

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

November 4, 2021

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

CLOSED SESSION – 5:03 P.M.

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

- a) PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code section 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. Facts and circumstance include potential administrative enforcement action by County of Humboldt arising from cleanup of District's property.
- b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code section 54957(b)(1). Title: Executive Director – Larry Oetker

SPECIAL SESSION – 6:00 P.M.

ROLL CALL:

PRESENT: DALE
 HIGGINS
 KULLMANN
 MARKS

ABSENT: NONE

QUORUM: YES

PLEDGE OF ALLEGIENCE

REPORT ON CLOSED SESSION: No reportable action.

REVIEW APPLICANTS FOR VACANT 1ST DISTRICT BOARD OF COMMISSIONER SEAT AND APPOINT CANDIDTE TO FILL SEAT FOR THE REMAINDER OF FORMER COMMISSIONER LARRY DOSS'S TERM

- I. Two candidates nominated themselves, one of the candidates withdrew their application prior to the Board Meeting.
- II. Chair Kullmann interviewed Aaron Newman for the vacancy.
- III. The Commission discussed the item.
- IV. Chair Kullmann opened the item to public comment. No one commented.

Adopted Minutes for November 4, 2021 Special Board Meeting

COMMISSIONER MARKS MOVED TO ACCEPT AARON NEWMAN AS COMMISSIONER FOR DIVISION ONE.

COMMISSIONER DALE SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: DALE, HIGGINS, KULLMANN, MARKS

Noes: NONE

Absent: NONE

Abstain: NONE

PUBLIC COMMENT: The following individuals addressed the Commission regarding subject matters not on the special session meeting agenda: Robin Gray-Stewart.

CONSENT CALENDAR

- a) Receive District Financial Reports for September 2021
- b) Charter Agreement Renewal for Kevin Pinto dba Jenna Lee's Seafood to Operate a Business at Woodley Island Marina

COMMISSIONER HIGGINS MOVED TO ACCEPT CONSENT CALENDAR ITEMS A-B.

COMMISSIONER MARKS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: DALE, HIGGINS, KULLMANN, MARKS

Noes: NONE

Absent: NONE

Abstain: NONE

CORRESPONDENCE RECEIVED

- a) Letter from the Humboldt-Del Norte County Medical Society Regarding Health and Safety Impacts of Transporting and Shipping Coal
- b) County Redistricting Process has begun and the map will be adopted on or around December 15, 2021. The Harbor District has adopted the same map as the Board of Supervisors in the past and the recommendation is confirm redistricting with a Resolution in February or March 2022.
- c) Cable Landing: 2.2 miles of cable has been installed. The ship has left and will be back around March 2022 to finish the project.

BUSINESS

- a) **Consider Appointing New Vice President of Board of Commissioners**

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 KULLMANN MOVED TO APPOINT COMMISSIONER DALE AS THE VICE PRESIDENT OF THE BOARD OF COMMISSIONERS.

COMMISSONER HIGGINS SECONDED.
ROLL CALL VOTE WAS CALLED, MOTION CARRIED.
Ayes: DALE, HIGGINS, KULLMANN, MARKS
Noes: NONE
Absent: NONE
Abstain: NONE

b) Review the progress on Removing the Hazardous Waste at RMT II and the County Department of Health & Human Services Proposed Settlement Offer Case No. UPA21-002 Regarding Hazardous Material Storage and Reporting and Provide Direction as may be appropriate

- 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 MARKS MOVED TO ACCEPT THE SETTLEMENT AND PAY THE FINE OF \$30,000 WITH A TRANSMITTAL LETTER STATING THAT THE RECOMMENDATION OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT IS TO ALLOCATE THOSE FUNDS TO ADDITIONAL REMEDIATION EFFORTS ON HUMBOLDT BAY.

COMMISSIONER HIGGINS SECONDED.
ROLL CALL VOTE WAS CALLED, MOTION CARRIED.
Ayes: DALE, HIGGINS, KULLMANN, MARKS
Noes: NONE
Absent: NONE
Abstain: NONE

c) Consider Adopting Resolution 2021-14: A Resolution Establishing Findings Relevant to Permit 2021-04; a CEQA Exemption; and Conditional Approval of Permit 2021-04 for Tuluwat Island Dock Repair Project

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Kullmann opened the item to public comment. Jennifer Kalt commented.
- IV. Chair Kullmann moved the discussion back to the Commission.

COMMISSIONER HIGGINS MOVED TO ADOPT RESOLUTION 2021-14: A RESOLUTION ESTABLISHING FINDINGS RELEVANT TO PERMIT 2021-04; A CEQA EXEMPTION; AND CONDITIONAL APPROVAL OF PERMIT 2021-04 FOR TULUWAT ISLAND DOCK REPAIR PROJECT.

COMMISSIONER MARKS SECONDED.
THE MOTION WAS WITHDRAWN.

COMMISSIONER MARKS MOVED MODIFY PERMIT 2021-04 FOR TULUWAT ISLAND DOCK REPAIR PROJECT TO ADD A CONDITION THAT THE PERMITTEE WILL PERFORM AND CONDUCT A PRELIMINARY EEL GRASS SURVEY AND THAT IN THE EVENT THAT EEL GRASS IS

WITHIN OR IN CLOSE PROXIMITY TO THE PROJECT THEN AN EEL GRASS MITIGATION AND MONITORING PLAN WOULD NEED TO BE ADOPTED AND APPROVED BY THE DISTRICT. COMMISSIONER HIGGINS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

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

COMMISSIONER MARKS MOVED TO ADOPT RESOLUTION 2021-14: A RESOLUTION ESTABLISHING FINDINGS RELEVANT TO PERMIT 2021-04; A CEQA EXEMPTION; AND CONDITIONAL APPROVAL OF PERMIT 2021-04 FOR TULUWAT ISLAND DOCK REPAIR PROJECT.

COMMISSIONER HIGGINS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

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

d) Consider Adopting Resolution 2021-15 Approving Permit 2021-05 for the City of Eureka Fisherman’s Terminal Pile Replacement Project

- 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.

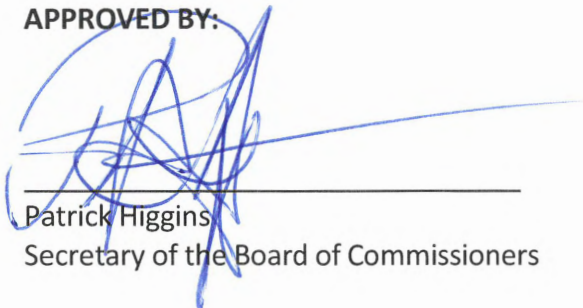
COMMISSIONER DALE MOVED TO ADOPT RESOLUTION 2021-15 APPROVING PERMIT 2021-05 FOR THE CITY OF EUREKA FISHERMAN’S TERMINAL PILE REPLACEMENT PROJECT. COMMISSIONER HIGGINS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

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

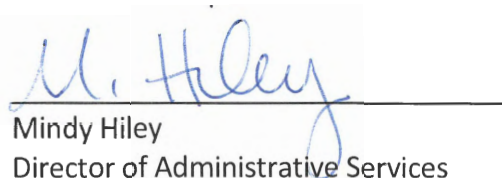
ADJOURNMENT – 7:05 P.M.

APPROVED BY:



Patrick Higgins
Secretary of the Board of Commissioners

RECORDED BY:



Mindy Hiley
Director of Administrative Services