

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

**February 27, 2020**

The Humboldt Bay Harbor, Recreation and Conservation District met in regular session on the above date at 7:00 P.M. Open Session, at the Woodley Island Marina Meeting Room, 601 Startare Drive, Eureka, CA 95501.

**CLOSED SESSION – 6:00 P.M.**

The Commission met in closed session to discuss the following items:

- a) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 002-162-001, 002-161-001, 002-162-018, 014-161- 013, 014-161-014, and 014-161-006, and 014-161-007 in the Eureka, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Ted Loring. Under negotiation: price and payment terms.
- b) CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9): Name of case: Humboldt Bay Harbor, Recreation and Conservation District v. Glasshouse Gardens, LLC, Humboldt Superior Court Case No. CV1901283.
- c) CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9): Name of case: Humboldt Fisherman's Marketing Association, Inc. et al. v. Humboldt Bay Harbor, Recreation and Conservation District, Court of Appeal, First District, Court Case No. A158634.
- d) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 401-112-021, 401-112-030 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Nick Keeler. Under negotiation: price and payment terms.
- e) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential acquisition and/or lease of real property on the Samoa Peninsula, Humboldt County, with Assessor's Parcel Numbers, 401-031-056 pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Pete Oringer, Timber Heritage Association. Under negotiation: price and payment terms.
- f) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Number 401-111-006 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Pete Jackson, Green Diamond Resource Company. Under negotiation: price and payment terms.
- g) CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: one case (Coast Seafood).

**OPEN SESSION – 7:01 P.M.**

**ROLL CALL:**

PRESENT:       DALE  
                  DOSS  
                  MARKS  
                  HIGGINS  
                  KULLMANN

ABSENT:        NONE  
QUORUM:       YES

**PLEDGE OF ALLEGIANCE**

**Adopted Minutes for February 27, 2020 Regular Board Meeting**

**REPORT ON EXECUTIVE CLOSED SESSION:** Board met on all items; Commissioner Dale recused himself from Item G. No reportable action.

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters not on this meeting's agenda: Tod Reincke and Vivial Heliwell.

**CONSENT CALENDAR**

- a) Approve Payment to Zerlang & Zerlang Marine Services for Buoy 9 Emergency Chain Recovery
  - b) Receive District Financial Reports for December 2019
  - c) Approval of Meeting Minutes for January 23, 2020 Regular Board Meeting
  - d) Approval of Invoice from City of Eureka for partial payment of PO #1470, Aerial Photo and LiDAR Acquisition 2019 for the Humboldt Bay Region
  - e) Approval of Estimate #1016 from Redwood Electrical Services for Replacement of the Electric Service Panel on Dock "I"
- I. COMMISSIONER MARKS MOVED TO APPROVE THE CONSENT CALENDAR.
  - II. COMMISSIONER HIGGINS SECONDED.
  - II. Chair Kullmann opened the item to the public comment. No members of the public commented.
  - III. Chair Kullmann moved the discussion back to the Commission.
- VOICE VOTE WAS CALLED, MOTION CARRIED.
- Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: DALE  
Abstain: NONE

**COMMUNICATIONS AND REPORTS**

- a) Executive Director's Report
  - I. Executive Director presented Executive Director's Report.
- b) Staff Reports
  - I. Staff presented on recent District activities.
- c) District Counsel and District Treasurer Reports
  - I. No report.
- d) Commissioner and Committee Reports
  - I. Commissioners reported on their recent activities.
- e) Others
  - I. No report.

**UNFINISHED BUSINESS**

- a) **Report from Humboldt Bay Harbor District's Dredge Subcommittee**
  - I. Commissioner Higgins presented the item with District Staff.
  - II. The Commission discussed the item.
  - III. Chair Kullmann opened the item to public comment. Tod Reincke commented.
  - IV. Chair Kullmann moved the discussion back to the Commission.
  - V. Update only, no reportable action.
  
- b) **Consider Adopting Resolution No. 2020-04 Amending the Woodley Island Marina Fee Schedule to Increase the Dredge Surcharge Fee**
  - I. Executive Director presented the item.
  - II. The Commission discussed the item.
  - III. Chair Kullmann opened the item to public comment. Vivian Heliwell and Ray DeMoreta commented.
  - IV. Chair Kullmann moved the discussion back to the Commission.

COMMISSIONER MARKS MOVED TO ADOPT RESOLUTION NO. 2020-04 AMENDING THE WOODLEY ISLAND MARINA FEE SCHEDULE TO INCREASE THE DREDGE SURCHARGE FEE.  
COMMISSIONER DALE SECONDED  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: NONE

**Adopted Minutes for February 27, 2020 Regular Board Meeting**

c) **(1) Consideration of Adoption of Resolution 2020-03 Which Establishes Findings Relative to the Application by the County of Humboldt for the Pine Hill Road over Swain Slough Bridge Replacement Project.**

**(2) Consideration of Granting Permit 2020-01 to the County of Humboldt for the Pine Hill Road Bridge Replacement over Swain Slough Bridge Replacement Project.**

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

COMMISSIONER HIGGINS MOVED TO ADOPT RESOLUTION NO. 2020-03 WHICH ESTABLISHES FINDINGS RELATIVE TO THE APPLICATION BY THE COUNTY OF HUMBOLDT FOR THE PINE HILL ROAD OVER SWAIN SLOUGH BRIDGE REPLACEMENT PROJECT.

COMMISSIONER DOSS SECONDED

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS

Noes: NONE

Absent: NONE

Abstain: NONE

COMMISSIONER DOSS MOVED TO GRANT PERMIT 2020-01 TO THE COUNTY OF HUMBOLDT FOR THE PINE HILL ROAD OVER SWAIN SLOUGH BRIDGE REPLACEMENT PROJECT.

COMMISSIONER DALE SECONDED

VOICE VOTE WAS CALLED, MOTION CARRIED.

Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS

Noes: NONE

Absent: NONE

Abstain: NONE

**NEW BUSINESS**

a) **Discuss, Review, and Authorize the Executive Director to Execute the Samoa Peninsula Infrastructure Workgroup Agreement.**

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Kullmann opened the item to public comment. No one commented.
- IV. Chair Kullmann moved the discussion back to the Commission.

COMMISSIONER DALE MOVED TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE THE SAMOA PENINSULA INFRASTRUCTURE WORKGROUP AGREEMENT.

COMMISSIONER MARKS SECONDED

VOICE VOTE WAS CALLED, MOTION CARRIED.

Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS

Noes: NONE

Absent: NONE

Abstain: NONE

b) **Consideration of Resolution 2020-02, A Resolution Designating Business Matters, Appointment and Authorization for the Humboldt Bay Harbor, Recreation and Conservation District for Calendar Year 2020.**

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

COMMISSIONER HIGGINS MOVED TO ADOPT RESOLUTION 2020-02, A RESOLUTION DESIGNATING BUSINESS MATTERS, APPOINTMENT AND AUTHORIZATION FOR THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT FOR CALENDAR YEAR 2020.

COMMISSIONER DALE SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS

Noes: NONE

Absent: NONE

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COMMISSIONER DALE MOVED TO MODIFY THE MEETING SCHEDULE FOR 2020 BY CANCELLING THE REGULAR MEETINGS IN NOVEMBER AND DECEMBER AND HAVING SPECIAL MEETINGS ON THE SECOND THURSDAY OF THOSE MONTHS.

COMMISSIONER MARKS SECONDED.

VOICE VOTE WAS CALLED, MOTION CARRIED.

Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS

Noes: NONE

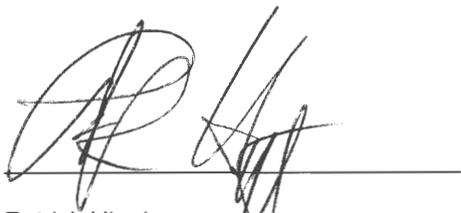
Absent: NONE

Abstain: NONE

**ADMINISTRATIVE AND EMERGENCY PERMITS - NONE**

**ADJOURNMENT – 8:38 P.M.**

APPROVED BY:

A handwritten signature in black ink, appearing to be 'P. Higgins', written over a horizontal line.

Patrick Higgins

Secretary of the Board of Commissioners

RECORDED BY:

A handwritten signature in blue ink, appearing to be 'M. Hiley', written over a horizontal line.

Mindy Hiley

Director of Administrative Services