

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

DATE: April 8, 2021

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

PLACE: Join Zoom Meeting
<https://us02web.zoom.us/j/3432860852>

Meeting ID: 343 286 0852
One tap mobile
(669) 900-9128, 343 286 0852# US

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 potential lease and 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 (APN: 108-171-023-000), Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Mario's Marina and Shelter Cove Fisherman's Preservation, Inc. Under negotiation: price and payment terms.

- b)** CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of lease of real property in Fields Landing, Humboldt County, with Assessor's Parcel Numbers, 307-101-002 California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Tod Reincke. Under negotiation: price and payment terms.

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- c) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential lease of real property with Assessor's Parcel Numbers 401-112-021, 401-112-024, 401-031-040 and portions of Humboldt Bay on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Trans-Pacific Networks Cayman Operating Company, LLC. (Jack Ferris). Under negotiation: price and payment terms.
- d) PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code section 54957(b)(1). Title: Executive Director – Larry Oetker

1. **Call to Order Regular Session at 6:00 P.M. and Roll Call**
2. **Pledge of Allegiance**
3. **Report on Closed Session**
4. **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.*

5. **Consent Calendar**
 - a) Adopt Minutes for March 11, 2021 Regular Board Meeting
 - b) Adopt Minutes for March 22, 2021 Special Board Meeting
 - c) Receive District Financial Reports for February 2021
 - d) Charter Agreement for Lowell Wallace
 - e) Charter Agreement for Micah Woolworth
 - f) Charter Agreement for R. Charles and Kim Class
6. **Communications, Reports and Correspondence Received**
 - a) Executive Director's Report
 - b) Staff Reports
 - c) District Counsel and District Treasurer Reports

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- d) Commissioner and Committee Reports
- e) Correspondence Received

7. Unfinished Business - NONE

8. New Business

- a) **Approve Memorandum of Understanding Between the Shelter Cove Resort Improvement District and Shelter Cove Fishing Preservation, Inc. and the Humboldt Bay Harbor, Recreation and Conservation District**

Recommendation: Staff recommends that the Board: Authorize the Executive Director to sign the Memorandum of Understanding (MOU).

Summary: The Harbor District's Shelter Cove Subcommittee has been working with the subcommittees of the Shelter Cove Resort Improvement District (SCRID) and Shelter Cove Fishing Preservation Inc. (SCFPI) Boards to develop solutions that will maintain critical recreational and commercial fishing facilities in Shelter Cove. A MOU has been developed that would formalize this partnership and effort. District staff seeks Board approval to enter the MOU.

- b) **Shelter Cove Fishing Preservation, Inc. Sublease and Janitorial Agreement**

Recommendation: Staff recommends that the Board: Authorize the District's Attorney to draft and the Executive Director to sign a sublease and services agreement with Shelter Cove Fishing Preservation Incorporated (SCFPI).

Summary: The Harbor District leases a site in Shelter Cove from Mario's Marina LLC. The site has been sub-leased to the SCFPI for operation of marina related facilities. Through a janitorial services agreement, the Harbor District has provided \$25,000 annually for SCFPI's services.

- c) **Consider Approving Resolution 2021-04 Adopting an Initial Study/ Mitigated Negative Declaration, and Establishing Findings Relative to the Permit Application for the Humboldt Bay Trail South and Approve Permit 2021-01**

Recommendation: Staff recommends that the Board:

- 1) Approve Resolution No. 2021-04 Adopting an Initial Study/ Mitigated Negative Declaration and Establishing Findings Relative to the Permit Application for the Humboldt Bay Trail South.
- 2) Approve Permit 2021-01 for the Humboldt Bay Trail South Project.

Summary: The County of Humboldt applied for a Harbor District permit for development of Humboldt Bay Trail South. The Harbor District Board is to consider issuing a permit.

- d) **Review Potential Funding Opportunities to Support the Development of a New Multipurpose Terminal to Support the Emerging West Coast Offshore Wind Industry**

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Recommendation: Staff recommends that the Board: Receive a presentation from Staff and provide direction as appropriate.

Summary: The Harbor District owns all the shoreline property from the Samoa Bridge to the former LP Pulp Mill where Nordic Aquafarms is in the process of developing and the new Trans-Pacific broadband cable landing site is located. In March, the Board authorized a contract to prepare three conceptual master plans for the entire area which includes a new multipurpose terminal and offshore wind assembly terminal. This week the Biden Administration announced their plans to “Jumpstart Offshore Wind Energy Projects to Create Jobs.” As part of this effort \$230 million in funding was made available through the Port Infrastructure Development Program (PIDP) under the Department of Transportation Maritime Administration.

e) Consider Implementing Hybrid Transitional Board Meeting Protocol and Appropriate \$9,000 for the Purchase and Installation of New Video Streaming Equipment for Improved Public Access and Transparency

Recommendation: Staff recommends that the Board: Implement a hybrid transitional Board meeting structure and appropriate \$9,000 for video streaming equipment.

Summary: In March of 2020 the State adopted changes to the Brown Act open meeting law requirements during the COVID 19 pandemic. During the last year, the Board has met in properly noticed virtual meetings with no in-person Board meetings conducted. The Board has directed Staff to research affordable ways that the District could live-stream in-person Board meeting once COVID 19 restrictions are lifted.

f) Review of The Draft Budget Process and Policy and Preliminary Budget and Goals for Redwood Marine Terminal I, Redwood Marine Terminal II, and Shelter Cove

Recommendation: Staff recommends the Board: Review and provide direction regarding the:

- 1) Draft budget process and policy,
- 2) Preliminary budget and goals for Redwood Marine Terminal I, Redwood Marine Terminal II, and Shelter Cove.

Summary: The budget is prepared annually under direction of the Executive Director. In accordance with CA Harbors and Navigation Code Section 6093, on or before June 15, the District Board shall estimate and determine the amount of money required by the Harbor District and shall adopt a preliminary budget. Per Section 6093.3, the final budget shall be reported to the Board of Supervisors no later than August 1st.

g) Award Bid to Replace A 480 Volt, 3 Phase, 200 Amp Service Electrical Feed, Along with A Low Voltage Feed Carrying Internet and Telecommunications and All Related Connections/Terminations to A Shore Tie

Recommendation: Staff recommends that the Board: Review the Bids and Award the Bid to the Lowest Responsible Bidder.

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Summary: The Coast Guard vessel moored at Woodley Island Marina needs to relocate from A dock back to its original lease slip of F dock. The vessel was originally moved due to draft restrictions. As a result of dredging activities over the last couple of years, the relocation back to F dock is ready to proceed pending the relocation of the electrical shore tie.

h) Authorize the Executive Director to Negotiate and Execute a Federal Maritime Commission Agreement and Bylaws Through the California Association of Port Authorities

Recommendation: Staff recommends that the Board: Authorize the Executive Director in consultation with the District's Attorney to negotiate and execute a Federal Maritime Commission (FMC) Agreement through the District's membership with the California Association of Port Authorities (CAPA).

Summary: The Harbor District is a member of CAPA which is comprised of the 11 major deep-water port authority across California. As Executive Director, I am one of the eleven CAPA Board Members and regularly meet as a member of the CAPA Tariffs & Practices Committee. Because CAPA members participate in discussions with the other member Ports regarding rates, development, marketing and other regulation items, CAPA is required to have an FMC Agreement.

i) Consideration of Resolution 2021-05, A Resolution to Authorize the Execution of a Grant Agreement and Accept Funds from the California Department of Fish and Wildlife for Secretariat Services for the Harbor Safety Committee of the Humboldt Bay Area for Fiscal Year 2021-2022

Recommendation: Staff recommends the Board: Adopt Resolution 2021-05.

Summary: The California Department of Fish and Wildlife (CDFW) Office of Spill Prevention and Response (OSPR) in compliance with the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act of 1990 established five regional Harbor Safety Committees (HSC) throughout California as described in California Government Code 8670.23. Each HSC is responsible for planning for the safe navigation and operation of tankers, barges and other vessels within each of California's major harbors and must produce an annual Harbor Safety Plan (HSP) encompassing all vessel traffic within the harbor. These functions are essential to the consistent achievement of maritime safety and the prevention of major marine oil pollution incidents.

9. Future Agenda Items

- a) Bar Pilot Recruitment**
- b) Brown Act Training**
- c) Green Diamond Shared Services Agreement**

10. Adjournment