

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

December 9, 2021

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 – 5:03 P.M.

PUBLIC COMMENT: The following individuals addressed the Commission regarding subject matters on the closed session meeting agenda: Pete Johnston.

SWEARING IN OF APPOINTED COMMISSIONER NEWMAN FOR DISTRICT 1 PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10265

BUSINESS

- a) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Property: 930 Vance Avenue, Samoa, CA (APN 401-031-077-000). Agency negotiator: Larry Oetker, Executive Director; Ryan Plotz, District Counsel. Negotiating parties: Larry Henderson and David Nims. Under negotiation: price and terms of payment.
- b) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: one case.
- c) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of lease of real property in Samoa Peninsula, Humboldt County, with Assessor's Parcel Numbers, 401-031-055-000, 401-031-070-000, 401-031-054-000, 401-031-061-000, 401-112-013-000, 401-031-071-000, and 401-112-029-000, California 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.

REGULAR SESSION – 6:03 P.M.

ROLL CALL:

PRESENT: DALE
HIGGINS
KULLMANN
MARKS
NEWMAN

ABSENT: NONE

QUORUM: YES

PLEDGE OF ALLEGIENCE

REPORT ON CLOSED SESSION: No reportable action.

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

CONSENT CALENDAR

- a) Receive District Financial Reports for October 2021
- b) Adopt Minutes for October 14, 2021 Regular Board Meeting
- c) Adopt Minutes for November 4, 2021 Special Board Meeting
- d) Adopt Updated Management Salary Schedule
- e) Approval of First Amendment to Employment Agreement with Executive Director, Larry Oetker
- f) Affirm the Findings Made in Resolution 2021-16 Regarding the Continued State of Emergency and Authorize the Continued use of Teleconference Meetings

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

COMMISSIONER MARKS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

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) Recognize Commissioner Richard Marks as being named 2021 Democrat of the Year by Humboldt County Democrats
- e) Commissioner and Committee Reports
 - I. Commissioners reported on recent activities and subcommittees.
- f) Correspondence Received
 - I. No Coal Humboldt Petition and Letter from the Humboldt Bay Bicycle Commuters Association

UNFINISHED BUSINESS - NONE

NEW BUSINESS

- a) Consider Approval of a Contract with Tenera Environmental in the Amount of \$414,044 for Larvae Sampling for Longfin Smelt and Other Fish Species Associated With the

Harbor District's Master Bay Water Intake Project at Redwood Marine Terminal II and Red Tank Dock

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Kullmann opened the item to public comment. John Steinbeck commented.
- IV. Chair Kullmann moved the discussion back to the Commission.
COMMISSIONER DALE MOVED TO APPROVE A CONTRACT WITH TENERA ENVIRONMENTAL IN THE AMOUNT OF \$414,044 FOR LARVAE SAMPLING FOR LONGFIN SMELT AND OTHER FISH SPECIES ASSOCIATED WITH THE HARBOR DISTRICT'S MASTER BAY WATER INTAKE PROJECT AT REDWOOD MARINE TERMINAL II AND RED TANK DOCK.
COMMISSIONER HIGGINS SECONDED.
ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: DALE, HIGGINS, KULLMANN, MARKS, NEWMAN
Noes: NONE
Absent: NONE
Abstain: NONE

b) Consider Authorizing the Executive Director to Execute a Funding Agreement with the State Lands Commission for \$576,191 of Federal American Rescue Plan Act Funds to Assist with the Development of a New Heavy Lift Terminal

- 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 AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE A FUNDING AGREEMENT WITH THE STATE LANDS COMMISSION FOR \$576,191 OF FEDERAL AMERICAN RESCUE PLAN ACT FUNDS TO ASSIST WITH THE DEVELOPMENT OF A NEW HEAVY LIFT TERMINAL.
COMMISSIONER NEWMAN SECONDED.
ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: DALE, HIGGINS, KULLMANN, MARKS, NEWMAN
Noes: NONE
Absent: NONE
Abstain: NONE

c) Consider Authorizing Staff to Initiate the Process to Recruit New Bar Pilot(s) and Review of and Provide Direction Regarding Potentially Amending Existing Ordinance 16, Establishing Standards, Policies and Practices for Pilot Competency Qualification, Professional Growth and Enforcement

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Kullmann opened the item to public comment. Tim Petrusha and Pete Jackson commented.

Adopted Minutes for December 9, 2021 Regular Board Meeting

IV. Chair Kullmann appointed Commissioner Newman, Commissioner Dale, Captain Tim Petrusa, Captain John Powell and Pete Jackson to the Pilotage Advisory Subcommittee.

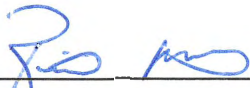
FUTURE AGENDA ITEMS

- a) Green Diamond Shared Services Agreement
- b) Discussion Regarding Coal Exports in Humboldt Bay
- c) Discussion on the Health of the Ocean – Long Fin Smelt

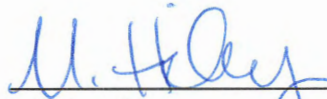
ADJOURNMENT – 7:10 P.M.

APPROVED BY:

RECORDED BY:



Richard Marks
Secretary of the Board of Commissioners



Mindy Hiley
Director of Administrative Services