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

March 28, 2019

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 acquisition and/or lease of real property on the Samoa Peninsula, Humboldt County, with Assessor’s Parcel Numbers, 401-112-021 and 401-112-024 pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Steven Mueller. Under negotiation: price and payment terms.
   b) CONFERENCE WITH LEGAL COUNCIL – EXISTING LITIGATION (Gov. Code section 54956.9). Name of Case: Humboldt Fishermen’s Marketing Association, Inc. and The Trinidad Bay Fishermen’s Marketing Association, Plaintiffs, v. The Humboldt Bay Harbor, Recreation, and Conservation District, et al., Defendants, Humboldt County Superior Court Case No. DR 180648.
   c) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential sublease of District’s lease interest by District under lease between the District and Mario’s Marina LLC dated April 1, 2016 for the real property commonly known as Mario’s Marina in Shelter Cove, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Shelter Cove Fisherman’s Preservation, Inc. Under negotiation: price and payment terms.

OPEN SESSION – 7:01 P.M.

ROLL CALL:
PRESENT:       DALE  MARKS  HIGGINS  KULLMANN  DOSS

ABSENT:        NONE
QUORUM:        YES

PLEDGE OF ALLEGIANCE

REPORT ON EXECUTIVE CLOSED SESSION
   a) District Counsel, Ryan Plotz reported that the Board will continue negotiations on the potential acquisition and/or lease of real property on the Samoa Peninsula, Humboldt County, parcel numbers 401-112-021 and 401-112-024.
   b) District Counsel, Ryan Plotz provided an update on the existing litigation on the Case: Humboldt Fishermen’s Marketing Association, Inc. and The Trinidad Bay Fishermen’s Marketing Association, Plaintiffs, v. The Humboldt Bay Harbor, Recreation, and Conservation District. No action was taken.
   c) District Counsel, Ryan Plotz provided an update on the potential sublease of District’s lease interest by District under lease between the District and Marion’s Marina LLC for the real property commonly known as Mario’s Marina in Shelter Cove, Humboldt County. No action was taken.

PUBLIC COMMENT: The following individuals addressed the Commission regarding subject matters not on this meeting’s agenda: Uri Driscoll and Phil Ayers.

CONSENT CALENDAR
   a) Approval of Meeting Minutes for February 28, 2019
   b) Receive District Financial Reports for November 2018
c) Receive District Financial Reports for December 2018
d) Approval of Contract with Executive Director Larry Oelker
e) Approval of Permit and Agreement Renewal to Operate a Charter Service Business with Tony Sepulveda, dba Shellback Sportfishing
f) Approval of Permit and Agreement Renewal to Operate a Charter Service Business with Sherry Klassen, dba Reel Steel Sportfishing.
g) Approval of Permit and Agreement Renewal to Operate a Charter Service Business with Andrew Smyth, dba North Coast Sportfishing.
h) Approval of Permit and Agreement Renewal to Operate a Charter Service Business with Matt Dallam, dba Northwind Charters.
i) Approval of Permit and Agreement Renewal to Operate a Charter Service Business with Gary Blasi, dba Full Throttle Sportfishing.
j) Approval of Permit and Agreement Renewal to Operate a Charter Service Business with Mike Stratman, dba Redwood Coast Fishing.
k) Approval of Permit and Agreement Renewal to Operate a Charter Service Business with Marc Schmidt, dba Coastline Charters.

I. COMMISSIONER MARKS MOVED TO APPROVE THE CONSENT CALENDAR ITEMS A-K.
   COMMISSIONER KULLMANN SECONDED.
II. Chair Dale opened the item to public comment. No members of the public commented.
III. Chair Dale moved the discussion back to the Commission.
   VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
   Ayes: MARKS, KULLMANN, DOSS, DALE, HIGGINS
   Noes: NONE
   Absent: NONE
   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. District Treasurer presented District Treasurer’s Report.

d) Commissioner and Committee Reports
   I. Commissioners reported on their recent activities.

e) Other
   I. Executive Director notified the board of his need to recuse himself from all involvement regarding Intertidal Mariculture Pre-permitting Project due to a conflict of interest.

NON-AGENDA - None

UNFINISHED BUSINESS

a) Authorize the Executive Director to Execute a Contract Between the Harbor District and the Shelter Cove Fishing Preservation Incorporated for Janitorial Services Associated with the Fish Cleaning Station, Sublease the Mario’s Marina Property, and the Transfer of Two Tractors.
   I. Executive Director presented the item.
   II. The Commission discussed the item.
   III. Chair Dale opened the item to public comment. Jake Mitchell and Justin Robbins commented.
   IV. Chair Dale moved the discussion back to the Commission.
   V. COMMISSIONER MARKS MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT. COMMISSIONER KULLMANN SECONDED.
   VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
   Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS
   Noes: NONE
   Absent: NONE
   Abstain: NONE
b) Emergency Shoaling Conditions Near Buoy #9
   I. Executive Director and Leroy Zerlang presented the item.
   II. The Commission received the update.
   III. Chair Dale opened the item to public comment. Tod Reinke and Jake Mitchell commented.
   IV. Chair Dale moved the discussion back to the Commission.
   V. No formal action was taken.

c) Woodley Island Marina and Fields Landing Boat Yard Proposed Dredging
   I. Executive Director presented the item.
   II. The Commission discussed the item.
   III. Chair Dale opened the item to public comment. No public comment.
   IV. Chair Dale moved the discussion back to the Commission.
   V. COMMISSIONER MARKS MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO CONTINUE PURSUING PERMITS AND WORKING WITH THE DREDGING SUBCOMMITTEE. COMMISSIONER DOSS SECONDED. VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
      Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS
      Noes: NONE
      Absent: NONE
      Abstain: NONE

NEW BUSINESS

a) Approve Mutual Conflict of Interest Waiver
   I. District Counsel presented the item.
   II. The Commission discussed the item.
   III. Chair Dale opened the item to public comment. No public comment.
   IV. Chair Dale moved the discussion back to the Commission.
   V. COMMISSIONER MARKS MADE A MOTION TO APPROVE THE MUTUAL CONFLICT OF INTEREST WAIVER. COMMISSIONER KULLMANN SECONDED. VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
      Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS
      Noes: NONE
      Absent: NONE
      Abstain: NONE

b) Accept the Audit Report for the 2017-2018 Fiscal Year.
   I. District Treasurer presented the item.
   II. The Commission discussed the item.
   III. Chair Dale opened the item to public comment. No public comment.
   IV. Chair Dale moved the discussion back to the Commission.
   V. COMMISSIONER MARKS MADE A MOTION ACCEPT THE AUDIT REPORT. COMMISSIONER KULLMANN SECONDED. VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
      Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS
      Noes: NONE
      Absent: NONE
      Abstain: NONE

ADMINISTRATIVE AND EMERGENCY PERMITS - None

ADJOURNMENT – 8:54 P.M.
Adopted Minutes for March 28, 2019 Regular Board Meeting

APPROVED BY:

Larry Doss
Secretary of the Board of Commissioners

RECORDED BY:

Mindy Hiley
Director of Administrative Services