

**OXNARD HARBOR DISTRICT**

**MINUTES**

**MONDAY, AUGUST 28, 2006**

The regular meeting of the Oxnard Harbor District, Board of Harbor Commissioners was called to order by President Raymond E. Fosse at 5:00 p.m. on Monday, August 28, 2006 at 333 Ponoma Street, Port Hueneme, California. Following the Pledge of Allegiance, roll call was taken.

ROLL CALL	Present were Commissioners Fosse, Herrera, Plisky, Ramirez and Takasugi.
MINUTES OF AUGUST 14, 2006	Commissioner Plisky, seconded by Commissioner Herrera moved to approve the minutes of the regular meeting of August 14, 2006. Motion carried.
MINUTES OF AUGUST 19, 2006	Commissioner Plisky, seconded by Commissioner Ramirez moved to approve the minutes of the special meeting of August 19, 2006. Motion carried.
PUBLIC COMMUNICATIONS	Ms. Betsy Chess, Regional Vice President, New West Symphony discussed sponsorship opportunities for their music education program. Commissioner Plisky requested that the program be reviewed and be brought back to the Board with a recommendation.
SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) 2006 TRANNY AWARD	The Executive Director reported on the District receiving the Southern California Association of Governments (SCAG) 2006 Tranny Award.
CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) BOARD OF DIRECTORS ELECTION 2006	The Executive Director reported on and recommended the Board vote for Ms. Judith E. Cofer for the California Special Districts Association Board of Directors Election 2006, Seat A, Region 5 and authorize the President to complete the Official Ballot. Commissioner Plisky, seconded by Commissioner Herrera moved to cast the District's ballot for Ms. Judith E. Cofer for Seat A, Region 5. Motion carried.
VENTURA LOCAL AGENCY FORMATION COMMISSION (LAFCO) LETTER OF AUGUST 11, 2006 AND BALLOT FOR THE ELECTION OF AN ALTERNATE SPECIAL DISTRICT MEMBER TO THE VENTURA LAFCO	The Executive Director reported on and recommended the Board vote for Commissioner Jesse J. Ramirez as the Alternate Special District Member to the Ventura LAFCO and authorize the President to complete the Official Ballot. Commissioner Plisky, seconded by Commissioner Herrera moved to cast the District's ballot for Commissioner Jesse J. Ramirez for the Alternate Special District Member to the Ventura LAFCO. Motion carried.
ICMA'S 92 <sup>ND</sup> ANNUAL CONFERENCE & EXPOSITION, SEPTEMBER 10-13, 2006, SAN ANTONIO, TEXAS	The Executive Director reported on and recommended adding the ICMA's 92 <sup>nd</sup> Annual Conference & Exposition, September 10-13, 2006 in San Antonio, Texas to the Calendar of Events. Commissioner Herrera, seconded by Commissioner Plisky moved to approve. Motion carried.
EXECUTIVE DIRECTOR'S REPORT	The Executive Director reported on and recommended a special meeting be held to discuss a response to the City of Port Hueneme's Braithman Report prior to the City's meeting on September 20 <sup>th</sup> .

President Fosse declared the Public Hearing open at 5:15 pm.

The Executive Secretary reported on actions taken by staff to notify the public of the District's Intent to Adopt a Negative Declaration for Amendment No. 7 to the Port Master Plan – Parcel One (1) Land Use Change from Petroleum Products to Autos/General Cargo and Approved Amendment No. 7 to the Port Master Plan.

The Deputy Executive Director – Administration reported that the District received three responses. The State of California acknowledging that the District has complied with the State Clearinghouse review requirements with no other comments. The City of Port Hueneme raised three issues which have been addressed. Also a faxed letter was received prior to the meeting from the Ventura County Air Pollution Control Board indicating they concur that no significant air quality impacts would result from the amendment to the Port Master Plan.

There being no further comments, Commissioner Plisky, seconded by Commissioner Herrera moved to close the Public Hearing. Motion carried.

RESOLUTION NO. 960 – RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS OF THE OXNARD HARBOR DISTRICT ADOPTING A NEGATIVE DECLARATION FOR THE AMENDMENT TO PORT MASTER PLAN NO. 7 – PARCEL ONE (1) LAND USE CHANGE FROM PETROLEUM PRODUCTS TO AUTOS/GENERAL CARGO

Commissioner Plisky, seconded by Commissioner Ramirez moved to adopt Resolution No. 960 - Resolution of the Board of Harbor Commissioners of the Oxnard Harbor District Adopting a Negative Declaration for the Amendment to Port Master Plan No. 7 – Parcel One (1) Land Use Change From Petroleum Products to Autos/General Cargo.

Following is the roll call vote:

Commissioner Ramirez	Aye
Commissioner Herrera	Aye
Commissioner Fosse	Aye
Commissioner Plisky	Aye
Commissioner Takasugi	Aye

Resolution No. 960 is adopted.

RESOLUTION NO. 961 – RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS OF THE OXNARD DISTRICT APPROVING AMENDMENT TO PORT MASTER PLAN NO. 7 TO THE ORIGINAL PORT MASTER PLAN, CERTIFIED BY THE CALIFORNIA COASTAL COMMISSION ON MAY 15, 1979, AND ADOPTED BY THE OXNARD HARBOR DISTRICT BOARD OF HARBOR COMMISSIONERS ON JULY 9, 1979

Commissioner Plisky, seconded by Commissioner Herrera moved to adopt Resolution No. 961 - Resolution of the Board of Harbor Commissioners of the Oxnard Harbor District Approving Amendment to Port Master Plan No. 7 to the Original Port Master Plan, Certified by the California Coastal Commission on May 15, 1979, and adopted by the Oxnard Harbor District Board of Harbor Commissioners on July 9, 1979.

Following is the roll call vote:

Commissioner Plisky	Aye
Commissioner Fosse	Aye
Commissioner Herrera	Aye
Commissioner Ramirez	Aye
Commissioner Takasugi	Aye

Resolution No. 961 is adopted.

RESOLUTION NO. 962 – RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS DIRECTING NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE SHORE PROTECTION REPAIR AND WATERFRONT ACCESS PROJECT

The Director of Engineering reported on and recommended adoption of Resolution No. 962 - Resolution of the Board of Harbor Commissioners Directing Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the Shore Protection Repair and Waterfront Access Project. Commissioner Plisky, seconded by Commissioner Herrera moved to adopt Resolution No. 962.

Following is the roll call vote:

Commissioner Takasugi	Aye
Commissioner Plisky	Aye
Commissioner Fosse	Aye
Commissioner Herrera	Aye
Commissioner Ramirez	Aye

Resolution No. 962 is adopted.

ENTRIX, INC. SUPPLEMENTAL FUNDING FOR PERMITTING SUPPORT RELATED TO THE PORT OF HUENEME, OXNARD HARBOR DISTRICT, SHORE PROTECTION REPAIR AND WATERFRONT ACCESS PROJECT

The Director of Engineering reported on and recommended approval of amendment to the Contract with Entrix, Inc. for a fixed fee amount of \$20,000 for completion of the Draft and Final Mitigated Negative Declaration for the Oxnard Harbor District, Port of Hueneme, Shore Protection Repair and Waterfront Access Project. Commissioner Plisky, seconded by Commissioner Herrera moved to approve. Motion carried.

CHANGE ORDER NO. 1 TO THE CONTRACT WITH TRAVIS AGRICULTURAL CONSTRUCTION, INC. FOR THE SECURITY LIGHTING PROJECT 1

The Director of Engineering reported on and recommended approval of Change Order No. 1 to the Contract with Travis Agricultural Construction, Inc., for the Security Lighting Project 1, adding \$841.95 to the Contract amount and ninety (90) calendar days to the Time of Completion of the Contract. Commissioner Herrera, seconded by Commissioner Plisky moved to approve. Motion carried.

OXNARD HARBOR DISTRICT ADMINISTRATIVE POLICY NO. 7221.1G – INVESTMENT POLICY

The Deputy Executive Director - Administration reported on and recommended approval of Oxnard Harbor District Administrative Policy No. 7221.1G – Investment Policy. Commissioner Plisky, seconded by Commissioner Herrera moved to approve. Motion carried.

RESOLUTION NO. 963 – RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS OF THE OXNARD HARBOR DISTRICT DESIGNATING TREASURER AND DEPUTY TREASURER AND AUTHORIZING INVESTMENTS

The Deputy Executive Director - Administration reported on and recommended adoption of Resolution No. 963 – Resolution of the Board of Harbor Commissioners of the Oxnard Harbor District Designating Treasurer and Deputy Treasurer and Authorizing Investments. Commissioner Takasugi, seconded by Commissioner Plisky moved to adopt Resolution No. 963.

Following is the roll call vote:

Commissioner Takasugi	Aye
Commissioner Plisky	Aye
Commissioner Fosse	Aye
Commissioner Herrera	Aye
Commissioner Ramirez	Aye

Resolution No. 963 is adopted.

STAFF REPORT ON PROPOSED CITY OF  
PORT HUENEME WATER RATE  
INCREASE

The Controller reported on the proposed  
City of Port Hueneme Water Rate Increase.

Legal Counsel recommended that we receive from the  
City confirmation that the City is not going to use the  
rate increase to pay for connection charges or pay for  
new meters.

Commissioner Plisky, seconded by Commissioner  
Herrera moved to authorize the Executive Director to  
request that the City of Port Hueneme memorialize in  
writing the facts that the proposed rate increase is not  
to pay for the cost of installing meters or connection  
charges and that those costs will be paid for by the  
persons for whom the meters are furnished and water  
is connected. The City is to respond in writing before  
September 6<sup>th</sup>. If the District does not receive a  
response prior to September 6<sup>th</sup>, the Executive  
Director is authorized to file a protest with the City of  
Port Hueneme. Motion carried.

JULY 2006 TREASURER'S REPORT

Commissioner Takasugi, seconded by Commissioner  
Herrera moved to receive the July 2006 Treasurer's  
Report. Motion carried.

OXNARD HARBOR DISTRICT WEBSITE  
ROLL-OUT

The Director of Marketing reported on and gave a  
presentation on the District's new website.

COMMITTEE REPORTS

President Fosse reported that the Business Services  
Committee met and discussed the Investment Policy  
and designation of the Treasurer to invest funds.  
President Fosse also reported that the Business  
Services Committee met to discuss the Amended and  
Restated Operating Agreement for the Ventura  
County Railway Company, LLC.

AMENDED AND RESTATED OPERATING  
AGREEMENT FOR VENTURA COUNTY  
RAILWAY COMPANY, LLC

Commissioner Plisky, seconded by Commissioner  
Herrera moved to approve the Amended and Restated  
Operating Agreement for Ventura County Railway  
Company, LLC. Motion carried.

The Executive Director reported that the Executive  
Secretary will contact all Standing Committees and  
Ad Hoc Committees to setup meetings to discuss  
organizational priorities.

BOARD OF HARBOR COMMISSIONERS  
COMMENTS

Commissioner Plisky thanked the staff for  
organization of the recent Board retreat and inquired  
as to when a detailed report would be available. The  
Executive Director responded that a report is being  
compiled.

Commissioner Plisky requested that the appropriate  
committee review all lease agreements. The  
Executive Director responded that a meeting with the  
appropriate committee will be arranged to review the  
lease agreements.

Commissioner Herrera inquired as to the status of the  
fishing cooperative. The Deputy Executive Director  
– Maritime Services responded that the Oxnard  
Unloading facility will be operational within the next  
thirty days.

DISBURSEMENTS

Commissioner Herrera, seconded by Commissioner  
Ramirez moved to approve payment of all bills,  
wages and salaries through August 28, 2006. Motion  
carried.

RECESS

President Fosse called for a five minute recess.

OPEN SESSION

Following a five minute recess, President Fosse declared the meeting open.

CLOSED SESSION

The Oxnard Harbor District Board of Harbor Commissioners convened a closed session pursuant to Government Code Section 54956.9(a): City of Port Hueneme vs. Oxnard Harbor District, Case No. CIV234101, Superior Court of the State of California for the County of Ventura.

OPEN SESSION

Legal Counsel reported that the Board in closed session took no action.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Herrera, seconded by Commissioner Takasugi moved to adjourn. Motion carried.

Meeting adjourned at 6:30 p.m.

- minutes approved and signed 09-25-06

R. E. FOSSE, President

- minutes approved and signed 09-25-06

JESS HERRERA, Secretary