

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

DATE: **October 14, 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) PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code section 54957(b)(1). Title: Executive Director – Larry Oetker
- b) PUBLIC EMPLOYEE APPOINTMENT Title: Director of Development
- 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.
- d) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: one case. Facts and circumstance include potential administrative enforcement action by County of Humboldt arising from cleanup of District’s property.

Agenda for October 14, 2021 Regular Board Meeting

4. Call to Order Regular Session at 6:00 P.M. and Roll Call

5. Pledge of Allegiance

6. Report on Closed Session

7. 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.*

8. Consent Calendar

- a) Receive District Financial Reports for August 2021
- b) Adopt Minutes for September 9, 2021 Special Board Meeting
- c) Cancel Regular Meeting on November 11, 2021 due to Veterans Day
- d) Approve Employment Agreement with Rob Holmlund as Director of Development

9. Communications, Reports and Correspondence Received

- a) Executive Director’s Report
- b) Staff Reports
- c) District Counsel and District Treasurer Reports
- d) Commissioner and Committee Reports
- e) Correspondence Received

10. Unfinished Business

- a) **Consider Authorizing the Release of Request for Qualifications for Engineering Services and Preparation of CEQA/NEPA Environmental Documents for the 168-Acre New Multipurpose Heavy Lift Dock and Upland Facilities to Support the Emerging Offshore Wind Industry**

Recommendation: Staff recommends that the Board: Authorize Staff to release RFQs for engineering services and preparation of CEQA/NEPA environmental documents.

Agenda for October 14, 2021 Regular Board Meeting

Summary: In July 2021, Governor Newsom announced \$11 million to the Port of Humboldt Bay to be utilized as matching funds for a \$56 million Port Infrastructure Development (PDIP) Grant. On July 15, 2021, through Resolution 2021-11, the Board authorized the submission the grant and conditionally committed \$76,935,000 towards a \$145 million new heavy lift terminal project. On August 10th, the Secretary of the Interior, President Biden’s Chair of Environmental Quality, and Congressman Huffman toured the proposed new terminal site and announced the intention that in 2022, BOEM would lease 4.6 GW of offshore wind off California of which 1.6 GW would be 21 miles off Humboldt Bay and 3 GW off Morro Bay.

11. New Business

a) Accept Resignation From 1st District Commissioner Larry Doss and Provide Direction to Staff on Filling the Board Vacancy

Recommendation: Accept the Resignation of Commissioner Doss for filing and provide direction to staff as appropriate.

Summary: On October 1, 2021 District staff received a letter of resignation from 1st District Commissioner Larry Doss due to a change of residency out of District one. Staff requests direction from the Board on how to fill the vacancy.

b) Review the progress on Removing the Hazardous Waste at RMT II and the County Department of Health & Human Services Notification of Filing of an Administrative Enforcement Order Regarding Hazardous Material Storage and Reporting and Provide Direction as may be appropriate

Recommendation: Receive a report from Staff and provide direction as may be appropriate.

Summary: On September 8, 2021, the District received a Notification of Filing of an Administrative Enforcement Order Regarding Hazardous Material Storage and Reporting the former pulp mill property (RMT II) on the Samoa Peninsula. The order stated that the “As of the Date of this correspondence, the Humboldt Bay Harbor District has not taken the required corrective actions to resolve the violations in the June 1, 2021 Notice of Violations”. The Harbor District takes these matters very seriously and continues to work to remove the hazardous material and to dispose them in certified facilities.

c) Consider Adopting Resolution No. 2021-13, A Resolution to Authorize the Execution of a Grant Agreement and Accept Funds From the California Natural Resources Agency Department of Parks and Recreation Division of Boating and Waterways for the Surrendered and Abandoned Vessel Exchange Program

Recommendation: Staff recommends the Board: Adopt Resolution 2021-13.

Summary: There are currently thirty abandoned and/or derelict vessels located at District boat storage facilities eligible under the SAVE Grant. Eleven of those vessels are eligible for funding under this program. The Harbor District has

Agenda for October 14, 2021 Regular Board Meeting

partnered with the City of Eureka and Humboldt County Sheriff's Office for many years to remove abandoned and surrendered vessels from local waterways to avoid environmental and navigational hazards as well as physical damage to marine facilities. The District has been awarded \$52,000 in SAVE grant funds pending adoption of Resolution 2021-13.

d) Consider Adopting Resolution No. 2021-16 A Resolution of the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, and Authorize the Continued Use of Virtual Meetings

Recommendation: Adopt Resolution No. 2021-16.

Summary: As a result of the COVID-19 pandemic, the Governor issued Executive Order Nos. N-08-21, N-25-20 and N-29-20, which suspended certain provisions of the Ralph M. Brown Act to allow legislative bodies to conduct public meetings without strict compliance with the teleconferencing provisions of the Brown Act. Assembly Bill 361, which was signed into law in September of 2021, amended Government Code section 54953, to provide relief from the teleconferencing provisions of the Brown Act under certain circumstances provided the legislative body makes certain findings.

12. Future Agenda Items

- a) October 18, 2021 Special Meeting to Consider Adopting a Resolution Expressing Continued Support for the Great Redwood Trail.
- b) Bar Pilot Recruitment
- c) Green Diamond Shared Services Agreement
- d) Wake Ordinance Amendment
- e) Anchoring Ordinance Amendment
- f) Brown Act Training
- g) Discussion on the Health of the Ocean

13. Adjournment