

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

**April 8, 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 via video conference with a teleconference option.

**CLOSED SESSION – 5:00 PM**

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

- 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.
- 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

**REGULAR SESSION – 6:02 P.M.**

**ROLL CALL:**

PRESENT:       DALE  
                  DOSS  
                  MARKS  
                  HIGGINS

**Adopted Minutes for March 11, 2021 Regular Board Meeting**

KULLMANN

ABSENT: NONE

QUORUM: YES

**PLEDGE OF ALLEGIANCE**

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

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

**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

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

COMMISSIONER MARKS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS

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) Commissioner and Committee Reports
  - I. Commissioners reported on recent activities and subcommittees
- e) Correspondence Received
  - I. None.

**UNFINISHED BUSINESS - None**

**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**

- I. Executive Director presented the item.
- II. The Commission discussed the item.
- III. Chair Kullmann opened the item to public comment. Michael Schad commented.
- IV. Chair Kullmann moved the discussion back to the Commission.  
COMMISSIONER HIGGINS MOVED TO APPROVE THE 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.  
COMMISSIONER DALE SECONDED.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.  
Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: NONE  
Abstain: NONE

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

- 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 HIGGINS MOVED TO AUTHORIZE THE DISTRICT'S ATTORNEY TO DRAFT AND THE EXECUTIVE DIRECTOR TO SIGN A SUBLEASE AND SERVICES AGREEMENT WITH THE SHELTER COVE FISHING PRESERVATION, INC.  
COMMISSIONER DALE SECONDED.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.  
Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: NONE  
Abstain: NONE

**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**

- 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 HIGGINS MOVED TO APPROVE RESOLUTION 2021-04 ADOPTING AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND ESTABLISHING FINDINGS RELATIVE TO THE PERMIT APPLICATION FOR THE HUMBOLDT BAY TRAIL SOUTH.

COMMISSIONER MARKS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS

Noes: NONE

Absent: NONE

Abstain: NONE

COMMISSIONER HIGGINS MOVED TO APPROVE PERMIT 2021-01 FOR THE HUMBOLDT BAY TRAIL SOUTH PROJECT.

COMMISSIONER MARKS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS

Noes: NONE

Absent: NONE

Abstain: NONE

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

- 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
- V. Report only, no formal action was taken.

**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**

- 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 HIGGINS MOVED TO IMPLEMENT A HYBRID TRANSITIONAL BOARD MEETING STRUCTURE AND APPROPRIATE \$9,000 FOR VIDEO STREAMING EQUIPMENT.

COMMISSIONER DALE SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS

Noes: NONE

Absent: NONE

Abstain: NONE

**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**

- I. Executive Director and 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
- V. Report only, no formal action was taken.

**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**

- I. Executive Director requested continuation of the item.  
COMMISSIONER DALE MOVED TO CONTINUE ITEM 11G. TO THE MAY 13, 2021 REGULAR BOARD MEETING.  
COMMISSIONER HIGGINS SECONDED.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED.  
Ayes: DALE, DOSS, HIGGINS, KULLMANN  
Noes: MARKS  
Absent: NONE  
Abstain: NONE

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

- I. The Commission discussed the item.
- II. Chair Kullmann opened the item to public comment. No one commented.
- III. Chair Kullmann moved the discussion back to the Commission.  
COMMISSIONER DALE MOVED TO AUTHORIZE THE EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE A FEDERAL MARITIME COMMISSION AGREEMENT AND BYLAWS THROUGH THE CALIFORNIA ASSOCIATION OF PORT AUTHORITIES.  
COMMISSIONER MARKS SECONDED.  
ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.  
Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS  
Noes: NONE  
Absent: NONE  
Abstain: NONE

**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**

- I. The Commission discussed the item.
- II. Chair Kullmann opened the item to public comment. No one commented.
- III. Chair Kullmann moved the discussion back to the Commission.  
COMMISSIONER DALE MOVED TO ADOPT 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

**Adopted Minutes for March 11, 2021 Regular Board Meeting**

HARBOR SAFETY COMMITTEE OF THE HUMBOLDT BAY AREA FOR FISCAL YEAR 2021-2022.

COMMISSIONER HIGGINS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS

Noes: NONE

Absent: NONE

Abstain: NONE

**FUTURE AGENDA ITEMS**

- a) Bar Pilot Recruitment
- b) Brown Act Training
- c) Green Diamond Shared Services Agreement
- d) AB 534, Whale Entanglement Prevention Act

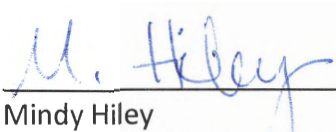
**ADJOURNMENT – 8:03 P.M.**

APPROVED BY:



Patrick Higgins  
Secretary of the Board of Commissioners

RECORDED BY:



Mindy Hiley  
Director of Administrative Services