

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

April 14, 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) PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code section 54957(b)(1). Title: Executive Director – Larry Oetker

REGULAR SESSION – 6:00 P.M.

ROLL CALL:

PRESENT: DALE
 HIGGINS
 KULLMANN
 MARKS
 NEWMAN

ABSENT: NONE

QUORUM: YES

REPORT ON CLOSED SESSION: No reportable action. Item B was continued to a subsequent meeting.

MOMENT OF SILENCE IN HONOR OF LAURADA CURLESS (1931-2022)

PUBLIC COMMENT: The following individuals addressed the Commission regarding subject matters not on the special session meeting agenda: No one.

PLEDGE OF ALLEGIENCE

CONSENT CALENDAR

- a) Adopt Minutes for March 10, 2022 Regular Board Meeting
- b) Receive District Financial Reports for February 2022
- c) Affirm the Findings Made in Resolution 2021-16 Regarding the Continued State of Emergency and Authorize the Continued use of Teleconference Meetings
- d) Approve a Change Order in the Amount of \$32,484.69 to the Clean Earth Contract to Remove Hazardous Materials from Redwood Marine Terminal II
- e) Consider Accepting for Filing District Permit No. 2022-03 City of Arcata Non-Motorized Boat Launch
- f) Approve Employment Contract for Natural Resources Coordinator
- g) Approve MOA-2022-023, a data-sharing Agreement between the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), Center for Operational Oceanographic Products and Services (CO-OPS) and the Humboldt Bay Harbor, Recreation and Conservation District for the Quality Control and Dissemination of Data for the Humboldt Bay Physical Oceanographic Real-Time System (PORTS) to remain in effect until December 31, 2026

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

COMMISSIONER KULLMANN SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: DALE, HIGGINS, KULLMANN, MARKS, NEWMAN

Noes: NONE

Absent: NONE

Abstain: NONE

COMMUNICATIONS, REPORTS AND CORRESPONDENCE RECEIVED

- 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. None.
- d) Commissioner and Committee Reports
 - I. Commissioners reported on recent activities and subcommittees.
- e) Correspondence Received
 - I. None.

UNFINISHED BUSINESS

- a) **Consider Adopting 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. 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 MARKS MOVED TO CONDUCT A SECOND READING AND ADOPT 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 NEWMAN SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: DALE, HIGGINS, KULLMANN, MARKS, NEWMAN

Noes: NONE

Absent: NONE

Abstain: NONE

b) Consider Adopting Ordinance 20, An Ordinance of the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District Relating to the Prohibition of the Storage and Handling of Coal and Petroleum Coke on District-Owned Property

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. Robin Gray-Stewart commented.
- IV. Chair Dale moved the discussion back to the Commission.

COMMISSIONER KULLMANN MOVED TO CONDUCT A SECOND READING AND ADOPT ORDINANCE NO. 20 BY TITLE ONLY "AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT RELATING TO THE PROHIBITION OF THE STORAGE AND HANDLING OF COAL AND PETROLEUM COKE ON DISTRICT-OWNED PROPERTY.

COMMISSIONER MARKS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: DALE, HIGGINS, KULLMANN, MARKS, NEWMAN

Noes: NONE

Absent: NONE

Abstain: NONE

NEW BUSINESS

a) Shelter Cove Fishing Preservation, Inc. Janitorial Agreement

- 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 APPROVE A JANITORIAL AGREEMENT WITH THE SHELTER COVE FISHING PRESERVATION, INC FOR TWO YEARS FROM APRIL 2022 TO MARCH 2024.

COMMISSIONER NEWMAN SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: DALE, HIGGINS, KULLMANN, MARKS, NEWMAN

Noes: NONE

Absent: NONE

Abstain: NONE

b) Consider Approving Resolution 2022-02, thereby: Approving Harbor District Permit #2022-01 with Associated Conditions of Approval, Approving an associated CEQA Notice of Exemption, and Establishing Findings Relative to the Permit Application (Hog Island Dock Repair)

- I. District staff 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 APPROVE RESOLUTION 2022-02 THEREBY APPROVING HARBOR DISTRICT PERMIT NO. 2022-01 WITH ASSOCIATED CONDITIONS OF APPROVAL, APPROVING AN ASSOCIATED CEQA NOTICE OF EXEMPTION, AND ESTABLISHING FINDINGS RELATIVE TO THE PERMIT APPLICATION FOR HOG ISLAND DOCK REPAIR.

COMMISSIONER KULLMANN SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: DALE, HIGGINS, KULLMANN, MARKS, NEWMAN

Noes: NONE

Absent: NONE

Abstain: NONE

c) Review of Preliminary Budget and Goals for Woodley Island Marina, Shelter Cove and Fields Landing Boat Yard

- I. Executive Director and District staff presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. Jennifer Kalt commented.
- IV. Chair Dale moved the discussion back to the Commission.
- V. Report only, no formal action was taken.

d) Approve Purchase Order for Eel River Disposal to Allow for the Remaining Debris Piles at Redwood Marine Terminal II to be Removed.

- I. District staff 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 MARKS MOVED TO APPROVE PURCHASE ORDER NO 1754 FOR EEL RIVER DISPOSAL TO ALLOW FOR THE REMINING DEBRIS PILES AT REDWOOD MARINE TERMINAL II TO BE REMOVED.

COMMISSIONER NEWMAN SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

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

e) Receive a Report Regarding Upcoming Grant Application for Port Infrastructure Development Program

- I. District staff presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. Jennifer Kalt commented.
- IV. Chair Dale moved the discussion back to the Commission.
- V. Discussion only, no formal action was taken.

FUTURE AGENDA ITEMS

- a) Green Diamond Shared Services Agreement
- b) District-owned Dredge Update
- c) Comparisons from Prior FY Budget Goals and Expenditures
- d) Bar Fly – Actualized Hours
- e) Update on Mariculture Pre-permitting Process for Intertidal Areas
- f) Commercial Salmon Season Update (Commissioner Newman)
- g) CSDA Mutual Aid Agreement
- h) Port Infrastructure Development

ADJOURNMENT – 7:36 P.M.

COMMISSIONER KULLMANN MOVED TO ADJOURN THE APRIL 14, 2022 REGULAR MEETING OF THE BOARD OF COMMISSIONERS
COMMISSIONER MARKS SECONDED.

APPROVED BY:

RECORDED BY:



Richard Marks
Secretary of the Board of Commissioners



Mindy Hiley
Director of Administrative Services