMS in which she stated that the State Lands Commission (SLC) is the lead agency for CEQA and that the MBNMS is the lead agency for NEPA for the DeepWater Desal project. She said SLC drafted a Memorandum of Understanding that includes provisions for the formation of a Joint Review Panel comprised of permitting agencies.

She asked if the Harbor District believed it had any permitting authority over the project and I informed her that based on my understanding of the project the Harbor District would need to permit certain elements of the project. The California Coastal Commission (CCC), MBNMS, SLC and the Harbor District would be the participants on the Joint Review Panel if the Harbor District chose to participate.

It is completely voluntary and should the District choose to participate, we can withdraw at any time. Any costs associated with participation (which I foresee as limited to my time and possibly legal counsel's time if legal questions arise) are to be reimbursed by DeepWater Desal.

Attached is a copy of the Draft MOU. Staff recommends the Board authorize the General Manager to execute the MOU.

**DRAFT**

**MEMORANDUM OF UNDERSTANDING  
FOR JOINT REVIEW AND PREPARATION OF AN  
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT  
DEEPWATER DESAL MONTEREY BAY REGIONAL WATER PROJECT**

This Memorandum of Understanding (MOU), which is effective as of the latest date signed in Section 8 of the MOU, is entered into by and between the following agencies:

<u>Agency Name</u>	<u>Hereinafter Referred To As</u>
Monterey Bay National Marine Sanctuary	MBNMS
California State Lands Commission	CSLC
Moss Landing Harbor District	District
California Coastal Commission	CCC

WHEREAS, DeepWater Desal, LLC (DWD) proposes the Monterey Bay Regional Water Project (Project), which would include a reverse osmosis seawater desalination facility (SWRO Facility) in Moss Landing and offshore waters within the MBNMS, Monterey County;

WHEREAS, DWD has submitted or will submit applications to the MBNMS and CSLC for construction and operation of all or portions of the Project, which includes:

- SWRO Facility with Co-located Seawater-Cooled Data Center;
- Onshore Pipelines;
- Wet Well and Channel Crossing;
- Offshore Pipelines and Intake/Discharge Structures; and
- Product Water Pipelines to the Monterey Peninsula, Castroville and Salinas, and Santa Cruz County;<sup>1</sup>

WHEREAS, DWD will also apply for other necessary approvals from the District and the CCC, as well as other local, State and Federal governmental agencies;

WHEREAS,

- The MBNMS has regulatory authority under the National Marine Sanctuaries Act (16 United States Code [U.S.C.] §§ 1431-1445c), and will be the Federal lead agency under the National Environmental Policy Act (NEPA) (42 U.S.C. §§ 4321-4347); and
- The CSLC has regulatory and leasing authority over the portions of the Project located on State sovereign lands, and will be the State lead agency under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15051, subdivision (d).<sup>2</sup>

<sup>1</sup> The EIR/EIS will programatically discuss several Product Water Pipelines to deliver water south to Monterey Peninsula communities, east to Castroville/Salinas, and north to Santa Cruz County; these pipelines would be separately proposed, permitted, and constructed by the individual water suppliers and would be subject to additional environmental review and permitting.

<sup>2</sup> CEQA is found in Public Resources Code section 21000 et seq. The State CEQA Guidelines are found

WHEREAS,

- The MBNMS has determined the approval of the proposed Project may constitute a major Federal action significantly affecting the quality of the human environment pursuant to NEPA and other applicable Federal laws;
- The CSLC has determined that the Project may have a "significant effect on the environment" as defined by CEQA, which state and local agencies must consider when reviewing and acting on projects pursuant to CEQA and other applicable state laws; and
- The MBNMS and CSLC desire to collaborate in the preparation of a joint Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the proposed Project that includes all relevant information and analyses before acting on DWD's application and that the agencies will use the EIR/EIS in decision-making relating to the proposed Project applications;

WHEREAS, the District regulates development within its jurisdiction, which includes a portion of the Project area located within lands legislatively granted to the District pursuant to Chapter 1190, Statutes of 1947 and as amended, minerals reserved, and will review the Project as a responsible and trustee agency under CEQA as part of issuing any authorization;

WHEREAS, the CCC regulates development within the coastal zone, and will review the Project as part of its coastal development permit and federal consistency processes under the California Coastal Act (Pub. Resources Code, § 30000 et seq.) and the California Coastal Management Plan (CCMP); and

WHEREAS, it is in the interest of the agencies named in this MOU to form a Joint Review Panel (JRP) to share in the EIR/EIS preparation in order to avoid duplication in staff efforts, share staff expertise and information, promote intergovernmental coordination, and serve the public interest by using an efficient environmental review process.

WHEREAS, the information contained in the Administrative Draft and Administrative Draft Final EIR/EIS or related documents is or may be confidential and exempt from mandatory disclosure under the California Public Records Act (Gov. Code, § 6250 et seq.)<sup>[cra]</sup>.

WHEREAS, pursuant to Government Code section 6254.5, subdivision (e), disclosure of the Administrative Draft or Administrative Draft Final EIR/EIS or of any related documents shall not constitute a waiver of any provisions of the California Public Records Act or other similar laws when made to or between any governmental agencies which agree to treat the disclosed material as confidential. Only persons authorized in writing by the person in charge of each agency shall be permitted to obtain the information. Any information obtained by each agency shall only be used for purposes that are consistent with existing law.

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In California Code of Regulations, Title 14, section 15000 et seq.

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, it is agreed as follows:

## 1. THE PROPOSED PROJECT EIR/EIS

The CSLC and the MBNMS have determined that the proposed Project will require an EIR/EIS and shall, pursuant to this MOU, prepare an EIR/EIS in accordance with CEQA and its Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) and in accordance with NEPA and the Council of Environmental Quality (CEQ) regulations for implementing NEPA (40 Code of Federal Regulations [CFR] Parts 1500-1508).

## 2. AGENCY PROJECT REPRESENTATIVES AND THEIR DUTIES, BILLING FOR COSTS INCURRED

A JRP, composed of one representative of each party to this MOU, shall be formed. The following JRP members are appointed as primary contacts and alternates (if applicable) by their respective agencies:

Karen Grimmer \_\_\_\_\_ email: [Karen.Grimmer@noaa.gov](mailto:Karen.Grimmer@noaa.gov)  
Monterey Bay National Marine Sanctuary Phone: (831) 647-4253  
99 Pacific Street, Bldg. 455A Fax: (831) 647-4250  
Monterey, California 93940  
Alternate: Paul Michel \_\_\_\_\_ email: [paul.michel@noaa.gov](mailto:paul.michel@noaa.gov)

Cynthia Herzog \_\_\_\_\_ email: [cynthia.herzog@slc.ca.gov](mailto:cynthia.herzog@slc.ca.gov)  
Division of Environmental Planning Phone: (916) 574-1938  
and Management Fax: (916) 574-1885  
California State Lands Commission  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202  
Alternate: Cy Oggins \_\_\_\_\_ email: [cy.oggins@slc.ca.gov](mailto:cy.oggins@slc.ca.gov)

Linda G. McIntyre \_\_\_\_\_ email: [mcintyre@mosslandingharbor.dst.ca.us](mailto:mcintyre@mosslandingharbor.dst.ca.us)  
Moss Landing Harbor District Phone: (831) 633-2461  
7881 Sandholdt Road Fax: (831) 633-1201  
Moss Landing, California 95039  
Alternate: xx email:

Tom Luster \_\_\_\_\_ email: [Tom.Luster@coastal.ca.gov](mailto:Tom.Luster@coastal.ca.gov)  
Energy and Ocean Resources Unit Phone: (415) 904-5248  
California Coastal Commission Fax: (415) 904-5400  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219  
Alternate: Alison Dettmer \_\_\_\_\_ email: [Alison.Dettmer@coastal.ca.gov](mailto:Alison.Dettmer@coastal.ca.gov)

Each agency shall notify the other agency representatives in writing of any change in agency representation (primary contact or alternate), or contact information.

In the event that any JRP member must recover its cost of its participation in the EIR, that agency shall bill DWD directly in accordance with its adopted fee schedule or cost reimbursement agreement.

### 3. RESPONSIBILITIES OF THE JRP

Primary responsibilities of the agencies party to this MOU are specified below and in the appropriate sections of this MOU.

NEPA Lead Agency	MBNMS
CEQA Lead Agency	CSLC
Chair the JRP	MBNMS & CSLC
Contract with the EIR/EIS consultant	CSLC
Review of the EIR/EIS, including: <ul style="list-style-type: none"> <li>• Review administrative Draft EIR/EIS;</li> <li>• Review administrative draft Final EIR/EIS, including the adequacy of the responses to comments on the public Draft EIR/EIS.</li> </ul>	All JRP members

### 4. RESPONSIBILITIES FOR JOINTLY PREPARING THE EIR/EIS

The MBNMS and CSLC staffs, unless noted otherwise below, shall jointly carry out the following duties:

- a) Prepare a Notice of Preparation to Prepare an EIR and a Notice of Intent to Prepare an EIS (NOP/NOI) for the proposed Project to be circulated by the CSLC and the MBNMS, as required under CEQA and NEPA, respectively;
- b) Pursuant to CEQA and its Guidelines and CEQ regulations for implementing NEPA, conduct noticed public hearings in order to obtain comments from public agencies and the general public. Any other public hearings may be conducted, as required, separately by the CSLC or the MBNMS, according to that agency's rules and regulations;
- c) Develop a scope of work and interview and select the consultant who will prepare and complete the EIR/EIS;
- d) Ensure that the selected consultant executes a Disclosure Statement prepared by the lead Federal agency (MBNMS), per NEPA regulations at section 1506.5(c), specifying that the consultant has no financial or other interest in the outcome of the proposed Project;
- e) Review work performed by the consultant and determine whether the work is satisfactory, and, if not, how best to correct the deficiencies in the work;
- f) Establish a schedule for completion of the EIR/EIS in compliance with applicable laws;
- g) Manage preparation of the EIR/EIS;

- h) Prepare responses to comments received on the EIR/EIS and address technical and process comments (i.e., comments that relate to issues other than the environmental analysis);
- i) Coordinate prior to making recommendations to the CSLC regarding certification of the EIR component of the EIR/EIS and to the MBNMS regarding the Record of Decision.

The MBNMS and CSLC staffs shall coordinate with other JRP members on the following duties:

- j) Determine the organization, scope and content of the EIR/EIS to ensure that the requirements of State and Federal laws are satisfied and that the statutory findings required of the agencies for their respective decisions on the proposed Project can be made;
- k) Develop the significance criteria that will be used to conduct the environmental analyses in the EIR/EIS;
- l) Review and provide comments on an Administrative Draft EIR/EIS and Administrative Draft Final EIR/EIS;
- m) Determine the adequacy of the consultant-prepared responses to comments on the Draft EIR/EIS;

## **5. COMMUNICATION AMONG JRP MEMBERS**

JRP members shall ensure close consultation throughout the preparation of the EIR/EIS—including sharing all information (including data) necessary to prepare the EIR/EIS—and shall keep each other advised of developments affecting EIR/EIS preparation. The MBNMS and CSLC representatives, as JRP Chairs, shall:

- Convene JRP meetings based on the schedule developed at the first JRP meeting, notify JRP members in advance of all meetings and telephone conversations, and provide a written summary of such meetings and telephone conversations, including to any JRP members not in attendance; and
- Provide JRP members with copies of all correspondence involving: modifications to the application or EIR/EIS germane to any agency's policies; changes to the EIR/EIS scope of work, schedule, or consultant team; comments on EIR/EIS deliverables; mitigation measures or project conditions applicable to other agencies' jurisdictions; and changes in agency policy that may affect the Project.

In order to allow better communication between the JRP members during the EIR/EIS process, to the maximum extent allowable under law and consistent with each agency's policy, JRP members agree to keep privileged the following written and oral communications related to preparation of the Draft and Final EIR/EISs:

- All pre-public release drafts, including administrative drafts of the Draft EIR/EIS and Final EIR/EIS; and

- JRP meeting minutes and related discussions related to preparation of the Draft EIR/EIS and Final EIR/EIS, prior to their public release, including alternatives, impact levels, recommended mitigation, and other document language.

JRP members shall also keep privileged any information submitted by the Project Applicant that is designated as confidential and that JRP members determine is exempt from public disclosure under the Public Records Act (Gov. Code, § 6250 et seq.) and other applicable law. Any JRP member receiving confidential information shall inform the other JRP members of the receipt of such material. Where applicable, the Project Applicant shall be required to clearly stamp such information as 'Confidential.'

## **5. MANAGEMENT OF THE CONSULTANT**

The CSLC will manage the EIR/EIS consultant on a day-to-day basis, process consultant invoices, and keep JRP members fully informed of all issues pertinent to EIR/EIS preparation.

In order to ensure that requests for consultation action are documented and to avoid conflicting requests of the consultant, JRP meetings shall be used as the primary forum to communicate with the consultant. Exchange of technical information between the consultant and JRP agency staff is allowed, but copies of information exchanged shall be provided promptly to the other parties. The consultant shall inform the parties of such contacts on a routine basis. JRP members and the consultant shall discuss any proposed changes to the scope of work, methodologies, schedule, and Project description, as well as any change orders, before any action is taken. The JRP will discuss and recommend action on all major changes proposed as specified in this MOU.

## **6. DECISION-MAKING AND RESOLUTION OF DISPUTES**

Decisions by JRP members relative to the EIR/EIS shall be made by consensus whenever possible. The EIR/EIS shall comprehensively reflect the concerns of JRP members. This goal will be accomplished by including in the EIR/EIS all differences on technical and/or scientific issues. If JRP members cannot reach agreement on a particular issue, the JRP Chairs shall consider the differing views and shall, after consultation with the other JRP members and the consultant, decide the course of action to be followed. The EIR/EIS shall be prepared without identifying individual agency responsibility or authorship where differing viewpoints are presented. JRP members shall make a recommendation to the JRP Chairs as to the sufficiency of the proposed Final EIR/EIS.

## **7. GENERAL AGREEMENTS**

JRP members recognize and acknowledge that each agency must fulfill its statutory responsibilities, including determining whether required permits are to be issued and the conditions of those permits, in accordance with CEQA and other applicable statutes. JRP members also recognize that each agency's decisions may affect similar actions of the other agencies if differing conditions are placed on the respective action. All

agencies agree to work together to minimize such conflicting occurrences. The agencies further agree to take whatever further steps they deem necessary, including further agreements or amendments to this MOU, in order to fulfill the purpose of this MOU.

The parties to this MOU specifically understand that this is neither a contractual agreement nor a delegation of their respective responsibilities. Its purpose is to clarify an agreed upon cooperative approach. Any party may, upon notifying the other parties, withdraw from the MOU and proceed independently pursuant to CEQA and its Guidelines. This MOU shall continue in effect for as long as a JRP member has direct access to any portion of the Administrative Draft and Administrative Draft Final EIRs that is exempt under the California Public Records Act or similar laws.

### 8. SIGNATORIES

The parties hereto have caused this MOU to be duly executed on the respective dates set forth opposite their signatures.

#### Monterey Bay National Marine Sanctuary:

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
By: Paul Michel, Superintendent

#### California State Lands Commission:

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
By: Jennifer Lucchesi, Executive Officer

#### Moss Landing Harbor District:

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
By: Linda G. McIntyre, General Manager

#### California Coastal Commission:

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
By: Charles F. Lester, Executive Director



BOARD OF COMMISSIONERS

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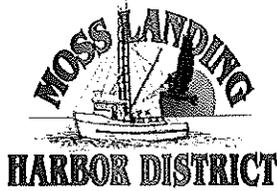
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## STAFF REPORT

ITEM NUMBER 22 – CONSIDER NOP REGARDING THE PEOPLE'S DESAL PROJECT  
BOARD MEETING OF JUNE 24, 2015

As of this writing a final draft Notice of Preparation of the EIR for the People's Moss Landing Water Desalination Project has not been completed. Upon completion the same will be provided to the Board for approval for publication followed by public scoping meetings.

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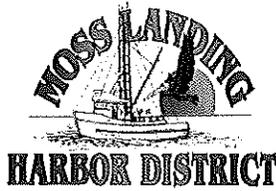
## STAFF REPORT

### ITEM NUMBER 23 - CONSIDER INSURANCE RENEWAL PACKAGE REGULAR BOARD MEETING OF JUNE 24, 2015

As of Friday, 2 pm, we have not received the insurance renewal quote from Lockton for the District's marine liability and other coverage for the FY 2015-2016 even though they have assured us it will be provided in time for the meeting.

Staff will distribute the information as soon as it becomes available.

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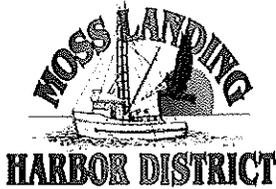
## STAFF REPORT

ITEM NUMBER 24 - CONSIDER INSURANCE PREMIUM FINANCE AGREEMENT FOR  
PAYMENT OF ANNUAL INSURANCE PREMIUM  
REGULAR BOARD MEETING OF JUNE 24, 2015

As of Friday, 2 pm, we have not received the insurance financing options from Lockton for the District's marine liability and other coverage for the FY 2015-2016 even though they have assured us it will be provided in time for the meeting.

Staff will distribute the information as soon as it becomes available.

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HARBORMASTER  
Linda G. McIntyre, Esq.

## STAFF REPORT

### ITEM NUMBER 25 – CONSIDER NORTH HARBOR RESTAURANT OPTIONS BOARD MEETING OF JUNE 24, 2015

The District invited bids for the North Harbor Restaurant project in April, 2015 with an extended bid opening date of Friday, June 12, 2015. The architect's estimate was \$4,615,395.00. One bid was received from Dilbeck & Sons, Inc. in the amount of \$4,722,245.00. The bid appears to be responsive and conforming but no verifications have been conducted at this time. The bid exceeds the architect's estimate by \$106,850.00.

Moving Forward: The Board approved a conceptual design of the restaurant building and the architect prepared a cost estimate.

March 2013 construction cost estimate: \$3.323M  
April 2014 construction cost estimate: 4.263M  
**Current construction cost estimate: 4.615M**

On June 12, 2015 the only bid received was in the amount of \$4,772,245.

**\$4,722,245** Bid received  
**220,000** Impact Fees  
**100,000** Connection fees  
**89,000** Inspection & Project Support fees  
**\$5,131,245** Total costs

The Harbor District has a total of just over \$6M cash on hand; however only approximately \$3M of this amount could be used for this project because the remainder is required for an upcoming loan payment or is held in trust. Included as part of the usable \$3M is approximately \$500,000 in the Trust Lands account which the District would have to "borrow" with permission from the State Lands Commission and would be required to pay interest on the funds borrowed.

In order to continue with the project in its current description and based on the one bid received, the District would need to borrow approximately \$2M at the going interest rate. Borrowing options have not yet been explored; however the Harbors & Navigation Code limits our conventional borrowing (i.e., borrowing from non-government agencies to \$1M.

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Repayment from rent: Base rent of \$9500 plus percentage rent of \$2600 is \$12,144 per month. With an interest rate of .25% assuming rent is paid at the rate of \$12,000 per month, it would take 36.5 years to repay \$5M and 21.5 years to repay \$3M.

Because the bid came back in an amount greater than what the Board is willing to spend the Board considered potential alternatives and courses of action at a Special Meeting held June 17, 2015. The Board gave staff direction to:

1. Contact the planholders who did not bid and ask why they didn't bid. This will help determine whether it would be worthwhile to reject all bids and go out for rebid.
2. Review the Lease terms to ensure that the estimate did not include items for which we were not responsible
3. Go over the costs listed in the detailed quote item by item and determine those items that could be reduced in cost.

Because those tasks were assigned only the night before this writing, they have not yet been completed. However, the results will be sent when the same are obtained prior to or at the Board meeting.

In addition, the Board can also consider a number of additional actions, depending on the outcome of the above tasks:

1. Negotiate with the bidder to reduce the costs of construction.
2. Negotiate with all impact fee agencies for waiver or reduction of fees (TAMC has indicated a willingness to consider a waiver of their \$79,000 fee)
3. Modify the scope of the restaurant development plans, with consideration of impact on rental value; i.e., scaling back the size of the restaurant while leaving open the ability to "add on" in the future; building the entire structure as planned, but leaving the upstairs completely unimproved at a savings of around \$700,000 and the ability to improve it in the future; build only the downstairs fish market and casual dining and forego the upstairs formal dining and cocktail lounge
4. Consider creating a simple commercial building that would be compartmentalized for tourism uses as well as retail shops and snack shops
5. Consider paying the impact fees and obtaining the building permit, but only conduct minimal construction annually in order to keep the permit valid
6. Do not proceed with construction but try to market the plans to some other developer or hold onto the plans in the hope of obtaining some additional financing in the future.

#### Additional Facts:

To date we spent approximately \$300,000 on architectural, consulting and County application fees.



## HARBOR DISTRICT

### BOARD OF COMMISSIONERS

Russ Jeffries  
Tony Leonardini  
Vincent Ferrante  
Frank Gomes, Jr.  
Andrew Amaral

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EXECUTIVE  
GENERAL MANAGER  
HARBOR MASTER  
Linda G. McIntyre, Esq.

## STAFF REPORT

### ITEM NUMBER 26 – CSDA BALLOT BOARD MEETING OF JUNE 24, 2015

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. Its functions are useful in representing the common interests of all California's special districts before the Legislature. The Harbor District is a member of CSDA.

CSDA has issued the election ballot to fill the Coastal Network, Seat A on the Board of Directors. There are three (3) candidates on the ballot and the District may vote for one (1) candidate. Three candidate statements are attached, along with the Ballot showing all three candidates' names.

Staff recommends that the Board select a candidate and the President to execute the ballot voting for that candidate as the Coastal Network, Seat A director on the CSDA Board term for the term expiring 2018.

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**California Special  
Districts Association**  
*Districts Stronger Together*

## **CALIFORNIA SPECIAL DISTRICTS ASSOCIATION**

### **2015 BOARD ELECTIONS**

#### **MAIL BALLOT INFORMATION**

Dear Member:

A mail ballot has been enclosed for your district's use in voting to elect a representative to the CSDA Board of Directors in your Network for Seat A. Each of CSDA's six (6) networks has three seats on the Board. Each of the candidates is either a board member or management-level employee of a member district located in your network. Each Regular Member (district) in good standing shall be entitled to vote for one (1) director to represent its network.

We have enclosed the candidate information for each candidate who submitted one. Please vote for only one candidate to represent your network in Seat A and be sure to sign, date and fill in your member district information. If any part of the ballot is not complete, the ballot will not be valid and will not be counted.

Please utilize the enclosed return envelope to return the completed ballot. Ballots must be received at the CSDA office at 1112 I Street, Suite 200, Sacramento, CA 95814 by **5:00pm on Friday, August 7, 2015**.

If you do not use the enclosed envelope, please mail in your ballot to:

**California Special Districts Association**  
**Attn: 2015 Board Elections**  
**1112 I Street, Suite 200**  
**Sacramento, CA 95814**

Please contact Charlotte Lowe toll-free at 877.924.CSDA or [charlottel@csga.net](mailto:charlottel@csga.net) with any questions.

Hello!

My Name is Dr. Robert L. "Bob" Blair,



I am one of the candidates running for Seat A in the Coastal Network of the California Special Districts Association.

Why should you elect me over the other aspiring CSDA Candidates?

1. I have prior experience. I served on the CSDA Board as a representative of Region 4 from 2002 to 2004. During that time, I served on the committee that returned the ERAF money to the Cities, Counties, & Special Districts.
2. I hold a Doctor of Pharmacy Degree from the University of California Medical Center in San Francisco (UCSF) and an AA degree from San Francisco City College. I also hold two valid Pharmacy licenses (California & Nevada).
3. I have been married to my wife Eileen for over 60 years. Together we have raised three very successful adult children: Lisa, Lodene & James.
4. I served on the NCSB Board of Directors from 1994 to 2004. In 2012, I ran a successful campaign, was the top vote getter by a large margin, and returned to the NCSB for 4 more years.
5. I have a strong longtime personal relationship with our current 35<sup>th</sup> District Assemblyman Katcho Achadjian. Katcho and I both ran for local office in San Luis Obispo County in 1994.
6. I never missed a meeting when I represented CSDA Region 4 in 2002-2004. I will give you 100% of my time, if you give me your Vote in this coming election.
7. I have been involved in Water, Land use, and planning at the State & Local levels for some 35 years. Please let me put my many talents and experience to work for all the people of Coastal Network.

Please vote to put "Dr. Bob back on the job". Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Blair". The signature is fluid and cursive, written over a white background.

Dr. Robert L. "Bob" Blair  
Director Nipomo Community Service District

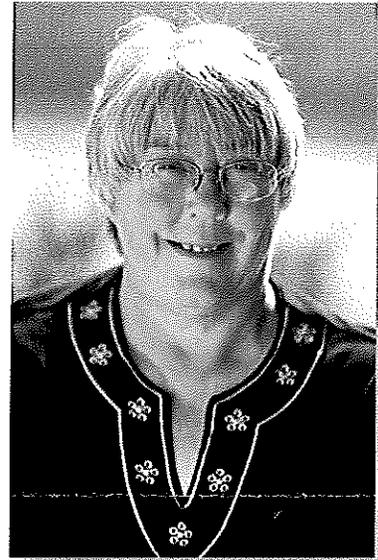
Active member of:

San Luis Obispo Sheriff Advisory Council  
Nipomo Chamber of Commerce  
CA Sheriff's Association

My Fellow CSDA Members,

I am requesting your support for my election as representative to the California Special Districts Association (CSDA), Board of Directors for the Coastal Network.

As the current Chairperson of the Board of Directors for the Pleasant Valley Recreation and Park District (PVRPD), I support CSDA's on-going efforts to offer educational classes and informative conferences and their active monitoring of legislative and policy proposals that greatly affect District operations. Through my involvement with CSDA I actively serve on the Fiscal and Audit Committees and Legislative Feedback group and have previously served on the By-laws and Elections Committee.



**Elaine Magner**

If elected, I will work with the other Board Members and CSDA staff to increase memberships, lower membership fees and other expenses, and continue to enhance the service provided to the member agencies.

I have been on the PVRPD Board of Directors since February 2008. I have served as Board President twice, serve on the Personnel and Finance committees and am PVRPD's representative to the Ventura County Special Districts Association (VCSDA) and CSDA. I was honored by VCSDA by being named the 2014 Director of the Year. I worked in Public Service for 31 years in law enforcement Human Resources. Additionally, I worked as a contract investigator for the Department of Justice for 10 years following my retirement. My experience on the Pleasant Valley Recreation and Park District (PVRPD) Board of Directors and my work as a public servant has provided me with a solid foundation of experience and prepared me to represent your District's interests on the CSDA Board of Directors.

I would appreciate the opportunity to serve as a Coastal Network representative on the CSDA Board of Directors and respectfully ask for your vote.

Sincerely,

Elaine L. Magner, Director  
Pleasant Valley Recreation and Park District