



## Special Meeting

### Board of Harbor Commissioners of the Crescent City Harbor District

Chair Gerhard Weber, Vice Chair Annie Nehmer

Commissioner Rick Shepherd, Commissioner Dan Schmidt, Commissioner John Evans

[www.ccharbor.com](http://www.ccharbor.com)

#### AGENDA

**Date:** Thursday, September 11, 2025

**Time:** Open Session - 2:00 PM

**Place:** 101 Citizens Dock, Crescent City, CA 95531 and via Zoom Webinar

**Secondary Meeting Location:** *Commissioner Shepherd will be participating from 5894 La Push Road, Forks, WA 98331, which will be open and accessible to the public. Members of the public have the right to attend and participate in the meeting from this teleconference location.*

#### TO WATCH (via online)

<https://us02web.zoom.us/j/6127377734>

#### TO LISTEN (via telephone)

Dial (669) 900-6833, please enter 612-737-7734# when asked for a meeting ID.  
or, one tap mobile: +16699006833,,6127377734#

**MOMENT OF REFLECTION:** *Any prayer, invocation, or similar moment of reflection that may be offered before the start of a Board Meeting is a voluntary offering by a private resident or invited guest; has not been previously reviewed or approved by the Board of Harbor Commissioners or District staff; should not be considered an endorsement of any particular religion or belief by the Crescent City Harbor District or its officials, as the beliefs, viewpoints, and content are personal to the speaker; and no participation by any person in attendance is required. A list of volunteers is maintained by the Crescent City Harbor District office, and interested persons should contact the Secretary of the Board for further information.*

**REGULAR SESSION:**

**1. Preliminary Items**

- a. Call to Order
- b. Roll Call
- c. Pledge of Allegiance
- d. Public Comments

**2. Resolution of Censure Against Commissioner Annie Nehmer**

*The Board will consider adoption of Resolution No. 2025-11 formally censuring Commissioner Nehmer for repeated violations of the Crescent City Harbor District Bylaws and Board Principles, including but not limited to Sections 2.7, 3.1, and 6.2.*

**3. Removal of Commissioner Nehmer from the Office of Vice Chair**

*Pursuant to Section 2.3 of the Bylaws, the Board will consider action to remove Commissioner Nehmer from her officer position as Vice Chair of the Crescent City Harbor District, while she retains her status as an elected Commissioner.*

**4. MEETING ADJOURNMENT**

*Adjournment of the Board of Harbor Commissioners will be until the next meeting scheduled for **Wednesday, September 24, 2025**, at 2 p.m. PDT. The Crescent City Harbor District complies with the Americans with Disabilities Act. Upon request, this agenda will be made available in appropriate alternative formats to person with disabilities, as required by Section 12132 of the Americans with Disabilities Act of 1990 (42 U.S.C. §12132). Any person with a disability who requires modification in order to participate in a meeting should direct such request to (707) 464-6174 at least 48 hours before the meeting, if possible.*

*Pursuant to Government Code Section 54957.5(b)(1), the Crescent City Harbor District has designated its main office, located at 101 Citizens Dock Rd, Crescent City, CA, as the location available for public inspection of agendas and related writings under consideration by the Board of Harbor Commissioners. If the office is locked, please contact the Harbor Patrol at (707) 954-8341 (available 24 hours), and a patrol officer will promptly provide access for you to review the materials.*



## **Report of the Chairman Concerning Violation of Board Bylaws and Board Principles by Vice Chair Nehmer**

Pursuant to Section 3.2 of the Board Bylaws, which outlines the procedure for responding to breaches of the Board Principles, I have reviewed the actions of Vice Chair Nehmer in light of repeated concerns raised regarding compliance with the Board's governing standards.

The Board Bylaws establish clear expectations for Commissioners. Section 2.7 provides that individual Commissioners shall not make statements, inferences, or appearances that they are representing the District or the Board on any action, decision, or policy direction unless specifically authorized by Board action. When communicating with outside entities or persons, and acting in their individual capacity, Commissioners are required to explicitly state that they do not represent the District or Board.

In addition, the Board Principles (Section 3.1) require that Commissioners work only as a Board, refrain from independent or tangential agendas, act in accordance with Board decisions once made, and recognize the separation of responsibilities between the Board and staff. Section 6.2 further requires that when Commissioners consult with General Counsel on District matters, they disclose the nature of such consultations to the Board, typically in closed session, to preserve transparency and accountability.

Despite these provisions, Vice Chair Nehmer has repeatedly reached out to regulatory and outside agencies, including the California Coastal Commission, U.S. Coast Guard, Del Norte County Counsel's Office, U.S. Department of Agriculture, and the California State Lands Commission, without Board authorization and in violation of Bylaw 2.7. These communications have created the appearance that she was representing the

District or the Board, causing significant reputational harm and undermining confidence in the District's governance. Most notably, her unauthorized communications with the USDA, one of the District's principal lenders, have undermined sensitive discussions and conveyed the impression that the District is unstable and high risk, creating the prospect of serious and lasting economic consequences.

Furthermore, Commissioner Nehmer has twice initiated lawsuits against the Crescent City Harbor District, principally alleging violations of the Ralph M. Brown Act. These claims were hyper-technical in nature and, after careful analysis, were not well supported by the facts or the law. The District's General Counsel prepared a detailed staff report rebutting the allegations point by point, concluding that the lawsuits lacked merit and did not reflect genuine violations of the Brown Act. Despite this, the District was compelled to expend tens of thousands of taxpayer dollars defending against litigation that should never have been filed.

Equally troubling is the manner in which these lawsuits were pursued. Commissioner Nehmer made virtually no effort to present her concerns to the Board before resorting to litigation. She did not provide advance notice that she intended to file lawsuits, nor did she make diligent attempts to resolve the issues through internal discussion, mediation, or Board deliberation, avenues that are the proper and expected course for a Commissioner who believes governance standards are not being met. As a Vice Chair, she had an even greater obligation to work diligently to build consensus and foster unity, yet she chose instead to bypass her colleagues entirely.

In addition to the unauthorized communications and lawsuits described above, Commissioner Nehmer has repeatedly violated Section 6.2 of the Board Bylaws, which requires that any Commissioner who consults with District General Counsel on District matters disclose the nature of such consultations to the full Board, typically in closed session. This provision exists to ensure transparency, maintain accountability, and prevent individual Commissioners from appropriating legal resources for personal agendas.

Despite these clear requirements, Commissioner Nehmer has engaged in excessive, undisclosed consultations with General Counsel on a wide variety of District matters. By failing to report these consultations to the Board, she effectively concealed her actions and deprived her colleagues of the opportunity to evaluate, direct, or limit the scope of legal advice being sought.

This practice not only circumvented the safeguards intended to protect the District's legal resources but also eroded the principle that legal counsel serves the District as a whole, not individual Commissioners. Limited consultations with legal counsel are permitted, so long as they are promptly reported to the full Board for proper oversight.

The financial consequences of this conduct have been severe. Legal invoices reveal that Commissioner Nehmer's undisclosed consultations generated significant and unnecessary attorney hours, driving up expenses of several tens of thousands of dollars. These costs far exceeded any reasonable threshold, and the full Board, had it been consulted, would never have authorized such excessive expenses. Furthermore, because these costs were not tied to Board-approved initiatives or transparent discussions, they amounted to the misuse of public funds for personal or unauthorized purposes. The Board was forced to pay legal bills without having any meaningful opportunity to review or control the expenditure of resources. Limited consultations with legal counsel are permitted, so long as they are promptly reported to the full Board for proper oversight.

Equally troubling is the effect on governance. The concealment of these consultations created an environment in which one Commissioner was effectively shaping legal narratives and directing legal work without accountability. This undermines the collective authority of the Board, introduces inequity in access to legal advice, and gives the appearance that individual Commissioners may use public resources for private objectives. For someone holding the position of Vice Chair, such conduct is especially damaging, as it signals disregard for collegial accountability and for the fiscal responsibility owed to District constituents.

The cumulative effect of these undisclosed consultations has been to erode trust, waste taxpayer dollars, and compromise the Board's ability to oversee its own legal strategy. This repeated pattern of concealment and overspending represents a serious breach of duty and a violation of both the letter and spirit of Section 6.2 of the Bylaws.

The Board Principles require that Commissioners work only as a Board, respect the will of the majority once a decision is made, and act in accordance with those decisions even if they personally disagree. By pursuing litigation without exhausting internal remedies, Commissioner Nehmer not only disregarded those principles but actively undermined the Board's ability to

function as a collegial body. Such conduct is not becoming of a leader entrusted with the responsibilities of an officer position. It demonstrates a disregard for the collective decision-making process and a willingness to impose significant and unnecessary costs on the very taxpayers the Board is sworn to protect.

The cumulative impact of these actions has been to prejudice the District, damage its reputation, create dysfunction in the eyes of partner agencies, and impose severe financial burdens on the taxpayers and constituents the District serves. While the Board has previously exercised extreme restraint in the hope of resolving these issues without formal discipline, the persistence of these breaches, month after month, even after repeated advisories from legal counsel over these many months, compels a more decisive response.

Accordingly, based on the totality of the circumstances, I find that Vice Chair Nehmer has repeatedly and persistently violated the Board Bylaws and Principles, and that her conduct demonstrates that she is not suited for a leadership role within the Board. It is therefore my recommendation that the Board take disciplinary action, including formal censure and removal of Commissioner Nehmer from her officer position as Vice Chair, while she retains her status as an elected Commissioner.

Submitted for consideration by the full Board,

Gerhard Weber  
Board Chairman

## **Applicable Excerpts of Board Bylaws:**

### 2.7 Role of Commissioners

i. Except where specifically authorized by Board action, individual Commissioners shall not make any statement, inference, or appearance or indicate in any way that he or she is representing the District or the Board on any action, decision, or policy direction. Individual Commissioners may not actually or implicitly promise or infer District or Board action or promise that District staff will perform a specific action. When otherwise signing correspondence using their title as Commissioner and presenting their individual opinion and positions, individual Commissioners shall explicitly state that they do not represent the District and must not allow or encourage any inference that they are speaking on behalf of the Board, unless specifically authorized by the rest of the Board.

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### 3.1 Board Principles

The Board of Harbor Commissioners recognizes its actions affect the District's ability to fulfill its mission. Listed below are practices deemed essential for the Board to positively affect the District's ability to operate efficiently and effectively. To that end, the members of the Board affirm their commitment to act in accordance with the following practices:

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3. Work only as a Board, with no independent, tangential, or hidden agendas.
4. Always strive for consensus, remembering unanimity is not required.
5. Once the Board has made a decision, acknowledge and act in accordance with it.
6. Understand the Board's role is to set policy and ensure staff understands this, while facilitating staff's ability to implement Board directed policy.
7. Recognize and abide by the separation of responsibilities between the Board, CEO/Harbormaster, and Staff.

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### 3.2 Procedure for Responding to Breaches of the Board Principles

Should evidence or allegations of violations of the Board Principles by a Commissioner of the District come to the attention of a Board member, that Board member shall address the matter with the CEO/Harbormaster together with General Legal Counsel, who will advise the Commissioner on how to proceed in the matter. If it is determined to be a potential violation based upon General Counsel's determination, the matter will be agendized for Board consideration and determination in open session. (Open & Public V: A guide to the Ralph M. Brown Act)

### 2.3 Election of Board Officers

At the first meeting in December each year, the Board shall elect from its membership, by majority vote, a Chairperson ("Chair"), Vice Chairperson ("Vice Chair"), and Secretary, each to serve a one-year term. Any Board member elected to an officer position may be re-elected to serve consecutive terms if approved by a majority vote of the Board in subsequent years.

If the office of Chair becomes vacant during a term, the Vice Chair shall automatically assume the role of Chair for the remainder of the term. Similarly, if the office of Vice Chair becomes vacant, the Secretary shall automatically assume the role of Vice Chair for the remainder of the term.

Notwithstanding any other provision herein, the Board may remove any Chair, Vice Chair, or Secretary from their officer position by an affirmative vote of three (3) Harbor Commissioners. Any officer so removed shall retain their status as a Commissioner and continue as a regular member of the Board.

Any officer position not automatically filled by succession shall be filled by a majority vote of the Board at the earliest practicable opportunity.

### 6.2 General Counsel

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b. The General Counsel will be the primary attorney representing the District. The General Counsel represents the District, not individual Commissioners. Nonetheless, the Board recognizes and affirms the right of individual Commissioners to consult directly and confidentially with the General Counsel on District related matters as they deem appropriate. Prudence should be used when exercising this privilege, and the subject matter of all consultations must be limited to official District business. Any

Commissioner consulting with the General Counsel shall disclose the nature of the consultation with the Board at the next Board meeting, typically in closed session.

## RESOLUTION NO. 2025-11

### A RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS OF THE CRESCENT CITY HARBOR DISTRICT CENSURING COMMISSIONER ANNIE NEHMER FOR VIOLATION OF BOARD BYLAWS AND PRINCIPLES

WHEREAS, the Crescent City Harbor District (“District”) is responsible for the operation, maintenance, and administration of harbor facilities under the provisions of the California Harbors and Navigation Code and applicable provisions of the California Government Code; and

WHEREAS, the Crescent City Harbor District Bylaws, adopted January 22, 2025, establish standards of conduct for Commissioners, including Section 2.7, which prohibits individual Commissioners from making statements, inferences, or appearances that they represent the District or Board unless specifically authorized by Board action; and

WHEREAS, Section 3.1 (Board Principles) requires Commissioners to act only as a Board, refrain from independent agendas, act in accordance with Board decisions once made, and respect the separation of responsibilities between the Board and staff; and

WHEREAS, Section 6.2 requires Commissioners who consult with General Counsel on District matters to disclose the nature of such consultations to the Board, typically in closed session, to preserve transparency and accountability; and

WHEREAS, pursuant to Section 3.2 (Procedure for Responding to Breaches of the Board Principles), allegations and evidence of violations by Commissioner Annie Nehmer have been reviewed by the Chair in consultation with General Counsel, and the matter has been brought before the Board for consideration; and

WHEREAS, Commissioner Nehmer has repeatedly engaged in unauthorized communications with outside agencies, including the California Coastal Commission, U.S. Coast Guard, Del Norte County Counsel’s Office, U.S. Department of Agriculture, and the California State Lands Commission, without Board authorization, thereby violating Section 2.7 of the Bylaws; and

WHEREAS, such communications have created the appearance that Commissioner Nehmer was representing the District, causing reputational harm, undermining confidence in governance, and in the case of communications with the USDA—one of the District’s principal lenders—endangering sensitive loan discussions and creating potential economic harm to the District; and

WHEREAS, Commissioner Nehmer has twice initiated lawsuits against the Crescent City Harbor District, principally alleging hyper-technical violations of the Ralph M. Brown Act that, upon review by General Counsel, were found to lack merit. General Counsel prepared a detailed staff report rebutting the allegations point by point, concluding that the claims were based on unsound legal arguments and did not reflect genuine violations of law; and

WHEREAS, these lawsuits compelled the District to expend tens of thousands of taxpayer dollars in unnecessary legal expenses and inflicted harm on the District's reputation, despite the fact that such disputes could and should have been addressed internally with the full Board; and

WHEREAS, Commissioner Nehmer made virtually no effort to present her concerns to the Board prior to pursuing litigation, failed to pursue mediation or consensus-building, and disregarded her responsibility as Vice Chair to respect and work within the will of the majority once decisions were made. By bypassing collegial processes in favor of adversarial litigation, she demonstrated conduct unbecoming of an officer of the Board and a failure of leadership; and

WHEREAS, Commissioner Nehmer has also repeatedly consulted with District General Counsel without disclosure to the Board as required by Section 6.2, thereby increasing costs and undermining transparency; and

WHEREAS, the cumulative effect of these actions has been to prejudice the District, damage its reputation, undermine relationships with partner agencies, and impose significant financial burdens on the taxpayers and constituents the District serves; and

WHEREAS, the Board has previously exercised restraint and attempted informal advisories, but the persistence of these breaches compels the Board to take formal disciplinary action; and

NOW, THEREFORE, BE IT RESOLVED by the Crescent City Harbor District Board of Harbor Commissioners that:

1. Commissioner Annie Nehmer is hereby formally censured for repeated violations of the Crescent City Harbor District Bylaws, including but not limited to Sections 2.7, 3.1, and 6.2.
2. Commissioner Nehmer is hereby removed from the office of Vice Chair of the Board of Harbor Commissioners pursuant to Section 2.3 of the Bylaws. She shall retain her status as an elected Commissioner.

3. This Resolution of Censure shall be entered into the official minutes of this meeting, made part of the public record, and communicated to partner agencies to reaffirm the District's commitment to ethical governance.
4. The Board expects Commissioner Nehmer to refrain from further violations and to uphold the ethical standards and responsibilities required of a Commissioner.

This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Crescent City Harbor District Board of Harbor Commissioners at a special meeting held on the \_\_\_ day of September, 2025, by the following vote:

AYES: Commissioners \_\_\_\_\_

NOES: Commissioners \_\_\_\_\_

ABSENT: Commissioners \_\_\_\_\_

ABSTAINED: Commissioners \_\_\_\_\_

AFFIRMED:

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Gerhard Weber, Chair of the Board

ATTESTED:

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Gavin Van Alstine, Clerk of the Board

SEAL OF THE DISTRICT AFFIXED and attested to by:

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Commissioner John Evans, Secretary of the Board