



|           |            |                  |                   |              |              |
|-----------|------------|------------------|-------------------|--------------|--------------|
| Jim Hurst | Doug Albin | Michelle Norvell | Richard Shoemaker | Dan Platt    | Anna Neumann |
| Chair     | Vice Chair | Commissioner     | Commissioner      | Commissioner | Harbormaster |

## **NOYO HARBOR COMMISSION REGULAR MEETING AGENDA**

**Thursday, May 12th, 2022 at 6 PM**  
**Fort Bragg Town Hall**

**Join Zoom Meeting**

**<https://us02web.zoom.us/j/87062278320?pwd=S0pOU3R1K05oNUV0Y0sxZk1BWGxJdz09>**

**Meeting ID: 870 6227 8320**

**Passcode: 231177**

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

### **PUBLIC COMMENT ON NON-AGENDA ITEMS:**

**The Noyo Harbor Commission welcomes input from the public. Please limit your comments to five minutes so that everyone may be heard. The Brown Act does not allow action to be taken on non-agenda items.**

### **CORRESPONDENCE:**

State Lands Commission- COVID relief Audit

C Dock letter from tenants

### **Consent Calendar:**

1. Resolution 2022-1 Continuation of Virtual Meetings
2. Approval of Minutes – Regular April 14, 2022
3. Treasurer Report– April 2022
4. Resolution for the Abandonment of Chairmane
5. Resolution for the Abandonment of Windsong

### **CONDUCT OF BUSINESS:**

1. Discussion and possible action on new fee agreement between the District and legal Counsel Jim Jackson
2. Discussion and possible action on draft budget for 2022/2023
3. Discussion and possible action on funding agreement between Noyo Harbor District and

the State Lands Commission for Grader Park Improvement Project & Vessel Destruction Program

4. Discussion and possible action on Coast Guard License

**STAFF REPORTS AND RECOMMENDATIONS:**

**District Office:**

Maintenance Updates

CA Coastal Commission and Coast Conservancy Grants

Community Block Development Grants

Subconsultant for SHN

Third rate for Charter vessels

**Attorney Report:**

**Matters from the Commissioners:**

**ADJOURNMENT:** To the next regular meeting of Thursday June 9th at 6 pm, 2021.



April 26, 2022

Anna Neumann, Chair  
Noyo Harbor District

**Notification Letter—COVID-19 Fiscal Relief for Special Districts**

In accordance with the California Budget Act of 2021, Chapter 240, Statutes of 2021, the California Department of Finance, Office of State Audits and Evaluations, is conducting audits of special districts' certified COVID-19 Fiscal Relief funding applications. In accordance with the Budget Act, amounts were appropriated to provide fiscal relief to independent special districts who encountered unanticipated costs due to the COVID-19 public health emergency and had not received other forms of COVID-19 fiscal relief. Finance's audits will determine if the information certified by the special district is accurate and supported by documentation.

If your entity is selected for audit, Finance will notify you directly to schedule a meeting to discuss the audit scope and required documentation. At the conclusion of each audit, an exit conference will also be conducted to discuss the results.

In anticipation of being selected for audit, special districts are required to maintain all documentation that supports the information certified in the COVID-19 Fiscal Relief application. Inaccurate or unsupported information may result in the return of the funding allocations received by the special district.

If you have any questions, please contact Mary Camacho, Manager, at (916) 322-2985.

Sincerely,

Cheryl L. McCormick, CPA  
Chief, Office of State Audits and Evaluations

cc: Brittany Thompson, Staff Budget Analyst, Energy, Transportation, Housing, Local Government, and Labor Unit, California Department of Finance



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April 18, 2022

Noyo Harbor District  
1910 South Harbor Drive  
Fort Bragg, CA 95437

Attention: Anna Neumann, Harbormaster

Ms. Neumann

We are writing to request the harbor district investigate the cause of significant zinc loss on vessels within the harbor, specifically the C Dock.

To comply with our vessel insurance we haul out every 2 years. We just returned from the haul out and discovered we had lost all zinc on the boat. We also discovered various areas had substantial surface fatigue with prop damage not seen in previous years.

In discussing this with other boat owners on C dock several are experiencing similar accelerated zinc loss. The most recent cost to haul out the Moriah was approximately \$2000. The cost for proper boat maintenance, fuel, gear and all associated expenses have risen greatly while our seasons and income potential is diminishing.

Collectively we are requesting the harbor look into the cause of these problems. Currently there are vessels that sit unattended and in various states of disrepair on or close to our dock. If not properly charged a vessel could become "hot" creating a destructive electromagnetic current.

We thank you for your time and consideration,

*Rand and Cheryl Scott*

Rand and Cheryl Scott  
F/V Morriah, C21

*Morgan Murphy C8*  
F/V Shimley

*Thomas Lemons*  
F/V Tarantula Jr

\_\_\_\_\_  
F/V  
\_\_\_\_\_

*Tony Cannita*  
F/V Marlex

*Boomer*  
F/V K III

\_\_\_\_\_  
F/V  
\_\_\_\_\_

*ONE year haul out  
lost 90% of my  
ZINC. Usualy have 50% Left*



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**RESOLUTION NO. 2022-1**

**RESOLUTION OF THE NOYO HARBOR COMMISSION  
MAKING THE LEGALLY REQUIRED FINDINGS TO CONTINUE TO  
AUTHORIZE THE CONDUCT OF REMOTE “TELEPHONIC”  
MEETINGS DURING THE STATE OF EMERGENCY**

**WHEREAS**, on March 4, 2020, pursuant to California Gov. Code Section 8625, the Governor declared a state of emergency; and

**WHEREAS**, on September 17, 2021, Governor Newsom signed AB 361, which bill went into immediate effect as urgency legislation; and

**WHEREAS**, AB 361 added subsection (e) to Gov. Code Section 54953 to authorize legislative bodies to conduct remote meetings provided the legislative body makes specified findings; and

**WHEREAS**, as of November 1, 2021, the COVID-19 pandemic has killed numerous Californians; and

**WHEREAS**, social distancing measures decrease the chance of spread of COVID-19; and

**WHEREAS**, this legislative body previously adopted a resolution to authorize this legislative body to conduct remote “telephonic” meetings; and

**WHEREAS**, Government Code 54953(e)(3) authorizes this legislative body to continue to conduct remote “telephonic” meetings provided that it has timely made the findings specified therein;

**NOW, THEREFORE, IT IS RESOLVED** by the Commissioners of the Noyo Harbor District as follows:

1. This legislative body declares that it has reconsidered the circumstances of the state of emergency declared by the Governor and at least one of the following is true: (a) the state of emergency continues to directly impact the ability of the members of this legislative body to meet safely in person; and/or (2) state or local officials continue to impose or recommend measures to promote social distancing.

**The above and foregoing Resolution was introduced by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed and adopted at a regular meeting of the Noyo Harbor District held on the 12<sup>th</sup> day of May, 2022, by the following vote:**

**AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSED:**

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**Jim Hurst**  
**Chair**

**ATTEST:**

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**Anna Neumann**  
**Harbormaster**



|           |            |                  |                   |              |              |
|-----------|------------|------------------|-------------------|--------------|--------------|
| Jim Hurst | Doug Albin | Michelle Norvell | Richard Shoemaker | Dan Platt    | Anna Neumann |
| Chair     | Vice Chair | Commissioner     | Commissioner      | Commissioner | Harbormaster |

## **NOYO HARBOR COMMISSION REGULAR MEETING AGENDA**

**Thursday April 14, 2022 at 6 PM**  
**Fort Bragg Town Hall**

**CALL TO ORDER:** Meeting was called to order by Jim Hurst at 6:00 PM

**ROLL CALL:** Present were Jim Hurst, Doug Albin, Dan Platt and Anna Neumann. Absent were Michelle Norvell and Richard Shoemaker

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Doug Albin

**PUBLIC COMMENT ON NON-AGENDA ITEMS:** Public present were Kevin Browning, Scott Hockett and John Lynch

**CORRESPONDENCE:** None

### **Consent Calendar:**

1. Approval of Minutes-Special Meeting March 15<sup>th</sup>, 2022: **Motion to Approve Minutes from March 15<sup>th</sup>, 2022 By Doug Albin. Seconded by Dan Platt. Approve 3-0-2**
2. Treasures Report– Feb 10<sup>th</sup>, 2022: **Motion to Approve the treasures report from March 15<sup>th</sup>, 2022 By Doug Albin. Seconded by Dan Platt. Approve 3-0-2**

### **CONDUCT OF BUSINESS:**

1. **Presentation and discussion on fuel dock and icehouse for Noyo Harbor:** A presentation was made by Anna Neumann on the information that she has gathered around installing a fuel dock in the Harbor. Anna has discovered that the fueling company chosen would provide services such as staff training and certification as well as inspect and adhere to state and federal rules. Anna has reached out to Morro Bay and learned that it is better to have fuel lines run above ground to make inspection of lines and permitting easier. Most harbors run their fuel docks during normal business hours and weekends. Until a location is decided she will not investigate individual fueling providers. **Comment by Hockett:** Fuel costs \$2.00 / gallon more at the Harbor than in town. **Comment by Lynch:** John said he let the commission know he was looking in to putting in a fuel dock and spoke with SHN and wanted to know if he was competing with the Harbor and if he was, he claimed “foul”. Jim Hurst responded by saying that the commission had not made any decisions, but it is the commissions responsibility to make a fuel dock happen. He also felt personally that the Harbor should not get into the Fuel

Business and suggested that working together, leasing property would be a better option. **Comment by Lynch:** He would like rules to be made by the Harbor that would make fueling over tide lands no longer an option. This would protect him from competition. Dan Platt pointed out that it is legal for the trucks to do that. John Lynch claimed to have put in a lot of time, and said he was looking into installing a Dike tank that would need a lot line adjustment. It would be a 30,000-gallon tank and Chevron would be the fuel company with which he would work. Jim Hurst expressed that we are not competing with John Lynch and Anna was asked to investigate fuel dock options because we need a fueling facility as soon as possible. **Comment by Dan Platt:** Dan Platt expressed that we have trollers fishing year-round and asked if John Lynch felt that other fueling companies would compete with him. John Lynch replied he was worried about that and that is why he wanted rules made that no one could fuel over tide lands. He stated that he would but a 30,000-gallon Dike Tank next to and beside the existing Weighs.

**SHN – Scott Perkins said that after the application was made and all requirements were met it would take 1.5-2 years to get the permit.**

**Anna Neumann would like to know from the commission if she should proceed with looking into the Harbors options of installing a fuel tank.** Jim Hurst said he felt it would be too costly to proceed and felt it should be a private sector and to work with John Lynch and help him accomplish putting in a fuel dock.

**Jim Hurst asked if the Fuel Dock grant from 3 years ago for \$1 plus million was still active? Anna has not seen the grant but will be looking into it.**

John Lynch said he would be meeting with someone about the fuel dock he would like to put in and would present more information about the fuel dock at the May Commission Meeting.

**ICE HOUSE:** Anna Neumann has done research on installing an Ice Dock and it would cost \$1 million for a 30 ton system. A discussion was held, and Scott Hockett said that the current ice dock lease is paid to Schnaubelt from Scott Hockett and Allen Gibney. They have been keeping it running. Scott Hockett explained that the present system is in poor repair, can produce 30-50 tons of ice and needs about \$20,000 in repairs. He also explained that other Harbors have their ice docks subsidized by between \$30-50 Thousand dollars each year. Anna Neumann will investigate information pertaining to the building, owner, leasing, restoration of existing equipment etc. since it would be the cheapest way of proceeding and not require much permitting to an already existing operation.

**SHN – Scott Perkins made comment that most grants will not allow a granter holder to lease for 6-30 years after the grant, depending on the grant.**

## **2. Discussion and possible on SHN hiring a fuel dock specialist to work as a subcontractor**

for NHD: No discussion

- 3. Discussion and possible action on bids for the destruction of the Nicole Marie:** The Nicole Marie was turned over to the Harbor. Gary Swanson bid \$10,000 for the removal and crushing of boat. Harbor match is 10 percent, so \$1,000 will be the cost to the Harbor.

**MOTION: APPROVAL OF BID BY GARY SWANSON TO CRUSH AND REMOVE THE NICOLE MARIE**

**1<sup>ST</sup> DAN PLATT 2<sup>ND</sup> BY DOUG ALBIN APPROVE 3-0-2**

- 4. Discussion and possible action on Submerged Navigation Hazards Abatement Plan:** A plan was created by Anna Neumann on what to do with submerged hazards that are not funded by the Save Grant. The Plan is to Float – Remove any submerged object using reserve funding and then look for alternative funding to re-imburse the Harbor for costs.

**MOTION: APPROVE THE SUBMERGED NAVIGATION ABATEMENT PLAN**

**1<sup>ST</sup> Doug Albin 2<sup>nd</sup> Dan Platt APPROVE 3-0-2**

- 5. Discussion and possible action on application of SAVE Grant 22 funding :** Anna Neumann recommended applying for additional Save Grant funding to pay for abandoned boats with the Harbor contribution being 10 percent.

**MOTION: APPROVE THE APPLICATION FOR NEW SAVE GRANT FUNDING FOR THE AMOUNT OF \$200,000 W/ 10 PERCENT HARBOR CONTRIBUTION BEING \$20,000**

**1<sup>st</sup> Dan Platt 2<sup>nd</sup> Doug Albin APPROVE 3-0-2**

- 6. Discussion and possible action on allowing Charter Boats to operate in Noyo Mooring Basin:** Anna Neumann has been receiving complaints about Charter Boat patrons parking in North harbor. COMMENT: Scott Hockett explained that 60-100 cars twice a day are taking up space and are not necessarily spending money in North Harbor. The cars are sometimes double parked and left until the people return from their trip. Anna Neumann explained that moving all Party Boats to A-Dock would increase revenues to the harbor by charging slip fees of \$800 for large boats and \$500 for small boats. Fees from car parking at \$5/ea would also increase revenues. Party Boat patrons would also benefit from the Fish Market Days events arriving back to South Harbor with Live Music, Hot Food and Festive environment in Grader Park. Party Boats would benefit from being all in the same location, easy parking, cheaper dockage fees and from the Fish Cleaning Station when it is completed. Five slips on A-DOCK would be reserved for Charter Boats. A center piling would need fixing and Dan Platt expressed concern about the dock leaning a little. A gate may be installed past the Party Boats to offer security to other boats on A-DOCK. More usage of A-DOCK will also make it more eligible for grant funding.

**MOTION: Commission authorizes the Harbormaster to proceed with moving Charter Boats to A-DOCK to operate from within the harbor.**

**1st Doug Albin 2<sup>nd</sup> Dan Platt APPROVE 3-0-2**

**Jim Jackson can prepare the lease. The \$1 Million dollar insurance policy is sufficient**

- 7. Appointment of Budget Committee and adoption of Milestones for 2021/2022 budget presentation and consideration:** Jim Hurst suggested that Richard Shoemaker and Michelle Norvell and Doug Albin would like to be an alternate on the committee. It was suggested that a time line be created for the budget adoption committee to follow.

**MOTION: APPROVAL OF A Budget Adoption Timeline**

**1st Dan Platt 2<sup>nd</sup> Doug Albin APPROVE 3-0-2**

- 8. Discussion and possible action on the abandonment of Charmain:** Anna Neumann explained the process of the sinking and removal of the Charmain from the river. The boat was moved by the owner Donivan Sorensen, began sinking and spilling oil into the basin by the Sheriff Dock, the coast guard boarded and pumped out the vessel, oil cloth and booms were placed in and around the vessel to contain spillage. The coast guard determined that water was still entering the boat, so a pump was installed to try to keep up with the in-flow of water. The owner did not have a plan and it became apparent that the boat would either sink in the mooring basin or river basin. Anna Neumann contacted Trina Frie, who owns the old Abernathy haul out, and she gave permission to pull the boat out onto her property. The owner does not want to put the boat back in the water. It needs major clean-up and is danger of polluting the ground under it with oil. Clean up is necessary and if the owner does not do it soon the Harbor will need to.

Jim Jackson pointed out that it has not been abandoned without a watchman on board for 30 days until April 23<sup>rd</sup>. Anna Neumann reported that he is continually going on board the vessel and it will be difficult to know when 30 days should begin and end. It would be best if the boat were surrendered by Donivan to the Harbor so the Harbor can deal with it before the owner becomes angry. Jim Hurst recommended giving the owner until the date of May 12<sup>th</sup> or the Harbor would take the boat.

Anna Neumann explained that if the boat is surrendered by Donivan, we will then need approval of \$15,000 to demolish it.

**MOTION: APPROVE \$15,000 BE USED BY THE HARBOR TO DEMOLISH AND CLEANUP THE CHARMAINE IF THE OWNER SURRENDERS IT.**

**1RST Doug Albin 2<sup>nd</sup> Dan Platt APPROVE 3-0-2**

**STAFF REPORTS AND RECOMMENDATIONS: none**

**District Office:**

Noyo Newsletters: Newsletters are now being printed on the back of billing statements

Chamber of Commerce: The Harbor is now a member of the Chamber of Commerce

Cal OES Grant Updates: The Harbor is working with SHN to re-allocate funds to hire contractors to install and repair the dock rub rails. \$200,000 WILL BE NEEDED TO BE APPROVED FOR THE HIRING OF CONTRACTORS. Bids have been asked for and those who would like to bid will receive and 80 page information packet. The bid will open May 12 and the Commission will award the contract to the lowest bidder.

Blue Economy Updates: Anna Neumann will present the CSP plan on May 19<sup>th</sup>. The Fish market will be participating May 21<sup>st</sup>.

Fish Market Report: A success for boats, more vendors are signing up. Jim Jackson will look into getting a Liquor License for the sale of beer and wine.

**Attorney Report: none**

**Matters from the Commissioners:** Dan Platt said that the Nicole Marie was ready to be demolished by the Harbor, but the owner would like to remove some parts first. Dan will contact Melvin about moving the boat.

**ADJOURNEMENT:** To the next regular meeting of Thursday May 12 at 6 pm, 2022.

**MOTION TO ADJOURN: 1<sup>ST</sup> Doug Albin 2<sup>ND</sup> Dan Platt APPROVE 3-0-2**



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NOYO HARBOR DISTRICT  
STATEMENT OF ACCOUNTS  
30-Apr-22

|                    |                |
|--------------------|----------------|
| Chase Checking     | \$242,551.99   |
| Chase Money Market | \$1,019.86     |
| LAIF               | \$1,661,934.55 |

|                              |                       |
|------------------------------|-----------------------|
| <b>TOTAL OF ALL ACCOUNTS</b> | <b>\$1,905,506.40</b> |
|------------------------------|-----------------------|

**Noyo Harbor District  
Receipts & Disbursements  
April 2022**

|                                  |    |           |
|----------------------------------|----|-----------|
| Slip / Parking / Rent, recpts    |    | 60,414.28 |
| Grant reimbursements             | \$ | -         |
| Property Tax Revenue             | \$ | 40,339.88 |
| Interest-Chase-MMKT              | \$ | -         |
| Interest-LAIF - (Paid Quarterly) |    | \$739.97  |

**Total Cash Receipts** **\$101,494.13**

|                  |  |             |
|------------------|--|-------------|
| Payroll          |  | \$14,487.00 |
| AP Disbursements |  | \$52,478.73 |

**Total Disbursements** **\$66,965.73**

The undersigned Commissioners of the Noyo Harbor District approve disbursements in the total amount of **\$66,965.73** as listed above.  
Check numbers **14344-14373**

\_\_\_\_\_  
Chairman  
Jim Hurst

\_\_\_\_\_  
Commissioner  
Doug Albin

\_\_\_\_\_  
Commissioner  
Dan Platt

\_\_\_\_\_  
Commissioner  
Richard Shoemaker

\_\_\_\_\_  
Commissioner  
Michelle Norvell

**Noyo Harbor District (NHD)**  
**Bank Deposit Report**  
**For the Period From Apr 1, 2022 to Apr 30, 2022**  
**10200 - Chase Checking - X6877**

Filter Criteria includes: Report order is by Deposit Ticket ID. Report is printed in Detail Format.

| <b>Deposit Ticket ID</b>             | <b>Deposit Ticket Date</b> | <b>Receipt Date</b> | <b>Reference</b>   | <b>Description</b>     | <b>Amount</b>     |
|--------------------------------------|----------------------------|---------------------|--------------------|------------------------|-------------------|
| 04/29/2022                           | 4/29/22                    | 4/29/22             | 04292022creditcard | Slip Rental - Contract | 8,244.74          |
| <b>Total Deposit</b>                 |                            |                     |                    |                        | <b>8,244.74</b>   |
| 4/19/22                              | 4/19/22                    | 4/19/22             | 04192022           | Slip Rental - Contract | 18,809.56         |
| 4/19/22                              | 4/19/22                    | 4/19/22             | 04192022EED        | Property Tax Revenue   | 1,442.99          |
| <b>Total Deposit</b>                 |                            |                     |                    |                        | <b>20,252.55</b>  |
| 4/25/22                              | 4/25/22                    | 4/25/22             | 04252022a          | Slip Rental - Contract | 13,034.88         |
| 4/25/22                              | 4/25/22                    | 4/25/22             | 04252022b          | Slip Rental - Contract | 8,393.44          |
| 4/25/22                              | 4/25/22                    | 4/25/22             | 04252022c          | Property Tax Revenue   | 40,339.88         |
| <b>Total Deposit</b>                 |                            |                     |                    |                        | <b>61,768.20</b>  |
| 4/7/22                               | 4/1/22                     | 4/1/22              | 04012022a          | Slip Rental - Contract | 6,902.75          |
| 4/7/22                               | 4/1/22                     | 4/1/22              | 04012022b          | Property Tax Revenue   | 3,585.92          |
| <b>Total Deposit</b>                 |                            |                     |                    |                        | <b>10,488.67</b>  |
| <b>Total Deposits for the Period</b> |                            |                     |                    |                        | <b>100,754.16</b> |

**Noyo Harbor District (NHD)**  
**Check Register**  
**For the Period From Apr 1, 2022 to Apr 30, 2022**

Filter Criteria includes: Report order is by Date.

| Check #           | Date    | Payee                     | Cash Account | Amount    |
|-------------------|---------|---------------------------|--------------|-----------|
| 14344             | 4/1/22  | Thompson's PortaSeptic    | 10200        | 179.33    |
| 14345             | 4/1/22  | NICK BARBIERI TRUCK       | 10200        | 213.68    |
| 14346             | 4/1/22  | World Oil Environmental   | 10200        | 95.00     |
| 14347             | 4/1/22  | Mountain Fresh            | 10200        | 32.00     |
| 14348             | 4/1/22  | WAXIE SANITARY SUP        | 10200        | 522.82    |
| 14349             | 4/1/22  | Waste Management of F     | 10200        | 3,605.20  |
| 14350             | 4/1/22  | P.G.& E.                  | 10200        | 52.04     |
| 14351             | 4/1/22  | Comcast                   | 10200        | 177.30    |
| 14352             | 4/1/22  | Rossi's Building Material | 10200        | 6,150.09  |
| 14353             | 4/1/22  | Rossi's Building Material | 10200        | 290.62    |
| 14354             | 4/1/22  | Franklin Templeton        | 10200        | 528.00    |
| 14355             | 4/1/22  | Franklin Templeton        | 10200        | 156.00    |
| 14356             | 4/1/22  | Mendocino Chamber of C    | 10200        | 75.00     |
| eletronic         | 4/6/22  | Internal Revenue Servic   | 10200        | 2,755.26  |
| 14357             | 4/18/22 | Office Depot Business C   | 10200        | 378.00    |
| 14358             | 4/18/22 | WAXIE SANITARY SUP        | 10200        | 341.07    |
| 14359             | 4/18/22 | Nailors Plumbing Servic   | 10200        | 380.00    |
| 14360             | 4/18/22 | James A. Jackson          | 10200        | 656.50    |
| 14361             | 4/18/22 | O'Reilly Auto Parts       | 10200        | 55.52     |
| 14362             | 4/18/22 | The Rental Place FB       | 10200        | 2.61      |
| 14363             | 4/18/22 | The Rental Place FB       | 10200        | 33.16     |
| 14364             | 4/18/22 |                           | 10200        | 108.00    |
| 14365             | 4/18/22 | P.G.& E.                  | 10200        | 3,525.07  |
| 14366             | 4/18/22 | NICK BARBIERI TRUCK       | 10200        | 229.39    |
| 14367             | 4/18/22 | Mountain Fresh            | 10200        | 32.00     |
| 14368             | 4/18/22 | North Coast Plumbing      | 10200        | 600.00    |
| 14369             | 4/18/22 | Thompson's PortaSeptic    | 10200        | 25.39     |
| 14370             | 4/18/22 | Thompson's PortaSeptic    | 10200        | 179.33    |
| 14371             | 4/18/22 | Fort Bragg Water Works    | 10200        | 3,652.81  |
| 14372             | 4/18/22 | Gary Swanson              | 10200        | 20,000.00 |
| 14373             | 4/29/22 | Mdco Cnty Planning & B    | 10200        | 1,153.00  |
| eletronic4292022  | 4/29/22 | Facebook Marketing        | 10200        | 62.88     |
| eletronic4292023  | 4/29/22 | Epic Graphics             | 10200        | 463.88    |
| eletronic4292024  | 4/29/22 | Mircosoft                 | 10200        |           |
| eletronic4292025  | 4/29/22 | Zoom                      | 10200        | 14.99     |
| eletronic4292026  | 4/29/22 | Advocate News             | 10200        | 468.17    |
| eletronic4292027  | 4/29/22 | Mircosoft                 | 10200        | 1,077.67  |
| eletronic4292022a | 4/29/22 | Paymentech                | 10200        |           |

| <b>Check #</b>    | <b>Date</b> | <b>Payee</b>           | <b>Cash Account</b> | <b>Amount</b>           |
|-------------------|-------------|------------------------|---------------------|-------------------------|
| eletronic4292022a | 4/29/22     | Paymentech             | 10200               | 412.15                  |
| eletronic4292023a | 4/29/22     | Internal Revenue Servi | 10200               | 2,825.89                |
| eletronic4292024a | 4/29/22     | EDD                    | 10200               | 968.91                  |
| <b>Total</b>      |             |                        |                     | <b><u>52,478.73</u></b> |

# Noyo Harbor District

## Paycheck history report

Paychecks from Apr 01, 2022 to May 04, 2022 for all employees from all locations

| Pay date   | Name                   | Total pay    | Net pay      | Pay method |
|------------|------------------------|--------------|--------------|------------|
| 05/02/2022 | Armitage, Todd R       | \$ 770.00    | \$ 671.32    | Check      |
| 05/02/2022 | Koski, Jay             | \$ 1,936.00  | \$ 1,505.14  | Check      |
| 05/02/2022 | McLaughlin, Kimberly A | \$ 1,158.00  | \$ 973.41    | Check      |
| 05/02/2022 | Neumann, Anna T        | \$ 2,500.00  | \$ 1,931.11  | Check      |
| 05/02/2022 | Scotfield, Robert      | \$ 1,105.00  | \$ 933.40    | Check      |
| 04/01/2022 | Armitage, Todd R       | \$ 570.00    | \$ 517.09    | Check      |
| 04/01/2022 | Koski, Jay             | \$ 2,112.00  | \$ 1,615.40  | Check      |
| 04/01/2022 | McLaughlin, Kimberly A | \$ 1,020.00  | \$ 867.90    | Check      |
| 04/01/2022 | Neumann, Anna T        | \$ 2,500.00  | \$ 1,931.11  | Check      |
| 04/01/2022 | Scotfield, Robert      | \$ 816.00    | \$ 707.67    | Check      |
| Total      |                        | \$ 14,487.00 | \$ 11,653.55 |            |

| Check Number | Status |
|--------------|--------|
| 16026        | -      |
| 16027        | -      |
| 16028        | -      |
| 16029        | -      |
| 12030        | -      |
| 16021        | -      |
| 16022        | -      |
| 16023        | -      |
| 16024        | -      |
| 16025        | -      |



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NOYO HARBOR DISTRICT  
RESOLUTION NO.

WHEREAS, on or about \_\_\_\_\_ the vessel Windsong owned by Dane Stanton was abandoned by its owner, and

WHEREAS, more than Thirty (30) days have passed without a watchman or other person being maintained on or near the vessel, and

WHEREAS, the vessel is in an unseaworthy dilapidated condition and is located upon publicly owned submerged lands or tidelands within the jurisdiction of the Noyo Harbor District, and

WHEREAS, the Noyo Harbor District has control over the submerged lands and tidelands within the Noyo River, and the vessel Windsong remains in the Noyo Harbor without the District's consent;

IT IS HEREBY RESOLVED THAT:

1. The District hereby declares the vessel Windsong to be abandoned by its owner Dane Stanton.
2. The District hereby takes title to the abandoned property in accordance with California Harbors and Navigation Code § 522.
3. The District may hereafter cause the vessel Windsong to be sold, destroyed, or otherwise disposed of in any manner as it may determine is expedient or convenient. In the event the vessel Windsong is sold by the District, the District may retain any proceeds derived from such sale.
4. In accordance with California Harbors and Navigation Code § 525 the abandonment of the vessel Windsong constitutes prima facie evidence that the last registered owner of record (Dane Stanton) is responsible for the abandonment and is thereby liable for the cost of removal and disposition of the vessels.

PASSED AND ADOPTED, by the Noyo Harbor Commissioners of the Noyo Harbor District on May 12th, 2022 by the following vote:

AYES: Commissioners \_\_\_\_\_  
NOES: Commissioners \_\_\_\_\_  
ABSENT: Commissioners \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Anna Neumann, Harbormaster  
Noyo Harbor District

\_\_\_\_\_  
Jim Hurst, Chairman  
Noyo Harbor District



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NOYO HARBOR DISTRICT  
RESOLUTION NO.

WHEREAS, on or about May 24, 2022 the vessel Charmaine owned by Donovan Sorensen was abandoned by its owner, and

WHEREAS, more than Thirty (30) days have passed without a watchman or other person being maintained on or near the vessel, and

WHEREAS, the vessel is in an unseaworthy dilapidated condition and is located upon publicly owned submerged lands or tidelands within the jurisdiction of the Noyo Harbor District, and

WHEREAS, the Noyo Harbor District has control over the submerged lands and tidelands within the Noyo River, and the vessel Charmaine remains in the Noyo Harbor without the District's consent;

IT IS HEREBY RESOLVED THAT:

1. The District hereby declares the vessel to be abandoned by its owner Donovan Sorensen.
2. The District hereby takes title to the abandoned property in accordance with California Harbors and Navigation Code § 522.
3. The District may hereafter cause the vessel Charmaine to be sold, destroyed, or otherwise disposed of in any manner as it may determine is expedient or convenient. In the event the vessel Charmaine is sold by the District, the District may retain any proceeds derived from such sale.
4. In accordance with California Harbors and Navigation Code § 525 the abandonment of the vessel Charmaine constitutes prima facie evidence that the last registered owner of record (Donivan Sorensen) is responsible for the abandonment and is thereby liable for the cost of removal and disposition of the vessels.

PASSED AND ADOPTED, by the Noyo Harbor Commissioners of the Noyo Harbor District on May 12, 2022 by the following vote:

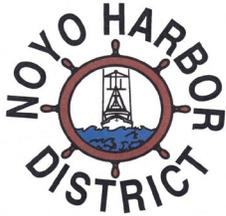
|         |               |       |
|---------|---------------|-------|
| AYES:   | Commissioners | _____ |
| NOES:   | Commissioners | _____ |
| ABSENT: | Commissioners | _____ |

ATTEST: \_\_\_\_\_  
Anna Neumann, Harbormaster  
Noyo Harbor District

\_\_\_\_\_  
Jim Hurst, Chairman  
Noyo Harbor District



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# NOYO HARBOR DISTRICT AGENDA ITEM SUMMARY

**AGENDA ITEM #: 1**  
**MEETING DATE: 5/12/2022**

## **TITLE**

New Funding Agreement between Legal Counsel and Harbor District

## **RECOMMENDED ACTION**

Approve new funding agreement

## **ANALYSIS**

District legal counsel has raised his rates and proposed a new funding agreement between himself and the district.

Legal counsel who is well informed on projects and the history of the District is an invaluable resource.

## **FISCAL IMPACT**

## **ATTACHMENTS**

Funding agreement

## **Jackson Law Offices**

310 S. Main Street, #2  
Fort Bragg, CA 95437

E-mail: [jackson@mcn.org](mailto:jackson@mcn.org)

Telephone: (707) 962-0222

James A. Jackson

April 12, 2022

Noyo Harbor District  
19101 South Harbor Drive  
Fort Bragg, CA 95437

Re: General Legal Services

Dear Commissioners:

I wish to thank you for retaining me to represent your interests in the above matter. The following sets forth our understanding regarding legal services in this matter.

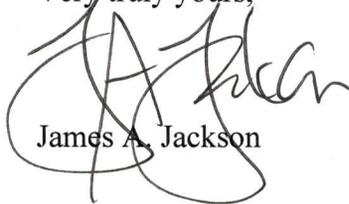
My fees for legal services are billed at the rate of \$235.00 per hour, plus costs for investigation, research, court appearances, and other legal work undertaken on your behalf. While not all of these costs may apply to your case, costs may include photocopy charges at \$.15 per page, notary charges, out of town travel expenses at \$.585 per mile, express mail charges, court filing fees, process server fees, recording fees, and expert witness fees. You authorize me to incur and pay such costs on your behalf billing you in the month such costs are incurred. I will obtain your approval before incurring extraordinary costs. You will receive monthly statements reflecting services rendered and costs advanced to the date of the statement. Interest will be charged at the rate of one and a half percent (1.5%) per month on any unpaid balance due. I have the right to terminate this agreement and the client relationship if any payments are more than sixty days in arrears if such withdrawal can be accomplished without prejudice to you.

After our services conclude, I will, upon your request, deliver your files to you, along with any funds or property of yours in our possession. If you do not request the file for this matter, we will retain it for a period of one (1) year after this matter is closed. If you do not request delivery of the file for this matter before the end of the one (1) year period, we will have no further obligation to retain the file and may, at our discretion, destroy it without further notice to you. At any point during the one (1) year period, you may request delivery of the files.

Noyo Harbor District  
April 14, 2022  
Page 2

If the terms set forth in this letter meet with your approval, please sign and return a copy of this letter to confirm our agreement. Should you have any questions relative to this matter, please do not hesitate to call me.

Very truly yours,



James A. Jackson

JAJ:cs

On behalf of the Noyo Harbor District, I hereby approve and agree to each of the terms and conditions set forth above, and acknowledge receipt of a copy of this letter agreement.

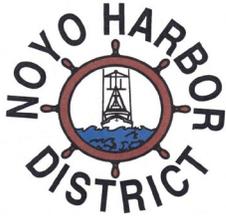
Date: April , 2022

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Jim Hurst, Chairman  
Noyo Harbor Commission



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# NOYO HARBOR DISTRICT AGENDA ITEM SUMMARY

**AGENDA ITEM #: 2**  
**MEETING DATE: 5/12/2022**

## TITLE

Draft Budget for 2022/2023 Fiscal Year

## RECOMMENDED ACTION

Further direction from Commission

## ANALYSIS

2022/2023 Budget is based on past budget and spending in the current fiscal year. Several of the categories have changed since the 2021/2022 budget to reflect how the office staff tracks expenses. In example, the CCTV and website expense was broken out into categories on the 2021/2022 budget but past office staffers did not separate these expenses in their spending and were labeled as "Office Expenses".

The 2022/2023 budget is written to reflect grants and their associated matches in the expense sections. This will help the District understand how grant matches effect annual spending.

The district office is also asking for increased spending on advertising and promotion. In the past \$500 has been budgeted for advertising. With increased events in the District, the office feels an increased advertising budget is warrenned. These promotional activities may pay dividends in the coming years as the image of South Harbor is transformed to a community events space.

## FISCAL IMPACT

## ATTACHMENTS

Budget



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Noyo Harbor District (NHD)  
Income Statement

|                              | 2020/2021           | 2021/2022           | 7/1/2021-<br>4/1/2022 | 2022/2023<br>Projection | 2022/2023 Proposed |
|------------------------------|---------------------|---------------------|-----------------------|-------------------------|--------------------|
| <b>Marina Based Revenues</b> |                     |                     |                       |                         |                    |
| Slip Rental - Contract       | 550,000.00          | 525,000.00          | 394,611.73            | 526,148.97              | 525,000.00         |
| Slip Rental - Transient      | 65,000.00           | 50,000.00           | 67,241.11             | 70,000.00               | 50,000.00          |
| Hoist Fees                   | 0.00                | 3,000.00            | 0.00                  | 0.00                    |                    |
| Park & Launch                | 25,000.00           | 30,000.00           | 24,261.00             | 32,348.00               | 35,000.00          |
| Main Pier                    |                     |                     | 0.00                  | 0.00                    |                    |
| Ground Rent                  | 30,000.00           | 30,000.00           | 30,191.91             | 30,000.00               | 30,000.00          |
| Encroachment Leases          | 20,000.00           | 20,000.00           | 19,515.19             | 20,000.00               | 20,000.00          |
| Electric                     |                     |                     | 990.70                | 11,888.40               | 15,000.00          |
| Late Fees                    | 600.00              | 3,000.00            | 831.11                | 9,973.32                | 3,000.00           |
| <b>Marina Based Total</b>    | <b>690,600.00</b>   | <b>661,000.00</b>   | <b>537,642.75</b>     | <b>700,358.69</b>       | <b>678,000.00</b>  |
| <b>Other Revenues</b>        |                     |                     |                       |                         |                    |
| Other Revenue                | 25,000.00           | 5,000.00            | 0.00                  | 0.00                    | 3,000.00           |
| Property Tax Rev-Current     | 102,000.00          | 112,000.00          | 114,827.60            | 153,103.47              | 117,000.00         |
| Insurance Surcharge          | 7,000.00            | 3,500.00            | 0.00                  | 0.00                    | 0.00               |
| Covid Relief                 | 0.00                | 0.00                | 1,232,438.00          | 0.00                    | 0.00               |
| Interest Income              | 3,000.00            | 5,000.00            | 1,464.85              | 1,464.85                | 1,600.00           |
| <b>Other Revenues</b>        | <b>137,000.00</b>   | <b>125,500.00</b>   | <b>1,348,730.45</b>   | <b>154,568.32</b>       | <b>121,600.00</b>  |
| <b>Total Revenues</b>        | <b>1,518,200.00</b> | <b>1,573,000.00</b> | <b>3,235,103.65</b>   | <b>1,009,495.33</b>     | <b>799,600.00</b>  |

|  | 2020/2021 | 2021/2022 | 7/1/2021-<br>4/1/2022 | 2022/2023<br>Projection | 2022/2023 Proposed |
|--|-----------|-----------|-----------------------|-------------------------|--------------------|
|--|-----------|-----------|-----------------------|-------------------------|--------------------|

**Expenses**

**Payroll & Employee Burdens**

|                                |                |                |                  |                  |                   |
|--------------------------------|----------------|----------------|------------------|------------------|-------------------|
| Harbormaster                   | 60,000         | 60,000         | 17,000.00        | <b>22,666.67</b> | 60,000.00         |
| Wages Hourly 2 F.T. 2 P.T      | 95,000         | 95,000         | 93,789.75        | 125,053.00       | 137,696.00        |
| Emp. Health & Dental Insurance | 85,000         | 85,000         | 16,158.18        | 21,544.24        | 25,000.00         |
| Sep. Ira                       | 18,000         | 20,000         | 10,400.17        | 13,866.89        | 15,000.00         |
| Payroll Tax Expense            | 30,000         | 31,500         | 26,917.38        | 35,889.84        | 31,000.00         |
| Workers' Comp.                 | 5,000          | 0.00           | 10,458.00        | 13,944.00        | 12,000.00         |
| <b>Employee Totals</b>         | <b>293,000</b> | <b>291,500</b> | <b>63,933.73</b> | 232,964.64       | <b>280,696.00</b> |

**Utilities**

|                                 |                   |                   |                   |                   |                   |
|---------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| Utilities                       | 115,000           | 130,000           |                   |                   |                   |
| Utilities Expense (Trash/Water) |                   |                   | 67,270.47         | 89,693.96         | 90,000.00         |
| Power                           |                   |                   | 42,283.74         | 56,378.32         | 55,000.00         |
| <b>Total Utilites</b>           | <b>115,000.00</b> | <b>130,000.00</b> | <b>109,554.21</b> | <b>146,072.28</b> | <b>145,000.00</b> |

**Insurances**

|   |                |                |                   |  |                   |
|---|----------------|----------------|-------------------|--|-------------------|
| <b>Liability and Property Insurancnes</b> | <b>193,000</b> | <b>195,000</b> | <b>207,408.00</b> |  | <b>210,000.00</b> |
|---|----------------|----------------|-------------------|--|-------------------|

**Legal and Professional Fees**

|                                      |               |               |                  |           |                  |
|--------------------------------------|---------------|---------------|------------------|-----------|------------------|
| Legal                                | 15,000        | 15,000        | 16,809.00        | 22,412.00 | 23,000.00        |
| Consultant                           | 10,000        | 10,000        | 23,002.00        | 30,669.33 | 30,000.00        |
| Auditor                              | 3,500         | 8,000         | 14,390.00        | 14,390.00 | 10,000.00        |
| <b>Legal and Professional Totals</b> | <b>28,500</b> | <b>33,000</b> | <b>56,389.95</b> | 75,186.60 | <b>50,000.00</b> |

|   | 2020/2021        | 2021/2022        | 7/1/2021-<br>4/1/2022 | 2022/2023<br>Projection | 2022/2023 Proposed |
|---|------------------|------------------|-----------------------|-------------------------|--------------------|
| <b>Office and Admin Expenses</b>              |                  |                  |                       |                         |                    |
| Outside Services                              | 1,000            | 1,000            | 95.00                 | 0.00                    | 100.00             |
| Office Expense                                | 6,000            | 6,000            | 4,559.74              | 6,079.65                | 6,000.00           |
| Office Equipment                              | 1,500            | 1,500            | 0.00                  | 0.00                    | 1,500.00           |
| Trainings Conferences & Meetings              | 0.00             | 5,000            | 0.00                  | 0.00                    | 5,000.00           |
| Dues and Subscriptions                        | 2,000            | 3,000            | 3,576.80              | 4,769.07                | 4,000.00           |
| Advertising Expense                           | 500              | 500              | 0.00                  | 0.00                    | 3,000.00           |
| Communications Expense                        | 3,000            | 3,000            | 2,108.16              | 2,810.88                | 3,000.00           |
| Rent or Lease Expense                         | 0.00             | 0.00             | 100.00                | 0.00                    | 0.00               |
| Taxes & Assessments                           | 2,500            | 3,200            | 2,546.03              | 3,394.71                | 3,000.00           |
| <b>Office and Admin Expenses Total</b>        | <b>16,500</b>    | <b>23,200</b>    | <b>12,986</b>         | <b>17,314.31</b>        | <b>25,600.00</b>   |
| <b>Grounds and Property</b>                   |                  |                  |                       |                         |                    |
| Repairs & Maintenance                         | 35,000           | 35,000           | 29,363.88             | 39,151.84               | 40,000.00          |
| Operating Supplies                            | 9,000            | 9,000            | 6,759.99              | 9,013.32                | 9,000.00           |
| Equipment Purchase                            | 2,000            | 10,000           | 0.00                  | 0.00                    | 4,000.00           |
| Equipment Expense                             | 1,000            | 3,000            | 594.50                | 792.67                  | 1,000.00           |
| Fuel Expense                                  | 3,000            | 1,500            | 1,403.04              | 1,870.72                | 1,600.00           |
| <b>Grounds and Property Totals</b>            | <b>50,000.00</b> | <b>58,500.00</b> | <b>38,121.41</b>      | <b>50,828.55</b>        | <b>55,600.00</b>   |
| <b>Submerged Tidelands Maintenance</b>        |                  |                  |                       |                         |                    |
| Deferred Maintenance                          | 35,000           | 65,000           | 0.00                  | 0.00                    | 0.00               |
| Channel Dredging Expense                      | 0.00             | 0.00             | 0.00                  | 0.00                    | 0.00               |
| Debris Removal Expense                        | 0.00             | 0.00             | 0.00                  | 0.00                    | 0.00               |
| Marina Dredging Expense                       | 0.00             | 0.00             | 0.00                  | 0.00                    | 0.00               |
| Contingency Fund                              | 0.00             | 0.00             | 0.00                  | 0.00                    | 0.00               |
| <b>Submerged Tidelands Maintenance Totals</b> | <b>35,000.00</b> | <b>65,000.00</b> | <b>0.00</b>           | <b>0.00</b>             | <b>0.00</b>        |

|                             | 2020/2021                   | 2021/2022      | 7/1/2021-<br>4/1/2022 | 2022/2023<br>Projection | 2022/2023 Proposed |
|-----------------------------|-----------------------------|----------------|-----------------------|-------------------------|--------------------|
|                             | <b>Misc. Expense</b>        |                |                       |                         |                    |
| Misc. Expenses              | 0.00                        | 0.00           | 9,594.25              | 0.00                    | 2,000.00           |
| <b>Misc. Expenses</b>       | <b>70,000</b>               | <b>130,000</b> | <b>9,594.25</b>       | <b>0.00</b>             | <b>2,000.00</b>    |
|                             | <b>Grant Matches Totals</b> |                |                       |                         |                    |
| Save Grant                  |                             |                | 2,000.00              |                         | 17,650.00          |
| CAL OES/FEMA Grant          |                             |                |                       |                         | 70,000.00          |
| <b>Grant Matches Totals</b> |                             |                |                       |                         | <b>87,650.00</b>   |
| <b>Total Expenses</b>       |                             |                | <b>899,167.36</b>     |                         | <b>856,546.00</b>  |
| Net Income                  |                             |                | 2,335,936.29          |                         | (56,946.00)        |

|                       |                |
|-----------------------|----------------|
| Current Cash Balances |                |
| Chase Checking        | \$242,551.99   |
| Chase Money Market    | \$1,019.86     |
| LAIF                  | \$1,661,934.55 |

|                | <b>Active Grants</b> |            |            |                 |
|----------------|----------------------|------------|------------|-----------------|
|                | Total award          | Remaining  | Match      | Remaining Match |
| CAL OES        | 396,643.00           | 326,498.72 | 112,000.00 | 62,474.40       |
| SAVE 2020/2021 | 65,000.00            | 15,000.00  | 6,500.00   | 6,500.00        |
| SAVE 2021/2022 | 115,000.00           | 11,500.00  | 11,500.00  | 11,500.00       |



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# NOYO HARBOR DISTRICT AGENDA ITEM SUMMARY

**AGENDA ITEM #: 3**  
**MEETING DATE: 5/12/2022**

## TITLE

Funding Agreement between the District and State Lands Commission

## RECOMMENDED ACTION

Accept funding agreement

## ANALYSIS

The harbor office and SHN applied for funding via the State Lands Commission for a federal vessel destruction program and improvements in Grader Park. The improvements would include a fish cleaning station.

This funding agreement was approved by the Commission at the March 12<sup>th</sup> meeting, but has since been revised by the State Lands Commission.

The District will be subject to reporting and audits with the State Lands Commission. The funds will be available on reimbursements and no match is required by the District.

## FISCAL IMPACT

This funding, especially the federal vessel destruction, will relieve pressure on the District to pay for these projects.

## ATTACHMENTS

Funding Agreement

## Funding Agreement

This Agreement is entered into by the State of California (State), acting through the State Lands Commission (Commission), and Noyo Harbor District (Port). The Commission and Port are referred to individually as a Party and collectively as the Parties. The Parties, as consideration for, and as a condition to, the Commission awarding State Fiscal Recovery Funds, agree as follows:

1. Purpose. The 2021 Budget Act appropriated \$250 million Coronavirus Fiscal Recovery Funds of 2021 to the Commission with instructions to allocate the funding to California ports to address negative economic impacts due to the COVID-19 pandemic. According to the Budget Act, ports shall use these funds to support their economic recovery, such as for activities that include avoiding layoffs, restoring jobs and services lost due to COVID-19, and supporting safe operations. During its April 26, 2022 Regular Meeting, the Commission approved distribution of Four hundred forty eight thousand, five hundred (\$448,500) (the Funds). Entering this agreement is a condition for disbursement of the Funds.
2. Term. The term of this Agreement begins on the date this Agreement is executed by State and terminates when the Port expends or returns all Funds. Funds are available for expenditure through June 30, 2024. This deadline may be extended if the Director of Finance determines that a later date is authorized by the federal government or that a department, such as the State Land's Commission, will complete the program, project, or function such that the funds will be expended or encumbered by December 31, 2026.
3. Accuracy. The Port represents and warrants that all information contained in its Funding Request is true and correct to the best of the Port's knowledge and ability. The Port acknowledges that providing false information may be a felony under California Penal Code section 115.
4. Use of Funds.
  - a. State law and guidance. The Port must use the Funds consistent with Item 3560-162-8506 and Control Section 11.96 of the 2021 Budget Act, applicable state law, as well as related guidance from the Commission, the Department of Finance, and other state entities. These funds are available for expenditure through December 31, 2026.. A recipient port must return any funds to the State that are not encumbered as of December 31, 2026.
  - b. Fully automated cargo handling equipment. Funds must not be used for the purchase of fully automated cargo handling equipment. For the purposes of this paragraph, "fully automated" means equipment that is remotely operated or remotely monitored with or without the exercise of human intervention or

control. This provision does not prohibit the use of the funds for a project that includes the purchase of human-operated zero-emission equipment, human-operated near-zero-emission equipment, and infrastructure supporting that human-operated equipment. Furthermore, this provision does not prohibit the purchase of devices that support human-operated equipment, including equipment to evaluate the utilization and environmental benefits of that human-operated equipment.

- c. Funding Request. Ports must use the funds for the purposes described in their Monitoring Plan, discussed below. Ports may amend their projects descriptions as necessary.
5. Records.
- a. Retention. The Port must maintain records and financial documents related to the Funds for five years after all Funds have been expended. This provision survives termination of the Agreement.
  - b. Availability. The Port must also provide or make available such records to the Commission, the California State Auditor, Department of Finance, and any other authorized State oversight agency. The Port agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, the Port agrees to include a similar right of the State to audit records and interview staff in any contract paid for with the Funds. (Gov. Code §8546.7, Pub. Contract Code §10115 et seq., CCR Title 2, Section 1896). This provision survives termination of the Agreement.
6. Monitoring Plan.
- a. Commission staff will monitor the Port’s activities to ensure that the Funds are used for authorized purposes, in compliance with state statutes, regulations, and the terms and conditions of this Agreement as described in the Monitoring Plan, attached to this Agreement as Exhibit A and incorporated by this reference.
  - b. The Commission or Commission staff may modify the Monitoring Plan as necessary to ensure the Port’s compliance with the ARPA, associated rules and guidance, and this Agreement. Commission staff will work with Port staff to update the Monitoring Plan to reflect cost estimates, outcomes, outputs, and performance indicators.
  - c. The Port must promptly provide all information requested by the Commission or its staff that is necessary or desirable, in the Commission or its staff’s sole discretion, to allow Commission staff to perform the monitoring activities described in the Monitoring Plan.
  - d. If the Port receives notice of potential non-compliance, the Port must provide written confirmation highlighting the status of actions planned or taken to

address the potential non-compliance. The Commission shall report any such notifications to the Department of Finance.

7. Reimbursement of Recouped Costs. If the State identifies any funds received by the Port for recoupment based on the Port's use, misuse, or failure to use any portion of the Funds, the Port must reimburse the State for the amount identified. Additionally, the Port must reimburse the State and the Commission for any costs, including staff costs, relating to or arising out of the State's recoupment of those funds. This provision survives termination of the Agreement.
8. Indemnity. To the extent permitted by law, the Port must indemnify, hold harmless and, at the option of the Commission or the State, defend the Commission and the State and their officers, agents, and employees, from all damages, injuries, or claims arising from the Port's use of the Funds. This provision survives termination of the Agreement.
9. Nondiscrimination. When using the Funds, the Port must meet state requirements relating to nondiscrimination and nondiscriminatory use of funds. The Port must not deny the benefits paid for with the Funds to any person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, nor may the Port discriminate unlawfully against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. The Port must ensure that the evaluation and treatment of employees and applicants for employment are free of such discrimination. The Port must comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12900 et seq.), the regulations promulgated thereunder (Cal. Code Regs., tit. 2, §11000 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Gov. Code §§11135-11139.5), and the regulations or standards adopted by the awarding state agency to implement such article. The Port must permit access by representatives of the Department of Fair Employment and Housing and the awarding state agency upon reasonable notice at any time during the normal business hours, but in no case less than 24 hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or Agency shall require to ascertain compliance with this clause. The Port and its subcontractors must give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. (See Cal. Code Regs., tit. 2, §11105.)

10. Authority. The Parties represent and warrant that the individuals signing below have authority to sign this Agreement on behalf of their respective Party.
11. Approval. This Agreement is of no force or effect until signed by both Parties.
12. Amendment. No amendment or variation of the terms of this Agreement is valid unless made in writing, signed by the Parties, and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the Parties.
13. Conflict. This Agreement does not authorize or condone any act or omission that violates federal or state law. Any conflict between this Agreement and any applicable federal or state law must be resolved in favor of the applicable law.

*Signatures on following page*

**Funding Agreement**

**Signature Page**

**PORT:** \_\_\_\_\_

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

Its: \_\_\_\_\_

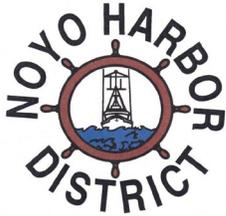
Date: \_\_\_\_\_

**CALIFORNIA STATE LANDS COMMISSION**

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

Its: \_\_\_\_\_

Date: \_\_\_\_\_



## NOYO HARBOR DISTRICT AGENDA ITEM SUMMARY

**AGENDA ITEM #: 4**

**MEETING DATE: 5/12/2022**

### **TITLE**

Coast Guard License

### **RECOMMENDED ACTION**

Approval of License with increase in annual payment

### **ANALYSIS**

The current Coast Guard License ended in 2020 and hence they have not been paying \$500 for the use of space. They currently owe \$1000, this license will allow the Coast Guard to pay in rears.

The space is a small strip of grass 23x8ft totally roughly 3300 sqft of space. Current ground rent is \$0.20 per square foot. Increasing the annual rate to \$660 would align with other ground rent tenants.

### **FISCAL IMPACT**

### **ATTACHMENTS**

License and exhibit A

***NOYO HARBOR DISTRICT***  
**HACG89-22-6-0026**  
**LICENSE**

**TO UNITED STATES COAST GUARD**

**TO USE PROPERTY LOCATED ON**  
***UNITED STATE COAST GUARD STATION NOYO RIVER***

**THE NOYO HARBOR DISTRICT**, hereinafter referred to as “Licensor”, hereby grants to **UNITED STATES COAST GUARD**, hereinafter also referred to as “Licensee” or “Government”, Acting under the Authority granted in 14USC 501(e), a License for the use of a portion of the PERMISES in Fort Bragg, California 95437. LICENSEE’s address is 1301 Clay Street, Suite 700N, Oakland California 94612.

**THIS LICENSE** is granted subject to the following conditions.

- 1. Term.** This License shall be effective beginning on June 1<sup>st</sup> 2020 and shall remain in effect until May 31, 2030, unless sooner revoked by Grantor upon good cause shown.
- 2. Consideration and Costs.** This Licensee shall pay to the Licensor the sum of Five Hundred Dollars (\$500.00) annually, payable in arrears, provided Congress grants annual appropriations.

Rent for a lesser period than one year shall be prorated. Rent payments shall be paid by: US Coast Guard Finance Center, 1430A Kristina Way, Chesapeake, Virginia 23326-1728. Licensee will make payments under this license by electronic funds transfer (EFT). Licensor shall designate a financial institution for receipt of the EFT payments, and shall submit this designation to the Government Office in Chesapeake, Va., via the internet and provide all required information, by completing the EFT form at

[https://www.Fincen.uscg.mil/secure/enrollment\\_form.htm](https://www.Fincen.uscg.mil/secure/enrollment_form.htm). Licensor's failure to properly designate a financial institution or to provide appropriate payee bank account information may delay payments of amounts otherwise property due. Nothing in this license shall constitute an obligation of United States funds in advance of an appropriation thereof (31 USC 1341, as amended)

3. **USE:** The licensee shall use the licensed premises for the purpose of improving access to and the expansion of Coast Guard Station NOYO River in order to provide improved operating efficiency of the Station. This license is specifically for the use of the access road to the Station. (See Exhibit "A")

4. **Correspondence.** All correspondence to be sent and notices to be given pursuant to this License shall be addressed, if to Licensor, to *19101 S. Harbor drive, Fort Bragg, CA 95437*, and, if to Licensee, to Civil Engineering Unit Oakland 1301 Clay Street # 700N, Oakland CA 94612, or as may from time to time otherwise be directed by the Parties. Notice shall be deemed to have been duly given if and when enclosed in a properly sealed envelope or wrapper addressed as aforesaid, deposited, postage prepaid, and postmarked in a post office regularly maintained by the United States Postal Service.

5. **LIABILITY** Licensor shall not be liable for indirect, special, consequential or incidental damages of any kind, including but not limited to injury that are the direct result of Licensee's use of the property.

6. **ASSIGNMENT/TRANSFER** Licensee may not assign or transfer this license to another federal agency or component of the United States of America unless obtaining written authorization to do so by the Licensor.

7. **SUCCESSORS BOUND** This license shall bind, and inure to the benefit of, the parties and their respective heirs, executors, administration, successors, and assigns.

**8. Indemnity.** The Federal Tort Claims Act, 28 U.S.C. § 2671 et seq. Any and all claims which may arise out of this Agreement resulting from the actions of the Government, duly authorized representatives, or contractors of the Government may be forwarded to the following address for consideration and processing: COMMANDING OFFICER, U.S. COAST GUARD LEGAL SERVICE COMMAND (LSC-5), 300 E Main Street, Norfolk, VA, 23510-9100.

**9. Insurance.** The Federal Government and USCG are self-insured.

**10. NOTICE AND COORDINATION** Except in cases of emergency, Licensee's personnel or contractors shall coordinate with the Licensor regarding the use of the Premises by the Licensee. Licensor will notify the Licensee, in writing, within thirty (30) days of any transfer of ownership of the described Premises.

**11. Officials not to benefit.** No member or delegate to Congress or Resident Commissioner shall be admitted to any share or part of this License or any benefit to arise there from, but this provision shall not be construed to extend to this License if made with a corporation whose membership, includes a member or delegate to Congress or Resident Commissioner, who indirectly receives a general benefit from this License.

**12. License administration.**

The following office shall administer this License:

Commanding Officer  
Civil Engineering Office Oakland  
1301 Clay Street, Suite 700N  
Oakland, CA 94612-5203

**13. Tax identification.** Government regulations require a Grantor tax identification number (TIN/SSN). Grantor hereby certifies that the following TIN/SSN and telephone number are correct:

TIN/SSN: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

DUNS: \_\_\_\_\_

Registered in SAM \_\_\_\_\_ Yes \_\_\_\_\_ No

\_\_\_\_\_

Date

\_\_\_\_\_

Signature

**14. Entire Agreement.** It is expressly understood and agreed that this written instrument embodies the entire agreement between the Parties regarding the use of the Premises by the Grantee, and there are no understandings or agreements, verbal or otherwise, between the Parties except as expressly set forth herein.

**IN WITNESS** whereof, I have hereunto set my hand by authority of the Noyo Harbor District, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

*Noyo Harbor District*

\_\_\_\_\_  
*By James Hurst, President*

This License is also executed by Grantee this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

THE UNITED STATES OF AMERICA,  
By the Commandant of the Coast Guard

BY: \_\_\_\_\_  
DAVID E BRUMLEY  
REAL ESTATE CONTRACTING OFFICER  
US COAST GUARD







## **District Office Reports**

### **Maintenance Updates**

Maintenance staff has worked on repairing the end of F dock. The dock was in considerable disrepair and is now stable and operational.

Maintenance staff has worked with local professional electrician to replace the lights and tsunami warning electrical box in the back parking lot. The back lot now has lights on a photo-timer than run from dusk to dawn.

Maintenance staff is currently working on building a railing along the backside of A dock to protect charter boat patrons from falling off the back side of A dock while loading and unloading from their trips

### **CA Coastal Commission Grant Opportunities**

The California Coastal Commission and the Coastal Conservancy have considerable funding opportunities on the horizon with roughly 500 million in funds. Harbormaster attended a meeting about the funds available and has met with City staff to see how a collaboration might occur to benefit both the harbor and city. The Coastal Commission has considerable funds for sea-level rise and environmentally based studies. These studies could potentially inform the District on Alone the Noyo Harbor District is not eligible for funding but a collaboration between the city, county and tribal representatives is being flushed out. More information on these potentials will come in following meetings as we become more knowledgeable.

### **Community Block Development Grants**

Harbor staff and SHN have been looking into Community Block Development Grants. The County of Mendocino is hosting a webinar on Friday May 13<sup>th</sup> to discuss and hear community input on potential projects. These grant monies can be used for planning purposed and we intent to pitch to the county to allow the Habor District to conduct a Master Environmental Studies Program. This program would plan and excite all environmental studies needed to complete projects within the Community Sustainability Plan.

### **Subconsultant for SHN**

SHN has some outstanding questions that they would like to ask another marine engineering firm who has undergone many of the challenges we face. The harbormaster approved the use of the subconsultant, but she will closely monitor time and money spent.

### **Third rate for Charter Vessels**

Office staff has been approached by the charter vessels who carry less than 30 passengers. These Captains feel that the Districts current berth rate for their size vessel and passenger count is too high. They are advocating for a third rate for boats that carry between 7-30 passengers that is based on and model after other similar marinas. The Harbor staff is hearing these complaints and understanding that the initial rate set up may need adjusting. This will likely come before the commission next month as more research is conducted.

### **Additional full time slip tenants**

The Harbor Office has been looking into ways to increase annual revenues and have been closely monitoring the amount and number of short-term or transient slips that the district offers. Currently roughly 30% of the marina is reserved for these short-term boats. However, many of these slips will sit vacant this year, not making the District any money. Office staff wants to ensure that the District is optimizing the marina as an income source and is continuing to research and look into potential solutions to fill slips. This topic will continue to be flushed out and will likely come before the commission in the next meeting.