



AGENDA
SPECIAL MEETING
OF THE BOARD OF HARBOR COMMISSIONERS
MOSS LANDING HARBOR DISTRICT
7881 Sandholdt Road
Moss Landing, CA 95039
Wednesday, January 16, 2013 6:00 p.m.

A. OPEN SESSION CALL TO ORDER - PLEDGE OF ALLEGIANCE

Roll Call

Russ Jeffries - President	Linda G. McIntyre – General Manager
Yohn Gideon – Vice President	Mike Rodriguez – District Counsel
Vince Ferrante – Secretary	Marie Della Maggiore, Executive Assistant
Frank Gomes, Jr. – Commissioner	Wendy Cumming, CPA (to arrive at 7:00)
Tony Leonardini - Commissioner	

B. PROCESS WHEN NOMINEES UNCHALLENGED

1. ITEM – Receive report on process when only one person has been nominated for each Commission office vacancy (information only).

C. ADMINISTERING OATH OF OFFICE CEREMONY

2. ITEM – Oath of Office of the appointed Harbor Commissioners. The Honorable Lou Calcagno, Monterey County 2nd District Supervisor, will administer the Oath of Office to Russ Jeffries and Frank Gomes, Jr. followed by a brief break to process election and oath documentation.

D. ADJOURN TO CLOSED SESSION

A closed session will be held immediately upon completion of Item C. 2. The public open meeting will reconvene as soon as the Closed Session is concluded, and any action taken at the closed session will be reported out at this time.

1. 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.

2. 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

3. Confer with District Counsel regarding litigation pursuant to Government Code Section 54956.9(b)(1) and is hereby of the opinion that a significant exposure to litigation exists.

4. Confer with real property negotiators pursuant to Government Code §54956.8 regarding Deep Water Desal/Biomineral Holdings. Negotiating parties: General Manager and District Counsel.

5. Confer with real property negotiators regarding APN 133.251.011/012 (Kett property) pursuant to Government Code §54956.8. Negotiating parties: General Manager and District Counsel.

6. Confer with District Counsel and General Manager regarding two matters of potential litigation pursuant to Gov. Code § 54956.9(a): (a) Claim of Cramer (b) Claim of Rubio

E. RECONVENE IN OPEN SESSION - 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.

F. ELECTION OF OFFICERS

3. ITEM - Nominations and election of the 2013 Board of Harbor Commissioners Officers. The General Manager will conduct the Election of Officers.

G. 2013 COMMITTEE APPOINTMENTS

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

1. Elkhorn Slough Advisory Committee
2. Liveaboard Committee
3. Harbor Improvement Committee
4. Real Property Committee I
5. Real Property Committee II
6. Special Districts/LAFCO
7. Personnel Committee
8. Finance Committee
9. Ad Hoc Budget Committee
10. Ad Hoc Ordinance Review Committee

H. 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.

I. 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.

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

J. 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.

12. Approval of the November 29, 2012 Rescheduled Regular Meeting Minutes.

K. TREASURER'S REPORT

13. Financial Reports – Month ending December 31, 2012

L. COMMITTEE REPORTS

14. Finance Committee – Ferrante/Gideon

15. Elkhorn Slough Advisory Committee – Leonardini/Alternate - Gomes

16. Special Districts/LAFCO – Jeffries/Ferrante

17. Liveaboard Committee – Gideon/Jeffries

18. Harbor Improvement Committee – Gideon/Gomes

19. Real Property Committee I – Jeffries/Leonardini

20. Real Property Committee II - Gomes/Gideon

21. Ad Hoc FEMA Committee – Gomes/Leonardini

22. Ad Hoc Budget Committee – Gomes/Leonardini

23. Meetings attended by Commissioners at District expense since the last meeting of the Board (per AB1234 requirements). Such reports may be made orally or in writing.

M. NEW BUSINESS

24. ITEM – Consider adopting Ordinance No. 195 amending Chapters 12 and 26 of the District Ordinance Code.

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

25. ITEM – Consider adopting Resolution No. 13-01 authorizing a contract for vessel removal and demolition services

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

26. ITEM – Consider adopting Resolution No. 13-02 approving the Termination of Existing Lease and Entering into New Lease Agreement between the Moss Landing Harbor District (lessee) and Biomineral Holdings, LLC (lessors).

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

27. ITEM – Consider adopting Resolution No. 13-03 to modify personnel salary & benefits plan

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

N. COMMISSIONERS COMMENTS AND CONCERNS

Members of the Board of Harbor 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.

O. ADJOURNMENT

The next Regular Meeting of the Board of Harbor Commissioners is scheduled for February 27, 2013 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 contacting the District at (831) 633-5417. All meetings are noticed and conducted in accordance with the Ralph M. Brown Act.