

HUMBOLDT BAY MUNICIPAL WATER DISTRICT
828 7th Street, Eureka



Minutes for Special Meeting of Board of Directors
December 16, 2020

1. ROLL CALL

President Woo called the meeting to order at 12:01 pm. Director Rupp conducted the roll call. Directors Fuller, Latt, Lindberg, Rupp and Woo were present. General Manger John Friedenbach, Superintendent Dale Davidsen, Business Manager Chris Harris, Tech Manager Dee Dee Simpson-Glenn, and Board Secretary Sherrie Sobol were also present. Legal Counsel Russ Gans and Steve Morris of Morris Logging were also present.

2. FLAG SALUTE

President Woo led the flag salute.

3. ACCEPT AGENDA

On motion by Director Lindberg, seconded by Director Latt, the Board voted 5-0 by roll call vote to accept the agenda.

4. PUBLIC COMMENT

No public comment was received.

5. CONTINUING BUSINESS

Salvage logging contract with Morris Logging

Mr. Friedenbach shared the contract between the District and Morris Logging for salvage logging at District owned parcels in the Ruth Lake area. Last week the Board reviewed the contract and requested some clarification and edits but nothing of large significance. He requested that if the Board agrees to approve the contract, they do so with the following findings: 1) This work is of urgent/emergent nature; 2) that immediate retention of a logging contractor is necessary to procure a THP (Timber Harvest Plan) and commence harvest; and 3) prompt retention of the contractor in a non-public bid setting is necessary to expedite the work and protect the District's water resources, all in accord with the Resolution 2020-08, the District's emergency resolution passed in October 2020.

Mr. Gans stated there were two additions since the Board last viewed the agreement. Section 1.1 has a change that states in bold lettering "In the event District does not approve Contractor's proposed THP submitted for Owner's Property and Contractor and District, in their respective discretion, do not mutually approve an amended or revised THP proposal, this Agreement will automatically terminate and the Contractor and District will have no further obligations to each other." This provision makes clear that prior to harvesting, a THP will be submitted and Morris logging will take the lead. If there is no agreement on the harvest plan, there will be no harvest and therefore no contract between the District and Morris Logging. The District does not anticipate this to be an issue.

The other contractual change is in Section 12.1 Termination. The attorney for Morris Logging requested to make the Termination for Convenience clause mutual and not just by owner. This is not an appropriate provision from the District's standpoint and asked them to delete the request. This paragraph for District termination is required by FEMA. They agreed. The contractor still retains the right to terminate the contract for material breaches under Section 12.2.

Those are the only real substantive changes to the contract. He recommends approval of the contract with the findings mentioned by Mr. Friedenbach if the Board wishes to proceed.

The Board and Mr. Morris discussed the THP and timing of the harvest. It is expected that harvest should begin after the new year once the THP is approved. The contractor will coordinate with the Ruth representative.

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Director Fuller summed up the goals of salvage logging as 1) Reduce threats to the log boom and dam; 2) Reduce threats to water quality; and 3) Reduce fuel loads in the future that would increase risk of another high severity fire. The Board concurred this was a good summary. In regards to the THP, the Board agreed that with the contractor's expertise, staff has the authority to approve the THP.

On motion by Director Latt, seconded by Director Rupp, the Board approved the contract with Morris Logging with the findings that : 1) This work is of urgent/emergent nature; 2) that immediate retention of a logging contractor is necessary to procure a THP (Timber Harvest Plan) and commence harvest; and 3) prompt retention of the contractor in a non-public bid setting is necessary to expedite the work and protect the District's water resources, all in accord with the Resolution 2020-08, the District's emergency resolution passed in October 2020.

ADJOURNMENT

The meeting adjourned at 12:41 pm.

Attest:

Sheri Woo, President

J. Bruce Rupp, Secretary/Treasurer