

Board of Harbor Commissioners

Crescent City Harbor District

December 17, 2024

Regular Harbor Commission Meeting



Regular Meeting

Board of Harbor Commissioners of the Crescent City Harbor District

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

AGENDA

Date: Tuesday, December 17, 2024

Time: Open Session 2:00 p.m.

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

VIRTUAL MEETING OPTIONS

TO WATCH (via online)

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

TO LISTEN (via telephone)

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

1. Preliminary Items

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

The general comment period is provided for subjects not included on the agenda. Each person is limited to a maximum of 3 minutes of speaking time. The Board may not take action on non-agendized matters.

However, the Board or its staff may briefly respond to statements or questions from the public.

(Gov. Code § 54954.2(a)(2))

2. Consent Calendar

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

- a. Approve Meeting Minutes of the October 1, 2024. November 19, 2024, and December 3, 2024 Regular CCHD Board Meetings.**

3. New Business

- a. Consider and Vote to Approve Nomenclature Changes and New Appointments for Board Liaison and Other Positions Proposed by the Legal Affairs, Polices, & Procedures Committee.**
- b. Consider Revised Rules for Public Participation.**
- c. Consider and Vote to Approve Scope of Work for Community System Solutions (CSS) under the Hazard Mitigation Grant Program (HMGP).**
- d. Consider Revised CCHD Bylaws as Proposed by the Legal Affairs, Polices, & Procedures Committee.**

4. Communications and Reports

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

5. MEETING ADJOURNMENT

*Adjournment of the Board of Harbor Commissioners will be until the next meeting scheduled for **Tuesday, January 7, 2025**, at 2 p.m. PDT. The Crescent City Harbor District complies with the Americans with Disabilities Act. Upon request, this agenda will be made available in appropriate alternative formats to person with disabilities, as required by Section 12132 of the Americans with Disabilities Act of 1990 (42 U.S.C. §12132). Any person with a disability who requires modification in order to participate in a meeting should direct such request to (707) 464-6174 at least 48 hours before the meeting, if possible.*



1. Preliminary Items

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



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d. General Public Comments

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2. Consent Calendar

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

- a. **Approve Minutes of the October 1, 2024, November 19, 2024, and December 3, 2024 Regular Board Meetings.**

Public Comment?

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

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

October 1, 2024
2:00 p.m.



Board of Harbor Commissioners of the Crescent City Harbor District

MINUTES

Regular Session, Tuesday, October 1, 2024, at 2:00 P.M.

1) Roll Call. Commissioners Present: Adams, Shepherd, Weber, Stone. **Absent:** White

2) Presentation from Community System Solutions (CSS) on a Draft CCHD Strategic Development Plan (Update #4 - Final).

Mike Bahr, CEO of Community System Solutions (CSS), presented the final draft of the Crescent City Harbor District Strategic Development Plan. The plan outlined project options for harbor-owned properties aimed at enhancing services for the fishing fleet, retail businesses, and visitors. There was an extended discussion about the harbor's role in supporting California's wind energy initiatives. While some saw potential economic benefits, others were skeptical of wind energy's viability due to technical challenges and environmental impacts.

3) Consent Calendar

a. Approve Meeting Minutes of the September 5, 2024 Special CCHD Board Meeting.

ACTION TAKEN: APPROVED

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

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

4) New Business

a. Appoint Ad Hoc Committee to Draft Board of Commissioners Response to Civil Grand Jury Report.

President Adams appointed himself and Commissioner Weber to the ad hoc committee. The goal was to revise the letter to the Grand Jury written by the previous CEO/Harbormaster, incorporating newly discovered information.

b. Approve Utility Audit Proposal from Advanced Recovery Services, Inc.

The Board considered the proposal and directed the CEO/Harbormaster to modify the terms of the agreement and bring it back for Board approval at the next meeting.

c. Consider First Draft of Ordinance to Prohibit Fireworks Within the Harbor District.

The Board considered a draft ordinance which proposed to ban fireworks from nearly all areas of the harbor, with the exception of South Beach and North Beach. Those areas would still be restricted by only allowing "Safe & Sane" fireworks as defined by statute. The

ordinance proposed to authorize the imposition of administrative fines on those who violated any provisions. Staff noted that the draft ordinance closely mirrored a version already approved by the City and County. The matter was left for reconsideration at a future meeting.

5) Communications and Reports

a. Revenue Generation Progress Report

Staff reported on interest from various parties in redeveloping the harbor's RV parks. The discussion reflected caution, stemming from previous unfavorable experiences with the developer Alex Lemus. The Board emphasized the need for thorough vetting to avoid repeating past mistakes. The discussion then turned to the harbor's untapped potential as a "ground-floor opportunity," with many vacant parcels available for development.

b. Dredging Update

It was reported that the U.S. Army Corps of Engineers had awarded a \$5 million contract for a project to dredge the federal channel to a depth of 20 feet and arterial sections of the inner-boat basin and marina access channels to a depth of 15 feet. It was anticipated that approximately 60,000 to 70,000 cubic yards of material would be dredged, and disposal would occur in the area off the Whaler Island Groin. The project was expected to begin within 30 days and last about six weeks.

c. CEO/Harbormaster Report

The report highlighted a successful Longboard Surf Festival organized by the Redwood Parks Conservancy. Additionally, a grant application for \$250,000 was discussed, which would enhance IT infrastructure and cybersecurity, and provide for the installation of surveillance cameras. The impending closure of the Harbor's ice plant was discussed next. As a potential solution, the purchase of a mobile containerized ice plant was considered. It was expected to cost over \$1 million, and would require a 26-week production time after ordering.

d. Harbor Commissioner & Ad Hoc Committee Reports

Commissioners discussed the need to clean the solar panels and audit energy production from the panels. The need to obtain grants to fund dredging operations was also discussed. The ice plant closure was revisited, with discussion on its permitting and operational challenges.

6) Adjourn to Closed Session.

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

Agency Negotiator: Ruben Duran, District General Counsel

Unrepresented employee: Acting CEO/Harbormaster

7) Resume Open Session and Report from Closed Session.

The Board approved a six-month interim appointment for Mike Rademaker as CEO/Harbormaster, effective October 1, 2024, through March 30, 2025.

*ADJOURNMENT TO THE BOARD OF HARBOR COMMISSIONERS NEXT REGULAR MEETING
SCHEDULED FOR TUESDAY OCTOBER 15, 2024, AT 2 P.M., VIA ZOOM WEB CONFERENCE AND IN-
PERSON AT THE MAIN HARBOR OFFICE, LOCATED AT 101 CITIZENS DOCK ROAD.*

Approved this ____ day of _____, 2024.

Harry Adams, President

Rick Shepherd, Secretary



3. New Business

- a. Consider and Vote to Approve Nomenclature Changes and New Appointments for Board Liaison and Other Positions Proposed by the Legal Affairs, Polices, & Procedures Committee.**

Public Comment?



Crescent City Harbor District

Committee on Legal Affairs, Policies, and Procedures

Commissioners ANNIE NEHMER and JOHN EVANS

December 14, 2024

RECOMMENDATION TO THE BOARD

Officer Title Revisions and Additional Appointments

BACKGROUND:

The Crescent City Harbor District Board of Harbor Commissioners (the “Board”) currently identifies its leadership roles as “President” and “Secretary.” Public feedback has indicated that these titles may cause confusion. The title “Secretary,” in particular, has often been interpreted as referring to an administrative staff role rather than a Board leadership position. Additionally, “President” may be misconstrued as implying an executive, rather than a governing role. Aligning these titles with common public governance practices would improve clarity and transparency.

Under the Harbors and Navigation Code, the District must maintain certain officer positions, including a Secretary and a Treasurer. While it remains necessary to have a Secretary in accordance with the law, everyday usage of the title can be limited to avoid confusion. The Treasurer must be someone who is not a Board member, and the Board must ensure this role is filled to comply with legal requirements.

DISCUSSION:

Revising the Chair and Vice Chair Titles:

Chair (formerly President):

The title “Chair” more accurately communicates the function and responsibilities of this leading role on the Board. Traditionally, the term “President” can imply an executive officer who oversees daily operations and wields unilateral decision-making power. By adopting the title “Chair,” the position’s true nature—as a facilitator, consensus builder, and presiding officer of the Board—is emphasized. The Chair’s primary duties involve guiding the Board’s discussions, managing meeting agendas, ensuring compliance with applicable laws and regulations, and representing the Board’s collective decisions to the public and other stakeholders. This shift in nomenclature aligns the District with common public governance practices and brings it into closer structural

alignment with the Del Norte County Board of Supervisors, which also designates its lead officer as “Chair.”

Vice Chair (formerly Secretary):

The Commissioner currently serving as Secretary will become the Vice Chair. Changing the title of “Secretary” to “Vice Chair” helps clarify the true purpose of this Board position. While “Secretary” often suggests a clerical or administrative role, the Vice Chair is actually a key leadership figure who steps in to fulfill the Chair’s responsibilities when the Chair is unavailable. By shifting to “Vice Chair,” the Board emphasizes that this officer is a partner in governance rather than an administrative support person. This change also makes it clear that the Vice Chair holds the authority to sign documents, oversee certain financial transactions, and ensure continuity of leadership. In short, the new title underscores the collaborative, decision-making capacity of the role, aligns the District’s structure with other public agencies such as the Del Norte County Board of Supervisors, and helps prevent misunderstandings about the Vice Chair’s responsibilities and standing within the Board.

Maintaining a Secretary Position as Required by Law:

The California Harbors and Navigation Code requires the Board to have a Secretary. To meet this requirement while minimizing confusion, it is recommended that the Board elect a new Harbor Commissioner to the position of Secretary. This role will be maintained primarily as a legal designation only. Day-to-day references to this Board officer will generally use the standard title of Harbor Commissioner, thereby preventing the term from causing everyday misunderstandings. The Secretary will have the power to affix the District's Seal to all resolutions and ordinances adopted by the Board and to contracts and instruments authorized for execution on behalf of the District. The Secretary may, upon consultation with the CEO/Harbormaster, appoint a member of the District staff to assist in the Secretary's duties, such as maintaining records of the Board. The Secretary will act as Chair pro-tem in the absence of both the Chair and Vice Chair.

Appointing a Non-Board Member as Treasurer:

The California Harbors and Navigation Code stipulates that a Treasurer must be appointed by the Board and must not be a member of the Board. The Treasurer’s duties as defined in statute include receiving and safely keeping all District funds, ensuring compliance with laws governing the handling of public funds, and disbursing funds only as

duly authorized by the Board. The Treasurer must also submit monthly financial reports to the Board.

Recommendation: Appoint the current Chief of Operations, David Negus, as Treasurer. His familiarity with District financial procedures will ensure effective, compliant management of the District's funds.

Appointing a Clerk of the Board:

To streamline routine administrative functions — such as taking roll call votes, preparing meeting minutes, and posting agendas — the appointment of a dedicated “Clerk of the Board” is recommended. This position will clarify responsibilities and ensure that meeting protocols and documentation are handled efficiently and professionally.

Recommendation: Appoint Kristina Hanks as the Clerk of the Board. Her role will focus on carrying out these day-to-day procedural tasks, allowing the Board's officers to concentrate on policy and governance.



3. New Business

- b. Consider Revised Rules for Public Participation.**

Public Comment?

Dan Schmidt, Commissioner
Board of Harbor Commissioners
Crescent City Harbor District
101 Citizens Dock Road
Crescent City, CA 95531

December 17, 2024

Gerhard Weber, President
Board of Harbor Commissioners
Crescent City Harbor District
101 Citizen Dock Road
Crescent City, CA 95531

SUBJECT: Revisions to Rules Related to Public Participation at Commission Meetings

Dear President Weber, and fellow members of the Crescent City Harbor Commission:

First of all, the following discussion is by no means complete. It is intended as a starting point for a very serious and complex discussion of whether, and under what circumstances, to expel a member of the public who engages in disruptive action, behavior, or conduct during Harbor Commission meetings.

Please don't feel constrained to accept or reject any of the ideas or opinions expressed herein. I desire your input, and am happy to consider any ideas you have.

I remain convinced that we must not allow any further disruptive or unruly outbursts as we experienced at the December 3 meeting.

I have asked the Harbormaster to place this item on the December 17 agenda. With the benefit of some research and retrospection, I feel prepared to discuss this matter with you and with members of the public.

Thanks, Dan.

#

Dear President Weber, and fellow members of the Crescent City Harbor Commission:

A. BACKGROUND

Contrary to recent criticism, the newly sworn Harbor Commission **IS NOT** conducting business as usual. We are a new Commission with a brand new majority of three candidates elected by voters in November. The five-member board of Commissioners is headed by a new board

President and Secretary selected by the entire Commission, and the Harbor District staff is operating under the leadership of a new Harbormaster and Director of Operations. The Commission is also served by experienced senior members of the previous Commission, Rick Shepherd, and our newly chosen President, Gerhard Weber.

Some observers may, for purely personal reasons, refuse to recognize, that the new Commission members are indeed working closer together to address problems that, in some cases, have been ignored for years. We Commissioners, having been sworn into office a mere two weeks ago are proceeding under full steam to:

1. Regain the confidence of the community;
2. Develop a working relationship with each other;
3. Restore the morale of Harbor District employees and managers; and
4. Provide a safe, efficient and fiscally responsible harbor for the commercial fishing fleet, recreational boaters, and the entire Harbor community.

Last week we faced down a threatened Tsunami and Earthquake that in decades past caused serious damage to our harbor. This challenge didn't distract us from our goals. Each of us came forward to offer help or assistance where needed, and responded to concerns of the public and members of our commercial fishing fleet.

Now, this week we face a more sinister force: the attempted and intentional destruction of the precious harmony our harbor Commission is now working so hard to establish. In response, the verbal vandalism that was spewed at our inaugural meeting last week will now be met with a clear and unambiguous policy allowing the Harbor Board of Commissioners to address future disruptive actions and behaviors and conduct.

We recognize that public participation in the business of the harbor is essential – and is required by law. The law was recently amended to allow local legislative bodies to remove disruptive individuals who, by their actions, behavior or conduct, interfere in the orderly conduct of the People's business.

Government must listen to the people it serves, must conduct meetings open to the public, welcome public comment, and in most cases, open its records for public inspection.

B. OUR PROMISE.

The public should be pleased to know that each of the newly elected Commissioners campaigned on a platform that promised greater accountability and transparency, improved public participation, and improved civility between Commissioners and the public. We are taking bold steps to fulfill these promises.

But these goals require public support. We expect simple courtesy in return. Let us do our jobs. Give us the opportunity, as provided by law, to conduct the public's business openly, with public input, but without disruptive actions, behavior and conduct.

C. LIMITATIONS OF PUBLIC COMMENTS.

Under the law public comments can be limited to two broad subject areas:

1. Any matters that are within the jurisdiction of the Harbor District can be addressed in general public comments section of the agenda; and
2. Items that have been published on the agenda are open to public comments before the board of Commissioners takes action on these items. Keep in mind, these are the subjects that most people who attend Commission meetings came to hear and participate in.

Any disruptive conduct, behavior or actions that interfere with these two broad topic areas are contrary to the purpose of a public meeting, and will no longer be tolerated. It consumes valuable time and energy. Other persons are waiting their turn to address the Commission, or are patiently waiting for the Commission to attend to other business on the agenda. To be clear, it is even improper to disrupt comments of another member of the public who has been recognized by the presiding officer of the Commission and given the floor to speak.

D. HOW TO OBTAIN RECOGNITION AND BE GIVEN THE FLOOR TO SPEAK.

For those who seek an opportunity to address the Commission, the process is simple. Politely raise your hand, and wait to be recognized by the presiding officer. Then use your allotted time to share your views on subjects. The Commission is eager to hear from you. We want your input. We need your involvement. We are committed to doing our best to serve the Harbor District and its community members, both those few who speak their views, and the many others who attend public meetings to fulfill their duty as citizens.

E. WHAT CONSTITUTES DISRUPTIVE ACTIONS, BEHAVIOR OR CONDUCT.

The Right of Free Speech is enshrined in our Constitution, under the First Amendment. The Right to exercise free speech when participating in a government forum or function is one of the most heavily protected forms of free speech. But, not all speech is protected. There are numerous categories of speech that are not constitutionally protected at all. A few examples of unprotected speech are:

- Speech that leads to panic (EXAMPLE: Yelling "FIRE!" in a crowded theater.)
- Fighting words, intended to elicit a violent response (EXAMPLE: "I'm going to beat you up right now!")
- Defamation (EXAMPLE: False or malicious speech that intends or causes the reputation or business interests of another to be damaged, or that accuses another person of criminal conduct or improper behavior.)

- Threats to commit unlawful violence (EXAMPLE: “If you don’t take your junky boat out of the harbor, I will set it on fire!”)
- Perjury, false swearing (EXAMPLE: “Yes, your Honor, Bobby started the fight.”)
- Unlawful communication: (EXAMPLE: I know you have a restraining order against me, but I thought that I would bring my garage band over to your house to wish you a Happy Birthday.”)
- False Advertising (EXAMPLE: “There is a pound of bait in the bag I sold you, even though it looks like less than half a pound.”)
- Disruptive Public Comments (EXAMPLE: Comments that delay, impede, or interrupt the orderly conduct of the meeting, or are intended to or result in one or more attendees to react in a loud, volent or angry manner that delays, impedes, or interrupts, the orderly conduct of the meeting.)

Disruptive conduct, behavior or actions can take many forms, depending on the time, place and manner in which the comments are made.

Even protected speech can lose its protected status depending on the time, place and manner of the speech. In such circumstances, the right of free speech is outweighed by the potential harm caused by the speech.

F. WHAT CAN BE DONE TO ADDRESS DISRUPTIVE ACTIONS, BEHAVIOR OR CONDUCT

Persons who engage in disruptive behavior or actions will be forcibly removed from the meeting, by law enforcement, if necessary. It is anticipated that the disruptive persons may seek legal refuge within the well-worn pages of the Brown Act, the landmark California legislation that codified the public's right to participate in open government. Such persons should be forewarned that the Brown Act was recently amended to give local legislative government bodies the authority to expel disruptive persons.

In accordance with these recent amendments to the Brown Act, and in light of the judicial decisions that have interpreted the recent legislation, I propose the following revisions to rules related to public participation at Harbor Commission meetings.

G. PROPOSED RULES RELATED TO PUBLIC COMMENTS AT HARBOR COMMISSION MEETINGS.

Rule 1. Members of the Public shall have the right to provide public comment at Harbor Commission meetings. Such comments shall fall under one of two broad subject categories:

- a. General public comments addressing matters within the jurisdiction of the Harbor Commission; or,
- b. Public comments addressing matters that appear as items or subjects on the published agenda that are to be considered or acted upon by the Harbor Commission.

Rule 2. No person shall be permitted to speak during the public comment portion of the meeting unless:

a. he or she has been recognized by the Commission President and given the floor to speak.

b. Such recognition can be obtained by raising one's hand to request the opportunity to speak, or by notifying any Commissioner, or the Harbormaster, of his or her desire to provide public comments on a specific agenda item in advance.

Rule 3. There shall be no requirement that the member of the public complete a questionnaire, or otherwise identify themselves, or their position on a controversial topic. Persons may speak anonymously if they choose.

H. TIME ALLOTTED FOR PUBLIC COMMENTS.

Rule 4. The time allotted for an individual's comments shall be entirely within the sound discretion of the President or presiding officer. Traditionally, public speakers have been allotted three minutes in which to make their public comments.

Rule 5. The allotted time can be reduced or increased based upon the following considerations:

a. The complexity or length of the agenda, and a reasonable estimate of the amount of time that will be required for the entire meeting to be conducted;

b. The number of persons seeking to address the Commission, whether or not on the same subject or agenda item. A show of hands at the beginning of the meeting will assist the presiding officer to determine how much time to allot to a particular subject matter or speaker, so long as proponents of one viewpoint are not given an unfair advantage over persons holding an opposing viewpoint. (EXAMPLE: "Each side gets 10 minutes total...")

c. Any statement made by the proposed speaker as to the amount of time he or she expects her comments to take; (EXAMPLE: "I need five minutes"; "I only need 30 seconds"; "I need another minute to finish my point.")

d. The complexity of the subject matter or agenda item, or the number of persons affected by the proposed action, item or subject; (EXAMPLE: A proposed boat slip rental increase affects more people than does the proposed installation of a soft drink vending machine.)

e. The number of persons present who may share the same perspective as a recognized speaker; (EXAMPLE: "Mr. President, I'm here with a dozen other boat captains from dock A who wish to address the Commission on the broken locks on the entry gate.")

f. Whether the person seeking recognition has already addressed the Commission; (EXAMPLE: "Ms. Brown, you already provided public comments on three other subjects at this meeting.")

g. The timeliness or urgency of the subject or agenda item; (EXAMPLE: We need to limit fireworks to avoid serious injury to the public.)

h. The length of time the Commission has been in session; the convenience or inconvenience of postponing discussion or Commission action to another meeting or date; (EXAMPLE: The meeting started at 2 p.m. It is now 5:45 p.m. We will continue to hear public comments until 6 p.m., then postpone Commissioner discussion and action until tomorrow at 1 p.m.)

i. The willingness of public speakers to meet with the President, Harbormaster, or any member of the Commission to discuss his or her views. (EXAMPLE: Commissioner Schmidt has offered to meet with all RV park residents after the meeting adjourns at 6 p.m. if anyone is interested.)

j. The willingness of the speaker to reduce public comment to writing that will be shared with the entire Commission. (EXAMPLE: "I was going to read my speech. Instead, I'd like to submit my written comments for the record and for consideration by the entire Commission." EXAMPLE: "Mr. President, the XYZ Engineering Corp. will submit to the points expressed in the Harbormaster's staff report on the proposed project.")

Of course, there is an infinite number of real or imaginary considerations that might properly influence how much time to allow for public comments. With input from the Commissioners and the members of the audience present at the meeting, particularly those who previously requested to be recognized for public comments, a well-reasoned resolution can be achieved.

I. REMOVAL FROM HARBOR COMMISSION MEETINGS.

How will the Harbor Commission address public speakers who engage in disruptive actions, behavior or conduct?

- 1) The presiding officer on his or her own initiative, or if notified by a member of the Commission, or a member of the public that "A Point of Order" must be immediately addressed.
- 2) The presiding officer will then order the speaker to refrain from further comment.
- 3) It will be in the presiding officer's sole discretion to determine if the offensive comments are protected speech, if they stray outside the agenda on matters within the jurisdiction of the Harbor District, or if they present the risk of causing or inciting disruptive action, behavior or conduct that impedes or interferes with the orderly conduct of the Commission meeting.

4) If the presiding officer determines that a disruptive action, behavior or conduct has occurred, is in the process of occurring, or will soon occur, he or she shall direct the offender to vacate the podium.

5) If the offending speaker does not vacate the podium, the presiding officer will order the offending speaker to vacate the meeting or hearing room, and inform the offensive speaker that a refusal to vacate the podium or the hearing room will result in the person being escorted out of the meeting by law enforcement.

6) If the offending speaker still refuses to cooperate or follow the presiding officer's orders, the presiding officer will call an immediate 10-minute recess, clear the room, and contact local law enforcement to remove the offender.

7) The presiding officer shall cooperate with law enforcement requirements to make a citizen's arrest of the offender, and cooperate in the prosecution of that individual for trespass, disturbing the peace, or other offenses.

NOTE: The opinions and ideas expressed herein are my own, and do not reflect the opinions or thoughts of other Harbor Commissioners, the Commission as a whole, or of the Harbor District.

Sincerely,

Daniel J. Schmidt, Commissioner
Crescent City Harbor District
Board of Harbor Commissioners

Practical Guidelines for Managing Public Forums

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

BACKGROUND

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

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

Definitions

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

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

Practical Guidelines

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

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

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

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

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

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

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

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

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

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

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

Protecting and Preserving the Public Meeting Space: Relevant Constitutional Principles

Public meetings of city councils, school boards, and library boards have become battlegrounds over hot-button cultural and political topics. During contentious debates, individuals may seek to disrupt proceedings, undermining the ability of government officials to hear from their constituents and even at times resulting in intimidation or violence. Government officials have a responsibility to preserve the public meeting as an efficient tool for governance and a safe forum for productive discussion of issues of public concern by an engaged citizenry. This guidance provides relevant legal principles and practical solutions to protect and preserve public meeting spaces in a manner consistent with the Constitution.

Can governments limit the topics to be discussed at public meetings?

Yes. Meetings where members of the public come to share their opinions—like city council meetings or town halls—are generally considered “limited public forums” under the First Amendment. In a limited public forum, the government may restrict discussion to specific topics so long as that limitation is “reasonable and viewpoint neutral.”¹ In other words, while a government official may cut off a speaker when the speaker strays from addressing the topic on the meeting agenda, she cannot restrict a speaker from talking because she does not agree with the speaker’s opinion on a particular topic at issue.²

What are other constitutional limits on speakers at public meetings?

The First Amendment does not guarantee the right to communicate one’s views “at all times and places or in any manner that may be desired.”³ In addition to limiting comments to particular topics, government officials in charge of public meetings may impose reasonable content-neutral time, place, and manner restrictions on participants’ speech, so long as the restrictions “are narrowly tailored to serve a significant government interest” and “leave open ample alternative channels for communication.”⁴ In general, courts have recognized “a significant governmental interest in conducting orderly, efficient meetings of public bodies” that justifies reasonable time, place, and manner restrictions.⁵

¹ *Christian Legal Soc. Chapter of the Univ. of California, Hastings Coll. of the Law v. Martinez*, 561 U.S. 661, 679 (2010); *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829–30. (1995); see also *City of Madison, Joint School Dist. No. 8 v. Wisconsin Emp. Relations Comm’n*, 429 U.S. 167, 175 n.8 (1976) (“Plainly, public bodies may confine their meetings to specified subject matter and may hold nonpublic sessions to transact business.”).

² E.g., *Youkhanna v. City of Sterling Heights*, 934 F.3d 508, 519-20 (6th Cir. 2019); *Norse v. City of Santa Cruz*, 629 F.3d 966, 975 (9th Cir. 2010); *Jones v. Heyman*, 888 F.2d 1328, 1332 (11th Cir. 1989).

³ *Heffron v. Int’l Soc’y for Krishna Consciousness*, 452 U.S. 640, 647 (1981).

⁴ *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989).

⁵ *Rowe v. City of Cocoa*, 358 F.3d 800, 803 (11th Cir. 2004).

When assessing whether a restriction leaves open ample alternative channels for communication, the government need provide only a “reasonable opportunity” for speakers to reach their intended audience,⁶ not necessarily the speakers’ preferred or “most effective” means of communication.⁷ Thus, courts have treated as sufficient alternatives to unlimited speech in a public meeting the opportunity to circulate flyers or publish comments in local newspapers;⁸ an option for submitting written comments for the record;⁹ and the chance to contact officials directly.¹⁰

Time limits: Courts have upheld time limits on each individual’s public comments as a content-neutral restriction on speech that serves a “significant governmental interest in conserving time and ensuring that others have an opportunity to speak.”¹¹ Limits of three to five minutes per speaker generally have been upheld as constitutional.¹² Courts have also upheld rules that reserve a specific portion of the meeting for public comments.¹³

Registration of speakers: Courts have upheld requirements that those who wish to speak at a public meeting must sign up in advance. A registration requirement, including, for example, the speaker’s name and intended topic, serves the government’s significant interests in “reserv[ing] time for individuals who are most likely to follow through and participate in the meeting” and “ensur[ing] that those who truly want to participate are not denied the opportunity to do so.”¹⁴

Restrictions on loud or disruptive speech: Where a speaker causes an actual disturbance of a public meeting, an official may stop the speaker from talking or remove the speaker from the meeting entirely.¹⁵ Disruptive activity during public meetings such as yelling, whistling, or stamping feet may be specifically prohibited.¹⁶ Courts have also upheld officials’ decisions to interrupt a speaker who refuses to abide by a time limit or is excessively repetitive; to turn off a disruptive speaker’s microphone; or to remove speakers who interrupt proceedings, speak out of turn, or otherwise violate rules of order.¹⁷ In extreme cases where a speaker repeatedly engages in unruly and disruptive behavior, governments may be allowed to temporarily ban them from future meetings.¹⁸ There must, however, be actual disruption; potential disruption is generally insufficient to support removing a speaker from a public meeting.¹⁹

⁶ *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41, 54 (1986).

⁷ *Galena v. Leone*, 638 F.3d 186, 204 (3d Cir. 2011).

⁸ *Shero v. City of Grove*, 510 F.3d 1196, 1203 (10th Cir. 2007).

⁹ *Wright v. Anthony*, 733 F.2d 575, 577 (8th Cir. 1984).

¹⁰ *Loverly v. Jefferson County Bd. of Educ.*, 586 F.3d 427, 434 (6th Cir. 2009).

¹¹ *Wright*, 733 F.2d at 577.

¹² E.g., *id.* (five minutes); *Shero*, 510 F.3d at 1203 (three minutes).

¹³ E.g., *Kindt v. Santa Monica Rent Control Bd.*, 67 F.3d 266, 271 (9th Cir. 1995).

¹⁴ *Ison v. Madison Local Sch. Dist. Bd. of Educ.*, 3 F.4th 887, 896 (6th Cir. 2021). Any such pre-registration requirement, however, may not give the government “unbridled discretion” to deny permission to speak. See *Barrett v. Walker County Sch. Dist.*, 872 F.3d 1209, 1229 (11th Cir. 2017).

¹⁵ *White v. City of Norwalk*, 900 F.2d 1421, 1424-25 (9th Cir. 1990); *id.* at 1426 (“A speaker may disrupt a Council meeting by speaking too long, by being unduly repetitious, or by extended discussion of irrelevancies. The meeting is disrupted because the Council is prevented from accomplishing its business in a reasonably efficient manner.”).

¹⁶ See, e.g., *Acosta v. City of Costa Mesa*, 718 F.3d 800, 816 (9th Cir. 2013) (citing one such policy approvingly).

¹⁷ See, e.g., *Loverly*, 586 F.3d at 433-34; *Steinburg v. Chesterfield County Planning Comm’n*, 527 F.3d 377, 390 (4th Cir. 2008); *Eichenlaub v. Twp. of Ind.*, 385 F.3d 274, 281 (3d Cir. 2004).

¹⁸ See, e.g., *Vega v. Chi. Bd. of Educ.*, 338 F. Supp. 3d 806, 812-13 (N.D. Ill. 2018) (upholding removal and temporary ban on repeatedly disruptive speakers at school board meetings as a content-neutral time, place, and manner regulation where the speakers could still meet with board member during office hours and submit written testimony to the board).

¹⁹ See, e.g., *Acosta*, 718 F.3d at 811; *Norse v. City of Santa Cruz*, 629 F.3d 966, 976 (9th Cir. 2010).

Bans on signs and banners: Courts have upheld bans on signs or banners in public meetings, even if they pertain to the topics on the agenda. Restrictions on signs and banners limit “visually disruptive” activity and avoid “interference with the decorum of the meeting.”²⁰

Can governments prevent speakers from name-calling or engaging in personal attacks against government officials?

Maybe. Courts are divided on whether governments may ban “abusive” statements or “personal attacks” by speakers at public meetings. The Fourth Circuit, for example, has upheld such a policy, finding a ban on “personal attacks” to be viewpoint neutral and “necessary to further the forum’s purpose of conducting good business.”²¹ On the other hand, the Sixth Circuit has struck down a school board’s prohibition on “abusive, personally directed, and antagonistic” statements as impermissible viewpoint discrimination, relying on two recent decisions by the Supreme Court that held that government restrictions on disparaging or offensive trademarks constitutes discrimination based on viewpoint and therefore are presumptively unconstitutional.²²

Can governments limit speakers to residents of the locality?

Yes. Courts have upheld against Equal Protection Clause challenges regulations that limit the class of permitted speakers at a city council meeting to residents of the city. Such challenges are subject only to rational-basis review, and courts have concluded that such restrictions reasonably restrict participation in the meeting “to those individuals who have a direct stake in the business of the city.”²³

Can governments ban weapons and firearms at public meetings?

Probably. In *New York State Rifle & Pistol Association v. Bruen*, the Supreme Court recognized that certain locations like “schools and government buildings,” as well as “legislative assemblies, polling places, and courthouses,” historically have been considered “sensitive places” where banning firearms is constitutional.²⁴ This list is not exhaustive. It is therefore likely that policies restricting firearms at school board meetings, local government councils, or state legislative sessions do not violate the Second Amendment, although these issues remain to be decided by lower courts. Local governments, moreover, must be aware of state laws that preempt local firearms regulations, which may control whether firearms can be banned in particular places.²⁵

This guidance was prepared by the Institute for Constitutional Advocacy and Protection (ICAP) at Georgetown University Law Center. ICAP’s mission is to use strategic legal advocacy to defend constitutional rights and values while working to restore confidence in the integrity of governmental institutions. Connect with ICAP at www.law.georgetown.edu/icap/, reachICAP@georgetown.edu, or [@GeorgetownICAP](https://twitter.com/GeorgetownICAP).

²⁰ E.g., *Tyler v. City of Kingston*, 74 F.4th 57, 64-65 (2d Cir. 2023).

²¹ *Davison v. Rose*, 19 F.4th 626, 635-36 (4th Cir. 2021) (quoting *Steinburg*, 527 F.3d at 387).

²² *Ison*, 3 F.4th at 894-95 (citing *Matal v. Tam*, 582 U.S. 218 (2017), and *Iancu v. Brunetti*, 139 S. Ct. 2294 (2019)).

²³ *Rowe*, 358 F.3d at 803-04.

²⁴ 142 S. Ct. 2111, 2133 (2022) (internal quotation marks omitted).

²⁵ See generally Giffords L. Ctr., *Preemption of Local Laws*, <https://giffords.org/lawcenter/gun-laws/policy-areas/other-laws-policies/preemption-of-local-laws/>.

Rosenberg's Rules of Order at a Glance

The Three Basic Motions

Simple majority to pass / open to debate

Basic Motion: "I move that we..."

Motion to Amend: suggests changes to the basic motion.

Motion to Substitute: replaces the basic motion entirely.

Special Motions

Simple majority to pass / no debate, goes directly to vote

Motion to Adjourn: ends the meeting.

Motion to Fix a Time to Adjourn: ends the meeting at a set time.

Motion to Recess: break in the meeting. Chair sets length of the break.

Motion to Table: defers the motion under discussion to a future date.

Motions that Permanently Close Discussion

2/3 majority to pass / no debate, goes directly to vote

Motion to Limit Debate: stops debate. "I move the question."

Motion to Close Nominations: stops new nominations for a position.

Motion to Object to the Consideration of a Question: rare, stronger form of tabling. Used before debate has begun.

Motion to Suspend the Rules: temporarily changes meeting rules. Cannot be used to suspend non-parliamentary bylaws. Can be debated.

Meeting Interruptions

May be used at any time. Chair responds by asking you to state your point.

Point of Privilege: points out uncomfortable surroundings, like a cold room or being unable to hear a speaker.

Point of Order: points out failure to follow correct meeting procedures.

Call for Orders of the Day: points out that the discussion has strayed from the agenda.

Appeal: reverses a Chair's ruling when passed by simple majority. Requires a second and can be debated.

Withdraw a Motion: used by the person making the motion. Others may immediately reintroduce the motion if they wish.

Motion to Reconsider

Simple majority to pass / open to debate

May only be made by a member who previously voted in the majority for the item. Must be made during the same meeting (or at the very next meeting, assuming it's been added to the agenda).

Voting:

Public Comment must be heard before votes are cast. See "Life of a Motion" for process relating to motions, public comment and votes.

Life of a Motion

1. Chair announces item subject and number
2. Sponsor introduces item
3. Board asks technical questions for clarification purposes
4. Public comment on the item
5. Chair asks for motion
6. Chair asks for second
7. Board debates motion
8. Board votes
9. Chair announces result

Notes:

- All motions require a second before they can be voted upon.
- You must be recognized by the Chair before speaking.
- Chair may set limits on debate time or number of speakers.
- Abstentions don't count in vote tally.
- A tie vote fails to pass.
- To recuse, publicly state reason for recusal and leave room during debate and vote.

ROSENBERG'S RULES OF ORDER CHEAT SHEET

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn" (Only needed prior to the end of the agenda)	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of	"I move that we table it"	No	Yes	No	No	Majority
End debate	"I move the previous question" or "Call the question"	No	Yes	No	No	2/3
Postpone consideration of	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Introduce a motion	"I move that..." or "I move to..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..." (You can also ask for a friendly amendment, which is less formal; if mover and second concur, no vote needed)	No	Yes	Yes	Yes	Majority
Refer to a Committee	"I move that the question be referred to a committee for more study"	No	Yes	Yes	Yes	Majority

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Object to considering some undiplomatic or improper matter	"I object to consideration of this question" (This would generally just be used if something is not on the agenda)	Yes	No	No	No	2/3
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..." (Only a member of the prevailing side can make a motion to reconsider)	Yes	Yes	Only if original motion	No	Majority
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).



INSTITUTE FOR LOCAL GOVERNMENT

Promoting Good Government at the Local Level

The ABCs of Open Government Laws

The underlying philosophy of the open government laws is that public agency processes should be as transparent as possible. Such transparency is vital in promoting public trust in government.

This concept of governmental transparency is so important to the public that some 83 percent of voters supported adding it to California's constitution by adopting Proposition 59 in 2004.¹

California's open government laws² require public officials to:

- A. Conduct meetings of public bodies openly, except for limited circumstances under which the law allows the public's business to be conducted privately in closed sessions.
- B. Allow the public to participate in meetings of public bodies through a public comment process.
- C. Allow inspection and copying of public records, except when non-disclosure is authorized by law.

This pamphlet summarizes these three requirements in general terms.

For Additional Information

For more information about these requirements and others relating to transparency, please see *Understanding the Basics of Public Service Ethics: Transparency Laws*, available at <http://www.ca-ilg.org/transparency>. Additional resources are also listed on the back of this pamphlet.

Local officials are also encouraged to consult with their agency attorneys for information about how these requirements apply in any given situation or more information about this area of the law.

Beyond Legal Minimums

It is important to note that the requirements discussed in this pamphlet are legal *minimums* for local government transparency in decision-making. Local agencies can provide for greater transparency.

In thinking about how an agency might provide for greater transparency, questions local agency officials might ponder include the following:

- 1) How can the agency make public information more readily available and easily understandable by the public in order to promote public trust and confidence in the agency and demonstrate the agency's commitment to transparency?
- 2) Are there kinds of information that are already publicly available in some form, but could be made available more conveniently to the public (for example, through voluntarily posting the information on the agency's website or including links on the agency's website to where information is available on other websites)?³
- 3) What kinds of information might be of interest to a cross-section of the public relating to the agency's operations and decision-making processes? Are there ways this information can be made available without individual members of the public having to ask for it?

Ongoing consideration of these kinds of questions enables a local agency's officials to engage in collective discussion and decision-making about ways in which their agency can set its sights higher than the minimum requirements of the law.

A. Conducting the Public's Business in Public

General Rules

- Elected and most appointed local-agency bodies – which include many advisory committees – must conduct their business in open and public meetings.⁴
- A “meeting” is any situation involving a majority of a public body in which agency business is transacted or discussed. In other words, a majority of the body cannot talk privately about a matter of agency business no matter how the communication occurs, whether by telephone or e-mail, or at a local coffee shop.⁵
- The public must be informed of 1) the time and place of and 2) the issues to be addressed at each meeting. In general, public officials may only discuss and act on items included on the posted agenda for a meeting. The agenda must be posted at least 72 hours in advance of a regular meeting and written in a way that informs people of what business will be discussed. Members of the public may request a copy of the agenda packet be mailed to them at the time the agenda is posted or upon distribution to the governing body. Many local agencies also post these materials on their websites and/or maintain e-mail lists to make agendas available.

Key Things to Know

- **Advisory Bodies.** Advisory bodies formally created by the governing body are subject to the open meeting laws. In some cases, committees of less than a quorum of the public body are also subject to these laws.⁶
- **Serial Meetings.** Avoid unintentionally creating a “serial” meeting—a series of communications that result in a majority of the body’s members discussing, deliberating, or taking action on a matter of agency business.

Example

If two members of a five-member public body consult outside of a public meeting (which is not in and of itself a violation) about a matter of agency business and then one of those individuals consults with a third member on the same issue, a majority of the body has consulted on that issue. Note the communication does not need to be in person and can occur through a third party. For example, sending or forwarding e-mail can be sufficient to create a serial meeting, as can a staff member’s polling the body’s members in a way that reveals the members’ positions to one another.⁷

- **Permissible Gatherings.** Not every gathering of members of a public body outside a noticed meeting violates the law. For example, a violation would not occur if a majority of the members attend the same educational conference or attend a meeting not organized by the local agency as long as members do not discuss among themselves agency business except as part of the gathering.⁸ Nor is attendance at a social or ceremonial event in itself a violation.⁹ The basic rule to keep in mind is a majority of the members cannot gather *and* discuss agency business except at an open and properly noticed meeting.
- **Closed Sessions.** The open meeting laws include provisions for private discussions under very limited circumstances (see “typical closed session issues”).¹⁰ The reasons for holding the closed session must be noted on the agenda and different disclosure requirements apply to different types of closed sessions.¹¹
- **Posting and Following the Agenda.** In general, public officials may only discuss and act on items included on the posted agenda for a meeting.¹² However, they or staff may briefly respond to questions or statements during public comments that are unrelated to the agenda items. Officials can also request staff to look into a matter or place a matter on the agenda for a subsequent meeting. Only under unexpected circumstances can matters that are not on the agenda be discussed or acted upon.
- **Taping or Recording of Meetings Is Allowed.** Anyone attending a meeting may photograph or record it with an audio or video recorder unless the governing body makes a finding that the noise, illumination, or obstruction of view will disrupt the meeting.¹³ Any meeting tape or film made by the local agency becomes a public record that must be made available to the public for at least 30 days.¹⁴

- **Sign-In Must Be Voluntary.** Members of the public cannot be required to register their name or satisfied any other condition for attendance. If an attendance list is used, it must clearly state that signing the list is voluntary.¹⁵

Open-Government-Is-Good-Politics Note

The media are highly vigilant in monitoring compliance with open government requirements—and quick to report on perceived violations.

TYPICAL CLOSED SESSION ISSUES

Local agency open meetings laws vary in terms of what kinds of closed sessions are allowed. Consult with agency counsel concerning 1) whether a particular type of closed session is available to your agency, 2) under what circumstances, and 3) what disclosure requirements apply before and after the closed session. The following list is illustrative of common topics that a public agency may discuss in closed session:

Personnel. To consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee, or to hear complaints against an employee.¹⁶

Litigation. To confer with or receive advice from an agency’s legal counsel with respect to actual or potential litigation.¹⁷

Real Estate Negotiations. To provide direction to the agency’s negotiator on the price and terms of payment under which the agency will purchase, sell, exchange or lease real property.¹⁸

Labor Negotiations. To meet with the agency’s labor negotiator regarding salaries and benefits and other matters within the scope of labor negotiations.¹⁹

Student Disciplinary Issues. (For school districts and community college districts) To consider discipline of a student if a public hearing would result in disclosure of prohibited information, after notifying the student (or parents in the case of minor students) and if they do not request a public hearing.²⁰

License Applicants with Criminal Records. To allow an agency to determine whether a would-be licensee with a criminal record is sufficiently rehabilitated to obtain the license.²¹

Public Security. To confer with designated law enforcement officials regarding threats to public facilities and services or the public’s right to access those services and facilities.²²

Multi-jurisdictional Law Enforcement Agency. To discuss ongoing criminal investigations.²³

Hospital Peer Review and Trade Secrets. To discuss issues related to medical quality assurance or trade secrets.²⁴

Disclosure of Confidential Information Prohibited. The decision to disclose confidential information received in closed session is one that is generally made by the body as a whole, not individual members. Among the remedies for unlawful disclosure is referral to the grand jury, which has authority to remove officials for willful misconduct in office.

B. The Public's Right to Participate in Meetings

General Rules

- **Democracy in Action.** The public has a right to address the public body at any meeting. A public official's role is to both hear and evaluate these communications.
- **The Public's Right to be Heard.** Generally, every regular meeting agenda must provide an opportunity for the public to address the public body on any item within the body's jurisdiction.²⁵ If the issue of concern is one pending before the body, the opportunity must be provided before or during the body's consideration of that issue.²⁶

Key Things to Know

- **Anonymous Speech Must Be Permitted.** Members of the public cannot be required to give their name or address as a condition of speaking. The clerk or presiding officer may request speakers to complete a speaker card, or identify themselves "for the record," but must respect a speaker's desire for anonymity.
- **Reasonable Time Limits May Be Imposed.** Local agencies may adopt reasonable regulations to ensure everyone has an opportunity to be heard in an orderly manner.²⁷ For example, some agencies impose a uniform time limit on each person providing public comments on an issue.
- **Dealing with Dissension.** The chair cannot stop speakers from expressing their opinions or their criticism of the body.²⁸ If an individual or group willfully interrupts a meeting and order cannot be restored, the room may be cleared.²⁹ Members of the media must be allowed to remain and only matters on the agenda can be discussed.³⁰

A Note on Civility in Public Discourse

For communities to be able to work through difficult issues, it's important that people be able to express differing opinions about what best serves the public's interests in a respectful and civil manner.

This includes focusing on the *merits* of one's position. Even if people disagree about what's best for the community in this situation, it doesn't mean that those holding different views are bad people. Treat others with the same respect as one would like to be treated. Questioning others' motives or intelligence, being hostile, engaging in name-calling or making threats undermines one's effectiveness.

No matter how passionate one is about an issue, the goal is to conduct oneself in a way that will add to one's credibility and standing as a thoughtful member of the community.

Consequences of Non-Compliance with Open Meeting Requirements

- **Nullification of Decision.** Many decisions that are not made according to the open meeting laws are avoidable.³¹ After asking the agency to cure the violation, either the district attorney or any interested person may sue to have the action declared invalid.³²
- **Criminal Sanctions.** Additionally, members of the body who intentionally violate the open meeting laws may be guilty of a misdemeanor.³³ The penalty for a misdemeanor conviction is imprisonment in county jail for up to six months or a fine of up to \$1,000 or both.³⁴
- **Other Measures.** Either the district attorney or any interested person may sue to remedy past and prevent future violations of the open meeting laws.³⁵ Another remedy, under certain circumstances, is for a court to order that all closed sessions be tape-recorded.³⁶ Regulations of public participation beyond those allowed by applicable statutory and constitutional law can be a civil rights violation.
- **Attorneys' Fees and Costs.** Attorneys' fees and costs may be awarded to those who successfully challenge open meeting violations.³⁷

C. The Public's Right To Access Agency Documents and Records

General Rule

Public agencies must generally make their records available for inspection by the public.³⁸ Disclosure is the rule; withholding is the exception. In addition, there are a number of state laws that require affirmative disclosure of certain kinds of information (for example, by posting the information on the agency's website).³⁹

Key Things to Know

- **Agenda and Meeting Materials.** Copies of the agenda materials and other documents not exempt from disclosure distributed to the body must be available to the public.⁴⁰ Any nonexempt materials prepared by the local agency must be available for public inspection at the meeting. Materials prepared and distributed by some other person must be made available after the meeting.
- **Scope of Access.** The public has the right to see nonexempt materials that are created as part of the conduct of the people's business.⁴¹ These materials include any writing that was prepared, owned, used, or retained by a public agency.⁴² This can include documents, computer data, e-mails, facsimiles, and photographs.⁴³
- **Presumption and Exceptions.** Written materials are presumed to be a public record unless an exception applies.⁴⁴ There are a number of exceptions. For example, personnel records are typically exempt from disclosure because their release may violate an employee's privacy rights.

The public's right of access to public records is broadly construed and applies to many documents that public officials might otherwise assume are protected from disclosure.

Consequences of Violation

Anyone can sue the agency to enforce his or her right to access public records subject to disclosure.⁴⁵ If the agency loses or otherwise produces the records as the result of the lawsuit, it must pay costs and attorneys fees.⁴⁶

RESOURCES FOR FURTHER INFORMATION

California's open government laws are complex and extensive. Consult the following resources for more information on these laws.

- *Understanding the Basics of Public Service Ethics: Transparency Laws*, available at <http://www.ca-ilg.org/transparency> (includes discussions of other kinds of disclosure laws, in addition to Open Meeting Law and Public Records Act).
- *Open and Public IV: A User's Guide to the Ralph M. Brown Act, 2d Edition*, 2010. Available on the League of California Cities website at www.cacities.org or by calling 916.658.8200.
- *The People's Business: A Guide to the California Public Records Act*, 2008. Available on the League of California Cities website at www.cacities.org or by calling 916.658.8200.

Local officials should also consult their agency counsel with specific questions.

The Attorney General also offers guides on these laws; they are available from the Attorney General's website: http://ag.ca.gov/publications/2003_Intro_BrownAct.pdf (Brown Act Guide) and http://ag.ca.gov/publications/2003_Intro_PublicRecordsAct.pdf (Public Records Act).

References *[to be included in online version, not in pamphlet]*

¹ See Cal. Const. Art. I, § 3 (Proposition 59 on the 2004 ballot).

² See generally Cal. Gov't Code §§ 54950 and following (for cities, counties, special districts and school districts); Cal. Educ. Code § 72121 and following (for community college district governing boards).

³ See for example, local agency financial information made available on the State Controller's website: http://www.sco.ca.gov/ard_locrep_annual_financial.html. The State Controller is requesting information relating to local official compensation as well. See http://www.sco.ca.gov/eo_pressrel_controller_requires_salary_reporting.html.

⁴ See Cal. Gov't Code § 54952.2(a); Cal. Gov't Code § 54954.2(a).

⁵ Cal. Gov't Code § 54952.2(b); Cal. Educ. Code § 72121.

⁶ Cal. Gov't Code § 54952(b).

⁷ Cal. Gov't Code § 54952.2.

⁸ Cal. Gov't Code § 54952.2(c)(2).

⁹ Cal. Gov't Code § 54952.2(c)(5).

¹⁰ Cal. Educ. Code § 72122.

¹¹ Cal. Gov't Code § 54956.9.

¹² Cal. Gov't Code § 54954.2; Cal. Educ. Code § 72121.5.

¹³ Cal. Gov't Code § 54953.5(a).

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- ¹⁴ Cal. Gov't Code § 54953.5(b).
- ¹⁵ Cal. Gov't Code § 54953.3.
- ¹⁶ Cal. Gov't Code § 54957(b).
- ¹⁷ Cal. Gov't Code § 54956.9.
- ¹⁸ Cal. Gov't Code § 54956.8.
- ¹⁹ Cal. Gov't Code §§ 3549.1 (school and community college districts), 54957.6 (other local agencies).
- ²⁰ Cal. Educ. Code §§ 35146, 72122.
- ²¹ Cal. Gov't Code § 54956.7.
- ²² Cal. Gov't Code § 54957.
- ²³ Cal. Gov't Code § 54957.8.
- ²⁴ Cal. Gov't Code §§ 37606, 37624.3; Cal. Health & Safety Code §§ 1461, 1462, 32106, 32155.
- ²⁵ Cal. Gov't Code § 54954.3(a); Cal. Educ Code § 72121.5.
- ²⁶ Cal. Gov't Code § 54954.3(a).
- ²⁷ Cal. Gov't Code § 54954.3(b); *White v. City of Norwalk*, 900 F.2d 1421, 1425 (9th Cir. 1990).
- ²⁸ Cal. Gov't Code §§ 54954.3(c), 54957.9; *Perry Educational Association v. Perry Local Educators' Association*, 460 U.S. 37, 46 (1983).
- ²⁹ Cal. Gov't Code § 54957.9.
- ³⁰ Cal. Gov't Code § 54957.9.
- ³¹ Cal. Gov't Code § 54960.1; ; Cal. Educ Code § 72121(b).
- ³² Cal. Gov't Code § 54960.1; Cal. Educ Code § 72121(b).
- ³³ Cal. Gov't Code § 54959.
- ³⁴ *See* Cal. Penal Code § 19.
- ³⁵ Cal. Gov't Code § 54960.
- ³⁶ Cal. Gov't Code § 54960.
- ³⁷ Cal. Gov't Code § 54960.5.
- ³⁸ *See* Cal. Gov't Code §§ 6250 and following.
- ³⁹ *See for example*, 2 Cal. Code Regs. § 18944.2(c)(3)(F) (relating to gifts to public agencies). Note the State Controller is seeking information relating to local official compensation as part of local agencies' annual financial reporting. *See generally* Cal. Gov't Code § 12463(a) (authorizing report); 53892 (describing contents of the report) ; *see also* http://www.sco.ca.gov/eo_pressrel_controller_requires_salary_reporting.html (press release relating to requirement of additional information relating to compensation).
- ⁴⁰ Cal. Gov't Code § 54957.5.
- ⁴¹ *See generally* Cal. Gov't Code §§ 6250 and following.
- ⁴² Cal. Gov't Code § 6252(d).
- ⁴³ Cal. Gov't Code § 6252(e).
- ⁴⁴ *State ex rel. Division of Industrial Safety v. Superior Court*, 43 Cal. App. 3d 778 (1974); *Cook v. Craig*, 55 Cal. App. 3d 773 (1976).

⁴⁵ Cal. Gov't Code § 6258.

⁴⁶ Cal. Gov't Code § 6259(d).

The Institute is grateful for this firm's ongoing commitment to public service ethics and public service ethics education.

All final decisions regarding the content of this pamphlet were the Institute's.



3. New Business

- c. Consider and Vote to Approve Scope of Work for Community System Solutions (CSS) under the Hazard Mitigation Grant Program (HMGP).**

Public Comment?



December 11, 2024

To: Crescent City Harbor District

Re: Community System Solutions Proposed Scope of Work:
Writing HMGP RFPs

Commissioners,

Community System Solutions (CSS) is pleased to propose the following work to move forward the Hazard Mitigation Grant Program (HMGP) by creating a process and needed documents for the Board to allocate the grant funds to address the Priority Projects of the Crescent City Harbor District Board of Commissioners.

Goals of HMGP funds: Develop mitigation strategies and obtain data to prioritize, select, and develop mitigation projects and complete grant applications for construction funding. HMGP funds can be used for studies, designs and environmental processes. They can not be used for construction.

Approximate balance remaining of uncommitted HMGP funds: \$1,016,805

CSS PROPOSED SCOPE OF WORK: Develop the Scope of Work and Priority Projects for the remaining HMGP grant funds; prepare Request for Proposals (RFP); evaluate RFP responses and assist securing consultants and engineers to complete the HMGP work.

CSS Process Steps

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

- e. Ensure the design of the projects include the opportunity to act as match for other grants received by CCHD.
6. Create and release RFPs for consultants and engineers for HMGP projects
7. Review and score RFP responses.
8. Make award recommendations to CCHD. CCHD will prepare contracts.
9. Prepare a HMGP budget revision and report to CalOES to fund award recommendations. Budget Revision will be submitted by CCHD.

CSS Results / Deliverables

- Review for CCHD Board of all current on-going projects; potential projects; tasks to get projects completed; permitting and regulatory requirements for projects.
- Priority Project List for harbor projects – can be used for planning grant, new grant applications and incorporated into 2025 CCHD strategic plan.
- Get Marine Construction Companies interested in working at CCHD. For ones that may not have had an interest, they may now be interested because all the work that will be done.
- Cost Estimates for each HMGP eligible project on Priority Project List.
- Scope of Work Elements of HMGP priority projects, including deliverables, tasks, and timeline.
- RFPs created for HMGP projects.
- Contracts awarded for HMGP projects. (Contracts prepared by CCHD).
- Revised HMGP Budget.

Proposed Cost and Funding Source

CSS cost for the work is not to exceed \$47,500.

The Source of Funding for this contract will be from the HMGP grant, from HMGP funds not available to CCHD for reimbursement of staff time.

The only HMGP budget funds available to reimburse CCHD staff for their time spent on this grant is the Grant Management Line item, which was capped by the funder at \$37,500 and has approximately less than half of that remaining. 100% of those funds have been dedicated to CCHD for reimbursement of the costs spent on this grant.

The proposed scope of work will provide CCHD a process to allocate the remaining HMGP funds to accomplish the goals of the grant and the goals of the CCHD.

Proposed Timeline

Estimated Contract and Deliverables timeline January 1, 2025 – May 30, 2025.

- January or February – Board Workshop
- February – Adoption of Board Priority Project List
- March – Industry Day
- March – April – Write and Release RFPs
- May – RFP responses at Board meetings for review and approvals.

CSS Experience

CSS has previous experience conducting similar processes, including for the CCHD.

CSS previously wrote the RFPs and the award recommendation memos for the contracts awarded for the Coastal Conservancy Citizens' Dock grant; the Coastal Conservancy South Beach Restroom grant; and the Vertical Breakwater design and Level 1 and 2 Environmental Study contracts for this HMGP grant.

CSS wrote the HMGP grant application, including designing the scope of work in the grant application.

CSS also wrote the other grants that have been awarded to the CCHD and the grants that are still under consideration.

CSS understanding of the grants rules and regulations, the projects, and the needs of the Harbor District will allow us to design HMGP projects which include the opportunity to act as match for other grants received by CCHD and provide the key information for future grant applications whether they are written by CSS or someone else.

Thank you and we look forward to working with you on this important endeavor.

Mike Bahr, CEO
Community System Solutions



3. New Business

- d. Consider Revised CCHD Bylaws as Proposed by the Legal Affairs, Polices, & Procedures Committee.**

Public Comment?

BYLAWS
OF THE
CRESCENT CITY HARBOR DISTRICT



Adopted _____

Updated _____



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1.0 INTRODUCTION

1.1 Purpose and Intent of Handbook

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

1.2 Crescent City Harbor District Description

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

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

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

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

APPENDIX 1 illustrates 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 members duly elected pursuant to the 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) Three (3) Commissioners are elected to serve a four (4) year term. The following election, two (2) Commissioners are elected to serve a four (4) year term.

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't Code Section 1302)

Upon election of a Commissioner, the District will 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 condition on the faithful performance of his or her duties in accordance with H&N Code Section 6056.

If the office of a Commissioner becomes vacant 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. If the vacant Commissioner post is not filled within thirty (30) days of the vacancy, the vacancy will be filled by appointment of the Del Norte County Board of Supervisors (H&N Code Section 6054.3; Gov. Code Section 1778).

2.3 Election of Officers

At the first meeting in December, every year, the Board shall elect from its membership, by a majority vote of the Board, a Chairman ("Chair") and Vice Chairman ("Vice Chair") for a one-year term for each office. Any Chair or Vice Chair may continue in office by serving multiple terms consecutively. If the office of Chair or Vice Chair becomes vacant, the Board must elect a successor from the members of the Board at the next meeting, or as soon thereafter as possible.

Notwithstanding any other provision herein, any Chair or Vice Chair may be removed from office by the affirmative vote of any three (3) Harbor Commissioners.

2.4 Role of Chair

- a. The Chair oversees the Board's business, sets meeting schedules and agendas, and acts as the Board's primary representative to the CEO/Harbormaster. The Chair shall attend an agenda review meeting with the CEO/Harbormaster before each Board meeting either in person or by phone.
- b. The Chair presides at all meetings of the Board, preserves the order at Board meetings, removes any person from any meeting for disorderly conduct, enforces the rules of the Board and determines the order of business.
- c. The Chair shall have the authority to prevent the misuse of motions, or the abuse of any privilege, or obstruction of the business of the Board by ruling any such matter out of order. In so ruling, the Chair shall be courteous and fair and should presume that the moving party is acting in good faith.

- d. The Chair may decide when special meetings of the full Board need to be called to deal with issues that cannot wait until the next regular Board meeting.
- e. The Chair appoints members of the Board to serve on any committees of the Board. All appointments by the Chair are subject to the consent of the person so appointed. The Chair may give other special assignments to Commissioners.
- f. The Chair will coordinate any communications with the news media on behalf of the Board, or delegate/appoint another Board member.
- g. In the absence of both the Chair and Vice Chair, the most senior Commissioner in attendance will run any scheduled meetings.
- h. The Chair or Vice Chair is authorized to sign checks and all documents as authorized by the Board.
- i. 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.

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 all meetings and fulfill necessary duties and responsibilities.
- b. The Vice Chair 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 Vice Chair may, upon consultation with the CEO/Harbormaster, appoint a member of the District staff to assist in the duties, such as preparing minutes and agenda packets.
- d. The Vice Chair acts as Chair pro-tem when the Chair is absent and is authorized to sign checks and attest to legal documents for the District as authorized by the Board.

2.6 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 the Board concerning the District's business.
- e. Commissioners coordinate with the Chair to provide feedback to the

CEO/Harbormaster regarding staffing requirements for the District.

- 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. Commissioners do not direct staff.
- 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 as well as a complete 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 matters 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. Private personnel records are not available to Commissioners, except as deemed necessary for the conduct of their business. Commissioners generally should view personnel records in a closed session of the Personnel Committee or Board. The CEO/Harbormaster is responsible for maintaining the District's records. A Commissioner's request for access to nonpublic documents will be made through the CEO/Harbormaster. In the event of a dispute regarding access to the District's records, the CEO, the Chair, or a member of the Board may bring the matter before the entire Board, which will have ultimate responsibility for deciding such matters.

2.7 Role of the Board

- a. The Board is responsible for governance of the District and is obligated to be transparent to the public.
- b. The Board adopts and bi-annually reviews the Budget, which will include an organizational diagram that identifies all current employment positions within the District, salaries of all management personnel and each employee's status as full or part time positions. Any deviation from this Budget or organizational structure must be

approved by the Board. The Board shall receive a condensed budget update monthly.

- c. The Board hires the CEO/Harbor Master, General Counsel, Special Counsel, auditors, engineers, and other outside consultants who serve at the pleasure of the Board.
- d. The Board shall approve, prior to initiating any travel, expenses expected to exceed \$1,500. The board shall approve all harbor non-recurring expenses over \$2,000 and all recurring expenses over \$10,000. The board has determined that the specific recurring expenses are as follows:

Pacific Power Electric
City of Crescent City Water and Sewer

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

3.0 RESPONSIBILITIES AND CONDUCT OF COMMISSIONERS

3.1 Board Principles

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

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

3.2 Procedure for Responding to Breaches of the Board Principles

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

3.3 Oath of Office

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

3.4 Conflict of Interest

Pursuant to Sections 87200 *et. seq.*, Government Code, Commissioners are required to file a "Statement of Economic Interests" annually; this Statement is filed with the County Clerk's office. The initial statement is filed when an individual files Harbor Commissioner Candidacy papers with Del Norte County. 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, Section 87100 *et seq.*, California Government Code, 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't Code Section 53235(b))

3.6 New Commissioner Orientation

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

3.7 Social Media

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

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

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

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

3.8 Cellphone Usage in Meetings

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

4.0 TRAININGS AND CONFERENCES

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

A training and conferences budget is set every fiscal year by the CEO/Harbormaster and approved by the Board. All training and conferences for Commissioners and staff are brought to the Board for approval.

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

The Board has approved the Crescent City Harbor District Travel Expense Reimbursement Policy ("Policy") for Commissioners. The purpose of the Policy is to set forth the procedure of the District concerning the reimbursement of actual and necessary expenses incurred by a District staff and Commissioners in the performance of official duties for the benefit of the District, pursuant to Government Code Sections 53232 et. seq. This policy can be viewed on the District's website at <https://www.ccharbor.com/policies> . (To Be Added on Final Approval of This policy).

5.0 COMMISSIONER INTERACTIONS

5.1 Commissioner & Clerk of the Board Interaction

All questions or requests regarding the conduct of District meetings and travel requests must come through the Clerk of the Board.

5.2 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 the projects on which each staff member is working.

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

5.3 Commissioner & Harbor District Tenant Interaction

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

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

5.4 Commissioner/Legal Counsel

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

5.5 Commissioner and Staff Visibility to the Public

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

5.6 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.

5.7 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 the District personnel subject to Board policy. The CEO/Harbormaster may be appointed to serve in various capacities as determined by the Board, but no Commissioner shall be appointed as CEO/Harbormaster. The qualifications of the CEO/Harbormaster shall meet the requirements established by the Board. The duties of the CEO/Harbormaster shall be determined by the Board, and the CEO/Harbormaster's performance shall be evaluated annually by the Board.

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

6.2 General Counsel

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

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

7.0 HARBOR COMMISSION MEETINGS

7.1 Meeting Location

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

7.2 Compliance with the Brown Act

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

7.3 Regular Meetings

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

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

7.31 Financial documents

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

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

7.4 Special Meetings

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

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

7.5 Emergency Meetings

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

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

7.6 Cancelled Meetings

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

7.7 Adjourned Meetings

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

7.8 Teleconferenced Meetings

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

7.9 Closed Sessions

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

- a. Real Property Negotiations - To discuss the terms of a real estate transaction
- b. Litigation - To discuss anything related to the litigation - facts, legal theories, settlements, etc.
- c. Labor Negotiations - To confer with and instruct the District's labor negotiator with respect to labor negotiations
- d. Personnel Matters - To discuss the employment, appointment, evaluation or dismissal of staff

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

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

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

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

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

7.10 Committees

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

a. Ad Hoc Committees

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

b. Standing Committees

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

c. Other Committees

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

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

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

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

7.11 Board Liaisons

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

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

7.12 Quorum and Voting

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

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

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

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

7.12.2 Social Gatherings

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

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

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

7.13 Commissioner Absences

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

7.14 Agendas

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

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

7.15 Minutes and Recordings

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

- a. "Action Minutes" will be prepared by the Clerk of the Board for all Commission meetings that are open to the public. Minutes are prepared after each commission meeting by the Clerk of the Board and approved by the Board at a subsequent

meeting. These minutes are not actual transcripts of the meetings but describe only the motion-maker and the contents of the motion, the Commissioner seconding the motion, the vote, and any conditions of approval. The minutes will also reflect the names of any invited speakers and the subject matter discussed. If a Commissioner desires a comment to be included in the minutes, it is his or her responsibility to indicate to the Clerk of the Board that the statement "should be reflected in the record" before making the comments.

- b. Board meetings are digitally recorded and maintained by the Clerk of the Board in accordance with the District's Record Retention Policy. Members of the public may listen to audio recordings on the District's website.

8.0 ORDER OF BUSINESS

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

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

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

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

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

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

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

tenants.

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

Consent Agenda - Matters appearing on the Consent Agenda are expected to be non- controversial and will be acted upon by the Board at one time, without discussion, unless a member of the Board requests an opportunity to address any item identified on the Consent Agenda. Approval by the Board of Consent Items means that the recommendation by staff is approved by motion along with the terms set forth in the applicable staff reports.

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

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

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

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

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

Adjournment - The Chair will adjourn the meeting.

9.0 ATTENDANCE BY THE PUBLIC AT MEETINGS

All meetings of the Board, except Closed Sessions, shall be open and 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 _____ on _____.

Dated: _____

Chair of the Board of Harbor Commissioners

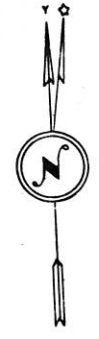
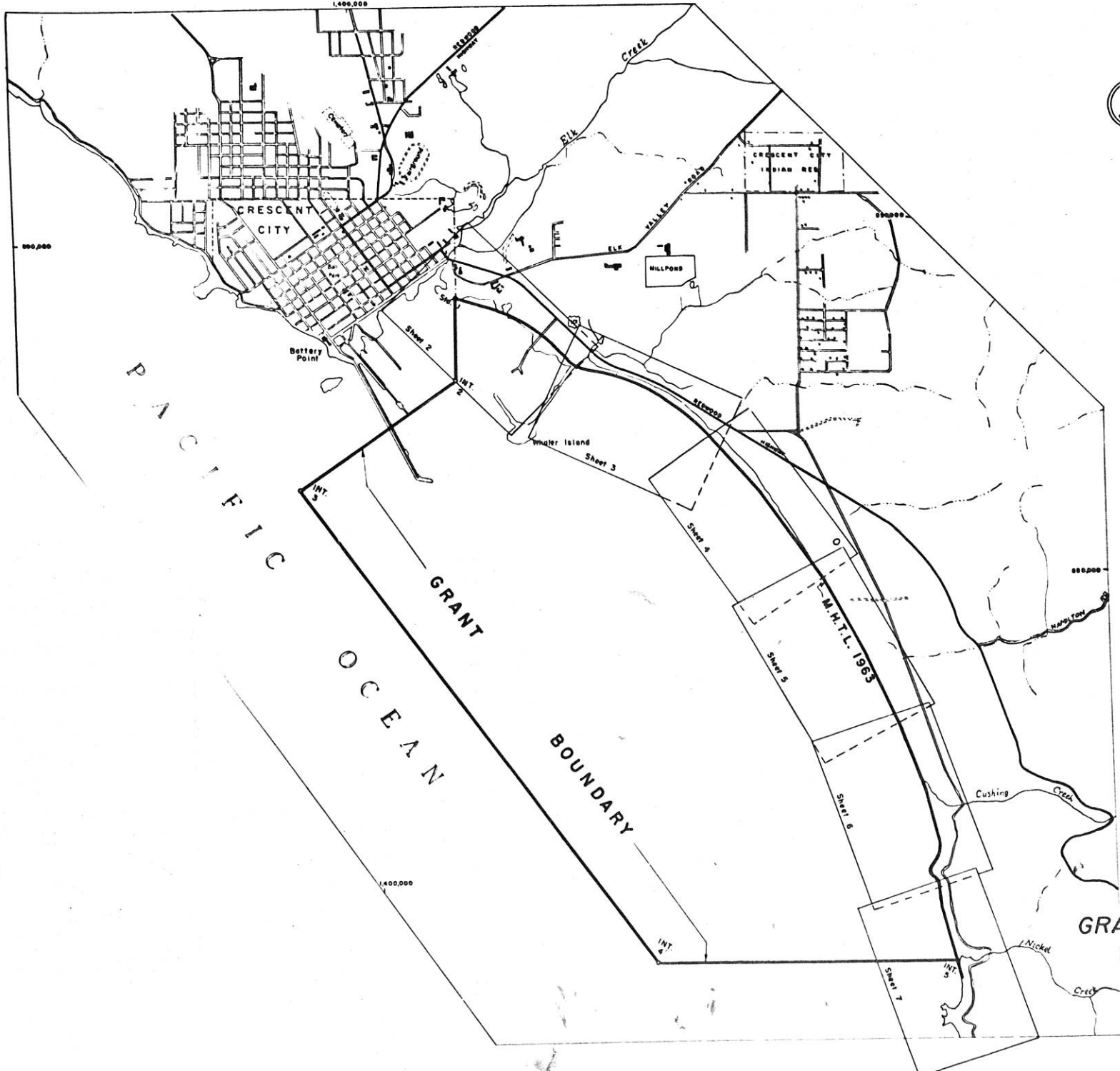
Dated: _____

Vice Chair of the Board of Harbor Commissioners

ACKNOWLEDGEMENTS

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

APPENDIX 1 - CCHD Parcel Map



CERTIFICATION
 I, Donald B. Davidson, Reg. Civil Eng. No 7663
 certify that this survey was completed under my di-
 rection and that all monuments shown on these
 maps actually exist and their positions are shown
 correctly.
 June 8, 1964 *Donald B. Davidson*
 Civil Eng., State Lands Division

Approved 27 June 1964
 STATE LANDS COMMISSION
 BY *[Signature]*
 Executive Officer

**INDEX TO THE MAP OF THE
 GRANT TO THE CRESCENT CITY HARBOR DISTRICT
 CHAPTER 1510 STATUTES OF 1963
 VICINITY OF CRESCENT CITY
 DEL NORTE COUNTY, CALIFORNIA
 SCALE 1 INCH = 2000 FEET
 SHEET 1 OF 7 MARCH 1964
 B. ROMANOWSKI, JR. CIVIL ENG. D. MAC LEAN, ASST. CIVIL ENG.
 C. D. ROBERTSON, ASSOCIATE CIVIL ENG.**

STATE OF CALIFORNIA
 STATE LANDS COMMISSION STATE LANDS DIVISION

RECORDED AT REQUEST OF
State of California
 OFFICE
 Book 4 Page 219
 MAY 10 1964

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	2024 APPOINTED COMMISSIONERS
AUDIT	Primary
	alternate
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (CDFW)	Primary
	Alternate
CHAMBER OF COMMERCE	Shepherd
4th Friday @ 12:00pm	(alternate)
CITY OF CRESCENT CITY	Primary
	Alternate
COORDINATION COMMITTEE (as needed	Primary
	(alternate)
COUNTY OF DEL NORTE	Primary
	alternate
DREDGING	Primary
	alternate
FEMA (as needed)	Primary
	Alternate
HARBOR DISTRICT	Primary
	Alternate
LAFCO	Primary
4th Monday as needed	Alternate
LAST CHANCE GRADE STAKEHOLDERS	Primary
	Alternate

NAME OF COMMITTEE	2024 APPOINTED COMMISSIONERS
NORTH COAST RESOURCE PARTNERSHIP (NRCP)	Primary
Quarterly	Alternate
RESOURCE ADVISORY COMMITTEE (RAC)	Primary
(as needed)	alternate
RESOURCE CONSERVATION & DEVELOPMENT COUNCIL	Primary
(quarterly)	Alternate
REDWOOD NATIONAL AND STATE PARKS	Primary
	Alternate
SISTER CITY/JAPAN	Primary
	Alternate
SIX RIVERS NATIONAL FOREST & SMITH RIVER NATIONAL RECREATION AREA	Primary
	Alternate

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

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



4. Communications and Reports

a. Financial Report

Public Comment?

PROJECTED CASH BALANCES (as of 30 November 2024)

NOTE THAT ADJUSTMENTS TO PROJECTED INCOME AND EXPENSES WILL BE MADE FOR THE 31 DECEMBER CASH FLOW PROJECTION

	ACTUAL	ACTUAL	ACTUAL	ACTUAL	ACTUAL	ESTIMATED						
	Jul 2024	Aug 2024	Sep 2024	Oct 2024	Nov 2024	Dec 2024	Jan 2025	Feb 2025	Mar 2025	Apr 2025	May 2025	Jun 2025
BANK (OPENING)	1,217,526	1,226,545	1,164,851	903,389	945,962	931,474	894,695	893,735	821,234	409,973	582,460	574,643
OPERATIONS												
P&L INCOME	183,364	132,821	125,580	139,924	194,050	94,496	181,596	134,226	133,356	134,026	125,261	127,466
P&L EXPENSE	235,762	194,515	222,725	233,106	208,538	204,321	196,056	225,227	190,617	169,414	161,703	162,478
	(52,398)	(61,694)	(97,145)	(93,182)	(14,488)	(109,825)	(14,460)	(91,001)	(57,261)	(35,388)	(36,442)	(35,012)
OTHER												
P&L INCOME	61,417			363,001		245,000				178,000		
P&L EXPENSE			164,317	227,246		183,254			375,000			
	61,417		(164,317)	135,755		61,746			(375,000)	178,000		
GRANT INCOME						11,300	13,500	18,500	21,000	29,875	28,625	26,375
BANK (CLOSING)	1,226,545	1,164,851	903,389	945,962	931,474	894,695	893,735	821,234	409,973	582,460	574,643	566,006

Crescent City Harbor District

November 2024

BUDGET VS ACTUALS

	ACTUAL	BUDGET	VARIANCE	
Income				
2400 COMMERCIAL REVENUE				
Total 2400 COMMERCIAL REVENUE	52,339.26	52,000.00	(339.26)	
Total 2600 SERVICES & FEES	12,074.75	14,215.00	2,140.25	
2650 DISCOUNTS/ADJUSTMENTS		(500.00)	(500.00)	
Total 2700 MOORAGE - SLIP RENTALS	74,395.90	65,000.00	(9,395.90)	
Total 2800 RV PARKS REVENUE OPERATIONS	16,378.34	15,000.00	(1,378.34)	
Total 3000 SALES OF PRODUCT REVENUE	127.72	500.00	372.28	
5750 Grant Income	38,734.20		(38,734.20)	
Total Income	194,050.17	146,215.00	(47,835.17)	
Total Cost of Goods Sold		300.00	300.00	
Gross Profit	194,050.17	145,915.00	(48,135.17)	INCOME>BUDGET
Expenses				
Total 3200 ADVERTISING		300.00	300.00	
Total 3300 AUTO EXPENSES	4,187.90	4,900.00	712.10	
Total 3400 BANK FEES / SURCHARGES	659.49	900.00	240.51	
3500 DUES / CHARITABLE CONTRIBUTIONS	60.00		(60.00)	
Total 3600 CONTRACTORS OPERATIONS	7,415.12	11,053.00	3,637.88	
Total 3700 INSURANCE POLICIES	18,515.08	24,829.67	6,314.59	
Total 3800 INTEREST EXPENSE		8,600.00	8,600.00	
Total 3900 PROFESSIONAL FEES / CONSULTANTS	56,293.39	15,833.33	(40,460.06)	
Total 4000 OFFICE / GENERAL OPERATIONS	1,776.10	5,563.00	3,786.90	
Total 5000 PAYROLL EXPENDITURES	99,287.92	106,630.00	7,342.08	
Total 5100 REPAIRS / MAINTENANCE	1,916.66	5,797.33	3,880.67	
Total 5200 SUPPLIES, MATERIALS & FUEL	1,580.32	2,333.33	753.01	
Total 5300 TRAVEL / TRAINING		1,250.00	1,250.00	
Total 5500 UTILITIES	16,834.18	28,900.00	12,065.82	
5600 WRITE-OFFS		3,333.00	3,333.00	
Stripe fees	12.63		(12.63)	
Total Expenses	208,538.79	220,222.66	11,683.87	EXPENSES<BUDGET
Net Operating Income	(14,488.62)	(74,307.66)	(59,819.04)	

**Crescent City Harbor District
GRANTS STATUS (since inception)**

June, 2023 - November, 2024

DRAFT REPORT TEMPLATE WITH ACTUALS FOR "LIFE OF PROJECT" THROUGH END NOV 2024

	COASTAL CONSERVANCY		CAL OES	OTHER	TOTAL
	CITIZENS DOCK	SB BATHROOM	HMGP		
Income					
5750 Grant Income	625,512.74		218,044.20		843,556.94
Total Income	625,512.74		218,044.20		843,556.94
Expenses					
3900 PROFESSIONAL FEES / CONSULTANTS					
3906 Engineering	552,816.07	7,194.00	259,710.34	69,655.44	889,375.85
Total 3900 PROFESSIONAL FEES / CONSULTANTS	552,816.07	7,194.00	259,710.34	69,655.44	889,375.85
Total Expenses	552,816.07	7,194.00	259,710.34	69,655.44	889,375.85
Net Operating Income	72,696.67	(7,194.00)	(41,666.14)	(69,655.44)	(45,818.91)

1. THIS REPORTING IS IN THE PROCESS OF BEING UPDATED WITH ACCURATE GRANT RECEIVABLES, WHICH WILL INCREASE INCOME AMOUNTS
2. THIS REPORTING IS IN THE PROCESS OF BEING UPDATED WITH ADDITIONAL LINE ITEMS WHICH WILL PROVIDE BETTER DETAIL

Crescent City Harbor District

Profit and Loss

November 2024

	TOTAL
Income	
2400 COMMERCIAL REVENUE	
2401 Commercial Fees Additional	3,451.36
2402 Commercial Hoist Leases	14,040.00
2403 Commercial Leases	30,426.96
2407 Commercial Utilities	1,948.20
2409 Freezer Rental	666.00
2410 Poundage Fees	1,806.74
Total 2400 COMMERCIAL REVENUE	52,339.26
2600 SERVICES & FEES	
2602 No Insurance Fee	4,140.00
2606 Key Fob Sales	42.00
2607 Late Payment Fee	389.46
2608 Launch Permit Fees	300.00
2610 Live-a-Board Fees	720.00
2611 Mobile Crane Rental	1,800.00
2612 Storage Revenue	1,789.34
2613 Utilities Marina	2,533.95
2615 Surcharge / Admin Fee	300.00
2617 Non-Taxable labor fees	60.00
Total 2600 SERVICES & FEES	12,074.75
2700 MOORAGE - SLIP RENTALS	
2701 Rec Slip Rentals / Dockwa	74,395.90
Total 2700 MOORAGE - SLIP RENTALS	74,395.90
2800 RV PARKS REVENUE OPERATIONS	
2801 RV Bayside Leases	15,800.00
2802 RV BS Dump Station	15.00
2803 RV BS Fees	135.00
2805 RV BS Laundry	55.00
2809 RV Guest Rentals	373.34
Total 2800 RV PARKS REVENUE OPERATIONS	16,378.34
3000 SALES OF PRODUCT REVENUE	
3001 GIFT SHOP SALES	127.72
Total 3000 SALES OF PRODUCT REVENUE	127.72
5750 Grant Income	38,734.20
Total Income	\$194,050.17
GROSS PROFIT	\$194,050.17
Expenses	
3300 AUTO EXPENSES	
3301 Fuel Expenses	295.82

Crescent City Harbor District

Profit and Loss

November 2024

	TOTAL
3302 Maintenance and Repair	382.74
3303 Truck Leases/Auto Exp	3,509.34
Total 3300 AUTO EXPENSES	4,187.90
3400 BANK FEES / SURCHARGES	
3401 Bank Fees	133.95
3404 QuickBooks Payments Fees	525.54
Total 3400 BANK FEES / SURCHARGES	659.49
3500 DUES / CHARITABLE CONTRIBUTIONS	60.00
3600 CONTRACTORS OPERATIONS	
3602 Outside Services	7,415.12
Total 3600 CONTRACTORS OPERATIONS	7,415.12
3700 INSURANCE POLICIES	
3702 Liability & Property Policies	14,714.22
3703 Workers Comp	3,800.86
Total 3700 INSURANCE POLICIES	18,515.08
3900 PROFESSIONAL FEES / CONSULTANTS	
3903 Attorney Professional Services Legal	10,521.90
3904 Additional Non-Attorney	5,817.50
3905 Legal Reimbursements	117.80
3906 Engineering	30,366.19
3907 Grant Management & Acquisition	7,500.00
3908 IT Services	1,970.00
Total 3900 PROFESSIONAL FEES / CONSULTANTS	56,293.39
4000 OFFICE / GENERAL OPERATIONS	
4002 Office Equipment Leases	485.68
4003 Office Expenses	300.84
4006 Subscriptions & Software	235.00
4007 Uniform Expenses	350.08
4008 Website & Hosting Expenses	249.00
4025 Recruitment Expense	82.50
4028 Postage & Shipping	73.00
Total 4000 OFFICE / GENERAL OPERATIONS	1,776.10
5000 PAYROLL EXPENDITURES	
5001 Payroll Expenses	73,331.24
5002 Payroll Benefits	14,455.15
5003 Health Benefits	11,501.53
Total 5000 PAYROLL EXPENDITURES	99,287.92
5100 REPAIRS / MAINTENANCE	
5104 Repairs General	1,916.66
Total 5100 REPAIRS / MAINTENANCE	1,916.66

Crescent City Harbor District

Profit and Loss

November 2024

	TOTAL
5200 SUPPLIES, MATERIALS & FUEL	
5201 Maintenance Supplies / Materials	802.82
5203 Fuel Maintenance	777.50
Total 5200 SUPPLIES, MATERIALS & FUEL	1,580.32
5500 UTILITIES	
5501 Electricity	6,292.86
5503 Telephone	913.75
5504 Water & Sewer Service	2,423.25
5505 Trash & Recycle	6,755.76
5506 WI-FI / Internet Services	448.56
Total 5500 UTILITIES	16,834.18
Stripe fees	12.63
Total Expenses	\$208,538.79
NET OPERATING INCOME	\$ -14,488.62
NET INCOME	\$ -14,488.62

Crescent City Harbor District

Balance Sheet

As of November 30, 2024

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
1000 CASH AND INVESTMENTS	0.00
1001 Bayside Checking #1766	260.00
1003 CCHD Checking #4766	309,803.06
1004 CCHD Savings #4774	5,021.29
1005 LAIF Reserve	657,071.34
1006 RHV Checking #0707	500.00
1008 QB Payment Clearing Account	4,120.96
Total 1000 CASH AND INVESTMENTS	976,776.65
Stripe (required for Synder)	-101.83
Total Bank Accounts	\$976,674.82
Accounts Receivable	
1100 ACCOUNTS RECEIVABLE	263,500.77
1102 Tax Proceeds Receivable	0.00
Total 1100 ACCOUNTS RECEIVABLE	263,500.77
Total Accounts Receivable	\$263,500.77
Other Current Assets	
1200 OTHER CURRENT ASSETS	
1201 Commercial Lease Receivables	1,840,482.00
1202 Deferred Pension Contributions	389,539.00
1205 Withholding Receivable	56,568.78
1206 PrePaid Expenses	30,736.78
1207 Prepaid Insurance	0.00
1208 Loans to Employees / Payroll Advances	6,000.00
1211 Lemus REC Receivables	-98,214.86
1203 Solar Licensing Agreement REC	234,607.37
1212 Lemus / REC RV Parks	100,000.00
Total 1211 Lemus REC Receivables	236,392.51
1213 Maples Settlement	0.00
Total 1200 OTHER CURRENT ASSETS	2,559,719.07
1250 UNDEPOSITED FUNDS	53.46
1300 INVENTORY	
1301 Gift Shop Purchases	13,464.11
1302 Inventory Asset	4,734.21
Total 1300 INVENTORY	18,198.32
Total Other Current Assets	\$2,577,970.85
Total Current Assets	\$3,818,146.44

Crescent City Harbor District

Balance Sheet

As of November 30, 2024

	TOTAL
Fixed Assets	
1490 Land Cost	465,511.00
1500 Depreciable Assets	
1510 Machinery / Equipment	357,501.00
1520 Vehicles	15,217.00
1530 Buildings and Improvements	4,606,514.00
1540 Marina, Wharves, and Docks	61,733,331.00
1550 Leased Vehicle	147,394.74
1560 Sewer Lift Station	33,655.00
1570 Streets, Roads and Parks	707,691.00
Total 1500 Depreciable Assets	67,601,303.74
1580 Accumulated Depreciation	-44,435,321.55
Total Fixed Assets	\$23,631,493.19
Other Assets	
NON-CURRENT ASSETS	
1552 Depreciable Capital Assets	0.00
Total NON-CURRENT ASSETS	0.00
Total Other Assets	\$0.00
TOTAL ASSETS	\$27,449,639.63
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
1600 ACCOUNTS PAYABLE (A/P)	358,063.03
Total Accounts Payable	\$358,063.03
Credit Cards	
1700 CREDIT CARD ACCOUNTS	
1701 Home Depot	486.62
1702 USBank	5,662.27
Total 1700 CREDIT CARD ACCOUNTS	6,148.89
Total Credit Cards	\$6,148.89
Other Current Liabilities	
1900 PAYROLL LIABILITIES	
1903 Garnishments	-3,717.51
1904 Pension Defer Cash In-flows	200,815.00
1906 Accrued Payroll Liabilities	49,474.04
1907 Compensated Absences	106,595.00

Crescent City Harbor District

Balance Sheet

As of November 30, 2024

	TOTAL
Total 1900 PAYROLL LIABILITIES	353,166.53
2000 CURRENT LIABILITIES	
2001 Customer Deposits & PrePayments	30,953.51
2002 Interest Payable	138,641.00
2003 Current USDA Long Term Debt	190,176.00
2004 Current Auto Lease Liability	107,323.00
2005 Valid Credit Due Customer	0.00
Total 2000 CURRENT LIABILITIES	467,093.51
2006 Accrued Expenses	1,600.00
CDTFA PAYABLE	172.08
1800 CDTFA / TOT SALES TAX DUE	0.00
1801 CDTFA Sales Tax	172.44
1802 TOT	-272.64
Total 1800 CDTFA / TOT SALES TAX DUE	-100.20
Out Of Scope Agency Payable	0.00
Total CDTFA PAYABLE	71.88
Total Other Current Liabilities	\$821,931.92
Total Current Liabilities	\$1,186,143.84
Long-Term Liabilities	
2100 LONG TERM DEBT	0.00
2101 Dwelley / Frazier Note Bayside RV Park	-57,908.50
2102 USDA Loan	5,131,717.54
2103 Lease Liability	1,840,482.00
2104 Net Pension Liability	895,041.00
2105 Fashion Blacksmith Payable	1,257,018.10
2110 Fashion Blacksmith Settlement Payable	2,600,000.00
Total 2100 LONG TERM DEBT	11,666,350.14
Total Long-Term Liabilities	\$11,666,350.14
Total Liabilities	\$12,852,493.98
Equity	
2200 EQUITY	
2201 Adjustments JEs Per Audit	-2,520.97
2202 Adjustments to Actual Pending Audit	335,239.36
Total 2200 EQUITY	332,718.39
2300 RETAINED EARNINGS	-12,762,089.63
2350 OPENING BALANCE EQUITY	27,208,230.37
Net Income	-181,713.48
Total Equity	\$14,597,145.65
TOTAL LIABILITIES AND EQUITY	\$27,449,639.63



4. Communications and Reports

b. CEO/Harbormaster Report

Public Comment?



4. Communications and Reports

c. Harbor Commissioner & Committee Reports

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

Public Comment?

6. MEETING ADJOURNMENT

*Adjournment of the Board of Harbor Commissioners will be until the next meeting scheduled for **Tuesday, January 7, 2025**, at 2 p.m. PDT. The Crescent City Harbor District complies with the Americans with Disabilities Act. Upon request, this agenda will be made available in appropriate alternative formats to person with disabilities, as required by Section 12132 of the Americans with Disabilities Act of 1990 (42 U.S.C. §12132). Any person with a disability who requires modification in order to participate in a meeting should direct such request to (707) 464-6174 at least 48 hours before the meeting, if possible.*

