



OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802-4511

1 completed within the time stated, but those damages would be difficult or impractical to  
2 determine. So, Contractor shall pay to City, as liquidated damages, the amount stated in  
3 the Contract Documents.”

4 2. Except as expressly modified herein, all of the terms and conditions  
5 contained in this Contract are ratified and confirmed and shall remain in full force and effect.

6 IN WITNESS WHEREOF, the Parties have caused this document to be duly  
7 executed with all formalities required by law as of the date first stated above.

8 BELLINGHAM MARINE INDUSTRIES,  
9 INC., a Washington corporation  
10 October 3, 2022 By [Signature]  
11 Name ERIC L. NOEGEL  
12 Title VICE PRESIDENT

13 \_\_\_\_\_, 2022 By \_\_\_\_\_  
14 Name \_\_\_\_\_  
15 Title \_\_\_\_\_

“Contractor”

16 CITY OF LONG BEACH, a municipal  
17 corporation  
18 October 13, 2022 By [Signature]  
19 City Manager

“City”

20 This Third Amendment to Contract No. 35377 is approved as to form on  
21 October 11<sup>th</sup>, 2022.

EXECUTED PURSUANT  
TO SECTION 41 OF  
THE CITY CHARTER.

22  
23 CHARLES PARKIN, City Attorney  
24 By [Signature]  
25 Deputy

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of SOLANO)

On OCTOBER 3, 2022 before me, KAREN E SMITH, NOTARY PUBLIC  
(insert name and title of the officer)

personally appeared ERIC L NOEGEL,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in  
his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.



Signature Karen E Smith (Seal)

**ACTION BY WRITTEN CONSENT**

**OF**

**BMI ACQUISITION CO.**

**A Washington Corporation**

**April 22, 2022**

The undersigned, being all of the members of the Board of Directors (the "Board" or "Board of Directors") of BMI Acquisition Co., a Washington corporation (the "Company"), acting pursuant to Section 23B.07.040 of the Washington Business Corporation Act, Section 607.0704 of the Florida Business Corporation Act, and Section 33-749 of the Connecticut Business Corporation Act, do hereby adopt, ratify and approve the following resolutions by written consent effective as of the date set forth above and directs the Secretary of the Company to place a copy hereof in the Company's book of minutes:

**Election of Directors and Officers of Bellingham Marine Industries, Inc.**

**WHEREAS**, the Company is the sole shareholder of Bellingham Marine Industries Inc. ("BMI"); and

**WHEREAS**, the Company desires to update BMI's records to reflect the appointments of directors and officers of BMI, effective as of April 22, 2022;

**NOW, THEREFORE BE IT RESOLVED**, that the following individuals be, and hereby are, elected as directors of BMI as of April 22, 2022 to serve in accordance with the Bylaws and until their successors are duly appointed and qualified:

Joseph J. Ueberroth

Brian Schaeffen

Kevin Thompson

Tina M. Jeffcoat

**RESOLVED FURTHER**, that the following individuals be, and hereby are, elected as officers effective April 22, 2022 to serve in accordance with the Bylaws and until their successors are duly appointed and qualified:

Joseph J. Ueberroth

CEO

Kevin Thompson

COO

Brian Schaeffen

CFO

Tina M. Jeffcoat

Secretary and Vice President of Administration

Craig Funston

Vice President of Engineering

Eric Noegel	Vice President, Southwest Division Manager
Jim Engen	Vice President, Northwest Division Manager
Ed Heaton	Vice President, Timber Division Manager
Jeffrey Pratt	Vice President, Southeast Division Manager

**Election of Directors and Officers of Florida Floats, Inc.**

**WHEREAS**, the Company is the sole shareholder of Florida Floats Inc. ("FFI"); and

**WHEREAS**, the company desires to update FFI's records to reflect the appointments of directors and officers of FFI, effective as of April 22, 2022;

**NOW, THEREFORE BE IT RESOLVED**, that the following individuals be, and hereby are, elected as directors of FFI as of April 22, 2022 to serve in accordance with the Bylaws and until their successors are duly appointed and qualified:

Joseph J. Ueberroth

Brian Schaeffgen

Kevin Thompson

Tina M. Jeffcoat

**RESOLVED FURTHER**, that the following individuals be, and hereby are, elected as officers effective April 22, 2022 to serve in accordance with the Bylaws and until their successors are duly appointed and qualified:

Joseph J. Ueberroth	CEO
Kevin Thompson	COO
Brian Schaeffgen	CFO
Tina M. Jeffcoat	Secretary and Vice President of Administration
Craig Funston	Vice President of Engineering
Eric Noegel	Vice President, Southwest Division Manager
Jim Engen	Vice President, Northwest Division Manager
Ed Heaton	Vice President, Timber Division Manager
Jeffrey Pratt	Vice President, Southeast Division Manager

**Election of Directors and Officers of Concrete Flotation Systems Inc.**

**WHEREAS**, the Company is the sole shareholder of Concrete Flotation Systems Inc. ("CFS"); and

**WHEREAS**, the company desires to update CFS's records to reflect the appointments of directors and officers of CFS, effective as of April 22, 2022;

**NOW, THEREFORE BE IT RESOLVED**, that the following individuals be, and hereby are, elected as directors of CFS as of April 22, 2022 to serve in accordance with the Bylaws and until their successors are duly appointed and qualified:

Joseph J. Ueberroth

Brian Schaeffgen

Kevin Thompson

Tina M. Jeffcoat

**RESOLVED FURTHER**, that the following individuals be, and hereby are, elected as officers effective April 22, 2022 to serve in accordance with the Bylaws and until their successors are duly appointed and qualified:

Joseph J. Ueberroth	CEO
Kevin Thompson	COO
Brian Schaeffgen	CFO
Tina M. Jeffcoat	Secretary and Vice President of Administration
Craig Funston	Vice President of Engineering
Eric Noegel	Vice President, Southwest Division Manager
Jim Engen	Vice President, Northwest Division Manager
Ed Heaton	Vice President, Timber Division Manager
Jeffrey Pratt	Vice President, Southeast Division Manager

**Election of Directors and Officers of BMI North America Inc.**

**WHEREAS**, the Company is the sole shareholder of BMI North America Inc. ("BMINA"); and

**WHEREAS**, the company desires to update BMINA's records to reflect the appointments of directors and officers of BMINA, effective as of April 22, 2022;

**NOW, THEREFORE BE IT RESOLVED**, that the following individuals be, and hereby are, elected as directors of BMINA as of April 22, 2022 to serve in accordance with the Bylaws and until their successors are duly appointed and qualified:

Joseph J. Ueberroth

Brian Schaeffgen

Kevin Thompson

Tina M. Jeffcoat

**RESOLVED FURTHER**, that the following individuals be, and hereby are, elected as officers effective April 22, 2022 to serve in accordance with the Bylaws and until their successors are duly appointed and qualified:

Joseph J. Ueberroth	CEO
Kevin Thompson	COO
Brian Schaeffgen	CFO
Tina M. Jeffcoat	Secretary and Vice President of Administration
Craig Funston	Vice President of Engineering
Eric Noegel	Vice President, Southwest Division Manager
Jim Engen	Vice President, Northwest Division Manager
Ed Heaton	Vice President, Timber Division Manager
Jeffrey Pratt	Vice President, Southeast Division Manager

**RESOLVED FURTHER**, that the directors may be compensated for reasonable expenses, if any, incurred for attendance at each meeting of the Board of Directors, but shall not be paid a fixed sum for attendance at such meetings nor receive a stated salary for service as a director.

**RATIFICATION**

**RESOLVED FURTHER**, that any prior resolution or arrangement for payment of fees or fixed sums for attendance at meetings of the Board of Directors is hereby revoked;

**RESOLVED FURTHER**, that all acts and things heretofore done by any director of BMI, FFI, CFS and BMINA, on or prior to the date hereof be, and the same hereby are, in all respects ratified, confirmed, approved, and adopted as acts on behalf of each of the companies.

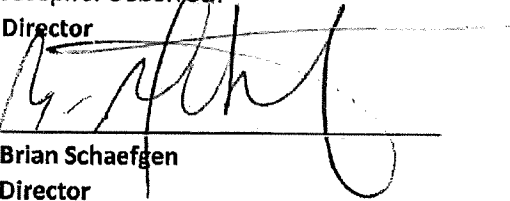
**IN WITNESS WHEREOF**, the undersigned have executed this Action by Written Consent as of the date set forth above. This Action by Written Consent may be executed by facsimile transmission and such facsimile shall be valid and binding to the same extent as if it were an original.

**BMI ACQUISITION CO.**

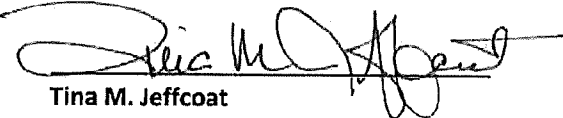
**A Washington Corporation**

By: 

Joseph J. Ueberrath  
Director

By: 

Brian Schaeffgen  
Director

By: 

Tina M. Jeffcoat  
Director