

ADOPTED MINUTES
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

February 10, 2022

The Humboldt Bay Harbor, Recreation and Conservation District met in regular session on the above date, Closed Session met at 5:00 P.M., Regular Session met at 6:00 P.M. both via video conference with a teleconference option.

CLOSED SESSION – 5:00 P.M.

PUBLIC COMMENT: The following individuals addressed the Commission regarding subject matters on the closed session meeting agenda: No one.

BUSINESS

- a) CONFERENCE WITH REAL PROPERTY NEGOTIATORS.** Terms of Purchase and or Lease of Real Property on Samoa Peninsula, Humboldt County, With Assessor's Parcel Numbers, 401-031-083-000, 401-112-030-000, 401-031-054-000, 401-031-061-000, 401-112-013-000, 401-031-071-000, and 401-112-029-000, Pursuant to California Government Code § 54956.8. District Negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating Party: Town of Samoa, Green Diamond, Sniper Properties. Under Negotiation: Price and Payment Terms.
- b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS.** Terms of Lease of Real Property With Assessor's Parcel Number 307-101-002-000 in Fields Landing, California Pursuant to California Government Code § 54956.8. District Negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating Party: Reincke Marine Fabrication. Under Negotiation: Price and Payment Terms.
- c) CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: one case.

REGULAR SESSION – 6:02 P.M.

ROLL CALL:

PRESENT: DALE
HIGGINS
KULLMANN
MARKS

ABSENT: NEWMAN (Arrived during Item 9)
QUORUM: YES

PLEDGE OF ALLEGIENCE

PUBLIC COMMENT: The following individuals addressed the Commission regarding subject matters not on the special session meeting agenda: Scott Greacen.

REPORT ON CLOSED SESSION: No reportable action.

CONSENT CALENDAR

- a) Accept for Filing District Permit No. 2022-01 Hog Island / Sequoia Investments Pier Repair
- b) Receive District Financial Reports for December 2021
- c) Charter Agreement Renewal for Marc Schmidt dba Coastline Charters to operate a Charter Service at Woodley Island Marina
- d) Charter Agreement Renewal for Steve Helton dba Judah Paul Sportfishing to operate a Charter Service at Woodley Island Marina
- e) Charter Agreement Renewal for Matt Dallam dba Northwind Charters to operate a Charter Service at Woodley Island Marina
- f) Charter Agreement Renewal for Tim and Sherry Klassen dba Reel Steel Sportfishing to operate a Charter Service at Woodley Island Marina
- g) Charter Agreement Renewal for Gary Blasi Full Throttle Sportfishing to operate a Charter Service at Woodley Island Marina
- h) Charter Agreement Renewal for Tony Sepulveda dba Shellback Sport Fishing to operate a Charter Service at Woodley Island Marina
- i) Charter Agreement Renewal for Andrew Smyth North Coast Sportfishing to operate a Charter Service at Woodley Island Marina
- j) Charter Agreement Renewal for Humboldt Bay Yacht Club to operate a Charter Service at Woodley Island Marina
- k) Charter Agreement Renewal for Jaimoe Kibby dba Humboats Kayak Adventures to operate a Charter Service at Woodley Island Marina
- l) Charter Agreement Renewal for Eric Justesen dba 707 Sportfishing to operate a Charter Service at Woodley Island Marina
- m) Charter Agreement Renewal for Lowell Wallace dba Humboldt Charter Company to operate a Charter Service at Woodley Island Marina
- n) Affirm the Findings Made in Resolution 2021-16 Regarding the Continued State of Emergency and Authorize the Continued use of Teleconference Meetings
- o) Authorize Executive Director to Execute the Legal Engagement Agreement With Cox, Castle, Nicholson Tor legal services Associated With The Proposed New Marine Terminal

COMMISSIONER MARKS MOVED TO ACCEPT CONSENT CALENDAR ITEMS A-O.

COMMISSIONER KULLMANN SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: DALE, HIGGINS, KULLMANN, MARKS

Noes: NONE

Absent: NEWMAN

Abstain: NONE

COMMUNICATIONS, REPORTS AND CORRESPONDENCE RECEIVED

- a) Staff Reports

- I. Staff presented on recent District activities.
- b) Executive Director's Report**
 - I. Executive Director presented Executive Director's report.
- c) District Counsel and District Treasurer Reports**
 - I. None.
- d) Commissioner and Committee Reports**
 - I. Commissioners reported on recent activities and subcommittees.
- e) Correspondence Received**
 - I. None.

UNFINISHED BUSINESS - NONE

NEW BUSINESS

- a) Consider Adopting Resolution 2022-01 A Resolution Designating Business Matters, Appointment and Authorization for the Humboldt Bay Harbor, Recreation and Conservation District for Calendar Year 2022**
 - I. Executive Director presented the item.
 - II. The Commission discussed the item.
 - III. Chair Dale opened the item to public comment. No one commented.
 - IV. Chair Dale moved the discussion back to the Commission.
COMMISSIONER HIGGINS MOVED TO ADOPT RESOLUTION 2022-01 A RESOLUTION DESIGNATING BUSINESS MATTERS, APPOINTMENT AND AUTHORIZATION FOR THE HUMBODLT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT FOR CALENDAR YEAR 2022.
COMMISSIONER KULLMANN SECONDED.
ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: DALE, HIGGINS, KULLMANN, MARKS, NEWMAN
Noes: NONE
Absent: NONE
Abstain: NONE
- b) Accept the Audit Report for the 2020-2021 Fiscal Year and Extend the Audit Contract with Harshwal & Company LLP**
 - I. Executive Director presented the item.
 - II. The Commission discussed the item.
 - III. Chair Dale opened the item to public comment. No one commented.
 - IV. Chair Dale moved the discussion back to the Commission.
COMMISSIONER HIGGINS MOVED TO ACCEPT THE AUDIT REPORT FOR THE 2020-2021 FISCAL YEAR AND EXTEND THE AUDIT CONTRACT WITH HARSHWAL & COMPANY LLP.
COMMISISONER KULLMANN SECONDED.
ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: DALE, HIGGINS, KULLMANN, MARKS, NEWMAN
Noes: NONE
Absent: NONE

Abstain: NONE

c) Consider Introducing Amendment NO. 4 to Ordinance NO. 10: An Amendment to Ordinance 10 of the Humboldt Bay Harbor, Recreation and Conservation District Amending and Adjusting the Boundaries of the Election Divisions of the Humboldt Bay Harbor, Recreation and Conservation District

- I. District Counsel presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. No one commented.
- IV. Chair Dale moved the discussion back to the Commission.

COMMISSIONER HIGGINS MOVED TO INTRODUCE AMENDMENT NO. 4 TO ORDINANCE NO. 10 BY TITLE ONLY: AN AMENDMENT TO ORDINANCE 10 OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT AMENDING AND ADJUSTING THE BOUNDARIES OF THE ELECTION DIVISIONS OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT.

COMMISSIONER MARKS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: DALE, HIGGINS, KULLMANN, MARKS, NEWMAN
Noes: NONE
Absent: NONE
Abstain: NONE

d) Consider Approval of Amendment No. 1 to the Tuluwat Island Wetland Mitigation Project Agreement with CalTrans

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. Tim Nelson and Brandon Larson commented.
- IV. Chair Dale moved the discussion back to the Commission.

COMMISSIONER HIGGINS MOVED TO APPROVE AMENDMENT NO. 1 TO THE TULUWAT ISLAND WETLAND MITIGATION PROJECT AGREEMENT WITH CALTRANS.

COMMISSIONER KULLMANN SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: DALE, HIGGINS, KULLMANN, MARKS, NEWMAN
Noes: NONE
Absent: NONE
Abstain: NONE

e) Consider Adding a Commercial Fishing Subcommittee and a Volunteer Fireboat Board Liaison

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. No one commented.
- IV. Chair Dale appointed Commissioner Newman to be the Board Liaison to the Volunteer Fireboat Program.

V. Chair Dale created a Commercial Fishing subcommittee and appointed Commissioner Newman and Commissioner Kullmann to serve as Board representatives.

FUTURE AGENDA ITEMS

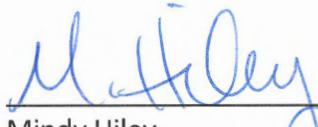
- a) Green Diamond Shared Services Agreement
- b) Coal Ordinance for Humboldt Bay
- c) Dredging Status Update

ADJOURNMENT – 7:02 P.M.

APPROVED BY:


Richard Marks
Secretary of the Board of Commissioners

RECORDED BY:


Mindy Hiley
Director of Administrative Services