



# Noyo Harbor District Policies

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## Commission Meetings

Commission meetings will be held on the 2<sup>nd</sup> Thursday of each month.

Five commissioners will comprise the Noyo Harbor District Commission. Two commissioners will be appointed by the City of Fort Bragg, two commissioners will be appointed by the County of Mendocino and the Chair will be jointly appointed by the City of Fort Bragg and the County of Mendocino.

Commissioners will serve a 4-year term.

Agendas will be published in accordance with the Brown Act 72 hours prior to the meeting on the Noyo Harbor District website and on the message board outside the District Office.

A Public comment period will be hosted at the start of each meeting to allow the public to make comments on non-agenda items. No action can be taken on items not posted on the agenda.

If the public wishes to present to the Commission or put an item on the agenda, they will contact the Harbormaster at least two weeks prior to the meeting. The Harbormaster reserves the right to approve or deny any request to present to the Commission as they see fit. Any support materials the public wishes to be included in the agenda packet must be submitted to the Harbormaster by the 1<sup>st</sup> Thursday of the month. Failure to submit supporting documentation may result in the removal of the item from the agenda.

## Special Meetings

The Harbormaster or Commissioners can call for a special meeting at any given time for any reason. Special meetings will be held in accordance with the Brown Act and agendas will be posted 24 hours prior to the start of the meeting.

## Emergency Meetings

The Harbormaster or Commissioners can call for an emergency meeting at any given time if an emergency presents itself. An emergency as defined in the Brown Act as a work stoppage, crippling activity or other activity that severely impairs public health, safety or both, as determined by the majority of the members of the legislative body. In the case of an emergency involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Section 54956 or both of the notice and posting requirements.

## Berth Rental Policies

### Long Term Tenants

Long term tenants are tenants with a signed lease agreement and who are held liable for slip payment until an end of lease agreement is signed, upon eviction, or termination of lease agreement from the harbormaster is issued. A lease agreement can be terminated for the violation of any rules laid forth by the Noyo Harbor District, for non-payment, or at the discretion of the Harbormaster or Commissioners of the Noyo Harbor District.

A long-term tenant is not allowed to sublet their slip to other vessels or transfer ownership of their slip to another party.

### Short Term Tenants

Short term tenants are tenants who do not have a signed lease agreement with the Harbor District. Short term tenants may, with permission, occupy a slip for no more than 7 months per calendar year. Reservations for short term tenants can be made with the harbor office staff.

All reservations must have a credit card on file and are subject to the Noyo Harbor District cancellation policy.

Any vessel found in the marina by staff without a reservation will be subject to the found vessel policy.

Short term tenants who book more than one month may get a parking pass from the harbor office. Tenants who book less than one month are subject to parks and launch fees.

### Cancellation Policy

Reservations can be cancelled 72 hours prior to their start date with a \$40 cancellation fee. Any cancellations within 72 hours are non-refundable and all cancellations 2 nights or less are non-refundable

### Found Vessel Policy

Any vessel that is found in a slip is subject to the Noyo Harbor District's found vessel policy. This includes but is not limited to vessels that have overstayed the length of their reservation, vessels that occupy a slip without permission from the Harbor Office, and vessels that are not the vessel on record with the Harbor Office. For the purposes of this policy the vessel on record is the vessel(s) identified on the lease agreement between the Harbor District and the slip holder.

For vessels that overstay reservations: The 1<sup>st</sup> time the vessel is found a \$50 fee will be added to the boater's account in addition to the monthly rate for that slip. If the vessel remains in the slip 30 days, or one month past that initial overstay a \$100 fee will be added to the boater's account for each 30 period in which the boater overstayed their reservation, in addition to the monthly slip fees. After 3 months the Harbor Office will place a lien on the vessel and sell the vessel at a public auction. All late fees will also apply.

For vessels that enter a slip without a reservation, permission or slip assignment or are not the vessel on record for that slip a fee of \$50 will be placed onto the boaters account each night that the vessel is in the slip, in addition to the normal slip rental. All late fees will also apply.

Slip holders do not have permission to sublet their slips.

### Flat Rate Electricity Policy

All full-time tenants are subject to flat rate electricity charges for the privilege of using shore provided power in the Noyo Harbor mooring basin. Flat rate charges are subject to change as fluctuations in the utilities price occur over time.

Flat rate charges will be added to the tenants bill on the first of every month and applied to their power usage in that month. Vessel owners are responsible for communicating with the office if their vessel will not be in the slip for that month or for an extended period.

Vessel owners that pay annually can also pay their electricity charges annually and those payments are due at the same time their annual payments are due. If a vessel is out of the water for a certain percentage of the year that can be adjusted into the flat rate charges.

If a vessel is not using electricity, it will not be subject to flat rate charges.

Short term tenants will be charged \$2 per day for use of electricity. This amount will be added to their bill at the time of their reservation.

### Operability Policy

Vessels are required to maintain operability and be kept in a seaworthy state. To ensure operability, the Harbor District requires vessels to leave the marina at least once per year.

If a vessel cannot safely leave the marina or has not left the marina within the last 6 months a 15% inoperability charge will be added to their monthly bill.

### Waitlist Policy

Those that wish to obtain a full time in the Noyo Harbor District must join the waitlist for an appropriately sized slip for their vessel (+/- 3 feet of LOA). Vessel owners on the wait list are given priority when a full-time slip becomes available. If, when called, a vessel owner passes on the slip, does not reply to the phone call or otherwise turns down the slip assignment, they will be moved to the back of the waitlist line. Vessel owners have 5 days to return the call and receive the slip application.

### Slip Transferability

Long term slips are non-transferable. If a vessel owner sell their vessel the original vessel owner is responsible for slip fee's until the vessel physically leaves the slip. At that time, the new owner may enter into a short-term rental agreement with the Harbor District and join the waitlist.

### Long Term Slip Application

After the potential tenant is identified from the waitlist, they are required to fill out a long term slip application.

Noyo Harbor District staff will review the application and make a final decision on the application to allow the vessel owner to become a long-term tenant of the Noyo Harbor District. Reasons for denial include, but are not limited to, eviction from other marinas for whatever reason, bad reference checks or unseaworthy vessels conditions.

### Late Fees

Tenants are subject to 10% late fees if the payment is over 30 days past due. Late fees will be automatically added to tenant accounts.

### Tenant Rules and Behavior

Tenants are expected to follow the rules set forth by the Noyo Harbor District. Rules can be found on the Harbor District website and are available at the Harbor Office.

Tenants are expected to behave in a professional manner, yelling, cursing or harassing staff is strictly prohibited and can result in the cancellation of short-term or long term tenancy with no refunds.

### Insurance Policy

All vessels in the marina are required to keep vessel insurance. Commercial vessels are required to have a \$1 million policy, recreational vessels are required to have a \$300,000 policy. The Harbor District shall be named as an additionally insured.

### Parking Policy

All long-term tenants must display a parking pass in the lower left of their front windshield. Failure to display a parking pass may result in a day use fee.

Parking pass is included in long term slip rental fees for boat owners, captains and crew. Parking passes can be obtained from the Harbor Office for any new crew members.

Parking and launch pass is included in rental fees for short-term tenants staying over one month. Pass can be obtained from the Harbor Office. Each short-term tenant is limited to one parking pass.

Parking and Launch is not included for any short-term tenants staying less than one month.

Overnight parking is only permitted for long-term tenants while they are actively at sea.

Camping in the parking lots is strictly prohibited.

Overnight parking is strictly prohibited, including trailers.

All trailers need to be attached to a vehicle.

The parking lot shall not be used as a storage lot for trailers, boats on trailers or fishing gear unless approved by Harbor staff.

All trucks and trailers need to be parked in the front or back launch ramp parking lots. They cannot be parked in the H dock parking lot or another the road.

Parking in the loading zone for an extended period of time will result in a fine of \$20.

### Parking & Launch Fee Collection

Small pre-printed envelopes with consecutive numbers are used to collect parking and launch fees. The maintenance staff is responsible for monitoring the parking lot and placing envelopes on the windshield of vehicles. The envelopes are recorded sequentially on a log with vehicle license numbers.

The vehicle owner is responsible for placing the payment in the envelope and depositing the envelope in one of the parking posts in the main lot. Envelope collection frequency varies with the vehicle volume.

The Harbor Manager opens envelopes, logs the payments in the marina management program and makes the bank deposit. Parking receipts are primarily cash with some occasional personal checks. Annual parking passes can be purchased in the District office passes are valid for 365 after purchase. Adhesive passes are placed in vehicles windshields to indicate prepaid parking.

## Budgeting and Finances

### Accounts Payable / Disbursements

Accounts payable are managed with the accounting software.

The Harbormaster is responsible for approving all AP and disbursements monthly

Two signatures are required on each check cut to vendors.

### Accounts Receivable / Receipts

Accounts receivables are managed with a marina management program.

Customer setup is managed by the Harbor office staff.

Long term tenants are auto billed by the system monthly, payment is due 30 days after billing.

Short term/transient guest will be billed monthly, weekly or daily as appropriate.

Submerged Tidelands Leases are charged annually in January.

Parking receipts are on a cash basis.

Flat rate electrical charges are billed monthly for long term tenants, payment is due 30 days after billing.

Ground rent is billed monthly or annually, payment is due 30 days after billing.

Service fees (hoist, forklift, pump station, ect) are generated upon usage and added to billing.

County Property Tax receipts are on a cash basis.

Grant reimbursement or receipts are tracked in the general ledger and denoted as "Other Income" and recorded under the grant name.

Payments can be made by cash, check or credit cards.

Credit card payments are processed as needed in the marina management system. Customers with cards on file in the auto-pay system are billed on the first of the month for the total owed.

All cash or check payments are logged by office staff in the receipts journal. Payments are logged as they are received by office staff. Payments are entered into the marina management system when the receipts journal is full or has over \$2,000 in cash. All checks and cash are deposited into Chase Bank and the receipt journal will exactly match the payments received into the marina management system, and the daily deposit record into Chase Bank.

### Cash Drawer

A cash drawer with \$200 is kept to make change for cash payments and to use as change during events when necessary. Small bills take preference and large bills are exchanged for small bills are required.



Revenue from small purchases (selling hats, cups, stickers, ect) can be placed in the cash drawer and excess funds deposited as necessary into the Chase Bank account and recorded as “other income” in the accounting software.

### Credit Card Payment Processing

Payment by check or cash is preferred due to the credit card processing fees incurred.

Credit card processing is done by the marina management system. Deposits of credit card payments are made into the Chase Bank account once per week. Deposits are recorded into Quickbooks once transactions are made.

### Accounts Reconciliation

At the end of the month, prior to generating monthly reports, the Harbormaster will reconcile all bank accounts with the accounts management software. Checks cleared, deposits made and interest generated from the savings account or LAIF will be reconciled so all accounts match the Chase or LAIF monthly statements.

### Commission Financial Reporting

Each month the Harbormaster will provide financial reports for the previous months at the Commission meetings. The financial reports will include an overview of cash accounts, a profit and loss statement for the previous month, a report detailing actual expense versus budgeted expenses for the previous month, and a list of all payroll checks for the previous month.

### Budgeting

The Noyo Harbor District fiscal year runs July 1-June 30 annually.

At the end of March, the Harbormaster forecasts the current fiscal year’s spending to obtain expected expenditures. This data, in conjunction with the previous year’s audits, an understanding of current fishing and/or other regulations that could affect occupancy rates, the Harbormaster and Finance Ad Hoc build a draft budget for the following fiscal year. The draft budget is presented at the April meeting. Changes and recommendations can be made in May and the draft budget is brought back at the June meeting for final approval.

### Noyo Harbor District Investment Policy (adopted 5.09.13)

Government Code section 53600 et seq. provides authorization for investment of funds of local agencies. All investments of the Noyo Harbor District shall conform to the requirements of those laws, using prudent investment standards and practices. Responsibility for administering the District’s adopted Investment Policy shall rest with the District Treasurer under the supervision of the Harbor Manager and District Commission. The Treasurer shall at all times adhere to the “prudent investor rule” acting as a fiduciary of District funds. Investment objectives as set forth in California Government Code Section 53600.5 in descending order of priority:

- 1) Safety and Preservation of Principal
- 2) Liquidity and Matching of Cash Flow Needs
- 3) Yield

#### Permitted Investments:

In accordance with State Law, cash may be invested in the following instruments, obligations and securities, but in no event with stated maturities greater than five years beyond the purchase date:

- 1) Federally insured collateralized bank deposits (CD's)
- 2) Money Market Mutual Funds holding only U.S. Treasury and Government Agency obligations and cash
- 3) Local Agency Investment Fund (LAIF is part of the State of California Pooled Money Investment Account PMIA)

#### Competitive Bidding:

When purchasing bank CD's the District shall to the extent possible solicit competitive bids from at least 3 banks to ensure the best possible return.

#### Delivery and Custody of Securities:

Payment for purchased securities shall be contingent upon immediate delivery to the District or its designated custodian bank or trust company (delivery versus payment method). All investments shall be held in the name of the District with the exception that Certificates of Deposit in the name of FDIC member banks may be held at said bank in District named accounts. Custodial banks must be members of the Federal Reserve Bank System.

#### Reporting:

In accordance with Government Code Section 53646, the Treasurer shall submit periodic investment reports to the District Commission on a quarterly basis. On an annual basis, the Treasurer shall review the Investment Policy for any changes to be recommended to the Commission.

## Employee Policy and Benefits

### Payroll Timing

Payroll is processed bi-monthly on the 1<sup>st</sup> and 16<sup>th</sup> of each month for the prior two-week period. Daily timecards are submitted to and approved by Harbormaster. Paychecks are signed by Harbormaster and at least one Commissioner.

### Medical and Dental Insurance for Employees

Only full-time employees are eligible for medical and dental benefits. Families of full time employees are not eligible for benefits.

Regular full time employees will be eligible for insurance coverage on the first of the month following a 60 day waiting period.

### Retirement

SEP IRA: 15% of gross salary or wages after 3 years full time employment. The wages, hours, and working conditions of all employees of the Noyo Harbor District, except for exempt employees, shall be in compliance with orders of the Department Of Industrial Relations of the State of California regulating wages, hours and working conditions of employees.

## Compensating Time Off (CTO):

The Harbor Manager and Assistant Harbor Manager positions are executive and administrative positions exempt from California Industrial Welfare Commission orders regulating wages, hours and working conditions. These exempt employees may be required to work beyond an eight hour day or 40 hours work week when circumstances require that they stay on duty. There will be no monetary consideration under such circumstances. Compensated time off will be provided.

Three paid CTO days per year for Harbor Manager and Assistant Harbor Manager. May take either compensating time off or be paid for the 3 days at the end of the year.

## Overtime:

Hourly employees will be paid at one and a half times their hourly wage or may take compensating time off at one and a half time.

Overtime must be pre-approved by the Harbormaster or Lead Maintenance.

## Paid Holidays:

New Years Day	Veterans Day
Colombis Day/Indigenous Peoples Day	President's Day
July Fourth	Thanksgiving Day
Martin Luther King Day	Memorial Day
Labor Day	Christmas Day

(If a holiday falls on a Saturday or Sunday the preceding Friday or the following Monday may be observed as the holiday)

## Vacation Policy

During the first two years of full-time employment, employee is entitled to 1 week (5 days) paid vacation.

After 3 years full time employment, employee is entitled to 2 weeks (10 days) paid vacation.

After 5 years full time employment, employee is entitled to 3 weeks (15 days) paid vacation

After 8 years full time employment, employee is entitled to 4 weeks (20 days) paid vacation

TEMPORARY EMPLOYEES, those employees who might work as many as 40 hours or more, per week, but for a limited period of time or those employees who might be hired for a specific project, shall not be eligible for vacation pay. (Adopted 3-10-94)

Subject to the following conditions:

Vacation paid at current wage or salary. Vacation time may be used after it is earned.

Vacation time must be used by the end of the following calendar year in which it is earned.

Vacation time is to be coordinated with other employees. Seniority (employee with longest accredited time with the District) has first choice of time off.

Chairman or Vice-Chairman shall be made aware, six weeks in advance, if an employee plans to take more than three consecutive vacation weeks.

WEEKENDS AND HOLIDAYS: Chairman or Vice-Chairman shall be notified if all employees will be out of town and/or unavailable to respond to an emergency.

### Sick Leave Policy

After 1 year of full-time employment, an employee is entitled to 12 days of paid sick leave.

Part-time and temporary employees are entitled to 40 hours (5 days) of paid sick leave in the first year of employment. Part-time and temporary employees may be accumulate up to 40 hours of paid sick leave. (SB 616)

Subject to the following conditions:

Employee sick leave paid at current wage or salary (adopted 3-10-94)

Sick leave may be accumulated up to 100 days (800 hours). (Adopted 3-8-01)

Upon separation of employment, employees having 10 years of continuous service are allowed 15% of unused sick leave. The employee has the option of being paid or receiving credit service toward their retirement plan. (Adopted 3-8-01)

After 3 consecutive days of absence a doctor's confirmation of illness may be required. (Adopted 3-10-94)

### Bereavement leave

An employee shall be granted bereavement leave with pay for the death of a person related by blood, adoption or marriage or any person residing in the immediate house-hold of an employee at the time of death. The bereavement leave shall not exceed three days. If additional bereavement leave is necessary the employee may use accrued vacation or sick leave.

### Leave of Absence

Regular full-time or regular part-time employees may apply for a leave of absence for reasons of illness, illness in the immediate family, involuntary or voluntary active military reserve duty, or personal reasons. All leaves are without pay. Requests must be submitted in writing to the Harbor Commission and specify the type, reason, and duration of the leave requested. Request must be approved by the Harbor Commission. Employees returning from an approved leave are required to provide five (5) days advance notice. Failure to return from an approved leave within three (3) days of expiration is grounds for dismissal.

### Family Medical Leave

As required by the Family Medical Leave Act and California Family Rights Act, employees are entitled to 12 work weeks of unpaid, job-protected leave each calendar year for specified family and medical leave reasons.

Eligible reasons for leave:

- The birth and care of a newborn child of the employee.
- Placement of a child in the employee's family for adoption or foster care.
- To care for a spouse, domestic partner, child, parent, parent-in-law (parent of a spouse or domestic partner), grandparent, grandchild, sibling, or designated person with a serious health condition.

- To take medical leave when the employee is unable to work because of a serious health condition.
- For qualifying exigency leave to assist families of members of the Armed Forces of the United States (including the National Guard and Reserves) to manage their affairs while the military member is on active duty in support of a contingency operation.
- For military caregiver leave to care for a covered military servicemember who is undergoing medical treatment, recuperation, or therapy, who is otherwise outpatient status, or is otherwise on a temporary disability list for a serious injury or illness.

To be eligible for FMLA/CFRA benefits, an employee must:

1. work for a covered employer; and
2. have worked for the employer for a total of 12 months; and
3. have worked at least 1250 hours over the previous 12 months; and
4. for FMLA only, work at a location in the United States or in any territory or possession of the United States where at least 50 employees are employed by the employer within 75 miles.

### Employee Review

Harbor District employees are subject to annual performance reviews. The Harbormaster will perform reviews for part-time and full-time maintenance staff and part-time office staff. The Commissioners will be responsible for the performance reviews of the Harbormaster.

Employees are also subject to review in the event of an accident where other employees, the public or themselves were injured, after negative altercations with the public or other employees, after emergency situations or when the Harbormaster or Commission see fit.

### Personal Vehicles

Employees who use personal vehicles for work purposes are eligible for mileage reimbursements at the state rate.

When traveling employees should seek the most cost effective and appropriate accommodation.

Employees can seek reimbursement for meals while traveling provided an itemized receipt is provided.

### Procurement Policy

Dollar Thresholds for the Purchase of Supplies and Equipment

**\$0.00-\$4,999.99- Direct Purchases**

No Purchase Orders are required unless the vendor requires one.

No competitive bids are required.

Purchases must be authorized by the Harbormaster.

Any requirements by a vendor to open a new account must be routed to the Harbormaster. Employees making purchases must ensure fair and reasonable prices are received for the supplies and/or equipment being purchased.

### [\\$5,000.00-\\$24,999.99- Informal Quotes](#)

For the purchasing of any equipment, new construction or projects involving maintenance of building and improvements that do not fall under Public Contract Code Section 20751 the Harbormaster will gain approval from the Commission before funds are allocated.

Purchase Orders are required within this price range, and will be presented to the Commission along with a justification of the required expense.

The Harbormaster will obtain three informal quotes or provide justification of why three quotes cannot be provided and background information on how cost was developed and justified.

Harbor District staff may initiate a Request for Quotes which will be posted on the Harbor District website and in the local newspaper. The Request will specify the nature of the work, the timelines and deadlines for submittal.

Awards will be made by Noyo Harbor Commission.

### [Public Contract Code Section 20750](#)

The NHD is governed by Public Contract Code Section 20750 et seq. Section 20751 states that contracts for new construction work, the cost of which exceeds \$10,000 or the purchasing of supplies, the cost of which exceeds \$25,000, or projects involving maintenance of buildings and improvements, the cost of which exceeds \$10,000, shall be let by the Board upon competitive bidding in accordance with the provisions of Section 20751. These provisions include but are not limited to publication of notice of the proposed contract, the solicitation of sealed bids, and the opening of bids and award of contract at a public session of the Board. The award of any contract must be made to the lowest responsible bidder. Any proposed contracts within the thresholds established by Section 20751 shall be awarded in accordance with that section. The following provision shall only apply to contracts which are not subject to Public Contract Code Section 20751.

### [\\$25,000.00 and Higher- Formal Bids Process](#)

The Noyo Harbor District will follow all codes, policies and procedures set forth by Public Contract Code.

The Harbor District staff is responsible for administering the contracts and purchase orders in this price range.

The Harbor District staff will provide the Commission with a copy of the Notice Inviting Bids, Bid Schedule, and Contract prior to publishing the Notice Inviting Bids.

The Harbor District staff is responsible for administering the bid process which includes but is not limited to:

- developing the schedule
- addendums to the Notice Inviting Bid
- advertisements in the local paper
- contractor walk-throughs
- the question-and-answer period
- and the collection of sealed bids

If the winning bid is over the formal bid amount, award of the bid must be approved by the Noyo Harbor Commission.

An agenda item is established by Harbor District staff and an agenda report prepared for approval. After Commission approval, a purchase order or contract is issued.

## IT Systems

Harbor Manager and Treasurer use standalone PCs using Microsoft Office.

Internet and phone services are purchased from the company that can provide the most reliable, affordable services.

The marina management program is used to invoice customers, track payments, manage accounts receivable, wait list ~~deposits~~ and customer berthing records

Accounting software is used for the general ledger, accounts payable, financial reporting, budget tracking and general finance management. The software is backed up 1-2 times per week, and an external cloud backup is used to secure information off site.

A marina management system is used to store all tenant information.

## Discrimination Policy

The Noyo Harbor District will not discriminate against any race, religion, sexual orientation or preference, or age.

## Drug Free Workplace

The Noyo Harbor District will maintain a drug free workplace.

## Policy Review

The Noyo Harbor District Policies is considered a living document and as such as be reviewed annually and as needed by the commissioners of the Noyo Harbor District.

## Dredging and Deepening

1. Maintenance dredging is considered asset maintenance and is therefore not a capitalized expenditure.
2. It is District's policy to capitalize the deepening of channels and berths and to categorize such expenditures to the asset "Land." (The deepening is expected to be maintained indefinitely; therefore, there is no finite life for deepening projects.) Land is not depreciated.

## Records Management Policy

As of April 2013, the Noyo Harbor District will follow California Secretary of State's Local Government Records Management Guidelines pursuant to California Government Code Section 12236.