

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

July 26, 2017

**A. CLOSED SESSION**

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

1. Confer with legal counsel and General Manager regarding one (1) matter of litigation pursuant to Government Code § 54956.9(a): Deyerle vs. MLH.
2. Confer with real property negotiators (District Counsel and GM) regarding four (4) matters pursuant to Government Code §54956.8: (1) Moss Landing Commercial Park; (2 and 3) A Portion of APN #413-022-003 (NH) and 4) A portion of APN 413-022-002-000 & 413-022-003-000 (NH).
3. Confer with legal counsel and General Manager pursuant to Government Code §54956.9 (a) (d) (4) - consideration of whether to initiate litigation.

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

The Open Session was called to order at 7:10 pm. After the Pledge of Allegiance roll was called.

**Commissioners Present:**

Russ Jeffries – President  
Tony Leonardini – Vice President  
Vince Ferrante – Secretary  
Peggy Shirrel – Commissioner  
James Goulart - Commissioner

**Staff Present:**

Linda G. McIntyre – General Manager  
Mike Rodriguez – District Counsel  
Tommy Razzeca – Assistant General Manager  
Shay Shaw – Administrative Assistant

**C. PRESIDENT'S REMARKS**

The President indicated an item that requires action came up after the Agenda was posted. In order add the item to the Agenda for action, a 4/5 vote was required. A motion was made by Commissioner Ferrante, seconded by Commissioner Shirrel, to add as Item 23 an item regarding opposing lowering the voting threshold to 50% to pass certain taxes. The motion passed unanimously on a roll-call vote. The president went on to say that the Board met in Closed Session, that direction was given to the General Manager and District Counsel and that no reportable action was taken.

**D. PUBLIC COMMENTS**

Rick Andrews commented on AT&T's previous adjustment to their cell phone equipment and also complained again about B Dock gate not closing. The GM informed him it was repaired but those using the gate ensure that it won't close.

Margaret Layton with Friends of Kirby Park made comments relating to her/their displeasure that Kirby Park is closed.

**E. CONSENT CALENDAR**

1. Approval of the June 28, 2017 Regular Meeting Minutes. A motion was made by Commissioner Shirrel, seconded by Commissioner Goulart, to approve the June 28, 2017 Minutes. The motion passed unanimously on a roll call vote.

**F. FINANCIAL REPORT**

2. Financial report month ending June 30, 2017. GM McIntyre gave the highlights. A motion was made by Commissioner Ferrante, seconded by Commissioner Shirrel, to accept the Financial Report. The motion passed unanimously on a roll call vote.

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

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3. Projects Status/Update – written report, no questions
4. Community Relations; Requests/Issues – Commissioner Ferrante and Rick Andrews asked about the gear recovery effort; Commissioner Shirrel commented that she was pleased with staff's response to the call about a potential Tsunami.
5. Summary of Permits Issued – written report, no questions
6. Meeting Announcements – written report, no questions
7. Assigned Liveboard Report – written report, no questions
8. Slip Income Report – written report, no questions
9. Incident Report – written report, no questions

## **H. COMMITTEE REPORTS**

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10. Finance Committee – Ferrante/Goulart – nothing to report
11. Elkhorn Slough Advisory Committee – Leonardini – nothing to report
12. Special Districts – Jeffries/Ferrante – Commissioners Jeffries and Ferrante attended the SDA of Monterey County meeting; the guest speakers were from LAFCO and staff from CSDA.
13. Liveboard Committee – Jeffries/ Goulart – nothing to report
14. Harbor Improvement Committee – Shirrel/Goulart – nothing to report
15. Real Property Committee I – Jeffries/Leonardini – met; matter is on the Agenda
16. Real Property Committee II – Ferrante/Shirrel – nothing to report
17. Ad Hoc Budget Committee – Leonardini/Shirrel – nothing to report
18. Meetings attended by Commissioners at District expense since the last regular meeting of the Board (AB 1234 requirements). Nothing to report.

## **I. NEW BUSINESS**

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19. ITEM – Update on Maintenance Dock Erosion Emergency Project
  - a. Staff report – GM McIntyre gave the report
  - b. Public comment - none
  - c. Board discussion - none
  - d. Board action – by consensus the Board declared that the emergency still exists and that the provisions of Resolution No. 17-01 should continue in full force and effect.
20. ITEM – Consider Extending Moss Landing Commercial Park agreements.
  - a. Staff report – GM McIntyre gave the report.
  - b. Public comment - none
  - c. Board discussion - none
  - d. Board action – Commissioner Ferrante made a motion, seconded by Commissioner Shirrel to extend the MLCP leases. The motion passed unanimously on a roll call vote.
21. ITEM – Consider Adopting Resolution No. 17-08 Canceling the August Regular Board Meeting and Fixing a Substitute Date Therefor.
  - a. Staff report – GM McIntyre gave the report.
  - b. Public comment - none
  - c. Board discussion - none
  - d. Board action – Commissioner Shirrel made a motion, seconded by Commissioner Leonardini to adopt Resolution No. 17-08. The motion passed unanimously on a roll call vote.
22. ITEM – Consider Adopting Resolution No. 17-09 for the Election of Directors to the Special District Risk management Authority.
  - a. Staff report – GM McIntyre gave the report
  - b. Public comment - none
  - c. Board discussion – Commissioner Shirrel made a recommendation based on the fact that turnover is important. Commissioner Ferrante also made some recommendations.

d. Board action – Commissioner Ferrante made a motion, seconded by Commissioner Shirrel, to adopt Resolution 17-09 nominating James Hamlin, Mike Scheafer, David Aranda and Jean Bracy to the SDRMA Board. The motion passed unanimously on a roll call vote.

23. ITEM – Consider authorizing the General Manager to respond to a CSDA survey asking whether CSDA should support lowering the special tax threshold to 55%.

a. Staff report – GM McIntyre gave the report pointing out that the survey questions were “leading” and did not afford the respondent the opportunity to dissent, and shared her draft proposed comments opposing any effort to lower the voting threshold.

b. Public comment – Rick Andrews commented that he agreed the survey questions were poorly written.

c. Board discussion – Commissioner Leonardini agreed. Commissioner Jeffries said he appreciated the diplomatic tone the GM used in framing her opposition; he felt very strongly about opposing it.

d. Board action – Commissioner Ferrante made a motion, seconded by Commissioner Leonardini, authorizing the GM to send her response as drafted opposing CSDA investing resources toward lowering the voting threshold to increase taxes. Motion passed unanimously on a roll call vote.

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

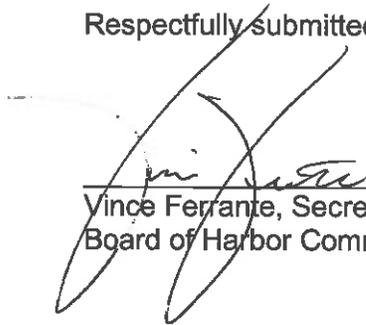
Commissioner Ferrante mentioned that at the recent SDA of Monterey County meeting, CSDA staff pointed out that GM McIntyre was only one of two Special District managers in Monterey County who wrote letters for CSDA’s use in opposing certain legislation; CSDA appreciated the effort. President Jeffries said that he also appreciated the effort and perhaps it helped in the outcome because the legislation did not pass.

There was a brief discussion regarding Friends of Kirby Park and the situation with Kirby Park’s closure due to the County access road being washed out.

#### **L. ADJOURNMENT**

The meeting was adjourned at 8:15 pm.

Respectfully submitted,

  
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Vince Ferrante, Secretary  
Board of Harbor Commissioners

ATTEST:

  
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Linda G. McIntyre, Deputy Secretary  
Board of Harbor Commissioners