

Board of Harbor Commissioners

Crescent City Harbor District

January 7, 2025

Regular Harbor Commission Meeting



Regular Meeting

Board of Harbor Commissioners of the Crescent City Harbor District

Chair Gerhard Weber, Vice Chair Annie Nehmer
Commissioner Rick Shepherd, Commissioner Dan Schmidt, Secretary John Evans

AGENDA

Date: Tuesday, January 7, 2025

Time: Open Session 2:00 p.m.

Place: 101 Citizens Dock, Crescent City, CA, and via Zoom Webinar,

VIRTUAL MEETING OPTIONS

TO WATCH (via online)

<https://us02web.zoom.us/j/6127377734>

TO LISTEN (via telephone)

Dial (669) 900-6833, please enter 612 737 7734# (meeting ID)
or, one tap mobile: +16699006833,,6127377734#

1. Preliminary Items

- a. Call to Order**
- b. Roll Call**
- c. Pledge of Allegiance**
- d. General Public Comments**

*The general comment period is provided for subjects not included on the agenda. Each person is limited to a maximum of 3 minutes of speaking time. The Board may not take action on non-agendized matters. However, the Board or its staff may briefly respond to statements or questions from the public.
(Gov. Code § 54954.2(a)(2))*

2. Consent Calendar

Consent Calendar items are considered routine and will be approved by one motion. The public, staff, or Commissioners may request specific items be removed from the Consent Calendar for separate consideration.

- a. Approve Meeting Minutes of the November 19, 2024, December 3, 2024, and December 17, 2024 Regular CCHD Board Meetings.**

3. New Business

- a. Consider and Vote to Approve Resolution 2025-01, Establishing an Invocation Prior to Each Board Meeting.**
- b. Consider and Vote to Approve Letter Calling for Legislative Action to Revitalize Northern California's Commercial Fishing Industry.**
- c. Consider and Vote to Approve Contract with Community System Solutions (CSS) and Corresponding Workshop Agenda.**
- d. Consider and Vote to Approve Concert Sponsored by the Redwood Parks Conservancy to be held on Saturday, June 28, 2025.**

4. Old Business

- a. Consider and Vote to Approve Guidelines for Public Forums.**
- b. Consider and Vote to Approve Resolution 2025-02 Adopting New Bylaws of the CCHD Board.**
- c. Assign Commissioners to Serve as Board Liaisons.**

5. Communications and Reports

- a. CEO/Harbormaster Report**
- b. Harbor Commissioner & Committee Reports**

6. MEETING ADJOURNMENT

*Adjournment of the Board of Harbor Commissioners will be until the next meeting scheduled for **Tuesday, January 21, 2025**, at 2 p.m. PDT. The Crescent City Harbor District complies with the Americans with Disabilities Act. Upon request, this agenda will be made available in appropriate alternative formats to person with disabilities, as required by Section 12132 of the Americans with Disabilities Act of 1990 (42 U.S.C. §12132). Any person with a disability who requires modification in order to participate in a meeting should direct such request to (707) 464-6174 at least 48 hours before the meeting, if possible.*



1. Preliminary Items

- a. Call to Order**
- b. Roll Call**
- c. Pledge of Allegiance**



1. Preliminary Items

d. General Public Comments

The general comment period is provided for subjects not included on the agenda. Each person is limited to a maximum of 3 minutes of speaking time. The Board may not take action on non-agendized matters. However, the Board or its staff may briefly respond to statements or questions from the public. (Gov. Code § 54954.2(a)(2))



2. Consent Calendar

Consent Calendar items are considered routine and will be approved by one motion. The public, staff, or Commissioners may request specific items be removed from the Consent Calendar for separate consideration.

- a. **Approve Minutes of the November 19, 2024, December 3, 2024, and December 17th Regular Board Meetings.**

Public Comment?

**Regular Meeting Minutes of the
Board of Harbor Commissioners of the Crescent City Harbor District**

Harbor District Office, 101 Citizens Dock Road
Crescent City, CA 95531

November 19, 2024
2:00 p.m.



Board of Harbor Commissioners of the Crescent City Harbor District

MINUTES

Regular Session, Tuesday, November 19, 2024, at 2:00 P.M.

1) Roll Call. Commissioners Present: White, Stone, Weber, Shepherd, Adams **Absent:** None

2) Consent Calendar: no action taken

3A) Consider and Vote to Approve Environmental Site Assessment Proposal for 121 Starfish Way.

The CCHD Board considered approving a proposal from SHN, an engineering and environmental consulting firm, to conduct environmental services for a Phase I Environmental Site Assessment (ESA) and potentially a Phase II ESA (if required) on a portion of Del Norte County Assessor's Parcel 117-020-016-000, located at 121 Starfish Way. The assessments are required as prerequisite to CCHD leasing the premises to a new tenant. SHN outlined its qualifications, relevant experience, proposed approach, costs, and schedule in the proposal. SHN estimated the cost of the Phase I ESA at \$7,500 and the Phase II ESA at \$20,000. These services were to be funded by means of a grant awarded to CCHD under the Hazard Mitigation Grant Program, requiring no matching funds from the District.

Commissioner White **moved** to approve the proposal, and Commissioner Stone **seconded** the motion.

ACTION TAKEN: APPROVED

AYES: WHITE, WEBER, SHEPHERD, STONE, ADAMS // **NAYS:** NONE

ABSENT: NONE // **ABSTAIN:** NONE

3B) Discuss Potential Wave Energy Demonstration Project.

The Board discussed a potential Wave Energy Demonstration Project featuring the Resonant Wave Energy Converter 3 (REWEC3), an Oscillating Water Column (OWC) generator designed for integration into traditional or existing breakwaters. The system uses wave energy to drive airflow through turbines, producing electricity. The proposed installation included five REWEC3 chambers within reinforced concrete breakwaters. These chambers would be equipped with sensors to measure water levels and air pressure, allowing analysis of energy absorption, conversion, and production. The project, with an estimated budget of \$10M–\$13M, would generate up to 625 MWh annually from a total installed power of 500 kW.

The agenda item was for discussion only, and so no Board action was taken.

3C) Discuss Closure of Pacific Seafood Ice Plant and Solutions to Maintain Ice Availability.

The Board discussed the closure of the Pacific Seafood Ice Plant and explored solutions to maintain ice availability for fishermen. Efforts to acquire and operate the plant initially seemed promising, with support from the city, county, and USDA. However, Pacific Seafood's upper management decided to dismantle and relocate essential equipment, derailing these plans. As a contingency, the Harbor District had been working on plans to truck ice from Brookings and store it in freezer units. Estimated costs for freezers and installation ranged from \$10,000 to \$18,000, with additional grants under consideration to offset expenses.

The discussion highlighted the challenges of achieving a long-term solution due to economic and regulatory issues, such as EPA violations tied to ammonia refrigerants and declining demand for ice due to reduced local processing of seafood. Suggestions included exploring a smaller, portable ice-making system to meet current needs and conducting cost analyses to determine feasibility.

The Board acknowledged the broader implications of ice availability on harbor operations and the fishing industry, emphasizing the need for strategic planning to support local fishermen while minimizing financial losses for the Harbor District. Efforts to collaborate with Pacific Seafood and other stakeholders were ongoing, and further community input and innovative approaches were being explored.

The agenda item was for discussion only, and so no Board action was taken.

3D) Discuss Strategies for Achieving Cost Savings in Harbor Administration.

The Board discussed strategies for achieving cost savings in Harbor administration, focusing on restructuring, streamlining operations, and reducing expenses, resulting in an estimated annual savings of \$587,200.

Key initiatives included consolidating three executive positions—CEO/Harbormaster, Assistant Harbormaster, and Comptroller—into two roles, CEO/Harbormaster and Director of Operations, reducing payroll costs by \$191,000 annually. Additionally, functions such as grant management and accounting services, previously outsourced, had been brought in-house under the Operations department, projected to save \$159,200 for the year. Legal fees had also been drastically reduced, with monthly costs decreasing from \$16,500 to approximately \$2,000, amounting to \$174,000 in projected annual savings.

Further operational efficiencies had been achieved through vendor changes and contract adjustments, cutting costs in areas like alarm monitoring, training and travel, and maintenance and repairs, which collectively had the potential to save an additional \$63,000 over the year. The discussion highlighted staff dedication and collaboration in navigating these challenges, with a shared commitment to balancing cost efficiency and operational effectiveness.

4A) Approve Revised Utility Audit Proposal from Advanced Recovery Services, Inc.

The Board reviewed and approved a revised utility audit proposal from Advanced Recovery Services (ARS), Inc., aimed at identifying and recovering potential overcharges in utility billing with Pacific Power. Following negotiations, the contingency fee for the audit had been reduced from 50% to 40%, meaning the Harbor would retain 60% of any savings identified. The Harbor would only pay this contingency fee percentage for billing discrepancies for the past 24 months along with future savings for the next 24 months, with the Harbor keeping 100% of all identified savings outside of this period (both retrospectively and prospectively).

ARS was experienced with the Harbor's unique situation as a California entity served by an Oregon utility, and was prepared to address past billing issues and errors tied to rate misclassification. The Board viewing the proposed contract as a cost-effective opportunity to recover funds without upfront expenses.

Commissioner White **moved** to approve the proposal, and Commissioner Stone **seconded** the motion.

ACTION TAKEN: APPROVED

AYES: SHEPHERD, WHITE, WEBER, STONE, ADAMS // **NAYS:** NONE

ABSENT: NONE // **ABSTAIN:** NONE

4B) Discuss and Vote to Approve Revised Finance and Administration Policies and Procedures.

The Board discussed revised Finance and Administration Policies and Procedures. While acknowledging that the document was not perfect, Board members emphasized the importance of having formal policies in place to enhance accountability and demonstrate responsiveness to recommendations from the Grand Jury. The revisions reflected current practices within the Harbor and provided a foundation for future improvements, with the expectation that the incoming new Board would refine the document as needed.

Commissioner White **moved** to approve the policies and procedures, and Commissioner Shepherd **seconded** the motion.

ACTION TAKEN: APPROVED

AYES: SHEPHERD, WHITE, WEBER, STONE, ADAMS // **NAYS:** NONE

ABSENT: NONE // **ABSTAIN:** NONE

4C) Review and Approve Revised Bylaws.

The Board reviewed revised bylaws after extensive discussions and multiple revisions had occurred over several months. The updates aimed to address past administrative issues, such as expenditure approvals and transparency, by implementing clear guidelines. Notable improvements included lowering expenditure limits for the Harbormaster. Additionally, Board approval would be required for all non-recurring expenses over \$2,000, and recurring expenses over \$10,000.

Board members emphasized that the bylaws would provide a solid foundation for governance while giving future Boards the flexibility to make further adjustments if necessary. The revisions were widely shared with the public for feedback, with minimal changes since the initial drafts, ensuring ample opportunity for input.

Commissioner White **moved** to approve the bylaws on the condition that subsection 3.12 be stricken, and Commissioner Shepherd **seconded** the motion.

ACTION TAKEN: APPROVED

AYES: WEBER, WHITE, SHEPHERD, STONE, ADAMS // **NAYS:** NONE

ABSENT: NONE // **ABSTAIN:** NONE

5A) Update on South Beach Restroom Project.

The Board received an update on the South Beach Restroom Project, highlighting significant progress. After extensive delays due to permitting issues, the project recently secured its Coastal Development Permit waiver. The final steps involve hiring a general contractor to lay the foundation and manage utility connections. With these tasks completed, the restroom is expected to be operational by spring.

5B) Grants Update

The grants update highlighted significant progress and new opportunities for the Harbor. The primary achievement was securing an \$8 million grant from the United States Maritime Administration, which required extensive application work and documentation. The Coastal Conservancy has also supported the South Beach Restroom Project, which recently received a Coastal Development Permit waiver, moving closer to completion. Additionally, the Harbor was pursuing a \$20 million EPA Community Change Grant to rehabilitate the boatyard, purchase two new travel lifts, and acquire other equipment.

5C) Financial Update

Revenues are consistently exceeding budget projections, while aggressive accounts receivable recovery efforts by staff have contributed to improved financial stability. Savings are primarily concentrated on the expense side. Efforts to streamline accounting processes were also highlighted, including improving the QuickBooks setup to facilitate grant activity tracking.

The Harbor was preparing for its fiscal year 2024 audit with a focus on accurate coding and documentation, building on lessons from previous audits. The report noted that cash reconciliations remained accurate, but improvements were needed in account coding and grant reporting.

Administrative improvements included cleaning and repurposing office space, onboarding new Commissioners with updated signatory powers, and optimizing IT support. The Harbor also introduced new promotional items in the gift shop as part of its community engagement efforts.

5D) CEO/Harbormaster Report

The report highlighted ongoing efforts to attract developers for the RV parks and to recruit potential seafood processors to enhance the Harbor's economic activity. Steve Opp, representing Commercial Real Estate Development Enterprises (CREDE), was actively involved in evaluating and vetting prospective developers to ensure alignment with the Harbor's strategic goals.

5E) Harbor Commissioner & Committee Reports

Commissioner Stone offered guidance to the incoming Commissioners, particularly emphasizing strategies to avoid potential conflicts of interest. He underscored the significant challenges they would face, with a special focus on improving the Harbor’s financial stability.

Commissioner White reflected on his 14 years of service as a Harbor Commissioner, highlighting his long-standing engagement with offshore wind energy development. He noted the consensus among experts that wind power is crucial for ocean health, as it mitigates the adverse effects of climate change on marine ecosystems. Citing endorsements from renowned oceanographic explorers such as Jean-Michel Cousteau, he emphasized the importance of sustainable energy solutions. Commissioner White concluded by wishing the new Commissioners success and commending Harbor staff for their dedication and hard work.

Commissioner Shepherd reflected on his enduring relationships with outgoing Commissioners and celebrated key achievements, such as the passage of Measure “C,” which provided essential funding to restore the Harbor after the devastation of the 2011 tsunami.

Commissioner Weber expressed his appreciation for the outgoing Commissioners and warmly welcomed the new ones. He highlighted the Harbor's recent successes in securing infrastructure grants, which he regarded as vital milestones for its development. He also highlighted the collegiality among Commissioners, noting how personal differences were consistently set aside to prioritize and advance the Harbor’s objectives.

President Adams reflected on the often slow pace of government processes and shared his intention to remain actively involved in Harbor issues as a private citizen. He expressed optimism about contributing even more effectively without the constraints of government office and concluded by thanking everyone for their contributions during his tenure.

ADJOURNMENT TO THE BOARD OF HARBOR COMMISSIONERS NEXT REGULAR MEETING SCHEDULED FOR TUESDAY DECEMBER 3, 2024, AT 2 P.M., VIA ZOOM WEB CONFERENCE AND IN-PERSON AT THE MAIN HARBOR OFFICE, LOCATED AT 101 CITIZENS DOCK ROAD.

Approved this ____ day of _____, 2024.

Harry Adams, President

Rick Shepherd, Secretary



3. New Business

- a. Consider and Vote to Approve Resolution 2025-01, Establishing an Invocation Prior to Each Board Meeting.**

Public Comment?



**RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS
OF THE CRESCENT CITY HARBOR DISTRICT
ESTABLISHING AN INVOCATION
PRIOR TO EACH BOARD MEETING**

WHEREAS, the U.S. Supreme Court has held in *Town of Greece v. Galloway* (2014) that legislative prayers, when conducted in a manner that respects the diversity of religious beliefs and does not coerce participation, are consistent with the Establishment Clause of the First Amendment to the U.S. Constitution;

WHEREAS, legislative prayers are a longstanding tradition in the United States and serve to solemnize proceedings, promote unity, and encourage reflection by public officials;

WHEREAS, the Crescent City Harbor District wishes to establish a practice that is inclusive, voluntary, and consistent with constitutional principles, thereby enhancing the dignity and gravity of its public meetings;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Harbor Commissioners of the Crescent City Harbor District as follows:

1. **Policy Establishment:** The Board of Harbor Commissioners hereby adopts a policy to include an invocation preceding each Board meeting. The invocation shall not be listed or recognized as an agenda item to clarify that it is not considered part of the public business. However, the agenda will notice the following:

“Any prayer or invocation that may be offered before the start of a Board Meeting is a voluntary offering by a private resident or invited guest; has not been previously reviewed or approved by the Board of Harbor

Commissioners or District staff; should not be considered an endorsement of any particular religion or belief by the Crescent City Harbor District or its officials, as the beliefs, viewpoints, and content are personal to the speaker; and no participation by any person in attendance is required. A list of volunteers is maintained by the Crescent City Harbor District office, and interested persons should contact the Secretary of the Board for further information.”

2. **Non-Coercion:** Participation in the invocation is entirely voluntary. No member of the Board, staff, or public shall be required or expected to participate in the invocation. The purpose of the invocation is simply to solemnize the meeting and encourage reflection among attendees and officials.
3. **Structure:** The invocation will be offered by local clergy or representatives of secular organizations on a rotational and voluntary basis. Invitations will be extended without preference for any particular denomination, faith, or belief system. Invocations shall be limited to no more than one minute and shall focus on solemnizing the occasion and promoting values such as unity, peace, and wisdom for governance. Invocations shall not be used for lobbying, disparagement, or solicitation.
4. **Implementation Guidance:** Passage of this resolution includes the adoption of the attached guidance document to provide further details on implementing the invocation practice.
5. **Effective Date:** This resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED by the Board of Harbor Commissioners, this 7th day of January of the Year 2025 by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAINED: Commissioners _____

AFFIRMED:

_____ Gerhard Weber, Chair of the Board

ATTESTED:

_____ Annie Nehmer, Vice Chair of the Board

CRESCENT CITY HARBOR DISTRICT INVOCATION GUIDANCE

1. **Purpose:** Invocations are intended to solemnize Board meetings, promote reflection, and provide guidance to public officials in their decision-making.
2. **Scheduling:** Local clergy or representatives of secular organizations may volunteer to provide an invocation. The District will maintain a rotating schedule to ensure fair and equal opportunity for participation.
3. **Inclusivity:** Invitations shall be extended without preference for any particular denomination, faith, or belief system. Individuals with no religious affiliation may offer a moment of reflection emphasizing universal values.
4. **Conduct:** Invocations must be positive, uplifting, and limited to one minute. They shall not be used to disparage others, lobby for specific policies, or solicit support.
5. **Introduction:** The Chair shall introduce each speaker by name and title before the invocation.
6. **Voluntary Participation:** Participation in the invocation is not mandatory. No attendee, staff member, or Commissioner shall be compelled to participate.
7. **Non-Compensation:** No remuneration or other compensation shall be provided to individuals delivering invocations.
8. **Compliance:** This guidance shall be administered in accordance with applicable laws and principles of inclusivity and fairness.



3. New Business

- b. Consider and Vote to Approve Letter Calling for Legislative Action to Revitalize Northern California's Commercial Fishing Industry.**

Public Comment?

GERHARD WEBER
Chair

ANNIE NEHMER
Vice Chair

JOHN EVANS
Secretary

DAN SCHMIDT
Commissioner

RICK SHEPHERD
Commissioner

Crescent City Harbor District

Phone (707) 464-6174 Fax (707) 465-3535
101 Citizen's Dock Road
Crescent City, California 95531
www.ccharbor.com



MIKE RADEMAKER
CEO/Harbormaster

January 7, 2025

Hon. Mike McGuire
Senate President pro Tempore
California State Senate
Eureka Office
1036 5th St., Suite D
Eureka, CA 95501

Subject: Urgent Request for Legislative Action to Revitalize Northern California's Commercial Fishing Industry

Dear Senator McGuire,

The Crescent City Harbor District (CCHD) Board of Harbor Commissioners writes to express our deep concern and seeks your immediate assistance with a critical issue threatening the economic vitality of Del Norte and Humboldt Counties' commercial fishing communities. Recent shifts in California's seafood processing landscape have left our region's harbors — and the hardworking men and women who depend on them — facing unprecedented challenges.

A Loss of Essential Infrastructure:

Last November, Pacific Seafood closed the only ice plant in Crescent City. This sudden loss has hit the largest Dungeness crab fishing fleet in California hard. This fleet, which harvests over 50% of the state's Dungeness crab and significant volumes of shrimp, fish, and prawns, relies on readily available ice to preserve the quality of its catch. Ice is critical for chilling crab destined for the live market and for keeping other seafood fresh to prevent spoilage. Without a local ice source, the fishermen who have long called Crescent City home must travel long distances at great expense — both financial and environmental — to secure necessary ice.

An Exodus of Processors, a Collapse of Local Industry:

The closure of local seafood processing facilities in Northern California has triggered a destructive domino effect. Due to stringent state regulations, rising operational costs, and high utility rates for power, water, and sewer services, seafood processors like Pacific Seafood have moved their operations out of California — primarily to Oregon and Washington. In fact, Pacific

Seafood recently mothballed its last facility in Eureka, leaving the Northern California Coast without its fish, shrimp, or crab processing capacity. Where we once had five robust processing plants in Crescent City Harbor alone, today there are none. The result is devastating: our region's vessels must now travel 20 to 50 hours one-way to land their catch in more accommodating out-of-state ports.

Economic and Social Impacts:

This drastic relocation of the supply chain means that not a single pound of roughly 40 million pounds of shrimp caught in California waters between Crescent City and Eureka is being landed or processed in our state. Our communities lose landing fees and moorage revenue, and we miss out on the broader economic multiplier effect — lost jobs, reduced income for local families, and shrinking tax revenues that support vital public services. The destabilization of our harbor economies has hit an already struggling region hard, one that has worked diligently for decades to rebuild and sustain vital fisheries. Billions of dollars have been invested in salmon and groundfish stock restoration, yet California's coastal communities are not reaping the promised benefits of these long-term conservation efforts.

It doesn't make sense to push local food-producing families and communities out of business while trucking fish enormous distances, having boats haul their catch hundreds of miles, or flying our locally caught seafood products halfway around the world. Such practices only add to the very climate damage we are supposedly trying to protect against using regulatory restrictions. This lack of understanding of the bigger picture undermines both the sustainability of our local fisheries and the state's climate goals.

A Plea for Legislative and Policy Support:

We are rebuilding our port infrastructure, including our seawall and main docks, to position Crescent City Harbor as a first-class maritime hub. Yet without competitive conditions that attract and retain seafood processors, our investments will not yield sustainable economic growth. We urgently need state and federal policymakers to:

1) Review and Revise Burdensome Regulations:

Streamline permitting processes, reduce regulatory uncertainty, and reassess policy frameworks that push seafood processors across state lines. Achieving the right balance between environmental stewardship and economic viability is paramount.

2) Provide Economic Incentives and Support:

Offer targeted tax credits, grants, or low-interest loans that encourage businesses to establish or expand processing facilities in Northern California's harbors.

3) Improve Essential Infrastructure Costs:

Address skyrocketing power, water, and sewer rates that make it nearly impossible for processing operations to remain cost-effective within California.

Closing Thoughts

Those of us in the Crescent City Harbor District find it mind-boggling that the state of California spends time and energy hindering economic opportunities, food security, and equitable food access while simultaneously damaging local communities and the planet from misplaced regulations. It is time to stop this unrealistic way of doing business and focus on effective strategies that balance fishery regulations with the utilization of our sustainable resources for the benefit of local communities and society as a whole.

If immediate and effective action is not taken, the Crescent City Harbor District and similar coastal communities will continue to lose ground, losing out on the benefits of healthier fisheries now in place, and the economic revitalization that should have already followed from that achievement. With thoughtful legislative action, however, we can reverse this trend. We can secure employment for our local workforce, ensure a stable supply of fresh, sustainably managed California seafood, and revitalize the maritime heritage that defines our region.

We respectfully request your leadership and partnership to help restore balance, competitiveness, and opportunity to California's northern ports. Thank you for your time, consideration, and ongoing support. We stand ready to work with you and your staff on practical solutions that will restore stability and prosperity to our harbors and communities.

Sincerely,

Board of Harbor Commissioners
Crescent City Harbor District

cc:

Janet Coit, Assistant Administrator for NOAA Fisheries
National Oceanic and Atmospheric Administration (NOAA)
1315 East-West Highway
Silver Spring, MD 20910

Martha Williams, Director of the U.S. Fish and Wildlife Service
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, D.C. 20240

U.S. Senator Adam Schiff (California)
331 Hart Senate Office Building
Washington, D.C. 20510

U.S. Senator Alex Padilla (California)
112 Hart Senate Office Building
Washington, D.C. 20510

U.S. Representative Jared Huffman (California 2nd District)
Chair of the House Natural Resources Subcommittee on Water, Oceans, and Wildlife
1527 Longworth House Office Building
Washington, D.C. 20515

Gavin Newsom, Governor of California
1021 O Street, Suite 9000
Sacramento, CA 95814

Charlton H. Bonham, Director, California Department of Fish and Wildlife
1416 Ninth Street, 12th Floor
Sacramento, CA 95814

State Senator Ben Allen, Chair, Senate Committee on Natural Resources and Water
1021 O Street, Room 3220
Sacramento, CA 95814

Assemblymember Luz Rivas, Chair, Assembly Committee on Natural Resources
State Capitol, P.O. Box 942849
Sacramento, CA 94249-0039

Del Norte County Board of Supervisors
981 H Street, Suite 200
Crescent City, CA 95531

Crescent City Council
377 J Street
Crescent City, CA 95531



3. New Business

- c. Consider and Vote to Approve Contract with Community System Solutions (CSS) and Corresponding Workshop Agenda.**

Public Comment?

**AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN THE CRESCENT CITY HARBOR DISTRICT
AND
COMMUNITY SYSTEM SOLUTIONS**

This Agreement for Professional Services (“Agreement”) is made and entered into this 7th day of January, 2025, by and between the Crescent City District Harbor District, a special district organized pursuant to the California Harbors and Navigation Code (“District”) and Community System Solutions, a California Public Benefit Corporation (“Consultant”). District and Consultant are sometimes referred to in this Agreement individually as a “Party” and collectively as the “Parties.”

RECITALS

District is in need of professional services for grant management services (“the Project”).

Consultant has the necessary qualifications to provide such services for the Project.

Consultant has successfully written \$21 million in grant applications for the CCHD that have been awarded funding by state and federal agencies in 2022, 2023 and 2024.

The Parties desire to establish the terms for the District to retain the Consultant in order to provide the services described herein.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

Services

Consultant shall provide the District with the services described in the Scope of Services attached hereto as Exhibit ‘A’ and hereby made a part of this Agreement; provided, however, that the contents of this Agreement shall supersede any provision in Exhibit ‘A’ that is inconsistent herewith.

Compensation

Subject to paragraphs 2(b) - (d) below, District shall pay for the services provided by Consultant in accordance with the Schedule of Charges set forth in Exhibit ‘B’ attached hereto and hereby made a part of this Agreement; provided, however that the contents of this Agreement shall supersede any provision in Exhibit ‘B’ that is inconsistent herewith.

In no event shall the total amount paid for services rendered by Consultant pursuant to this Agreement exceed the sum of Forty-Seven Thousand, Five Hundred Dollars (\$47,500). This Agreement is subject to and contingent on budgetary appropriations being approved by the District’s Board of Harbor

Commissioners for each fiscal year during the term of this Agreement. If such appropriations are not approved, the Agreement will be immediately terminated without penalty to the District.

Each month Consultant shall furnish District with an invoice for all work performed and expenses incurred during the preceding month. The invoice shall detail charges by categories, including labor, travel, materials, equipment, supplies, sub-consultant charges and miscellaneous expenses. District shall independently review each invoice submitted to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. In the event that no charges or expenses are disputed, the invoice shall be approved and paid according to the terms set forth in paragraph 2(d). In the event any charges or expenses are disputed, the invoice shall be returned to the Consultant for correction and resubmission.

Except as to any charges for work performed or expenses incurred by Consultant which are disputed by District, District will use its best efforts to cause Consultant to be paid within thirty (30) days of receipt of Consultant's invoice; provided however, that untimely invoices may be subject to nonpayment if funding has not been appropriated or budgeted for payment of the invoice due to Consultant's untimely submission. Payment to Consultant for work performed pursuant to this Agreement shall not be deemed to waive any defects in the work performed by Consultant.

Term of Agreement and Time of Performance

Consultant shall perform its services hereunder in a prompt and timely manner. Consultant is prepared to start work immediately. Work shall commence upon authorization from the District. The term of this Agreement shall be for a period of twelve (12) months from the date of execution of this Agreement unless terminated sooner pursuant to the provisions of this Agreement or when the services are complete. Such term may be extended upon written agreement of both District and Consultant.

Additional Work

Consultant shall not be compensated for any services outside of the Scope of Services, except as provided in this paragraph. If changes in the work seem merited by Consultant or the District, a change in the scope of the work shall be processed by the District in the following manner: (1) a letter outlining the changes shall be forwarded to the District by Consultant with a statement of estimated changes in fee or time schedule, (2) an amendment to this Agreement shall be prepared by the District and executed by both parties before performance of such services or the District will not be required to pay for the changes in the scope of work. Such amendment shall not render ineffective or invalidate unaffected portions of this Agreement.

Maintenance of Records

Books, documents, papers, accounting records, and other evidence pertaining to work done and costs incurred pursuant to this Agreement shall be maintained by Consultant and made available for inspection, audit and copying by the District at all reasonable times during the term of this Agreement and for four (4) years from the date of final payment under the Agreement.

Ownership and Use of Work

All documents and materials prepared pursuant to this Agreement shall be considered the property of District, and will be turned over to District upon demand, but in any event upon completion of the work. District reserves the right to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data or other documents and materials prepared under this Agreement without the permission of Consultant. All documents and materials shall be delivered in a reproducible form. As used herein, "documents and materials" include, but are not limited to, any original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, and computer files prepared or developed pursuant to this Agreement.

Findings Confidential

Any reports, information, data or materials given to or prepared or assembled by Consultant under this Agreement are confidential and shall not be made available to any individual or organization by Consultant without prior written approval of District.

Conflict of Interest

Consultant hereby expressly covenants that no interest presently exists, nor shall any interest, direct or indirect, be acquired during the term of this Agreement that would conflict in any manner with the performance of services pursuant to this Agreement.

Delays in Performance

Neither the District nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; pandemics; war; riots and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage or judicial restraint.

Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

Compliance with Law

Consultant shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local government. If Consultant's failure to comply with applicable laws, ordinances, codes and regulations results in a claim for damage or liability to District, Consultant shall be responsible for indemnifying and holding the District harmless as provided in this Agreement.

Consultant shall assist the District, as requested, in obtaining and maintaining all permits, if any, required of Consultant by federal, state and local regulatory agencies.

Standard of Care

Consultant's services will be performed in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions.

Assignment and Subconsultants

Consultant shall not assign, delegate, sublet, or transfer this Agreement or any rights under or interest in this Agreement without the written consent of the District, which may be withheld for any reason. A consent to one assignment shall not be deemed to be consent to any subsequent assignment.

Independent Consultant

Consultant is retained as an independent Consultant and is not an agent or employee of the District. No employee or agent of Consultant shall by this Agreement become an agent or employee of the District. The work to be performed shall be in accordance with the work described in Exhibit 'A', subject to such directions and amendments from the District as herein provided. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind District to any obligation whatsoever.

Consultant enters into this Agreement as, and shall continue to be, an independent consultant. All services shall be performed only by Consultant and Consultant's employees, if applicable. Under no circumstances shall Consultant, or any of Consultant's employees, look to the District as his or her employer, or as a partner, agent or principal. Neither Consultant, nor any of Consultant's employees, shall be entitled to any benefits accorded to District employees, including without limitation worker's compensation, disability insurance, vacation or sick pay.

Consultant shall be responsible for providing, at Consultant's expense, and in Consultant's name, unemployment, disability, worker's compensation and other insurance, as well as licenses and permits usual or necessary for conducting the services.

Integration

This Agreement represents the entire understanding of the District and Consultant as to those matters contained herein and supersedes and cancels any prior oral or written understanding, promises or representations with respect to those matters covered hereunder. To the extent that any provision or clause contained in an attachment to this Agreement conflicts with a provision or clause in the Agreement, the provision or clause in this Agreement shall control. This Agreement may not be modified or altered except in writing signed by both parties hereto. This is an integrated Agreement.

Insurance

Commercial General Liability

The Consultant shall take out and maintain, during the performance of all work under this Agreement, in amounts not less than specified herein, Commercial General Liability Insurance, in a form and with insurance companies acceptable to the District.

Coverage for Commercial General Liability insurance shall be at least as broad as the following:

Insurance Services Office Commercial General Liability coverage
(Occurrence Form CG 0001)

Commercial General Liability Insurance must include coverage for the following:

Bodily Injury (including death) and Property Damage

Personal Injury/Advertising Injury

Premises/Operations Liability

Products/Completed Operations Liability

Aggregate Limits that Apply per Project

Contractual Liability with respect to this Agreement

Broad Form Property Damage

Independent Consultants Coverage

Sexual Misconduct Coverage, with no applicable sublimit

All such policies shall name the Crescent City Harbor District, its Board of Harbor Commissioners and each member thereof, its officers, employees, and agents as Additional Insureds under the policy.

The general liability program may utilize either deductibles or provide coverage excess of a self-insured retention, subject to written approval by the District. All deductibles and self-insured retentions must be declared to the District prior to commencing work under this Agreement.

Minimum Policy Limits Required

The following insurance limits are required for the Agreement:

	<u>Combined Single Limit</u>
Commercial General Liability	\$1,000,000 per occurrence/\$2,000,000 aggregate for bodily injury (including death), personal injury and property damage

If Consultant maintains higher limits than the minimums shown above, the District requires and shall be entitled to coverage for the higher limits maintained by Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the District.

Evidence of Insurance Required

Prior to execution of the Agreement, the Consultant shall file with the District evidence of insurance from an insurer or insurers certifying to the coverage of all insurance required herein. Such evidence shall include original copies of the ISO CG 2010 (or insurer's equivalent) signed by the insurer's representative, Certificate of Insurance (most recent version of Acord 25 Form or equivalent), and Additional Insured Endorsement verifying compliance with the requirements. All evidence of insurance shall be signed by a properly authorized officer, agent or qualified representative of the insurer and shall certify the names of the insured, any additional primary insureds, where appropriate, the type and amount of the insurance, the location and operations to which the insurance applies, and the expiration date of such insurance.

Policy Provisions Required

The Crescent City Harbor District, its Board of Harbor Commissioners and each member thereof, its officers, employees, and agents shall be named as an additional insured on the Commercial General Liability policy, and, if the Project involves environmental hazards, on the Pollution/Asbestos Liability policy using form 2010 1185 or equivalent. Any subconsultant, subconsultant or similar entity performing work on the Project must add the District as an additional insured using CG form 20 38, or broader coverage. Blanket endorsements may be accepted at District's discretion. All policies shall contain or shall be endorsed to contain a provision that advanced written notice of any cancellation, including cancellation for non-payment of premium, shall be provided to the District. Statements that the carrier "will endeavor" and "that failure to mail such notice shall impose no obligation and liability upon the company, its agents or representatives," will not be acceptable on endorsements. At the District's sole discretion, the requirement to endorse policies to provide advanced written notice of cancellation to the District may be waived upon the Consultant's agreement that it shall provide the District with copies of any notices of cancellation immediately upon receipt.

General Liability, Automobile Liability, and if required, Pollution Liability insurance policies shall contain a provision stating that the Consultant's policies are primary insurance and that the insurance of the District or any named additional insureds shall not be called upon to contribute to any loss.

Qualifying Insurers

All policies required shall be issued by acceptable insurance companies, as determined by the District, which satisfy the following minimum requirements:

Insurance carriers shall be qualified to do business in California and maintain an agent for process within the State. Such insurance carrier shall have not less than an 'A' policyholder's rating and a financial rating of not less than "Class VII" according to the latest Best Key Rating Guide. Due to market fluctuations in the Workers Compensation sector, the District reserves the right and at its sole discretion to review and accept the Consultant's proposed Workers compensation insurance.

Additional Insurance Provisions

The foregoing requirements as to the types and limits of insurance coverage to be maintained by Consultant, and any approval of said insurance by the District, is not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Consultant pursuant to

this Agreement, including but not limited to, the provisions concerning indemnification.

If at any time during the life of the Agreement, the Consultant fails to maintain in full force any insurance required by the Agreement documents the District may terminate the Agreement or may elect to withhold compensation in an amount sufficient to purchase insurance to replace any expired or insufficient coverage.

The Consultant shall include all subconsultants as insureds under its policies or shall furnish separate certificates and endorsements for each subconsultant. All coverage for subconsultants shall be subject to all of the requirements stated herein.

The District may require the Consultant to provide complete copies of all insurance policies in effect for the duration of the Project.

Neither the District, nor its District Board, nor any member of thereof, nor any of the directors, officers, employees, agents or volunteers shall be personally responsible for any liability arising under or by virtue of the Agreement.

Indemnification

To the fullest extent permitted by law, Consultant agrees to indemnify, defend (with independent counsel approved by the District) and hold harmless the Crescent City Harbor District and its officers, employees and elected and appointed officials, and volunteers (each, an "Indemnified Party") from and against any and all liabilities (including without limitation all claims, losses, damages, penalties, fines, and judgments, associated investigation and administrative expenses, and defense costs, including but not limited to reasonable attorneys' fees, court costs and costs of alternative dispute resolution) regardless of nature or type, expressly including but not limited to those arising from bodily injury (including death) or property damage, arising out of or resulting from any act or omission to act of the Consultant, Consultant's agents, officers, employees, subconsultants, or independent consultants hired by Consultant under this Agreement. The Consultant's obligations apply regardless of whether or not a liability is caused or contributed to by the negligence (including passive negligence) or other act or omission of an Indemnified Party. The acceptance or approval of the Consultant's work by an Indemnified Party shall not relieve or reduce the Consultant's indemnification obligation. Consultant shall pay and satisfy any judgment, award or decree that may be rendered against the District, its officials, officers, agents, employees or representatives. The provisions of this Section shall survive completion of the work under this Agreement or the termination of this Agreement and are not limited by the provisions relating to insurance.

Confidentiality

Consultant shall keep confidential all information, in whatever form, produced, prepared, observed or received by Consultant to the extent that such information is confidential by law or otherwise required by this Agreement.

Laws, Venue, and Attorneys' Fees

This Agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a state situated in the County of Del Norte, State of California or if in federal court, the U.S. District Court for the Northern District of California. In the event of any such litigation between the parties, the prevailing party shall be entitled to recover all reasonable costs incurred, including reasonable attorney's fees, as determined by the court.

Termination or Abandonment

District may terminate this Agreement, with or without cause, at any time by giving thirty (30) days written notice of termination to Consultant. In the event such notice is given, Consultant shall cease immediately all work in progress. Consultant may terminate this Agreement at any time upon thirty (30) days written notice of termination to District.

If either Consultant or District fails to perform any material obligation under this Agreement, then, in addition to any other remedies, District or Consultant may terminate this Agreement immediately upon written notice.

Upon termination of this Agreement, all property belonging to District which is in Consultant's possession shall be returned to District. Consultant shall furnish District with a final invoice for work performed by Consultant. District shall have no obligation to pay Consultant for work performed after termination of this Agreement.

Notice

Any notice or instrument required to be given or delivered by this Agreement may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed as shown below and shall be effective upon receipt thereof.

DISTRICT
Name: Mike Rademaker
Title: CEO/Harbormaster
Crescent City Harbor District
101 Citizens Dock Road
Crescent City, CA 95531

CONSULTANT:
Attn: Community System Solutions
Title: Consultant
Attn: Mike Bahr
7806 Juarez Way
Fair Oaks, CA 95628

Third Party Rights

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the District and the Consultant.

Severability and Waiver

The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the other provisions unenforceable, invalid or illegal. Waiver by any party of any portion of this Agreement shall not constitute a waiver of any other portion thereof.

Non-discrimination

Consultant will comply with all applicable federal, state and local laws, ordinances, and regulations, including the Americans with Disabilities Act (ADA), California Fair Employment and Housing Act (FEHA) and Title VII of the Civil Rights Act of 1964. Consultant will not discriminate in any way, against any person, on the ground of race, color, national origin, religion, religious creed, age (over 40), sex and gender (including pregnancy, childbirth, breastfeeding or related medical conditions), sexual orientation, gender identity, gender expression, disability (mental and physical), medical condition, genetic information, marital status, or military and veteran status, in connection with services under this Agreement.


SIGNITURES NEXT PAGE

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

CRESCENT CITY HARBOR
DISTRICT:

Community System Solutions

By: _____
Mike Rademaker
CEO/Harbormaster

By: 

Mike Bahr, Board President

By: _____
Gerhard Weber
Chair of the Board

By: _____
Annie Nehmer
Vice Chair of the Board

EXHIBIT 'A'

SCOPE OF SERVICES

Consultant will complete the following tasks:

1. Plan and hold CCHD Board Workshop – tour all harbor facilities, discuss each site, discuss planning/development status and potential opportunities at each site.
 - a. Those involved in the workshop would include CCHD Management Team, Moffatt& Nichol, CREDE, CSS and other experts as needed.
 - b. An alternative to the Workshop is a Board Study Session to review these items.
2. CCHD Board prioritizes projects to create a Priority Project List.
3. Identify which Priority Projects HMGP funds can be used to develop.
4. CCHD host an Industry Day – Marine Construction Companies and other Maritime companies visit the Harbor to see the opportunity.
 - a. Present to them Citizens' Dock, Seawall and the Priority Project List.
 - b. Gather any thoughts about pricing and construction methods they have on all the projects and planning items for us to incorporate into RFPs.
 - c. An alternative to this is to reach out to them individually to discuss these items.
5. Identify the scope of work elements of the HMGP priority projects, including deliverables, tasks, and timeline.
 - a. Work with M&N to ensure funds are available for any additional NEPA/CEQA tasks for Seawall and Citizens' Dock.
 - b. Work with CREDE to price out any other needs they have for the work they are currently doing.
 - c. Identify which projects/project elements we can bundle together to save time and money.
 - d. Ensure the designs of the projects provide the key information needed for future construction grant applications.
 - e. Ensure the design of the projects include the opportunity to act as match for other grants received by CCHD.
6. Create and release RFPs for consultants and engineers for HMGP projects working with CCHD staff.
7. Review and score RFP responses.
8. Make award recommendations to CCHD. CCHD will prepare contracts.
9. Prepare a HMGP budget revision and report to CalOES to fund award recommendations. Budget Revision will be submitted by CCHD.

CSS Results / Deliverables

- Review for CCHD Board of all current on-going projects; potential projects; tasks to get projects completed; permitting and regulatory requirements for projects.
- Priority Project List for harbor projects – can be used for planning grant, new grant applications and incorporated into 2025 CCHD strategic plan.

- Get Marine Construction Companies interested in working at CCHD. For ones that may not have had an interest, they may now be interested because all the work that will be done.
- Cost Estimates for each HMGP eligible project on Priority Project List.
- Scope of Work Elements of HMGP priority projects, including deliverables, tasks, and timeline.
- RFPS created for HMGP projects.
- Contracts awarded for HMGP projects. (Contracts prepared by CCHD).
- Revised HMGP Budget.

EXHIBIT 'B'
SCHEDULE OF CHARGES

<u>Labor Category</u>	<u>Fixed Hourly Rate (\$/hr)</u>
Project Lead	\$75 per hour
Proposal Writer	\$75 per hour
Office Support	\$50 per hour



January 2, 2025

To: Crescent City Harbor District

**Re: Consider and Set a Board of Commissioners Workshop
on Wednesday, January 22, 2025.**

From: Mike Bahr, Community System Solutions

Commissioners,

As part of our work to move forward the Hazard Mitigation Grant Program (HMGP) and under direction of the Board of Commissioners adopted scope of work, we have been working with the Harbor Management team and are pleased to propose the Board consider holding a Board of Commissioners meeting/ workshop on **Wednesday, January 22, 2025**.

The workshop would include a tour of the harbor facilities, discussion of current use of each site, planning/development status and potential opportunities. (A fuller recommended agenda is below).

Those involved in the workshop would include the CCHD Management Team, CCHD current consultants and the public.

Confirmed to attend from your current consulting team are Rob Sloop, Director of Waterfront Destination and Adam Wagschal, Project Manager from Moffat and Nichol; Steve Ops, Project Lead, from CREDE; and myself and other team members from Community System Solutions.

The workshop accomplishes several things: 1) it gives the Board a complete overview of the current planned construction projects and uses of current grant funds; and 2) it is the next step in identifying the Board priority uses for the HMGP grant funds: Those funds can be used to develop mitigation strategies (environmental and financial) and obtain data to prioritize, select, and develop mitigation projects and complete grant applications for construction funding. HMGP funds can be used for studies, designs and environmental processes. The funds cannot be used for construction.

The recommended next step after the workshop is to have an agenda item on your February 4, meeting to discuss the Board's priority projects for use of HMGP funds to prepare items needed to seek grant and other 3rd party financing for those projects.

In discussion about the workshop with the Harbor Management Team, the recommendation is the workshop is a stand-alone Board meeting, not an extension of your Tuesday January 21 meeting. During the workshop there will be an effort made to capture board comments.

The following is a proposed agenda, and we welcome any additions to the listed topic items. We would include all of the below items, and any items the Board wants to add, in the agenda memo for the February 22 meeting to comply with the Brown Act.

Wednesday, January 22, 2025

10 a.m. - CCHD Board of Commissioners meeting starts in the Commissioners Board room with call to order, reading of the agenda item, introduction of the Harbor consultants, review of the areas to be visited, and public comment.

This would be followed by the start of the tour at the seawall.

We recommend, if it is raining hard that morning, we stay in the Board room, do all the project reviews, then take a harbor walk as the last item of the meeting

If the Board prefers, we could also do that option whether it is raining or not and review all the items at each property first, then take a walk at the end.

The following is the list of recommended tour stops and discussion topics for each stop. We have put current grants in parentheses for ease of understanding how items are being funded.

At each stop, the Discussion will include the following items, plus any additional specific items listed for each stop on the discussion tour.

- Current property use and current zoning
- Current and potential future issues (repairs, maintenance, lease conditions, etc.)
- Potential future projects
 - Revenue opportunities
 - Planning and permitting needed for future projects
 - Financing options, including current awarded grants
 - Documents needed to apply for financing

1) Seawall replacement project – (PIDP Grant 2022)

- Review all elements of the project
- Timeline to complete remaining items to do on current grant (CA Conservancy)
- Environmental Review + 30% design
- Items to do to draw down Seawall PIDP grant
- Timeline for major project elements

2) Citizens' Dock replacement project – (PIDP Grant 2024)

- Review all elements of the project
- Timeline to complete remaining items to do on current grants – (CA Conservancy) (HMGP grant)
- Environmental Review + 30% design
- Items to do to draw down Seawall PIDP grant
- Timeline for major project elements

3) Commercial Boat Basin

4) Boat yard

- Environmental Review Level 1 and 2 (HMGP grant)
- Boat Haul out
- Dock condition
- Infrastructure issues
- Building condition

5) Starfish Way

6) Bayside RV Park

7) Car Wash / 101 Property

8) Redwood RV Village

9) South Beach Bathroom

- Review all elements of the project
- Timeline to complete remaining items to do on current grant (CA Conservancy)

10) RV Overflow Lot

11) Former Restaurant Area

12) Leased Docks

13) Rip Rap - throughout boat basin

14) Anchor Way Road

15) Parking Lots

16) Sport Boat area

- Former Dock area
- Parking area
- Boat Ramp
- Area to be expanded in exchange for seawall work

17) Dredge Material site

18) Whaler Island

19) Former Coast Guard Dock



3. New Business

- d. Consider and Vote to Approve Concert Sponsored by the Redwood Parks Conservancy to be held on Saturday, June 28, 2025.**

Public Comment?



The Redwood Parks Conservancy (RPC) would like to host an outdoor concert at the Harbor in the same location we used for the 2024 Surf Festival — the adjacent lot next to House of Jambalaya. The setup would follow a similar structure, including a beer garden, vendors, and live music.

The tentative schedule is as follows:

- **Event Date:** Saturday, June 28 (10:00 AM - 6:00 PM)
- **Setup:** Primarily on Friday, June 27 (with some preparation earlier in the week)
- **Takedown/Cleanup:** Sunday, June 29
-

To ensure the event runs smoothly, RPC is requesting the following:

1. **Harbor Approval** for the event and associated activities.
2. Access to the **spyder box and power** for the stage and music.
3. Use of **crowd barriers** and **picnic benches** to be set up in the area by RPC.
4. Assistance with **security at the beer tent entrance/exit**. If the Harbor is unable to provide this service, we'd like to explore the possibility of paying for it through the Harbor.

RPC will manage all vendor bookings, bands, and sponsors for this benefit concert.

Please let me know if we have approval to proceed and if there are any additional requirements we need to meet. Thank you for your time and support!

--

Kurtis Shaul,

kurtis@redwoodparks.org>

Events & Community Engagement Director

redwoodparksconservancy.org

"Fostering understanding, enjoyment and stewardship" of the public lands we serve.

Redwood Parks Conservancy is a tax-exempt organization on a mission to support your parks and public lands. Together we can do it; donate

today: <https://redwoodparksconservancy.org/donate-rpc>.



4. Old Business

- a. Consider and Vote to Approve Guidelines for Public Forums.**

Public Comment?

Practical Guidelines for Managing Public Forums

MISSION: Seek out the causes of tension and conflict, discrimination and intolerance, and eliminate those causes.

BACKGROUND

Public agencies at times face very hostile testimony during Public Comments at their open public meetings. These comments can slip into profane, disruptive, and even threatening behaviors, impinging on the civil exchange of ideas and the ability of the public agency to do their regular business. While public input is guaranteed by the Brown Act, and freedom of speech is guaranteed by the U.S. Constitution, presiding officers at these public agencies have attempted to identify and protect the boundary where free speech becomes unduly disruptive, and to safeguard the rights of other residents to participate in the political and civic life free from bigotry and intimidation based on their race, religion, ethnicity, age, gender, sexual orientation, disability or other aspect of their being.

In pursuit of this mission, these guidelines are ideas to consider as public agencies attempt to balance the sometimes competing interests of Freedom of Speech, Disruption of a Meeting, and Hate Speech.

Definitions

Free Speech: The political right guaranteed by the First Amendment to the U.S. Constitution to express your opinion orally, in written form, through the internet, or through art forms, with a few exceptions including: libel, slander, obscenity, copyright violation, sedition, inciting violence, fighting words, imminent threats.

Hate Speech: Legally protected speech that vilifies an individual or group based on their perceived race, religion, sexual orientation, ethnicity, gender, disability etc., but does not rise to the level of a criminal threat or inciting violence, in which case it would be termed a hate crime.

Practical Guidelines

1. **Adopt a Code of Conduct:** post them so they are visible to all attendees, attach to the speaker request forms, and post them on the podium where a speaker may place their notes. A Code of Conduct as it pertains to what a person says, should be thought of as “**guidelines**” that you **promote** not necessarily “**enforce**”, including:
 - a. No profanity or obscenity.
 - b. Refrain from personal threats or attacks.
 - c. Respect all people.
 - d. Refraining from hateful epithets and demeaning language based on hate of a person’s race, religion, sexual orientation, ethnicity, gender, or disability.
 - e. No yelling or screaming. **(This one can be enforced.)**
 - f. Respect all people that are present or watching.
 - g. Obey the direction of the Presiding Officer as to when and how long they can speak. **(This one can be enforced).**

2. Understand the difference between offensive speech and ACTUAL disruption of a meeting.

- a. During public comments, individuals have a right to say whatever they wish, as long as it does not disrupt the meeting. So, they can swear, use hate epithets, say horrible things about Board members and staff and others etc. So long as it does not disrupt the meeting, these are **within their legally protected right to freedom of speech**.
- b. Things that **disrupt the meeting are NOT within their rights** such as:
 - i. Exceeding their allotted minutes, (usually 3 minutes),
 - ii. Yelling and screaming in a way that upsets the public and Board to the point of not being able to continue the meeting,
 - iii. Excessive profanity or slander,
 - iv. Speaking without being recognized by the presiding officer,
 - v. Specific threats that they are capable of following through on,
 - vi. Inciting violence, or “fighting words”,
 - vii. Issues that are not in the subject matter jurisdiction of the body, (this may be difficult to know without listening to the testimony which might seem to start off topic, but then a connection is made.

This is a judgment call, but **most horrible things are within their rights to say**.

3. Manage Hate Speech at Public Meeting: Strategies for managing a hateful speaker while protecting the first amendment right to speak include:

- a. **Gavel and/or Mute Microphone:** When bigoted epithets, profanity, personal attacks and other odious things are said the presiding officer can gavel to silence and/or mute a speaker’s microphone:
 - i. **If the presiding officer gavels a member of the public to silence, or mutes their microphone**, they should also,
 1. Inform them that their language, bigotry, hate, epithets, profanity, etc. are unwanted, unwelcome, and inappropriate, and that they interfere with the ability of those present to listen or take any of their points seriously... **But not restrict or prohibit them from saying these words.**
 2. Allow other members of the council to use their free speech right to make statements condemning and abhorring the words of the speaker, but they **should also reassure the speaker that they have the right to say them anyway**, and
 3. Inform the speaker that they **will be given the full three (3) minutes they are entitled to, in order to say whatever they wish.**
 - ii. The important point is that the **presiding officer MAY NOT ORDER the person to stop saying whatever he/she is saying**, even when it is very offensive.
 - iii. In many cases it **may be better to wait out the 3 minutes** and then make statements, rather than getting into a back and forth with the problematic speaker.
 - iv. **Schedule a Board Members Comments section right after Public Comments** to allow all members of the Board or staff, to share their perspectives, publicly state their objections to the hate and bigotry that might have been aired in the Public Comments section, and return to a more civil, respectful meeting environment.

b. **Stop the meeting to consult with your attorney for advice.** If you think that a member of the public is disrupting the meeting by going over these lines, stop the meeting to ask for advice from the General Counsel. This will allow for a cooling off before reacting in the heat of the moment.

c. **Police Warning and Removal from Meeting:** Uniformed law enforcement officers can help control this behavior as well as effect removal if the behavior warrants it. Elected officials need to keep in mind that they should not be publicly prescriptive in telling police to remove an individual, rather ask for police intervention, seek advice of your attorney, and allow the law enforcement professional to make the judgment call about how to control the situation. They may want to take into consideration such things as the individual's likely reaction, progressive steps of warnings, audience reaction, minimizing use of force, preventing violence, objective standards of enforcement, definition of "disruption", etc. Police efforts to establish rapport with diverse communities, especially before they are at the public podium, can help police be positive "influencers" in controlling some potentially challenging members of the public.

d. **Calling for a Break in the Meeting:** If the conduct is not brought within control or additional speakers or audience members continue the disruption, consider calling a break for a few minutes before proceeding. This can cool down anger and give community relations staff (police or otherwise) to talk with the members of the public and establish some respect that can bring more civil behavior upon resumption of the meeting.

e. **Clearing the Room:** If the meeting is willfully interrupted, and you have consulted your attorney for an objective legal opinion of that judgment, and asked police to intervene and effect warnings and ultimately remove an individual, you can also have the room cleared before proceeding. Clearing the room can be done if you find the disruptions to be preventing you from doing the people's business which is conducting the public meeting. Members of the press, unless involved in the disruption, shall be allowed to remain in the session while the remainder of the agenda items are discussed and acted upon. You may also set rules for readmitting individuals IF you wish.

f. **Adjourning the Meeting:** If the other tactics do not control the disruption, the meeting can be adjourned to a future time when the business of the public body can be continued.



4. Old Business

- b. Consider and Vote to Approve Resolution 2025-02 Adopting New Bylaws of the CCHD Board.**

Public Comment?



**RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS
OF THE CRESCENT CITY HARBOR DISTRICT
ADOPTING NEW BYLAWS OF THE BOARD**

WHEREAS, the adoption of clear and comprehensive guidelines regarding the conduct of public business by elected and appointed officials is fundamental to fostering public trust and confidence;

WHEREAS, the Crescent City Harbor District requires that decisions and policies be made transparently and within the proper channels of governmental structure, ensuring public office is not used for personal gain, and that the Board of Harbor Commissioners remains responsive to the needs of the public and business owners they serve;

WHEREAS, the purpose of the Bylaws of the Crescent City Harbor District is to establish the protocols and policies that govern the conduct of the District's business and the meetings of the Board of Harbor Commissioners;

WHEREAS, the Bylaws must ensure uniformity of procedure, fairness to the public and interested parties, and compliance with all applicable legal requirements;

WHEREAS, the election of a new Board of Harbor Commissioners on November 5, 2024, presents an opportunity to reevaluate the foundational governance of the Crescent City Harbor District;

WHEREAS, the Board of Harbor Commissioners recognizes that the existing Bylaws are no longer reflective of the current goals, priorities, and operational needs of the District, and incremental updates or amendments would be insufficient to address these concerns;

WHEREAS, the Board of Harbor Commissioners has determined that the most effective course of action is to fully rescind the existing Bylaws and adopt a completely new set of Bylaws to better align with the District's mission and the expectations of the public expressed during the 2024 election of a new Board;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Harbor Commissioners of the Crescent City Harbor District hereby rescinds its Bylaws previously adopted on November 19, 2024, in their entirety;

BE IT FURTHER RESOLVED, that the new Board of Harbor Commissioners hereby enacts a comprehensive rewrite of the Bylaws, with the intent of establishing a clear and modern framework for the governance of the Crescent City Harbor District;

BE IT FURTHER RESOLVED, that this action is not a mere amendment, revision, or update of the existing Bylaws but a complete and deliberate reconstitution of new Bylaws to address current and future needs;

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon its passage and adoption, rendering the existing Bylaws null and void;

PASSED, APPROVED AND ADOPTED by the Board of Harbor Commissioners of the Crescent City Harbor District, this 7th day of January, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAINED: Commissioners _____

AFFIRMED:

_____ Gerhard Weber, Chair of the Board

ATTESTED:

_____ Annie Nehmer, Vice Chair of the Board

BYLAWS
OF THE
CRESCENT CITY HARBOR DISTRICT



Proposed for Adoption: January 7, 2025

Adopted _____

Updated _____



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1.0 INTRODUCTION

1.1 Purpose and Intent of Handbook

The adoption of written Bylaws regarding the conduct of public officials provides a sound foundation on which to build public trust and confidence. The proper operation of the Crescent City Harbor District ("District") requires that decisions and policies be made within the proper channels of governmental structure, that public office not be for personal gain, and that the Board of Harbor Commissioners ("Board" or "Commissioner(s)") remains objective and responsive to the needs of the public and business owners they serve. The purpose of these bylaws is to set forth protocols and policies that govern the conduct of Board meetings and other District business. The intent of this manual is to ensure uniformity of procedure, access to the public, fairness to the public and interested parties, and compliance with legal requirements in all designated matters heard by the Board.

1.2 Crescent City Harbor District Description

The District was formed as a public entity on November 8, 1931, to manage the land and water areas of the Harbor, take responsibility for the development and improvement of the Harbor, and maintain and manage the marina and related facilities. The District was conveyed additional tide and submerged lands when the Governor signed into law Chapter 1510 of the Statutes of 1963.

The District now owns and manages more than 4,053 acres of water and land area adjacent to the southern city limits of Crescent City. The Harbor is a shallow-draft critical harbor of refuge supporting the commercial fishing industry that serves the local community as well as the world with wild caught seafood. The District also supports charter vessels, sport fishing and recreational boating that attracts visitors from across the nation.

The District is mandated by statute to ensure that the tidelands are used for 'harbor, aviation, wharves, docks, piers, slips, quays, and other structures' and 'for the establishment of public buildings, parks, playgrounds, public recreation, public fishing and public access and public navigation.' The District must also provide 'facilities and appliances necessary or convenient for the promotion and accommodation of commerce as well as recreational navigation by air and water.'

The District has several retail and commercial establishments conducting business on Harbor property which attract local visitors and tourists. The District also has undeveloped property that can be made shovel-ready or developed into additional District owned businesses.

APPENDIX 1 illustrates a CCHD parcel map.

The official address and principal place of business of the District is:

CRESCENT CITY HARBOR DISTRICT
101 Citizens Dock Road
Crescent City, CA 95531
(707) 464-6174

1.3 Seal of the District

The Seal of the District shall be in the form of two concentric circles with the words "CRESCENT CITY HARBOR DISTRICT" in the form as affixed on the front page of these Bylaws. (H&N Code 7060)

1.4 Crescent City Harbor District Vision Statement

The vision statement of an organization describes the aspirational future and overarching goals, serving as a source of inspiration. CCHD VISION STATEMENT: *Our vision is to provide a beacon of excellence in the maritime world, and to become renowned for sustainable practices, community enrichment, and innovative services. We aspire to create a vibrant, economically thriving, and ecologically responsible harbor that enriches our community.*

1.5 Crescent City Harbor District Mission Statement

In contrast to the vision statement, the mission statement is more grounded in the present, defining the organization's purpose and key activities. CCHD MISSION STATEMENT: *The Crescent City Harbor District provides sustainable marine and shore-based commercial, recreational, and educational opportunities for the benefit of the community.*

1.6 Crescent City Harbor District 10-Year Strategic Plan

In its continuing effort to fulfill its vision, mission, and to provide engaged, accountable, and effective government, the District established a 10-Year Strategic Plan to guide its Commission and staff. The most recent plan adopted by the Board can be found on the District's website at <https://www.ccharbor.com/strategic-plan-2018-2028>.

2.0 GOVERNING BODY

2.1 Board of Harbor Commissioners

The Board consists of five Commissioners duly elected pursuant to the California Elections Code. There shall be an election for Harbor Commissioners on the first Tuesday after the first Monday of November of each even-numbered year. (H&N Code Section 6052)

Election cycles are staggered, with three Commissioners elected in one cycle and two Commissioners elected two years later in the subsequent cycle. This structure ensures that all five Commissioner positions remain continuously filled while avoiding a scenario where all five Commissioners are up for election at the same time.

2.2 Term of Office

Commissioners will serve a term of office of four (4) years from the time of appointment. (H&N Code Section 6245) Every Commissioner whose term has expired shall continue to discharge the duties of his/her office until his/her successor has been appointed. (Gov Code Section 1302)

Upon election of a Commissioner, the District shall file with the Del Norte County Clerk/Recorder a bond in the sum of five thousand dollars (\$5,000.00) made payable to the District and conditioned on the faithful performance of his or her duties in accordance with H&N Code Section 6056.

If a Commissioner vacates their office for any reason during his or her term, the vacancy will be filled for the unexpired portion of the term by appointment made by the majority vote of the remaining Commissioners. However, if the vacant Commissioner post is not filled within thirty (30) days of the vacancy, the vacancy will be filled by appointment made by the majority vote of the Del Norte County Board of Supervisors. (H&N Code Section 6054.3; Gov. Code Section 1778)

2.3 Election of Board Officers

At the first meeting in December each year, the Board shall elect from its membership, by majority vote, a Chairperson ("Chair"), Vice Chairperson ("Vice Chair"), and Secretary, each to serve a one-year term. Any Board member elected to an officer position may be re-elected to serve consecutive terms if approved by a majority vote of the Board in subsequent years.

If the office of Chair becomes vacant during a term, the Vice Chair shall automatically assume the role of Chair for the remainder of the term. Similarly, if the office of Vice Chair becomes vacant, the Secretary shall automatically assume the role of Vice Chair for the remainder of the term.

Notwithstanding any other provision herein, the Board may remove any Chair, Vice Chair, or Secretary from their officer position by an affirmative vote of three (3) Harbor Commissioners. Any officer so removed shall retain their status as a Commissioner and continue as a regular member of the Board.

Any officer position not automatically filled by succession shall be filled by a majority vote of the Board at the earliest practicable opportunity.

2.4 Role of Chair

- a. The Chair oversees the Board's business, sets meeting schedules and agendas, and acts as the Board's primary representative to the CEO/Harbormaster. The Chair shall attend an agenda review meeting with the CEO/Harbormaster before each Board

meeting either in person or by phone.

- b. The Chair presides at all meetings of the Board, preserves the order at Board meetings, removes any person from any meeting for disorderly conduct, enforces the rules of the Board and determines the order of business.
- c. The Chair shall have the authority to prevent the misuse of motions, or the abuse of any privilege, or obstruction of the business of the Board by ruling any such matter out of order. In so ruling, the Chair shall be courteous and fair and should presume that the moving party is acting in good faith.
- d. The Chair may decide when Special Meetings of the full Board need to be called to deal with issues that cannot wait until the next regular Board meeting.
- e. The Chair appoints members of the Board to serve on any committees of the Board. All appointments by the Chair are subject to the consent of the person so appointed. The Chair may give other special assignments to Commissioners.
- f. The Chair will coordinate any communications with the news media on behalf of the Board, or delegate/appoint another Board member.
- g. The Chair must also perform such other duties as assigned by the Board, these Bylaws, or as are commonly required of a presiding officer of a local government agency in California.
- h. The Chair or Vice Chair are authorized to sign checks and any documents requiring Board leadership authorization, in addition to signing in their capacity as Commissioners.
- i. In the absence of both the Chair and Vice Chair, the Secretary of the Board will run any scheduled meetings and perform any leadership duties that may be required.

2.5 Role of Vice Chair

- a. In the absence of the Chair, or his/her inability to act, the Vice Chair shall preside at meetings and fulfill other necessary duties and responsibilities as the Chair pro-tem.
- b. The Vice Chair is authorized to sign checks and attest to legal documents on behalf of the District in his/her capacity as a leadership officer of the Board.
- c. The Vice Chair serves as the Board's compliance officer, ensuring that Board members adhere to all applicable laws, regulations, and policies. This includes overseeing the completion of mandatory training, the timely filing of financial disclosures, and compliance with ethical standards.
- d. The Vice Chair may consult with Harbor staff as needed to identify compliance issues and ensure the Board remains informed of any updates to its legal or regulatory obligations.

2.6 Role of Secretary of the Board

- a. In the absence of the Chair and Vice Chair, or their inability to act, the Secretary shall preside at meetings and fulfill other necessary duties and responsibilities as the Chair pro-tem.
- b. The Secretary has the power to affix the District's Seal to all minutes, resolutions and other official documents adopted by the Board, and to contracts and instruments authorized for execution on behalf of the District.
- c. The Secretary directs the Board Clerk to ensure the accurate preparation, maintenance, and timely approval of Board meeting minutes, the proper distribution of Board materials to the public, and the organization of official Board records.
- d. The Secretary may be required to attest to certain official District documents as an additional signatory.
- e. The Commissioner elected to serve as Secretary shall retain the title and be addressed as "Commissioner" rather than "Secretary" in all verbal contexts to ensure clarity and to prevent any potential confusion with administrative staff holding the title of "Secretary." However, for official writings, the Secretary/Commissioner shall sign as "Secretary of the Board" to clearly denote their official role as a Board officer.

2.7 Role of Commissioners

- a. Commissioners have one vote each in developing policies, passing ordinances, resolutions, and motions of the Board.
- b. Commissioners are to make every effort to attend all meetings of the Board.
- c. Commissioners serve on committees and accept responsibilities as appointed by the Chair.
- d. Commissioners communicate with the Chair and other members of the Board concerning the District's business.
- e. Commissioners coordinate through the Chair to provide feedback to the CEO/Harbormaster on the District's staffing needs or to offer feedback regarding the performance of District staff.
- f. All checks of the District must be signed by at least two (2) Commissioners. All members of the Board are authorized to sign checks. The first signature shall be the Chair or Vice Chair. The second signature may be any serving Commissioner.
- g. Two (2) Commissioners will jointly participate with the CEO/Harbormaster on interviews and hiring recommendations for all management positions as well as salary increases for all management personnel. An ad-hoc committee may be appointed to complete the hiring process.
- h. In order to ensure clear and consistent communication to staff, and to prevent potential conflicting directives from individual Commissioners, all directives to staff must be coordinated through the CEO/Harbormaster.

- i. Except where specifically authorized by Board action or for purely ceremonial purposes, individual Commissioners shall not make any statement, inference, or appearance or indicate in any way that he or she is representing the District or the Board on any action, decision, or policy direction. Individual Commissioners may not actually or implicitly promise or infer District or Board action or promise that District staff will perform a specific action. When otherwise signing correspondence using their title as Commissioner and presenting their individual opinion and positions, individual Commissioners shall explicitly state that they do not represent the District and must not allow or encourage any inference that they are speaking on behalf of the Board, unless specifically authorized by the rest of the Board.
- j. Each newly elected Commissioner shall take a course instructing them on their responsibilities and duties. Additionally, they shall complete a review of the bylaws, policies and procedures, and Rosenberg's Rules of Order. They shall also be informed of their right to investigate any harbor-related matter in the performance of their oversight role. Such investigations will normally be coordinated through the CEO/Harbormaster, with staff being required to fully disclose all pertinent information.
- k. Each member of the Board has access to read and review all records of the District, unless restricted by law. For example, private personnel records are generally not available to Commissioners, except as may be deemed necessary by the Harbor's General Counsel for the performance of particular Commissioner duties.
- l. Commissioners generally should view personnel records in a closed session of the Personnel Committee or Board. The CEO/Harbormaster is responsible for maintaining the District's records. A Commissioner's request for access to nonpublic documents will be made through the CEO/Harbormaster. In the event of a dispute regarding access to the District's records, the CEO, the Chair, or a member of the Board may bring the matter before the entire Board, which will have ultimate responsibility for deciding such matters.

2.7 Role of the Board

- a. The Board is responsible for governance of the District and is obligated to be transparent to the public.
- b. The Board adopts and bi-annually reviews the Budget, which will include an organizational diagram that identifies all current employment positions within the District, salaries of all management personnel and each employee's status as full or part time positions. Any deviation from this Budget or organizational structure must be approved by the Board. The Board shall receive a condensed budget update monthly.
- c. The Board hires the CEO/Harbormaster, General Counsel, Special Counsel, auditors, engineers, and other outside consultants who serve at the pleasure of the Board by a majority vote.
- d. The Board approves all non-recurring Harbor expenses exceeding \$2,000 and all recurring expenses exceeding \$10,000. Recurring utility expenses for electricity, water, and sewer are exempt from specific Board approval.
- e. The Board approves initiation and settlement of litigation by the District.

- f. The Board approves all Harbor leases and contracts.
- g. In compliance with applicable law, the Board develops and adopts ordinances, resolutions, bylaws, policies, and the public positions of the District.

3.0 RESPONSIBILITIES AND CONDUCT OF COMMISSIONERS

3.1 Board Principles

The Board of Harbor Commissioners recognizes its actions affect the District's ability to fulfill its mission. Listed below are practices deemed essential for the Board to positively affect the District's ability to operate efficiently and effectively. To that end, the members of the Board of Harbor Commissioners affirm their commitment to act in accordance with the following practices:

1. Act in accordance with the District's Mission.
2. Maintain a high level of integrity and follow through with all commitments, especially with other government agencies.
3. Work only as a Board, with no independent, tangential, or hidden agendas.
4. Always strive for consensus, remembering unanimity is not required.
5. Once the Board has made a decision, acknowledge and act in accordance with it.
6. Understand the Board's role is to set policy and ensure staff understands this, while facilitating staff's ability to implement Board directed policy.
7. Recognize and abide by the separation of responsibilities between the Board, CEO/Harbormaster and Staff.
8. Clearly understand the expectations and the responsibilities of the Board Chair, Vice Chair, and other Commissioners.
9. Correctly identify the issues, and ask clarifying questions as needed.
10. Realistically select important issues related to the District's mission and worthy of the Board's energies and efforts.
11. Make sure all major policy decisions are well thought out from a legal perspective, all options have been explored, with each advantage and disadvantage, explored and weighed.
12. Communicate all facts accurately and fully.
13. Encourage open discussion by all Board members on all subjects.
14. Ensure everyone has a chance to give and explain his or her point of view.
15. Actively and courteously listen to each other in a genuine effort to understand opposing views.
16. Attend and actively participate in all meetings, keeping absences to a minimum.
17. Come to meetings prepared, having reviewed the materials provided by staff.
18. Ask the CEO/Harbormaster for background information as needed prior to Board meetings.
19. Never hesitate to ask questions at a Board meeting or request additional information, if required.
20. Understand and follow Brown Act requirements.
21. Maintain confidential information that has been acquired during closed session.

3.2 Procedure for Responding to Breaches of the Board Principles

Should evidence or allegations of violations of the Board Principles by a Commissioner of the Crescent City Harbor District come to the attention of a Board member, that Board member shall address the matter with the CEO/Harbormaster and General Legal Counsel, who will investigate the matter. If it is determined to be a potential violation based upon the investigation, the matter will be agendized for Board consideration and determination in open session. (Open & Public V: A guide to the Ralph M. Brown Act)

3.3 Oath of Office

Commissioners who are duly elected pursuant to the Elections Code take office prior to the first Board meeting in December following the general District election. Prior to assuming any duties, a Commissioner duly appointed to fill a vacancy must take an Oath of Office before a person authorized by law to administer the oath, that he or she will support the Constitution of the United States and the Constitution of the State of California and will faithfully discharge the duties of his or her office according to the best of their ability. (H&N Code Section 6243)

3.4 Conflict of Interest

Pursuant to Government Code Section 87200 *et seq.*, Commissioners are required to file a "Statement of Economic Interests" annually; this Statement is filed with the County Clerk/Recorder's office. The initial statement is filed when an individual files Harbor Commissioner Candidacy papers with the County Clerk/Recorder. Each Commissioner is required to file an annual statement, usually after January 1 of each year but no later than April 1 of each year.

A Commissioner is required to conform to the Conflict of Interest provisions of the Political Reform Act, Government Code Section 87100 *et seq.*, which regulates financial conflicts of interest. The law imposes the responsibility to avoid financial conflicts of interest upon each Commissioner. Pursuant to state law, each Commissioner must undergo training in the obligations of the law to avoid conflicts of interest and to conform to all other applicable laws including those concerning ethics and conflict of interest.

A Commissioner is required to file a "Leaving Office Statement" within thirty (30) days after leaving office.

3.5 Ethics Training

All Management Personnel, Officers, and Commissioners shall receive at least two (2) hours of training in general ethics principles and ethics laws relevant to his or her public service no later than one (1) year from the first day of service. Thereafter, each Commissioner shall receive the training at least once every two (2) years, without regard to the number of local agencies with which he or she serves. (Gov. Code § 53235(b))

3.6 New Commissioner Orientation

When a Commissioner is first appointed to the Board, the CEO/Harbormaster and District staff shall hold an orientation to introduce the Crescent City Harbor District, its policies and procedures.

3.7 Social Media

The Crescent City Harbor District may participate in Facebook, Twitter, Instagram, and other social media platforms to engage members of the public and surrounding organizations in a more active role. The District may promote content on these social media outlets to provide updates to community members in a timely manner and to share information to a larger online audience.

Social media provides opportunities for the Commission to unintentionally engage in prohibited serial meetings. On any form of Social Media, whether a public or private page, a posting, or a response to a posting, by one Commissioner could be viewed by two other Commissioners, which could be considered a prohibited serial meeting. This would be inadvertent but would nevertheless erode the public's confidence that Commission meetings only take place in public where the public may participate fully in the decision-making process.

Recent Brown Act amendments clarified that a member of a legislative body may engage in conversations or communications on an internet-based social media platform to answer

questions, provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body, provided that a majority of the members of the legislative body do not use the internet-based social media platform to discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body. Therefore, a member of the legislative body may not respond directly to any communication on an internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the legislative body that is made, posted, or shared by any other member of the legislative body. (Gov't Code Section 54952.2(b) These changes are in effect only until January 1, 2026, unless extended or made permanent by the Legislature or Governor.

Therefore, it is recommended that Commissioners refrain from posting on any form of District social media, whether public page or closed group, sharing posts, and refrain from responding to comments or reacting to posts using digital icons.

3.8 Cellphone Usage in Meetings

Personal cellphone usage shall be refrained from excessive use. Cellphones should be silenced once the meeting is called to order. Commissioners and attendees should be engaged in the meeting and not cause distractions with their phones.

4.0 TRAININGS AND CONFERENCES

Members of the Board are encouraged to attend educational training courses, conferences, and professional meetings when the purpose of such activity is to improve District operations. There is no limit to the number of Commissioners attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District. If multiple Commissioners attend a training or conference, they must not discuss District business amongst themselves.

The budget for training and conferences is set every fiscal year by the CEO/Harbormaster and approved by the Board. All training and conferences for Commissioners and staff that are expected to exceed \$2,000 are brought to the Board for approval prior to initiation.

4.1 New Board Member Training

It is recommended that all new Board Members attend the California Special District Association's "How to be an Effective New Board Member" Training. The training has been designed specifically for special district board members and board chairs/presidents to provide the tools, background and overall knowledge necessary to help navigate the first year of governing a special district and be an effective leader. This training would qualify for travel and expense reimbursement.

4.2 Travel Expense Reimbursement Policy for Commissioners & Staff

The procedures of the District for the reimbursement of actual and necessary expenses incurred by a Commissioner, CEO/Harbormaster, or Staff in the performance of official duties for the benefit of the District, pursuant to Government Code sections 53232 *et seq.*

1. General Principles: CCHD Staff and Commissioners are expected to exercise prudence in all expenditures. Thus, reimbursement shall be made only for actual and necessary expenses that qualify under this Policy. Expenditures that are improper or otherwise not properly accounted for shall not be paid for or reimbursed by the District.
2. Reimbursable Events and Authorized Expenditures: Subject to the restrictions contained herein, CCHD Staff and Commissioners shall be reimbursed for certain authorized expenditures incurred by Commissioners for the benefit of the District while attending the following events ("Reimbursable Event(s)"):
 - a. Educational conferences, workshops, seminars and similar events.
 - b. Regional, state and national meetings or conferences where activities affecting the District's interests are discussed.
 - c. Other governmental functions where CCHD Staff or Commissioners attend as an authorized representative of the District.

A Reimbursable Event must be approved in advance by a majority vote of the Board at a public meeting. The District shall pay for or reimburse CCHD Staff or the Commissioner for incurring the following authorized expenditures:

- a. Registration Fees. The District shall directly pay the registration fees associated with attendance at a Reimbursable Event.
- b. Lodging and Meals and Incidentals. Per diem rates shall not exceed current IRS Publication 1542 guidelines.

- c. IRS Publication 1542 references <http://www.gsa.gov/perdiem> for a table of per diem rates. As stated in Publication 1542, rates change throughout the year. The per diem table will be referred to for each date of Reimbursement Event.

Example from www.gsa.gov: 10/1/24 rate for nearest county of Humboldt:

State	County	Season Begin	Season End	FY 25 Lodging	FY 25 ME&I
CA	Humboldt	October 1	May 31	\$ 125	\$ 86
CA	Humboldt	June 1	August 31	\$ 172	\$ 86
CA	Humboldt	Sept. 1	Sept. 30	\$ 125	\$ 86

- i. Lodging. Whenever possible, the District shall directly pay for reasonable lodging expenses incurred by CCHD Staff or a Commissioner while attending a Reimbursable Event. If CCHD Staff or Commissioner makes payments at his/her own expense, the District shall reimburse CCHD Staff or Commissioner for reasonable lodging expenses and only for the actual hotel fees incurred, excluding entertainment, or similar personal expenses, not to exceed guidelines in IRS Publication 1542.
- ii. Meals. These amounts include sales tax and tip (which is not to exceed 20% pretax total) and are not to be exceeded. All meal receipts must be itemized to receive reimbursement. If the event registration includes meals, CCHD Staff or the Commissioner are expected to take advantage of such meals. The cost of alcoholic beverages will not be reimbursed.

CCHD Staff or the Commissioner that attends a conference that includes a meal, but he/she cannot consume that meal due to dietary, religious, or schedule restrictions for official business, the District may allow the Commissioner to claim the full meal allowance to cover the cost of a substitute meal. CCHD Staff or the Commissioner must first make a reasonable effort to make alternative meal arrangements.

- iii. Incidental Allowance. The District shall reimburse CCHD Staff or the Commissioner for tips actually given that are reasonable and customary for the service, as well as toll charges and parking fees up to the actual amount expended. CCHD Staff or the Commissioner must provide receipts or documentation for incidental expenses and attached to the expense reporting form. Undocumented cash tips and payments will not be reimbursed.
- d. Personal Vehicle Mileage. CCHD Staff or the Commissioner shall be reimbursed for costs associated with the use of a personal vehicle to travel to/from a Reimbursable Event at the then-current IRS Standard Mileage Rates. No reimbursement shall be provided for travel to/from regular or special Board or committee meetings or optional District events. Mileage calculations will be verified using common mapping tools, which is to be attached to the proper request and reporting forms. The District will not reimburse CCHD Staff or the Commissioner for any other personal vehicle expenses. The start and end point (roundtrip) shall be point of origin to and from the approved destination.

- e. Common Carrier Travel. When personal vehicle use for District business is impractical due to time and/or distance, CCHD Staff or the Commissioner may use regularly scheduled commercial carriers for travel. CCHD Staff or the Commissioner traveling by plane, train, rental vehicle, bus, or taxi should travel by the least-expensive fare available for the date and time of the travel, taking into account scheduling needs and the most direct route. Travel should be planned in advance to permit use of advance fares. The District shall directly pay for such travel arrangements, whenever possible.
- f. Unauthorized Expenditures: In accordance with California law, the District shall not reimburse for personal expenses, non-mileage vehicle expenses, nor for CCHD Staff or the Commissioner's guest. The personal portion of any trip before, during or after the approved District business, or any other unapproved expenses will not be reimbursed.
 - i. If travel expenditure reimbursement was submitted with the intent to defraud Crescent City Harbor District ("CCHD"), an investigation shall be conducted. The investigation shall be comprised of two (2) Commissioners appointed by the Chair of the Crescent City Harbor District Board of Commissioners ("Board"). The results of the investigation and recommendations will be disclosed in closed session. The Board will decide disciplinary action to be taken, up to, and including, termination from employment/cancellation of contract of the Crescent City Harbor District.
 - ii. Nothing in this section will be construed to preclude the offending party from criminal action being taken, if deemed necessary by the Board.
3. Expense Reporting: Expenses incurred by CCHD Staff or the Commissioner under this Policy shall be reimbursed only after CCHD Staff or the Commissioner seeking reimbursement completes and submits the proper expense reporting documentation currently in use by the District. The documentation must be submitted to the Clerk of the Board within thirty (30) days after CCHD Staff or the Commissioner incurs the expense or completes the travel. Staff or the Commissioner must attach all relevant documentation and receipts authenticating the expenses, such as itemized receipts or proof of payment issued by a hotel, restaurant, or other vendors. The Clerk of the Board and Chair shall review and approve the requested reimbursement.
4. Receipt Policy: The District's Receipt Policy shall be in accordance with the State of California Human Resources Manual (available here: <https://hrmanual.calhr.ca.gov/Home/ManualItem/1/2203>) Reimbursement will be claimed only for actual and necessary business, travel, and relocation expenses. Regardless of any exceptions to receipt policy, the approving officer may require additional certification and/or explanation from an employee to determine expenses were actually and reasonably incurred. In the absence of a satisfactory explanation, the expense shall not be allowed.

Receipts shall be submitted for every item of expense of \$25 or more except for meal and incidental expenses. When receipts are not required to be submitted with a travel expense claim, it is the employee's responsibility to maintain receipts and records of their actual expenses. Receipts must be made available for audit upon request by employing departments, state control agencies and/or the Internal Revenue Service (IRS). Receipts are required for every item of transportation and business expense incurred as a result of conducting state business.

The following actual expenses are an exception to the receipt policy:

- Railroad and bus fares of less than \$25 when travel is wholly within California.
- Street car, ferry fares, bridge and road tolls, local rapid transit system, taxi, shuttle or hotel bus fares, and parking fees of \$10 or less for each continuous period of parking or each separate transportation expense noted in receipt policy.
- Telephone, fax, or other necessary state business costs of \$5 or less.
- The absence of a receipt shall result in the reduction of the amount claimed to the non-receipted amounts above.

Actual meal and incidental expenses incurred while on travel status will be reimbursed in accordance with the maximum rates and time frame requirements outlined below:

- For each full 24 hours of travel: Up to the federal standard rate for meals and incidental expenses established by the U.S. General Services Administration.
- On the first and last day of travel: Up to 75 percent of the federal standard rate for meals and incidental expenses established by the General Services Administration.

Receipts are not required to claim meal and incidental expenses up to the maximum allowable reimbursement rates. Receipts for meals must be maintained by the employee as substantiation that the amount claimed was not in excess of the amount of the actual expense. The employing department may request receipts at any time.

5. Disclosure and Reporting: To implement the reporting requirements of Government Code section 53232.3, CCHD staff or the Commissioner shall provide a brief report on the event attended for which he/she was reimbursed. If multiple officials attended the same event, a joint report may be made.
6. Public Records: All documents related to reimbursable agency expenditures are public records subject to disclosure under the California Public Records Act and pursuant to Government Code section 53232.3.

5.0 COMMISSIONER INTERACTIONS

5.1 Commissioner & Staff Interaction

The Board will address District staff in a professional, constructive, and considerate manner. This will ensure that Board interactions with staff will have a positive impact on the operations of the District.

Board members have no authority to direct staff to work on projects without the approval of a majority vote of the Board. To operate the District in an effective and professional manner, the CEO/Harbormaster needs to be aware of all projects on which each staff member is working.

Correspondence and requests directed to staff on behalf of Commissioners should be routed through the Chair and then CEO/Harbormaster.

5.2 Commissioner & Harbor District Tenant Interaction

To ensure fair and efficient communication with tenants in the harbor, a Commissioner will provide a brief summary and disclose pertinent harbor interests regarding any contacts he or she may have had with any tenant at a subsequent Board meeting. This brief summary of such contact shall be provided as part of routine reporting during Board Communications at the next District public meeting, as appropriate.

To assure fair and consistent negotiations on all pending leasing agreements, no Commissioner shall discuss any aspect of a lease that is under negotiation or discussion between the tenant and the District CEO/Harbormaster or District staff. Should a tenant wish to meet or confer with a Commissioner at any point during lease negotiation regarding the terms of a lease, the Commissioner may only do so if a member of the District staff is also present.

5.3 Commissioner & Legal Counsel

While there will be instances where individual Commissioners have a need to contact District Counsel directly, in general, it is preferred that Commissioners first direct their inquiry to the CEO/Harbormaster or his/her designee before involving Counsel.

5.4 Commissioner and Staff Visibility to the Public

To ensure that Commissioners and District staff are easily recognized by the public for District events or events where the Harbor District is being represented, a Commissioner or District staff should wear an appropriate name badge/District apparel to identify the individual and his or her affiliation with the District. The cost of the name badge will be borne by the District.

5.5 Commissioner Representation as a Commissioner at Public Engagements

To ensure transparency in the conduct of District business, when possible, Commissioners shall advise the Board in advance, of participation at conferences, meetings, and public speaking engagements in which Commissioners will be representing the District in their official capacity. Participation in such engagements shall be for the purpose of advancing the Board's policies, projects and goals as determined by the Board through its prior approval actions, consistent with other protocols.

5.6 Commissioner Participation as Interested Party at Community Events

From time to time, Commissioners may choose to participate in community activities, committees, events, and task forces. When a Commissioner participates in these types of activities, the Commissioner is acting as an interested party rather than acting on behalf of the Board. Acting or participating on behalf of the Board is limited to those instances when the Commission has

formally designated the Commissioner as its representative/liaison for the matter.

6.0 DISTRICT OFFICERS

6.1 CEO/Harbormaster

The Board is authorized to employ a CEO/Harbormaster of the District by Employment Agreement who shall be responsible for the day-to-day management of the District and the employment of other District personnel subject to Board policy. The CEO/Harbormaster may be appointed to serve in various capacities as determined by the Board, but no Commissioner shall be appointed as CEO/Harbormaster. The qualifications of the CEO/Harbormaster shall meet the requirements established by the Board. The duties of the CEO/Harbormaster shall be determined by the Board, and the CEO/Harbormaster's performance shall be evaluated annually by the Board.

- a. The CEO/Harbormaster serves at the pleasure of the Board.
- b. The CEO/Harbormaster prepares the agenda for all meetings of the Board in consultation with the Chair and staff.
- c. The CEO/Harbormaster is responsible for maintaining the records of the District, preparing the annual Budget, and the organizational structure of the employees for the District.
- d. The CEO/Harbormaster advises the Board, providing objective information, pros and cons of alternatives, and long-term consequences of decisions.
- e. The CEO/Harbormaster may make policy recommendations to the Board but is bound by whatever action the Board takes.
- f. The CEO/Harbormaster initiates lease and union negotiations and brings draft agreements to the Board for approval.
- g. The CEO/Harbormaster will make a full report to the Board on any subject it requests and be transparent on all aspects of any requested report.
- h. The CEO/Harbormaster (in consultation with two Commissioners) is responsible for and will act in accordance with these Bylaws regarding recruiting and hiring personnel in accordance with Section 2.5 (f) of these Bylaws, supervising staff performance, and the day-to-day operations of the District.
- i. When preparing amendments to any bylaws, contracts, leases or other documents that have been amended, the CEO/Harbormaster will designate on said document that is given to the Board that any and all deletions to said documents shall be shown in red ink with strikeout and additions to the text shall be shown in blue ink so that the Commissioners and public can ascertain what changes have been made to any bylaws, contracts, lease or other documents.
- j. The CEO/Harbormaster is responsible for implementing the ordinances, resolutions, and policies of the Board and is authorized to issue citations for violations of any District ordinance (H&N Code 6070.6), which is a misdemeanor (H&N Code 6070.2). To exercise this authority, the CEO/Harbormaster is granted a public safety commission pursuant to Penal Code Sections 830.31, 830.9, and/or 836.5, depending on qualifications.

6.2 General Counsel

The General Counsel to the District is appointed by the Board, and although they may provide services to the District under contract, the General Counsel serves at the pleasure of the Board. The Board shall review the performance of the General Counsel periodically or by a majority vote of the Board.

- a. The CEO/Harbormaster will be the Board's primary contact with any General Counsel representing the District. The Chair may also consult with any attorney representing the District with full Board approval.
- b. The General Counsel will be the primary attorney representing the District. The General Counsel represents the District, not individual Commissioners. Nonetheless, the Board recognizes and affirms the right of individual Commissioners to consult directly and confidentially with the General Counsel on District related matters as they deem appropriate. Prudence should be used when exercising this privilege, and the subject matter of all consultations must be limited to official District business. Any Commissioner consulting with the General Counsel shall disclose the nature of the consultation with the Board at the next Board meeting.
- c. The Chair, the CEO/Harbormaster, or the Board may request that the General Counsel prepare a written opinion or attend a Board meeting to discuss legal issues.
- d. The General Counsel will prepare or review leases, contracts, deeds and similar documents at the direction of the CEO/Harbormaster or the Board.

7.0 HARBOR COMMISSION MEETINGS

7.1 Meeting Location

Meetings of the Board shall be held at 101 Citizens Dock Road, Crescent City, California. The Board may, at times, elect to meet at other locations within the County and upon such election shall give public notice of the change of location as per Brown Act requirements.

7.2 Compliance with the Brown Act

Pursuant to the Ralph M. Brown Act ("Brown Act"), all meetings of the full Board of Harbor Commissioners shall be open and public, and all persons shall be permitted to attend and participate in any public meeting of the full Board of Harbor Commissioners except as provided by law; provided, however, that closed sessions may be held when permitted by law. Periodically, Legal Counsel may provide refresher training on the Brown Act.

7.3 Regular Meetings

The Board of Harbor Commissioners will normally hold at least one regular meeting a month. Regular meetings are typically held the first and third Tuesday of every month. Normally, the open session begins at 2:00PM. Closed session follows open session. After the closed session, a report is made of any permissible details from closed session.

In addition to the notice required by law, the agenda for such a meeting will be emailed to each member of the Board at least seventy-two (72) hours prior to the time of the meeting.

7.31 Financial documents

Monthly, the finance officer shall prepare and issue reports of the following documents:

- a. A standard profit and loss statement showing the actual results of the previous month, the budgeted results for that month as well as the total dollar variance for that month for each line item.
- b. A standard profit and loss statement showing the actual results YTD through the prior month, the budgeted results YTD through the prior month as well as the total dollar variance YTD for each line item.
- c. A standard cash flow statement as of the prior month end.
- d. A standard balance sheet statement as of the prior month end.
- e. A projected month end cash balance statement for the next 12 months showing how the P&L affects the cash balance, as well as any items affecting the cash flow not reported in the P&L statement. This projected month end cash balance sheet's line items shall be reviewed and updated monthly.
- f. Any unusual expenditure, or relevant information, requested by the Chair or Vice Chair.

7.4 Special Meetings

Special meetings of the Board may be called and held from time to time pursuant to the procedures set forth in the Brown Act.

The Chair, or a majority of the members of the Board, may call a special meeting of the Board for the purpose of transacting any business designated on the special meeting agenda. In addition to the notice required by law, the agenda for a special meeting will be emailed to each member of the Board at least twenty-four (24) hours prior to the time of the special meetings.

7.5 Emergency Meetings

In the case of an emergency involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities an emergency meeting may be called by the Board Chair or by a majority of the Commissioners without complying with the 24-hour notice or posting requirements or both. The meeting shall be conducted under the same rules as a Special Meeting. The Board may meet in closed session pursuant to Government Code section 54957 during an Emergency Meeting if agreed to by two-thirds vote of the Commissioners present, or, if less than two-thirds of the Commissioners are present, then by a unanimous vote of the Commissioners present at the meeting.

An emergency situation includes an emergency (a work stoppage, crippling activity, or other activity which severely impairs public health or safety, or both, as determined by a majority of the Board) and a dire emergency (a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a one-hour notice before holding an emergency meeting may endanger the public health, safety, or both, as determined by a majority of the Board.) (Government Code Section 54956.5)

7.6 Cancelled Meetings

When the day for any regular meeting falls on a legal holiday, the regularly scheduled meeting for that day shall be deemed cancelled unless otherwise provided by the Board. Any meeting of the Board may be cancelled in advance by a majority vote of the Board. From time to time, there may be a need for the CEO/Harbormaster, in consultation with the Chair and Vice Chair, to cancel a meeting due to lack of agenda items or unplanned Commissioner absences.

7.7 Adjourned Meetings

Any regular, adjourned, or special meeting may be adjourned to another time, place and date specified in the order of adjournment provided it is not beyond the next regular meeting date. Once adjourned, the meeting may not be reconvened. (Government Code Section 54955)

7.8 Teleconferenced Meetings

Regular or Special meetings of the Board of Harbor Commissioners may be teleconferenced, i.e. a meeting of individuals in different locations, connected by electronic means, through either audio or video, or both. Any teleconferenced meeting shall meet the requirements of the Brown Act (GC Sec. 54950, et seq.).

7.9 Closed Sessions

The Board may hold closed sessions during any regular, adjourned-regular or special meeting, or any time otherwise authorized by law, to consider any matter which is authorized by law to be heard or considered in closed session, including, but not limited to, the following:

- a. Real Property Negotiations - To discuss the terms of a real estate transaction
- b. Litigation - To discuss anything related to the litigation - facts, legal theories, settlements, etc.

- c. Labor Negotiations - To confer with and instruct the District's labor negotiator with respect to labor negotiations
- d. Personnel Matters - To discuss the employment, appointment, evaluation or dismissal of staff

The general subject matter for closed session consideration shall be agendaized or publicly announced as required under the Brown Act, before such session is held.

Except as otherwise provided in Government Code section 54963, no person in attendance at a closed session shall disclose confidential information that has been acquired during the closed session to a person not entitled to receive that information, unless the Board of Harbor Commissioners authorizes the disclosure.

Confidential information means a communication made in closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session under Government Code Section 54963.

Violation of Government Code Section 54963 may be addressed using such remedies as are currently available by law, including, but not limited to:

- a. Injunctive relief to prevent the disclosure of confidential information prohibited by this section.
- b. Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section.
- c. Referral of a member of a legislative body who has willfully disclosed confidential information in violation of this section to the grand jury.
- d. Disciplinary action pursuant to paragraph (2) of subdivision (c) shall require that the employee in question has either received training as to the requirements of this section or otherwise has been given notice of the requirements of this section.

7.10 Committees

The Board, by motion or resolution, may establish and dissolve committees from time to time. All committees will have such powers and authority as granted by the Board and may be modified from time to time. The Chair will appoint members of all committees with agreement from the appointed members. The Chair may also appoint a new member to serve where a committee member is unable to attend or perform the functions of that committee member.

a. Ad Hoc Committees

Ad hoc committees are committees made up solely of two (2) members of the Board for purposes of making investigations, gathering information, meeting with third parties or other agencies, and giving recommendations and advice to the Board. Ad hoc committees are generally expected to complete their business and make their recommendations to the Board within six (6) months of their formation; although, the term may be extended if it turns out that it is impractical to complete the business or form the committee recommendations within that time.

b. Standing Committees

The Board may establish standing committees to be given such duties as the Board

directs. Standing committees have continuing subject matter jurisdiction. Standing committees may be assigned or delegated such powers and decision-making responsibilities as deemed appropriate by the Board.

c. Other Committees

The Board may establish other committees made up of any combination of representatives or users from the District, members of the public, or representatives of other agencies, as it deems appropriate.

To ensure transparency in the conduct of District business, nothing in these Bylaws may be interpreted to allow any violation of the California Brown Act.

Unless required by law or Board action, ad hoc committees need not hold public meetings nor give advance notice of their meetings. Standing committees will prepare minutes of their meetings. Ad hoc committees will make regular written reports to the Board or shall report orally during a regular board meeting on any developments within the scope of the committee.

See Appendix 2 – District Committees for a list of Current Committees.

7.11 Board Liaisons

Board Liaison appointments can be raised by any Commissioner. When such appointment(s) is raised, it must be formally approved by the Commission at a noticed public meeting.

Commissioners appointed as a liaison shall represent the interests of the District and shall keep the Board informed of their activities and positions taken under the Board Communications portion of the agenda. See List of Board Liaisons attached as Appendix 3.

7.12 Quorum and Voting

A majority of the Board shall constitute a quorum for the transaction of business (H&N Code 7054). Three (3) members of the Board shall constitute a quorum, and three (3) affirmative votes are required for the Board to take action.

Any Commissioner present at a meeting when a question comes up for a vote, should vote for or against the item unless he/she is disqualified from voting and abstains because of a conflict of interest. If the vote is a voice vote, the Chair shall declare the result. The Board may also vote by roll call at the request of any Board member. Resolutions and Ordinances require a roll call vote.

7.12.1 Attending Meetings of other Public Agencies, Conferences, Etc.

Any number of Commissioners may attend meetings of other public agencies, conferences, etc.; provided, however, that where a quorum of the Board is present, they do not discuss District business amongst themselves. This does not preclude Commissioners from addressing the governing body or members of a panel at the meeting or event regarding District business.

7.12.2 Social Gatherings

A quorum of the Board may attend or participate in social gatherings or other similar events. However, even when meeting socially, Commissioners shall not discuss District business, or the gathering could be deemed a meeting under the Brown Act.

7.12.3 Email, Texting, Instant Messages, and other Electronic Communication

Commissioners and staff must take care not to participate in non-contemporaneous

electronic communications that could turn into a serial meeting under the Brown Act. The District encourages the use of email as a one-way communication tool. To this end, Commissioners should not "Reply All" to any emails to avoid a quorum of the Board being involved in the communication. Similarly, staff should be cautious of acting as an intermediary in serial communication including Commissioners to avoid potential Brown Act violations.

7.13 Commissioner Absences

In the event a Commissioner is going to be absent from a Board meeting, every effort should be made to advise the Clerk of the Board in advance of that absence. If a Commissioner anticipates an extended absence, he or she should provide advance notice of the absence to the Chair and Clerk so that the Board may plan for and manage any work that might otherwise be assigned to that Commissioner.

7.14 Agendas

Meeting agendas shall be posted at least seventy-two (72) hours in advance and topics shall be limited to those on the agenda. Agendas are available on the Crescent City Harbor District website homepage and at <https://www.ccharbor.com/archived-agendas/>.

The CEO/Harbormaster shall prepare, publish and distribute agendas for all meetings. Items may be placed on the agenda at the request of any Commissioner. If the requested item is not placed on the agenda and the Commissioner requesting the addition to the agenda is denied, that Commissioner has the right to have the item brought to the full Board to be voted upon as to whether it should or should not be placed on a future agenda. To facilitate preparation and distribution of the agenda, Commissioners must submit the request and any supporting material to be included in the agenda packet to the CEO/Harbormaster at least six (6) calendar days prior to the next Board meeting. For an item to return to the agenda after action has been taken, only a Commissioner who voted on the prevailing side may request that it be placed on the agenda a second time.

7.15 Minutes and Recordings

Minutes and recordings of Board meetings will be kept and maintained as follows:

- a. "Action Minutes" will be prepared by the Clerk of the Board for all Commission meetings that are open to the public. Minutes are prepared after each commission meeting by the Clerk of the Board and approved by the Board at a subsequent meeting. These minutes are not actual transcripts of the meetings but describe only the motion-maker and the contents of the motion, the Commissioner seconding the motion, the vote, and any conditions of approval. The minutes will also reflect the names of any invited speakers and the subject matter discussed. If a Commissioner desires a comment to be included in the minutes, it is his or her responsibility to indicate to the Clerk of the Board that the statement "should be reflected in the record" before making the comments.
- b. Board meetings are digitally recorded and maintained by the Clerk of the Board in accordance with the District's Record Retention Policy. Members of the public may listen to audio recordings on the District's website.

8.0 ORDER OF BUSINESS

The business of the Commission at its meetings will generally be conducted in accordance with the following order unless otherwise specified on the agenda. The Chair may modify the order of business for any regular or special meeting. A closed session may be held at any time during a meeting consistent with applicable law.

- Call to Order (Open Session)
- Roll Call
- Pledge of Allegiance
- Public Communications
- Board Communications
- Consent Agenda – Approval of Minutes
- Standard Agenda
 - Action Items
 - Information Items
- Staff and CEO/Harbormaster Report(s)
- Adjourn to Closed Session (if any)
- Call to Order (Closed Session)
- Roll Call
- Adjourn to Open Session
- Closed Session Report (If a closed session is conducted)
- Adjournment

Call to Order - The Chair opens the public meeting by calling it to order at the appropriate scheduled time.

Roll Call - The Clerk of the Board will take roll.

Pledge of Allegiance - The Chair or designee will lead those present at the meeting in the Pledge of Allegiance.

Public Communications - This period is set aside to allow public communication on items not on the agenda, but within the jurisdiction and authority of the District. Each person may address the Board for up to three minutes or at the discretion of the Chair. Each person is requested but not required to fill out and return to the Clerk of the Board a speaker slip, which allows the Chair to recognize who would like to speak. No person may speak without first being recognized by the Chair.

Board Communications - This time is set aside to allow Board members to briefly comment on District issues, such as seminars, meetings, projects and literature that would be of interest to the public and/or District as well as report any interactions with Harbor tenants.

Staff and CEO/Harbormaster Report(s) - District staff will give the Board reports on their Department activities. The CEO/Harbormaster will report on items of general interest to the Board and public. Legal Counsel will report on progress on District assignments and any legislative or judicial matters.

Consent Agenda - Matters appearing on the Consent Agenda are expected to be non-controversial and will be acted upon by the Board at one time, without discussion, unless

a member of the Board requests an opportunity to address any item identified on the Consent Agenda. Approval by the Board of Consent Items means that the recommendation by staff is approved by motion along with the terms set forth in the applicable staff reports.

Approval of the Minutes - The Commission will discuss, make possible amendments to and approve minutes of the past meeting(s).

Standard Agenda - The Standard Agenda consists of Action Items and Informational Items.

Action Items - In accordance with the Brown Act, the Board may not take action on any item that does not appear on the agenda posted at least seventy-two (72) hours prior to the meeting, unless the item is added to the agenda in accordance with the Brown Act (Gov't Code Section 54954.2). Staff will give the Board a report, the Board will ask questions, the Chair will call for public comment, then Board discussion and deliberation, and then action may be taken, to be followed by a brief oral summary of the action taken by the Chair or the Board member presiding at the meeting. A voice vote or roll call vote will be taken, unless the item is continued, or no motion or action is taken.

Informational Items - Staff will give a report on matters requested by the Board or a Commissioner or on a matter of general interest to the Board or public. Normally, no action is to be taken on an informational Item.

Closed Session Report - Any reportable actions taken by the Board during Closed Session will be announced at this time by Legal Counsel.

Adjournment - The Chair will adjourn the meeting.

9.0 ATTENDANCE BY THE PUBLIC AT MEETINGS

All meetings of the Board, except Closed Sessions, shall be open to public in accordance with the terms, provisions and exceptions consistent with the Brown Act. A public comment period is available for members of the public to raise issues of concern within the Board's jurisdiction or authority at all regular meetings of the Board. While public comments are welcome, the public should not expect a response or any significant exchange, as the Board is limited under the Brown Act in its ability to respond to public comment.

Public Communications - Verbal and Written

The Board shall accept public comments and testimony on specific agenda items as well as on matters not specifically appearing on the agenda.

For items appearing on the Board agenda, prior to initiation of discussion by the Board, the Chair will acknowledge that a request to speak has been received and invite the speaker to address the Board immediately prior to or during discussion of the item by the Board.

In addition to verbal comments, written comments will be accepted prior to the start of the public hearing. Copies of all written comments shall be distributed to the Board prior to their decision on the matter and posted on the Commission's webpage. Written comments will not be read out loud during public comments.

1.) Every agenda for regular meetings of the Board will provide for an opportunity for members of the public to directly address the Board on any item of interest to the public before or during the Board's consideration of the item, so long as the item is within the subject matter jurisdiction of the District and providing that no action will be taken on any item not appearing on the agenda unless authorized by statute.

2.) Only members of the audience recognized by the Chair will have the floor. Any member of the public wishing to address the Board must seek recognition from the Chair by the raising of his or her hand during the discussion of the item or by submitting a written request for recognition prior to the meeting. Upon being recognized by the Chair, the person may state his or her name, and identify any group or organization that he or she is representing. In the Chair's discretion, the period for public participation may be before or after any staff report on a particular item.

3.) Except for public hearings, each speaker will be limited to a maximum of three (3) minutes, and total public participation on any item will be limited to fifteen (15) minutes. The Board may extend the time limit for individual speakers or total audience participation, if in his or her discretion additional time is warranted. It is the responsibility of the Chair, or the Chair's designee, to keep track of time.

4.) Unless the Board determines that more time is warranted due to the complexity of, or public interest in, an item, each public hearing will be limited to thirty (30) minutes, and individual speakers will be limited to five (5) minutes each. The Board may increase the time limits before or during a hearing if it determines such an increase is warranted.

5.) Irrespective of any time limits, the Chair will regulate a speaker who is speaking too long, being unduly repetitious, or extensively discussing irrelevancies.

6.) The Chair will rule a speaker out of order for cause. A speaker may not be ruled out of order due to substance of the comments unless comments are irrelevant to the subject at hand.

7.) After hearing from the public on an item, the Chair may close further audience participation to allow members of the Board to discuss the item among themselves and with staff. Commissioners may also ask for further comment or clarification from members of the audience after the public participation portion has otherwise been closed.

8.) Notwithstanding any other provision herein, the agenda and the Board need not provide an opportunity for members of the public to address the Board on any item that has already been considered by a committee composed exclusively of members of the Board at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item before or during the committee's consideration of the item. The Board will afford the public opportunity to speak on such an item if the Board determines that the item has been substantially changed since the committee heard the item.

9.) In the case of special meetings, the Board will limit public participation and discussion to only those items that were described in the notice of the meeting.

10.) The Board may exclude or expel any person who refuses to abide by the reasonable rules for public participation or who causes a disturbance. In addition, the Board may exclude or expel all persons from any meeting where a disturbance has been created that will not allow the meeting to continue unimpeded. In a case where a person(s) has been expelled due to such a disturbance, the Board must readmit any journalists who were not involved in the disturbance and may establish a procedure for readmitting any individual not responsible for willfully disturbing the orderly conduct of the meeting.

10.0 HARBOR COMMISSION AND HARBOR DISTRICT POLICIES

District policies can be found on the District's website at <https://www.ccharbor.com/policies> If you are unable to locate a certain policy, please contact the District Clerk.

11.0 COMPLIANCE WITH LAW

These Bylaws must be interpreted as consistent with any and all applicable law.

12.0 AMENDMENTS BY LAW

The Bylaws of the District may be amended by Resolution only with the approval of at least three members of the Board at a regular or special meeting.

The above Bylaws have been adopted by Resolution Number 2025-01 on _____.

Dated: _____

Gerhard Weber
Chair of the Board of Harbor Commissioners

Dated: _____

Annie Nehmer
Vice Chair of the Board of Harbor Commissioners

ACKNOWLEDGEMENTS

This handbook was based on similar handbooks from other municipalities. We thank the Ventura Port District. Also used as references were the Harbors and Navigation Code, Robert's Rules of Order, the Brown Act, and the California Department of Human Resources Manual.

APPENDIX 1 - CCHD Parcel Map

APPENDIX 2

2024 DISTRICT COMMITTEES	APPOINTED COMMISSIONERS
INFRASTRUCTURE	Shepherd
LEGAL AFFAIRS, POLICIES & PROCEDURES	Nehmer
	Evans
PERSONNEL COMMITTEE	Evans
	Schmidt
REVENUE GENERATION	Shepherd
	Nehmer
SPECIAL EVENTS & COMMUNITY OUTREACH	Nehmer
	Schmidt
WEBSITE	Weber
	Evans
FINANCE (STANDING COMMITTEE)	Weber
	Evans
OTHER COMMITTEE	

APPENDIX 3

Board Liaisons

NAME OF COMMITTEE	2025 APPOINTED COMMISSIONERS
AUDIT	Primary
	alternate
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (CDFW)	Primary
	Alternate
CHAMBER OF COMMERCE	Shepherd
4th Friday @ 12:00pm	(alternate)
CITY OF CRESCENT CITY	Primary
	Alternate
COORDINATION COMMITTEE (as needed	Primary
	(alternate)
COUNTY OF DEL NORTE	Primary
	alternate
DREDGING	Primary
	alternate
FEMA (as needed)	Primary
	Alternate
HARBOR DISTRICT	Primary
	Alternate
LAFCO	Primary
4th Monday as needed	Alternate
LAST CHANCE GRADE STAKEHOLDERS	Primary
	Alternate

NAME OF COMMITTEE	2025 APPOINTED COMMISSIONERS
NORTH COAST RESOURCE PARTNERSHIP (NRCP)	Primary
Quarterly	Alternate
RESOURCE ADVISORY COMMITTEE (RAC)	Primary
(as needed)	alternate
RESOURCE CONSERVATION & DEVELOPMENT COUNCIL	Primary
(quarterly)	Alternate
REDWOOD NATIONAL AND STATE PARKS	Primary
	Alternate
SISTER CITY/JAPAN	Primary
	Alternate
SIX RIVERS NATIONAL FOREST & SMITH RIVER NATION RECREATION AREA	Primary
	Alternate

Technical Advisory Committee (TAC) (meetings scheduled as needed)

GRANTS COMMITTEE	1
	2
HEALTHY WORKFORCE	1
	2
CAPITAL IMPROVEMENT AND INFRASTRUCTURE	1
	2
ECONOMIC DEVELOPMENT	1
	2
PARTNERSHIPS	1
	2



4. Old Business

- c. Assign Commissioners to Serve as Board Liaisons.**

Public Comment?

APPENDIX 3

Board Liaisons

NAME OF COMMITTEE	2025 APPOINTED COMMISSIONERS
AUDIT	Primary
	alternate
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (CDFW)	Primary
	Alternate
CHAMBER OF COMMERCE	Shepherd
4th Friday @ 12:00pm	(alternate)
CITY OF CRESCENT CITY	Primary
	Alternate
COORDINATION COMMITTEE (as needed	Primary
	(alternate)
COUNTY OF DEL NORTE	Primary
	alternate
DREDGING	Primary
	alternate
FEMA (as needed)	Primary
	Alternate
HARBOR DISTRICT	Primary
	Alternate
LAFCO	Primary
4th Monday as needed	Alternate
LAST CHANCE GRADE STAKEHOLDERS	Primary
	Alternate

NAME OF COMMITTEE	2025 APPOINTED COMMISSIONERS
NORTH COAST RESOURCE PARTNERSHIP (NRCP)	Primary
Quarterly	Alternate
RESOURCE ADVISORY COMMITTEE (RAC)	Primary
(as needed)	alternate
RESOURCE CONSERVATION & DEVELOPMENT COUNCIL	Primary
(quarterly)	Alternate
REDWOOD NATIONAL AND STATE PARKS	Primary
	Alternate
SISTER CITY/JAPAN	Primary
	Alternate
SIX RIVERS NATIONAL FOREST & SMITH RIVER NATION RECREATION AREA	Primary
	Alternate

Technical Advisory Committee (TAC) (meetings scheduled as needed)

GRANTS COMMITTEE	1
	2
HEALTHY WORKFORCE	1
	2
CAPITAL IMPROVEMENT AND INFRASTRUCTURE	1
	2
ECONOMIC DEVELOPMENT	1
	2
PARTNERSHIPS	1
	2



5. Communications and Reports

a. CEO/Harbormaster Report

Public Comment?



5. Communications and Reports

b. Harbor Commissioner & Committee Reports

- (1) Commissioner Dan Schmidt**
- (2) Commissioner John Evans**
- (3) Commissioner Rick Shepherd**
- (4) Vice Chair Annie Nehmer**
- (5) Chair Gerhard Weber**

Public Comment?

6. MEETING ADJOURNMENT

*Adjournment of the Board of Harbor Commissioners will be until the next meeting scheduled for **Tuesday, January 21, 2025**, at 2 p.m. PDT. The Crescent City Harbor District complies with the Americans with Disabilities Act. Upon request, this agenda will be made available in appropriate alternative formats to person with disabilities, as required by Section 12132 of the Americans with Disabilities Act of 1990 (42 U.S.C. §12132). Any person with a disability who requires modification in order to participate in a meeting should direct such request to (707) 464-6174 at least 48 hours before the meeting, if possible.*

