

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

DATE: February 10, 2022

TIME: Closed Session – 5:00 P.M.
Regular Session – 6:00 P.M.

PLACE: Join Zoom Meeting
<https://us02web.zoom.us/j/6917934402>

Meeting ID: 691 793 4402
One tap mobile
(669) 900-9128, 691 793 4402# US

Consistent with Executive Orders N-25-20 and N-29-20, the Board of Commissioners meeting location will not be physically open to the public. Members of the public may observe and participate in the meeting via Zoom or teleconference using the information set forth above.

- 1. Call to Order Closed Session at 5:00 P.M.**
- 2. Public Comment**

Note: This portion of the Agenda allows the public to speak to the Board on the closed session items. Each speaker is limited to speak for a period of three (3) minutes regarding each item on the Closed Session Agenda. The three (3) minute time limit may not be transferred to other speakers. The three (3) minute time limit for each speaker may be extended by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners.

3. Move to Closed Session

- 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

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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.

4. Call to Order Regular Session at 6:00 P.M. and Roll Call

5. Pledge of Allegiance

6. Report on Closed Session

7. Public Comment

*Note: This portion of the Agenda allows the public to speak to the Board on the **various issues NOT itemized on this Agenda**. A member of the public may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to the Brown Act, the Board may not take action on any item that does not appear on the Agenda. Each speaker is limited to speak for a period of three (3) minutes regarding each item on the Agenda. Each speaker is limited to speak for a period of three (3) minutes during the PUBLIC COMMENT portion of the Agenda regarding items of special interest to the public NOT appearing on the Agenda that are within the subject matter jurisdiction of the Board of Commissioners. The three (3) minute time limit may not be transferred to other speakers. The three (3) minute time limit for each speaker may be extended by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District. Callers can “raise their hand” by pressing *9 and unmute themselves by pressing *6.*

8. 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

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- 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

9. Communications, Reports and Correspondence Received

- a) Executive Director's Report
- b) Staff Reports
- c) District Counsel and District Treasurer Reports
- d) Commissioner and Committee Reports
- e) Correspondence Received

10. Unfinished Business - NONE

11. 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**

Recommendation: Staff recommends the Board: Adopt Resolution 2022-01 and accept the meeting calendar for 2022.

Summary: Annually the Board approves a Resolution which appoints specific staff and/or consultants, established financial limitations, legal notice designations, meeting schedules, and other business matters of the District.

- b) **Accept the Audit Report for the 2020-2021 Fiscal Year and Extend the Audit Contract with Harshwal & Company LLP**

Recommendation: Staff recommends the Board: Accept the Audit Report for the 2020-2021 Fiscal Year.

Summary: Independent auditors report prepared by Harshwal & Company LLP for the fiscal year ending June 30th, 2021. See page 27 of the Audit for detailed information on restricted cash balances for the Dredge Surcharge and the Float Replacement Surcharge.

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- 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**

Recommendation: Staff Recommends that the Commission: Introduce Amendment NO. 4 to Ordinance NO. 10 and consent to read by title only.

Summary: The proposed amendment would retain the District election boundaries in the same location with no changes. According to the Harbors and Navigation Code the boundaries of all election divisions for the Harbor District Commissioners shall be adjusted following each decennial federal census.

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

Recommendation: 1) Approve terms related to Amendment No. 1 of the Tuluwat Island Wetland Mitigation Project (Project) Cooperative Agreement; 2) Authorize the District Attorney to make nonmaterial amendments to the Agreement as may be required by CalTrans; 3) Authorize the Executive Director to execute the amendment and contracts based on these terms; and 4) Bring the final agreement back to the Board for public disclosure.

Summary: On March 4, 2021 the Harbor District entered a cooperative agreement with Caltrans related to implementation of the Tuluwat Island Wetland Mitigation Project. On September 9, 2021 the Board conditionally approved a contract with the Redwood Community Action Agency (RCAA) to implement the project with the Wiyot Tribe to provide cultural monitoring pending approval of the attached funding agreement.

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

Recommendation: Staff recommends that the Board: 1) Review the list of current subcommittees; 2) establish a new Commercial Fishing Subcommittee; and 3) Assign Aaron Newman as the Board Liaison to the Volunteer Fireboat Program; and 4) Make any other changes to current at the Board's discretion.

Summary: Subcommittees serve an important role for the Harbor District and the Board of Commissioners to gather information and recommend action on important issues. Subcommittees are formed as needed throughout the year. For specific items the Board may also appoint a Board member to be the official "Liaison" to an organization or group.

12. Future Agenda Items

- a) Green Diamond Shared Services Agreement

13. Adjournment