



**AGENDA  
SPECIAL MEETING  
OF THE BOARD OF HARBOR COMMISSIONERS  
MOSS LANDING HARBOR DISTRICT  
7881 Sandholdt Road, Moss Landing, CA 95039**

**December 7, 2022 – 3:00 P.M.**

Moss Landing Harbor District is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/85347141146?pwd=alcvV1k2L0hnTzV3WUNkdG90Uks0dz09>

Meeting ID: 853 4714 1146

Passcode: 924000

One tap mobile

+16694449171,,85347141146#,,,,\*924000# US

+16699006833,,85347141146#,,,,\*924000# US (San Jose)

Meeting ID: 853 4714 1146

Passcode: 924000

**A. CLOSED SESSION**

---

A Closed Session will be held immediately prior to the public open meeting, and will begin at **2:30 p.m.** to consider the following items. The public open meeting will begin at **3:00 p.m., or as soon thereafter as the Closed Session is concluded**, and any action taken during the Closed Session will be reported out at that time.

1. Confer with real property negotiators (District Counsel and GM) pursuant to Government Code §54956.8 regarding: Development proposal received regarding the District new 9500'sf building in North Harbor.

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

---

**Roll Call**

Russ Jeffries – President

Tony Leonardini – Vice President

Vince Ferrante – Secretary

James Goulart - Commissioner

Liz Soto – Commissioner

Tommy Razzeca – General Manager

Mike Rodriguez – District Counsel

Shay Shaw – Administrative 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. CONSENT CALENDAR**

---

1. Approval of October 26, 2022 Meeting Minutes

**F. SPECIAL PRESENTATIONS**

---

2. Ryan Jolly, CPA will present the District's Audited Financial Statement for the fiscal year ending June 30, 2022.

## **G. FINANCIAL REPORT**

---

3. Financial report month ending October 31, 2022

## **H. MANAGER'S REPORTS**

---

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

4. Projects Status/Update
5. Summary of Permits Issued
6. Meeting Announcements
7. Assigned Liveboard Report
8. Slip Income Report
9. Incident Report

## **I. COMMITTEE REPORTS**

---

10. Finance Committee – Ferrante/Leonardini
11. Elkhorn Slough Advisory Committee – Leonardini
12. Special Districts – Jeffries/Ferrante
13. Liveboard Committee – Goulart/Soto
14. Harbor Improvement Committee – Goulart/Soto
15. Real Property Committee I – Jeffries/Leonardini
16. Real Property Committee II – Ferrante/Goulart
17. Personnel Committee- Ferrante/Jeffries
18. Ad Hoc Budget Committee – Goulart/Soto
19. 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**

---

20. ITEM – Consider Accepting Report Regarding New Law Adding to Existing Brown Act Provisions for Remote Participation via Teleconferencing.
  - 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. ADJOURNMENT**

---

The next Meeting of the Board of Harbor Commissioners is scheduled January 25, 2022 at the Moss Landing Harbor District, 7881 Sandholdt Road, Moss Landing, CA. Individuals requiring special accommodations should contact Administrative Assistant, Shay Shaw at [Shaw@mosslandingharbor.dst.ca.us](mailto:Shaw@mosslandingharbor.dst.ca.us) or at 831.633.2461 no less than 72 hours prior to the meeting or if a Special Meeting, as soon as possible after the Agenda is posted. Copies of the agenda will be available 72 hours prior to Regular Meetings and 24 hours prior to Special Meetings and/or by contacting the District at 831.633.5417 or [Razzeca@mosslandingharbor.dst.ca.us](mailto:Razzeca@mosslandingharbor.dst.ca.us) or on the District's website at [www.mosslandingharbor.dst.ca.us](http://www.mosslandingharbor.dst.ca.us). All meetings are noticed and conducted in accordance with the Ralph M. Brown Act.



MINUTES  
REGULAR MEETING  
OF THE BOARD OF HARBOR COMMISSIONERS  
MOSS LANDING HARBOR DISTRICT  
7881 Sandholdt Road, Moss Landing, CA 95039

October 26, 2022

Moss Landing Harbor District is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/88100098243>

Meeting ID: 881 0009 8243

One tap mobile

+16699006833,,88100098243# US (San Jose)

+16694449171,,88100098243# US

Dial by your location

+1 669 900 6833 US (San Jose)

+1 669 444 9171 US

+1 719 359 4580 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 564 217 2000 US

+1 646 931 3860 US

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 360 209 5623 US

+1 386 347 5053 US

Meeting ID: 881 0009 8243

Find your local number: <https://us02web.zoom.us/u/ktj2ZX1cL>

## A. CLOSED SESSION

---

A closed session was held immediately prior to the public open meeting to consider the following items:

1. Confer with real property negotiators (District Counsel and GM) pursuant to Government Code §54956.8 regarding: Development proposal received regarding the District's new 9500'sf building in North Harbor.

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

---

The open session was called to order at 7:02 pm, after the Pledge of Allegiance Roll was called:

**Commissioners Present:**

Russ Jeffries – President

Tony Leonardini – Vice President

Vince Ferrante – Secretary

James Goulart - Commissioner

Liz Soto – Commissioner

**Staff Present:**

Tommy Razzeca – General Manager

Mike Rodriguez – District Counsel

Shay Shaw – Administrative Assistant

## C. PRESIDENT'S REMARKS

---

President Russ Jeffries acknowledged the passing of our former General Manager Linda G. McIntyre and asked for a moment of silence in her honor.

## D. PUBLIC COMMENTS

---

Alex Solano and Elizabeth Del Sol expressed concerns regarding repairs needed at Kirby Park. The Board and GM explained that that a tsunami in January 2022 caused damage at Kirby Park and that several permits are required before repairs can be completed, the District is in the planning and permitting phase. The Board and GM also addressed concern regarding the Monterey County road leading to Kirby Park that is in need of repair pointing out that the road is not District property and suggested that concerns regarding its status be directed to County of Monterey.

## E. CONSENT CALENDAR

---

1. Approval of September 28, 2022 Meeting Minutes. A motion was made by Commissioner Goulart, seconded by Commissioner Ferrante, to approve the September, 2022 Regular Meeting Minutes. The motion passed unanimously on a roll-call vote.

## F. FINANCIAL REPORT

---

2. Financial report month ending September 30, 2022. A motion was made by Commissioner Soto, seconded by Commissioner Leonardini to accept the financial report. The motion passed unanimously on a roll-call vote.

## G. MANAGER'S REPORTS

---

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

3. Projects Status/Update – written report/no questions
4. Summary of Permits Issued – written report/no questions
5. Meeting Announcements – written report/no questions
6. Assigned Liveboard Report – written report/no questions
7. Slip Income Report – written report/no questions
8. Incident Report – written report/no questions

## H. COMMITTEE REPORTS

---

9. Finance Committee – Ferrante/Leonardini -- nothing to report
10. Elkhorn Slough Advisory Committee – Leonardini-- nothing to report
11. Special Districts – Jeffries/Ferrante -- nothing to report nothing to report
12. Liveboard Committee – Goulart/Soto -- nothing to report
13. Harbor Improvement Committee – Goulart/Soto -- nothing to report
14. Real Property Committee I – Jeffries/Leonardini -- nothing to report
15. Real Property Committee II – Ferrante/Goulart -- nothing to report
16. Personnel Committee- Ferrante/Jeffries -- nothing to report
17. Ad Hoc Budget Committee – Goulart/Soto -- nothing to report
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.

## I. NEW BUSINESS

---

19. ITEM – Consider Resolution 22-14 Canceling the November and December Regularly Scheduled Meetings of the Board and Fixing a Combined Meeting Date.
  - a. Staff report – GM Razzeca gave the report
  - b. Public comment - None
  - c. Board discussion – The board agreed on a combined meeting date.

d. Board action – A motion was made by Commissioner Ferrante, seconded by Commissioner Soto to adopt Resolution 22-14 canceling the November and December regularly scheduled meetings of the Board and fixing a combined meeting date. The motion passed unanimously on a roll-call vote.

20. ITEM – Consider and Provide Direction on Recommendations of the Monterey County Civil Grand Jury.

- a. Staff report – GM Razzeca gave the report
- b. Public comment - None
- c. Board discussion – the Board discussed each recommendation providing direction for each to the General Manager.
- d. Board action – A general consensus of the Board was provided regarding each item. The Board was not in agreement with recommendations #1, #2, and #3. The Board was in agreement with recommendation #4. The Real Property Committee 2 will review and report back to the Board regarding recommendation #7.

**J. COMMISSIONERS COMMENTS AND CONCERNS**

---

The Board agreed to send a donation in the amount of \$250.00 to the SPCA in honor of our late General Manager Linda G. McIntyre she was an avid animal lover. Commissioner Leonardini asked if a letter had been drafted about the battery fire. GM Razzeca replied yes the letter has been completed and will sent out.

**K. ADJOURNMENT**

---

The meeting adjourned at pm 8:32 pm

Respectfully submitted,

---

Vince Ferrante, Secretary  
Board of Harbor Commissioners

ATTEST:

---

Tommy Razzeca, Deputy Secretary  
Board of Harbor Commissioners

**Moss Landing Harbor District**  
**Balance Sheet**  
As of October 31, 2022

	<u>Oct 31, 22</u>	<u>Oct 31, 21</u>	<u>\$ Change</u>	<u>% Change</u>
<b>ASSETS</b>				
<b>Current Assets</b>				
<b>Checking/Savings</b>				
1002 · Petty Cash	500	500		
1022 · 1st Capital Trust Account	3,549,773	250,012	3,299,761	1,320%
1001 · 1st Capital Operating Account	3,712,227	144,527	3,567,700	2,469%
1009 · Union - Operating		2,231,526	-2,231,526	-100%
1015 · 1st Capital Bank	1,893,207	1,558,368	334,839	21%
1018 · Union Bank- Trust Account		2,807,900	-2,807,900	-100%
1020 · Umpqua - Restricted	1,017,170	1,017,068	102	
<b>Total Checking/Savings</b>	<u>10,172,877</u>	<u>8,009,901</u>	<u>2,162,976</u>	<u>27%</u>
<b>Accounts Receivable</b>				
1250 · Lease Receivable	4,511,282		4,511,282	100%
<b>1120 · Leases</b>				
1282 · NNN Receivable	91,932	86,892	5,040	6%
1284 · Local Bounty	2,067		2,067	100%
1291 · Monterey Bay Kayak % Rent	-1,786		-1,786	-100%
1294 · Monterey Fish		-7,825	7,825	100%
1120 · Leases - Other	2,155		2,155	100%
<b>Total 1120 · Leases</b>	<u>94,368</u>	<u>79,067</u>	<u>15,301</u>	<u>19%</u>
1200 · Marina Receivables	131,681	177,951	-46,270	-26%
1201 · Marina - Allow for Bad Debt	-34,375	-32,901	-1,474	-4%
<b>Total Accounts Receivable</b>	<u>4,702,956</u>	<u>224,117</u>	<u>4,478,839</u>	<u>1,998%</u>
<b>Other Current Assets</b>				
<b>1271 · Prepaid Expenses</b>				
1270 · Insurance	144,157	124,256	19,901	16%
<b>Total 1271 · Prepaid Expenses</b>	<u>144,157</u>	<u>124,256</u>	<u>19,901</u>	<u>16%</u>
<b>Total Other Current Assets</b>	<u>144,157</u>	<u>124,256</u>	<u>19,901</u>	<u>16%</u>
<b>Total Current Assets</b>	<u>15,019,990</u>	<u>8,358,274</u>	<u>6,661,716</u>	<u>80%</u>
<b>Fixed Assets</b>				
1650 · Construction in Progress	4,900,572	4,883,321	17,251	0%
1670 · Equipment	546,875	501,453	45,422	9%
<b>1700 · Improvements</b>				
1710 · NH Buildings & Improvements	7,009,773	6,981,692	28,081	0%
1720 · NH Floating Docks	524,675	524,675		
1725 · NH Offsite Improvements	632,218	632,218		
1730 · SH Buildings & Improvements	8,368,184	8,174,124	194,060	2%
1740 · SH Floating Docks	9,583,746	9,583,746		
<b>Total 1700 · Improvements</b>	<u>26,118,596</u>	<u>25,896,455</u>	<u>222,141</u>	<u>1%</u>

## Moss Landing Harbor District

### Balance Sheet

As of October 31, 2022

	Oct 31, 22	Oct 31, 21	\$ Change	% Change
<b>1800 · Less - Depreciation</b>				
1805 · Equipment	-462,679	-443,748	-18,931	-4%
1810 · NH Buildings & Improvements	-3,986,259	-3,718,234	-268,025	-7%
1820 · NH Floating Docks	-524,674	-528,686	4,012	1%
1825 · NH Offsite Improvements	-532,074	-517,079	-14,995	-3%
1830 · SH Buildings & Improvements	-6,412,441	-6,338,069	-74,372	-1%
1840 · SH Floating Docks	-7,290,958	-6,916,835	-374,123	-5%
<b>Total 1800 · Less - Depreciation</b>	<b>-19,209,085</b>	<b>-18,462,651</b>	<b>-746,434</b>	<b>-4%</b>
1900 · Land	1,642,860	1,642,860		
<b>Total Fixed Assets</b>	<b>13,999,818</b>	<b>14,461,438</b>	<b>-461,620</b>	<b>-3%</b>
<b>Other Assets</b>				
1320 · Workers Comp Deposit	200	200		
1530 · Principal Financial CS	7,389	7,389		
<b>Total Other Assets</b>	<b>7,589</b>	<b>7,589</b>		
<b>TOTAL ASSETS</b>	<b>29,027,397</b>	<b>22,827,301</b>	<b>6,200,096</b>	<b>27%</b>

## Moss Landing Harbor District

### Balance Sheet

As of October 31, 2022

	<u>Oct 31, 22</u>	<u>Oct 31, 21</u>	<u>\$ Change</u>	<u>% Change</u>
<b>LIABILITIES &amp; EQUITY</b>				
<b>Liabilities</b>				
<b>Current Liabilities</b>				
<b>Accounts Payable</b>				
2010 · Accounts Payable	51,116	-18,994	70,110	369%
<b>Total Accounts Payable</b>	<u>51,116</u>	<u>-18,994</u>	<u>70,110</u>	<u>369%</u>
<b>Other Current Liabilities</b>				
2020 · Accrued Salaries Payable	9,811	14,988	-5,177	-35%
2021 · Accrued Vacation	35,386	39,621	-4,235	-11%
2023 · Accrued Payroll Taxes	3,958	1,148	2,810	245%
2030 · Customer Deposits	360,220	352,797	7,423	2%
2051 · Note Interest Payable				
2062 · Umpqua Accrued Interest	13,961	16,186	-2,225	-14%
<b>Total 2051 · Note Interest Payable</b>	<u>13,961</u>	<u>16,186</u>	<u>-2,225</u>	<u>-14%</u>
2080 · Prepaid Berth Fees	182,288	205,440	-23,152	-11%
2011 · Lusamerica Reimb. Acct.	15,000	15,000		
2082 · MLCP Cost Reimb. Deposit		73,761	-73,761	-100%
2086 · Prepaid Leases				
20861 · Vistra		28,654	-28,654	-100%
20862 · MBARI		14,573	-14,573	-100%
<b>Total 2086 · Prepaid Leases</b>		<u>43,227</u>	<u>-43,227</u>	<u>-100%</u>
2087 · Lease Deposits	19,625	19,501	124	1%
<b>Total Other Current Liabilities</b>	<u>640,249</u>	<u>781,669</u>	<u>-141,420</u>	<u>-18%</u>
<b>Total Current Liabilities</b>	<u>691,365</u>	<u>762,675</u>	<u>-71,310</u>	<u>-9%</u>
<b>Long Term Liabilities</b>				
2200 · Deferred RTU Lease Revenue	4,550,685		4,550,685	100%
2605 · Umpqua Loan	1,857,376	2,163,880	-306,504	-14%
<b>Total Long Term Liabilities</b>	<u>6,408,061</u>	<u>2,163,880</u>	<u>4,244,181</u>	<u>196%</u>
<b>Total Liabilities</b>	<u>7,099,426</u>	<u>2,926,555</u>	<u>4,172,871</u>	<u>143%</u>
<b>Equity</b>				
3020 · Retained Net Assets	6,456,231	6,456,231		
3050 · Prior Year Earnings	14,904,941	13,143,069	1,761,872	13%
Net Income	566,800	301,450	265,350	88%
<b>Total Equity</b>	<u>21,927,972</u>	<u>19,900,750</u>	<u>2,027,222</u>	<u>10%</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>29,027,398</u></u>	<u><u>22,827,305</u></u>	<u><u>6,200,093</u></u>	<u><u>27%</u></u>



**Moss Landing Harbor District**  
**Statement of Cash Flows**  
July through October 2022

	<u>Jul - Oct 22</u>
<b>OPERATING ACTIVITIES</b>	
Net Income	566,800
Adjustments to reconcile Net Income to net cash provided by operations:	
1120 · Leases	-1,058
1120 · Leases:1291 · Monterey Bay Kayak % Rent	24,009
1200 · Marina Receivables	-20,054
1201 · Marina - Allow for Bad Debt	8,875
1250 · Lease Receivable	102,948
1120 · Leases:1282 · NNN Receivable	14,327
1120 · Leases:1284 · Local Bounty	1,234
1271 · Prepaid Expenses:1270 · Insurance	-144,157
1800 · Less - Depreciation:1805 · Equipment	6,400
1800 · Less - Depreciation:1810 · NH Buildings & Improvements	141,600
1800 · Less - Depreciation:1825 · NH Offsite Improvements	6,000
1800 · Less - Depreciation:1830 · SH Buildings & Improvements	36,000
1800 · Less - Depreciation:1840 · SH Floating Docks	128,000
2010 · Accounts Payable	266,205
2020 · Accrued Salaries Payable	-7,222
2023 · Accrued Payroll Taxes	2,655
2030 · Customer Deposits	891
2080 · Prepaid Berth Fees	-56,962
2013 · Accrued Expenses	-12,000
2051 · Note Interest Payable:2062 · Umpqua Accrued Interest	-11,735
Net cash provided by Operating Activities	<u>1,052,756</u>
<b>INVESTING ACTIVITIES</b>	
1670 · Equipment	-45,423
1700 · Improvements:1730 · SH Buildings & Improvements	-42,569
Net cash provided by Investing Activities	<u>-87,992</u>
<b>FINANCING ACTIVITIES</b>	
2200 · Deferred RTU Lease Revenue	-167,799
2605 · Umpqua Loan	-306,504
Net cash provided by Financing Activities	<u>-474,303</u>
Net cash increase for period	490,461
Cash at beginning of period	9,682,419
Cash at end of period	<u><u>10,172,880</u></u>

**Moss Landing Harbor District**  
**Profit & Loss Budget vs. Actual**  
 July through October 2022

Ordinary Income/Expense	Jul - Oct 22	Budget	\$ Over Budget	% of Budget
<b>Income</b>				
<b>4000 · MARINA REVENUES</b>				
<b>4100 · Berthing Income</b>				
4110 · Assigned Berthing	622,563	625,084	-2,521	100%
4112 · Qtrly/Annual Discount	-1,018	-70	-948	1,454%
4113 · Commercial Vessel Dscnt	-4,056	-4,250	194	95%
4114 · Away (1 mnth) Dscnt	-212	-30	-182	707%
4115 · Temporary Berthing	83,313	84,063	-750	99%
4120 · Liveaboard Fees	47,010	46,781	229	100%
4130 · Transient Berthing	5,625	10,000	-4,375	56%
4220 · Wait List	1,500	2,500	-1,000	60%
4260 · Towing - Intra Harbor		200	-200	
4270 · Pumpouts	200		200	100%
4280 · Late Fees	11,940	12,297	-357	97%
<b>Total 4100 · Berthing Income</b>	<b>766,865</b>	<b>776,575</b>	<b>-9,710</b>	<b>99%</b>
<b>4200 · Other Income - Operations</b>				
<b>4225 · Merchandise</b>				
4230 · SH Parking	54,967	57,000	-2,033	96%
4285 · Dog Fee	355	400	-45	89%
4290 · Misc	1,137	600	537	190%
<b>Total 4200 · Other Income - Operations</b>	<b>56,459</b>	<b>58,000</b>	<b>-1,541</b>	<b>97%</b>
<b>Total 4000 · MARINA REVENUES</b>	<b>823,324</b>	<b>834,575</b>	<b>-11,251</b>	<b>99%</b>

**Moss Landing Harbor District**  
**Profit & Loss Budget vs. Actual**  
July through October 2022

Expense	Jul - Oct 22	Budget	\$ Over Budget	% of Budget
<b>5200 · General &amp; Administrative</b>				
5100 · Advertising	300	2,167	-1,867	14%
5210 · Dues & Subscriptions	3,109	3,512	-403	89%
<b>5220 · Office Supplies</b>				
5223 · Administration	2,657	2,476	181	107%
5225 · Operations	3,960	3,840	120	103%
<b>Total 5220 · Office Supplies</b>	6,617	6,316	301	105%
<b>5230 · Postage &amp; Equip Lease</b>				
5232 · Meter Lease	151	380	-229	40%
5235 · Postage	32	548	-516	6%
<b>Total 5230 · Postage &amp; Equip Lease</b>	183	928	-745	20%
<b>5240 · Copier Lease &amp; Supplies</b>				
5242 · Copier Lease	1,822	1,448	374	126%
<b>Total 5240 · Copier Lease &amp; Supplies</b>	1,822	1,448	374	126%
<b>5250 · Telephone &amp; Communications</b>				
5253 · Administration	5,722	5,972	-250	96%
5255 · Operations	1,505	324	1,181	465%
<b>Total 5250 · Telephone &amp; Communications</b>	7,227	6,296	931	115%
<b>5260 · Professional Services</b>				
5262 · Accounting	13,943	16,900	-2,957	83%
5265 · Legal	13,120	33,333	-20,213	39%
5268 · Computer Consulting	4,510	648	3,862	696%
5269 · Payroll Processing	1,457	1,756	-299	83%
<b>Total 5260 · Professional Services</b>	33,030	52,637	-19,607	63%
5290 · Credit Card Fees	1,248	3,380	-2,132	37%
5921 · Internet Billing Service	614	720	-106	85%
<b>Total 5200 · General &amp; Administrative</b>	54,150	77,404	-23,254	70%
<b>5300 · Personnel</b>				
<b>5310 · Salaries</b>				
5313 · Administration	85,121	88,420	-3,299	96%
5315 · Operations	67,177	72,529	-5,352	93%
5318 · Maintenance	52,455	80,030	-27,575	66%
<b>Total 5310 · Salaries</b>	204,753	240,979	-36,226	85%
<b>5330 · Payroll Taxes</b>				
5333 · Administration	6,512	7,073	-561	92%
5335 · Operations	5,139	5,802	-663	89%
5338 · Maintenance	4,013	6,402	-2,389	63%
<b>Total 5330 · Payroll Taxes</b>	15,664	19,277	-3,613	81%
<b>5340 · Employee Benefits</b>				
5342 · Vehicle Allowance				
5343 · Administration	21,256	15,422	5,834	138%
5345 · Operations	265		265	
5348 · Maintenance	22,458	26,037	-3,579	86%
<b>Total 5340 · Employee Benefits</b>	43,979	41,459	2,520	106%

**Moss Landing Harbor District**  
**Profit & Loss Budget vs. Actual**  
 July through October 2022

	<u>Jul - Oct 22</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>5350 · Workers Compensation</b>				
5353 · Administration	536	345	191	155%
5355 · Operations	3,684	4,320	-636	85%
5358 · Maintenance	3,004	3,426	-422	88%
<b>Total 5350 · Workers Compensation</b>	<u>7,224</u>	<u>8,091</u>	<u>-867</u>	<u>89%</u>
<b>5360 · Education &amp; Training</b>				
5363 · Administration		500	-500	
5365 · Operations		500	-500	
<b>Total 5360 · Education &amp; Training</b>		<u>1,000</u>	<u>-1,000</u>	
<b>Total 5300 · Personnel</b>	<u>271,620</u>	<u>310,806</u>	<u>-39,186</u>	<u>87%</u>
<b>5400 · Insurance</b>				
5410 · Liability Insurance	57,117	60,000	-2,883	95%
<b>Total 5400 · Insurance</b>	<u>57,117</u>	<u>60,000</u>	<u>-2,883</u>	<u>95%</u>
<b>5500 · Utilities</b>				
5510 · Garbage	49,945	40,000	9,945	125%
5520 · Gas and Electric	108,000	120,000	-12,000	90%
5530 · Water	15,510	15,000	510	103%
5540 · Sewer	18,138	16,667	1,471	109%
<b>Total 5500 · Utilities</b>	<u>191,593</u>	<u>191,667</u>	<u>-74</u>	<u>100%</u>
<b>5600 · Operating Supplies</b>				
5610 · Vehicles	4,374	5,483	-1,109	80%
5625 · Operations	8,060	7,583	477	106%
<b>Total 5600 · Operating Supplies</b>	<u>12,434</u>	<u>13,066</u>	<u>-632</u>	<u>95%</u>
<b>5700 · Depreciation</b>	159,000	159,000		100%
<b>5800 · Repairs &amp; Maintenance</b>				
5810 · Vehicles	1,091	504	587	216%
5830 · Equip Rental	845	2,496	-1,651	34%
5850 · Repair Materials	13,141	23,668	-10,527	56%
5860 · Outside Service Contracts	17,269	26,667	-9,398	65%
5870 · Derelict Disposal	21,494	20,000	1,494	107%
<b>Total 5800 · Repairs &amp; Maintenance</b>	<u>53,840</u>	<u>73,335</u>	<u>-19,495</u>	<u>73%</u>
<b>5900 · Financial Expenses</b>				
5920 · Bank Service Charges				
5990 · Bad Debt	8,875	10,000	-1,125	89%
<b>Total 5900 · Financial Expenses</b>	<u>8,875</u>	<u>10,000</u>	<u>-1,125</u>	<u>89%</u>
<b>Total · MARINA EXPENSES</b>	<u>808,629</u>	<u>895,278</u>	<u>-86,649</u>	<u>90%</u>
<b>Net Ordinary Income - Marina Operations</b>	<u>14,695</u>	<u>-60,703</u>	<u>75,398</u>	<u>-24%</u>

**Moss Landing Harbor District**  
**Profit & Loss Budget vs. Actual**  
 July through October 2022

	<u>Jul - Oct 22</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>4400 · LEASE AND OTHER INCOME</b>				
<b>4050 · Trust Lands Lease Revenue</b>				
4051 · Vistra	26,051	26,051		100%
4053 · MBARI	11,196	11,197	-1	100%
<b>Total 4050 · Trust Lands Lease Revenue</b>	<u>37,247</u>	<u>37,248</u>	<u>-1</u>	<u>100%</u>
<b>4500 · Leases</b>				
4501 · K-Pier Lease	4,032	10,319	-6,287	39%
<b>4502 · Cannery Building</b>				
4517 · Suite 2	12,329	12,329		100%
4504 · Suite 3	34,093	34,093		100%
4511 · Suite 1 & 10	6,601	6,954	-353	95%
4515 · Suite 4	32,972	32,972		100%
4518 · Suite 5	10,736	9,525	1,211	113%
4510 · Suite 6		5,029	-5,029	
4512 · Suite 7	5,272	5,272		100%
4503 · Suite 8	3,377	3,453	-76	98%
4520 · Suite 9	3,320	3,154	166	105%
4523 · Canary NNN	12,500	13,333	-833	94%
<b>Total 4502 · Cannery Building</b>	<u>121,200</u>	<u>126,114</u>	<u>-4,914</u>	<u>96%</u>
4530 · RV Lot	12,392	12,392		100%
4540 · Martin & Mason	9,494	9,494		100%
<b>4560 · North Harbor</b>				
4562 · Sea Harvest	15,663	13,681	1,982	114%
4568 · Monterey Bay Kayaks	7,144	26,854	-19,710	27%
<b>Total 4560 · North Harbor</b>	<u>22,807</u>	<u>40,535</u>	<u>-17,728</u>	<u>56%</u>
<b>Total 4500 · Leases</b>	<u>169,925</u>	<u>198,854</u>	<u>-28,929</u>	<u>85%</u>
<b>4600 · District Property Taxes</b>				
<b>4700 · Other Revenues &amp; Concessions</b>				
4752 · Parking Fines	182		182	
4125 · Amenity Fee	123,842	123,658	184	100%
4126 · Passenger Vessel Fees	8,381	10,000	-1,619	84%
<b>4710 · Vending Activities</b>				
4711 · Washer/Dryer	2,855	2,800	55	102%
4712 · Soda		25	-25	
<b>Total 4710 · Vending Activities</b>	<u>2,855</u>	<u>2,825</u>	<u>30</u>	<u>101%</u>
4720 · Dry Storage	22,886	22,000	886	104%
4725 · North Harbor Use Fee	69,820	58,333	11,487	120%
4727 · Key Sales	2,400	1,333	1,067	180%
4730 · NH Washdown	100	400	-300	25%
4735 · Camp/RV	52	750	-698	7%
4740 · Equipment Rental	918		918	100%
4745 · Citations & Fines	985		985	
4750 · Bid Packages		333	-333	
4751 · Permits	861	2,167	-1,306	40%
<b>Total 4700 · Other Revenues &amp; Concessions</b>	<u>233,282</u>	<u>221,799</u>	<u>11,483</u>	<u>105%</u>

**Moss Landing Harbor District**  
**Profit & Loss Budget vs. Actual**  
July through October 2022

	<u>Jul - Oct 22</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>4800 · Interest</b>				
<b>4841 · Union Bank Interest</b>				
<b>4843 · First Capital Bank</b>	10,328	1,117	9,211	925%
<b>4846 · Umpqua Interest</b>	34	33	1	103%
<b>Total 4800 · Interest</b>	<u>10,362</u>	<u>1,150</u>	<u>9,212</u>	<u>901%</u>
<b>Total 4400 · LEASE AND OTHER INCOME</b>	<u>450,816</u>	<u>459,051</u>	<u>-8,235</u>	<u>98%</u>
<b>7000 · LEASE AND OTHER EXPENSES</b>				
<b>7100 · Interest Expense</b>				
<b>7134 · Umpqua NP Interest</b>	19,100	19,101	-1	100%
<b>Total 7100 · Interest Expense</b>	<u>19,100</u>	<u>19,101</u>	<u>-1</u>	<u>100%</u>
<b>7200 · Other Financial Expenses</b>				
<b>7230 · LAFO Administrative Charges</b>	5,868	7,000	-1,132	84%
<b>Total 7200 · Other Financial Expenses</b>	<u>5,868</u>	<u>7,000</u>	<u>-1,132</u>	<u>84%</u>
<b>5700 · Depreciation</b>	159,000	159,000		100%
<b>7300 · Commissioner Expenses</b>				
<b>7320 · Monthly Stipend</b>	3,450	6,667	-3,217	52%
<b>7321 · Employer Payroll Taxes</b>	264	533	-269	50%
<b>7330 · Incurred Expenses</b>	1,201	1,133	68	106%
<b>Total 7300 · Commissioner Expenses</b>	<u>4,915</u>	<u>8,333</u>	<u>-3,418</u>	<u>59%</u>
<b>Total 7000 · LEASE AND OTHER EXPENSES</b>	<u>188,883</u>	<u>193,434</u>	<u>-4,551</u>	<u>98%</u>
<b>Net Ordinary Income - Lease &amp; Other Operations</b>	<u>261,933</u>	<u>265,617</u>	<u>-3,684</u>	<u>99%</u>
<b>Net Ordinary Income - Combined Operations</b>	<u>276,628</u>	<u>204,914</u>	<u>71,714</u>	<u>135%</u>
<b>Other Income/Expense</b>				
<b>Other Income</b>				
<b>8000 · CAPITAL PROJECT REVENUE</b>				
<b>8215 · FEMA Grant Receivable</b>	375,065			
<b>Total 8000 · CAPITAL PROJECT REVENUE</b>	<u>375,065</u>			
<b>Total Other Income</b>	375,065		375,065	100%
<b>Other Expense</b>				
<b>9000 · CAPITAL PROJECT EXPENSES</b>				
<b>5880 · Dredging</b>		25,000	-25,000	
<b>9053 · Dock Maintenance</b>		150,000	-150,000	
<b>9150 · Cannery</b>	830	625,000	-624,170	0%
<b>9307 · Piling Replacement Proj.</b>		350,000	-350,000	
<b>9309 · New NH Building</b>	60,451	3,000,000	-2,939,549	2%
<b>9470 · NH Visitor Dock</b>		400,000	-400,000	
<b>9565 · Miscellaneous Capital Projects</b>	23,612	370,000	-346,388	6%
<b>9750 · Office Computers</b>		5,000	-5,000	
<b>9800 · Dock Replacement</b>		1,500,000	-1,500,000	
<b>Total 9000 · CAPITAL PROJECT EXPENSES</b>	<u>84,893</u>	<u>6,425,000</u>	<u>-6,340,107</u>	<u>1%</u>
<b>Total Other Expense</b>	<u>84,893</u>	<u>6,425,000</u>	<u>-6,340,107</u>	<u>1%</u>
<b>Net Other Income</b>	<u>290,172</u>	<u>-6,425,000</u>	<u>6,715,172</u>	<u>-5%</u>
<b>Net Income</b>	<u>566,800</u>	<u>-6,220,086</u>	<u>6,786,886</u>	<u>-9%</u>

**Moss Landing Harbor District**  
**Profit & Loss YTD Comparison**  
 July through October 2022

	<u>Jul - Oct 22</u>	<u>Jul - Oct 21</u>	<u>\$ Change</u>	<u>% Change</u>
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
<b>4000 · MARINA REVENUES</b>				
<b>4100 · Berthing Income</b>				
4110 · Assigned Berthing	622,563	599,537	23,026	4%
4112 · Qtrly/Annual Discount	-1,018	-457	-561	-123%
4113 · Commercial Vessel Dscnt	-4,056	-3,938	-118	-3%
4114 · Away (1 mnth) Dscnt	-212	-142	-70	-49%
4115 · Temporary Berthing	83,313	97,639	-14,326	-15%
4120 · Liveaboard Fees	47,010	46,180	830	2%
4130 · Transient Berthing	5,625	4,010	1,615	40%
4220 · Wait List	1,500	2,875	-1,375	-48%
4260 · Towing - Intra Harbor				
4270 · Pumpouts	200		200	100%
4280 · Late Fees	11,940	11,059	881	8%
<b>Total 4100 · Berthing Income</b>	<u>766,865</u>	<u>756,763</u>	<u>10,102</u>	<u>1%</u>
<b>4200 · Other Income - Operations</b>				
4230 · SH Parking	54,967	58,352	-3,385	-6%
4285 · Dog Fee	355	310	45	15%
4290 · Misc	1,137	272	865	318%
<b>Total 4200 · Other Income - Operations</b>	<u>56,459</u>	<u>58,934</u>	<u>-2,475</u>	<u>-4%</u>
<b>Total 4000 · MARINA REVENUES</b>	<u>823,324</u>	<u>815,697</u>	<u>7,627</u>	<u>1%</u>

**Moss Landing Harbor District**  
**Profit & Loss YTD Comparison**  
July through October 2022

Expense	Jul - Oct 22	Jul - Oct 21	\$ Change	% Change
<b>5200 · General &amp; Administrative</b>				
5100 · Advertising	300	2,607	-2,307	-88%
5210 · Dues & Subscriptions	3,109	3,411	-302	-9%
5220 · Office Supplies				
5223 · Administration	2,657	2,521	136	5%
5225 · Operations	3,960	4,767	-807	-17%
<b>Total 5220 · Office Supplies</b>	<b>6,617</b>	<b>7,288</b>	<b>-671</b>	<b>-9%</b>
5230 · Postage & Equip Lease				
5232 · Meter Lease	151	151		
5235 · Postage	32	103	-71	-69%
<b>Total 5230 · Postage &amp; Equip Lease</b>	<b>183</b>	<b>254</b>	<b>-71</b>	<b>-28%</b>
5240 · Copier Lease & Supplies				
5242 · Copier Lease	1,822	850	972	114%
<b>Total 5240 · Copier Lease &amp; Supplies</b>	<b>1,822</b>	<b>850</b>	<b>972</b>	<b>114%</b>
5250 · Telephone & Communications				
5253 · Administration	5,722	4,826	896	19%
5255 · Operations	1,505	226	1,279	566%
<b>Total 5250 · Telephone &amp; Communications</b>	<b>7,227</b>	<b>5,052</b>	<b>2,175</b>	<b>43%</b>
5260 · Professional Services				
5262 · Accounting	13,943	12,796	1,147	9%
5265 · Legal	13,120	13,140	-20	-0%
5268 · Computer Consulting	4,510	298	4,212	1,413%
5269 · Payroll Processing	1,457	1,254	203	16%
<b>Total 5260 · Professional Services</b>	<b>33,030</b>	<b>27,488</b>	<b>5,542</b>	<b>20%</b>
5290 · Credit Card Fees	1,248	2,341	-1,093	-47%
5921 · Internet Billing Service	614	547	67	12%
<b>Total 5200 · General &amp; Administrative</b>	<b>54,150</b>	<b>49,838</b>	<b>4,312</b>	<b>9%</b>
<b>5300 · Personnel</b>				
5310 · Salaries				
5313 · Administration	85,121	85,797	-676	-1%
5315 · Operations	67,177	54,588	12,589	23%
5318 · Maintenance	52,455	46,762	5,693	12%
<b>Total 5310 · Salaries</b>	<b>204,753</b>	<b>187,147</b>	<b>17,606</b>	<b>9%</b>
5330 · Payroll Taxes				
5333 · Administration	6,512	6,558	-46	-1%
5335 · Operations	5,139	4,176	963	23%
5338 · Maintenance	4,013	3,580	433	12%
<b>Total 5330 · Payroll Taxes</b>	<b>15,664</b>	<b>14,314</b>	<b>1,350</b>	<b>9%</b>
5340 · Employee Benefits				
5343 · Administration	21,256	19,117	2,139	11%
5345 · Operations	265	130	135	104%
5348 · Maintenance	22,458	22,207	251	1%
<b>Total 5340 · Employee Benefits</b>	<b>43,979</b>	<b>41,454</b>	<b>2,525</b>	<b>6%</b>



**Moss Landing Harbor District**  
**Profit & Loss YTD Comparison**  
July through October 2022

	Jul - Oct 22	Jul - Oct 21	\$ Change	% Change
<b>5350 · Workers Compensation</b>				
5353 · Administration	536	1,200	-664	-55%
5355 · Operations	3,684	1,787	1,897	106%
5358 · Maintenance	3,004	1,685	1,319	78%
<b>Total 5350 · Workers Compensation</b>	<u>7,224</u>	<u>4,672</u>	<u>2,552</u>	<u>55%</u>
<b>5360 · Education &amp; Training</b>				
5363 · Administration		3,224	-3,224	-100%
<b>Total 5360 · Education &amp; Training</b>		<u>3,224</u>	<u>-3,224</u>	<u>-100%</u>
<b>Total 5300 · Personnel</b>	<u>271,620</u>	<u>250,811</u>	<u>20,809</u>	<u>8%</u>
<b>5400 · Insurance</b>				
5410 · Liability Insurance	57,117	58,480	-1,363	-2%
<b>Total 5400 · Insurance</b>	<u>57,117</u>	<u>58,480</u>	<u>-1,363</u>	<u>-2%</u>
<b>5500 · Utilities</b>				
5510 · Garbage	49,945	38,080	11,865	31%
5520 · Gas and Electric	108,000	92,909	15,091	16%
5530 · Water	15,510	11,191	4,319	39%
5540 · Sewer	18,138	13,829	4,309	31%
<b>Total 5500 · Utilities</b>	<u>191,593</u>	<u>156,009</u>	<u>35,584</u>	<u>23%</u>
<b>5600 · Operating Supplies</b>				
5610 · Vehicles	4,374	2,809	1,565	56%
5620 · Vessels		476	-476	-100%
5625 · Operations	8,060	5,063	2,997	59%
<b>Total 5600 · Operating Supplies</b>	<u>12,434</u>	<u>8,348</u>	<u>4,086</u>	<u>49%</u>
<b>5700 · Depreciation</b>	159,000	166,674	-7,674	-5%
<b>5800 · Repairs &amp; Maintenance</b>				
5810 · Vehicles	1,091	122	969	794%
5830 · Equip Rental	845	1,411	-566	-40%
5850 · Repair Materials	13,141	7,736	5,405	70%
5860 · Outside Service Contracts	17,269	27,691	-10,422	-38%
5870 · Derelict Disposal	21,494	-32	21,526	67,269%
<b>Total 5800 · Repairs &amp; Maintenance</b>	<u>53,840</u>	<u>36,928</u>	<u>16,912</u>	<u>46%</u>
<b>5900 · Financial Expenses</b>				
5920 · Bank Service Charges		2,945	-2,945	-100%
5990 · Bad Debt	8,875	8,500	375	4%
<b>Total 5900 · Financial Expenses</b>	<u>8,875</u>	<u>11,445</u>	<u>-2,570</u>	<u>-22%</u>
<b>Total · MARINA EXPENSES</b>	<u>808,629</u>	<u>738,533</u>	<u>70,096</u>	<u>9%</u>
<b>Net Ordinary Income - Marina Operations</b>	<u>14,695</u>	<u>77,164</u>	<u>-62,469</u>	<u>-81%</u>

**Moss Landing Harbor District**  
**Profit & Loss YTD Comparison**  
July through October 2022

	<u>Jul - Oct 22</u>	<u>Jul - Oct 21</u>	<u>\$ Change</u>	<u>% Change</u>
<b>4400 · LEASE AND OTHER INCOME</b>				
<b>4050 · Trust Lands Lease Revenue</b>				
4051 · Vistra	26,051	24,493	1,558	6%
4053 · MBARI	11,196	10,044	1,152	11%
<b>Total 4050 · Trust Lands Lease Revenue</b>	<u>37,247</u>	<u>34,537</u>	2,710	8%
<b>4500 · Leases</b>				
4501 · K-Pier Lease	4,032	11,634	-7,602	-65%
<b>4502 · Cannery Building</b>				
4517 · Suite 2	12,329	11,703	626	5%
4504 · Suite 3	34,093	24,273	9,820	40%
4511 · Suite 1 & 10	6,601	6,601		
4515 · Suite 4	32,972	31,299	1,673	5%
4518 · Suite 5	10,736	9,150	1,586	17%
4510 · Suite 6		4,773	-4,773	-100%
4512 · Suite 7	5,272	5,005	267	5%
4503 · Suite 8	3,377	3,278	99	3%
4520 · Suite 9	3,320	2,400	920	38%
4523 · Canary NNN	12,500	12,256	244	2%
<b>Total 4502 · Cannery Building</b>	<u>121,200</u>	<u>110,738</u>	10,462	9%
4530 · RV Lot	12,392	11,764	628	5%
4540 · Martin & Mason	9,494		9,494	100%
<b>4560 · North Harbor</b>				
4562 · Sea Harvest	15,663	12,339	3,324	27%
4568 · Monterey Bay Kayaks	7,144	6,854	290	4%
<b>Total 4560 · North Harbor</b>	<u>22,807</u>	<u>19,193</u>	3,614	19%
<b>Total 4500 · Leases</b>	<u>169,925</u>	<u>153,329</u>	16,596	11%
<b>4700 · Other Revenues &amp; Concessions</b>				
4752 · Parking Fines	182		182	100%
4125 · Amenity Fee	123,842	119,058	4,784	4%
4126 · Passenger Vessel Fees	8,381		8,381	100%
<b>4710 · Vending Activities</b>				
4711 · Washer/Dryer	2,855	3,830	-975	-25%
4712 · Soda		115	-115	-100%
<b>Total 4710 · Vending Activities</b>	<u>2,855</u>	<u>3,945</u>	-1,090	-28%
4720 · Dry Storage	22,886	20,076	2,810	14%
4725 · North Harbor Use Fee	69,820	82,090	-12,270	-15%
4727 · Key Sales	2,400	1,950	450	23%
4730 · NH Washdown	100	480	-380	-79%
4735 · Camp/RV	52	1,212	-1,160	-96%
4740 · Equipment Rental	918	31	887	2,861%
4745 · Citations & Fines	985	1,599	-614	-38%
4751 · Permits	861	4,198	-3,337	-79%
4765 · Faxes, Copies & Postage				
<b>Total 4700 · Other Revenues &amp; Concessions</b>	<u>233,282</u>	<u>234,639</u>	-1,357	-1%

**Moss Landing Harbor District**  
**Profit & Loss YTD Comparison**  
 July through October 2022

	<u>Jul - Oct 22</u>	<u>Jul - Oct 21</u>	<u>\$ Change</u>	<u>% Change</u>
<b>4800 · Interest</b>				
4841 · Union Bank Interest		144	-144	-100%
4843 · First Capital Bank	10,328	1,045	9,283	888%
4846 · Umpqua Interest	34	34	0	
<b>Total 4800 · Interest</b>	<u>10,362</u>	<u>1,223</u>	<u>9,139</u>	<u>747%</u>
<b>Total 4400 · LEASE AND OTHER INCOME</b>	<u>450,816</u>	<u>423,728</u>	<u>27,088</u>	<u>6%</u>
<b>7000 · LEASE AND OTHER EXPENSES</b>				
<b>7100 · Interest Expense</b>				
7134 · Umpqua NP Interest	19,100	22,195	-3,095	-14%
<b>Total 7100 · Interest Expense</b>	<u>19,100</u>	<u>22,195</u>	<u>-3,095</u>	<u>-14%</u>
<b>7200 · Other Financial Expenses</b>				
7230 · LAFO Administrative Charges	5,868	5,393	475	9%
<b>Total 7200 · Other Financial Expenses</b>	<u>5,868</u>	<u>5,393</u>	<u>475</u>	<u>9%</u>
<b>5700 · Depreciation</b>	159,000	166,674	-7,674	-5%
<b>7300 · Commissioner Expenses</b>				
7320 · Monthly Stipend	3,450	4,500	-1,050	-23%
7321 · Employer Payroll Taxes	264	344	-80	-23%
7330 · Incurred Expenses	1,201	336	865	257%
<b>Total 7300 · Commissioner Expenses</b>	<u>4,915</u>	<u>5,180</u>	<u>-265</u>	<u>-5%</u>
<b>Total 7000 · LEASE AND OTHER EXPENSES</b>	<u>188,883</u>	<u>199,442</u>	<u>-10,559</u>	<u>-5%</u>
<b>Net Ordinary Income - Lease &amp; Other Operations</b>	<u>261,933</u>	<u>224,286</u>	<u>37,647</u>	<u>17%</u>
<b>Net Ordinary Income - Combined Operations</b>	<u>276,628</u>	<u>301,450</u>	<u>-24,822</u>	<u>-8%</u>
<b>Other Income/Expense</b>				
<b>Other Income</b>				
<b>8000 · CAPITAL PROJECT REVENUE</b>				
8215 · FEMA Grant Receivable	375,065		375,065	100%
<b>Total 8000 · CAPITAL PROJECT REVENUE</b>	<u>375,065</u>		<u>375,065</u>	<u>100%</u>
<b>Total Other Income</b>	375,065		375,065	100%
<b>Other Expense</b>				
<b>9000 · CAPITAL PROJECT EXPENSES</b>				
9150 · Cannery	830		830	100%
9309 · New NH Building	60,451		60,451	100%
9565 · Miscellaneous Capital Projects	23,612		23,612	100%
<b>Total 9000 · CAPITAL PROJECT EXPENSES</b>	<u>84,893</u>		<u>84,893</u>	<u>100%</u>
<b>Total Other Expense</b>	<u>84,893</u>		<u>84,893</u>	<u>100%</u>
<b>Net Other Income</b>	<u>290,172</u>		<u>290,172</u>	<u>100%</u>
<b>Net Income</b>	<u><u>566,800</u></u>	<u><u>301,450</u></u>	<u><u>265,350</u></u>	<u><u>88%</u></u>

## Moss Landing Harbor District A/P Aging Summary As of October 31, 2022

	<u>Current</u>	<u>1 - 30</u>	<u>31 - 60</u>	<u>61 - 90</u>	<u>&gt; 90</u>	<u>TOTAL</u>
Allied Administrators for Delta Dental	0.00	-732.24	0.00	0.00	0.00	-732.24
Bayside Oil, Inc.	1,125.00	0.00	0.00	0.00	0.00	1,125.00
Big Creek Lumber	133.17	0.00	0.00	0.00	0.00	133.17
CalPERS	0.00	-8,192.81	-8,192.81	0.00	0.00	-16,385.62
Castroville "ACE" Hardware	79.81	0.00	0.00	0.00	0.00	79.81
Central Coast Systems, Inc.	105.00	0.00	0.00	0.00	0.00	105.00
Cintas	558.68	0.00	0.00	0.00	0.00	558.68
David Sternbert	25.00	0.00	0.00	0.00	0.00	25.00
Despard Marine Services	0.00	625.00	0.00	0.00	0.00	625.00
Icon Building & Developement, Inc.	42,569.18	0.00	0.00	0.00	0.00	42,569.18
Jarvis Fay, LLP	3,120.00	0.00	0.00	2,980.00	2,700.00	8,800.00
Kelly-Moore Paint Co	0.00	760.82	0.00	0.00	0.00	760.82
Kenneth Thompson	0.00	525.00	0.00	0.00	0.00	525.00
Mechanics Bank	1,164.64	0.00	0.00	0.00	0.00	1,164.64
Mike Brown	100.00	0.00	0.00	0.00	0.00	100.00
Monterey County Tax Collector	0.00	-4,210.50	0.00	0.00	0.00	-4,210.50
Monterey Sanitary Supply	2,013.04	0.00	0.00	0.00	0.00	2,013.04
Moss Landing Boat Works	45.88	565.89	0.00	0.00	0.00	611.77
MP Express	0.00	2,943.39	0.00	0.00	0.00	2,943.39
Pajaro Valley Lock Shop	0.00	707.03	0.00	0.00	0.00	707.03
Pajaro/Sunny Mesa C.S.D.	3,529.74	0.00	0.00	0.00	0.00	3,529.74
PG&E	0.00	-30,000.00	0.00	0.00	0.00	-30,000.00
SSB Construction	0.00	12,018.00	0.00	0.00	0.00	12,018.00
TK Elevator	0.00	-695.67	0.00	0.00	0.00	-695.67
U.S. Bank	1,576.95	0.00	0.00	0.00	0.00	1,576.95
Unified Building Maintenance	1,350.00	0.00	0.00	0.00	0.00	1,350.00
VALIC	1,988.99	0.00	0.00	0.00	0.00	1,988.99
Verizon Wireless	111.76	0.00	0.00	0.00	0.00	111.76
Vision Sevice Plan	0.00	-94.37	0.00	0.00	0.00	-94.37
Wald, Ruhnke & Dost Architects, LP	19,250.00	0.00	0.00	0.00	0.00	19,250.00
West Marine Pro	913.19	0.00	0.00	0.00	-350.48	562.71
<b>TOTAL</b>	<b><u>79,760.03</u></b>	<b><u>-25,780.46</u></b>	<b><u>-8,192.81</u></b>	<b><u>2,980.00</u></b>	<b><u>2,349.52</u></b>	<b><u>51,116.28</u></b>

## Moss Landing Harbor District

### Warrant Listing

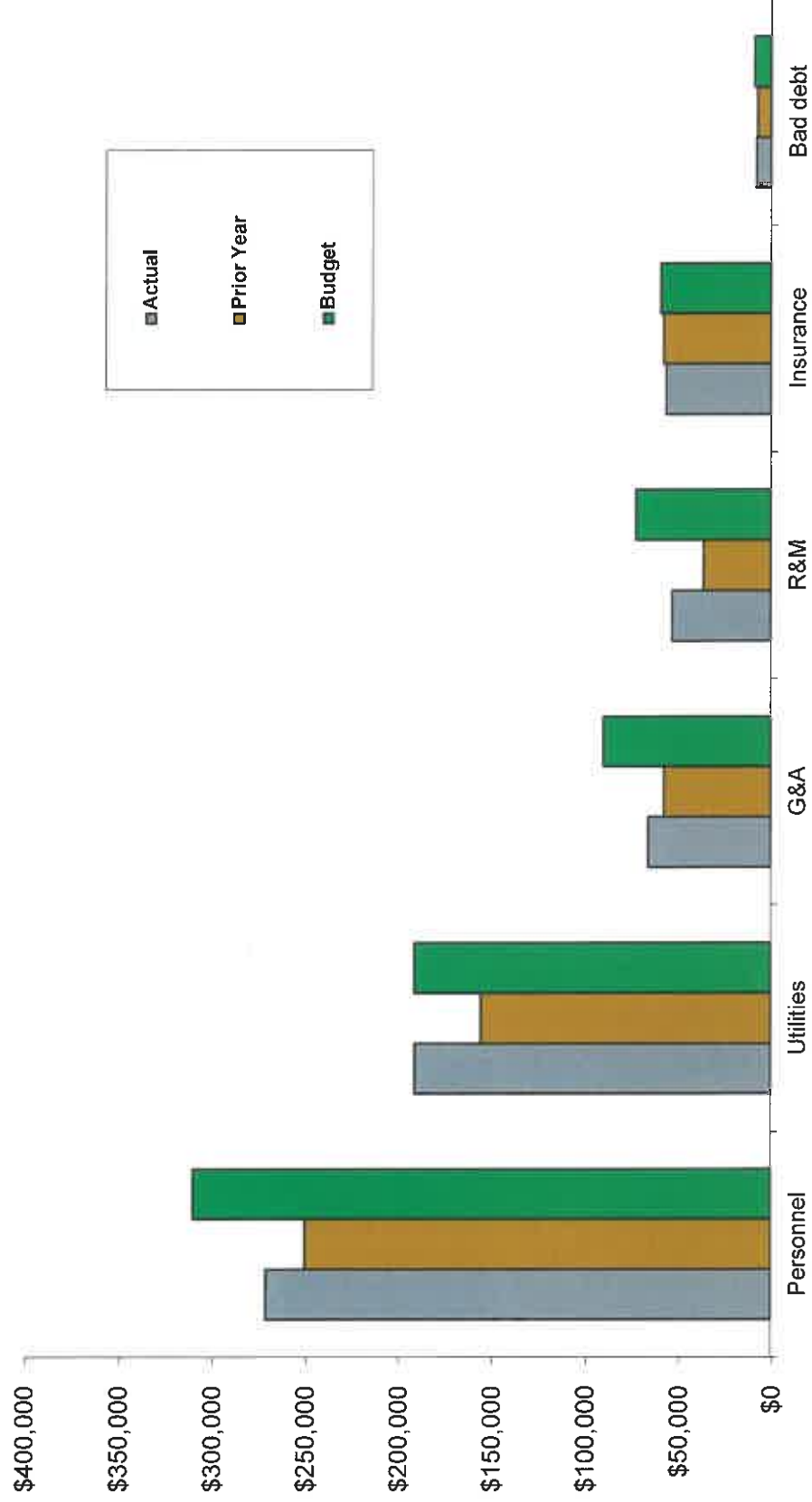
As of October 31, 2022

Type	Date	Num	Name	Amount
<b>1001 - 1st Capital Operating Account</b>				
Check	10/03/2022	atm	AT&T	-1,280.67
Bill Pmt -Check	10/05/2022	19660	U.S. Bank - Office Equipment Finance Svc	-586.42
Check	10/05/2022		NPC Merchant Pymt Proc	-2,173.07
Check	10/07/2022		MS	-100.00
Check	10/09/2022	4069	Neal Norris	-323.21
Bill Pmt -Check	10/10/2022	19661	Allied Administrators for Delta Dental	-732.24
Bill Pmt -Check	10/10/2022	19662	AT&T	-226.46
Bill Pmt -Check	10/10/2022	19663	Byte Technology	-3,354.00
Bill Pmt -Check	10/10/2022	19664	Carmel Marina Corporation	-14,153.43
Bill Pmt -Check	10/10/2022	19665	Carrot-Top Industries, Inc.	-691.52
Bill Pmt -Check	10/10/2022	19666	Castroville "ACE" Hardware	-184.27
Bill Pmt -Check	10/10/2022	19667	Cathy Worden	-25.00
Bill Pmt -Check	10/10/2022	19668	David Hafey	-1,337.24
Bill Pmt -Check	10/10/2022	19669	Dean Calamia	-865.10
Bill Pmt -Check	10/10/2022	19670	Ferrante, Vincent	-1,050.82
Bill Pmt -Check	10/10/2022	19671	George McKay	-600.00
Bill Pmt -Check	10/10/2022	19672	Jacquelyn Platel	0.00
Bill Pmt -Check	10/10/2022	19673	James M. Page	-562.00
Bill Pmt -Check	10/10/2022	19674	Jill Sakamoto	-525.00
Bill Pmt -Check	10/10/2022	19675	Mario Iglesias	-480.00
Bill Pmt -Check	10/10/2022	19676	Mark Brown -	-550.00
Bill Pmt -Check	10/10/2022	19677	Mechanics Bank	-282.24
Bill Pmt -Check	10/10/2022	19678	Monterey County Tax Collector	-2,579.72
Bill Pmt -Check	10/10/2022	19679	Pajaro/Sunny Mesa C.S.D.	-3,638.54
Bill Pmt -Check	10/10/2022	19680	PG&E	-30,000.00
Bill Pmt -Check	10/10/2022	19681	Pitney Bowes Global Financial Svc LLC	-151.21
Bill Pmt -Check	10/10/2022	19682	Razzolink, Inc.	-136.85
Bill Pmt -Check	10/10/2022	19683	TK Elevator	-695.67
Bill Pmt -Check	10/10/2022	19684	Tommy Razzeca	-350.00
Bill Pmt -Check	10/10/2022	19685	Tynan Backflow Testing	-500.00
Bill Pmt -Check	10/10/2022	19686	U.S. Bank	-1,092.96
Bill Pmt -Check	10/10/2022	19687	Unified Building Maintenance	-1,350.00
Bill Pmt -Check	10/10/2022	19688	VALIC	-1,988.99
Bill Pmt -Check	10/10/2022	19689	Vision Sevice Plan	-94.37
Bill Pmt -Check	10/10/2022	19690	Carmel Marina Corporation	-2,017.80
Bill Pmt -Check	10/10/2022	19691	Mechanics Bank	-544.14
Bill Pmt -Check	10/10/2022	19692	Monterey County Tax Collector	-1,368.30
Bill Pmt -Check	10/10/2022	19693	Carmel Marina Corporation	-214.78
Bill Pmt -Check	10/10/2022	19694	Mechanics Bank	-253.44
Bill Pmt -Check	10/10/2022	19695	Carmel Marina Corporation	-1,640.88
Bill Pmt -Check	10/11/2022	19696	Mechanics Bank	-104.31
Bill Pmt -Check	10/11/2022	19697	Monterey One Water	-6,602.29
Bill Pmt -Check	10/11/2022	19698	Razzolink, Inc.	-66.35
Bill Pmt -Check	10/11/2022	19699	Mechanics Bank	-91.81

**Moss Landing Harbor District**  
**Warrant Listing**  
**As of October 31, 2022**

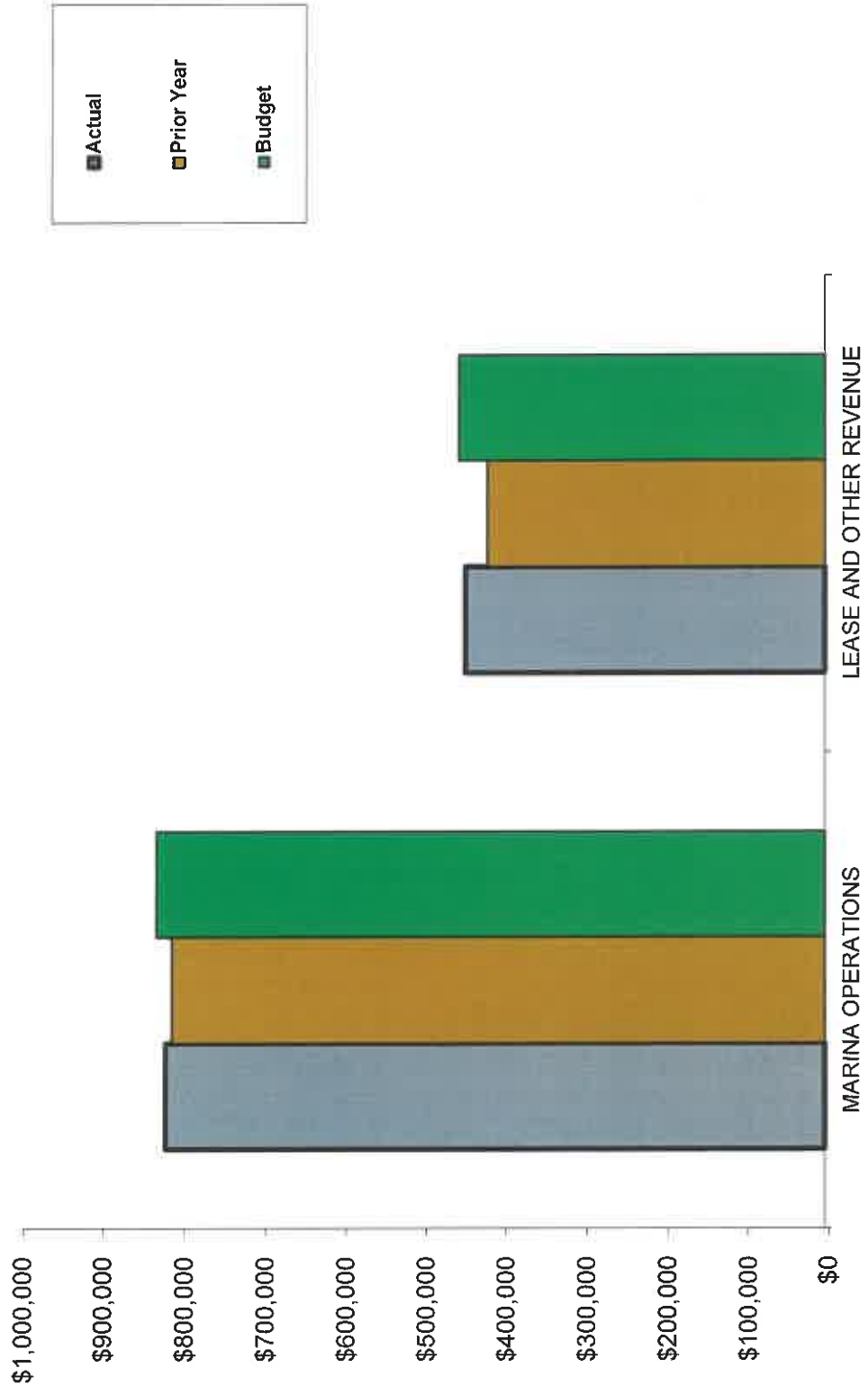
<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
Bill Pmt -Check	10/11/2022	19700	Monterey One Water	-422.92
Bill Pmt -Check	10/11/2022	19701	Mechanics Bank	-197.08
Check	10/13/2022		Payroll Partners	-110.15
Check	10/13/2022		Payroll Partners	-177.86
Check	10/14/2022		MS	-514.42
Check	10/14/2022	4064	Ferrante, Vincent	-503.49
Check	10/14/2022	4065	Goulart, James	-219.86
Check	10/14/2022	4066	Jeffries, Russell	-537.50
Check	10/14/2022	4067	Tony Leonardini	-228.16
Check	10/14/2022	4068	Neal Norris	-818.35
Bill Pmt -Check	10/24/2022	19702	CalPERS	-8,192.81
Bill Pmt -Check	10/24/2022	19703	Cintas	-558.68
Bill Pmt -Check	10/24/2022	19704	Home Depot	-1,177.55
Bill Pmt -Check	10/24/2022	19705	Jacquelyn Leavitt	-470.25
Bill Pmt -Check	10/24/2022	19706	Jarvis Fay, LLP	-3,140.00
Bill Pmt -Check	10/24/2022	19707	Monterey County Tax Collector	-262.48
Bill Pmt -Check	10/24/2022	19708	United Site Services of Calif., Inc.	-554.64
Bill Pmt -Check	10/24/2022	19709	Valero Marketing and Supply Company	-947.95
Bill Pmt -Check	10/24/2022	19710	Verizon Wireless	-111.78
Bill Pmt -Check	10/24/2022	19711	Wald, Ruhnke & Dost Architects, LP	-11,102.80
Bill Pmt -Check	10/24/2022	19712	WASH	-220.47
Bill Pmt -Check	10/24/2022	19713	Wendy L. Cumming, CPA	-5,238.75
Bill Pmt -Check	10/24/2022	19714	AT&T	-356.70
Bill Pmt -Check	10/24/2022	19715	AT&T	-937.35
Check	10/24/2022		NPC Merchant Pymt Proc	-11.39
Check	10/27/2022		Payroll Partners	-136.39
Check	10/28/2022	4070	Neal Norris	-1,001.60
Total 1001 - 1st Capital Operating Account				-123,716.48
<b>TOTAL</b>				<b>-123,716.48</b>

**Operating Expenses  
Year to Date Actuals vs. Budget and Prior Year  
October 31, 2022**



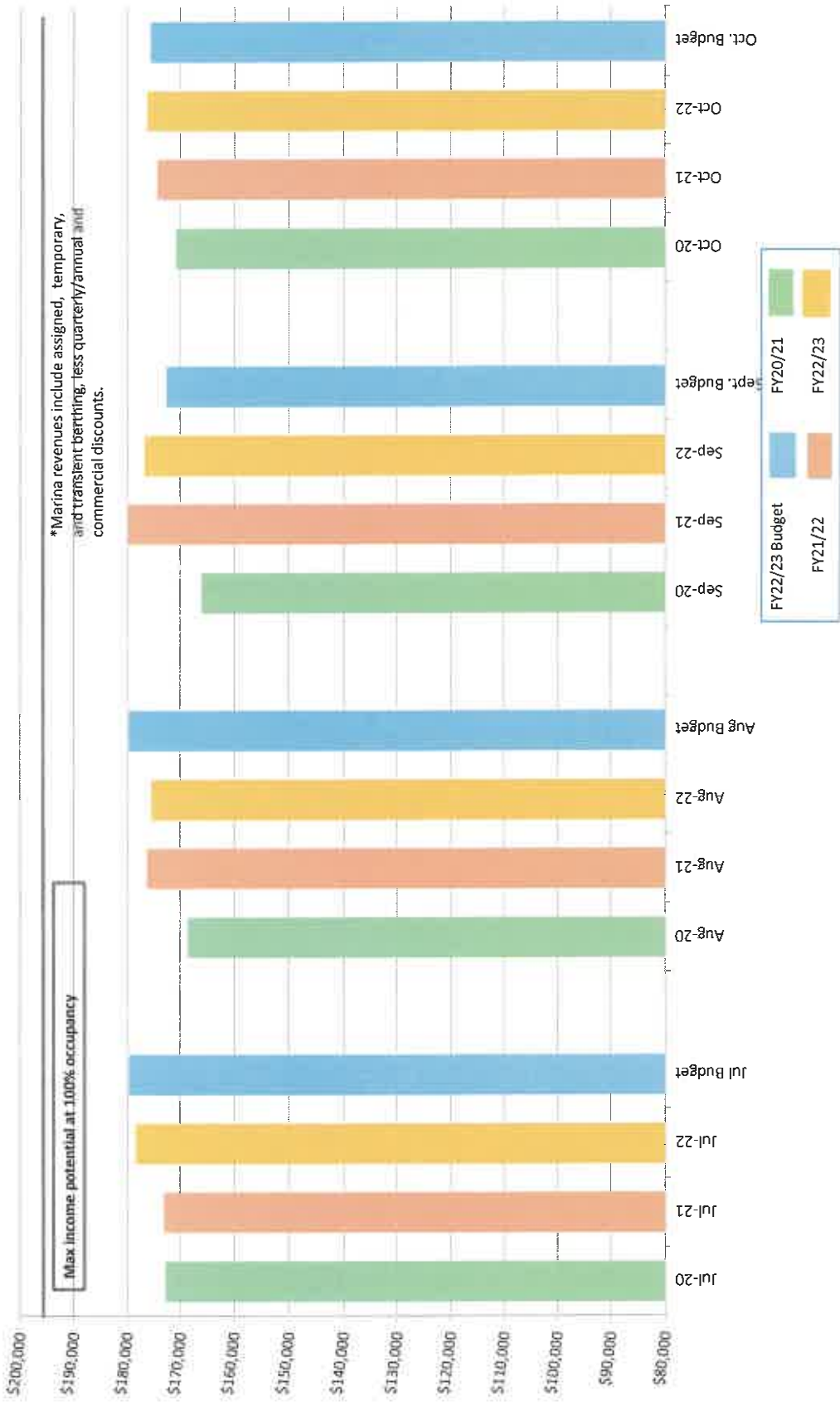
**\*\* Expenses Exclude Dredging, Depreciation and Interest Expenses\*\***

**Marina, Lease and Other Revenue  
Year to Date Actual vs. Budget and Prior Year  
October 31, 2022**





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



Max Income potential at 100% occupancy



**BOARD OF HARBOR COMMISSIONERS**

Russell Jeffries  
Tony Leonardini  
Vincent Ferrante  
James R. Goulart  
Liz Soto

7881 SANDHOLDT ROAD  
MOSS LANDING, CA 95039

TELEPHONE – 831.633.5417  
FACSIMILE – 831.633.4537



**GENERAL MANAGER  
HARBOR MASTER**

Tom Razzeca

**STAFF REPORT**

ITEM NUMBER 04 – PROJECT STATUS  
BOARD MEETING DECEMBER 07, 2022

**1. North Harbor Building:** Per the Direction of the Board the General Manager has contracted with WRD Architects to complete the interior drawings for the North Harbor Building with the intention of pulling permits, advertising the project for public bid and completing the interior construction to have the Building completed as a “warm shell”. Since we do not want the warm shell to be only restaurant specific limiting the potential use of the building, a lot of the design work related to a specific restaurant layout was adjusted. WRD determined that a concept for HVAC furnaces on both floors would be needed. This is because in a restaurant the heat and major ventilation systems do the lion’s share of space conditioning but if no restaurant is done a more conventional system is needed. However, we still want to have the flexibility for a restaurant use on one or both floors so mechanical engineer Axiom is taking this into account with ducting and conversion to restaurant scenarios planned into the warm shell HVAC design. Similarly for Plumbing we now only need to serve the new warm shell restrooms on both floors but the sizing and layout of waste under the first floor slab is being designed for restaurant use on one or both floors. The electrical engineer Aurum is designing power distribution and lighting along similar lines. The architectural CAD drawings needed to be finalized prior to the MEP consultants getting started and WRD did forward these drawings to the engineers on 9/20/22 which was 3 weeks later than originally anticipated. The MEP team is working to finalize their Drawings and WRD should have their drawings in the next two weeks. The update from DD to CD should only take a couple of weeks so an application / submittal to Monterey County for permitting in December should be possible.

**2. North Harbor Inn Project:** This project remains on hold while the District explores options with the property.

**3. Cannery Building HVAC and Penthouse Mechanical Room:** The demolition aspect of the project has been completed and all 4 HVAC units have been installed. Our contractor is currently working on completion of the rooftop penthouse which we expect to complete in the next 2 weeks or so. Staff expects the project to complete sometime in mid December 2022.

**4. Demolition of Pot Stop Building:** This project was completed in November 2022 and will be removed from the project status report moving forward.

**5. Harbor Infrastructure Improvement Project :** Resulting from the tsunami that took place on January 15, 2022, staff has discovered that the District has sustained damage to piles, docks and navigation channels in the Harbor. Staff and our consultants are currently working with California Office of Emergency Services personnel in an attempt to acquire emergency funding to financially assist the District with repair to the damaged sustained during the incident. Staff

*SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947*

requested an update from CalOES recently and was notified that our emergency funding application is still in the review process. Staff has begun having our consultant prepare construction plans for the dock infrastructure, Kirby park launch ramp, and shoreline damage which will be used for permitting of the project once complete. Staff will continue to update the Board and public as we have additional information moving forward in the process. I have included a schedule for this project that was provided by our consulting firm Sea Engineering below for reference.

Here is an update for our work in assisting with the design and permitting of repairs to piles, docks and shoreline area damaged by the 2022 tsunami:

- Design
  - Completed - 30% Drawings and Specifications (to be used for final permit applications)
  - Next steps - Finalize drawings and specifications (65%, 85%, 100%)
  - Schedule - 65% completed by Feb 2023, 85% March 2023, 100% April 2023 (project out to bid in May 2023?)
- Permitting
  - Completed - communications and partial draft permit applications for CCC, USACE, and Regional Water Quality Board
  - Next steps - Submit final permit applications
  - Schedule - Final applications submitted Jan 2023 to meet the expectation of approval by project start of Fall 2023



**BOARD OF COMMISSIONERS**  
 Russ Jeffries  
 Tony Leonardini  
 Vince Ferrante  
 James R. Goulart  
 Liz Soto

7881 SANDHOLDT ROAD  
 MOSS LANDING, CA 95039

TELEPHONE – 831.633.5417  
 FACSIMILE – 831.633.4537



GENERAL MANAGER  
 HARBORMASTER  
 Tommy Razzeca

## STAFF REPORT

### ITEM NUMBER 05 – SUMMARY OF PERMITS ISSUED BOARD MEETING OF DECEMBER 7, 2022

Permittee	Issue Date	Status	Permit Type	Exp. Date
Elkhorn Slough Research Foundation	01/01/2022	Current	Facilities Use	01/01/23
Blue Ocean Whale Watch	2/18/2022	Current	Facilities Use	2/18/2023
Whisper Charters	2/28/2022	Current	Facilities Use	2/28/2023
Fast Raft	3/28/2022	Current	Facilities Use	3/28/2023
Monterey Eco Tours	4/16/2022	Current	Facilities Use	4/16/2023
Oceanic Expeditions	4/21/2022	Current	Facilities Use	4/21/2023
Venture Quest Kayaking	6/12/2022	Current	Facilities Use	6/12/2023
Monterey Bay Hydrobikes	6/12/2022	Current	Facilities Use	6/12/2023
Reel Nasty Sportfishing	6/12/2022	Current	Facilities Use	6/12/2023
Kayak Connection	6/30/2022	Current	Facilities Use	6/30/2023
Sanctuary Cruises	6/30/2022	Current	Facilities Use	6/30/2023
Sea Goddess Whale Watching-Tours	6/30/2022	Current	Facilities Use	6/30/2023
MBARI-Slough Test Moorings	6/30/2022	Current	Facilities Use	6/30/2023
Slater Moore Photography	07/07/2022	Current	Facilities Use	07/07/2023
Peninsula Dive Services	09/30/2022	Current	Facilities Use	09/30/2023
Elkhorn Slough Safari - Tours	10/19/2022	Current	Facilities Use	10/19/2023
Blue Water Ventures	10/30/2022	Current	Facilities Use	10/30/2023
Wild Fish-Vicki Crow	11/30/2022	Current	Peddlers	11/30/2023



**BOARD OF COMMISSIONERS**

Russ Jeffries  
Tony Leonardini  
Vincent Ferrante  
James R. Goulart  
Liz Soto

7881 SANDHOLDT ROAD  
MOSS LANDING, CA 95039

TELEPHONE – 831.633.5417  
FACSIMILE – 831.633.4537



GENERAL MANAGER  
HARBORMASTER  
Tommy Razzeca

**STAFF REPORT**

ITEM NUMBER 06 – MEETING ANNOUNCEMENTS  
BOARD MEETING OF DECEMBER 7, 2022

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

Moss Landing Chamber of Commerce Meetings – Due to COVID-19 all meetings are done by E-mail until further notice but will eventually resume on the 2<sup>nd</sup> Thursday of each month in Moss Landing Harbor District Board Room, 4 p.m.

Monterey Bay Sanctuary Advisory Council Meetings – 2022 - <https://montereybay.noaa.gov>

**December 9<sup>th</sup>**  
Monterey



**BOARD OF COMMISSIONERS**

Russell Jeffries  
Tony Leonardini  
Vincent Ferrante  
James R. Goulart  
Liz Soto

7881 SANDHOLDT ROAD  
MOSS LANDING, CA 95039

TELEPHONE – 831.633.5417  
FACSIMILE – 831.633.4537



**GENERAL MANAGER  
HARBOR MASTER**

Tom Razzeca

## STAFF REPORT

### ITEM NUMBER 07 - LIVEBOARD REPORT BOARD MEETING OF DECEMBER 7, 2022

Pursuant to Ordinance Code §6.110 D) 1), attached is the report containing the names of all permitted live aboard vessels and all persons living aboard. The permits for these live boards have automatically renewed through the last day of this month. As of this writing, there are no (1) revocation actions pending.

<u>Name</u>	<u>Vessel</u>
1. Hartman, Guenter	Taku, CF 7913 KL
2. Jones, L	Intrepid CF 0292 VE
3. Matsunaga, F	Mon Rochelle CF 8424 FB
4. Burns, P.	Tralfamadore, CF 9430 GL
5. Byrnes, K.	Grand Slam, CF 4540 FE
6. Doyle, M	Billikon, CF 3946 TM
7. Cayuela, R.	Rachel Angelet, CF 6969 UB
8. Michael, McVay	Gaviota, CF 4863 FP
9. Hughes, S	Sojourn, on 1067078
10. Dunn, J	Knot To Worry, CF 6383 GU
11. Chambers, B.	Pyxis, ON 984193
12. Massat, A	No Name no CF#
13. Clark D.	Seaside Escape CF 4356 HW
14. Degnan, P.	No Name, CF 8344 GT
15. <b>(Pending)</b>	
16. Elwell, G.	Pearl, ON 557575
17. Faneuf, C.	Ghost Ryder ON 1048498
18. Buford, C	No Name, CF 9215 EF
19. Potter, D.	Danu CF 4085 GC
20. Listle, A	Tekin ON 616325
21. Glovin, D	Aint to Shabby CF 7434 SL
22. Laoretti, P/ Laoretti, S	Shaka, ON 699611
23. Johnston, Bill	Heart Of Gold, CF 7590 EP

*SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947*

24. Groom D
25. Jones, H.
26. Jones, T.
27. Kennedy C.
28. Ayres, Lloyd
29. Varier, G
30. Malone, RJ
31. Marsee, E, Lynch, C
32. Burnett, Gary
33. Maris, T.
34. Robinson, D/ Robinson, L
35. Nieman J
36. Niswonger, R.
37. Cain, C
38. Otis, T.
39. Paul, J
40. Schlegelmilch, William
41. Velaquez F
42. Raaphorst, D.
43. Reins, D.
44. Rotger, M.
45. Dyer, B
46. Piro, Daniel
47. Schmidt, L
48. Sopota, M
49. Silveira, P
50. Salisbury, J.
51. Thomas, B.
52. Tufts, M.
53. Syracuse, Mike
54. Wolinski, Peter
55. Morgan, J
56. Samuelson, T.
57. Podolkhov, R
58. Riberal, Y/ Eric Duekerson
59. Schwontes, N/ Mosolov, A
60. Bowler, J

- Phoenix, CF 5084 GJ  
 Laetare, CF 5495 YB  
 Sanity, CF 5249 SC  
 Aztlan, ON 281903  
 Gaviota, CF 4656 GG  
 Athena CF 1523 FF  
 Francis W, CF 2017 UZ  
 Tolly Craft CF 9521 HT  
 Zinful CF5419 JG  
 Nimble, CF 3730 KB  
 Damn Baby CF 9442 EX  
 Inia, ON 1074183  
 Illusion, CF 0836 TA  
 Sails Call, CF 7291 TG  
 Blue Moon, CF 1886 GT  
 La Wanda CF 5014 FR  
 Bull Dog ON 1219673  
 Lorraine CF 0533 JL  
 Spirit, ON 664971  
 Second Paradise, ON 912484  
 Raven, ON 241650  
 Star of Light ON 1056334  
 Gulf Star CF 6082 GL  
 Lady Monroe CF5007 UM  
 Mischief Maker, CF 9666 JK  
 Quiet times, CF 2067 GC  
 Oceanid, CF 4210 GA  
 Coho, CF 9974 KK  
 Enchantress, CF 0878 SX  
 Sea Star, CF 4213 ES  
 Muffin, ON 1148169  
 Ripple, ON 1037076  
 Moonstone CF 5122 GX  
 I'll be seeing you CF 3851 SJ  
 Boss Lady, ON 556296  
 Luna Sea, ON 1138367  
 Myrtle Mae, CF 3187 FN

Total Number Vessels: 59  
 Total Number Persons: 66  
 Pending Applications -1-



BOARD OF COMMISSIONERS  
Russell Jeffries  
Tony Leonardini  
Vincent Ferrante  
James Goulart  
Liz Soto

7881 SANDHOLDT ROAD  
MOSS LANDING, CA 95039

TELEPHONE – 831.633.2461  
FACSIMILE – 831.633.1201

GENERAL MANAGER/HARBOR MASTER  
Tom Razzeca

## STAFF REPORT

ITEM NUMBER 8 - SLIP INCOME REPORT  
BOARD MEETING OF DECEMBER 7, 2022

Slip Rates 2022/2023 per linear foot:

Assigned: \$9.02/ft./month  
Temporary: \$13.45/ft./month  
Transient: \$1.25/ft./day

### INCOME

October 2022	October 2021	October 2022 Budget
\$176,272	\$174,478	\$175,684

For the month, slip income is higher than budget by \$1k. The higher than budget amount is attributed to higher temporary berthing revenue, offset by slightly lower transient berthing revenue. Slip income is higher than the prior year by \$2k.





BOARD OF COMMISSIONERS  
Russell Jeffries  
Tony Leonardini  
Vincent Ferrante  
James Goulart  
Liz Soto

7881 SANDHOLDT ROAD  
MOSS LANDING, CA 95039

TELEPHONE – 831.633.2461  
FACSIMILE – 831.633.1201

GENERAL MANAGER/HARBOR MASTER  
Tom Razzeca

## STAFF REPORT

ITEM NUMBER 09 – INCIDENT REPORT  
BOARD MEETING OF DECEMBER 07, 2022

**11/14/2022** at approximately 7pm staff was notified of a vessel that had washed ashore on California State Parks beach in Moss Landing. Staff found that the vessel had departed from Moss Landing Harbor earlier that afternoon and apparently lost power ultimately washing up on the beach. No injuries were reported and the vessel was eventually towed from the beach and returned to Moss Landing Harbor with minor damage resulting from the incident.

**No further incidents to report as of December 1, 2022.**



BOARD OF COMMISSIONERS  
Russ Jeffries  
Tony Leonardini  
Vincent Ferrante  
James R. Goulart  
Liz Soto

7881 SANDHOLDT ROAD  
MOSS LANDING, CA 95039

TELEPHONE – 831.633.5417  
FACSIMILE – 831.633.4537



GENERAL MANAGER  
HARBORMASTER  
Tommy Razzeca

## STAFF REPORT

ITEM NUMBER 19 – CONSIDER ACCEPTING REPORT REGARDING NEW LAW ADDING TO EXISTING BROWN ACT PROVISIONS FOR REMOTE PARTICIPATION VIA TELECONFERENCING  
BOARD MEETING OF DECEMBER 7, 2022

### Recommendation

Accept the report on new law adding to existing Brown Act provisions dealing with remote participation via teleconferencing.

### Background

The California Brown Act provides regulations and procedures to be used by the governing bodies of public entities for conducting open public meetings. The ability of officials to participate in such meetings via teleconferencing, defined as “a meeting of individuals in different locations, connected by electronic means, through either audio, video or both” has been a part of the Brown Act for a significant period of time. However, during the COVID-19 pandemic, the Legislature was compelled to make modifications to the Brown Act to simplify the procedures by which remote participation could be accommodated in an effort to protect the health and safety of both official and public participants at such meetings. As the COVID-19 pandemic slowly comes under control, the Legislature has adopted a new set of laws concerning remote meeting participation that will come into effect in January 2023. This will result in three sets of laws concerning remote meeting participation being in effect at the same time: Traditional Brown Act Teleconferencing Rules, Emergency Teleconferencing Rules enacted by AB 361 and Limited Specific Scenario Teleconferencing Rules enacted by AB 2449. There are significant differences in the laws, and so a comparison of all three is necessary to ensure compliance with the same.

### Review and Analysis

For ease in presentation and understanding, actions and provisions of the Brown Act dealing with remote participation are set forth in outline form below. I have also attached an AB 2449 Remote Participation Flow Chart hereto as Attachment A for future use and reference.

#### Remote Participation (AB 361 & AB 2449)

##### A. Brown Act Rules pre COVID-19 pandemic:

Pre-pandemic, Govt. Code Section 54953(b) of the Brown Act allows for local agency officials to participate in a public meeting via teleconference, if the following occurs:

- At least a quorum of the legislative body will be participating in person in local agency’s jurisdiction;

- The teleconference location must be specifically identified in the meeting notice and agenda, including the full address and room number (if in a hotel);
- Members of the public must be able to participate or address the legislative body at the teleconference location; and
- The meeting agenda is to be posted at the teleconference location.

B. Governor Newsom's Executive Orders:

- Commencing in March 2020, Governor Newsom issued a series of Executive Orders designed to contain the COVID-19 virus. These Orders (N-25-20, N-29-20 and N-35-20) declared that California was under a State of Emergency and collectively modified or suspended the requirements of the Brown Act, including the provisions regulating teleconferencing. During this time, legislative bodies were permitted to conduct their meetings via teleconference without fully complying with the teleconferencing rules of the Brown Act if members of the public were also allowed to observe and participate in the meeting by telephone or other electronic means.
- N-08-21 (June 11, 2021): In this Executive Order, Governor Newsom rescinded his previous Order N-29-20 and required that public agencies return to "live" public meetings, held in full compliance with the Brown Act's teleconferencing rules, by October 1, 2021.

C. AB 361 – effective September 16, 2021 through January 1, 2024:

In response to the Governor's rescission of Executive Order N-08-21, the state legislature issued AB 361 as an urgency measure. This measure, which sunsets on January 1, 2024, allows legislative bodies to continue to hold public meetings by teleconference – without full compliance of the Brown Act – as long as the following requirements are met:

- There is an existing "state of emergency," as that term is defined by Govt. Code Section 54953(e)(4); and
- The legislative body can make findings that 1) state or local officials have imposed or recommended measures to promote social distancing; or 2) that meeting in public would present imminent risk to the health and safety of the public meeting attendees.

If the state of emergency remains active for more than 30 days, the legislative agency is required to make the required findings by a majority vote every 30 days to continue to use AB 361's exemption under the Brown Act.

D. AB 2449 – effective January 1, 2023 through January 1, 2026:

This bill, which amends Gov. Code 54953 and was signed by Governor Newsom on September 13, 2022, provides another mechanism for public officials to participate in public meetings via teleconference without full compliance with the Brown Act.

Note that AB 2449 does not rescind AB 361; public agencies may still invoke the exemptions available under AB 361 until January 1, 2024. However, given that the Governor has announced that the COVID State of Emergency will end on February 28, 2023, one of the requisite findings to proceed under AB 361 will no longer be available and some other local or regional state of emergency would be required to rely on AB 361.

The following are the teleconferencing requirements under AB 2449:

1. Request for Remote Participation: The public official is to provide notice to the legislative body "at the earliest opportunity, including at the start of a regular meeting, of their need to participate remotely." Gov. Code Section 54953(e)(2)(A)(i)–(ii).

This request is to include a general description (not exceeding 20 words) of the circumstances relating to the need to appear remotely. The official is not required to disclose any medical diagnosis or disability, or personal medical information in the written description. The legislative body may approve the request at the start of the meeting.

a. If Request is Not on Agenda: AB 2449 also allows for the legislative body to consider the request if it does not appear on the 72-hour noticed agenda, as long as the request is due to emergency circumstances and there was not enough time to place the request on the noticed agenda. The vote to add the item to the agenda must be passed by 2/3 of members, or if less than 2/3 are present, by unanimous vote. Govt. Code Section 54954.2(b)(4).

2. "Just Cause or Emergency Circumstances": The request shall include one of the two reasons for the request, as set forth in Govt. Code Section 54953(g):

a. "Just Cause," which means any of the following:

- (1) Providing childcare or caregiving of a child, parent, grandparent, grandchild, sibling, spouse or domestic partner that requires the official to participate remotely;
- (2) A contagious illness that prevents a member from attending in person;
- (3) A need related to a physical or mental disability;
- (4) Travel while on official business of the legislative body or another agency;

b. OR "Emergency Circumstances," which means a physical or family medical emergency that prevents a member from attending in person.

3. Limits on Number of Remote Meetings: There are also limitations on the number of times a public official can use AB 2449 teleconference procedures.

a. It may not be used for a period of more than three consecutive months, or 20% of the regular meetings within a calendar year, or more than two meetings if the body only meets fewer than 10 times in a calendar year. Govt. Code Section 54953(e)(3).

4. Disclosure of Others Present at Remote Location: The remotely participating official must also disclose whether any individual over the age of 18 is "present" at the remote location. Govt. Code Section 54953(e)(2)(B).

5. Quorum Requirement: There also must be a quorum of the other members of the legislative body present at one physical location that is within the local agency's jurisdiction. Govt. Code Section 54953(b)(3).

6. Other Provisions of AB 2449:

a. AB 2449 also requires that the legislative body provide either a two-way audiovisual platform or a two-way telephonic service and a live webcasting of the meeting to allow the public to remotely hear and visually observe the meeting remotely. The remotely attending official must also participate through both audio and visual technology. Govt. Code Section 54953(f)(2)(C).

b. The bill also adds new requirements for implementing procedures to receiving and promptly resolving requests for accommodations for individuals with disabilities.

c. No action can be taken if a disruption event prevents the legislative body from broadcasting the meeting remotely. Govt. Code Section 54953(f)(1)(D).

## ATTACHMENT A

### AB 2449 – Remote Participation Flow Chart (Effective January 1, 2023 – January 1, 2026)

- **STEP 1: Official requests remote participation to the Council/District Board.**
  - **When:** ASAP (at earliest opportunity) up to start of a regular meeting
  - **What:** Generally describe reason for request (not to exceed 20 words). Request does **NOT** need to disclose medical or personal information. Must be either:
    - **Just Cause**
      - Providing childcare or caregiving of immediate family,
      - Contagious illness,
      - Physical or mental disability,
      - Official business travel for public agency, **OR**
    - **Emergency Circumstances**
      - Physical or family medical emergency.
- **STEP 2: Is the request agendized?**
  - **If yes**, then Council/Board can consider at appropriate time on agenda. Go to **Step 3** below.
  - **If no**, then Council /Board must add **urgency item** to agenda as follows:
    - Describe that there is a request by an official to participate remotely.
    - Describe the reason for the request (Just Cause or Emergency Circumstances).
    - Explain that this item came up after the 72-hour agenda deadline.
    - Council/Board takes action by: (a) finding the item is urgent and needs immediate action and was discovered after the agenda deadline, and (b) voting.
      - Must pass by 2/3 vote of Council/Board if 4+ Council/Board members are voting from 5-member entity.
      - Must pass unanimously if 3 Council/ Board members are voting from a 5-member entity.
- **STEP 3: Council/Board acts on remote participation request.**
  - **Findings:** Council/Board must make the following four findings:
    - The remotely participating official must disclose whether anyone over 18 years old is present at the remote location.
    - At least 3 (a quorum) of the other Council/Board members are present at one physical location in the Council/Board's jurisdiction.
    - The remotely participating official has not exceeded the annual limit:
      - Cannot use for more than 3 consecutive months, or 20% of the regular meetings, or more than 2 meetings if Council/Board meets less than 10x a year.
    - The Council/Board is providing a 2-way audiovisual platform or 2-way telephone service + live webcasting so public can remotely hear and visually observe the meeting.
  - **Vote:** If these findings can be made, then the Council/Board votes on whether the official may participate remotely.
    - As with all other votes, a majority (or at least 3) affirmative votes are required.
- **STEP 4: Repeat Steps 1-3 for additional officials** who wish to participate remotely, if necessary.
- **STEP 5: Resume the meeting as agendized** with official(s) participating remotely.
  - All votes at a meeting with a remote official must be taken by **roll call**.
  - No action can be taken if the remote broadcast of the meeting is disrupted.
  - Special procedures are required to promptly resolve requests for disability accommodations.