

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

**DATE:** December 8, 2022

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

**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 (707) 443-0801 at least 24 hours in advance of the meeting.*

**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 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.** Property: All or Portions of Humboldt County Assessor Parcel Nos.: 401-112-024-000, 401-031-040-000, 401-031-078-000, and 401-031-083-000, and portions of the tidelands along the Samoa Peninsula adjacent to Redwood Marine Terminal I. Agency negotiator: Larry Oetker, Executive Director; Ryan Plotz, District Counsel. Negotiating parties: Crowley Wind Services, Inc. Under negotiation: price and terms of payment.
- c) PUBLIC EMPLOYEE PERFORMANCE EVALUATION** pursuant to Government Code section 54957(b)(1). Title: Executive Director – Larry Oetker

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

**5. Pledge of Allegiance**

**6. Report on Closed Session**

**7. Appointment of Board Secretary**

*Recommendation:* Staff recommends the Board appoint Stephen Kullmann as Secretary of the Board of Commissioners for the remainder of the term as a replacement for the vacancy left by Richard Marks.

*Summary:* Officers of the Board of Commissioners are elected annually in January. Due to the departure of Richard Marks, the Board Secretary position has been left vacant and is necessary for authorizing Resolutions.

**8. 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.*

**9. Consent Calendar**

- a) Adopt Minutes for November 10, 2022 Regular Board Meeting
- b) Receive District Financial Reports for September 2022
- c) Direct Staff to Implement Previously Approved Salary Step and Wage Classification
- d) Approve Purchase Order 1877 in the amount of \$12,450 for Playground Chips purchased under the Clean California Grant Agreement (entire amount will qualify for reimbursement)

**10. 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

**11. Unfinished Business - NONE**

**12. New Business**

**a) Receive a Status Report on the New Terminal Project and Introduce Crowley Wind Services, Inc.**

*Recommendation:* Staff recommends the board receive a report.

**b) Consider Authorizing the Executive Director and District Council to Negotiate and Execute a Compensation Agreement with the City of Arcata Community Development Agency Successor Agency**

*Recommendation:* Staff Recommends that the Board: Direct the Executive Director and District Council to negotiate and execute a Compensation Agreement based on the general terms outline in the City's proposal.

*Summary:* The purpose of the Agreement is to provide the affected Taxing Entities monetary compensation for former Redevelopment Agency properties after the dissolution of the Agencies by the State of California. The intent of the legislation was to liquidate assets and transfer the funds to the Taxing Entities. Specifically, the legislation states that through Compensation Agreements, affected entities receive a proportional share of the agreed value for the retained properties (based on each entities' tax share).

**c) Exercise of Option to Assume from the Humboldt Development Association, the Purchase and Sale of APN# 401-031-083 from the Samoa Pacific Group**

*Recommendation:* Staff recommends the board receive a report and

1. Approve the assumption of the Purchase and Sale Agreement from the Humboldt Bay Development Association (HBDA).
2. Direct Staff to implement the Earnest Money Funding Agreement.
3. Direct Staff to execute the Addendum to Agreement for the Purchase and Sale of Real Property.
4. Authorize the Executive Director to sign and the District's Attorney to draft all other documents as may be necessary to complete the transaction and close escrow under the terms outlined in the agreements.

*Summary:* In preparation for the Development of the Humboldt Bay Offshore Wind and Heavy Lift Marine Terminal, HBDA entered into a Purchase and Sale Agreement to acquire approximately 35 acres of Coastal Dependent Lands for the development of the Heavy Lift Terminal. The HBDA and the District also entered into the Earnest Money Funding Agreement where the District agreed to participate, initiate the transaction, and open the escrow. Pursuant to Section 8.5 of the Purchase Agreement, HBDA intends to assign its rights under the agreement to the District so it may complete the acquisition.

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**d) Consider Approval of the Second Amendment to the Employment Agreement with Larry Oetker as Executive Director**

*Recommendation:* Staff Recommends that the Board: Consider any Salary Adjustments or other modifications to the Agreement and then approve the Second Amendment.

*Summary:* Larry Oetker has been the Executive Director since December 8, 2018. The proposed amendment will expire on December 31, 2023.

**e) Consider Approval of the 1st Amendment to the Employment Agreement with Chris Mikkelsen as Deputy Executive Director**

*Recommendation:* Staff Recommends that the Board: Consider modifications to the Agreement and then approve the First Amendment.

*Summary:* Chris Mikkelsen has been the Director of Facilities Maintenance since July 23, 2019. The proposed amendment will expire on December 31, 2025.

**13. Future Agenda Items**

**14. Adjournment**