

**Humboldt Bay Municipal Water District**  
**828 7<sup>th</sup> Street, Eureka**



**Agenda for Special Meeting of the Board of Directors**

**Meeting Start Time: 4:30 pm**

**DUE TO COVID-19 THE DISTRICT WILL HOLD THE MEETING VIA ZOOM**

**December 21, 2021**

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**District Mission**

*Reliably deliver high quality drinking water to the communities and customers we serve in the greater Humboldt Bay Area at a reasonable cost. Reliably deliver untreated water to our wholesale industrial customer(s) at a reasonable cost. Protect the long-term water supply and water quality interests of the District in the Mad River watershed.*

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**COVID-19 Notice**

Consistent with Cal/OSHA, the California Department of Public Health, and the Humboldt County Public Health Officer's June 18, 2021 COVID-19 Workplace Rules, the meeting location will not be physically open and the Board members will be participating via Zoom. **Members of the public may join the meeting online at:** <https://us02web.zoom.us/j/88045915481?pwd=WE9NQzRpY1hDTlpWT3daMFVFT3kwdz09>  
**Or participate by phone: 1-669-900-9128 Enter meeting ID: 880 4591 5481 Enter password: 438057**  
If you are participating via phone and would like to comment, please press \*9 to raise your hand.

**How to Submit Public Comment:** Members of the public may provide public comment via email until 5 pm. the day before the Board Meeting by sending comments to [office@hbmwd.com](mailto:office@hbmwd.com). Email comments must identify the agenda item in the subject line of the email. Written comments may also be mailed to 828 7th Street, Eureka, CA 95501. Written comments should identify the agenda item number. Comments received prior to the meeting will be read during the meeting. Comments received after the deadline will be included in the record but not read during the meeting. Public comment will also be received during the meeting.

**1. ROLL CALL**

**2. FLAG SALUTE**

**3. ACCEPT AGENDA**

**4. PUBLIC COMMENT**

Members of the public are invited to address the Board on items not listed on the agenda that are within the scope and jurisdiction of the District. At the discretion of the President, comments may be limited to three minutes per person. The public will be given the opportunity to address items that are on the agenda at the time the Board takes up that item. Pursuant to the Brown Act, the Board may not take action on any item that does not appear on the agenda.

**5. CONTINUING BUSINESS**

- 5.1 Resolution 2021-24 – Climate Investment Fire Prevention Grant\* - discuss and possibly approve
- 5.2 Resolution 2021-25 – Extension of AB 361\* - discuss and possibly approve

**ADJOURNMENT**

ADA compliance statement: In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact the District office at (707) 443-5018. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting. (December 20, 2021)

**RESOLUTION NO. 2021-24**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HUMBOLDT BAY MUNICIPAL WATER DISTRICT FOR THE CALIFORNIA CLIMATE INVESTMENT FIRE PREVENTION GRANT PROGRAM**

WHEREAS, the Governor of the State of California in cooperation with the California State Legislature has enacted the California Climate Investments program, which provides funds to the State of California and its political subdivisions for fire prevention programs; and,

WHEREAS, the State Department of Forestry and Fire Protection (CAL FIRE) has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing application by local agencies, non-profit organizations, and others under the program, and,

WHEREAS, Humboldt Bay Municipal Water District desires to enter into an agreement with the State of California to carry out the Humboldt Bay Municipal Water District Ruth Area Fire Prevention project;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE HUMBOLDT BAY MUNICIPAL WATER DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

1. That the Board approves the filing of an application for a Direct Award from the California Climate Investment Fire Prevention Grant Program; and,
2. That the Board certifies that the District has or will have sufficient funds to operate and maintain the project; and,
3. That the Board certifies that funds under the jurisdiction of Humboldt Bay Municipal Water District are available to begin the project; and,
4. That the Board certifies that the District will expend grant funds prior to April 1, 2025; and,
5. That the Board appoints the Humboldt Bay Municipal Water District General Manager John Friedenbach or a designee, to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, amendments, and payment requests which may be necessary for the completion of the aforementioned project.

PASSED AND ADOPTED by the Board of Directors of Humboldt Bay Municipal Water District, this 21st day of December, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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Sheri Woo, President

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J. Bruce Rupp, Secretary/Treasurer

**RESOLUTION NO. 2021-25**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HUMBOLDT BAY MUNICIPAL WATER DISTRICT PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY EXECUTIVE ORDER NO. N-33-20 ON MARCH 4, 2020, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF HUMBOLDT BAY MUNICIPAL WATER DISTRICT FOR THE PERIOD OF DECEMBER 21, 2021 THROUGH JANUARY 20, 2022 PURSUANT TO BROWN ACT PROVISIONS.**

WHEREAS, the Humboldt Bay Municipal Water District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the Humboldt Bay Municipal Water District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted a Resolution, Number 2021-22 on December 9, 2021, finding that the requisite conditions exist for the legislative bodies of Humboldt Bay Municipal Water District to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District, and the Board of Directors has done so; and

WHEREAS, emergency conditions persist in the District, specifically, as a result of the COVID-19 pandemic, the Governor proclaimed a state of emergency on March 4, 2020 (N-33-20), in accordance with the section 8625 of the California Emergency Services Act, and the state of emergency remains in effect; and

WHEREAS, as a result of the COVID-19 pandemic, the Humboldt County Health Officer has imposed and has recommended measures to promote social distancing as more particularly set forth in his August 6, 2021, Order, among other prior orders and CDC guidance; and

WHEREAS, the Board of Directors does hereby find that as a result of the COVID-19 pandemic, social distancing recommendations and conditions causing imminent risk to attendees has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control

of services, personnel, equipment, and facilities of the District, and desires to affirm a local emergency exists and re-ratify the proclamation of state of emergency by the Governor of the State of California and re-ratify local social distancing recommendations; and

WHEREAS, as a consequence of the local emergency persisting, the Board of Directors does hereby find that the legislative bodies of Humboldt Bay Municipal Water District shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE HUMBOLDT BAY MUNICIPAL WATER DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

1. That the Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

2. That the Board of Directors hereby considers the conditions of the state of emergency in the District and proclaims that a local emergency persists throughout the District, and the state of emergency continues to directly impact the ability of the members of the Board to meet safely in person, and further that local officials continue to impose or recommend measures to promote social distancing;

3. That the Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020;

4. That the staff, General Manager, and legislative bodies of the Humboldt Bay Municipal Water District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

5. That this Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of January 20, 2021, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of Humboldt Bay Municipal Water District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of Humboldt Bay Municipal Water District, this 21st day of December, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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Sheri Woo, President

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J. Bruce Rupp, Secretary/Treasurer