



AGENDA
REGULAR MEETING
OF THE BOARD OF HARBOR COMMISSIONERS
MOSS LANDING HARBOR DISTRICT
7881 Sandholdt Road
MOSS LANDING, CA 95039
January 28, 2015, 7 P.M.

A. CLOSED SESSION

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

1. Confer with real property negotiators pursuant to Government Code §54956.8 regarding Moss Landing Commercial Park (formerly National Refractories). Negotiating parties: General Manager and District Counsel.
2. Confer with real property negotiators pursuant to Government Code §54956.8 regarding APN 413.022.003 (NH Restaurant Pad). Negotiating parties: General Manager and District Counsel.

B. OPEN SESSION CALL TO ORDER - PLEDGE OF ALLEGIANCE

Roll Call

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

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

C. PRESIDENT'S REMARKS

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

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. MANAGER'S REPORTS

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

1. Projects Status/Update
2. Community Relations; Requests/Issues
3. Summary of Permits Issued
4. Meeting Announcements
5. Assigned Liveaboard Report

6. Assigned Slip Income Report
7. Incident Report

F. CONSENT CALENDAR

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.

8. a. Approval of the December 11, 2014 Special Meeting Minutes
- b. Approval of the December 17, 2014 Special Meeting Minutes
- c. Approval of the January 7, 2015 Special Meeting Minutes

G. TREASURER'S REPORT

9. Financial Reports – Month ending December 31, 2014

H. 2014 COMMITTEE APPOINTMENTS

10. ITEM - The President will appoint members of the Board to the various Harbor District committees:

- a. Elkhorn Slough Advisory Committee
- b. Liveaboard Committee
- c. Harbor Improvement Committee
- d. Real Property Committee I
- e. Real Property Committee II
- f. Special Districts/LAFCO
- g. Personnel Committee
- h. Finance Committee
- i. Ad Hoc Budget Committee

I. COMMITTEE REPORTS

11. Finance Committee – Ferrante
12. Elkhorn Slough Advisory Committee – Leonardini/Alternate - Gomes
13. Special Districts/LAFCO – Jeffries/Ferrante
14. Liveaboard Committee – Ferrante/Jeffries
15. Harbor Improvement Committee – Gomes
16. Real Property Committee I – Jeffries/Leonardini
17. Real Property Committee II – Gomes
18. 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.

J. NEW BUSINESS

19. ITEM – Consider Authorizing the General Manager to publish a Request for Proposals for Environmental Consulting Services in connection with the People's Desalination Project.

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

20. Consider Amending Biomineral Holding's lease at the Cannery Building to extend the Option period by an additional year.

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

21. ITEM – Consider adopting “clean-up” Resolution 15-02 in furtherance of the Steinbeck Center-CSUMB partnership.

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

22. ITEM – Consider Resolution 15-03 amending the Jarvis, Fay, Doporto and Gibson agreement for legal services.

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

K. COMMISSIONERS COMMENTS AND CONCERNS

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

L. ADJOURN MEETING

The next Regular Meeting of the Board of Harbor Commissioners is scheduled for February 25, 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 no less than 72 hours prior to the meeting or in the case of a Special Meeting, as soon as possible after the Agenda is posted. Copies of the agenda will be available 72 hours prior to the meeting and may be obtained by logging onto www.mosslandingharbor.dst.ca.us or by contacting the District at 831.633.5417. All meetings are noticed and conducted in accordance with the Ralph M. Brown Act.



BOARD OF COMMISSIONERS

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**GENERAL MANAGER
HARBORMASTER**

Linda G. McIntyre, Esq.

PROJECT STATUS REPORT

ITEM NUMBER 1

BOARD MEETING OF January 28, 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				Awaiting scheduling of next vessel demolition before making these repairs plus budgeting for DG
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 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. A Dock: Completed from the end tie (A100) to A98.
After NH Restaurant	Postponed due to budget constraints NH visitor dock replacement		X		Visitor dock at NH destroyed by sea lions – obtained replacement quote with different structural engineering (no pilings). \$450,000 estimate.

BECAUSE OF HIGHER THAN EXPECTED ELECTION COSTS (\$450,000), ALL OF THE ABOVE ARE SUBJECT TO FUNDING AVAILABILITY. NORTH HARBOR RESTAURANT HAS PRIORITY.



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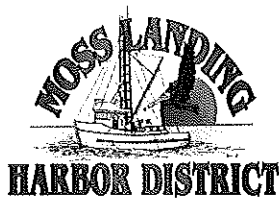
**EXECUTIVE
GENERAL MANAGER
HARBORMASTER**
Linda G. McIntyre, Esq.

STAFF REPORT

**ITEM NUMBER 2 – COMMUNITY RELATIONS REPORT
BOARD MEETING OF JANUARY 28, 2015**

1. One chronic violator of our liveaboard ordinance had been served with an Unlawful Detainer lawsuit. The defendant responded to the lawsuit so the matter was scheduled for trial in December. At trial the District was awarded a money judgment including attorney fees and Order of Eviction. The eviction has taken place and the defendant has been removed. The District will now lien the vessel and sell it at lien auction to recover on the money judgment awarded to the District.
2. The Salmon Project wants to put a salmon pen in the Harbor and their representative met with Tom to discuss possible locations.
3. We rearranged and made some improvements to the Operations Department. It is now more welcoming to customers and improves efficiency by making all equipment and files more readily available to staff. In addition, a private office has been provided to Assistant GM/Assistant HM Tom Razzeca who has been with the District nearly 5 years and has occasion to meet with a variety of individuals but previously had no place to meet with them. The best part is that we purchased a gorgeous solid wood meeting table for his office for \$10 at Last Chance Mercantile!
4. A meeting with MLHD's GM, Fish & Wildlife and Elkhorn Slough reps is pending in order to discuss moving the Marine Protected Area (MPA) boundary to exclude Kirby Park so families can continue fishing there. When the MPA Boundary was created the GM advised that the District would not object so long as Kirby Park was excluded. When the boundary line was actually drawn, submitted to the F & W Commission and approved by them, it indeed did include Kirby Park. When I objected I was told the only way to reverse it would be by Commission action. Last year it was on the Commission's Agenda to move the Boundary with F & W and the Elkhorn Slough's support; however, a number of non-government organizations (NGO's) objected at the Commission meeting so the item was pulled from the Agenda and no action was taken. The meeting I am arranging with F & W and the ES is in furtherance of refuting the arguments of the NGO's and ultimately seeking Commission approval to move the boundary line to exclude Kirby Park from the fishing prohibition.

SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947



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STAFF REPORT

ITEM NUMBER 3 – SUMMARY OF PERMITS ISSUED BOARD MEETING OF JANUARY 28, 2015

As of January 22, 2015 Permittee	Expiration Date	Status	Permit Type
Blue Ocean Whale Watch	2/18/2015	Current	Facilities Use
Whisper Charters	2/22/2015	Current	Facilities Use
Kahuna Sportfishing	3/19/2015	Current	Facilities Use
REI Outdoor School	3/26/2015	Current	Facilities Use
Venture Quest Kayaking	5/16/2015	Current	Facilities Use
Kayak Connection	5/18/2015	Current	Facilities Use
Long Marine Lab - J. Tomoleoni	6/1/2015	Current	Facilities Use
Sanctuary Cruises	6/6/2015	Current	Facilities Use
Fast Raft	7/8/2015	Current	Facilities Use
MLML San Jose State - R. Starr	8/16/2015	Current	Facilities Use
Elkhorn Slough Safari - merchandising	10/1/2015	Current	Peddlers
Elkhorn Slough Safari - tours	10/1/2015	Current	Facilities Use
Meridian Charters	10/15/2015	Current	Facilities Use
Blue Water Adventures	10/31/2015	Current	Facilities Use
Mtry Bay Live Crab - Carol Jones	11/12/2015	Current	Peddlers
Wild Fish - Vicki Crow	11/20/2015	Current	Peddlers
Ray McDonnell - Crab	12/30/2015	Current	Peddlers
Pacific Yachts	1/1/2016	Current	Facilities Use
Elkhorn Slough Research Foundation	1/1/2016	Current	Facilities Use
Rosemary Knight - Stanford Univ.	1/1/2016	Current	Facilities Use

*Permits are typically issued for a period of one year unless otherwise specified.

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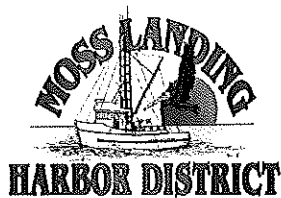


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STAFF REPORT

ITEM NUMBER 4 – MEETING ANNOUNCEMENTS
BOARD MEETING OF JANUARY 28, 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.htm>.



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STAFF REPORT

ITEM NUMBER 5 - ASSIGNED LIVEABOARD REPORT BOARD MEETING OF JANUARY 28, 2015

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

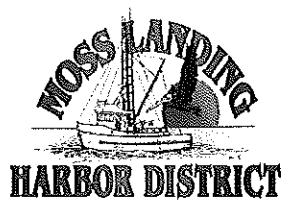
LIVEABOARDS

<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. Chojnowski, G.	<i>Moon Shadow</i> , CF 2325 SZ
8. Clark, N.	<i>China Cloud</i> , ON 999772
9. Cloer, J./Ajuria M.	<i>Laurie</i> , CF 2688 EX
10. Chambers, B.	<i>Pyxis</i> , ON 984193
11. Comendant, T.	<i>Mariah</i> , CF 9747 GR
12. Crow, F.	<i>Tortuga</i> , ON 1190479
13. Degnan, P.	No Name, CF 8344 GT
14. Delahanty, Glen	<i>Dreamer</i> 8370 EA
15. Elwell, G.	<i>Pearl</i> , ON 557575
16. Faneuf, Clifford L.	<i>Sandpiper</i> , CF 6280 EU
17. Felicano, J.	<i>Takara</i> , CF 3767 AS
18. Graham, D.	<i>Shelter Dog</i> , ON 593068
19. Harrington, H.	<i>Isle of View</i> , ON 997142
20. Ho, R.	<i>Carolynn Ann</i> CF 5796 FG
21. Heatley, J.	<i>Darla Jean</i> , CF 2303 UN
22. Groom, D./Schaffer M.	<i>Phoenix</i> , CF 5084 GJ
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

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26. Jones, T.	<i>Sanity</i> , CF 5249 SC
27. Johnson, J. /LaFever M.	<i>Aztlan</i> , ON 281903
28. Johnston, D.	<i>Glass Slipper</i> , CF 4358 HN
29. Kampas,B.	<i>Tee-Time</i> CF 5670 UY
30. Knudson L./Knudson A.	<i>Spellbound</i> , ON 082155
31. Kurl L.	<i>Sweet Liberty</i> ON 1052175
32. Latimer, T.	<i>Tai Chi</i> , CF 0642 KD
33. Larke, R.	<i>Rhiannon</i> , CF 8551 CA
34. Larmour J.	<i>The Mar</i> , CF 0113 UP
35. Maris, T.	<i>Nimble</i> , CF 3730 KB
36. Markley, S.	<i>Olivia</i> , CF 0322 VP.
37. Nieman J.	<i>Inia</i> , ON 1074183
38. Niswonger, R.	<i>Illusion</i> , CF 0836 TA
39. Nunes, D.	<i>Auoroa</i> , ON 676686
40. Otis, T.	<i>Blue Moon</i> , CF 1886 GT
41. Raaphorst, D./Raaphorst M.	<i>Spirit</i> , ON 664971
42. Petree, S.	<i>Danu</i> , CF 4085 GC
43. Phillips A/Flavin S. Flavin C. Flavin S.	<i>Odyle</i> , ON 559168
44. Power, E.	<i>La Haina</i> , CF 1275 CV
45. Reins, D.	<i>Second Paradise</i> , ON 912484
46. Rodrigues, W.	<i>Anam Cara</i> , CF 3367 TJ
47. Rotger, M.	<i>Raven</i> , ON 241650
48. Roulet, J.	<i>Double Eagle</i> , ON 519846
49. Scagliotti, B./Powers G.	<i>Breezing Up</i> , ON 559013
50. Schuber, T.	<i>Bulldog</i> , ON 1219673
51. Stegmann, R.	<i>Wild Goose</i> , ON 589319
52. Stark, Howard	<i>Outta Here</i> , CF 8370 EA
53. Snyder, R.	<i>Jeannie B</i> , ON 261236
54. Thomas, B.	<i>Coho</i> , CF 9974 KK
55. Tufts, M.	<i>Enchantress</i> , CF 0878 SX
56. Warren, R./Malendrez R.	<i>La Wanda</i> , CF 5014 FR
57. Whaley, C/ Whaley C.	<i>Karuna</i> , ON 653218
58. Woytek, B.	<i>Menez La Vie</i> , ON 6700921
59. Wolinski, Peter	<i>Ramona</i> , ON 1114657

Total Number Vessels: 59
Total Number Persons: 70
Pending Applications: 1



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STAFF REPORT

ITEM NUMBER 6 - SLIP INCOME REPORT
BOARD MEETING OF JANUARY 28, 2015

Slip Rates 2014/2015 per linear foot:

Assigned: \$6.95
Temporary: \$11.10
Transient: 1.00

INCOME

<u>July – December 2014</u>	<u>July – December 2013</u>	<u>Budget</u>
\$866,498	\$784,919	\$825,909

We are doing better than last year by \$81,578 and better than budget by \$40,589

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STAFF REPORT

ITEM NUMBER 7 – INCIDENT REPORT BOARD MEETING OF JANUARY 28, 2015

12-3-14 A harbor tenant reported a missing dock cart. Harbor staff advised the tenant to file a report with the Monterey County Sheriff. The cart was later found on Moss Landing Road and was returned to the owner.

12-3-14 A harbor tenant reported that someone had broken into his truck attempting to steal it. The tenant filed a report with the Monterey County Sheriff. Harbor staff checked security cameras but were unable to see the reported incident.

12-12-14 Staff discovered a sunken vessel in the North Harbor. No discharge of hazardous materials was noticed from the vessel so no boom deployment was required. Harbor staff notified the vessel owner of the incident who contracted a dive service to refloat the vessel. The vessel was refloated by the following day and was later hauled out for repairs.

1-2-15 A harbor tenant reported someone had boarded his vessel on A dock and slept in his bed. No items were reported stolen from the vessel. The tenant filed a report with the Monterey County Sheriff and was advised by staff to insure his vessel was locked when he was not on board.

No additional incidents as of January 22, 2015 (date of this report).

SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947



MINUTES
REGULAR RESCHEDULED MEETING
OF THE BOARD OF HARBOR COMMISSIONERS
MOSS LANDING HARBOR DISTRICT
7881 Sandholdt Road
MOSS LANDING, CA 95039
December 11, 2014, 2:00 p.m.

A. OPEN SESSION CALL TO ORDER - PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:08 p.m. After the Pledge of Allegiance, roll was called.

Commissioners present:

Russ Jeffries – President

Yohn Gideon – Vice President

Vince Ferrante – Secretary

Frank Gomes, Jr. – Commissioner

Tony Leonardini – Commissioner

Staff present:

Tom Razzeca – Assistant General Manager

Mike Rodriguez – District Counsel

Marie Della Maggiore – Executive Assistant

Absent: Linda G. McIntyre – General Manager

B. PRESIDENT'S REMARKS

President Jeffries wished a Merry Christmas to the staff, the Board and all of their families.

C. PUBLIC COMMENTS

No public comment.

D. MANAGER'S REPORTS

1. Projects Status/Update – Written report, no additional comments.
2. Community Relations; Requests/Issues – Written report, no additional comments.
3. Summary of Permits Issued – Written report, no additional comments.
4. Meeting Announcements – Written report, no additional comments.
5. Assigned Liveaboard Report – Written report, no additional comments.
6. Assigned Slip Income Report – Written report, no additional comments.
7. Incident Report – Written report, no additional comments.

E. CONSENT CALENDAR

8. a. Approval of the October 22, 2014 Regular Meeting Minutes. – A motion was made by Commissioner Ferrante and seconded by Commissioner Gomes to approve the October 22, 2014 Regular Meeting Minutes. The motion passed unanimously on a roll call vote, Commissioners Jeffries, Gideon, Ferrante, Gomes and Leonardini voting aye.
- b. Approval of the October 29, 2014 Special Meeting Minutes. – A motion was made by Commissioner Gideon and seconded by Commissioner Leonardini to approve the October 29, 2014 Special Meeting Minutes. The motion passed 3-0-2 on a roll call vote, Commissioners Jeffries, Gideon and Leonardini voting aye, Commissioners Ferrante and Gomes abstaining.

F. TREASURER'S REPORT

9. Financial Reports for the month ending October 31, 2014 – Written report, no additional comments. A motion was made by Commissioner Ferrante and seconded by Commissioner Gideon to accept the month ending October 31, 2014 financial report. The motion passed

unanimously on a roll call vote, Commissioners Jeffries, Gideon, Ferrante, Gomes and Leonardini voting aye.

G. COMMITTEE REPORTS

10. Finance Committee – No meetings reported.
11. Elkhorn Slough Advisory Committee – No meetings reported.
12. Special Districts/LAFCO – No meetings reported. Next Special Districts of Monterey County meeting will be January 20, 2015.
13. Liveaboard Committee – No meetings reported. Next meeting scheduled for December 17, 2014 at 6 p.m.
14. Harbor Improvement Committee – No meetings reported.
15. Real Property Committee I – No meetings reported.
16. Real Property Committee II – No meetings reported.
17. Meetings attended by Commissioners at District expense since the last regular meeting of the Board (AB 1234 requirements). – Commissioner Ferrante reported that he attended a CSDA Board meeting in Sacramento on November 6 and a CSDA committee meeting on November 14, 2014.

H. NEW BUSINESS

18. ITEM – Consider authorizing GM to execute Certificate of Acceptance of real property Quitclaimed from MBARI.

- a. Staff report – Written report, no additional comments.
- b. Public comment – No public comments.
- c. Board discussion – Question arose about the boundary lines between MBARI and the District property in the area of E dock. President Jeffries said MBARI is conceding that it is District property and has provided the GM with a quitclaim deed.
- d. Board action – A motion was made by Commissioner Leonardini and seconded by Commissioner Gideon to authorize the General Manager to execute the Certificate of Acceptance of real property quitclaimed by MBARI. The motion passed unanimously on a roll call vote, Commissioners Jeffries, Gideon, Ferrante, Gomes and Leonardini voting aye.

19. Consider Resolution No. 14-17 Public Utility Easement for the Utility Undergrounding project by PG & E and the County.

- a. Staff report – Written report, no additional comments.
- b. Public comment – No public comment.
- c. Board discussion – No further discussion.
- d. Board action – A motion was made by Commissioner Gideon and seconded by Commissioner Ferrante to adopt Resolution No. 14-17 authorizing the GM to execute a Grant of Easement. The motion passed unanimously on a roll call vote, Commissioners Jeffries, Gideon, Ferrante, Gomes and Leonardini voting aye.

20. ITEM – Consider Reso 14-18 Commending Commissioner Yohn Gideon.

- a. Staff report – President Jeffries presented Commissioner Gideon with a plaque and a framed Resolution honoring his twelve years of service on the Moss Landing Harbor District Board of Harbor Commissioners. President Jeffries expressed his gratitude on behalf of himself and the Board for Commissioner Gideon's dedication to the District. Commissioner Gideon thanked the Board and said this was the most professional and knowledgeable group to work with.

- b. Public comment – No public comment.
- c. Board discussion – Commissioner Ferrante commented that back in the day when he was first elected in the same election as Commissioner Gideon, the Grand Jury report of MLHD was not too favorable. Since then, Commissioner Gideon was appointed to Chair the

Budget Committee. Commissioner Gideon knows his budgets, questions every line item, and in a few short years our budget was completely turned around and in the black. Commissioner Gomes said chairing the Budget Committee now is an easy job because of the foundation laid by Commissioner Gideon.

d. Board action – A motion was made by Commissioner Leonardini and seconded by Commissioner Gomes to adopt Resolution No. 14-18. The motion passed unanimously, Commissioners Jeffries, Gideon, Ferrante, Gomes and Leonardini voting aye.

President Jeffries called for a 5 minute break. The Board returned to open session at 2:50 p.m. and President Jeffries announced they would now go into closed session.

I. ADJOURN TO CLOSED SESSION

1. Confer with real property negotiators pursuant to Government Code §54956.8 regarding Moss Landing Commercial Park (formerly National Refractories). Negotiating parties: General Manager and District Counsel.

2. Confer with real property negotiators pursuant to Government Code §54956.8 regarding APN 413.022.003 (NH Restaurant Pad). Negotiating parties: General Manager and District Counsel.

3. Confer with legal counsel and General Manager regarding one matter of litigation pursuant to Government Code § 54956.9(a): Cramer vs. MLHD, et al.

4. Confer with real property negotiators pursuant to Government Code §54956.8 regarding parcel(s) currently used for E & F Dock access easements (MBARI). Negotiating parties: General Manager and District Counsel.

J. RECONVENE IN OPEN SESSION

President Jeffries reported the Board met in closed session, no reportable action was taken.

K. COMMISSIONERS COMMENTS AND CONCERNS

No additional comments.

L. ADJOURNMENT

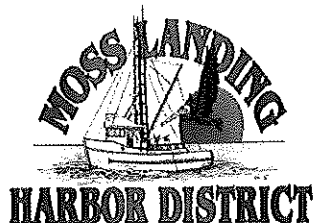
The meeting adjourned at 2:55 p.m.

Respectfully submitted,

Vince Ferrante, Secretary
Board of Harbor Commissioners

ATTEST:

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
December 17, 2014, 4:00 p.m.

A. OPEN SESSION CALL TO ORDER - PLEDGE OF ALLEGIANCE

The meeting was called to order at 3:04 p.m. After the Pledge of Allegiance, roll was called.

Commissioners present:
Russ Jeffries – President
Vince Ferrante – Secretary
Frank Gomes, Jr. – Commissioner
Tony Leonardini – Commissioner
Commissioners excused:
Yohn Gideon – Vice President

Staff present:
Tom Razzeca – Assistant General Manager
Marie Della Maggiore – Executive Assistant
Staff excused:
Linda G. McIntyre – General Manager
Mike Rodriquez – District Counsel

B. PRESIDENT'S REMARKS

President Jeffries commented that Linda McIntyre's father-in-law and Mike Rodriquez's mother had passed away and the Board sends their condolences.

C. PUBLIC COMMENTS

No public comment.

D. SPECIAL PRESENTATION

1. ITEM – Presentation on and consider approval of final North Harbor Restaurant Development Project construction costs.

a. Staff report – Written report, no additional comments.

b. Public comment – Project architect Ken Turgen gave an update on the project progress and went over the line items in the project budget. He said the plans have been completed and he has responded to all the comments received from the County. He expects the permit to be released around the first of the year. Mr. Turgen said the spreadsheet shows escalated costs in plumbing and electrical due in part to adjustments made in response to comments from County, North County Fire, utilities, etc., costs due to the requested changes in cold and hot water connections, changes in gas and equipment connections, and also due to skyrocketing costs in copper materials.

c. Board discussion – Commissioner Gomes asked what percent of an increase can be expected going forward to which Mr. Turgen answered between 5-10% is a conservative budget but we won't really know until we see the bids. President Jeffries asked if the doors, windows, fixtures, etc specifications were included and how it would be determined if the builder has followed through. Mr. Turgen said all specifications, either by specific brand or equal choices will be provided to the bidders and all plans submitted by the bidders will be reviewed by him to ensure they meet these specs. Commissioner Gomes expressed concern about the escalating construction costs and asked where the money would come from. Commissioner Leonardini said we will know how much we need when we see the construction bids. Commissioner Ferrante said

there are places to borrow from such as the CSDA financing corporation. President Jeffries said the General Manager has looked into many financing options and will have time to obtain financing when we know how much is needed.

d. Board action – A motion was made by Commissioner Leonardini and seconded by Commissioner Ferrante to approve the final North Harbor Restaurant construction costs as presented. The motion passed 4-0-1 on a roll call vote; Commissioners Jeffries, Ferrante, Gomes and Leonardini voting aye; Commissioner Gideon absent.

2. ITEM - Consider Resolution No. 14-20 approving additional architectural services required by the Development Permit issued by Monterey County Planning Department in connection with the North Harbor Restaurant Development Project relating to CalTrans.

a. Staff report – Written report, no additional comments.

b. Public comment – Project architect Ken Turgen reviewed the steps that need to be taken to satisfy the conditions of the Monterey County encroachment plans. With approval of these proposed services, the architects can move forward. Mr. Turgen said that they still anticipate being in the bidding phase for the project by January.

c. Board discussion – No further discussion.

d. Board action – A motion was made by Commissioner Leonardini and seconded by Commissioner Gomes to adopt Resolution No. 14-20. The motion passed 4-0-1 on a roll call vote; Commissioners Jeffries, Ferrante, Gomes and Leonardini voting aye; Commissioner Gideon absent.

E. COMMISSIONERS COMMENTS AND CONCERNS

No comments.

F. ADJOURN TO CLOSED SESSION

The Board adjourned to closed session at 5:22 p.m. to discuss the following:

1. Confer with legal counsel and General Manager regarding one matter of litigation pursuant to Government Code § 54956.9(a): Cramer vs. MLHD, et al.

G. RECONVENE IN OPEN SESSION; ADJOURN MEETING

The Board reconvened in open session at 5:48 p.m. President Jeffries reported the Board met in closed session and no reportable action was taken.

L. ADJOURNMENT

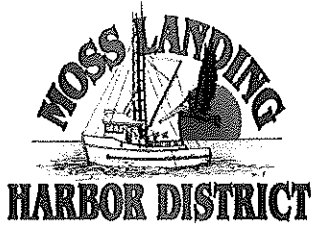
The meeting adjourned at 5:50 p.m.

Respectfully submitted,

Vince Ferrante, Secretary
Board of Harbor Commissioners

ATTEST:

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
January 7, 2015, 4:00 p.m.

A. OPEN SESSION CALL TO ORDER - PLEDGE OF ALLEGIANCE

The meeting was called to order at 4:00 p.m. After the Pledge of Allegiance, roll was called

Commissioners present:

Russ Jeffries – President

Vince Ferrante – Secretary

Frank Gomes, Jr. – Commissioner

Tony Leonardini – Commissioner

Commissioners excused:

Yohn Gideon – Vice President

Staff present:

Linda G. McIntyre – General Manager

Tom Razzeca – Assistant General Manager

Marie Della Maggiore – Executive Assistant

B. PRESIDENT'S REMARKS

President Jeffries welcomed everyone to this special occasion.

C. PUBLIC COMMENTS

No public comments.

D. NEW BUSINESS

1. ITEM – Consider Resolution No. 15-01 Declaring Canvass of Returns and Results of the General District Election Held on November 4, 2014

a. Staff Report – Written report, no additional comments.

b. Public Comment – No public comments.

c. Board Discussion – No additional discussion.

d. Board Action – A motion was made by Commissioner Ferrante and seconded by Commissioner Leonardini to adopt Resolution No. 15-01. The motion passed 4-0-1 by roll call vote; Commissioners Jeffries, Ferrante, Gomes and Leonardini voting aye; Commissioner Gideon absent.

E. ADMINISTERING OATH OF OFFICE CEREMONY

2. ITEM – Oath of Office of the elected Harbor Commissioners – The Honorable Lou Calcagno, Monterey County 2nd District Supervisor administered the Oath of Office to Vincent Ferrante, Antone "Tony" Leonardini and Andrew Amaral. The newly elected Commissioner, Andrew Amaral, and the two re-elected Commissioners Ferrante and Leonardini took their seats at the dais.

In consideration of Supervisor Calcagno's time, President Jeffries moved Item 4 forward on the agenda.

G. SPECIAL PRESENTATION

4. President Jeffries congratulated Supervisor Louis Calcagno on his retirement and thanked him on behalf of the community and the Moss Landing Harbor District for his

sixteen years of dedicated service. Supervisor Calcagno thanked the Board for the special plaque with which he was presented and spoke of fond memories he has of the people of Moss Landing and the changes in and around the harbor over the years. He commended the Board for doing a great job protecting the harbor and its resources.

F. ELECTION OF OFFICERS

3. ITEM – Nominations and election of the 2015 Officers of the Board of Harbor Commissioners. The General Manager conducted the Election of Officers by explaining the procedure. She then opened the floor for nominations. A motion was made by Commissioner Gomes to nominate a slate of officers consisting of Commissioner Jeffries as President, Commissioner Leonardini as Vice President and Commissioner Ferrante as Secretary. The motion was seconded by Commissioner Amaral.

A motion to close the nominations was made by Commissioner Ferrante and seconded by Commissioner Leonardini. The motion to close the nominations passed unanimously by roll call vote; Commissioners Jeffries, Ferrante, Gomes, Leonardini and Amaral all voting aye.

The motion to adopt the slate of officers passed unanimously by roll call vote; Commissioners Jeffries, Ferrante, Gomes, Leonardini and Amaral all voting aye.

President Jeffries thanked the Board for their continued support and congratulated the new officers.

H. COMMISSIONERS COMMENTS AND CONCERNS

Commissioner Ferrante introduced and thanked his family for being here tonight. Commissioner Amaral thanked his guests as well.

I. ADJOURNMENT

The meeting adjourned at 4:20 p.m. at which time everyone stayed to enjoy cake and socialize.

Respectfully submitted,

Vince Ferrante, Secretary
Board of Harbor Commissioners

ATTEST:

Linda G. McIntyre, Deputy Secretary
Board of Harbor Commissioners

Accrual Basis

Moss Landing Harbor District

Balance Sheet

As of December 31, 2014

	Dec 31, 14	Dec 31, 13	\$ Change
ASSETS			
Current Assets			
Checking/Savings			
1018 · Union Bank- Trust Account	376,181	-	376,181
1002 · Petty Cash	500	500	-
1010 · Union - M.M.	1,280,641	1,104,769	175,872
1009 · Union - Operating	123,029	19,594	103,436
1011 · Union - Payroll	(9,282)	11,936	(21,218)
1015 · 1st Capital Bank	1,537,202	1,534,148	3,054
1014 · Pinnacle Bank CDARS CD	-	750,000	(750,000)
1016 · Pinnacle Bank Interest Account	22,922	20,711	2,210
1020 · Umpqua - Restricted	1,005,307	-	1,005,307
1021 · Umpqua - CIEDB Reserved	581	-	581
Total Checking/Savings	4,337,082	3,441,658	895,423
Accounts Receivable			
11290 · Leases			
1282 · NNN Receivable	42,362	21,496	20,866
Total 11290 · Leases	42,362	21,496	20,866
1200 · Marina Receivables			
1201 · Marina - Allow for Bad Debt	(18,500)	(22,750)	4,250
Total Accounts Receivable	85,959	38,978	46,981
Other Current Assets			
1271 · Prepaid Expenses			
1270 · Insurance	57,179	9,247	47,932
1280 · Other	4,985	5,472	(488)
Total 1271 · Prepaid Expenses	62,164	14,719	47,445
1210 · Grants Receivable			
Total Other Current Assets	348,508	113,121	235,387
Total Current Assets	4,771,549	3,593,758	1,177,791
Fixed Assets			
1650 · Construction In Progress	257,375	73,860	183,514
1670 · Equipment	766,671	751,113	15,557
1700 · Improvements			
1710 · NH Buildings & Improvements	7,868,580	7,868,580	-
1720 · NH Floating Docks	524,675	524,675	-
1725 · NH Offsite Improvements	632,218	632,218	-
1730 · SH Buildings & Improvements	8,246,852	8,226,171	20,681
1740 · SH Floating Docks	9,098,326	9,067,439	30,887
Total 1700 · Improvements	26,370,652	26,319,084	51,568
1900 · Land	1,642,860	1,642,860	-

Moss Landing Harbor District

Balance Sheet

As of December 31, 2014

	Dec 31, 14	Dec 31, 13	\$ Change
1800 - Less - Depreciation			
1805 - Equipment	(742,440)	(720,610)	(21,830)
1810 - NH Buildings & Improvements	(2,866,052)	(2,653,155)	(212,897)
1820 - NH Floating Docks	(468,065)	(456,202)	(11,863)
1825 - NH Offsite Improvements	(380,679)	(350,746)	(29,933)
1830 - SH Buildings & Improvements	(5,263,437)	(5,054,028)	(209,409)
1840 - SH Floating Docks	(4,137,242)	(3,671,958)	(465,284)
Total 1800 - Less - Depreciation	<u>(13,857,914)</u>	<u>(12,906,698)</u>	<u>(951,216)</u>
 Total Fixed Assets	 15,179,643	 15,880,219	 (700,576)
 Other Assets			
1530 - Principal Financial CS	7,389	7,389	-
1320 - Workers Comp Deposit	<u>200</u>	<u>200</u>	<u>-</u>
Total Other Assets	<u>7,589</u>	<u>7,589</u>	<u>-</u>
 TOTAL ASSETS	 <u>19,958,780</u>	 <u>19,481,566</u>	 <u>477,215</u>

Moss Landing Harbor District
Balance Sheet
As of December 31, 2014

	Dec 31, 14	Dec 31, 13	\$ Change
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Accounts Payable			
2010 · Accounts Payable	(3,547)	(11,715)	8,169
Total Accounts Payable	<u>(3,547)</u>	<u>(11,715)</u>	<u>8,169</u>
Other Current Liabilities			
2082 · MLCP Cost Reimb. Deposit	73,143	-	73,143
2020 · Accrued Salaries Payable	2,098	13,403	(11,304)
2021 · Accrued Vacation	83,226	82,756	470
2023 · Accrued Payroll Taxes	-	5,851	(5,851)
2030 · Customer Deposits	273,310	276,478	(3,167)
2050 · Employee 457 Payable	759	-	759
2080 · Prepaid Berth Fees	178,725	153,371	25,354
2087 · Lease Deposits	42,611	43,417	(805)
2086 · Prepaid Leases			
20861 · Duke	20,317	20,509	(192)
20862 · MBARI	8,255	8,121	134
Total 2086 · Prepaid Leases	<u>28,572</u>	<u>28,629</u>	<u>(58)</u>
2051 · Note Interest Payable			
2062 · Umpqua Accrued Interest	22,590	-	22,590
2055 · CIEDB Accrued Interest	-	50,311	(50,311)
2060 · DBAW - Accrued Interest	-	17,500	(17,500)
2061 · Muni. Finance Interest Payable	-	(428)	428
Total 2051 · Note Interest Payable	<u>22,590</u>	<u>67,383</u>	<u>(44,793)</u>
2072 · Current Portion			
2071 · Muni. Finance Lease - CP	-	31,080	(31,080)
2073 · Union Current Portion	-	47,791	(47,791)
2075 · CIEDB Current Portion	-	0	(0)
Total 2072 · Current Portion	<u>-</u>	<u>78,871</u>	<u>(78,871)</u>
Total Other Current Liabilities	<u>705,034</u>	<u>750,158</u>	<u>(45,124)</u>
Total Current Liabilities	<u>701,487</u>	<u>738,443</u>	<u>(36,956)</u>
Long Term Liabilities			
2605 · Umpqua Loan	4,755,901	-	4,755,901
2076 · Municipal Finance Lease	-	234,691	(234,691)
2603 · Union Bank NP	-	417,946	(417,946)
2600 · CIEDB LOAN	-	3,251,668	(3,251,668)
2601 · DBAW	-	857,887	(857,887)
Total Long Term Liabilities	<u>4,755,901</u>	<u>4,762,192</u>	<u>(6,291)</u>
Total Liabilities	<u>5,457,388</u>	<u>5,500,635</u>	<u>(43,247)</u>
Equity			
3050 · Prior Year Earnings	7,857,104	7,382,781	474,323
3020 · Retained Net Assets	6,456,231	6,456,231	-
Net Income	188,058	141,919	46,138
Total Equity	<u>14,501,392</u>	<u>13,980,931</u>	<u>520,461</u>
TOTAL LIABILITIES & EQUITY	<u><u>19,958,780</u></u>	<u><u>19,481,566</u></u>	<u><u>477,215</u></u>

Moss Landing Harbor District
Statement of Cash Flows
July through December 2014

Jul - Dec 14

OPERATING ACTIVITIES

Net Income	188,057.66
Adjustments to reconcile Net Income	
to net cash provided by operations:	
1200 • Marina Receivables	-18,170.70
1201 • Marina - Allow for Bad Debt	8,500.00
11290 • Leases:1282 • NNN Receivable	14,638.06
1271 • Prepaid Expenses:1270 • Insurance	58,284.33
1271 • Prepaid Expenses:1280 • Other	-4,984.74
1800 • Less - Depreciation:1805 • Equipment	10,200.54
1800 • Less - Depreciation:1810 • NH Buildings & Improvements	129,496.98
1800 • Less - Depreciation:1820 • NH Floating Docks	6,018.48
1800 • Less - Depreciation:1825 • NH Offsite Improvements	14,691.48
1800 • Less - Depreciation:1830 • SH Buildings & Improvements	104,389.02
1800 • Less - Depreciation:1840 • SH Floating Docks	207,199.98
2010 • Accounts Payable	-73,906.93
2020 • Accrued Salaries Payable	-11,609.49
2023 • Accrued Payroll Taxes	-5,753.50
2030 • Customer Deposits	-14,047.19
2051 • Note Interest Payable:2060 • DBAW - Accrued Interest	-35,388.00
2051 • Note Interest Payable:2055 • CIEDB Accrued Interest	-50,536.33
2050 • Employee 457 Payable	758.66
2080 • Prepaid Berth Fees	9,998.50
2086 • Prepaid Leases:20861 • Duke	-29,653.89
2086 • Prepaid Leases:20862 • MBARI	-11,833.84
2087 • Lease Deposits	2,240.00
2051 • Note Interest Payable:2062 • Umpqua Accrued Interest	22,590.00
2051 • Note Interest Payable:2061 • Muni. Finance Interest Payable	-8,977.73
2072 • Current Portion:2071 • Muni. Finance Lease - CP	-32,618.00
2072 • Current Portion:2073 • Union Current Portion	-50,274.00
Net cash provided by Operating Activities	<u>429,309.35</u>

FINANCING ACTIVITIES

2072 • Current Portion:2070 • DBAW - Current Principal	-78,869.00
2072 • Current Portion:2075 • CIEDB Current Portion	-140,429.04
2076 • Municipal Finance Lease	-278,299.74
2603 • Union Bank NP	-390,814.51
2600 • CIEDB LOAN	-3,111,238.77
2601 • DBAW	-779,018.17
2605 • Umpqua Loan	4,755,901.00

Net cash provided by Financing Activities -22,768.23

Net cash increase for period 406,541.12

Cash at beginning of period 3,930,540.70

Cash at end of period 4,337,081.82

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

	<u>Jul - Dec 14</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
4000 · MARINA REVENUES				
4100 · Berthing Income				
4110 · Assigned Berthing	736,659	741,552	(4,893)	99%
4115 · Temporary Berthing	108,609	72,250	36,359	150%
4130 · Transient Berthing	31,178	23,246	7,932	134%
4112 · Qtrly/Annual Discount	(1,007)	(2,439)	1,432	41%
4113 · Commercial Vessel Dscnt	(7,627)	(7,500)	(127)	102%
4114 · Away (1 mnth) Dscnt	(1,314)	(1,200)	(114)	110%
4120 · Liveaboard Fees	51,367	49,998	1,369	103%
4260 · Towing - Intra Harbor	900	500	400	180%
4270 · Pumpouts	200	200	-	100%
4140 · Non Operable Surcharge	-	200	(200)	0%
4220 · Wait List	3,650	3,000	650	122%
4282 · Recovered Lien Costs	2,332	1,000	1,332	233%
4280 · Late Fees	14,097	15,000	(903)	94%
Total 4100 · Berthing Income	939,043	895,807	43,236	105%
4200 · Other Income - Operations				
4225 · Merchandise	254	400	(146)	64%
4285 · Dog Fee	765	864	(99)	89%
4230 · SH Parking	44,373	24,004	20,369	185%
4290 · Misc	1,706	636	1,070	268%
Total 4200 · Other Income - Operations	47,097	25,904	21,193	182%
4300 · Operating Grant Revenues	30,000	20,000	10,000	150%
Total 4000 · MARINA REVENUES	1,016,141	941,711	74,430	108%

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

	<u>Jul - Dec 14</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Expense				
5200 · General & Administrative				
5100 · Advertising	765	5,000	(4,235)	15%
5921 · Internet Billing Service	921	1,194	(273)	77%
5210 · Dues & Subscriptions	3,624	3,192	432	114%
5220 · Office Supplies				
5223 · Administration	2,132	3,148	(1,016)	68%
5225 · Operations	9,651	4,274	5,377	226%
Total 5220 · Office Supplies	<u>11,783</u>	<u>7,422</u>	<u>4,361</u>	<u>159%</u>
5230 · Postage & Equip Lease				
5232 · Meter Lease	360	738	(378)	49%
5235 · Postage	942	1,218	(276)	77%
Total 5230 · Postage & Equip Lease	<u>1,302</u>	<u>1,956</u>	<u>(654)</u>	<u>67%</u>
5240 · Copier Lease & Supplies				
5242 · Copier Lease	2,395	2,352	43	102%
5245 · Toner & Supplies	170			
Total 5240 · Copier Lease & Supplies	<u>2,565</u>	<u>2,352</u>	<u>213</u>	<u>109%</u>
5250 · Telephone & Communications				
5253 · Administration	4,530	5,628	(1,098)	80%
5255 · Operations	623	1,110	(487)	56%
Total 5250 · Telephone & Communications	<u>5,153</u>	<u>6,738</u>	<u>(1,585)</u>	<u>76%</u>
5260 · Professional Services				
5269 · Payroll Processing	1,426	1,500	(74)	95%
5263 · Audit fees	14,000	14,000	-	100%
5262 · Accounting	17,786	20,000	(2,214)	89%
5265 · Legal	26,081	30,000	(3,919)	87%
5268 · Computer Consulting	928	1,470	(542)	63%
Total 5260 · Professional Services	<u>60,221</u>	<u>66,970</u>	<u>(6,749)</u>	<u>90%</u>
5270 · Licenses & Permits	-	12	(12)	0%
5290 · Credit Card Fees	4,455	1,458	2,997	306%
Total 5200 · General & Administrative	<u>90,788</u>	<u>96,294</u>	<u>(5,506)</u>	<u>94%</u>
5300 · Personnel				
5310 · Salaries				
5313 · Administration	118,026	111,630	6,396	106%
5315 · Operations	75,129	77,490	(2,361)	97%
5318 · Maintenance	47,909	48,168	(259)	99%
Total 5310 · Salaries	<u>241,064</u>	<u>237,288</u>	<u>3,776</u>	<u>102%</u>

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

	<u>Jul - Dec 14</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
5330 · Payroll Taxes				
5333 · Administration	8,627	8,538	89	101%
5335 · Operations	6,832	5,658	1,174	121%
5338 · Maintenance	3,613	3,684	(71)	98%
Total 5330 · Payroll Taxes	<u>19,072</u>	<u>17,880</u>	<u>1,192</u>	<u>107%</u>
5340 · Employee Benefits				
5343 · Administration	34,941	35,802	(861)	98%
5345 · Operations	18,998	22,514	(3,516)	84%
5348 · Maintenance	23,748	28,230	(4,482)	84%
Total 5340 · Employee Benefits	<u>77,686</u>	<u>86,546</u>	<u>(8,860)</u>	<u>90%</u>
5350 · Workers Compensation				
5353 · Administration	1,500	1,290	210	116%
5355 · Operations	2,935	2,004	931	146%
5358 · Maintenance	3,335	6,672	(3,337)	50%
Total 5350 · Workers Compensation	<u>7,770</u>	<u>9,966</u>	<u>(2,196)</u>	<u>78%</u>
5360 · Education & Training				
5363 · Administration	574			
Total 5360 · Education & Training	<u>574</u>			
Total 5300 · Personnel	<u>346,166</u>	<u>351,680</u>	<u>(5,514)</u>	<u>98%</u>
5400 · Insurance				
5410 · Liability Insurance	57,227	57,540	(313)	99%
Total 5400 · Insurance	<u>57,227</u>	<u>57,540</u>	<u>(313)</u>	<u>99%</u>
5500 · Utilities				
5540 · Sewer	14,471	21,502	(7,031)	67%
5510 · Garbage	25,863	25,004	859	103%
5520 · Gas and Electric	95,000	87,502	7,498	109%
5530 · Water	14,498	15,502	(1,004)	94%
Total 5500 · Utilities	<u>149,832</u>	<u>149,510</u>	<u>322</u>	<u>100%</u>
5600 · Operating Supplies				
5610 · Vehicles	4,347	2,504	1,843	174%
5625 · Operations	7,622	10,000	(2,378)	76%
Total 5600 · Operating Supplies	<u>11,969</u>	<u>12,504</u>	<u>(535)</u>	<u>96%</u>
5700 · Depreciation	235,998	236,002	(4)	100%
5800 · Repairs & Maintenance				
5810 · Vehicles	218	445	(227)	49%

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

	<u>Jul - Dec 14</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
5830 • Equip Rental	1,771	15,966	(14,195)	11%
5850 • Repair Materials	22,068	33,583	(11,515)	66%
5860 • Outside Service Contracts	28,828	25,004	3,824	115%
5870 • Derelict Disposal	6,790	20,000	(13,211)	34%
Total 5800 • Repairs & Maintenance	<u>59,675</u>	<u>94,998</u>	<u>(35,323)</u>	<u>63%</u>
 5900 • Financial Expenses				
5928 • Loan Issuance Costs	73,463			
5920 • Bank Service Charges	2,272	462	1,810	492%
5990 • Bad Debt	8,500	16,580	(8,080)	51%
Total 5900 • Financial Expenses	<u>84,235</u>	<u>17,042</u>	<u>67,193</u>	<u>494%</u>
 Total • MARINA EXPENSES	<u>1,035,890</u>	<u>1,015,570</u>	<u>20,320</u>	<u>102%</u>
 Net Ordinary Income - Marina Operations	<u>(19,749)</u>	<u>(73,859)</u>	<u>54,110</u>	<u>27%</u>

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

	<u>Jul - Dec 14</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
4400 · LEASE AND OTHER INCOME				
4500 · Leases				
4501 · K-Pier Lease	7,901	7,902	(1)	100%
4502 · Cannery Building				
4512 · Suites 5 and 7	11,722	11,724	(2)	100%
4520 · Suite 9	3,865	3,864	1	100%
4504 · Suite 3	39,618	39,618	(0)	100%
4511 · Suite 1 & 10	8,061	8,058	3	100%
4515 · Suite 4	38,314	38,316	(2)	100%
4517 · Suite 2	14,327	14,328	(1)	100%
4523 · Canery NNN	15,939	15,000	939	106%
Total 4502 · Cannery Building	<u>131,846</u>	<u>130,908</u>	<u>938</u>	<u>101%</u>
4530 · RV Lot	14,688	14,688	0	100%
4535 · MBARI	11,834	12,036	(202)	98%
4541 · SH Spare Office	2,481	2,478	3	100%
4545 · Dynegy Outfall	29,654	30,642	(988)	97%
4560 · North Harbor				
4562 · Sea Harvest	22,892	17,326	5,566	132%
4568 · Monterey Bay Kayaks	23,845	13,278	10,567	180%
4572 · Pottery Planet	18,598	19,684	(1,088)	94%
Total 4560 · North Harbor	<u>65,333</u>	<u>50,288</u>	<u>15,045</u>	<u>130%</u>
Total 4500 · Leases	<u>263,737</u>	<u>248,942</u>	<u>14,795</u>	<u>106%</u>
4600 · District Property Taxes	142,344	50,000	92,344	285%
4700 · Other Revenues & Concessions				
4727 · Key Sales	659			
4125 · Amenity Fee	130,271	128,250	2,021	102%
4710 · Vending Activities				
4711 · Washer/Dryer	5,148	3,600	1,548	143%
Total 4710 · Vending Activities	<u>5,148</u>	<u>3,600</u>	<u>1,548</u>	<u>143%</u>
4720 · Dry Storage	23,014	19,500	3,514	118%
4725 · North Harbor Use Fee	31,112	45,000	(13,888)	69%
4726 · Annual Launch Fee (Sm. Water)	-	6,000	(6,000)	0%
4730 · NH Washdown	846	1,252	(406)	68%
4735 · Camp/RV	4,102	1,550	2,552	265%
4740 · Equipment Rental	803			
4751 · Permits	3,950	750	3,200	527%
4755 · Floating Docks	-			
4765 · Faxes, Copies & Postage	23	18	5	130%
Total 4700 · Other Revenues & Concessions	<u>199,928</u>	<u>205,920</u>	<u>(5,992)</u>	<u>97%</u>

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

	<u>Jul - Dec 14</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
4800 · Interest				
4846 · Umpqua Interest	924			
4843 · First Capital Bank	1,532	1,552	(20)	99%
4841 · Union Bank Interest	878	776	102	113%
4825 · Pinnacle Bank CDs	350	1,872	(1,522)	19%
Total 4800 · Interest	<u>3,684</u>	<u>4,200</u>	<u>(516)</u>	<u>88%</u>
Total 4400 · LEASE AND OTHER INCOME	<u>609,694</u>	<u>509,062</u>	<u>100,632</u>	<u>120%</u>
7000 · LEASE AND OTHER EXPENSES				
7100 · Interest Expense				
7134 · Umpqua Accrued Interest	22,590			
7132 · Municipal Finance	674	7,692	(7,018)	9%
7135 · Union Bank Interest	2,910	10,626	(7,716)	27%
7110 · DBAW Loans	6,365	19,304	(12,939)	33%
7130 · CIEDB	45,287	64,461	(19,174)	70%
Total 7100 · Interest Expense	<u>77,826</u>	<u>102,083</u>	<u>(24,257)</u>	<u>76%</u>
7200 · Other Financial Expenses				
7230 · LAFO Administrative Charges	5,303	4,781	522	111%
Total 7200 · Other Financial Expenses	<u>5,303</u>	<u>4,781</u>	<u>522</u>	<u>111%</u>
5700 · Depreciation	235,998	236,002	(4)	100%
7300 · Commissioner Expenses				
7310 · Election Costs	-	300,000	(300,000)	0%
7320 · Monthly Stipend	5,000	8,498	(3,498)	59%
7330 · Incurred Expenses	947	1,500	(553)	63%
Total 7300 · Commissioner Expenses	<u>5,947</u>	<u>309,998</u>	<u>(304,051)</u>	<u>2%</u>
Total 7000 · LEASE AND OTHER EXPENSES	<u>325,074</u>	<u>652,864</u>	<u>(327,790)</u>	<u>50%</u>
Net Ordinary Income - Lease & Other Operations	<u>284,619</u>	<u>(143,802)</u>	<u>428,421</u>	<u>-198%</u>
Net Ordinary Income - Combined Operations	<u>264,870</u>	<u>(217,661)</u>	<u>482,531</u>	<u>-122%</u>

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

	<u>Jul - Dec 14</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Other Income/Expense				
Other Expense				
9000 · CAPITAL PROJECT EXPENSES				
9054 · Sea Lion Deterrent Fencing	-	200,000	(200,000)	0%
9053 · Dock Maintenance	-	25,000	(25,000)	0%
9052 · NH Wharf Entrance Repair	-	100,000	(100,000)	0%
9051 · Sewer Lift Station	-	175,000	(175,000)	0%
5880 · Dredging	7,729	25,000	(17,271)	31%
9225 · Keyless Entry	-	6,000	(6,000)	0%
9305 · Piling Replacement Proj. - Dist	-	20,000	(20,000)	0%
9302 · Tsunami shoreline repairs	20,985	961,889	(940,904)	2%
9800 · Dock Replacement	4,500	300,000	(295,500)	2%
9750 · Office Computers	-	5,000	(5,000)	0%
9309 · New NH Restaurant	34,222	2,500,000	(2,465,778)	1%
9250 · Security Camera	-	7,500	(7,500)	0%
9565 · Miscellaneous Capital Projects	9,376	80,000	(70,624)	12%
9410 · NH Master Plan	-	20,000	(20,000)	0%
9450 · Restaurant Pad	-	250,000	(250,000)	0%
9125 · North Harbor Parking Lot LTG	-	10,000	(10,000)	0%
9470 · NH Visitor Dock	-	150,000	(150,000)	0%
Total 9000 · CAPITAL PROJECT EXPENSES	<u>76,812</u>	<u>4,835,389</u>	<u>(4,758,577)</u>	<u>2%</u>
Total Other Expense	<u>76,812</u>	<u>4,835,389</u>	<u>(4,758,577)</u>	<u>2%</u>
Net Other Income	<u>(76,812)</u>	<u>(4,835,389)</u>	<u>4,758,577</u>	<u>2%</u>
	<u>188,058</u>	<u>(5,053,050)</u>	<u>5,241,108</u>	<u>-4%</u>

Moss Landing Harbor District
Profit & Loss YTD Comparison
July through December 2014

	<u>Jul - Dec 14</u>	<u>Jul - Dec 13</u>	<u>\$ Change</u>	<u>% Change</u>
Ordinary Income/Expense				
Income				
4000 · MARINA REVENUES				
4100 · Berthing Income				
4110 · Assigned Berthing	736,859	708,752	27,907	4%
4115 · Temporary Berthing	108,609	62,928	45,681	73%
4130 · Transient Berthing	31,178	24,460	6,719	27%
4112 · Qtrly/Annual Discount	(1,007)	(3,269)	2,263	-69%
4113 · Commercial Vessel Dscnt	(7,627)	(7,141)	(487)	7%
4114 · Away (1 mnth) Dscnt	(1,314)	(811)	(503)	62%
4120 · Liveaboard Fees	51,367	45,040	6,327	14%
4260 · Towing - Intra Harbor	900	750	150	20%
4270 · Pumpouts	200	400	(200)	-50%
4220 · Wait List	3,650	3,860	(210)	-5%
4282 · Recovered Lien Costs	2,332	613	1,719	280%
4280 · Late Fees	14,097	13,107	990	8%
Total 4100 · Berthing Income	<u>939,043</u>	<u>848,688</u>	<u>90,355</u>	<u>11%</u>
4200 · Other Income - Operations				
4225 · Merchandise	254	332	(78)	-23%
4285 · Dog Fee	765	685	80	12%
4230 · SH Parking	44,373	23,871	20,501	86%
4290 · Misc	1,706	3,478	(1,772)	-51%
Total 4200 · Other Income - Operations	<u>47,097</u>	<u>28,366</u>	<u>18,731</u>	<u>66%</u>
4300 · Operating Grant Revenues	<u>30,000</u>	<u>-</u>	<u>30,000</u>	<u>100%</u>
Total 4000 · MARINA REVENUES	<u>1,016,141</u>	<u>877,055</u>	<u>139,086</u>	<u>16%</u>

Moss Landing Harbor District
Profit & Loss YTD Comparison
July through December 2014

	<u>Jul - Dec 14</u>	<u>Jul - Dec 13</u>	<u>\$ Change</u>	<u>% Change</u>
Expense				
5200 · General & Administrative				
5100 · Advertising	765	6,716	(5,951)	-89%
5921 · Internet Billing Service	921	743	177	24%
5210 · Dues & Subscriptions	3,624	1,806	1,818	101%
5220 · Office Supplies				
5223 · Administration	2,132	3,467	(1,335)	-38%
5225 · Operations	9,651	6,039	3,612	60%
Total 5220 · Office Supplies	11,783	9,506	2,277	24%
5230 · Postage & Equip Lease				
5232 · Meter Lease	360	911	(551)	-60%
5235 · Postage	942	1,000	(58)	-6%
Total 5230 · Postage & Equip Lease	1,302	1,911	(609)	-32%
5240 · Copier Lease & Supplies				
5242 · Copier Lease	2,395	1,564	832	53%
5245 · Toner & Supplies	170	-	170	100%
Total 5240 · Copier Lease & Supplies	2,565	1,564	1,001	64%
5250 · Telephone & Communications				
5253 · Administration	4,530	3,015	1,515	50%
5255 · Operations	623	817	(194)	-24%
Total 5250 · Telephone & Communications	5,153	3,832	1,321	34%
5260 · Professional Services				
5269 · Payroll Processing	1,426	1,194	231	19%
5263 · Audit fees	14,000	13,500	500	4%
5262 · Accounting	17,786	19,656	(1,870)	-10%
5265 · Legal	26,081	12,570	13,511	107%
5268 · Computer Consulting	928	935	(7)	-1%
Total 5260 · Professional Services	60,221	47,855	12,365	26%
5290 · Credit Card Fees	4,455	3,670	785	21%
Total 5200 · General & Administrative	90,788	77,602	13,186	17%
5300 · Personnel				
5310 · Salaries				
5313 · Administration	118,026	113,514	4,512	4%
5315 · Operations	75,129	80,947	(5,818)	-7%
5318 · Maintenance	47,909	49,115	(1,206)	-2%
Total 5310 · Salaries	241,064	243,576	(2,512)	-1%

Moss Landing Harbor District
Profit & Loss YTD Comparison
July through December 2014

	<u>Jul - Dec 14</u>	<u>Jul - Dec 13</u>	<u>\$ Change</u>	<u>% Change</u>
5330 · Payroll Taxes				
5333 · Administration	8,627	8,029	599	7%
5335 · Operations	6,832	10,189	(3,357)	-33%
5338 · Maintenance	3,613	3,856	(244)	-6%
Total 5330 · Payroll Taxes	<u>19,072</u>	<u>22,074</u>	<u>(3,003)</u>	<u>-14%</u>
5340 · Employee Benefits				
5342 · Vehicle Allowance	-	2,400	(2,400)	-100%
5343 · Administration	34,941	35,856	(915)	-3%
5345 · Operations	18,998	16,880	2,118	13%
5348 · Maintenance	23,748	24,057	(309)	-1%
Total 5340 · Employee Benefits	<u>77,686</u>	<u>79,192</u>	<u>(1,506)</u>	<u>-2%</u>
5350 · Workers Compensation				
5353 · Administration	1,500	1,800	(300)	-17%
5355 · Operations	2,935	4,167	(1,232)	-30%
5358 · Maintenance	3,335	4,035	(700)	-17%
Total 5350 · Workers Compensation	<u>7,770</u>	<u>10,002</u>	<u>(2,232)</u>	<u>-22%</u>
5360 · Education & Training				
5363 · Administration	574	417	157	38%
5365 · Operations	-	325	(325)	-100%
Total 5360 · Education & Training	<u>574</u>	<u>742</u>	<u>(168)</u>	<u>-23%</u>
5370 · Uniforms				
5375 · Operations	-	1,522	(1,522)	-100%
5378 · Maintenance	-	1,522	(1,522)	-100%
Total 5370 · Uniforms	<u>-</u>	<u>3,045</u>	<u>(3,045)</u>	<u>-100%</u>
Total 5300 · Personnel	346,166	358,631	(12,465)	-3%
5400 · Insurance				
5410 · Liability Insurance	57,227	55,153	2,074	4%
Total 5400 · Insurance	<u>57,227</u>	<u>55,153</u>	<u>2,074</u>	<u>4%</u>
5500 · Utilities				
5540 · Sewer	14,471	18,784	(4,314)	-23%
5510 · Garbage	25,863	23,938	1,925	8%
5520 · Gas and Electric	95,000	56,000	39,000	70%
5530 · Water	14,498	15,936	(1,438)	-9%
Total 5500 · Utilities	<u>149,832</u>	<u>114,658</u>	<u>35,174</u>	<u>31%</u>

Moss Landing Harbor District
Profit & Loss YTD Comparison
 July through December 2014

	<u>Jul - Dec 14</u>	<u>Jul - Dec 13</u>	<u>\$ Change</u>	<u>% Change</u>
5600 • Operating Supplies				
5610 • Vehicles	4,347	2,191	2,156	98%
5625 • Operations	7,622	6,776	845	12%
Total 5600 • Operating Supplies	<u>11,969</u>	<u>8,967</u>	<u>3,001</u>	<u>33%</u>
5700 • Depreciation	235,998	234,938	1,060	0%
5800 • Repairs & Maintenance				
5810 • Vehicles	218	612	(394)	-64%
5830 • Equip Rental	1,771	1,610	161	10%
5850 • Repair Materials	22,068	34,104	(12,036)	-35%
5860 • Outside Service Contracts	28,828	18,202	10,626	58%
5870 • Derelict Disposal	6,790	13,322	(6,533)	-49%
Total 5800 • Repairs & Maintenance	<u>59,675</u>	<u>67,851</u>	<u>(8,176)</u>	<u>-12%</u>
5900 • Financial Expenses				
5928 • Loan Issuance Costs	73,463	-	73,463	100%
5920 • Bank Service Charges	2,272	538	1,734	323%
5990 • Bad Debt	8,500	12,750	(4,250)	-33%
Total 5900 • Financial Expenses	<u>84,235</u>	<u>13,288</u>	<u>70,947</u>	<u>534%</u>
Total • MARINA EXPENSES	<u>1,035,890</u>	<u>931,088</u>	<u>104,802</u>	<u>11%</u>
Net Ordinary Income - Marina Operations	<u>(19,749)</u>	<u>(54,033)</u>	<u>34,284</u>	<u>-63%</u>

Moss Landing Harbor District
Profit & Loss YTD Comparison
July through December 2014

	<u>Jul - Dec 14</u>	<u>Jul - Dec 13</u>	<u>\$ Change</u>	<u>% Change</u>
4400 · LEASE AND OTHER INCOME				
4500 · Leases				
4501 · K-Pier Lease	7,901	7,728	173	2%
4502 · Cannery Building				
4512 · Suites 5 and 7	11,722	29,553	(17,830)	-60%
4520 · Suite 9	3,865	3,780	85	2%
4504 · Suite 3	39,618	45,208	(5,590)	-12%
4511 · Suite 1 & 10	8,061	7,884	177	2%
4515 · Suite 4	38,314	37,475	839	2%
4517 · Suite 2	14,327	14,013	314	2%
4523 · Canery NNN	15,939	1,116	14,823	1328%
Total 4502 · Cannery Building	<u>131,846</u>	<u>139,028</u>	<u>(7,182)</u>	<u>-5%</u>
4530 · RV Lot	14,688	14,367	322	2%
4535 · MBARI	11,834	11,790	44	0%
4541 · SH Spare Office	2,481	2,427	54	2%
4545 · Dynegy Outfall	29,654	29,326	328	1%
4560 · North Harbor				
4562 · Sea Harvest	22,892	19,507	3,385	17%
4568 · Monterey Bay Kayaks	23,845	18,226	5,619	31%
4572 · Pottery Planet	18,596	17,528	1,068	6%
Total 4560 · North Harbor	<u>65,333</u>	<u>55,261</u>	<u>10,072</u>	<u>18%</u>
Total 4500 · Leases	<u>263,737</u>	<u>259,926</u>	<u>3,810</u>	<u>1%</u>
4600 · District Property Taxes	142,344	146,791	(4,447)	-3%
4700 · Other Revenues & Concessions				
4727 · Key Sales	659	-	659	100%
4125 · Amenity Fee	130,271	125,854	4,417	4%
4710 · Vending Activities				
4711 · Washer/Dryer	5,148	3,192	1,956	61%
Total 4710 · Vending Activities	<u>5,148</u>	<u>3,192</u>	<u>1,956</u>	<u>61%</u>
4720 · Dry Storage	23,014	22,820	194	1%
4725 · North Harbor Use Fee	31,112	19,125	11,988	63%
4730 · NH Washdown	846	1,001	(155)	-16%
4735 · Camp/RV	4,102	1,882	2,220	118%
4740 · Equipment Rental	803	7	796	11371%
4751 · Permits	3,950	2,407	1,543	64%
4755 · Floating Docks	-	52	(52)	-100%
4765 · Faxes, Copies & Postage	23	22	1	6%
Total 4700 · Other Revenues & Concessions	<u>199,928</u>	<u>176,362</u>	<u>23,566</u>	<u>13%</u>

Moss Landing Harbor District
Profit & Loss YTD Comparison
 July through December 2014

	<u>Jul - Dec 14</u>	<u>Jul - Dec 13</u>	<u>\$ Change</u>	<u>% Change</u>
4800 · Interest				
4846 · Umpqua Interest	924	-	924	100%
4843 · First Capital Bank	1,532	1,563	(31)	-2%
4841 · Union Bank Interest	878	5,318	(4,440)	-83%
4825 · Pinnacle Bank CDs	350	1,891	(1,541)	-81%
Total 4800 · Interest	<u>3,684</u>	<u>8,771</u>	<u>(5,087)</u>	<u>-58%</u>
Total 4400 · LEASE AND OTHER INCOME	<u>609,694</u>	<u>591,851</u>	<u>17,843</u>	<u>3%</u>
7000 · LEASE AND OTHER EXPENSES				
7100 · Interest Expense				
7134 · Umpqua Accrued Interest	22,590	-	22,590	100%
7132 · Municipal Finance	674	9,488	(8,814)	-93%
7135 · Union Bank Interest	2,910	12,614	(9,705)	-77%
7110 · DBAW Loans	6,365	21,000	(14,635)	-70%
7130 · CIEDB	45,287	71,000	(25,713)	-36%
Total 7100 · Interest Expense	<u>77,826</u>	<u>114,103</u>	<u>(36,277)</u>	<u>-32%</u>
7200 · Other Financial Expenses				
7230 · LAFO Administrative Charges	5,303	4,677	626	13%
Total 7200 · Other Financial Expenses	<u>5,303</u>	<u>4,677</u>	<u>626</u>	<u>13%</u>
5700 · Depreciation	<u>235,998</u>	<u>234,938</u>	<u>1,060</u>	<u>0%</u>
7300 · Commissioner Expenses				
7320 · Monthly Stipend	5,000	4,500	500	11%
7330 · Incurred Expenses	947	720	227	32%
Total 7300 · Commissioner Expenses	<u>5,947</u>	<u>5,220</u>	<u>727</u>	<u>14%</u>
Total 7000 · LEASE AND OTHER EXPENSES	<u>325,074</u>	<u>358,938</u>	<u>(33,863)</u>	<u>-9%</u>
Net Ordinary Income	<u>284,619</u>	<u>232,913</u>	<u>51,706</u>	<u>22%</u>
Net Ordinary Income	<u>264,870</u>	<u>178,880</u>	<u>85,990</u>	<u>48%</u>

Moss Landing Harbor District
Profit & Loss YTD Comparison
 July through December 2014

	<u>Jul - Dec 14</u>	<u>Jul - Dec 13</u>	<u>\$ Change</u>	<u>% Change</u>
Other Income/Expense				
Other Expense				
9000 - CAPITAL PROJECT EXPENSES				
5880 - Dredging	7,729	1,000	6,729	673%
9225 - Keyless Entry	-	3,299	(3,299)	-100%
9302 - Tsunami shoreline repairs	20,985	-	20,985	100%
9800 - Dock Replacement	4,500	-	4,500	100%
9750 - Office Computers	-	7,889	(7,889)	-100%
9309 - New NH Restaurant	34,222	9,807	24,416	249%
9250 - Security Camera	-	7,669	(7,669)	-100%
9565 - Miscellaneous Capital Projects	9,376	7,297	2,079	28%
Total 9000 - CAPITAL PROJECT EXPENSES	<u>76,812</u>	<u>36,961</u>	<u>39,852</u>	<u>108%</u>
Total Other Expense	<u>76,812</u>	<u>36,961</u>	<u>39,852</u>	<u>108%</u>
Net Other Income	<u>(76,812)</u>	<u>(36,961)</u>	<u>(39,852)</u>	<u>108%</u>
	<u><u>188,058</u></u>	<u><u>141,919</u></u>	<u><u>46,138</u></u>	<u><u>33%</u></u>

**Moss Landing Harbor District
A/P Aging Summary**

	As of December 31, 2014					
	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL
Airgas	139.19	0.00	0.00	0.00	0.00	139.19
AT&T	62.25	0.00	0.00	0.00	0.00	62.25
Big Creek Lumber	243.31	0.00	0.00	0.00	0.00	243.31
CAHM & PC	0.00	-300.00	0.00	0.00	0.00	-300.00
California Special Districts Association	0.00	0.00	-5,288.00	0.00	0.00	-5,288.00
CalPERS	0.00	-6,535.60	0.00	0.00	0.00	-6,535.60
Carmel Marina Corporation	2,100.17	0.00	0.00	0.00	0.00	2,100.17
Castroville "ACE" Hardware	0.00	88.97	0.00	0.00	0.00	88.97
Cintas	502.07	0.00	0.00	0.00	0.00	502.07
David Brown	0.00	0.00	0.00	125.00	0.00	125.00
GHX Industrial Inc.	0.00	423.45	0.00	0.00	0.00	423.45
Hodges Consulting Services	928.16	0.00	0.00	0.00	0.00	928.16
Jarvis, Fay, Doperto & Gibson, LLP	2,156.67	0.00	0.00	0.00	0.00	2,156.67
John Harder	1,000.00	0.00	0.00	0.00	0.00	1,000.00
Jonah Mulski	600.00	0.00	0.00	0.00	0.00	600.00
Linda G. McIntyre	0.00	-400.00	0.00	0.00	0.00	-400.00
Marc J. Del Plero	750.00	0.00	0.00	0.00	0.00	750.00
Mathew Bender & Co., Inc.	74.26	0.00	0.00	0.00	0.00	74.26
Monterey Regional Waste Management Dist.	46.40	0.00	0.00	0.00	0.00	46.40
Pajaro Valley Lock Shop	0.00	238.60	0.00	0.00	0.00	238.60
Pajaro/Sunny Mesa C.S.D.	1,938.54	0.00	0.00	0.00	0.00	1,938.54
PG&E	0.00	-15,000.00	0.00	0.00	0.00	-15,000.00
Port Supply	45.09	0.00	0.00	0.00	0.00	45.09
Principal Financial	0.00	-752.54	0.00	0.00	-604.50	-1,357.04
Rabobank	741.46	0.00	0.00	0.00	0.00	741.46
SDRMA	0.00	-4,661.00	0.00	0.00	0.00	-4,661.00
Sea Engineering, Inc.	0.00	4,650.00	0.00	0.00	0.00	4,650.00
Social Vocational Services, Inc.	929.50	-929.50	0.00	0.00	0.00	0.00
U.S. Bank	2,251.16	0.00	0.00	0.00	0.00	2,251.16
U.S. Bank Equipment Finance	0.00	299.68	0.00	0.00	0.00	299.68
Unisource Worldwide, Inc.	0.00	709.26	0.00	0.00	0.00	709.26
Valero Marketing and Supply Company	67.15	0.00	0.00	0.00	0.00	67.15
VALIC	5,257.99	0.00	0.00	0.00	0.00	5,257.99
Verizon Wireless	215.05	0.00	0.00	0.00	0.00	215.05
Vision Service Plan	0.00	-164.99	0.00	0.00	0.00	-164.99
Wald, Ruhnke & Dost Architects, LP	2,380.00	0.00	0.00	0.00	0.00	2,380.00
Wendy L. Cumming, CPA	2,126.25	0.00	0.00	0.00	0.00	2,126.25
TOTAL	24,554.67	-22,333.67	-5,288.00	125.00	-604.50	-3,546.50

Moss Landing Harbor District Warrant Listing

As of December 31, 2014					
Type	Date	Num	Name	Amount	
1009 - Unton - Operating					
Bill Pmt -Check	11/03/2014	15344	AT&T	-62.28	
Bill Pmt -Check	11/03/2014	15345	Bryant Jolley	-14,000.00	
Bill Pmt -Check	11/03/2014	15346	Byte Technology	-165.00	
Bill Pmt -Check	11/03/2014	15347	Carmel Marina Corporation	-2,413.13	
Bill Pmt -Check	11/03/2014	15348	Fernando Ruelas	-500.00	
Bill Pmt -Check	11/03/2014	15349	Ferrante, Vincent	-400.00	
Bill Pmt -Check	11/03/2014	15350	Gideon, Yohn	-100.00	
Bill Pmt -Check	11/03/2014	15351	Global Equipment Company	-350.87	
Bill Pmt -Check	11/03/2014	15352	Gomes, Jr., Frank	-100.00	
Bill Pmt -Check	11/03/2014	15353	Henderson Marine Supply	-1,276.71	
Bill Pmt -Check	11/03/2014	15354	Jeffries, Russell	-500.00	
Bill Pmt -Check	11/03/2014	15355	John Lanthier	-525.00	
Bill Pmt -Check	11/03/2014	15356	Mid Valley Supply	-223.60	
Bill Pmt -Check	11/03/2014	15357	Pajaro Valley Lock Shop	-400.00	
Bill Pmt -Check	11/03/2014	15358	Perry Olsen	-590.00	
Bill Pmt -Check	11/03/2014	15359	Pitney Bowes	-120.00	
Bill Pmt -Check	11/03/2014	15360	Port Supply	-153.70	
Bill Pmt -Check	11/03/2014	15361	Scotts Valley Sprinkler	-362.36	
Bill Pmt -Check	11/03/2014	15362	Tony Leonardini	-600.00	
Bill Pmt -Check	11/03/2014	15363	U.S. Bank	-781.63	
Bill Pmt -Check	11/03/2014	15364	United Site Services of Calif., Inc.	-210.74	
Bill Pmt -Check	11/03/2014	15365	Wald, Ruhnke & Dost Architects, LP	-7,126.36	
Bill Pmt -Check	11/03/2014	15366	Wendy L. Cumming, CPA	-3,577.50	
Bill Pmt -Check	11/12/2014	15367	AT&T	-124.67	
Bill Pmt -Check	11/12/2014	15368	CalPERS	-6,535.60	
Bill Pmt -Check	11/12/2014	15369	Cintas	-596.20	
Bill Pmt -Check	11/12/2014	15370	Employment Development Dept.	-701.00	
Bill Pmt -Check	11/12/2014	15371	Green Line	-685.00	
Bill Pmt -Check	11/12/2014	15372	Janet Nicholson	-566.00	
Bill Pmt -Check	11/12/2014	15373	Mid Valley Supply	-346.92	
Bill Pmt -Check	11/12/2014	15374	Pajaro/Sunny Mesa C.S.D.	-1,763.40	
Bill Pmt -Check	11/12/2014	15375	Perry Olsen	-402.45	
Bill Pmt -Check	11/12/2014	15376	PG&E	-15,000.00	
Bill Pmt -Check	11/12/2014	15377	Principal Financial	-752.54	
Bill Pmt -Check	11/12/2014	15378	Rabobank	-741.46	
Bill Pmt -Check	11/12/2014	15379	Redshift	-136.85	
Bill Pmt -Check	11/12/2014	15380	Sea Engineering, Inc.	-8,372.00	
Bill Pmt -Check	11/12/2014	15381	SVS Client Contract Billing	-929.50	
Bill Pmt -Check	11/12/2014	15382	VALIC	-5,167.90	
Bill Pmt -Check	11/12/2014	15383	Verizon Wireless	-212.76	
Bill Pmt -Check	11/12/2014	15384	Vision Service Plan	-164.99	
Bill Pmt -Check	11/12/2014	15385	AT&T	-454.12	
Bill Pmt -Check	11/21/2014	15386	Airgas	-70.64	
Bill Pmt -Check	11/21/2014	15387	Big Bear Bottled Water	-298.40	

Moss Landing Harbor District Warrant Listing

Type	Date	Num	Name	Amount
Bill Pmt -Check	11/21/2014	15388	Blue Tarp Financial, Inc.	-159.99
Bill Pmt -Check	11/21/2014	15389	California Special Districts Association	-5,288.00
Bill Pmt -Check	11/21/2014	15390	Carmel Marina Corporation	-1,993.24
Bill Pmt -Check	11/21/2014	15391	Eddie Fu	-383.00
Bill Pmt -Check	11/21/2014	15392	Haro, Kasunich and Assoc. Inc.	-760.00
Bill Pmt -Check	11/21/2014	15393	Home Depot	-879.60
Bill Pmt -Check	11/21/2014	15394	James Benson	-453.70
Bill Pmt -Check	11/21/2014	15395	Jarvis, Fay, Doport & Gibson, LLP	-2,480.00
Bill Pmt -Check	11/21/2014	15396	Linda G. McIntyre	-400.00
Bill Pmt -Check	11/21/2014	15397	Mid Valley Supply	-353.44
Bill Pmt -Check	11/21/2014	15398	Pitney Bowes	-120.00
Bill Pmt -Check	11/21/2014	15399	Sunrise Express	-43.33
Bill Pmt -Check	11/21/2014	15400	U.S. Bank - Office Equipment Finance Svc	-260.59
Bill Pmt -Check	11/21/2014	15401	United Site Services of Calif., Inc.	-210.74
Bill Pmt -Check	11/21/2014	15402	Valero Marketing and Supply Company	-145.49
Bill Pmt -Check	11/21/2014	15403	Wald, Ruhnke & Dost Architects, LP	-2,141.10
Bill Pmt -Check	11/21/2014	15404	WASH	-202.08
Bill Pmt -Check	11/21/2014	15405	Weiss Maritime Law Firm	-2,152.50
Bill Pmt -Check	12/09/2014	15406	AT&T	-62.25
Bill Pmt -Check	12/09/2014	15407	Auto Care Towing	-450.00
Bill Pmt -Check	12/09/2014	15408	Byte Technology	-75.00
Bill Pmt -Check	12/09/2014	15409	CalPERS	-6,535.60
Bill Pmt -Check	12/09/2014	15410	Carmel Marina Corporation	-3,996.65
Bill Pmt -Check	12/09/2014	15411	Cintas	-513.17
Bill Pmt -Check	12/09/2014	15412	DAvid Toriumi	-222.00
Bill Pmt -Check	12/09/2014	15413	Doctors on Duty	-230.00
Bill Pmt -Check	12/09/2014	15414	Jerry DeAmicis	-525.00
Bill Pmt -Check	12/09/2014	15415	Kris Timmons	-713.45
Bill Pmt -Check	12/09/2014	15416	MBS Business Systems	-264.76
Bill Pmt -Check	12/09/2014	15417	Michael Connor	-500.00
Bill Pmt -Check	12/09/2014	15418	MRWPCA	-5,512.29
Bill Pmt -Check	12/09/2014	15419	Pajaro Valley Lock Shop	-308.86
Bill Pmt -Check	12/09/2014	15420	Pajaro/Sunny Mesa C.S.D.	-2,122.02
Bill Pmt -Check	12/09/2014	15421	PG&E	-15,000.00
Bill Pmt -Check	12/09/2014	15422	Principal Financial	-752.54
Bill Pmt -Check	12/09/2014	15423	Rabobank	-1,146.70
Bill Pmt -Check	12/09/2014	15424	Rachel Perpignani	-500.00
Bill Pmt -Check	12/09/2014	15425	Redshift	-136.85
Bill Pmt -Check	12/09/2014	15426	Reserve Account	-300.00
Bill Pmt -Check	12/09/2014	15427	SDRMA	-4,661.00
Bill Pmt -Check	12/09/2014	15428	Social Vocational Services, Inc.	-929.50
Bill Pmt -Check	12/09/2014	15429	Sunrise Express	-43.33
Bill Pmt -Check	12/09/2014	15430	Tom's Septic Construction	-416.00
Bill Pmt -Check	12/09/2014	15431	Tynan	-290.00
Bill Pmt -Check	12/09/2014	15432	U.S. Bank	-629.65

Moss Landing Harbor District

Warrant Listing

As of December 31, 2014

Type	Date	Num	Name	Amount
Bill Pmt -Check	12/09/2014	15433	U.S. Bank - Office Equipment Finance Svc	-260.59
Bill Pmt -Check	12/09/2014	15434	Valero Marketing and Supply Company	-422.90
Bill Pmt -Check	12/09/2014	15435	VALIC	-7,886.98
Bill Pmt -Check	12/09/2014	15436	Verizon Wireless	-212.76
Bill Pmt -Check	12/09/2014	15437	Vision Service Plan	-164.99
Bill Pmt -Check	12/09/2014	15438	WASH	-202.08
Bill Pmt -Check	12/09/2014	15439	Wendy L. Cumming, CPA	-2,565.00
Check	12/12/2014	1108	State Water Resources Control Brd	-3,704.00
Bill Pmt -Check	12/23/2014	15440	Airgas	-139.19
Bill Pmt -Check	12/23/2014	15441	AT&T	-124.65
Bill Pmt -Check	12/23/2014	15442	Bayside Oil, Inc.	-2,103.75
Bill Pmt -Check	12/23/2014	15443	Big Bear Bottled Water	-65.45
Bill Pmt -Check	12/23/2014	15444	Byte Technology	-75.00
Bill Pmt -Check	12/23/2014	15445	CAHM & PC	-300.00
Bill Pmt -Check	12/23/2014	15446	David Brown	-1,752.00
Bill Pmt -Check	12/23/2014	15447	Don Moore	-355.00
Bill Pmt -Check	12/23/2014	15448	Ferrante, Vincent	-600.00
Bill Pmt -Check	12/23/2014	15449	Freedom Tune Up	-84.50
Bill Pmt -Check	12/23/2014	15450	Gerard Welle	-842.05
Bill Pmt -Check	12/23/2014	15451	Gideon, Yohn	-100.00
Bill Pmt -Check	12/23/2014	15452	Gomes, Jr., Frank	-300.00
Bill Pmt -Check	12/23/2014	15453	Home Depot	-824.35
Bill Pmt -Check	12/23/2014	15454	Jarvis, Fay, Doport & Gibson, LLP	-900.00
Bill Pmt -Check	12/23/2014	15455	Jeffries, Russell	-300.00
Bill Pmt -Check	12/23/2014	15456	Linda G. McIntyre	-400.00
Bill Pmt -Check	12/23/2014	15457	MBS Business Systems	-264.76
Bill Pmt -Check	12/23/2014	15458	Michael Dolan	-35.00
Bill Pmt -Check	12/23/2014	15459	Port Supply	-367.61
Bill Pmt -Check	12/23/2014	15460	Sea Engineering, Inc.	-966.00
Bill Pmt -Check	12/23/2014	15461	Soil Control Lab	-774.00
Bill Pmt -Check	12/23/2014	15462	The State Bar of California	-430.00
Bill Pmt -Check	12/23/2014	15463	Tony Leonardini	-300.00
Bill Pmt -Check	12/23/2014	15464	United Site Services of Calif., Inc.	-210.74
Bill Pmt -Check	12/23/2014	15465	Wald, Ruhnke & Dost Architects, LP	-1,669.68
Bill Pmt -Check	12/23/2014	15466	AT&T	-452.83
Check	12/30/2014	1109	Hare Construction	-3,381.00
Total 1009 - Union - Operating				-177,361.56
TOTAL				-177,361.56



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

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EXECUTIVE
GENERAL MANAGER
HARBORMASTER
Linda G. McIntyre, Esq.

STAFF REPORT

ITEM NUMBER 19 – CONSIDER RFP FOR ENVIRONMENTAL CONSULTANT FOR PEOPLE'S DESAL PROJECT BOARD MEETING OF JANUARY 28, 2015

At the September 24, 2014 meeting of the Board of Harbor Commissioners approved the terms of an Amendment to an Agreement between MLHD (District), Nader Agha and the Moss Landing Commercial Park (Proponent) agreeing, among other things, that District will assume the status of Lead Agency for purposes of oversight of the preparation of the appropriate review document for the People's Desal Project in accordance with the California Environmental Quality Act ("CEQA").

In carrying out its responsibilities as Lead Agency, the agreement states that District shall maintain complete autonomy, including the right to use, reject or request the submission of materials from Proponent, *the right to retain consultants of its own choice*, and the right to adhere to its own timeline in the performance of its duties, subject only to those requirements set forth in relevant provisions of the Public Resources Code and/or the CEQA Guidelines. The Agreement further states that all of District's rights as referenced therein shall be construed in accordance with District's legal obligation, as Lead Agency, to exercise its independent judgment over the environmental analysis of the Project.

In furtherance of carrying out the above responsibilities, attached for the Board's consideration and approval (TO BE DISTRIBUTED BEFORE THE MEETING) is a Request for Proposals (RFP) for an environmental consultant to commence duties as stated in the Agreement.

Staff recommends that the Board discuss any modifications they may recommend, hear from the Project Proponent's representatives and once the Board is satisfied with the RFP, authorize the General Manager to publish the RFP

SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947



BOARD OF COMMISSIONERS

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Yohn Gideon
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EXECUTIVE
GENERAL MANAGER
HARBORMASTER
Linda G. McIntyre, Esq.

STAFF REPORT

ITEM NUMBER 20 – BIOMINERAL HOLDINGS, LLC LEASE AMENDMENT BOARD MEETING OF JANUARY 28, 2015

Brent Constantz, CEO of Biomineral Holdings, LLC (Lessee) is leasing a portion of the second floor in the Santa Cruz Cannery Building located at 7532 Sandholdt Road for general office use under a lease that was first executed on April 1, 2011. The lease was renewed each year by exercising the one-year option. The current lease term expired on January 1, 2015 and Mr. Constantz has exercised his one-year option to renew but has requested that this last option period be extended from one year to two years.

Attached is an amendment of the lease modifying the option provisions. All other terms and conditions of the lease will remain the same.

Biomineral Holdings LLC is well established in Moss Landing and their business is compatible and beneficial to Moss Landing Harbor District customers. They have been good tenants and have taken care to maintain their leased space in good condition. As their business grows and expands, staff is pleased that they are committed to staying on in Moss Landing as tenants of the District.

Staff recommends that the Board approve the request and authorize the General Manager to execute a standard lease amendment (Exhibit A attached) subject to review and approval by District Counsel.

SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947

DRAFT LEASE AMENDMENT

This Lease Amendment, hereinafter referred to as "Amendment" is made and entered into at Monterey County, California this 28th day of January, 2015 for reference purposes only, by and between MOSS LANDING HARBOR DISTRICT, a Political Subdivision of the State of California, hereinafter referred to as "Lessor" and BIOMINERAL HOLDINGS, LLC, hereinafter referred to as "Lessee".

Recitals

A. Lessor and Lessee entered into a certain Lease Agreement ("Lease") dated April 1, 2011, with a term of ONE year.

B. Lessee requested that the term of the Lease be modified from a ONE-year term with a FIVE-year option to renew to a ONE-year term with a ONE-year option to renew. At its March 28, 2012 Regular Board Meeting, Lessor's Board of Harbor Commissioners approved the additional term as requested and directed that the Lease be amended to reflect this change.

C. In January of 2013, Lessee requested that the lease be terminated and a new lease agreement reducing the size of the leased space be entered into. The new lease was for a period of one year with an option to renew for an additional one year period and was approved by the Board of Harbor Commissioners at the January 16, 2013 Special Board Meeting and became effective January 1, 2013.

C. Lessee now requests that the option to renew term of the current Lease be increased from an option to renew for a ONE-year term to an option to renew for a TWO-year term effective with the renewal date of January 1, 2015.

NOW THEREFORE THE PARTIES hereto agree as follows:

1. Paragraph 6 of the Lease is hereby amended to state "Lessee shall have ONE option to extend the term of the lease for a period of TWO (2) years with the exercise of the option beginning the day after the expiration of the initial term.....".

2. Except as specifically set forth herein, the terms, covenants, limitations, provisions, restrictions, agreements, rights, remedies, and conditions contained in the Lease Agreement are incorporated herein and made a part hereof and shall remain in full force and effect and be binding upon the parties.

Executed this 28th day of January, 2015 in Monterey County, California.

Lessor, Moss Landing Harbor District

Lessee, Biomineral Holdings, LLC

By: _____
Linda G. McIntyre, General Manager

By: _____



BOARD OF COMMISSIONERS

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**EXECUTIVE
GENERAL MANAGER
HARBORMASTER**
Linda G. McIntyre, Esq.

STAFF REPORT

**ITEM NUMBER 21 - AMENDING RESOLUTION 14-14 CSUMB's PURCHASE OF THE NATIONAL STEINBECK CENTER (NSC), WAIVING UNANTICIPATED REVENUE & AGREEMENT TO RECEIVE PAYMENT OF SUCH REVENUE DIRECTLY FROM NSC
BOARD MEETING OF January 28, 2015**

In October of 2014, the General Manager was contacted by the Executive Director of the National Steinbeck Center (NSC) regarding Cal State University Monterey Bay (CSUMB's) offer to purchase NSC with a lease back option. The proposal involved the waiver of building-related debt in the form of revenues in the amount of \$981.00 payable to the District through property taxes collected by the County and instead, authorized the revenue to be paid to the District directly by NSC with funds from the sale. The Board wholly supported the project and adopted Resolution 14-14 at the October 22, 2014 meeting authorizing this action.

Last fall NSC delivered their proposal to the State Department of Finance. Despite the unanimous show of community support for forgiving this debt by the 13 affected taxing agencies, including the Harbor District, the State Department of Finance denied the request on the grounds that it did not want to create a precedent. On January 21 the General Manager was again contacted by Ms. Bailey who informed her that in order for the debt to be forgiven, a further step will be required in the form of a revised resolution from the 13 taxing agencies authorizing a pass-through of the taxes by the Monterey County Auditor-Controller.

In this scenario, NSC would pay the debt out of the proceeds of the sale of the building, temporarily using limited reserve funds to continue operating. Once the state collects the money owed to the former Redevelopment Agency and sends it to the County, the County Auditor-Controller would direct those funds back to NSC rather than to the 13 taxing agencies. This was consistent with the intent of the resolutions passed by the 13 taxing agencies, including the Harbor District. The Monterey County Auditor-Controller, after verifying with the County Counsel, stated that he would indeed be able and willing to pass through the funds if the 13 taxing agencies adopted amended resolutions supporting it.

Ms. Bailey has expressed that the timing of this matter is urgent for the successful completion of the sale to CSUMB, and that their hope is to gain new approvals from each of the 13 taxing agencies by the end of the month, if possible. Staff recommends the Board adopt Resolution 15-02 and direct the General Manager to execute any documents necessary to effectuate the intent to waive the tax otherwise payable to the Harbor District from the proceeds of the sale subject to review and approval of District Counsel.

SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947

RESOLUTION 15-02

A RESOLUTION OF THE MOSS LANDING HARBOR DISTRICT AMENDING RESOLUTION 14-14 IN SUPPORT OF ESTABLISHING A CALIFORNIA STATE UNIVERSITY OF MONTEREY BAY CAMPUS AT THE STEINBECK CENTER IN DOWNTOWN SALINAS AND THE PROCESS FOR WHICH THE STEINBECK RDA RELATED DEBT IS TO BE FORGIVEN

WHEREAS, the City of Salinas had previously adopted the Salinas Central City Redevelopment Project Area ("Project Area") and had charged the Salinas Redevelopment Agency ("Salinas RDA") with its implementation; and

WHEREAS, the Moss Landing Harbor District ("District") is considered an "affected taxing entity" under the Community Redevelopment Law (Health and Safety Code sections 33000, et seq.), with regard to the Project Area; and

WHEREAS, the Salinas RDA used tax increment funding as part of its efforts to develop the National Steinbeck Center; and

WHEREAS the Salinas RDA and the National Steinbeck Center, a California non-profit public benefit corporation ("NSC"), entered into a Loan Agreement, dated as of June 15, 2010 ("Loan Agreement"), regarding a \$484,715.65 loan to NSC by the Salinas RDA ("Loan") to fund debt service payments on the bonds sold for the construction of the National Steinbeck Center building that the NSC was unable to make in 2009 and 2010; and

WHEREAS, effective June 29, 2011, the Community Redevelopment Law was significantly amended by the Dissolution Act (ABX 1 26), which had the effect of dissolving redevelopment agencies and requiring that assets and debts of redevelopment agencies be liquidated and funds transferred to "affected taxing agencies;" and

WHEREAS, on December 29, 2011, the California Supreme Court delivered its decision in *California Redevelopment Association v. Matosantos*, finding the Dissolution Act largely constitutional; and

WHEREAS, under the Dissolution Act and the California Supreme Court's decision in *California Redevelopment Association v. Matosantos*, all California redevelopment agencies, including the Salinas RDA, were dissolved on February 1, 2012, and Successor Agencies were designated and vested with the responsibilities of winding down the business and fiscal affairs of the former redevelopment agencies; and

WHEREAS, on January 10, 2012, the City Council ("City Council") of the City of Salinas ("City") adopted Resolution No. 20142 accepting for the City the role of Successor Agency to the Salinas RDA ("Salinas Successor Agency"); and

WHEREAS, the Salinas Oversight Board ("Oversight Board") for the Salinas Successor Agency has been duly constituted pursuant to the Dissolution Act, with seven representatives of those agencies that receive property tax dollars from the properties within the former Salinas Redevelopment Project Areas, including two members representing County interests; and

WHEREAS, application of Section 34181 of the Health and Safety Code, as amended by the Dissolution Act, requires that the Oversight Board shall direct the Salinas Successor Agency to determine if any agreement between the Salinas RDA and private parties should be renegotiated to reduce liabilities, and to present a proposed termination agreement or amended agreement to the Oversight Board for approval; and

WHEREAS, the Successor Agency requested the Oversight Board's policy direction on NSC's request to terminate or amend the Loan; and

WHEREAS, the Oversight Board considered the documentary and testimonial evidence presented by the NSB at the public hearing on June 18, 2014 and unanimously approved resolution 2014-35, thereby approving the termination of the Loan Agreement, and on June 19, 2014, submitted said Resolution to the State Department of Finance ("DOF"); and

WHEREAS, on August 27, 2014, in a conference call with the DOF, it was argued that the "best interests" of most taxing entities is to contribute the long-term sustainability of the NSC, forgive the loan and assist the NSC to partner with the University Corporation at Monterey Bay to buy the Steinbeck Center; and at that point, the DOF suggested, among other things, that the NSC receive a resolution from each taxing entity agreeing that forgiveness of the loan is in the best interest of the taxing entities; and

WHEREAS, the District would have an opportunity to receive unanticipated property tax pass-through payment of approximately \$981.00 of a portion of property taxes assessed against properties within the Project Area, including the National Steinbeck Center; and

WHEREAS, the District has been requested by the Successor Agency of the City of Salinas to make a determination that forgiveness of the County's share of un-anticipated tax revenue is in the "best interests" of the NSC, the Downtown Vibrancy Plan and educational interests of California State University, Monterey Bay (CSUMB); and

WHEREAS, on October 22, 2014, the District, as an affected taxing entity, held a public meeting to, among other things, consider the public benefit and public purpose of the NSC and a new campus of the CSUMB in Downtown Salinas.

NOW THEREFORE, BE IT RESOLVED, that the District, as an "affected taxing entity" and recipient of property tax revenues from the Monterey County Auditor-Controller's Office from properties located within the Salinas Redevelopment-Central City Project Area, hereby finds, resolves, and determines as follows:

SECTION 1. The foregoing recitals are true and correct, and, together with the staff report and attachments, and information provided by the Salinas Successor Agency and the NSC, form the basis for the approvals, findings, resolutions, and determinations set forth below.

SECTION 2. The NSC is a valuable public, community and regional asset which provides both economic and educational benefits for all of the taxing agencies.

SECTION 3. The location of a downtown Salinas campus for CSUMB is a benefit to both the local community and the County as a whole, in that expansion of the CSU will allow more residents to increase their education, potential earning capabilities and income.

SECTION 4. The public purposes and public benefits of retaining the NSC, and having a new campus location for the CSUMB at the NSB outweighs the receipt of unanticipated revenue from the Monterey County Auditor-Controller's office, estimated to be \$981.00, and the costs to the County of enforcement of the Loan support a request to terminate or amend the Loan Agreement in a manner that forgives such unanticipated revenue from the Monterey County Auditor-Controller's office, in the best interests of the taxing entities.

SECTION 5. The District requests that the Salinas Oversight Board reconvene on the matter of the NSC Loan Agreement, and use this Resolution as evidence of the District's support for the termination of the Loan Agreement to the State Department of Finance.

SECTION 6. This Resolution shall take effect immediately.

PASSED AND ADOPTED this 28TH day of January, 2015 at a regular meeting of the Moss Landing Harbor District Board of Commissioners by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Russ Jeffries, President
Board of Harbor Commissioners

ATTEST:

Linda G. McIntyre, Deputy Secretary
Board of Harbor Commissioners



BOARD OF COMMISSIONERS

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

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EXECUTIVE
GENERAL MANAGER
HARBORMASTER
Linda G. McIntyre, Esq.

STAFF REPORT

ITEM NUMBER 22 – AMENDMENT TO LEGAL SERVICES AGREEMENT BOARD MEETING OF JANUARY 28, 2015

The current contract for legal services between the District and Jarvis, Fay, Doporto & Gibson establishes a flat rate of \$200 per hour for all types of services. The flat rate approach has served both the District and Jarvis Fay well over the last few years. However, with the advent of significant work related to private development within the District, the establishment of a rate to be applied to such private work is both appropriate and necessary.

Jarvis Fay typically has a “cost-recovery” rate in place for all of its public entity clients for use when in-house counsel is required to perform work on projects being pursued by third-party developers. This rate is charged directly to the developers, and is not paid by the public entity client. In essence, without such a pass-through rate, developers can use the District’s counsel to perform legal services, at District expense, at a discounted rate established for public entities.

The cost recovery rate is established based on average attorney rates charged by attorneys for similar work. At Jarvis Fay, the rate ranges from \$265 to \$385 per hour. Counsel has recommended a cost recovery rate of \$300 per hour, which is below the rate that many attorneys are charging to their private clients for development work. The proposed change will not impact the regular rate for legal services charged to the District, and will only be charged when the District has a reimbursement agreement with a third party developer. The proposed new rate would become effective immediately with the January 2015 invoices.

Staff recommends the Board adopt Resolution 15-03 amending the legal services agreement with Jarvis Fay Doporto and Gibson and direct the General Manager to execute any additional documents required to do so.

SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947

RESOLUTION NO. 15-03
A RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS
OF THE MOSS LANDING HARBOR DISTRICT
APPROVING AN AMENDMENT TO ITS LEGAL SERVICES AGREEMENT
WITH JARVIS, FAY, DOPORTO & GIBSON, LLP
ESTABLISHING A COST RECOVERY RATE

* * * * *

WHEREAS, the Moss Landing Harbor District has had a service agreement for legal services with the law firm of Jarvis, Fay, Doporto & Gibson LLP since 2011, and

WHEREAS, under the terms of the Service Agreement, compensation for all legal services are charged at the rate of \$200 per hour; and

WHEREAS, the advent of private development within the District requiring District legal services necessitates the establishment of a "cost-recovery" rate that more accurately approximates the hourly rate charged by legal counsel for private developers; and

WHEREAS, the new cost recovery rate, set at \$300 per hour, will only apply to development work for which a reimbursement agreement with a Developer is in place, and will not impact the rate charged for other District services; and

WHEREAS, the new cost recovery rate will take effect immediately beginning with invoices for January 2015.

NOW THEREFORE, BE IT RESOLVED THAT the Board of Harbor Commissioners of the Moss Landing Harbor District hereby approves an amendment to Section 2 of the "Legal Services Agreement between the Moss Landing Harbor District and Jarvis, Fay, Doporto & Gibson by the addition of the following sentence: "Cost recovery work will be billed out by partners, associates and of counsel attorneys at \$300 per hour." With the exception of this amendment, all other terms and conditions of the aforesaid agreement shall remain unchanged.

CERTIFICATION

Resolution 15-03 was duly adopted by the Board of Harbor Commissioners of the Moss Landing Harbor District at a regular meeting of the Board held on the 28th day of January, 2015 a quorum present and acting throughout, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Russ Jeffries, President
Board of Harbor Commissioners

Linda G. McIntyre, Deputy Secretary
Board of Harbor Commissioners