

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

DATE: February 28, 2019

TIME: Executive Closed Session – 6:00 PM
Regular Session – 7:00 PM

PLACE: Woodley Island Marina Meeting Room

The Meeting Room is wheelchair accessible. Accommodations and access to Harbor District meetings for people with other handicaps must be requested of the Director of Administrative Services at 443-0801 at least 24 hours in advance of the meeting.

1. **Call to Order at 6:00 P.M.**
2. **Move to Executive Closed Session**
 - a) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential acquisition and/or lease of real property on the Samoa Peninsula, Humboldt County, with Assessor's Parcel Numbers, 401-112-021 and 401-112-024 pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Steven Mueller. Under negotiation: price and payment terms.
 - b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential acquisition and/or lease of real property on the Samoa Peninsula, Humboldt County, with Assessor's Parcel Numbers, 401-111-006 pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Steven Mueller. Under negotiation: price and payment terms.
 - c) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential 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, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Craig Compton, California Redwood Company Under negotiation: price and payment terms.
 - d) CONFERENCE WITH LEGAL COUNCIL – EXISTING LITIGATION (Gov. Code section 54956.9). Name of Case: Humboldt Fishermen's Marketing Association, Inc. and The Trinidad Bay Fishermen's Marketing Association, Plaintiffs, v. The Humboldt Bay Harbor, Recreation, and Conservation District, et al., Defendants, Humboldt County Superior Court Case No. DR 180648.
 - e) PUBLIC EMPLOYEE PERFORMANCE EVALUATION AND EMPLOYMENT CONTRACT RENEWAL pursuant to Government Code section 54957(b)(1).
 1. Title: Executive Director – Larry Oetker
3. **Call to Order Regular Session at 7:00 P.M. and Roll Call**
4. **Pledge of Allegiance**
5. **Report on Executive Closed Session**
6. **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

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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. The three (3) minute time limit for each speaker may be enforced by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District.

7. Consent Calendar

- a) Approval of Meeting Minutes for January 24, 2019 Regular Board Meeting
- b) Approval of Meeting Minutes for February 11, 2019 Special Board Meeting
- c) Approval of Meeting Minutes for February 21, 2019 Emergency Board Meeting
- d) Receive District Financial Reports for November 2018

10. Communications and Reports

- a) Executive Director's Report
- b) Staff Reports
- c) District Counsel and District Treasurer Reports
- d) Commissioner and Committee Reports
- e) Others

11. Unfinished Business

12. New Business

a) Adopt Resolution 2019-02. A Resolution Recognizing Penny Hickey on her Retirement.

Recommendation: Staff recommends the Board: Adopt Resolution No. 2019-04, A Resolution Recognizing Penny Hickey on her Retirement.

Summary: Penny Hickey served the Harbor District for ten years and has always performed her duties with the utmost integrity and pride. The Harbor District expresses their appreciation of the time, effort and countless contributions of Penny Hickey to the Harbor District.

b) Adopt Resolution 2019-03. A Resolution Recognizing Suzie Howser on her Retirement.

Recommendation: Staff recommends the Board: Adopt Resolution No. 2019-05, A Resolution Recognizing Suzie Howser on her Retirement.

Summary: Suzie Howser was hired as Account Clerk for the Humboldt Bay Harbor, Recreation and Conservation District on June 6th, 1988 and was later promoted to Dock Master. Ms. Howser has served the Harbor District for more than 31 years. In this time, she has always performed her duties with the utmost integrity and pride. The Harbor District expresses their appreciation of the time, effort and countless contributions of Suzie Howser to the Harbor District.

c) Adopt Resolution 2019-04. A Resolution Designating Business Matters, Appointment and Authorization for the Humboldt Bay Harbor, Recreation and Conservation District for Calendar Year 2019.

Recommendation: Staff recommends the Board: Adopt Resolution No. 2019-04, A Resolution Designating Business Matters, Appointment and Authorization for the Humboldt Bay Harbor, Recreation and Conservation District for Calendar Year 2019.

Summary: The Humboldt Bay Harbor, Recreation and Conservation District is enabled to appoints and/or authorizes the specified Business Matters for the Fiscal Year beginning January 1, 2019 and ending December 31, 2019 for all divisions of the Humboldt Bay Harbor, Recreation and Conservation District under Appendix II of the State of California Harbors and Navigation Code: Humboldt Bay Harbor, Recreation and Conservation District.

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d) Adopt Resolution 2019-05. A Resolution Establishing Rent, Fees, and Interest Collection Policy.

Recommendation: Staff recommends the Board: Adopt Resolution 2019-05, A Resolution Establishing Rent, Fees, and Interest Collection Policy.

Summary: The District has several hundred leases and services that require the payment of monies in full and in a timely manner. Under limited and specific circumstance it may be necessary to initiate collection, liens, and asset forfeiture in order to collect the amounts owed to the District. In order to ensure that each tenant, use, or service is treated equally it is necessary to establish written procedures and guidelines.

e) Update on the District's Efforts to Build a New Multipurpose Dock at Redwood Marine Terminal I to Support Proposed Offshore Wind Energy Development.

Recommendation: Staff recommends the Board: Receive a report from staff and provide direction as appropriate.

Summary: For many years the District has planned to expand the capabilities Redwood Marine Terminal I (RMT I) to a new multi-purpose berth and land-based facility. The District completed a feasibility study and business plan. New opportunities to accommodate renewable energy assembly and operation and maintenance operations have made it clear that if we are going to attract wind energy development to our port, the District, federal, State, and regional resources are needed to make our port ready for these opportunities

f) Consideration of Harbor District Sponsorship at the Gold Level for the 2019 Humboldt Bay Symposium

Recommendation: Staff recommends the Board: Sponsor the 2019 Humboldt Bay Symposium at the Gold level.

Summary: The 2019 Humboldt Bay Symposium is a community-oriented conference focused on research and restoration of coastal ecosystems and sustainable use and enjoyment of Humboldt Bay and the surrounding region. This year's theme is "Rising to Meet the Challenges of Climate Change" and will feature sessions on sea level rise and adaptation planning, ecosystem restoration, ocean and fisheries research, and economic development. The event will be held on April 11-12, 2019 at the Wharfinger Building in Eureka.

12. Administrative and Emergency Permits

13. Adjournment

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

January 24, 2019

The Humboldt Bay Harbor, Recreation and Conservation District met in regular session on the above date at 6:00 P.M. Closed Session, 7:00 P.M. Open Session, at the Woodley Island Marina Meeting Room, 601 Startare Drive, Eureka, CA 95501.

CLOSED SESSION – 6:00 P.M.

The Commission met in closed session to discuss the following item:

- a) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential acquisition and/or lease of real property on the Samoa Peninsula, Humboldt County, with Assessor's Parcel Numbers, 401-112-021 and 401-112-024 California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Paul Brisso, District Counsel. Negotiating party: California Marine Investments LLC. Under negotiation: price and payment terms.
- b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential purchase of real property with Assessor's Parcel Numbers 401-011-001, 401-011-010, 401-011-012, 401-011-018, 401-011-020, 401-011-023, 401-021-011, 401-021-018, 401-021-027, 401-011-028, 401-021-029, and 401-031-045 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Paul Brisso, District Counsel. Negotiating party: Tim Callison. Under negotiation: price and payment terms.

OPEN SESSION – 7:06 P.M.

ROLL CALL:

PRESENT: DALE
 MARKS
 KULLMANN
 DOSS

ABSENT: HIGGINS

QUORUM: YES

PLEDGE OF ALLEGIANCE

ELECTION OF BOARD PRESIDENT, VICE PRESIDENT AND SECRETARY

- I. Chair Marks opened discussion on the item with a suggested nomination of Commissioner Dale for President, Commissioner Kullmann for Vice President and Commissioner Doss for Secretary.
- II. The Commission discussed the item.
- III. COMMISSIONER KULLMANN MOVED TO NOMINATE COMMISSIONER DALE FOR PRESIDENT, HIMSELF FOR VICE PRESIDENT AND COMMISSIONER DOSS FOR SECRETARY. CHAIR MARKS SECONDED THE MOTION.
- IV. Chair Marks opened the item to public comment. No members of the public commented.
- V. Chair Marks moved the discussion back to the Commission.
VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: MARKS, KULLMANN, DOSS, DALE
Noes: NONE
Absent: HIGGINS
Abstain: NONE

REPORT ON EXECUTIVE CLOSED SESSION

- a) The Board directed the Executive Director to work on finalizing a lease agreement with California Marine Investments LLC to be brought to the Board for approval.
- b) The Board directed the Executive Director to finalize negotiations and prepare a Purchase and Sale Agreement to be brought to the Board for approval.
 - I. Chair Dale opened the item to public comment. Scott Frazier commented.

PUBLIC COMMENT: The following individuals addressed the Commission regarding subject matters not on this meeting's agenda: None.

CONSENT CALENDAR

- ~~a) Receive District Financial Reports for November 2018- *Item continued to February 28, 2019 meeting*~~
- b) Approval of Meeting Minutes for December 11, 2018 Special Board Meeting
- c) Approval of Permit and Agreement Renewal to Brian Saxton to Operate Humboats Kayak Adventures
- d) Appoint Larry Oetker as representative for Port Authority to Harbor Safety Committee
 - I. COMMISSIONER MARKS MOVED TO APPROVE THE CONSENT CALENDAR. COMMISSIONER KULLMANN SECONDED.
 - II. Chair Dale opened the item to public comment. No members of the public commented.
 - III. Chair Dale moved the discussion back to the Commission.
VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: MARKS, KULLMANN, DOSS, DALE
Noes: NONE
Absent: HIGGINS
Abstain: NONE

COMMUNICATIONS AND REPORTS

- a) **Executive Director's Report**
 - I. Executive Director presented Executive Director's Report.
 - II. Board directed Executive Director to schedule a future meeting at the Redwood Marine Terminal II facility
- 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 their recent activities.
- e) **Others**
 - I. Executive Director gave update on Status of Intertidal Mariculture Environmental Impact Report

NON-AGENDA - None

UNFINISHED BUSINESS - None

NEW BUSINESS

- a) **Award a Contract to the Lowest Responsive and Responsible Bidder for the Humboldt Bay Piling Removal Project**
 - I. Staff presented the item.
 - II. The Commission discussed the item.
 - III. Chair Dale opened public comment on the item: No public comment.
 - IV. Chair Dale moved the discussion back to the Commission.
 - V. COMMISSIONER DOSS MOVED TO AWARD THE CONTRACT TO FIGAS CONSTRUCTION COMPANY. COMMISSIONER KULLMANN SECONDED.
VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: MARKS, KULLMANN, DOSS, DALE
Noes: NONE
Absent: HIGGINS
Abstain: NONE

- b) **Consideration of Approval of Amendment # 1 to Permit 13-03 to the Humboldt Bay Harbor, Recreation and Conservation District for the Mariculture Pre-Permitting Project**
- I. CHAIR DALE RECUSED HIMSELF AND LEFT THE ROOM
 - II. Executive Director presented the item.
 - III. The Commission discussed the item.
 - IV. Vice-Chair Kullmann opened public comment on the item: No public comment.
 - V. Vice-Chair Kullmann moved the discussion back to the Commission.
 - VI. COMMISSIONER MARKS MOVED TO APPROVE AMENDMENT #1 TO PERMIT 13-03. COMMISSIONER DOSS SECONDED. VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: MARKS, KULLMANN, DOSS
Noes: NONE
Absent: HIGGINS, DALE
Abstain: NONE
 - VII. CHAIR DALE RETURNED TO THE ROOM
- c) **Consideration of Resolution 2019-01, A Resolution Declaring that Governing Body and Volunteers Shall Be Deemed Employees of the District for the Purpose of Providing Workers' Compensation Coverage**
- I. Executive Director presented the item.
 - II. The Commission discussed the item.
 - III. Chair Dale opened public comment on the item: No public comment.
 - IV. Chair Dale moved the discussion back to the Commission.
 - V. COMMISSIONER DOSS MOVED TO ADOPT RESOLUTION 2019-01 FOR THE GOVERNING BODY ONLY. COMMISSIONER KULLMAN SECONDED. ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: MARKS, KULLMANN, DOSS, DALE
Noes: NONE
Absent: HIGGINS
Abstain: NONE
- d) **Update of the January 2019 Shoaling Conditions Near the Entrance to Humboldt Bay**
- I. Executive Director presented the item.
 - II. The Commission discussed the item.
 - III. Chair Dale opened public comment on the item: Scott Frazier and Leroy Zerlang commented.
 - IV. Chair Dale moved the discussion back to the Commission.
 - V. As a notification only item, no formal action was taken.
- e) **Review of Ordinance No. 16 Pilotage. An Ordinance Establishing Standards, Policies and Practices for Pilot Competency, Qualification, Profession Growth and Enforcement**
- I. Executive Director presented the item.
 - II. The Commission discussed the item.
 - III. Chair Dale opened public comment on the item: Leroy Zerlang commented.
 - IV. Chair Dale moved the discussion back to the Commission.
 - V. Chair Dale directed the Executive Director to bring the item back to the board for review at the next regular session.
 - VI. No formal action taken.

ADMINISTRATIVE AND EMERGENCY PERMITS - None

ADJOURNMENT – 8:25 P.M.

**Draft Minutes
Regular Meeting of the Board of Commissioners
Humboldt Bay Harbor, Recreation and Conservation District
January 24, 2019**

APPROVED BY:

RECORDED BY:

Larry Doss
Secretary of the Board of Commissioners

Mindy Hiley
Director of Administrative Services

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

February 11, 2019

The Humboldt Bay Harbor, Recreation and Conservation District met in special session on the above date at 12:30 P.M. Closed Session, 1:30 P.M. Open Session, at the Woodley Island Marina Meeting Room, 601 Startare Drive, Eureka, CA 95501.

PUBLIC COMMENT: The following individuals addressed the Commission regarding subject matters not on this meeting's agenda: None. Chair Dale allowed the following individuals to address the Commission regarding the item on the agenda: Kent Sawatzky and Daniel Lee commented.

CLOSED SESSION – 5:30 P.M.

The Commission met in closed session to discuss the following items:

- a) **CONFERENCE WITH REAL PROPERTY NEGOTIATORS.** Terms of potential acquisition and/or lease of real property on the Samoa Peninsula, Humboldt County, with Assessor's Parcel Numbers, 401-112-021 and 401-112-024 California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: California Marine Investments LLC. Under negotiation: price and payment terms.
- b) **CONFERENCE WITH REAL PROPERTY NEGOTIATORS.** Terms of potential acquisition and/or lease of real property on the Samoa Peninsula, Humboldt County, with Assessor's Parcel Number 401-031-040 California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Under negotiation: price and payment terms.

OPEN SESSION – 1:30 P.M.

ROLL CALL:

PRESENT: DALE
 MARKS
 KULLMANN
 HIGGINS
 DOSS

ABSENT: NONE

QUORUM: YES

PLEDGE OF ALLEGIANCE

REPORT ON EXECUTIVE CLOSED SESSION

- a) Item moved to New Business of Open Session.
- b) No Action to report out on.

NEW BUSINESS

- a) **Approve Lease Agreement with California Marine Investments LLC on a portion of the District's Redwood Marine Terminal II Property on Assessor's Parcel Numbers 401-112-021**
 - I. Executive Director presented the item.
 - II. The Commission discussed the item.
 - III. Nordic Aquafarms President Eric Heim and Commercial Director Marianne Naess gave a joint presentation on the proposed aquafarming project planned for the RMT II facility.
 - IV. Chair Dale opened public comment on the item: there was an extensive public comment period with many members of the public and local government officials providing comment. The Board allowed Mr. Heim and Ms. Naess to respond to multiple questions from the public.
 - V. Chair Dale moved the discussion back to the Commission.

- VI. COMMISSIONER MARKS MADE A MOTION TO APPROVE THE LEASE AGREEMENT WITH CALIFORNIA MARINE INVESTMENTS LLC FOR A PORTION OF THE REDWOOD MARINE TERMINAL II PROPERTY. COMMISSIONER DOSS SECONDED.
- VII. VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: MARKS, KULLMANN, DOSS, DALE, HIGGINS
Noes: NONE
Absent: NONE
Abstain: NONE

ADJOURNMENT – 3:05 P.M.

APPROVED BY:

RECORDED BY:

Larry Doss
Secretary of the Board of Commissioners

Mindy Hiley
Director of Administrative Services

**DRAFT MINUTES
EMERGENCY MEETING OF THE BOARD OF COMMISSIONERS
HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

February 21, 2019

The Humboldt Bay Harbor, Recreation and Conservation District met in emergency session on the above date at 4:00 P.M. Open Session, at the Woodley Island Marina Meeting Room, 601 Startare Drive, Eureka, CA 95501.

OPEN SESSION – 4:00 P.M.

ROLL CALL:

PRESENT: DALE
 MARKS
 KULLMANN

ABSENT: DOSS
 HIGGINS

QUORUM: YES

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT: The following individuals addressed the Commission regarding subject matters not on this meeting's agenda: None.

NEW BUSINESS

- a) **Consider a Declaration of Emergency Regarding Shoaling Hazards at the Entrance to Humboldt Bay**
 - I. Executive Director presented the item.
 - II. The Commission discussed the item.
 - III. Chair Dale asked for expert testimony on the item. Captain John Powell, Humboldt Bay Bar Pilot and Leroy Zerlang, Chair of the Harbor Safety Committee of the Humboldt Bay Area provided comment.
 - IV. Chair Dale opened the item to public comment. Supervisor Virginia Bass commented.
 - V. Chair Dale moved the discussion back to the Commission.
 - VI. COMMISSIONER MARKS MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO DRAFT EITHER A RESOLUTION DECLARING AN EMERGENCY OR A LETTER DECLARING AN EMERGENCY TO BE EXECUTED BY THE BOARD PRESIDENT. COMMISSIONER KULLMAN SECONDED.
 - VII. VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: MARKS, KULLMANN, DALE
Noes: NONE
Absent: DOSS, HIGGINS
Abstain: NONE

ADJOURNMENT – 4:40 P.M.

APPROVED BY:

RECORDED BY:

Larry Doss
Secretary of the Board of Commissioners

Mindy Hiley
Director of Administrative Services

**HUMBOLDT BAY HARBOR, RECREATION
AND CONSERVATION DISTRICT**

RESOLUTION NO. 2019-02

A RESOLUTION RECOGNIZING PENNY HICKEY ON HER RETIREMENT

WHEREAS, Penny Hickey was hired as Bookeeper for the Humboldt Bay Harbor, Recreation and Conservation District on April 4th, 1999 and,

WHEREAS, Penny Hickey proudly served the Board of Commissioners, Harbor District Staff and the community of Humboldt; and

WHEREAS, Penny Hickey oversaw the financial organization of the Harbor District office during her tenure; and

WHEREAS, Penny Hickey provided staff support to many significant committees, projects, and events for the Harbor District.

WHEREAS, Penny Hickey has always performed her duties with the utmost integrity and pride.

NOW, THEREFORE, BE IT RESOLVED, that the Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District do hereby express their appreciation of the time, effort and countless contributions of Penny Hickey to the Harbor District and wish Penny all the best in her retirement.

PASSED AND ADOPTED by the Humboldt Bay Harbor, Recreation and Conservation District Board of Commissioners at a duly called meeting held on the 28th day of February 2019, by the following polled vote:

AYES:

NOES:

ABSENT:

ATTEST:

**GREG DALE, President
Board of Commissioners**

**LARRY DOSS, Secretary
Board of Commissioners**

CERTIFICATE OF SECRETARY

The undersigned, duly qualified and acting Secretary of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, does hereby certify that the attached Resolution is a true and correct copy of RESOLUTION NO. 2019-02 entitled,

A RESOLUTION RECOGNIZING PENNY HICKEY ON HER RETIREMENT

as regularly adopted at a legally convened meeting of the Board of Commissioners of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, duly held on the 28th day of February 2019; and further, that such Resolution has been fully recorded in the Journal of Proceedings in my office and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of February 2019.

LARRY DOSS, Secretary
Board of Commissioners

**HUMBOLDT BAY HARBOR, RECREATION
AND CONSERVATION DISTRICT**

RESOLUTION NO. 2019-03

A RESOLUTION RECOGNIZING SUZIE HOWSER ON HER RETIREMENT

WHEREAS, Suzie Howser was hired as Account Clerk for the Humboldt Bay Harbor, Recreation and Conservation District on June 6th, 1988 and was later promoted to Dock Master; and,

WHEREAS, Suzie Howser proudly served the Board of Commissioners, Harbor District Staff and the community of Humboldt; and

WHEREAS, Suzie Howser oversaw the Woodley Island Marina of the Harbor District during her tenure; and

WHEREAS, Suzie Howser provided staff support to many significant committees, projects, and events for the Harbor District, including but not limited to: the Harbor Deepening Project in Humboldt Bay; Adopt the Bay; Humboldt Bay Maritime Expos, which were combined several times with the City of Eureka's Coast Guard City Celebrations; the organization of the Wild Caught Salmon BBQ competition during the Expos, where county-wide elected officials and others competed for the "best tasting" bbq'd wild caught fish; Humboldt Bay Symposiums; California Maritime Leadership Symposiums; Grant management for the Secretariat Grant; the Chair person for the Port Authority on the Humboldt Bay Area Harbor Safety Committee; the Humboldt Bay Area Harbor Safety Plan; the three-day incident concerning the sinking and raising of the motor yacht Donny Brook; the overheating incident with S/V Misincline; and the evacuation of Woodley Island during the tsunami threat on March 11, 2011; and

WHEREAS, Suzie Howser has always performed her duties with the utmost integrity and pride; and

WHEREAS, Suzie Howser has always ensured to keep the fishermen in line at the Marina.

NOW, THEREFORE, BE IT RESOLVED, that the Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District do hereby express their appreciation of the time, effort and countless contributions of Suzie Howser to the Harbor District and wish Suzie all the best in her retirement.

PASSED AND ADOPTED by the Humboldt Bay Harbor, Recreation and Conservation District Board of Commissioners at a duly called meeting held on the 28th day of February 2019, by the following polled vote:

AYES:

NOES:

ABSENT:

**GREG DALE, President
Board of Commissioners**

ATTEST:

**LARRY DOSS, Secretary
Board of Commissioners**

CERTIFICATE OF SECRETARY

The undersigned, duly qualified and acting Secretary of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, does hereby certify that the attached Resolution is a true and correct copy of RESOLUTION NO. 2019-02 entitled,

A RESOLUTION RECOGNIZING SUZIE HOWSER ON HER RETIREMENT

as regularly adopted at a legally convened meeting of the Board of Commissioners of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, duly held on the 28th day of February 2019; and further, that such Resolution has been fully recorded in the Journal of Proceedings in my office and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of February 2019.

LARRY DOSS, Secretary
Board of Commissioners

**HUMBOLDT BAY HARBOR, RECREATION
AND CONSERVATION DISTRICT**

RESOLUTION NO. 2019-04

**A RESOLUTION DESIGNATING BUSINESS MATTERS,
APPOINTMENT AND AUTHORIZATION FOR THE HUMBOLDT BAY HARBOR,
RECREATION AND CONSERVATION DISTRICT FOR CALENDAR YEAR 2019**

BE IT RESOLVED THAT the Board of Commissioners for the Humboldt Bay Harbor, Recreation and Conservation District hereby appoints and/or authorizes the following Business Matters for the Fiscal Year beginning January 1, 2019 and ending December 31, 2019 for all divisions of the Humboldt Bay Harbor, Recreation and Conservation District:

OFFICERS FOR THE BOARD OF COMMISSIONERS:

| | |
|------------------|------------------|
| President - | Greg Dale |
| Vice President - | Stephen Kullmann |
| Secretary - | Larry Doss |
| Commissioner - | Richard Marks |
| Commissioner - | Patrick Higgins |

ENABLING LEGISLATION:

Appendix II of the State of California Harbors and Navigation Code: Humboldt Bay Harbor, Recreation and Conservation District.

FINANCIAL:

1. Auditors- As approved by the Board.
2. District Treasurer – Mark Wetzel, CPA; David L. Moonie & Co., LLP; 325 Second Street, Suite 301; Eureka, CA 95501
3. Budget Officer – District Treasurer and Executive Director
4. Custodians of Funds – District Treasurer and Executive Director
5. Authorized to Open Accounts – District Treasurer and Executive Director
6. Investment of Surplus Funds – Custodians of Funds
7. Custodians of State, Federal and other funds, whether loans or grants, to make application for, receive and expend – Custodians of Funds and Executive Director
8. Expenditures:
 - a. Checks require any two signatures of the following: Current Commissioner, District Treasurer or Executive Director.
 - b. Expenditures over \$5,000 shall follow § 36 of Appendix II of the State of California Harbors and Navigation Code: Humboldt Bay Harbor, Recreation and Conservation District

- c. Purchase Order for non-recurring, single expenditures over \$300.00
- d. Board approval of any expenditure over \$5,000.00
- 9. Authorized Revenue Facilities:
 - a. Local Bank Checking, Money Market & Savings Accounts – TriCounties Bank, Eureka Branch
 - b. Remote Bank Checking, Money Market/Savings Accounts – BBVA Compass Bank
 - c. Humboldt County Treasurer to receive Humboldt County imposed tax revenues and other collected revenues for disbursement to the Humboldt Bay Harbor, Recreation and Conservation District
- 10. Grants
 - a. The Board President and/or Executive Director are authorized to sign grant agreements
- 11. Contracts
 - a. The Board President and/or Executive Director are authorized to sign contracts and expenditures over \$5,000.00 which have been approved by the Board

LEGAL NOTICE DESIGNATIONS:

- 1. Official Notice posting sites:
 - a. District Conference Room – aside main door on outside wall
 - b. District website: www.humboldtbay.org
- 2. The Times-Standard (newspaper of general circulation) as the newspaper for legal publications
- 3. Email notification to News Media: The Times-Standard, North Coast Journal, Ferndale Enterprise, Mad River Union, KEET-TV, KIEM-TV, KMUD Radio, and KHUM Radio.
- 4. Email notification to:
 - a. Cities: Eureka, Fortuna, Arcata
 - b. Counties: Humboldt
 - c. Chambers of Commerce: Eureka, Arcata
 - d. Interested parties list

REGULAR MONTHLY BOARD MEETINGS:

- 1. Location: Humboldt Bay Harbor, Recreation and Conservation District; 601 Startare Drive; Eureka, CA
- 2. Time: Closed Session: 6:00 p.m. PST; Regular Session: 7:00 p.m. PST
- 3. When: 4th Thursdays of each month. Exceptions only if regular meeting dates conflict with November and December holidays.
- 4. Notices posted a minimum of 72 hours prior to the meeting.

SPECIAL BOARD MEETINGS:

1. Location: Humboldt Bay Harbor, Recreation and Conservation District; 601 Startare Drive; Eureka, CA
2. When: As needed.
3. Notices posted a minimum of 24 hours prior to the meeting.

OTHER BUSINESS:

1. Election Officer – Executive Director
2. Filing of Bonds - Executive Director
3. Authorized to contract as necessary- Executive Director
4. Legal Counsel – Ryan Plotz of Mitchell, Brisso, Delaney & Vrieze, LLC, 814 7th St. Eureka, CA 95501
5. District Planner – George Williamson; Planwest Partners Inc.; 1125 16th Street; Arcata, CA 95521
6. District Engineer- Mike Foget; SHN Engineers, 812 W. Wabash Ave, Eureka, CA 95501
7. District Treasure- Mark Wetzel; DLM & Co. LLP, 2662 Harris St, Eureka, CA 95503
8. Insurance Agent of Record – Special Districts Risk Management Authority (Property, Liability, Workers Compensation, Marina Operators Liability)
9. Recognize the Humboldt Bay Harbor, Recreation and Conservation District as an equal opportunity employer.
10. Designation of registered office and agent:
Office: 601 Startare Drive; Eureka, CA 95501
Agent: Executive Director
11. Custodian of Public Records: Executive Director

PASSED AND ADOPTED by the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District at a duly called meeting held on the 28th day of February 2019, by the following polled vote:

AYES:

NOES:

ABSENT:

GREG DALE, President
Board of Commissioners

ATTEST:

LARRY DOSS, Secretary
Board of Commissioners

CERTIFICATE OF SECRETARY

The undersigned, duly qualified and acting Secretary of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, does hereby certify that the attached Resolution is a true and correct copy of RESOLUTION NO. 2019-04 entitled,

**A RESOLUTION DESIGNATING BUSINESS MATTERS,
APPOINTMENT AND AUTHORIZATION FOR THE HUMBOLDT BAY HARBOR,
RECREATION AND CONSERVATION DISTRICT FOR CALENDAR YEAR 2019**

as regularly adopted at a legally convened meeting of the Board of Commissioners of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, duly held on the 28th day of February 2019; and further, that such Resolution has been fully recorded in the Journal of Proceedings in my office, and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of February 2019.

LARRY DOSS, Secretary
Board of Commissioners

COMMISSIONERS
1st Division
Larry Doss
2nd Division
Greg Dale
3rd Division
Stephen Kullmann
4th Division
Richard Marks
5th Division
Patrick Higgins

Humboldt Bay
Harbor, Recreation and Conservation District
(707)443-0801
P.O. Box 1030
Eureka, California 95502-1030



STAFF REPORT – HARBOR DISTRICT MEETING
February 28, 2019

TO: Honorable Board President and Harbor District Board Members

FROM: Larry Oetker, Executive Director

PREPARED BY: Jenna Gennuso, Office Assistant II

DATE: February 22, 2019

TITLE: Adopt Resolution 2019-05, A Resolution establishing Rent Collection and Policy Procedures

RECOMMENDATION: Staff recommends the Board: Adopt Resolution 2019-04, A Resolution establishing Rent Collection and Policy Procedures.

BACKGROUND: The District has several hundred leases and services that require the payment of monies in full and in a timely manner. Under limited and specific circumstance it may be necessary to initiate collection, liens, and asset forfeiture in order to collect the amounts owed to the District. In order to ensure that each tenant, use, or service is treated equally it is necessary to establish written procedures and guidelines.

DISCUSSION: The purpose of the Harbor Districts’ rent, fees and interest collection policy is to establish consistent procedures and guidelines to be applied to each tenant, use, or service with respect to collection of rent, fee, and interest. The goal of these policies is to establish a process and procedure where tenants pay in full and on time. However, it is recognized that it may be necessary to initiate collection, liens, and asset forfeiture in order to collect the amounts owed to the District.

ATTACHMENTS:

- A. Resolution 2019-05
- B. Rent, Fees, and Interest Collection Policy

**HUMBOLDT BAY HARBOR, RECREATION
AND CONSERVATION DISTRICT**

RESOLUTION NO. 2019-05

**A RESOLUTION ESTABLISHING
RENT, FEES, AND INTEREST COLLECTION POLICY**

WHEREAS, the District has several hundred leases and services that require the payment of monies in full and in a timely manner; and

WHEREAS, under limited and specific circumstance it may be necessary to initiate collection, liens, and asset forfeiture in order to collect the amounts owed to the District; and

WHEREAS, in order to ensure that each tenant, use, or service is treated equally it is necessary to establish written procedures and guidelines.

NOW, THEREFORE, BE IT RESOLVED, that the Rent, Fees, and Interest Collection Policy included as Exhibit A is hereby approved.

PASSED, APPROVED AND ADOPTED by the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District at a duly called meeting held on the 28th day of February 2019, by the following polled vote:

AYES:

NOES:

ABSENT:

**GREG DALE, President
Board of Commissioners**

ATTEST

**LARRY DOSS, Secretary
Board of Commissioners**

CERTIFICATE OF SECRETARY

The undersigned, duly qualified and acting Secretary of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, does hereby certify that the attached Resolution is a true and correct copy of RESOLUTION NO. 2019-05 entitled,

**A RESOLUTION ESTABLISHING
RENT, FEES, AND INTEREST COLLECTION POLICY**

as regularly adopted at a legally convened meeting of the Board of Commissioners of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, duly held on the 28th day of February 2019; and further, that such Resolution has been fully recorded in the Journal of Proceedings in my office, and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of February 2019.

LARRY DOSS, Secretary
Board of Commissioners



Exhibit A.

HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT

Rent, Fees, and Interest Collection Policy

1. **Approval:** This policy was approved by the Board of Commissioners for the Harbor District's on _____ through Resolution NO. _____.
2. **Overview:** The purpose of the Harbor Districts' rent, fees and interest collection policy is to establish consistent procedures and guidelines to be applied to each tenant, use, or service with respect to collection of rent, fee, and interest. The goal of these policies is to establish a process and procedure where tenants pay in full and on time. However, it is recognized that it may be necessary to initiate collection, liens, and asset forfeiture in order to collect the amounts owed to the District.
3. **Payments:** The full amount of rent, fees and interest shall be paid on the due date. Charges for any fraction of a month of occupancy at the beginning or end of a term shall be charged on a pro rata basis. The specific provisions in a lease shall be utilized. In the absence of specific provisions, the following policies shall apply:
 - a. Rent, fee, and interest is due and payable on the 1st day of the month unless another date is specified in the lease.
 - b. Rent, fee, and interest is delinquent after the 10th calendar day of the month.
 - c. Late charges for delinquent rent, fee, and interest payments are established in the lease or fee schedule.
4. **Application of Money Accepted:** Any and all monies that are received shall be applied to past arrearages starting with the first month of delinquency and proceeding forward. Whenever a tenant pays less than the full amount billed, the partial payment shall be credited as follows:
 - a. First to maintenance and repair charges, if any;
 - b. Second to excess utility charges, if any;
 - c. Third to Repayment Contract covering retroactive rent, fees, or interest;
 - d. Fourth to current months' rent, fees, or interest charges;
 - e. Fifth to delinquent rent, fees, or interest under a Repayment Contract;
5. **Collecting Rent:** If rent, fees, or interest is delinquent the following process are meant to be a guidance and will be the standard operating procedure. Each attempt to contact the tenant about the delinquency will be noted in the tenant's file indicating the date of the attempted contact, the method of attempted contact, the person attempting the contact, and the outcome. Copies of all Legal Notices will be retained in the file. Any items sent by certified mail and returned unclaimed will be held in the file unopened. The Executive Director or his designee may make

adjustments to the standard operating procedure as long as it meets the intent of collecting all rent, fees, or interest in a timely manner.

- a. 10 Day. If rent, fees, or interest is not paid in full by the 10th of the 1st month, Staff will attempt to make contact by phone, email, text, or other manner to inform them that they are delinquent and to try to schedule a time for them to come to the office and either pay in full.
 - b. Month One: By the 5th of the second month, District staff will by Certified Mail provide written notice to tenant at the address that the Tenant is in default and that the District has initiated termination and collection procedures. Staff will attempt to make contact by phone, email, text, on site or other manner to inform them that they are delinquent and to try to schedule a time for them to come to the office and either pay in full or enter into a repayment contract.
 - c. Month Two: By the 5th of the second month, District staff will by Certified Mail provide written notice to tenant that the Tenant is in default and that the District lease will be terminated and sent to collection. Staff will attempt to make contact by phone, email, text, on site or other manner to inform them that they are delinquent and to try to schedule a time for them to come to the office and either pay in full or enter into a repayment contract.
 - d. Month Three: By the 5th of the third month, District staff will by Certified Mail provide written notice to tenant that the Tenant is in default and that the District has terminated their lease and has forwarded the file to the District's collection contractor. Staff will attempt to make contact by phone, email, text, on site or other manner to inform them that the lease is terminated and to try to schedule a time for them to come to the office and either pay in full or enter into a repayment contract.
6. **Repayment Contract:** The Executive Director is authorized to enter into a Repayment Contract with a delinquent tenant which sets up a legally binding agreement between a delinquent tenant and the District under which the tenant agrees to pay current rent plus a fair amount each month toward delinquent rent until the delinquency is repaid in full. Under the Repayment Contract, the District, for its part, agrees not to terminate the lease of the delinquent tenant for nonpayment unless the terms of the Repayment Contract are broken by the tenant.

A down payment shall be required when the Repayment Contract is executed equal to no less than 15% of the total amount delinquent (rent plus charges) and no more than 50% of the total amount delinquent. The actual amount of down payment will be negotiated between the tenant and site staff. The more the tenant is able to put down, the shorter the duration of the contract will be. As long as payments are made in full according to the amount and schedule included in the Repayment Contract, no additional late fees or penalties will be assessed.

COMMISSIONERS

1st Division

Larry Doss

2nd Division

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4th Division

Richard Marks

5th Division

Patrick Higgins

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STAFF REPORT – HARBOR DISTRICT MEETING
February 28, 2019

TO: Honorable Board President and Harbor District Board Members

FROM: Larry Oetker, Executive Director

DATE: February 22, 2019

TITLE: Update on the District's Efforts to Build a New Multipurpose Dock at Redwood Marine Terminal I to Support Proposed Offshore Wind Energy Development.

RECOMMENDATION: Staff recommends the Board: Receive a report from Staff and provide direction as appropriate.

BACKGROUND: For many years the District has planned to expand the capabilities Redwood Marine Terminal I (RMT I) to a new multi-purpose berth and land-based facility. The District completed a feasibility study and business plan. New opportunities to accommodate renewable energy assembly and operation and maintenance operations have made it clear that if we are going to attract wind energy development to our port, the District, federal, State, and regional resources are needed to make our port ready for these opportunities

DISCUSSION: The Federal Bureau of Ocean Energy Management (BOEM) has announced that it intends to lease offshore tracks starting in 2020. It is well understood that permitting and construction of new dock facilities will take years. Once BOEM awards an offshore lease, the successful bidder will need to be assured that if they develop the offshore wind energy, the port and grid systems will be able to accommodate their needs.

Staff has been working with our partners to begin to be prepared for the needed port investments and will provide a report on how we proposed to proceed the initiating planning, environmental review, and permitting.

A recent report titled: The California Offshore Wind Project: A Vision for Industry Growth. Developed was released last week. This report was prepared by the American Jobs Project in partnership with the Schatz Energy Research Center (SERC) at Humboldt State University, Pacific Ocean Energy Trust (POET), and BVG Associates. The report charts a path for the state to leverage offshore wind to advance win-win solutions for the economy and environment.

Based on stakeholder interviews and extensive research, *The California Offshore Wind Project* finds that:

- California could install 18 GW of offshore wind capacity and support over 17,500 jobs in the offshore wind industry, related downstream industries, and surrounding economy in 2045.
- With deep waters and some of the highest wind speeds in the country, the Golden State has 112 GW of technical offshore wind resource potential, meaning it has the potential to produce 1.5 times as much electricity as California uses in one year.

- California has the eighth-highest net technical energy resource potential in the United States, suggesting that full utilization of its offshore generation potential could exceed New York and New Jersey, two states that have already made significant investments in the technology.
- The offshore wind industry is projected to grow 25 percent annually through 2022 due to falling costs and efficient electricity generation during peak demand.
- California is well-positioned to tap into this market growth given its 100 percent carbon-neutral energy goal, and growing interest from leading European offshore wind developers.

The report can be accessed at <http://americanjobsproject.us/ajp-state/california>.

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STAFF REPORT – HARBOR DISTRICT MEETING
February 28, 2019

TO: Honorable Board President and Harbor District Board Members

FROM: Larry Oetker, Executive Director

PREPARED BY: Bernadette Clueit, Harbor Specialist II

DATE: February 19, 2019

TITLE: Consideration of Harbor District Sponsorship at the Gold Level for the 2019 Humboldt Bay Symposium

RECOMMENDATION: Staff recommends the Board: Sponsor the 2019 Humboldt Bay Symposium at the Gold level.

BACKGROUND: The 2019 Humboldt Bay Symposium is a community-oriented conference focused on research and restoration of coastal ecosystems and sustainable use and enjoyment of Humboldt Bay and the surrounding region. This year's theme is "Rising to Meet the Challenges of Climate Change" and will feature sessions on sea level rise and adaptation planning, ecosystem restoration, ocean and fisheries research, and economic development. The event will be held on April 11-12, 2019 at the Wharfinger Building in Eureka.

DISCUSSION: The Humboldt Bay Symposium has been held since 1966 to highlight current events occurring in the Humboldt Bay Region. In 2007, the Board of Commissioners of the Harbor District established the Symposium as a District Program to be held every even-numbered year to provide to the public a variety of information related to Humboldt Bay, including current scientific research, wetland restoration, maritime commerce developments, marine recreational activities, and other current bay-related events. The last District-hosted Symposium was held in 2012. In 2016, the Humboldt Bay Initiative (HBI), an informal collaboration of local stakeholders, including scientists, agency staff, Tribes, non-profits, local government officials and other professionals working together to plan and carry out ecosystem-based management of Humboldt Bay, stepped in to host the Humboldt Bay Symposium. The HBI is once again hosting a Symposium in 2019 and is soliciting fiscal partners to assist in bringing this event to the public.

The fiscal sponsor for the 2019 Symposium is the HBI associated Coastal Ecosystems Institute of Northern California, a registered 501(c) 3 non-profit organization, making sponsorship donations tax deductible expenditures. Sponsorship levels are as follows:

- \$100 or more: Bronze Sponsor - Company name listed on Symposium program and Symposium website.
- \$250 or more: Silver Sponsor - Bronze level plus listing on a sponsor acknowledgment slide shown during breaks and transitions at the Symposium.
- \$500 or more: Gold Sponsor - Silver level acknowledgement with logo plus logo on Symposium banner.

ATTACHMENTS:

A. 2019 Humboldt Bay Symposium Donation Request Letter



Dear Community Business Owner,

The 2019 Humboldt Bay Symposium is a community-oriented conference focused on research and restoration of coastal ecosystems, and sustainable use and enjoyment of Humboldt Bay and the surrounding region. This year's theme is "Rising to Meet the Challenges of Climate Change," and will feature sessions on sea level rise and adaptation planning, ecosystem restoration, ocean and fisheries research, and development of coastal economic and outdoor recreational infrastructure. The event will be held on April 11-12, 2019 at the Wharfinger Building in Eureka.

We are seeking sponsors for the Symposium, which is a unique advertising opportunity that brings together a broad audience comprised of the general public, scientific community, and agency managers.

Sponsorship levels for cash and in-kind donations are as follows:

- \$100 or more: Bronze Sponsor - Acknowledgment (company name) listed on Symposium program and Symposium website.
- \$250 or more: Silver Sponsor - Bronze level **plus** listing on a sponsor acknowledgment slide shown during breaks and transitions at the Symposium.
- \$500 or more: Gold Sponsor - Silver level acknowledgement with logo **plus** logo on Symposium banner.

The fiscal sponsor for the Symposium is the Coastal Ecosystems Institute of Northern California (CEINC), a registered 501(c)3 nonprofit organization. If you would like to provide an in-kind donation or have questions about the Symposium, please contact Joe Tyburczy (707-599-8492, jtyburczy@ucsd.edu). If you wish to provide a monetary donation, please visit the "Donate" page at CEINC's website (<http://www.coastalecosystemsinstitute.org/donate/>) or send your check via mail to:

Coastal Ecosystems Institute of Northern California, P.O. Box 806, Bayside, CA 95524

Please indicate on your online submission or check that the purpose of your donation is sponsorship of the 2019 Humboldt Bay Symposium. The deadline for donations is **March 22, 2019**, to ensure there is sufficient time to include sponsors on Symposium materials. The CEINC will provide a letter to contributors acknowledging any donation (monetary or in-kind) for tax purposes.

Thank you for considering support of this valuable community event!

Sincerely,

Joe Tyburczy, California Sea Grant Extension, on behalf of the 2019 Humboldt Bay Symposium Organizing Committee

CALIFORNIA SEA GRANT

1 TCF Drive
Samoa, CA 95564

caseagrants.ucsd.edu