

BYLAWS

OF THE

CRESCENT CITY HARBOR DISTRICT



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Adopted _____

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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 to serve that role.
- 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,~~ as approved by the Board.
- c. The Vice Chair serves as the Board's compliance officer. This includes overseeing the Board's completion of mandatory training, the Board's timely filing of financial disclosures, and the Board's 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 shall ~~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 **in keeping with the Brown Act.**
- e. Commissioners ~~coordinate through the Chair to~~ shall 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.

2.8 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](#). [Certain recurring expenses such as electricity, water, and sewer shall be ratified and approved as part of the monthly financial report](#)

to the Board. If established amounts for recurring or non-recurring expenses need to be exceeded, prior approval from a member of the Board is required. Any such exceedances must be noted in the next monthly financial report to the Board.

- 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 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 **that are** 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 District come to the attention of a Board member, that Board member shall address the matter with the CEO/Harbormaster **and together with** General Legal Counsel, who will ~~investigate~~ **advise the Commissioner on how to proceed in the matter**. If it is determined to be a potential violation based upon ~~the investigation~~ **General Counsel's determination**, the matter will be agendaized 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 **certification of** 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** **assumes office to the Board**, the CEO/Harbormaster and District staff shall conduct an orientation to familiarize **the Commissioner with the District's,** ~~its~~ policies, ~~and~~ procedures, **and operations.**

3.7 Social Media

The 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~~ Excessive personal cellphone use shall be avoided. 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 government expense guidelines discussed in Section 4.2 below, ~~-\$2,000~~ must be brought to the Board for approval prior to initiation. Additionally, if such activities will result in the annual budget allocation being exceeded, Board approval is required.

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 following policy 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, are made 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. Meetings with investors, stakeholders, or other parties currently engaged in or intending to engage in business with the District.
 - ~~e.~~d. 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 (3/5) 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 a Commissioner makes payments at his/her own expense, the District shall reimburse CCHD Staff or such Commissioner for reasonable lodging expenses and only for the actual lodging expenses ~~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.

In the case of CCHD Staff or ~~the~~ a Commissioner ~~that attends~~ attending 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~~ individual to claim the full meal allowance to cover the cost of a substitute meal. CCHD Staff or a 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 attach them to the expense reporting form. Undocumented cash tips and payments will not be reimbursed.
- d. Personal Vehicle Mileage. CCHD Staff or a 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 the District, an investigation shall be conducted. The investigation shall be comprised of two (2) Commissioners appointed by the Chair. 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 and/or cancellation of a contract with the 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~~ Office Manager 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~~ Office Manager 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 discussion or negotiation between the tenant and the District CEO/Harbormaster or ~~District staff~~ his or her designee. Should a tenant wish to meet or confer with a Commissioner at any point during lease negotiations regarding the terms of a lease, the Commissioner may only do so if the CEO/Harbormaster or his or her designee a ~~member of the District staff~~ is also present.

~~5.3 — Commissioner & Legal Counsel~~

~~While there may 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.~~

5.3 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/District apparel will be borne by the District.

5.4 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.

5.5 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 these Bylaws,
- i. **The CEO/Harbormaster is responsible for supervising staff performance, and the day-to-day operations of the District.**
- j. 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. **In cases where multiple revisions of the same document are brought before the Board, subsequent changes may be indicated in green ink for ease of reference.**
- k. 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 to avoid duplicative conversations and unnecessary expense. ~~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, typically in closed session.
- 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. Contracts, deeds, leases, and similar documents must include the General Counsel's signature approving the document as to form.

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 may be **obtained from a webinar from the California Special District Association.**

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 2:00 PM. Closed session **normally** 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.

7.3a Financial documents

Monthly, **during a regular meeting**, the **Director of Operations or his or her designee** ~~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.**

These documents shall be noted, approved, and signed by the Board in open session.

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 meeting.

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 approved by a two-thirds vote of the Commissioners present. If fewer than two-thirds of the full Board (less than 4 Commissioners) are present, the closed session may proceed only with a unanimous vote of at least three (3) 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 agendized 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~~ completing their tasks or finalizing recommendations within that timeframe proves impractical.

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~~ Board 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 shall be available in the District office located at 101 Citizens Dock Road, as well as on the Crescent City Harbor District website homepage at <https://www.ccharbor.com/archived-agendas/>

The CEO/Harbor Master shall prepare agendas, and the Clerk of the Board shall coordinate the publishing and distribution of 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/Harbor Master 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 for a minimum of thirty (30) days in accordance with the District's Record Retention Policy. Members of the public may listen to audio recordings on the District's website.

7.16 Ordinances

- a. Ordinances will be enacted pursuant to the California Harbors & Navigation Code and any and all other applicable California laws. Before any ordinance may be adopted, the violation of which is a misdemeanor, a notice will be published in a newspaper of general circulation published in Del Norte County, CA, stating the nature of the ordinance proposed, stating where and when a copy thereof may be inspected, and specifying the date, not less than twenty (20) days from the date of publication of such notice, on which the Board will meet for the purpose of adopting the ordinance. Ordinances will become effective immediately upon adoption by the Board unless another effective date is stated in the ordinances. All ordinances will be adopted and published as required by law.
- b. Passage of an ordinance required the affirmative vote of three (3) Commissioners.

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. **Voting** on all resolution, ordinances, and minute orders coming before the Board will be by roll call, and the ayes and nays will be entered upon the minutes of such meeting. No secret ballots are permitted.

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.

8.1 **Rules of Procedure**

a. The Board may adopt, from time to time, such rules and regulations for the conduct of its meetings and affairs as are necessary and convenient. When necessary, the **Chair** may refer to Rosenberg's Rules of Order to supplement the procedural rules established by law, contained in these Bylaws, or otherwise adopted by the Board.

b. The **Chair** will call the meeting to order at the appointed time, announce the business before the Board in proper order, state and put all questions properly brought before the Board, preserve order and decorum, and decide all questions of order subject to an appeal to the entire Board.

c. The **Chair** may participate in debate and vote on all issues before the Board.

d. The **Chair** should not interrupt a speaker so long as the speaker is in order.

e. The **Chair** will enforce the Board's **rules guidelines** for public participation.

f. The **Chair** will rule any speaker out of order who is not in compliance with any rule or procedure, who is speaking too long, or who is being unduly repetitious, or who is

extensively discussing irrelevancies.

g. While on all questions of order and interpretation of the rules and priority of business it is the duty of the **Chair** to first decide the question, it is the privilege of any member of the Board to appeal the decision; and if the appeal is seconded, the Board will vote on whether the decision of the **Chair** stands.

h. The Board may act by ordinance, resolution, or minute order (motion on the record.)

i. Subject to appeal to the entire Board, the **Chair** may set the reasonable time for debate of a particular issue and may allot a reasonable time to each speaker, including members of the Board.

j. The proper order for all actions is, after public comment is heard, for the members of the Board to ask clarifying questions, then for any member of the Board to make a motion (such as a motion to enact an ordinance), which if seconded, is subject for discussion prior to the vote. A motion for reconsideration may be made or placed on the agenda only by a member who voted with the prevailing side, although such a motion may be seconded by anyone.

k. Each member of the Board attending a meeting will be allowed to speak, at least one time, prior to each vote on an issue. Speakers will obtain the floor from the **Chair** prior to speaking. The **Chair** may recognize himself or herself. The **Chair** will determine the order in which members of the Board speak.

l. During discussion of a matter, members of the Board will confine themselves to the question before the Board. Members should refrain from attacking the motives of other members, but the nature and consequences of a measure may be condemned in strong terms. It is not the person, but the measure, that is subject to debate.

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 2025-03 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, Rosenberg'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 - Weber
	Alternate - Nehmer
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (CDFW)	Primary - Nehmer
	Alternate - Shepherd
CHAMBER OF COMMERCE	Primary - Shepherd
4th Friday @ 12:00pm	Alternate - Evans
CITY OF CRESCENT CITY	Primary
	Alternate
COORDINATION COMMITTEE (as needed	Primary
	Alternate
COUNTY OF DEL NORTE	Primary - Evans
	Alternate - Nehmer
DREDGING	Primary - Shepherd
	Alternate
FEMA (as needed)	Primary - Weber
	Alternate
LAFCO	Primary - Schmidt
4th Monday as needed	Alternate
LAST CHANCE GRADE STAKEHOLDERS	Primary - Evans
	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 - Shepherd
	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 Schmidt
	2
ECONOMIC DEVELOPMENT	1
	2
PARTNERSHIPS	1
	2