

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

**September 14, 2023**

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. at the Woodley Island Marina meeting room, 601 Startare Drive, Eureka, CA 95501.

**CLOSED SESSION – 5:00 P.M.**

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

**BUSINESS**

- a) Public Employee Evaluation: Executive Director
- b) Public Employee Evaluation: Deputy Director
- c) CONFERENCE WITH LABOR NEGOTIATORS  
Agency designated representatives: Larry Oetker, Executive Director  
Employee organization: Operating Engineers Local Union No. 3, AFL-CIO

**REGULAR SESSION – 6:02 P.M.**

ROLL CALL

PRESENT: BENSON  
DALE  
KULLMANN  
NEWMAN

ABSENT: HIGGINS

QUORUM: YES

**PLEDGE OF ALLEGIENCE**

**REPORT ON SPECIAL CLOSED SESSION:** No reportable action.

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters not on the regular session meeting agenda: No one.

**CONSENT CALENDAR**

- a) Adopt Minutes for August 10, 2023 Regular Board Meeting
- b) Adopt Minutes for August 22, 2023 Special Board Meeting
- c) Receive District Financial Reports for June 2023
- d) Rejection of Claim Submitted by Claimant Cari McCormick
- e) Approve PO No. 2007 to Solink for Security Cameras at Woodley Island Marina

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- f) Administrative Permit A-2023-05 Chevron Dock Maintenance Dredging
- g) Approve PO 2014 to Ron's Quality Auto Repair for Transmission Replacement
- h) Approve Rebate Agreement with TEAA for Replacement of Hot Water Heaters  
Commissioner Kullmann recused himself from item 8h and left the room.  
COMMISSIONER BENSON MOVED TO ACCEPT CONSENT CALENDAR ITEM H.  
COMMISSIONER NEWMAN SECONDED.  
VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.  
Ayes: BENSON, DALE, NEWMAN  
Noes: NONE  
Absent: HIGGINS  
Abstain: KULLMANN

COMMISSIONER BENSON MOVED TO ACCEPT CONSENT CALENDAR ITEMS A-G.  
COMMISSIONER NEWMAN SECONDED.  
VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.  
Ayes: BENSON, DALE, KULLMANN, NEWMAN  
Noes: NONE  
Absent: HIGGINS  
Abstain: NONE

**COMMUNICATIONS, REPORTS AND CORRESPONDENCE RECEIVED**

- a) Correspondence Received
  - 1. *How to Protect Native Women, Girls and People in Humboldt and Del Norte County as Offshore Wind Enters the Region: MMIP Prevention Planning and Recommendations.* Report by Yurok Tribal Court, authorized by Katherine Katcher & Chief Judge Abby Abinanti
  - 2. Letter from Yurok Tribe dated August 28, 2023
  - 3. Letter from Surfrider Humboldt Chapter dated September 7, 2023
- b) Executive Director's Report
  - I. Executive Director presented Executive Director's report.
- c) Staff Reports
  - I. No report.
- d) District Counsel and District Treasurer Reports
  - I. No report.
- e) Commissioner and Committee Reports
  - I. Commissioners reported on recent activities and subcommittees.

**UNFINISHED BUSINESS - None**

**NEW BUSINESS**

- a) **Discuss and Consider Approving Collective Bargaining Agreement with Operating Engineers Local Union No. 3, AFL-CIO Regarding the Terms of Employment, Working Conditions, Compensation, and Benefits for the Represented Employees of the District**
  - I. Executive Director presented the item.

- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. No one commented.
- IV. Chair Dale moved the discussion back to the Commission.

COMMISSIONER KULLMANN MOVED TO AUTHORIZE THE BOARD PRESIDENT AND SECRETARY TO SIGN A COLLECTIVE BARGAINING AGREEMENT WITH OPERATING ENGINEERS LOCAL UNION NO. 3, AFL-CIO REGARDING THE TERMS OF EMPLOYMENT, WORKING CONDITIONS, COMPENSATION, AND BENEFITS FOR THE REPRESENTED EMPLOYEES OF THE DISTRICT.

COMMISSIONER NEWMAN SECONDED.

COMMISSIONER KULLMANN AMENDED HIS MOTION TO INCLUDE DIRECTING DISTRICT STAFF TO A) PREPARE A REVISED SALARY SCHEDULE FOR MID-MANAGEMENT EMPLOYEES SIMILAR TO WHAT IS INCLUDED IN THE BARGAINING AGREEMENT FOR BOARD CONSIDERATION AND B) TO COORDINATE WITH CALPERS TO SWITCH TO CALPERS HEALTH INSURANCE AND ENROLL IN THE SOCIAL SECURITY PROGRAM.

COMMISSIONER NEWMAN SECONDED AMENDED MOTION.

VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: BENSON, DALE, KULLMANN, NEWMAN

Noes: NONE

Absent: HIGGINS

Abstain: NONE

**b) Consider Adopting Resolution 2023-17: Adopting an Initial Study/ Mitigated Negative Declaration and Establishing Findings Relative to and Approving Harbor District Permit 2023-02 with Conditions for the Manila CSD Flood Reduction and Drainage Enhancement Project**

- I. District staff presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. No one commented.
- IV. Chair Dale moved the discussion back to the Commission.

COMMISSIONER KULLMANN MOVED TO ADOPT RESOLUTION 2023-17, ADOPTING AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND ESTABLISHING FINDINGS RELATIVE TO AN APPROVING HARBOR DISTRICT PERMIT 2023-02 WITH CONDITIONS FOR THE MANILA CSD FLOOD REDUCTION AND DRAINAGE ENHANCEMENT PROJECT.

COMMISSIONER BENSON SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: BENSON, DALE, KULLMANN, NEWMAN

Noes: NONE

Absent: HIGGINS

Abstain: NONE

**c) Consider Adopting Resolution 2023-16, A Resolution Adopting an Initial Study/ Negative Declaration and Establishing Findings Relative to and Approving Humboldt Bay Harbor, Recreation and Conservation District Permit 2022-06 with Conditions for the Mad River Slough Shellfish Nursery Project**

- I. District staff presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. William Rich commented.
- IV. Chair Dale moved the discussion back to the Commission.

COMMISSIONER NEWMAN MOVED TO ADOPT RESOLUTION 2023-16, A RESOLUTION ADOPTING AN INTITAL STUDY/NEGATIVE DECLARATION AND ESTABLISHING FINDINGS RELATIVE TO AND APPROVING HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT PERMIT 2022-06 WITH CONDITIONS FOR THE MAD RIVER SLOUGH SHELLFISH NURSERY PROJECT.

COMMISSIONER KULLMANN SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: BENSON, DALE, KULLMANN, NEWMAN

Noes: NONE

Absent: HIGGINS

Abstain: NONE

**d) Consider Approving a \$200,000 Budget Adjustment to Account Number 52109 Outside Services for Additional Consultant Services**

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. No one commented.
- IV. Chair Dale moved the discussion back to the Commission.

COMMISSIONER NEWMAN MOVED TO APPROVE A \$200,000 BUDGET ADJUSTMENT TO ACCOUNT 52109 FOR ADDITIONAL CONSULTANT SERVICES.

COMMISSIONER KULLMANN SECONDED.

VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: BENSON, DALE, KULLMANN, NEWMAN

Noes: NONE

Absent: HIGGINS

Abstain: NONE

**e) Discuss and consider approving Employment Agreement with Chris Mikkelsen and discuss succession planning for the role of Executive Director**

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. No one commented.
- IV. Chair Dale moved the discussion back to the Commission.

COMMISSIONER NEWMAN MOVED TO APPROVE AN EMPLOYMENT AGREEMENT WITH CHRIS MIKKELSEN AS EXECUTIVE DIRECTOR.

COMMISSIONER BENSON SECONDED.

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VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: BENSON, DALE, KULLMANN, NEWMAN

Noes: NONE

Absent: HIGGINS

Abstain: NONE

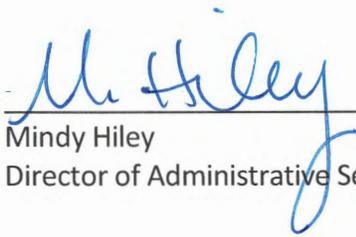
**ADJOURNMENT – 6:55 P.M.**

APPROVED BY:



Aaron Newman  
Secretary of the Board of Commissioners

RECORDED BY:



Mindy Hiley  
Director of Administrative Services