

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

**August 30, 2017 - 7:00 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 during the Closed Session will be reported out at that time.

1. Confer with legal counsel and General Manager pursuant to Gov't Code § 54956.9(a) regarding one matter of litigation: Deyerle vs. MLH, and one matter of potential litigation: Claim of Marsee .
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 real property negotiators (District Counsel and GM) regarding one (1) matter pursuant to Government Code §54956.8: Santa Cruz Cannery Building & North Harbor.

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

**Roll Call**

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

Linda G. McIntyre – General Manager  
Mike Rodriguez – District Counsel  
Tommy Razzeca – Assistant General Manager  
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 the July 26, 2017 Regular Meeting Minutes.
2. Claim of Eugene Marsee

**F. FINANCIAL REPORT**

3. Financial report month ending July 31, 2017.

**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.

4. Projects Status/Update
5. Community Relations; Requests/Issues
6. Summary of Permits Issued
7. Meeting Announcements
8. Assigned Liveboard Report

9. Slip Income Report
10. Incident Report

## **H. COMMITTEE REPORTS**

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11. Finance Committee – Ferrante/Goulart
12. Elkhorn Slough Advisory Committee – Leonardini
13. Special Districts – Jeffries/Ferrante
14. Liveaboard Committee – Jeffries/ Goulart
15. Harbor Improvement Committee – Shirrel/Goulart
16. Real Property Committee I – Jeffries/Leonardini
17. Real Property Committee II – Ferrante/Shirrel
18. Ad Hoc Budget Committee – Leonardini/Shirrel
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.

## **I. NEW BUSINESS**

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20. ITEM – Update on Maintenance Dock Erosion Emergency Project
  - a. Staff report
  - b. Public comment
  - c. Board discussion
  - d. Board action
21. ITEM – Consider request for sublease – Sea Harvest Restaurant.
  - a. Staff report
  - b. Public comment
  - c. Board discussion
  - d. Board action
22. ITEM – Consider awarding North Harbor Building contract.
  - a. Staff report
  - b. Public comment
  - c. Board discussion
  - d. Board action
23. ITEM – Authorize GM to Execute Consent of Landlord regarding RV Park Refinance.
  - a. Staff report
  - b. Public comment
  - c. Board discussion
  - d. Board action

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

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

## **L. ADJOURNMENT**

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The next Meeting of the Board of Harbor Commissioners is scheduled for September 27, 2017 at 7:00 PM at the offices of the Moss Landing Harbor District, 7881 Sandholdt Road, Moss Landing, CA. Individuals who require special accommodations are requested to contact the Assistant General Manager by emailing [Razzeca@mosslandingharbor.dst.ca.us](mailto:Razzeca@mosslandingharbor.dst.ca.us) or by calling 831.633.2461 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 Regular Meetings and 24 hours prior to Special Meetings and may be obtained by logging onto the District's website at [www.mosslandingharbor.dst.ca.us](http://www.mosslandingharbor.dst.ca.us), by contacting the District at 831.633.5417 or by emailing [Mcintyre@mosslandingharbor.dst.ca.us](mailto:Mcintyre@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

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 Liveaboard 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. Liveaboard 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,

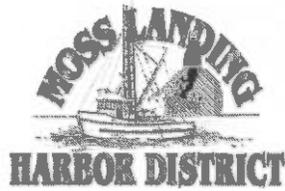
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Vince Ferrante, Secretary  
Board of Harbor Commissioners

ATTEST:

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Linda G. McIntyre, Deputy Secretary  
Board of Harbor Commissioners



BOARD OF COMMISSIONERS

Russ Jeffries

Tony Leonardini

Vincent Ferrante

Margaret "Peggy" Shirrel, Ph.D.

James Goulart

7881 SANDHOLDT ROAD  
MOSS LANDING, CA 95039

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EXECUTIVE  
GENERAL MANAGER

HARBORMASTER  
Linda G. McIntyre, Esq.

## STAFF REPORT

### ITEM NUMBER 2 – CLAIM OF EUGENE MARSEE – VESSEL BLUES HARP BOARD MEETING OF AUGUST 30, 2017

Mr. Marsee claims that staff put a nick in the paint stripe on his vessel and claims damages in the amount of \$1,000 to repaint the entire stripe around the vessel.

Staff recommends that the Board deny Mr. Marsee's claim.

*SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947*

## Moss Landing Harbor District Balance Sheet As of July 31, 2017

	Jul 31, 17	Jul 31, 16	\$ Change	% Change
<b>ASSETS</b>				
<b>Current Assets</b>				
<b>Checking/Savings</b>				
1018 · Union Bank- Trust Account	148,696	214,854	-66,158	-31%
1002 · Petty Cash	500	500		
1010 · Union - M.M.	4,189,473	3,648,047	541,426	15%
1009 · Union - Operating	26,393	91,099	-64,706	-71%
1011 · Union - Payroll	35,369	9,568	25,801	270%
1015 · 1st Capital Bank	1,545,182	1,542,078	3,104	0%
1016 · Pinnacle Bank Interest Account	22,922	22,922		
1020 · Umpqua - Restricted	1,009,737	1,008,224	1,513	0%
<b>Total Checking/Savings</b>	<b>6,978,272</b>	<b>6,537,292</b>	<b>440,980</b>	<b>7%</b>
<b>Accounts Receivable</b>				
<b>11290 · Leases</b>				
1262 · Monterey Bay Electronics		436	-436	-100%
1282 · NNN Receivable	41,304	11,304	30,000	265%
1291 · Monterey Bay Kayak		-1,496	1,496	100%
<b>Total 11290 · Leases</b>	<b>41,304</b>	<b>10,244</b>	<b>31,060</b>	<b>303%</b>
1200 · Marina Receivables	22,658	76,515	-53,857	-70%
1201 · Marina - Allow for Bad Debt	-48,770	-33,677	-15,093	-45%
<b>Total Accounts Receivable</b>	<b>15,192</b>	<b>53,082</b>	<b>-37,890</b>	<b>-71%</b>
<b>Other Current Assets</b>				
<b>1271 · Prepaid Expenses</b>				
1270 · Insurance	15,157	16,641	-1,484	-9%
<b>Total 1271 · Prepaid Expenses</b>	<b>15,157</b>	<b>16,641</b>	<b>-1,484</b>	<b>-9%</b>
<b>Total Other Current Assets</b>	<b>15,157</b>	<b>16,641</b>	<b>-1,484</b>	<b>-9%</b>
<b>Total Current Assets</b>	<b>7,008,621</b>	<b>6,607,015</b>	<b>401,606</b>	<b>6%</b>
<b>Fixed Assets</b>				
1650 · Construction In Progress	366,418	366,418		
1670 · Equipment	779,968	779,968		
<b>1700 · Improvements</b>				
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	8,276,755	8,276,755		
1740 · SH Floating Docks	9,369,077	9,369,077		
<b>Total 1700 · Improvements</b>	<b>26,671,305</b>	<b>26,671,305</b>		
1900 · Land	1,642,860	1,642,860		
<b>1800 · Less - Depreciation</b>				
1805 · Equipment	-780,790	-760,389	-20,401	-3%
1810 · NH Buildings & Improvements	-3,533,599	-3,274,605	-258,994	-8%
1820 · NH Floating Docks	-498,754	-486,717	-12,037	-2%
1825 · NH Offsite Improvements	-445,166	-415,783	-29,383	-7%
1830 · SH Buildings & Improvements	-5,808,718	-5,599,940	-208,778	-4%

**Moss Landing Harbor District**  
**Balance Sheet**  
As of July 31, 2017

	<u>Jul 31, 17</u>	<u>Jul 31, 16</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	-12,668	10,883	-23,551	-216%
<b>Total Accounts Payable</b>	-12,668	10,883	-23,551	-216%
<b>Other Current Liabilities</b>				
2082 · MLCP Cost Reimb. Deposit	87,342	105,724	-18,382	-17%
2005 · Accrued Employee IRA	700		700	100%
2020 · Accrued Salaries Payable	-28		-28	-100%
2021 · Accrued Vacation	76,043	94,999	-18,956	-20%
2030 · Customer Deposits	298,184	289,776	8,408	3%
2050 · Employee 457 Payable	-253		-253	-100%
2080 · Prepaid Berth Fees	142,118	175,745	-33,627	-19%
2087 · Lease Deposits	14,164	14,164		
2086 · Prepaid Leases				
20861 · Duke	49,363	47,458	1,905	4%
20862 · MBARI	19,945	19,179	766	4%
<b>Total 2086 · Prepaid Leases</b>	69,308	66,637	2,671	4%
2051 · Note Interest Payable				
2062 · Umpqua Accrued Interest	57,666	0	57,666	100%
<b>Total 2051 · Note Interest Payable</b>	57,666	0	57,666	100%
<b>Total Other Current Liabilities</b>	745,244	747,045	-1,801	-0%
<b>Total Current Liabilities</b>	732,576	757,928	-25,352	-3%
<b>Long Term Liabilities</b>				
2605 · Umpqua Loan	4,046,718	4,046,718		
<b>Total Long Term Liabilities</b>	4,046,718	4,046,718		
<b>Total Liabilities</b>	4,779,294	4,804,646	-25,352	-1%
<b>Equity</b>				
3050 · Prior Year Earnings	8,897,861	9,417,664	-519,803	-6%
3020 · Retained Net Assets	6,456,231	6,456,231		
<b>Net Income</b>	69,146	66,376	2,770	4%
<b>Total Equity</b>	15,423,238	15,940,271	-517,033	-3%
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u>20,202,532</u>	<u>20,744,917</u>	<u>-542,385</u>	<u>-3%</u>

**Moss Landing Harbor District**  
**Profit & Loss Budget vs. Actual**  
 July 2017

	<u>Jul 17</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
<b>4000 · MARINA REVENUES</b>				
<b>4100 · Berthing Income</b>				
4110 · Assigned Berthing	133,850	134,969	-1,119	99%
4115 · Temporary Berthing	26,446	20,167	6,279	131%
4130 · Transient Berthing	1,955	3,750	-1,795	52%
4112 · Qtrly/Annual Discount	-211	-300	89	70%
4113 · Commercial Vessel Dscnt	-980	-1,250	270	78%
4114 · Away (1 mnth) Dscnt	-183	-75	-108	244%
4120 · Liveaboard Fees	10,220	9,500	720	108%
4220 · Wait List	1,125	583	542	193%
4282 · Recovered Lien Costs	420		420	100%
4280 · Late Fees	3,030	2,500	530	121%
<b>Total 4100 · Berthing Income</b>	<u>175,672</u>	<u>169,844</u>	<u>5,828</u>	<u>103%</u>
<b>4200 · Other Income - Operations</b>				
4225 · Merchandise	132	83	49	159%
4285 · Dog Fee	125	50	75	250%
4230 · SH Parking	21,823	10,000	11,823	218%
4290 · Misc	1,647	200	1,447	824%
<b>Total 4200 · Other Income - Operations</b>	<u>23,727</u>	<u>10,333</u>	<u>13,394</u>	<u>230%</u>
<b>4300 · Operating Grant Revenues</b>				
<b>Total 4000 · MARINA REVENUES</b>	<u>199,399</u>	<u>180,177</u>	<u>19,222</u>	<u>111%</u>

**Moss Landing Harbor District**  
**Profit & Loss Budget vs. Actual**  
July 2017

	Jul 17	Budget	\$ Over Budget	% of Budget
<b>5350 · Workers Compensation</b>				
<b>5353 · Administration</b>	300	234	66	128%
<b>5355 · Operations</b>	587	544	43	108%
<b>5358 · Maintenance</b>	667	1,338	-671	50%
<b>Total 5350 · Workers Compensation</b>	1,554	2,116	-562	73%
<b>Total 5300 · Personnel</b>	53,582	61,877	-8,295	87%
<b>5400 · Insurance</b>				
<b>5410 · Liability Insurance</b>	10,303	10,000	303	103%
<b>Total 5400 · Insurance</b>	10,303	10,000	303	103%
<b>5500 · Utilities</b>				
<b>5540 · Sewer</b>	3,261	3,333	-72	98%
<b>5510 · Garbage</b>	4,825	4,417	408	109%
<b>5520 · Gas and Electric</b>	20,000	16,250	3,750	123%
<b>5530 · Water</b>	1,922	2,667	-745	72%
<b>Total 5500 · Utilities</b>	30,008	26,667	3,341	113%
<b>5600 · Operating Supplies</b>				
<b>5610 · Vehicles</b>	400	750	-350	53%
<b>5625 · Operations</b>	228	1,750	-1,522	13%
<b>Total 5600 · Operating Supplies</b>	628	2,500	-1,872	25%
<b>5700 · Depreciation</b>	39,333	39,375	-42	100%
<b>5800 · Repairs &amp; Maintenance</b>				
<b>5810 · Vehicles</b>		257	-257	
<b>5830 · Equip Rental</b>	284	719	-435	39%
<b>5850 · Repair Materials</b>	3,077	6,525	-3,448	47%
<b>5860 · Outside Service Contracts</b>	1,837	5,833	-3,996	31%
<b>5870 · Derelict Disposal</b>	16	2,500	-2,484	1%
<b>Total 5800 · Repairs &amp; Maintenance</b>	5,214	15,834	-10,620	33%
<b>5900 · Financial Expenses</b>				
<b>5920 · Bank Service Charges</b>	318	300	18	106%
<b>5990 · Bad Debt</b>	2,125	1,783	342	119%
<b>Total 5900 · Financial Expenses</b>	2,443	2,083	360	117%
<b>Total · MARINA EXPENSES</b>	159,371	175,386	-16,015	91%
<b>Net Ordinary Income - Marina Operations</b>	40,028	4,791	35,237	835%

**Moss Landing Harbor District  
Profit & Loss Budget vs. Actual  
July 2017**

	<u>Jul 17</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>7000 · LEASE AND OTHER EXPENSES</b>				
<b>7100 · Interest Expense</b>				
7134 · Umpqua Accrued Interest	9,611	9,173	438	105%
<b>Total 7100 · Interest Expense</b>	<u>9,611</u>	<u>9,173</u>	<u>438</u>	<u>105%</u>
<b>7200 · Other Financial Expenses</b>				
7230 · LAFO Administrative Charges	6,411	6,411		100%
<b>Total 7200 · Other Financial Expenses</b>	<u>6,411</u>	<u>6,411</u>		<u>100%</u>
<b>5700 · Depreciation</b>	39,333	39,375	-42	100%
<b>7300 · Commissioner Expenses</b>				
7320 · Monthly Stipend	1,600	1,000	600	160%
7321 · Employer Payroll Taxes	122	100	22	122%
<b>Total 7300 · Commissioner Expenses</b>	<u>1,722</u>	<u>1,100</u>	<u>622</u>	<u>157%</u>
<b>Total 7000 · LEASE AND OTHER EXPENSES</b>	<u>57,077</u>	<u>56,059</u>	<u>1,018</u>	<u>102%</u>
<b>Net Ordinary Income - Lease &amp; Other Operations</b>	<u>31,226</u>	<u>27,413</u>	<u>3,813</u>	<u>114%</u>
<b>Net Ordinary Income - Combined Operations</b>	<u>71,254</u>	<u>32,204</u>	<u>39,050</u>	<u>221%</u>
<b>Other Income/Expense</b>				
<b>Other Expense</b>				
<b>9000 · CAPITAL PROJECT EXPENSES</b>				
9309 · New NH Restaurant	2,110	100,000	-97,890	2%
<b>Total 9000 · CAPITAL PROJECT EXPENSES</b>	<u>2,110</u>	<u>100,000</u>	<u>-97,890</u>	<u>2%</u>
<b>Total Other Expense</b>	<u>2,110</u>	<u>100,000</u>	<u>-97,890</u>	<u>2%</u>
<b>Net Other Income</b>	<u>-2,110</u>	<u>-100,000</u>	<u>97,890</u>	<u>2%</u>
<b>Net Income</b>	<u><u>69,144</u></u>	<u><u>-67,796</u></u>	<u><u>136,940</u></u>	<u><u>-102%</u></u>

**Moss Landing Harbor District**  
**Profit & Loss YTD Comparison**  
July 2017

Expense	Jul 17	Jul 16	\$ Change	% Change
<b>5200 · General &amp; Administrative</b>				
5100 · Advertising	1,466	113	1,353	1,197%
5921 · Internet Billing Service	151	156	-5	-3%
5210 · Dues & Subscriptions	1,459	1,387	72	5%
<b>5220 · Office Supplies</b>				
5223 · Administration	204	264	-60	-23%
5225 · Operations	844		844	100%
<b>Total 5220 · Office Supplies</b>	1,048	264	784	297%
<b>5230 · Postage &amp; Equip Lease</b>				
5232 · Meter Lease	129		129	100%
5235 · Postage	745		745	100%
<b>Total 5230 · Postage &amp; Equip Lease</b>	874		874	100%
<b>5240 · Copier Lease &amp; Supplies</b>				
5242 · Copier Lease	533	266	267	100%
<b>Total 5240 · Copier Lease &amp; Supplies</b>	533	266	267	100%
<b>5250 · Telephone &amp; Communications</b>				
5253 · Administration	1,094	948	146	15%
5255 · Operations	70	71	-1	-1%
<b>Total 5250 · Telephone &amp; Communications</b>	1,164	1,019	145	14%
<b>5260 · Professional Services</b>				
5269 · Payroll Processing	261	247	14	6%
5262 · Accounting	3,263	2,430	833	34%
5265 · Legal	6,060	17,668	-11,608	-66%
<b>Total 5260 · Professional Services</b>	9,584	20,345	-10,761	-53%
5290 · Credit Card Fees	1,581	743	838	113%
<b>Total 5200 · General &amp; Administrative</b>	17,860	24,293	-6,433	-26%
<b>5300 · Personnel</b>				
<b>5310 · Salaries</b>				
5313 · Administration	19,646	19,234	412	2%
5315 · Operations	10,858	9,326	1,532	16%
5318 · Maintenance	6,736	4,687	2,049	44%
<b>Total 5310 · Salaries</b>	37,240	33,247	3,993	12%
<b>5330 · Payroll Taxes</b>				
5333 · Administration	1,352	1,680	-328	-20%
5335 · Operations	831	771	60	8%
5338 · Maintenance	502	465	37	8%
<b>Total 5330 · Payroll Taxes</b>	2,685	2,916	-231	-8%
<b>5340 · Employee Benefits</b>				
5343 · Administration	6,020	5,542	478	9%
5345 · Operations	1,580	2,079	-499	-24%
5348 · Maintenance	4,503	3,520	983	28%
<b>Total 5340 · Employee Benefits</b>	12,103	11,141	962	9%
5350 · Workers Compensation				

**Moss Landing Harbor District**  
**Profit & Loss YTD Comparison**  
July 2017

	Jul 17	Jul 16	\$ Change	% Change
<b>4400 · LEASE AND OTHER INCOME</b>				
<b>4050 · Trust Lands Lease Revenue</b>				
4051 · Dynegy Outfall	5,273	5,273		
4053 · MBARI	2,120	2,120	0	
<b>Total 4050 · Trust Lands Lease Revenue</b>	<u>7,393</u>	<u>7,393</u>	<u>0</u>	
<b>4500 · Leases</b>				
4501 · K-Pier Lease		1,390	-1,390	-100%
<b>4502 · Cannery Building</b>				
4518 · Suite 5	1,992	1,967	25	1%
4510 · Suite 6	2,124	2,062	62	3%
4504 · Suite 3	7,177	6,968	209	3%
4511 · Suite 1 & 10	1,418	1,418		
4515 · Suite 4	6,941	6,739	202	3%
4517 · Suite 2	2,596	2,520	76	3%
4523 · Canary NNN	2,853	182	2,671	1,468%
<b>Total 4502 · Cannery Building</b>	<u>25,101</u>	<u>21,856</u>	<u>3,245</u>	<u>15%</u>
4530 · RV Lot	2,661	2,583	78	3%
4550 · Misc	123		123	100%
<b>4560 · North Harbor</b>				
4562 · Sea Harvest	3,156	3,055	101	3%
4568 · Monterey Bay Kayaks	1,496	1,496		
4572 · Pottery Planet	3,247	3,152	95	3%
<b>Total 4560 · North Harbor</b>	<u>7,899</u>	<u>7,703</u>	<u>196</u>	<u>3%</u>
<b>Total 4500 · Leases</b>	<u>35,784</u>	<u>33,532</u>	<u>2,252</u>	<u>7%</u>
<b>4700 · Other Revenues &amp; Concessions</b>				
4727 · Key Sales	659	287	372	130%
4125 · Amenity Fee	24,045	23,764	281	1%
<b>4710 · Vending Activities</b>				
4711 · Washer/Dryer	1,133	598	535	89%
4712 · Soda	163		163	100%
<b>Total 4710 · Vending Activities</b>	<u>1,296</u>	<u>598</u>	<u>698</u>	<u>117%</u>
4720 · Dry Storage	4,965	5,471	-506	-9%
4725 · North Harbor Use Fee	12,549	8,124	4,425	54%
4730 · NH Washdown	230	160	70	44%
4735 · Camp/RV	450	1,753	-1,303	-74%
4751 · Permits	500	500		
4765 · Faxes, Copies & Postage	4	5	-1	-20%
<b>Total 4700 · Other Revenues &amp; Concessions</b>	<u>44,698</u>	<u>40,662</u>	<u>4,036</u>	<u>10%</u>
<b>4800 · Interest</b>				
4846 · Umpqua Interest	129	128	1	1%
4843 · First Capital Bank	262	245	17	7%
4841 · Union Bank Interest	37	30	7	23%
<b>Total 4800 · Interest</b>	<u>428</u>	<u>403</u>	<u>25</u>	<u>6%</u>
<b>Total 4400 · LEASE AND OTHER INCOME</b>	<u>88,303</u>	<u>81,990</u>	<u>6,313</u>	<u>8%</u>

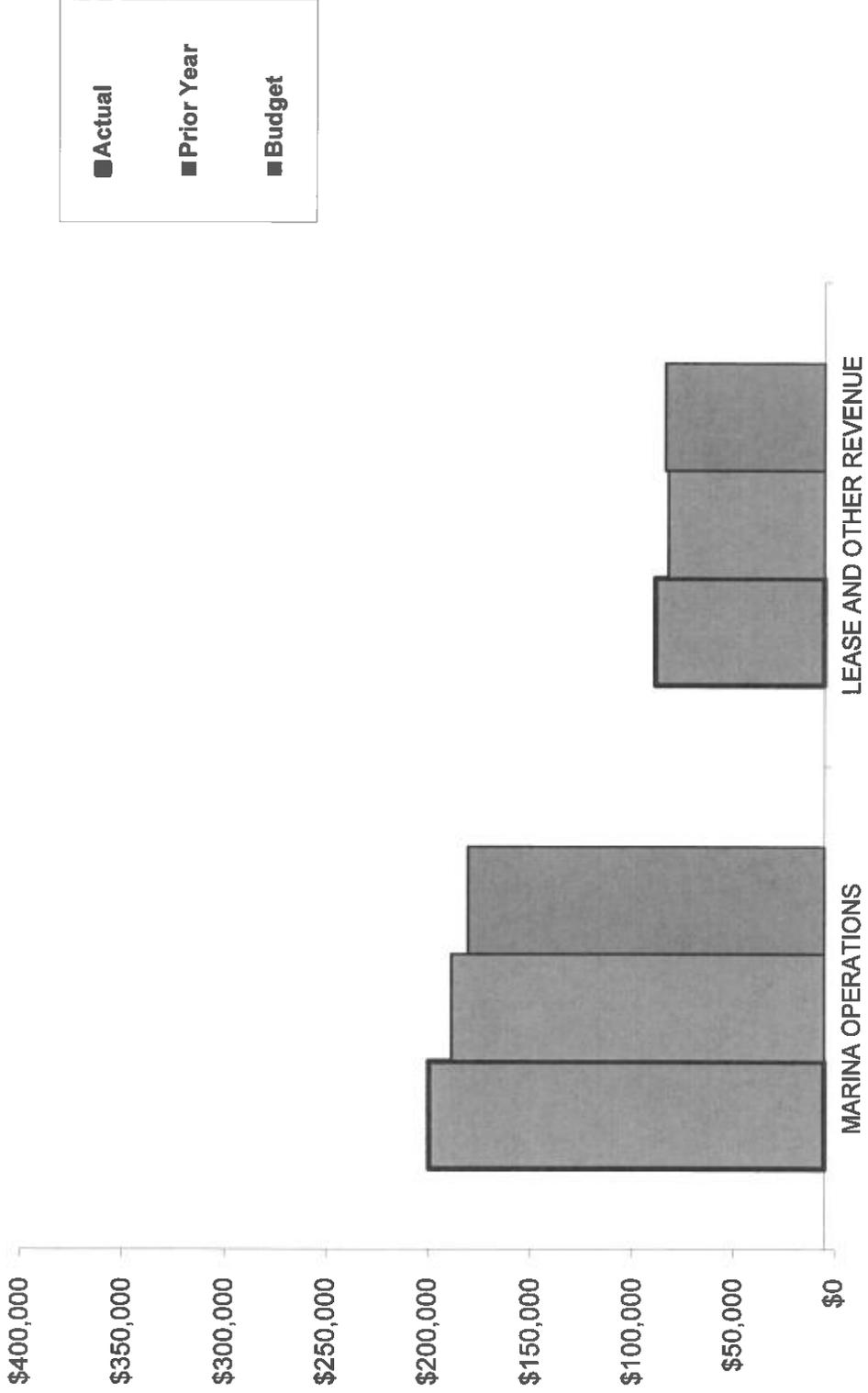
**Moss Landing Harbor District**  
**A/P Aging Summary**  
As of July 31, 2017

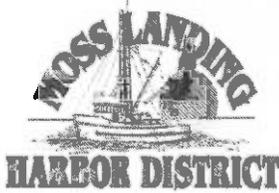
	<u>Current</u>	<u>1 - 30</u>	<u>31 - 60</u>	<u>61 - 90</u>	<u>&gt; 90</u>	<u>TOTAL</u>
Airgas	81.45	0.00	0.00	0.00	0.00	81.45
AT&T	130.10	0.00	0.00	0.00	0.00	130.10
CalPERS	0.00	-7,346.23	0.00	0.00	0.00	-7,346.23
Carmel Marina Corporation	506.29	0.00	0.00	0.00	0.00	506.29
Central Coast Systems, Inc.	105.00	0.00	0.00	0.00	0.00	105.00
Cintas	456.16	0.00	0.00	0.00	0.00	456.16
Damm Good Water	0.00	137.00	0.00	0.00	0.00	137.00
Jarvis, Fay, Doport & Gibson, LLP	6,840.00	0.00	0.00	0.00	0.00	6,840.00
Linda G. McIntyre	0.00	-400.00	0.00	0.00	0.00	-400.00
Monterey County Auditor-Controller	0.00	6,411.00	0.00	0.00	0.00	6,411.00
Monterey Regional Waste Management Dist.	23.00	0.00	0.00	0.00	0.00	23.00
Mora Door, Inc.	0.00	426.95	0.00	0.00	0.00	426.95
Moss Landing Boat Works	0.00	433.28	0.00	0.00	0.00	433.28
MRWPCA	0.00	3,260.97	0.00	0.00	0.00	3,260.97
Office Depot	112.07	0.00	0.00	0.00	0.00	112.07
Pajaro/Sunny Mesa C.S.D.	1,922.25	0.00	0.00	0.00	0.00	1,922.25
Pettigrew & Foletta	0.00	13.45	0.00	0.00	0.00	13.45
PG&E	0.00	-20,000.00	0.00	0.00	0.00	-20,000.00
Premium Assignment Corporation	0.00	-11,454.63	0.00	0.00	0.00	-11,454.63
Prncipal Financl	0.00	-265.33	0.00	0.00	0.00	-265.33
Rabobank	457.24	0.00	0.00	0.00	0.00	457.24
Social Vocational Services, Inc.	0.00	-1,073.57	0.00	0.00	0.00	-1,073.57
VALIC	4,432.78	0.00	0.00	0.00	0.00	4,432.78
Verizon Wireless	140.99	0.00	0.00	0.00	0.00	140.99
Vision Sevice Plan	0.00	-127.88	0.00	0.00	0.00	-127.88
Wald, Ruhnke & Dost Architects, LP	2,109.85	0.00	0.00	0.00	0.00	2,109.85
<b>TOTAL</b>	<b><u>17,317.18</u></b>	<b><u>-29,984.99</u></b>	<b><u>0.00</u></b>	<b><u>0.00</u></b>	<b><u>0.00</u></b>	<b><u>-12,667.81</u></b>

**Moss Landing Harbor District**  
**Warrant Listing**  
**As of July 31, 2017**

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
Bill Pmt -Check	07/10/2017	17394	VALIC	-3,543.53
Bill Pmt -Check	07/21/2017	17395	Adolfo Calanoc	-355.00
Bill Pmt -Check	07/21/2017	17396	Aspen Enviornmental Group	-837.50
Bill Pmt -Check	07/21/2017	17397	AT&T	-260.65
Bill Pmt -Check	07/21/2017	17398	Bayside Oil, Inc.	-270.00
Bill Pmt -Check	07/21/2017	17399	Byte Technology	-75.00
Bill Pmt -Check	07/21/2017	17400	DMV/Lien Sale Section	-16.00
Bill Pmt -Check	07/21/2017	17401	Henderson Marine Supply	-865.42
Bill Pmt -Check	07/21/2017	17402	Linda G. McIntyre	-400.00
Bill Pmt -Check	07/21/2017	17403	MP Express	-343.69
Bill Pmt -Check	07/21/2017	17404	Office Team	-587.50
Bill Pmt -Check	07/21/2017	17405	Roto Rooter	-175.00
Bill Pmt -Check	07/21/2017	17406	Sea Engineering, Inc.	-7,389.79
Bill Pmt -Check	07/21/2017	17407	Sealaska Techincal	-15,608.00
Bill Pmt -Check	07/21/2017	17408	AT&T	-489.77
Bill Pmt -Check	07/22/2017	17409	Orbach Huff Suarez & Gilbert	-10,000.00
Bill Pmt -Check	07/24/2017	17410	Mike Ray	-500.00
Bill Pmt -Check	07/31/2017	17411	Byte Technology	-37.50
Bill Pmt -Check	07/31/2017	17412	Daniel Porter	-788.50
Bill Pmt -Check	07/31/2017	17413	Edward Dossen	-550.00
Bill Pmt -Check	07/31/2017	17414	Home Depot	-1,015.26
Bill Pmt -Check	07/31/2017	17415	Konica Minolta Premier Finance	-266.73
Bill Pmt -Check	07/31/2017	17416	Office Team	-1,163.25
Bill Pmt -Check	07/31/2017	17417	Ross Garrison	-500.00
Bill Pmt -Check	07/31/2017	17418	U.S. Bank	-2,278.84
Bill Pmt -Check	07/31/2017	17419	United Site Services of Calif., Inc.	-43.46
Bill Pmt -Check	07/31/2017	17420	Wald, Ruhnke & Dost Architects, LP	-3,925.60
Bill Pmt -Check	07/31/2017	17421	Wendy L. Cumming, CPA	-3,262.50
Total 1009 - Union - Operating				-154,464.79
<b>TOTAL</b>				<b>-154,464.79</b>

**Marina, Lease and Other Revenue  
Year to Date Actual vs. Budget and Prior Year  
July 31, 2017**





7881 SANDHOLDT ROAD  
MOSS LANDING, CA 95039

TELEPHONE – 831.633.5417  
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GENERAL MANAGER  
HARBORMASTER  
Linda G. McIntyre, Esq

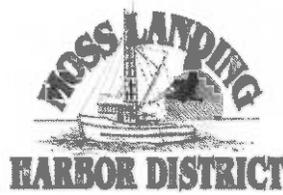
BOARD OF COMMISSIONERS  
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James Goulart

## STAFF REPORT

### ITEM NUMBER 4 – PROJECT STATUS BOARD MEETING OF AUGUST 30, 2017

WHEN	WHAT	STATUS			COMMENTS
		DONE	ON TARGET	REVISED	
During NH Building Construction	Install electrical lights around the perimeter of NH parking lot as budget permits.			X	Awaiting relocation of electrical box during NH Building project. This will be an ongoing project. We will commence obtaining new permits as appropriate.
After NH Building Construction	Repair Cannery Building unimproved parking lot			X	Postponed due to budget constraints*
After NH Building Construction	Install hardwood in Assistant GM's, Admin Assistant's and the GM's offices			X	Postponed due to budgeting constraints.*
2015 - 2018?	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 Building construction	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.
Mid 2017	Maintenance Dock Emergency Repair			X	Scheduled for construction commencement September 25, 2017
Ongoing (started July 2015)	Replacement of three (3) HVAC Units SC Cannery Bldg (one unit replaced in October 2015)		X		One unit that was in immediate need of replacement was replaced October 2015.
FY 2018/2019	Postponed due to budget constraints NH visitor dock replacement			X	Visitor dock at NH destroyed by sea lions; because of 2 El Niño emergency projects, permit conditions & B dock accident will budget in 2018/2019
2018	NH & SH Dredge projects from 2017 storms		X		Jan & Feb 2017 winter storms deposited silt in SH and extreme in NH. Met with FEMA & CalOES; FEMA issued approval for assistance; Permitting underway.
Sept 2018	NH Building construction		X		Bid opening August 29, 2017; on August 30, 2017 Agenda to award a contract.

\*NORTH HARBOR BUILDING PROJECT HAS PRIORITY



BOARD OF COMMISSIONERS

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EXECUTIVE  
GENERAL MANAGER

HARBORMASTER  
Linda G. McIntyre, Esq.

## STAFF REPORT

### ITEM NUMBER 5 – COMMUNITY RELATIONS, REQUESTS, ISSUES BOARD MEETING OF AUGUST 30, 2017

1. The Monterey Bay Fisheries Trust Lost Gear Recovery project is underway from August through November. The District donated a small area at the North end of the Harbor Master's building for the project which will help fishermen recover their lost gear which can be very expensive to replace as well as clear lost fishing gear from the sea floor of the Monterey Bay.
2. FEMA Funding: Last month I reported that a new FEMA liaison, William Miller, had been assigned to our project and our consultant with Sealaska, Assistant GM Tommy Razzeca and I met with him shortly after the last Board meeting. He advised us that the letter the District received from the California Office of Emergency Services (CalOES) advising that our request for FEMA assistance was approved for these dredging projects was probably premature; that FEMA does not yet have all the information necessary to determine whether reimbursement will be authorized or not. He followed up with a request for our historical sounding data and correspondence with our marine consultant to verify that soundings were taken before and after the storm events, along with a substantial amount of other historical information.
3. Dredge Project: Our consultant is continuing efforts to obtain permits which require permission or consultation with USACE, California Coastal Commission, Regional Water Quality Control Board, National Marine Fisheries (NOAA), U.S. Fish and Wildlife, USEPA, Cal Fish and Wildlife, California State Lands Commission, MBNMS and State Parks.
4. Board President Jeffries and GM McIntyre attended an Elkhorn Yacht Club member meeting to answer any questions they may have regarding the dredge project. The meeting was attended by some 30 individuals who appreciated our attendance and even though we were not able to necessarily give them the answers they wanted, they did come away with a better understanding of what is involved in the process to eventually achieve dredging.
5. Good News/Bad News: Over the last several years \$51 million has been borrowed by the State general fund from the Harbors & Watercraft Revolving Fund (HWRP) managed by the Division of Boating and Waterways. This year the \$51 million was returned to the HWRP. The bad news is that the State Department of Parks & Recreation (DPR) has proposed a Transition Plan which may include the elimination of the Division of Boating and Waterways altogether, leaving us as only one of many interests competing for DPR services and funding. Stay tuned.

*SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947*



BOARD OF COMMISSIONERS  
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EXECUTIVE  
 GENERAL MANAGER  
 HARBORMASTER

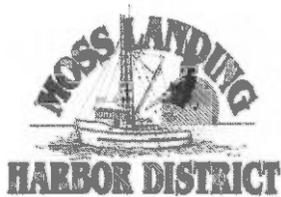
Linda G. McIntyre, Esq.

## STAFF REPORT

### ITEM NUMBER 6 – SUMMARY OF PERMITS ISSUED BOARD MEETING OF AUGUST 30, 2017

Permittee	Issue Date	Status	Permit Type	Exp. Date
Monterey Bay Hydrobikes	2/4/2017	Current	Facilities Use	2/4/2018
Blue Ocean Whale Watch	2/8/2017	Current	Facilities Use	2/8/2018
REI Outdoor School	3/9/2017	Current	Facilities Use	3/9/2018
Kahuna Sportfishing	3/17/2017	Current	Facilities Use	3/17/2018
Fast Raft	3/28/2017	Current	Facilities Use	3/28/2018
Elkhorn Slough Research Foundation	4/1/2017	Current	Facilities Use	4/1/2018
MBARI-Otter Studies	4/1/2017	Current	Facilities Use	4/1/2018
Stap-Marine Life Studies	4/15/2017	Current	Facilities Use	4/15/2018
Venture Quest Kayaking	5/16/2017	Current	Facilities Use	5/16/2018
Kayak Connection	5/18/2017	Current	Facilities Use	5/18/2018
Secret Harbor Charter Tours	5/24/2016	Expired	Facilities Use	Not Renewed
Sanctuary Cruises	6/7/2017	Current	Facilities Use	6/7/2018
Sea Goddess Whale Watching-Tours	6/10/2017	Current	Facilities Use	6/10/2018
Sea Goddess Whale Watching-Souvenirs	6/10/2017	Current	Peddlers	6/10/2018
MBARI-Slough Test Moorings	6/27/2017	Current	Facilities Use	6/27/2018
Orescanin, NPS Research Buoys	4/3/2017	Expired	Facilities Use	Not Renewed
Save Our Shores-Dockwalker Program	9/2/2016	Current	Facilities Use	9/2/2017
Elkhorn Slough Safari - Souvenirs	10/1/2016	Current	Peddlers	10/1/2017
Elkhorn Slough Safari - tours	10/1/2016	Current	Facilities Use	10/1/2017
Blue Water Ventures	10/31/2016	Current	Facilities Use	10/31/2017
Wild Fish-Vicki Crow	11/20/2016	Current	Peddlers	11/20/2017

SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947



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EXECUTIVE  
GENERAL MANAGER

HARBORMASTER  
Linda G. McIntyre, Esq.

## STAFF REPORT

ITEM NUMBER 7 – MEETING ANNOUNCEMENTS  
BOARD MEETING OF AUGUST 30, 2017

Monterey Bay National Marine Sanctuary Advisory Council (SAC) 2017 Meeting Schedule  
For information contact Nichole Rodriguez, [nichole.rodriguez@noaa.gov](mailto:nichole.rodriguez@noaa.gov); 831.647.4206

**October 20th**  
Salinas

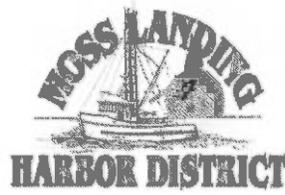
**December 15th**  
Monterey

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>

September 16, 2017 – MBNMS 25<sup>th</sup> Anniversary Gala, Monterey Tides Hotel, Monterey  
Tickets and information: Paul Michel & Kris Sarri – [murph@marinesanctuary.org](mailto:murph@marinesanctuary.org)

September 25-28 – Monterey Marriott and Portola Hotels – Annual CSDA Conference

*SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947*



**BOARD OF HARBOR COMMISSIONERS**  
Russell Jeffries  
Tony Leonardini  
Vincent Ferrante  
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James R. Goulart

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**GENERAL MANAGER**  
**HARBOR MASTER**  
Linda G. McIntyre, Esq.  
  
Assistant General Manager  
Tommy Razzeca

## STAFF REPORT

### ITEM NUMBER 8 – ASSIGNED LIVEBOARD REPORT BOARD MEETING OF AUGUST 30, 2017

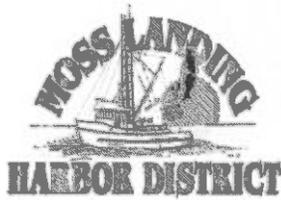
Pursuant to Ordinance Code §6.110 D) 1), below is the report containing the names of all permitted liveboard vessels and all persons living aboard. The permits for these liveboards have automatically renewed through the last day of this month. As of this writing, there are zero (0) revocation actions pending.

<u>Name</u>	<u>Vessel</u>
1. Anderson, T.	<i>Lanikai</i> CF 4134N
2. Brenta T.	<i>Teri Leigh</i> 936915
3. Bohigian, D.	<i>Finesse</i> , CF 3764 ET
4. Burns, P.	<i>Tralfamadore</i> , CF 9430 GL
5. Byrnes, K.	<i>Grand Slam</i> , CF 4540 FE
6. Callahan, T.	<i>Deb on Air</i> , CF 3174 HA
7. Cayuela, R.	<i>Rachel Angelet</i> , CF 6969 UB
8. Chojnowski, G.	<i>Moon Shadow</i> , CF 2325 SZ
9. Clark, N.	<i>China Cloud</i> , ON 999772
10. Cloer, J./Ajuria M.	<i>Laurie</i> , CF 2688 EX
11. Chambers, B.	<i>Pyxis</i> , ON 984193
12. Comendant, T.	<i>Mariah</i> , CF 9747 GR
13. Clark D.	<i>Seaside Escape</i> CF 4356 HW
14. Degnan, P.	No Name, CF 8344 GT
15. Powers, P	No Name, CF 0333 EU
16. Elwell, G.	<i>Pearl</i> , ON 557575
17. Faneuf, C.	<i>Sandpiper</i> , CF 6280 EU
18. Felicano, J.	<i>Takara</i> , CF 3767 AS
19. Graham, D.	<i>Shelter Dog</i> , ON 593068
20. Harrington,H.	<i>Isle of View</i> , ON 997142
21. Ho, R.	<i>Carolynn Ann</i> CF 5796 FG
22. Heatley, J.	<i>Darla Jean</i> , CF 2303 UN
23. Jerred, D.	<i>Westwind</i> , CF8564 GM
24. Groom D	<i>Phoenix</i> , CF 5084 GJ
25. Jones, H.	<i>Laetare</i> , CF 5495 YB
26. Jones, T.	<i>Sanity</i> , CF 5249 SC
27. Johnson, J. /LaFever M.	<i>Aztlan</i> , ON 281903
28. Kampas,B.	<i>Tee-Time</i> CF 5670 UY
29. Knudson L./Knudson A.	<i>Spellbound</i> , ON 082155

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30. Kurle L.	<i>Sweet Liberty</i> ON 105217
31. Larke, R.	<i>Rhiannon</i> , CF 8551 CA
32. Burnett	<i>Zinful</i> CF5419 JG
33. Maris, T.	<i>Nimble</i> , CF 3730 KB
34. Markley, S.	<i>Olivia</i> , CF 0322 VP.
35. Nieman J.	<i>Inia</i> , ON 1074183
36. Niswonger, R.	<i>Illusion</i> , CF 0836 TA
37. Nunes, D.	<i>Aurooa</i> , ON 676686
38. Otis, T.	<i>Blue Moon</i> , CF 1886 GT
39. Guzman, Francisco	<i>Rosie II</i> CF 7754 GG
40. PhillipsA/FlavinS/FlavinC/FlavinS	<i>Odyle</i> , ON 559168
41. Velaquez A/ Velaquez R/ Velaquez R	<i>Lorraine</i> CF 0533 JL
42. Raaphorst, D./Raaphorst M.	<i>Spirit</i> , ON 664971
43. Reins, D.	<i>Second Paradise</i> , ON 912484
44. Rotger, M.	<i>Raven</i> , ON 241650
45. Roulet, J.	<i>Double Eagle</i> , ON 519846
46. Piro, Daniel	<i>Gulf Star</i> CF 6082 GL
47. Schuber, T.	<i>Bulldog</i> , ON 1219673
48. Stegmann, R.	<i>Wild Goose</i> , ON 589319
49. Stark, H.	<i>Outta Here</i> , CF 8370 EA
50. Snyder, R.	<i>Jeannie B</i> , ON 261236
51. Thomas, B.	<i>Coho</i> , CF 9974 KK
52. Tufts, M./ M White/ P Wiseman/R Son	<i>Enchantress</i> , CF 0878 SX
53. Whaley, C/ Whaley C.	<i>Karuna</i> , ON 653218
54. Wolinski, Peter	<i>Ramona</i> , ON 1114657
55. Waters, J./Waters, M.	<i>No Name</i> CF 5670 GD
56. <i>Kevin Antos</i>	<i>Water Billy</i> CF 8031 SB
57. <i>Herrick Andrews</i>	<i>Sea Free</i> ON 613387
58. Kim Richardson	<i>Sophie</i> CF 0533 JL
59. Tony Brenta	<i>Teri Leigh</i> ON 936915
60. PENDING	PENDING

Total Number Vessels: 59  
Total Number Persons: 73  
Pending Applications -1-



BOARD OF COMMISSIONERS  
 Russ Jeffries  
 Tony Leonardini  
 Vincent Ferrante  
 Margaret "Peggy" Shirrel, Ph.D.  
 James Goulart

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EXECUTIVE  
 GENERAL MANAGER

HARBORMASTER  
 Linda G. McIntyre, Esq.

## STAFF REPORT

ITEM NUMBER 9- SLIP INCOME REPORT  
 BOARD MEETING OF AUGUST 30, 2017

Slip Rates 2017/2018 per linear foot:

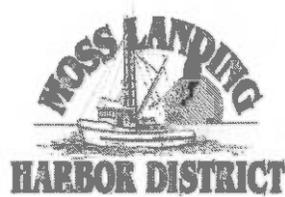
Assigned: \$7.55/ft./month  
 Temporary: \$11.65/ft./month  
 Transient: \$1.25/ft./day

### INCOME

<u>July 2017</u>	<u>July 2016</u>	<u>July 2017 Budget</u>
\$160,876	\$156,949	\$157,260

For the month, slip income is above budget by \$3,616 and is above prior year by \$3,927 due to higher temporary berthing revenue in the current year.

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**GENERAL MANAGER**  
HARBOR MASTER  
Linda G. McIntyre, Esq.  
Assistant General Manager  
Tommy Razzeca

## STAFF REPORT

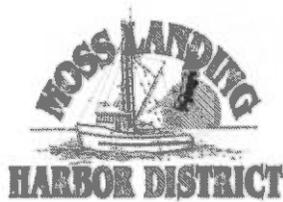
### ITEM NUMBER 10 – INCIDENT REPORT BOARD MEETING OF AUGUST 30, 2017

**08/09/17-** A vessel on B dock sank in its slip at approximately 6pm, staff responded to the area where they found the vessel under water but fortunately, without any noticeable sheen. The vessel owner contacted divers who refloated the vessel that very night and the owner removed the vessel from the Harbor the following day. The sinking appeared to be caused by a wooden plank popping out below the waterline, as it sunk very quickly. Nothing further to report.

**08/14/17** – A harbor tenant reported to staff that he had been away for a few days and when he returned the hatch to his vessel was open with many items missing. Staff requested that the tenant file a report with the Monterey County Sheriff which he said he planned to do. Nothing further to report.

No further incidents to report as of the date of this report August 23, 2017.

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Tom Razzeca

## STAFF REPORT

ITEM NUMBER 20 – UPDATE - MAINTENANCE DOCK EROSION  
EMERGENCY PROJECT  
BOARD MEETING OF AUGUST 30, 2017

On January 22, 2017 the Board approved Resolution No.17-01 declaring the Maintenance Dock Erosion project an emergency and authorizing the General Manager to proceed with the emergency infill and repairs. The Resolution states that Staff and the Board shall review the status of the emergency at every regularly scheduled meeting to determine whether the emergency can be terminated.

Our marine engineer Paul Roberts has reiterated his original opinion that we need to immediately work on installing bank stabilization and infilling where the bank has eroded away.

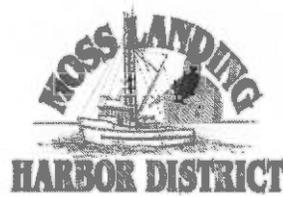
District staff and our engineer have finally succeeded in obtaining all necessary permits and have been informed that construction can begin September 25, 2017. There will be some inconvenience in the northernmost area of the parking lot as construction fencing will temporarily block parking spaces along the bank, and exit traffic will be utilizing the easternmost parking spaces located in the center of the lot at this north end for egress.

Assistant General Manager Razzeca will be meeting with the contractor's logistical team in the next few weeks to obtain more details and will then notify B dock tenants as well as post notices throughout the Harbor of the anticipated temporary re-routing of vehicle traffic.

The Board should indicate on the record by simple consensus that emergency conditions continue to exist and that the provisions of Resolution 17-01 should continue in full force and effect.

*SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947*

ITEM 20 – UPDATE - MAINTENANCE DOCK EMERGENCY PROJECT  
8/30/2017



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**ASSISTANT GM/ASSISTANT HM**  
Tom Razzeca

## **STAFF REPORT**

**ITEM NUMBER 21 – CONSIDER REQUEST FOR A SUBLEASE – SEA HARVEST  
BOARD MEETING OF AUGUST 30, 2017**

The Lessees of the Sea Harvest Restaurant have requested that we authorize the sublease of the Sea Harvest Restaurant to Veronica and Bruce Pirl. Attached is their Business Plan.

The Lease between MLHD and Sea Harvest states that Tenant shall not assign or otherwise transfer the Lease or any right or interest hereunder, or in or to any of the Improvements, or sublet or license the use of the Premises without the prior written consent and approval of Landlord, which consent and approval will not be unreasonably withheld.

It goes on to say that Landlord reserves the right to condition any such approval upon Landlord's determination that the proposed assignee or subtenant has: (i) adequate net worth; (ii) experience in operating similar restaurants; and (iii) is suitable to Landlord in all other reasonable respects.

The Board should determine if they need further information or have sufficient information to approve the sublease.

*SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947*

ITEM 21 – REQUEST FOR SUBLEASE – SEA HARVEST RESTAURANT  
08/30/2017

## **To Whom It May Concern:**

### **1.-Executive Summary**

The Restaurant`wil continue with the same menu and just will be ad 4-5 items. Ribeye, New York, Paella, etc. pot roast, We will offer specialty selections including a lighter options and smaller portions for a children`s menu.

The restaurant will be family owned and operated by Veronica and Family, Together they have over 25+ collective years experience in the restaurant and catering industry.

The décor will feature wood accented chairs, white table cloths. Dinner style tables will be surrounded by wooden chairs with comfortable seating cushions.

Sales projections assume 1700 customers per week resulting in weekly sales of just over

### **Business Objectives**

The primary objectives of the business plan for Restaurant are below:

- To be the premier Seafood and European cuisine
- To provide quality meals at reasonable prices with exemplary service

### **Mission Statement**

Our Mission is to provide a unique and relaxing dining experience – similar to dining at home. We will strive to achieve this goal by: 1) by providing menu items incorporating quality ingredients at reasonable prices, and 2) we will be mindful of the well being of our customers and staff– treating each and everyone with dignity and respect – just like we would at our own home!

### **Guiding Principles**

#### **Being Mindful of our Customers and our Staff**

Coinciding with our family values, we will treat both our customers and staff in a manner in which we ourselves would want to be treated (or better!)

#### **Gratitude**

“An attitude of gratitude” shown to our customers, employees and vendors – because without their input, service, labor and time, our business would not be here without them!

#### **Our Service**

Provide the warm and friendly service expected from a family-style restaurant creating an informal, comfortable environment which will make the customers satisfied and want to return again and again.

## Keys to Success

- Repeat business. Every customer who comes in once should want to return, and recommend us. Word-of-mouth marketing is a powerful ally.
- Hire top notch chefs and offer training to keep the chef on top of his/her game, and pay top wages to ensure they stay with us.
- Location. Convenience is essential to us; we need to be close to our market because we are not trying to get people to travel to reach us.
- A variety of menu offerings with a “down home” theme, reasonably priced to establish credibility, but not so high as to limit customers.

The restaurant will be open 7 days a week with hours as follows:

Monday	9:00 am – 10:00 pm
Tuesday	9:00 am – 10:00 pm
Wednesday	9:00 am – 10:00 pm
Thursday	9:00 am – 10:00 pm
Friday	9:00 am – 11:00 pm
Saturday	9:00 am – 11:00 pm
Sunday	9:00 am – 10:00 pm

### Ownership

The restaurant will be owned by Bruce & Veronica Pirl her restaurant career at the age of 15 working in family restaurant and earned her way through college as a business administration on hospitality. After earning her degree, she worked for an independent fine dining restaurant. In these organizations she held the positions of Assistant Manager and then General Manager. After earning experience she open a Basque restaurant in San Juan Bautista in 2002 to now and we took over a breakfast place, Mission Café on 2010 to now.

With the high turnover of help for startup restaurants, we will rely on family to fill in where required until we are off the ground and making a profit.

### Legal Form

The restaurant will be organized as a LLC, wholly owned and operated by Veronica Pirl and Bruce Pirl.

### Services

#### Daily Operations and Production

WE will be open 7 days a week for lunch and dinner requiring multiple shifts. Veronica will write the schedules. The schedules will be written in a manner that will allow the ability to increase or decrease hourly labor according to sales volume in order to maintain a consistent labor cost control.

Proper labeling and rotation techniques, accompanied by ample storage facilities will ensure that high quality prepared product will be sufficiently available to meet the demands during peak business hours. Replenishment and ongoing preparation will continue during off peak business hours.

Veronica Pirl and Guillermo Matchain, her brother will be responsible for ordering, receiving and maintaining sufficient inventory to meet production demands. Ordering schedules will be staggered with perishable products being ordered multiple times per week to preserve freshness. Standard grocery and supply orders will be ordered less often, according to a predetermined schedule and storage capacity.

We will rely on operational checklists to verify that each work shift has been properly prepared for and to insure the operational standards are followed before, during and after work shifts.

### **Management Controls**

We will practice sound management procedures in order to control costs, insure quality of product and provide friendly customer service. The following systems will be used by management:

**Order Guide:** The restaurant will use an item specific order guide to track order history and maintain designated levels of product in inventory.

**Weekly Inventory:** Management will conduct a weekly inventory to determine valuation for use in the preparation of weekly profit and loss reports.

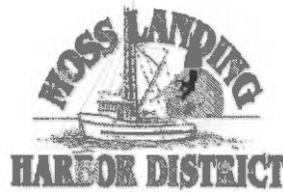
**Daily Inventory Tracking:** Daily inventory will be taken on specific items. Movement will be compared to sales data to ensure designated products have been properly accounted for.

**Purchasing Records/Payables.** A part time bookkeeper will process and record invoices and credits daily. Reports detailing cash expenditures, payments by check, and accounts payable transactions will be readily available. Check disbursements will be prepared by the bookkeeper. Check signing authority for the general operating account will be given to the general manager.

**Payroll Processing.** Payroll checks will be issued bi-monthly. Veronica will run reports from the time & attendance system, make necessary adjustments, and prepare for transfer to the payroll system. Payroll will be processed by a payroll processing service.

If you need more information please lend us know

Veronica and Bruce Pirl



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## **STAFF REPORT**

### **ITEM NUMBER 22 – RESOLUTION NO. 17-10 AWARDING NORTH HARBOR BUILDING CONSTRUCTION CONTRACT BOARD MEETING OF AUGUST 30, 2017**

The Board and staff have worked diligently on the North Harbor Building Construction Project since the old Harbor Inn restaurant was demolished in 2005 – over twelve (12) years ago. We are finally ready to award a contract to construct the North Harbor Building on the footprint of the former Harbor Inn.

Staff prepared and published a Notice Inviting Bids for the construction of the North Harbor Building on July 21 and August 1. The deadline for receiving bids is 2:00 p.m. August 29, 2017.

The bids received, if any, will be distributed at the meeting.

The Board can award the contract or can reject all bids. If no bids are received the District can negotiate with any suitable contractor for the work.

Staff recommends that any contract awarded by the Board be made subject to verification of references and review and approval by District Counsel.

Resolution No. 17-10 awarding a contract is attached for the Board's adoption should the board wish to award a contract at this meeting.

*SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947*

RESOLUTION NO. 17-10

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE MOSS LANDING HARBOR DISTRICT AWARDING A CONTRACT FOR THE NORTH HARBOR BUILDING CONSTRUCTION PROJECT

\* \* \* \* \*

WHEREAS, on July 21 and August 1, 2017 the District's General Manager caused the publication of a Notice to Prospective Bidders soliciting sealed bids for its North Harbor building Construction Project in the Monterey County Herald newspaper and on the District's web page. The project was also listed with the Central Coast Builders Exchange in Salinas, the San Luis Obispo Builders Exchange and the Bay Area Builders Exchange, and

WHEREAS, in response to the District's Notice, the District received the following bids:

Name of Contractor	Bid Amount
_____	_____
_____	_____
_____	_____

WHEREAS, the Board has reviewed the bids and has determined that the bid received from \_\_\_\_\_ meets all District requirements and that a review of \_\_\_\_\_ records and references will be conducted by staff to determine whether it possesses all professional capabilities and the desire to fulfill the requirements of the Project's plans and specs.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Moss Landing Board of Harbor Commissioners that, subject to review of \_\_\_\_\_ records and references with satisfactory results, the General Manager is hereby authorized to execute a contract in a form to be approved by the General Manager and District Counsel for the North Harbor Building Construction Project in an amount not to exceed \$ \_\_\_\_\_ with the following contractor: \_\_\_\_\_.

CERTIFICATION

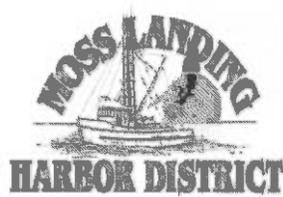
Resolution 17-10 was duly passed and adopted by the Board of Harbor Commissioners of the Moss Landing Harbor District at a special meeting of the Board held on the 39th day of August, 2017, a quorum present and acting throughout, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

\_\_\_\_\_  
Russ Jeffries, President  
Board of Harbor Commissioners

\_\_\_\_\_  
Linda G. McIntyre, Deputy Secretary  
Board of Harbor Commissioners



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Linda G. McIntyre, Esq.

**ASSISTANT GM/ASSISTANT HM**  
Tom Razzeca

## **STAFF REPORT**

### **ITEM NUMBER 23 – AUTHORIZE GM TO EXECUTE CONSENT OF LANDLORD – RV PARK REFINANCE BOARD MEETING OF AUGUST 30, 2017**

Tom Reynolds, owner of Reynolds Resorts, Inc. and our tenant under a ground lease for the Moss Landing RV Park, is refinancing the RV Park debt service. The bank, Farmers & Merchants Bank of Long Beach, has requested that the Harbor District consent to the transaction and agree to certain terms.

This is a relatively routine request when an asset of the customer, Reynolds Resorts, is encumbered by a Lease agreement with a property owner, in this case the Harbor District.

Staff recommends that the Board authorize the General Manager to execute the Ground Lessor's Consent, Estoppel Certificate and Agreement, attached, subject to review and approval by District Counsel.

*SERVING COMMERCIAL FISHING AND RECREATIONAL BOATING SINCE 1947*

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

FARMERS AND MERCHANTS BANK OF LONG BEACH  
Main Office  
302 Pine Avenue  
Long Beach, CA 90802  
Attention: Scott McCrum

Assessor's Parcel No.: 133-173-001

**GROUND LESSOR'S CONSENT, ESTOPPEL CERTIFICATE  
AND AGREEMENT**

This Ground Lessor's Consent, Estoppel Certificate and Agreement ("Agreement") is entered into by MOSS LANDING HARBOR DISTRICT, a Political Subdivision of the State of California ("Ground Lessor"), and REYNOLDS RESORTS-MOSS LANDING, LLC, a California limited liability company ("Ground Lessee"), for the benefit of FARMERS AND MERCHANTS BANK OF LONG BEACH, a California corporation ("Lender").

**RECITALS**

A. Ground Lessor is ground lessor under that certain Ground Lease Agreement dated July 9, 2001 between Ground Lessor and Pelican, LLC, a California limited liability company ("Pelican") (as amended, the "Ground Lease"), as evidenced by that certain Revised Memorandum of Lease dated March 10, 2007 which was recorded February 7, 2007 as Instrument No. 2007010490 in the Official Records of Monterey County, California, covering that certain premises located in the Rancho Boldea Nueva Y Moro Cojo, County of Monterey, State of California (the "Leased Property"), legally described in Exhibit "A" hereto.

B. Ground Lessee has acquired the interest of Pelican in the Ground Lease pursuant to that certain Assignment of Ground Lease Agreement dated as of February 7, 2007, and is obtaining an extension of credit from Lender in the principal sum of \$19,000,000.00 ("Loan"), which will be secured by, inter alia, Ground Lessee's interest in the Leased Property. Ground Lessee is the co-borrower on the Loan, and is securing its obligations to Lender with, inter alia, the property that is the subject of the Ground Lease ("Fee Property"). Lender is relying, in part, upon this Agreement in securing the Loan with Ground Lessee's interest in the Leased Property and Ground Lessor's interest in the Fee Property.

NOW THEREFOR, in consideration of the foregoing and for other and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the parties agree as follows:

## AGREEMENT

### 1. ESTOPPEL AND CONSENT

Ground Lessor hereby certifies to and in favor of Lender the following:

- a. Ground Lessor is the current ground lessor under the Ground Lease, and the owner of the Fee Property, on which the Leased Property is located.
- b. Ground Lessee is the current ground lessee under the Ground Lease. Ground Lessor has not assigned or conveyed or agreed to assign or convey Ground Lessor's interest under the Ground Lease in whole or in part, except in connection with the Loan.
- c. Ground Lessee has accepted the Leased Property.
- d. The Ground Lease is in full force and effect, and there have been no amendments, modifications, changes or additions since its execution, except for that certain Amendment to Ground Lease dated March 10, 2004. The Ground Lease constitutes the full and entire understanding and agreement between Ground Lessor and Ground Lessee pertaining to the Ground Lease and the Leased Property.
- e. Ground Lessor has made all rent payments required to be made under the Ground Lease. The amount of the current monthly ground rent payment is \$2,661.07.
- f. No rent has been paid by Ground Lessor more than thirty (30) days before its due date.
- g. There is no security deposit.
- h. Ground Lessor is not in breach or default of any of the terms, conditions or provisions of the Ground Lease.
- i. Ground Lessor does not have any claims, causes of action, judgments, liabilities or demands of any kind, nature or character against Ground Lessee concerning the Ground Lease.
- j. Ground Lessor is not, in any respect, in default under the terms and provisions of the Ground Lease. Further, Ground Lessor knows of no event which would constitute a default under the terms of the Ground Lease by either Ground Lessor or Ground Lessee.
- k. The Ground Lease is for a term of thirty (30) years commencing September 1, 2001. Ground Lessee has two (2) consecutive options to extend the term of the Ground Lease for additional period of ten (10) years each. Ground Lessee has no option to purchase the Leased Premises, except that the Ground Lease contains a right of first refusal for Ground Lessee to purchase Ground Lessor's fee estate, as set forth in Section 2.5 of the Ground Lease.

1. Ground Lessor has not encumbered its fee interest in the Leased Premises to any lender or financial institution, whether by way of mortgage, deed of trust or other security instruments.

m. Ground Lessor hereby consents to the extension of credit by Lender and the encumbrance of Ground Lessee's interest in the Ground Lease pursuant to a deed of trust by Ground Lessee in favor of Lender ("Deed of Trust"). Ground Lessor acknowledges that it has received a copy of the promissory note, Deed of Trust and any other loan documents requested by it of Ground Lessee.

## 2. AGREEMENTS BY GROUND LESSOR

Ground Lessor has been further advised by Ground Lessee that Lender has required, in order to induce Lender to make the Loan, among other matters, the delivery of the following statements, agreements, and representations by Ground Lessor to Lender:

a. During the term of the Loan, Ground Lessor will not change or amend the Ground Lease or any interest of the Ground Lessee thereunder without Lender's prior written consent.

b. Ground Lessor shall provide to Lender any notice of default that it gives to Ground Lessee under the Ground Lease at the time it gives such notice to Ground Lessee. All such notices shall be given to Lender at Main Office, 302 Pine Avenue, Long Beach, CA 90802, Attention: Scott McCrum, with a copy to Chief Credit Officer at the same address, or to such other address as Lender may hereinafter designate in writing and delivered in the manner provided for notice to be given under the Ground Lease.

c. Ground Lessor acknowledges that Lender is entitled to all the benefits and mortgagee protection provisions in the Ground Lease (including, but not limited to, Section 18 of the Ground Lease), subject to Lender's compliance with the provisions thereof.

d. If the Ground Lease is terminated for any reason or is, in connection with any bankruptcy proceeding, rejected or terminated by a trustee, a debtor in possession or by operation of law, Ground Lessor shall, at Lender's written request within sixty (60) days after the date of any such rejection or termination, enter into a new lease of the Leased Property with Lender for the remainder of the term of the Ground Lease, effective as of the date of such rejection, at the rent and upon the same terms, provisions, covenants and agreements as are contained in the Ground Lease, which shall inure to the benefit of Lender and its successor(s) and/or assignee(s) under such new lease), except for any requirements which have been satisfied by or on behalf of Ground Lessee prior to such rejection or termination; provided, that Lender shall, upon execution of the new lease, pay to Ground Lessor any and all sums which would have been due under the Ground Lease as of the time of execution and delivery of the new lease, but for the rejection or termination thereof.

e. If Ground Lessee's interest in the Ground Lease is acquired by Lender or a wholly owned subsidiary corporation or other entity of Lender, by reason of foreclosure or other proceedings brought to enforce Lender's rights under the Deed of Trust or any other security document, or by deed in lieu of foreclosure, or by any other method, the Ground Lease and the

rights of the Ground Lessee thereunder shall continue in full force and effect and shall not be terminated or disturbed by Ground Lessor, except in accordance with the terms of the Ground Lease and this Agreement. Upon such acquisition by Lender, Lender shall attorn to Ground Lessor as landlord under the Ground Lease, which attornment shall be effective and self-operative without the execution of any other instrument on the part of any party hereto, immediately upon Lender's succeeding to the interest of Ground Lessee under the Ground Lease.

f. Notwithstanding anything in the Ground Lease to the contrary, if Lender acquires title to Ground Lessee's interest in the Ground Lease by foreclosure of the Deed of Trust or by assignment or deed in lieu of foreclosure, or otherwise, or under a new lease pursuant to this Agreement, Lender may assign the Ground Lease or the new lease without the need for any prior written consent from Ground Lessor, and shall thereupon be released from all liability for the performance or observance of the covenants and conditions contained in the Ground Lease or such new lease required on said Ground Lessee's part to be performed and observed from and after the date of such assignment.

### 3. AGREEMENTS BY GROUND LESSOR AND GROUND LESSEE

Ground Lessor and Ground Lessee hereby agree with and for the benefit of Lender that:

a. Notwithstanding any Ground Lease provisions to the contrary, policies of fire, casualty, and extended coverage insurance shall be carried by the Ground Lessee covering the building or buildings constructed on the Leased Property with loss payable clause to Lender, as beneficiary under the Deed of Trust, and any disposition of the proceeds thereof in case of loss shall be subject to the rights of Lender therein as provided in the Deed of Trust and thereafter as the interests of the parties appear.

b. Any and all eminent domain or condemnation awards or damages recoverable by the Ground Lessee shall first be applied in payment of the then outstanding balance, if any, of the Loan and the balance of such awards and damages, if any, shall be paid to Ground Lessor and Ground Lessee, as their interest may appear.

c. Ground Lessor hereby waives the right to obtain, for any liability of Ground Lessee that arises, accrues, or is the subject of legal action while the Deed of Trust is in existence a lien on any equipment or furnishings of Lessee that may constitute a part of the improvements on the Leased Property.

d. Unless this Agreement contradicts a term or provision of the Ground Lease, it is the parties' intent that this Agreement and the Ground Lease be construed as though no conflict exists between their terms. In the event of a conflict between the terms of the Ground Lease and this Agreement as it relates to Lender, the terms of this Agreement shall control.

e. Lender shall be entitled to all of the benefits of the Ground Lease, subject to Lender's compliance with the provisions thereof.

f. In the event Lender acquires the fee interest of Ground Lessor in the Fee Property and the leasehold interest of Ground Lessee in the Leased Property, there shall be no

merger of the fee interest and leasehold interest, and each shall remain separate and distinct interests.

4. MISCELLANEOUS

This Agreement constitutes the entire, final agreement of the parties touching upon the subject matter hereof, and supersedes any prior negotiations or agreements on such subject matter. No amendment, modification, or supplement of any provision of this Agreement shall be effective unless in writing, signed by all parties hereto; and no waiver of any party's obligations under this Agreement shall be effective unless in writing, signed by Lender, and then only in the specific instance and for the specific purpose given. This Agreement may be executed in any number of counterparts, and any party hereto or thereto may execute any counterpart, each of which, when executed and delivered, will be deemed to be an original, and all of which counterparts of this Agreement, as the case may be, taken together will be deemed to be but one and the same instrument. The execution of this Agreement by any party or parties hereto or thereto will not become effective until counterparts hereof or thereof, as the case may be, have been executed by all the parties hereto or thereto.

*[Signature page to follow.]*

IN WITNESS WHEREOF, the parties hereto have executed this Ground Lessor's Consent, Estoppel Certificate and Agreement as of the date first above written.

Dated: August 31, 2017

**"GROUND LESSOR":**

MOSS LANDING HARBOR DISTRICT,  
a Political Subdivision of the State of California

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

Name: Linda G. McIntyre

Title: General Manager

**"GROUND LESSEE":**

REYNOLDS RESORTS-MOSS LANDING, LLC,  
a California limited liability company

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

Name: Thomas Edmund Reynolds

Title: Manager

**"LENDER":**

FARMERS AND MERCHANTS BANK OF LONG BEACH  
a California corporation

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

Name: Scott McCrum

Title: Vice President

[ALL SIGNATURES MUST BE ACKNOWLEDGED]

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature : \_\_\_\_\_

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature : \_\_\_\_\_

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature : \_\_\_\_\_

EXHIBIT "A"

LEGAL DESCRIPTION

Real property in the unincorporated area of the County of Monterey, State of California, described as follows:

PARCEL ONE:

CERTAIN REAL PROPERTY SITUATE IN THE RANCHO BOLSA NUEVA Y MORO COJO AND IN THE BED OF THE OLD SALINAS RIVER CHANNEL, IN THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, BEING A PART OF THAT CERTAIN 7.5 ACRE TRACT OF LAND DESCRIBED UNDER "PARCEL TWO" IN THE DECREE QUIETING TITLE; ACTION NO. 11,844 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF MONTEREY, WILLIAM SANDHOLDT, ET UX, VS. A .B. GROSSMAN, ET AL, DATED SEPTEMBER 04, 1931, AND RECORDED IN VOLUME 307 OF OFFICIAL RECORDS AT PAGE 346, RECORDS OF SAID COUNTY, SAID PART BEING PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT STATION BNM-22 OF THE PATENT SURVEY OF SAID RANCHO FROM WHICH STATION THE ANGLE POINT FORMED BY COURSES NUMBERED "(1)" AND "(2)" IN THE AGREEMENT BETWEEN STATE OF CALIFORNIA, MOSS LANDING HARBOR DISTRICT AND WILBUR C. SANDHOLDT, ET AL, DATED APRIL 26, 1955 AND RECORDED IN VOLUME 1653 OF OFFICIAL RECORDS AT PAGE 534, RECORDS OF SAID COUNTY, BEARS ALONG SAID COURSE NUMBERED "(1)" NORTH 16° 57' 54" EAST, 66.23 FEET DISTANT, AND RUNNING THENCE ALONG THE NORTHWESTERLY BOUNDARY OF SAID RANCHO AS PATENTED.

(1) NORTH 50° 21' 09" EAST, 824.39 FEET TO THE EDGE OF THE BANK ALONG THE WESTERLY SIDE OF THE NEW CHANNEL LEADING OUT OF MORO COJO SLOUGH, THENCE LEAVE SAID RANCHO BOUNDARY AND RUNNING ALONG THE EDGE OF SAID BANK

(2) SOUTH 7° 52' 45" WEST, 106.66 FEET; THENCE

(3) SOUTH 2° 06' 27" EAST, 158.94 FEET; THENCE

(4) SOUTH 0° 45' 30" WEST, 138.17 FEET; THENCE

(5) SOUTH 29° 36' WEST, 59.62 FEET; THENCE

(6) SOUTH 68° 02' 54" WEST, 25.88 FEET TO INTERSECTION WITH THE NORTHERLY LINE OF MOSS LANDING ROAD (A COUNTY ROAD 60 FEET WIDE); THENCE LEAVE SAID EDGE OF SAID BANK, AND RUNNING ALONG SAID NORTHERLY ROAD LINE TO AND ALONG THE NORTHWESTERLY LINE OF SAID ROAD

(7) NORTH 82° 47' 36" WEST, 24.19 FEET, THENCE

(8) SOUTH 41° 42' 24" WEST, 390.78 FEET TO INTERSECTION WITH THE NORTHEASTERLY LINE OF SANDHOLDT ROAD (A COUNTY ROAD 60 FEET WIDE); THENCE ALONG SAID NORTHEASTERLY ROAD LINE

(9) NORTH 55° 38' WEST, 356.76 FEET TO INTERSECTION WITH SAID COURSE NUMBERED "(1)" IN SAID AGREEMENT; THENCE LEAVE SAID NORTHEASTERLY ROAD LINE AND RUNNING ALONG SAID COURSE NUMBERED "(1)"

(10) NORTH 16° 57' 54" EAST, 26.64 FEET TO THE PLACE OF BEGINNING.

TOGETHER WITH ALL RIGHT, TITLE AND INTEREST IN THAT PORTION OF THE BED OF THE MORO

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COJO SLOUGH LYING EASTERLY OF AND ADJACENT TO THE HEREINABOVE DESCRIBED 8.65 ACRE TRACT OF LAND AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE ANGLE POINT FORMED BY COURSES HEREINBEFORE NUMBERED "(1)" AND "(2)" AND RUNNING THENCE ALONG THE EASTERLY BOUNDARY OF THE HEREINABOVE DESCRIBED 4.88 ACRE TRACT OF LAND

(1) SOUTH 7° 52' 45" WEST, 106.66 FEET; THENCE

(2) SOUTH 2° 06' 27" EAST, 158.94 FEET; THENCE

(3) SOUTH 0° 45' 30" WEST, 138.17 FEET; THENCE

(4) SOUTH 29° 36' WEST, 59.62 FEET; THENCE

(5) SOUTH 68° 02' 54" WEST, 25.88 FEET TO INTERSECTION WITH THE NORTHERLY LINE OF MOSS LANDING ROAD (A COUNTY ROAD 60 FEET WIDE); THENCE LEAVE SAID EDGE OF SAID BANK AND RUNNING ALONG SAID NORTHERLY ROAD LINE

(6) SOUTH 82° 47' 36" EAST, 189.31 FEET TO INTERSECTION WITH THE CENTERLINE OF SAID MORO COJO SLOUGH; THENCE LEAVE SAID NORTHERLY ROAD LINE AND RUNNING DOWN SAID SLOUGH CENTERLINE

(7) NORTH 1° 36' 20" WEST, 577.3 FEET TO INTERSECTION WITH SAID WESTERLY BOUNDARY OF THE RANCHO BOLSA NUEVA Y MORO COJO, AS PATENTED, THENCE LEAVE SAID SLOUGH CENTERLINE AND RUNNING ALONG SAID RANCHO BOUNDARY

(8) SOUTH 50° 21' 09" WEST, 139.72 FEET TO THE PLACE OF BEGINNING.

PARCEL TWO:

CERTAIN REAL PROPERTY SITUATE IN THE RANCHO BOLSA NUEVA Y MORO COJO AND IN THE BED OF THE OLD SALINAS RIVER CHANNEL, IN THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, BEING A PART OF THAT CERTAIN 7.5 ACRE TRACT OF LAND DESCRIBED UNDER "PARCEL TWO" IN THE DECREE QUIETING TITLE, ACTION NO. 11,844 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF MONTEREY, WILLIAM SANDHOLDT, ET UX, VS. A. B. GROSSMAN, ET AL, DATED SEPTEMBER 04, 1931, AND RECORDED IN VOLUME 307 OF OFFICIAL RECORDS AT PAGE 346, RECORDS OF SAID COUNTY, SAID PART BEING PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE ANGLE POINT FORMED BY COURSES NUMBERED "(1)" AND "(2)" IN THE AGREEMENT BETWEEN STATE OF CALIFORNIA, MOSS LANDING HARBOR DISTRICT AND WILBUR C. SANDHOLDT, ET AL, DATED APRIL 26, 1955 AND RECORDED IN VOLUME 1653 OF OFFICIAL RECORDS AT PAGE 534, RECORDS OF SAID COUNTY, AND RUNNING THENCE FROM SAID POINT OF BEGINNING ALONG THE LINE DESCRIBED IN SAID AGREEMENT

(1) NORTH 25° 46' 24" EAST, 459.38 FEET; THENCE

(2) NORTH 35° 26' 32" EAST, 362.93 FEET TO THE EDGE OF THE BANK ALONG THE WESTERLY SIDE OF THE NEW CHANNEL LEADING OUT OF MORO COJO SLOUGH; THENCE ALONG THE EDGE OF SAID BANK

(3) SOUTH 68° 18' 30" EAST, 36.0 FEET; THENCE

(4) SOUTH 68° 04' 30" EAST, 92.14 FEET; THENCE

(5) SOUTH 38° 28' 30" EAST, 50.36 FEET; THENCE

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(6) SOUTH 12° 50' 30" EAST, 89.83 FEET; THENCE

(7) SOUTH 30° 09' EAST, 68.89 FEET; THENCE

(8) SOUTH 1° 54' 30" EAST, 12.41 FEET TO INTERSECTION WITH THE WESTERLY BOUNDARY OF SAID RANCHO BOLSA NUEVA Y MORO COJO, AS PATENTED; THENCE ALONG SAID RANCHO BOUNDARY

(9) SOUTH 50° 21' 09" WEST, 824.39 FEET TO STATION BNMC-22 OF THE PATENT SURVEY OF SAID RANCHO, SAID STATION BEING IN SAID COURSE NUMBERED "(1)" IN SAID AGREEMENT; THENCE LEAVE SAID RANCHO BOUNDARY AND RUNNING ALONG SAID COURSE NUMBERED "(1)"

(10) NORTH 16° 57' 54" EAST, 66.23 FEET TO THE PLACE OF BEGINNING.

APN: 133-173-001

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