

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

**DATE:** January 12, 2023

**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. Swearing in of Elected Commissioners for Division 3 and Division 4 pursuant to California Elections Code Section 10265**

**4. 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: Humboldt County APNs: 401-031-054-000, 401-031-061-000, 401-112-013-000. Agency negotiator: Larry Oetker, Executive Director; Ryan Plotz, District Counsel. Negotiating parties: California Redwood Company. Under negotiation: price and terms of payment.

**Agenda for January 12, 2023 Regular Board Meeting**

- c) 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.
- d) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Property: Humboldt County APN: 401-031-083-000. Agency negotiator: Larry Oetker, Executive Director; Ryan Plotz, District Counsel. Negotiating parties: Samoa Pacific Group, LLC. Under negotiation: price and terms of payment.
- e) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Property: Humboldt County APNs: 401-031-054-000, 401-031-061-000, 401-112-013-000. Agency negotiator: Larry Oetker, Executive Director; Ryan Plotz, District Counsel. Negotiating parties: California Redwood Company. Under negotiation: price and terms of payment.
- f) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Property: Humboldt County APNs: 401-031-071-000 and 401-112-029-000. Agency negotiator: Larry Oetker, Executive Director; Ryan Plotz, District Counsel. Negotiating parties: Sniper Enterprises, LLC. Under negotiation: price and terms of payment.

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

**6. Pledge of Allegiance**

**7. Election of Board President, Vice President and Secretary**

*Summary:* District Ordinance No. 6, Article II Officers, Section 6 states: “The President, Vice-President and Secretary shall be elected at the annual meeting of the Board of Commissioners of the District from among the members of said Board of Commissioners and shall hold office for one year or until their successors are elected and qualified. All Officers shall serve during the pleasure of the Board of Commissioners of the District.”

**8. Report on Closed Session**

**9. 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*

## **Agenda for January 12, 2023 Regular Board Meeting**

*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.*

### **10. Consent Calendar**

- a) Adopt Minutes for December 8, 2022 Regular Board Meeting
- b) Receive District Financial Reports for October 2022

### **11. 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
  - 1. Wiyot Tribal Council Resolution NO 22-28 Affirming the ancestral territory and jurisdiction of the Wiyot Tribe and Duly Enrolled Citizens of the Tribe.
  - 2. Letter from the Humboldt Bay Municipal Water District regarding water supply needs for the Heavy Lift Marine Terminal project.

### **12. Unfinished Business**

### **13. New Business**

- a) **Consider Adopting Resolution 2023-01, A Resolution Declaring that Governing Body and Volunteers Shall Be Deemed Employees of the District for the Purpose of Providing Workers' Compensation Coverage**

*Recommendation:* Staff recommends the Board: Adopt Resolution 2023-01 for Governing Body and Volunteers.

*Summary:* The Special District Risk Management Authority (SDRMA) requires an annual Resolution to extend Workers' Compensation coverage to their Governing Body members and/or volunteers. If adopted, such persons will be deemed as employees for workers' compensation benefit. The Resolution permits the Governing Body to designate the categories of persons whom the District desires to "deem" to be employees for this purpose by checking the boxes associated with those categories on the Resolution. Any persons designated will need to be listed under the Workers' Compensation Program and must pay an annual premium to enable coverage.

- b) **Consider Adopting Resolution 2023-02, A Resolution Accepting Funds from the California Department of Fish and Wildlife, Office of Spill Prevention and Response for Oil Spill Prevention and Response Equipment, and to Authorize the Executive Director to execute the Grant Agreement**

**Agenda for January 12, 2023 Regular Board Meeting**

*Recommendation:* Staff recommends the Board: Adopt Resolution 2023-02 Accepting a \$10,000 grant from CDFW.

*Summary:* Through a prior award, the District was the recipient of a mobile Oil Spill Prevention and Response Trailer funded by the California Department of Fish and Wildlife (CDFW). These trailers are strategically placed for the implementation of Oil Spill Response Equipment Staging in Humboldt County. As the materials and equipment housed in these trailers require periodic replacement and replenishment, CDFW offers Mini-Grants to reimburse grantees for such supplies.

- c) Consider Appointing Board Member as the Harbor District Representative on the Humboldt Bay Development Association to Replace Richard Marks**

**13. Future Agenda Items**

**14. Adjournment**

**GOVERNING BOARD MEMBER – SPECIAL DISTRICT**

**CERTIFICATE OF APPOINTMENT IN LIEU OF ELECTION**

Elections Code, Section 10515

I, KELLY SANDERS, Humboldt County Registrar of Voters, do hereby certify that **STEPHEN W KULLMANN** was nominated for the position of Director of the **HUMBOLDT BAY HARBOR RECREATION AND CONSERVATION DISTRICT, DIVISION 3** and that the number of candidates was equal to or did not exceed the number of offices to be filled at the Statewide General Election held on November 8, 2022 Therefore pursuant to Section 10515 of the California Elections Code the appointment was made by the Humboldt County Board of Supervisors. The term of this office is 4 years ending on the first Friday of December, 2026.

Dated: December 2, 2022  
Kelly Sanders  
County Registrar of Voters

By \_\_\_\_\_  
Deputy Clerk

**OATH OF OFFICE**

Govt Code Section 1360-1363, inclusive,  
3105 Section 3, Article XX, State Constitution

I, **STEPHEN W KULLMANN**, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

\_\_\_\_\_  
Signature Date

Residential Address:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of person administering oath

**Return signed original form to the Humboldt County Office of Elections:**

**GOVERNING BOARD MEMBER – SPECIAL DISTRICT**

**CERTIFICATE OF APPOINTMENT IN LIEU OF ELECTION**

Elections Code, Section 10515

I, KELLY SANDERS, Humboldt County Registrar of Voters, do hereby certify that **CRAIG S BENSON** was nominated for the position of Director of the **HUMBOLDT BAY HARBOR RECREATION AND CONSERVATION DISTRICT, DIVISION 4** and that the number of candidates was equal to or did not exceed the number of offices to be filled at the Statewide General Election held on November 8, 2022. Therefore pursuant to Section 10515 of the California Elections Code the appointment was made by the Humboldt County Board of Supervisors. The term of this office is 4 years ending on the first Friday of December, 2026.

Dated: December 2, 2022  
Kelly Sanders  
County Registrar of Voters

By \_\_\_\_\_  
Deputy Clerk

**OATH OF OFFICE**

Govt Code Section 1360-1363, inclusive,  
3105 Section 3, Article XX, State Constitution

I, **CRAIG S BENSON**, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Residential Address:  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of person administering oath

**Return signed original form to the Humboldt County Office of Elections:**

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

**December 8, 2022**

The Humboldt Bay Harbor, Recreation and Conservation District met in regular session on the above date, Closed Session met at 5:00 P.M., Regular Session met at 6:00 P.M. at the Woodley Island Marina meeting room, 601 Startare Drive, Eureka, CA 95501.

**CLOSED SESSION – 5:00 P.M.**

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters on the closed session meeting agenda: No one.

**BUSINESS**

- 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

**REGULAR SESSION – 6:03 P.M.**

**ROLL CALL**

PRESENT:       DALE  
                  KULLMANN  
                  HIGGINS  
                  NEWMAN

ABSENT:        NONE

QUORUM:       YES

**PLEDGE OF ALLEGIENCE**

**REPORT ON SPECIAL CLOSED SESSION:** No reportable action.

**APPOINTMENT OF BOARD SECRETARY**

COMMISSIONER HIGGINS MOVED TO APPOINT COMMISSIONER KULLMANN AS SECRETARY OF THE BOARD OF COMMISSIONERS FOR THE REMAINDER OF THE TERM.

COMMISSIONER KULLMANN SECONDED.

VOICE VOTE WAS CALLED, MOTION CARRIED.

Ayes: DALE, HIGGINS, KULLMANN, NEWMAN

Noes: NONE

Absent: NONE

Abstain: NONE

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters not on the regular session meeting agenda: Pierre Carbonneau, Michael Finley, Jerry Stewart, Chelsey Rios, Chris McBeth, Trevor Treherne, Isaac Dunn, Ben Dalton, Time Logan, Pat Hooven, and Chris Albright.

**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)

COMMISSIONER HIGGINS MOVED TO ACCEPT CONSENT CALENDAR ITEMS A-D.

COMMISSIONER KULLMANN SECONDED.

VOICE VOTE WAS CALLED, MOTION CARRIED.

Ayes: DALE, HIGGINS, KULLMANN, NEWMAN

Noes: NONE

Absent: NONE

Abstain: NONE

**COMMUNICATIONS, REPORTS AND CORRESPONDENCE RECEIVED**

- a) Executive Director's Report
  - I. Executive Director presented Executive Director's report.
- b) Staff Reports
  - I. Staff presented on recent District activities.
- c) District Counsel and District Treasurer Reports
  - I. No Report.
- d) Commissioner and Committee Reports
  - I. Commissioners reported on recent activities and subcommittees.
- e) Correspondence Received
  - I. Letter from Peninsula Community Services District (Attachment A)

**UNFINISHED BUSINESS - NONE**



**NEW BUSINESS**

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

- I. Chair Dale introduced the Crowley Wind Services, Inc. team including John Berry, Brian Abel, Evan Matthews and Jeff Andreini.
- II. Executive Director and Jeff Andreini gave a status report and summary of the meetings that occurred during the week.
- III. Chair Dale opened the item to public comment. No one commented
- IV. Report only, no formal action was taken.

**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**

- I. Executive Director introduced Daivd Loya, who presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. No one commented.
- IV. Chair Dale moved the discussion back to the Commission.  
COMMISSIONER KULLMANN MOVED TO DIRECT THE EXECUTIVE DIRECTOR AND DISTRICT COUNCIL TO WORK WITH THE CITY OF ARCATA TO DEVELOP A COMPENSATION AGREEMENT.  
COMMISSIONER NEWMAN SECONDED.  
VOICE VOTE WAS CALLED, MOTION CARRIED.  
Ayes: DALE, HIGGINS, KULLMANN, NEWMAN  
Noes: NONE  
Absent: NONE  
Abstain: NONE

**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**

- I. District Staff presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. No one commented.
- IV. Chair Dale moved the discussion back to the Commission.  
COMMISSIONER KULLMANN MOVED TO EXERCISE THE OPTION TO ASSUME FROM THE HUMBOLDT BAY DEVELOPMENT ASSOCIATION, THE PURCHASE AND SALE OF APN# 401-031-083 FROM THE SAMOA PACIFIC GROUP.  
COMMISSIONER HIGGINS SECONDED.  
VOICE VOTE WAS CALLED, MOTION CARRIED.  
Ayes: DALE, HIGGINS, KULLMANN, NEWMAN  
Noes: NONE  
Absent: NONE  
Abstain: NONE

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

- I. Chair Dale presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. No one commented.
- IV. Chair Dale moved the discussion back to the Commission.

COMMISSIONER KULLMANN MOVED TO APPROVE THE SECOND AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH LARRY OETKER AS EXECUTIVE DIRECTOR, ADJUSTING THE SALARY TO \$190,000 ANNUALLY AND INCLUDING A ONE-TIME LUMP SUM PAYMENT OF \$2,080.

COMMISSIONER NEWMAN SECONDED.

VOICE CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: DALE, HIGGINS, KULLMANN, NEWMAN  
Noes: NONE  
Absent: NONE  
Abstain: NONE

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

- I. Chair Dale presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. No one commented.
- IV. Chair Dale moved the discussion back to the Commission.

COMMISSIONER NEWMAN MOVED TO APPROVE THE FIRST AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH CHRIS MIKKELSEN AS DEPUTY EXECUTIVE DIRECTOR, CHANGING THE LAST SENTENCE OF SECTION 2A TO READ, "EMPLOYEE SHALL RECEIVE A ONE-TIME \$5,000 ANNUAL SALARY INCREASE ONCE THE COASTAL DEVELOPMENT PERMITS ARE RECEIVED FROM THE COASTAL COMMISSION FOR THE NEW HEAVY LIFT TERMINAL AT REDWOOD MARINE TERMINAL I."

COMMISSIONER KULLMANN SECONDED.

VOICE VOTE WAS CALLED, MOTION CARRIED.

Ayes: DALE, HIGGINS, KULLMANN, NEWMAN  
Noes: NONE  
Absent: NONE  
Abstain: NONE

**ADJOURNMENT – 8:47 P.M.**

APPROVED BY:

RECORDED BY:

\_\_\_\_\_  
Stephen Kullmann  
Secretary of the Board of Commissioners

\_\_\_\_\_  
Mindy Hiley  
Director of Administrative Services



## Peninsula Community Services District

PO Box 234 1982 Gass Avenue Samoa, CA 95564-9509

Phone: (707) 443-9042 Email: samoapen@gmail.com

December 5, 2022

To all stakeholders interested in the Samoa Peninsula

### **Overview:**

CalPERS intends to cancel their contract with the Peninsula Community Services District (PCSD). This action will negatively impact the PCSD's ability to secure 20 million dollars of State funding to build an integrated wastewater system that is critical for economic development on the Samoa Peninsula. This action by CalPERS will also result in the termination of retirement benefits for eight community members who served the Samoa Peninsula Fire Protection District (SPFPD), the agency that was reorganized into the PCSD. It also violates an existing agreement between CalPERS and the PCSD to resolve this issue through a repayment plan.

### **Background:**

The Samoa Peninsula Fire Protection District suffered from declining revenue for many years as the pulp mills and other industries closed on the peninsula. Ten years ago, I forecast that within five to seven years, our revenue would not be sufficient to operate the fire department while also making the continuously increasing employer contributions to CalPERS. Therefore, I began the process to reorganize the SPFD into a community services district to both grow our revenue sources while also supporting economic development on the peninsula.

The Samoa Peninsula Fire Protection District was reorganized into the Peninsula Community Services District in 2019 through a Local Agency Formation Commission action in 2019. The process took longer than expected, about 7 years, because it was tied to, and funded by, the Samoa Town Master Plan project. Similarly, the increases in revenue that we anticipated are only now beginning to come online. In the meantime, our employer contribution to CalPERS increased to the point where our total annual revenue was not adequate to cover our CalPERS obligation. In 2020, I negotiated a reduced payment plan with CalPERS based on the premise that our revenue would increase in the near future and therefore we would be able to both resume our full CalPERS obligation and begin a repayment plan for our delinquent receivables that accrued during the period of reduced payments. That agreement was extended by mutual agreement to a second year. It expires at the end of 2022. We have made all of our payments according to this agreement.

### **Current Situation and Crisis:**

An internal audit at CalPERS revealed that our repayment plan violated their internal policies, for reasons that I am not clear on. The result is that CalPERS has demanded that the PCSD repay our entire delinquent receivables, approximately 300k, immediately and that we begin making our full monthly employer contribution payment, approximately 9k per month. We are not able to meet their demands with our

current revenue and reserves. We have offered to sell fixed assets to ensure that we are able to honor our commitment to make our full monthly payment and also make payments towards our delinquent receivables, but they will not accept any terms other than immediate full payment. The cancellation of our contract with CalPERS has far reaching impacts beyond the PCSD because of the role it plays in economic development on the peninsula, specifically regarding wastewater treatment.

The PCSD has been working on securing funding from the California State Water Resources Control Board to plan, design, and build an integrated wastewater treatment system for the peninsula. The planning phase of this project has been completed and we are now finalizing the proposal for 20 million dollars in construction funding. The staff at the Water Board are very supportive of this project, but one of the next steps to secure this funding involves a financial review of the PCSD. If our CalPERS contract is cancelled, then we can expect to be sued by the retirees.

We have been told by our consultant that these outcomes will eliminate the PCSD from consideration for Water Board funding. This will be an unfortunate consequence of CalPER's action because this wastewater treatment project will have significant water quality benefits for the waters of Humboldt Bay. This project will also provide a wastewater treatment solution for economic development activities that are targeting the peninsula. These include projects being advanced by the Humboldt Bay Harbor, Conservation, and Recreation district, such as a full-service facility to support offshore wind development along the entire West Coast, and a 500 million dollar land-based fish farm. Additional economic development activities that require wastewater treatment are being advanced by other land owners on the peninsula. The Peninsula can, once again, be an economic engine for the region while also playing a key role in California's drive towards renewable wind energy. These projects will be much more challenging to move forward without a wastewater treatment solution because on-site treatment on the peninsula is very challenging due to its sandy soils, high water table, and proximity to Humboldt Bay, essentially requiring treatment to drinking water standards before being disposed on-site.

#### **Request:**

The PCSD needs help. This help can be in the form of political pressure on CalPERS to negotiate a reasonable repayment plan, or it can be in the form of a loan to get us through this challenging period. Frankly, this current challenge is simply beyond our abilities to address – from both a financial perspective and a staff expertise perspective. We don't have a general manager yet. As the board president, I have led the effort to reorganize into a CSD and I have led the effort to secure State funding for wastewater treatment. We are very grateful to the consultants who have helped us with these efforts, and we are grateful to the private developer who funded the CSD formation, but we don't have the internal capacity to address this CalPERS crisis.

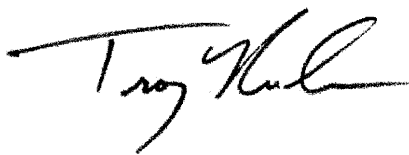
#### **Current and Projected Revenue:**

Our current revenue is primarily derived from a special tax for fire and medical services. It produces approximately 70k per year and covers the fire department needs. Our future projected revenue comes from several sources, many of which are associated with, or derived from the Samoa Town Master Plan. Find attached our rate studies that outline revenue and cost projections for water and sewer, parks and recreation, and streets and lighting. The prop 218 processes have been completed for sewer and water and they will be completed for the other services in approximately 60 days. Note that the Samoa Town developer is making the CSD whole during the early years where there is a deficit. Also note that our projected revenues are adequate to make our full employer contribution to CalPERS.

We are also in the process of increasing our special tax for fire and medical to produce an additional 40k per year. An additional source of future income is revenue from the operation of an event facility that is being provided by the Samoa Town developer as a no-cost lease for 10 years. We project that we can

produce 20k in revenue from this facility. And finally, the CSD owns a residence in Fairhaven that we intend to sell. We expect to net 200k from this sale.

Respectfully,

A handwritten signature in black ink, appearing to read "Troy Nicolini". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

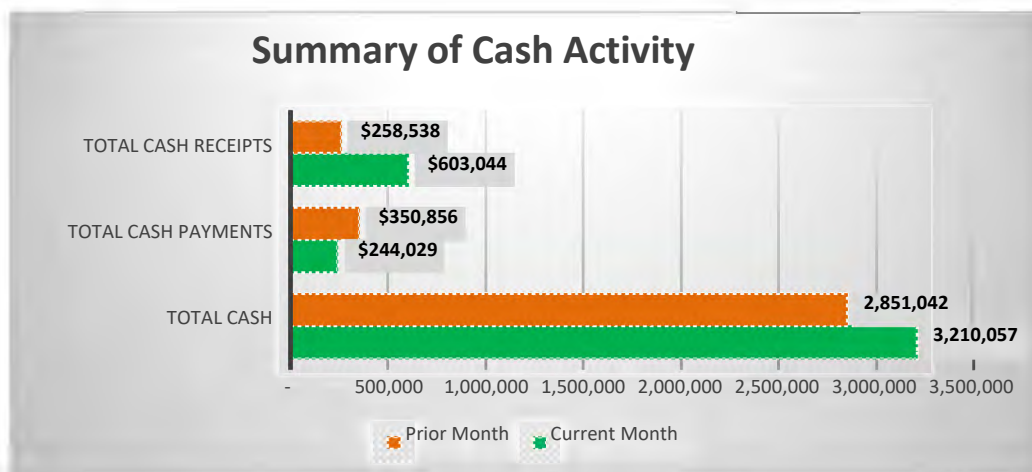
Troy Nicolini  
Peninsula Community Services District  
Board Chair  
707-496-5959  
troy.nicolini@gmail.com

HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT

Monthly Cash Flow Analysis

For The Months Ended October 31, 2022 and September 30, 2022

	<u>10/31/22</u>	<u>9/30/22</u>
<b><u>Account Balances</u></b>		
Checking	\$ 404,862	\$ 19,487
Savings	1,799,801	1,826,818
County Treasury	1,002,941	1,002,941
Cash on hand	2,453	1,796
<b>Total Cash</b>	<b>3,210,057</b>	<b>2,851,042</b>
Less: Restricted cash for Marina surcharges	(1,707,129)	(1,683,609)
<b>Unrestricted Cash</b>	<b>1,502,928</b>	<b>1,167,433</b>
Less: Unexpended grant proceeds and Nordic & Crowley deposits included in cash above	(1,626,457)	(1,313,121)
<b>Cash Available (Deficit), excluding Marina surcharges and unexpended grant proceeds and deposits</b>	<b>(123,529)</b>	<b>(145,688)</b>
 <b><u>Change in Cash Balance</u></b>		
Balance, Beginning of Month	\$ 2,851,042	\$ 2,943,360
Monthly Deposits	603,044	258,538
Monthly Payments	(244,029)	(350,856)
Balance, End of Month	<u>\$ 3,210,057</u>	<u>\$ 2,851,042</u>
 <b><u>Monthly Expenses Summary</u></b>		
Significant Individual Expenses:		
Third payroll in month		\$ 26,068
Tenera Environmental Inc.	\$ 17,850	10,708
Sub-total, Significance/Unusual Expenses	17,850	36,776
General operating expenses and other misc. expense	226,179	314,080
<b>Total Cash Payments</b>	<b>\$ 244,029</b>	<b>\$ 350,856</b>
 <b><u>Monthly Deposits Summary</u></b>		
Significant Individual Revenues:		
Interest Payment on NMTC note receivable		\$ 40,187
Crowley lease deposit	\$ 350,000	
Sub-total, Significant/Unusual Revenues	350,000	40,187
General revenues	253,044	218,351
<b>Total Cash Receipts</b>	<b>\$ 603,044</b>	<b>\$ 258,538</b>



1:14 PM

## Humboldt Bay Harbor, Recreation & Conservation District Balance Sheet

01/06/23

As of October 31, 2022

Accrual Basis

	Oct 31, 22
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
10000 · PETTY CASH ON HAND	53.21
10100 · CHANGE FUND ON HAND	400.00
10111 · COIN MACHINE FUND	730.00
10200 · CASH IN BANK, CHECKING	18,057.40
10200.1 · Cash in PNC, Checking	386,811.08
10400 · CASH IN COUNTY - FUND 2720	967,421.63
10500 · CASH IN COUNTY - FUND 3872	35,518.88
10600.1 · Cash in bank, Tariff PNC	1,767,428.90
10700.1 · Cash in bank, Water PNC	32,372.13
10901 · UNEXPENDED MARINA SURCHARGES	1,707,128.79
10903 · RESTRICTED CASH	-1,707,128.79
<b>Total Checking/Savings</b>	<b>3,208,793.23</b>
<b>Accounts Receivable</b>	
12000 · ACCTS RECEIVABLE	1,504,473.25
<b>Total Accounts Receivable</b>	<b>1,504,473.25</b>
<b>Other Current Assets</b>	
12100 · ALLOW FOR BAD DEBTS	-348,738.64
12200 · TAXES RECEIVABLE	400,000.00
12300 · INTEREST RECEIVABLE	29,393.32
12600 · Note Receivable - NMTC	5,849,375.00
12700 · PREPAID EXPENSES	104,500.47
12900 · Accounts Receivable FSM	-1,025.38
1499 · Undeposited Funds	1,189.25
<b>Total Other Current Assets</b>	<b>6,034,694.02</b>
<b>Total Current Assets</b>	<b>10,747,960.50</b>
<b>Fixed Assets</b>	
<b>CAPITAL ASSETS, NET</b>	
14910 · BEACH PROPERTY	208,149.00
15000 · AUTOMOTIVE EQUIPMENT	95,639.08
15100 · OFFICE EQUIPMENT	193,303.88
15200 · OPERATING EQUIPMENT	314,098.74
15500 · MARINA, RESTAURANT COMPLEX	34,100.00
15600 · MARINA	10,529,004.29
15700 · FL BOAT BLDG & REPAIR FACILITY	4,302,259.53
15800 · SHELTER COVE	2,386,247.10
15900 · DREDGING COSTS	215,226.78
16000 · KING SALMON	15,143.99
16100 · MARINA DREDGE, CONSTR IN PROGRES	1,319,433.62
16400 · REDWOOD DOCK PROPERTY	3,010,194.30
16500 · HOMELAND SECURITY EQUIPMENT	2,254,007.60
16600 · TABLE BLUFF LIGHTHOUSE	361.44
16700 · AQUAPONICS PILOT FACILITY	96,036.61
16800 · REDWOOD TERMINAL 2	2,613,169.43
16900 · Dredge	1,215,423.27
17000 · ACCUMULATED DEPRECIATION	-18,513,994.17
<b>Total CAPITAL ASSETS, NET</b>	<b>10,287,804.49</b>
14800 · SHIPWRECK PROPERTY	50,088.05
14900 · DOG RANCH PROPERTY	7,507.70
<b>Total Fixed Assets</b>	<b>10,345,400.24</b>
<b>Other Assets</b>	
18700 · Deferred Lease Asset	3,323,353.00
19000 · Deferred Outflows of PERS	293,553.00
<b>Total Other Assets</b>	<b>3,616,906.00</b>

## Humboldt Bay Harbor, Recreation &amp; Conservation District

## Balance Sheet

01/06/23

As of October 31, 2022

Accrual Basis

	Oct 31, 22
<b>TOTAL ASSETS</b>	<b>24,710,266.74</b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Accounts Payable</b>	
20000 · ACCOUNTS PAYABLE	708,499.61
<b>Total Accounts Payable</b>	708,499.61
<b>Credit Cards</b>	
20112 · US Bank Visa	12,001.68
<b>Total Credit Cards</b>	12,001.68
<b>Other Current Liabilities</b>	
<b>Payroll tax &amp; Withholding Liab</b>	
2100 · PAYROLL LIABILITIES	-89.36
21300 · STATE UNEMPLOYMENT TAX	57.60
21600 · PERS CARE/MEDICAL INSURANCE	4,457.28
21700 · PERS RETIREMENT	-0.93
21900 · UNION DUES DEDUCTIBLE	74.76
<b>Total Payroll tax &amp; Withholding Liab</b>	4,499.35
20100 · LEASE PAYABLE TO HBDA	-36,866.00
20200 · NOTES PAYABLE	327,959.14
20400 · ACCRUED WAGES PAYABLE	33,725.81
20500 · ACCRUED INTEREST	46,101.79
20600 · ACCRUED VACATION PAYABLE	43,583.71
20800 · DEPOSITS ON HAND	
20801 · KEY DEPOSITS ON HAND	16,640.00
20802 · PLUG DEPOSITS ON HAND	1,270.00
20803 · SLIP DEPOSITS ON HAND	52,446.55
20804 · STORAGE DEPOSITS	3,782.15
20806 · LEASE SECURITY DEPOSIT	454,079.42
20807 · STORAGE DEPOSIT - REDWOOD DOCK	2,750.26
20808 · WAIT LIST DEPOSIT	3,825.00
<b>Total 20800 · DEPOSITS ON HAND</b>	534,793.38
24000 · Ground Lease Deferred Income	3,906,000.00
24002 · Groundlease Current Def Income	60,092.31
27201 · Deferred Inflows - OPEB	29,113.00
28000 · DEFERRED INCOME	159,055.45
28400 · DEFERREDINCOMECalTrans Spartina	1,271,221.28
28500 · OTHER DEFERRED CREDITS	723,523.92
<b>Total Other Current Liabilities</b>	7,102,803.14
<b>Total Current Liabilities</b>	7,823,304.43
<b>Long Term Liabilities</b>	
24001 · Gound Lease Amortization	-399,353.00
24003 · Groundlease Current Offset	-60,092.31
25500 · OPEB Liability	186,792.00
25700 · BOND PAYABLE 2014 REFINANCING	1,855,228.36
25800 · BBVA Loan Payable	1,009,728.58
25900 · LESS CURRENT PORTION	-327,959.14
27000 · Net Pension Liability	577,703.00
27200 · Deferred Inflows of PERS	590,149.00
27202 · Deferred Inflows - Leases	3,294,692.00
<b>Total Long Term Liabilities</b>	6,726,888.49
<b>Total Liabilities</b>	14,550,192.92
<b>Equity</b>	
30500 · INVESTMENT IN FIXED ASSETS	9,404,911.59
30900 · RESTRICTED FUND BALANCE	



Humboldt Bay Harbor, Recreation & Conservation District

Balance Sheet

As of October 31, 2022

	<u>Oct 31, 22</u>
30901 · Restricted Fd Bal-Curr Yr Chang	-25,529.79
30900 · RESTRICTED FUND BALANCE - Other	<u>1,634,559.85</u>
<b>Total 30900 · RESTRICTED FUND BALANCE</b>	<b>1,609,030.06</b>
<b>31200 · GENERAL FUND BALANCE</b>	
31000 · FUND BALANCE - TIDELANDS TRUST	-1,711,555.09
31201 · General Fund-Change is Restrict	25,529.79
31200 · GENERAL FUND BALANCE - Other	<u>1,059,133.67</u>
<b>Total 31200 · GENERAL FUND BALANCE</b>	<b>-626,891.63</b>
<b>3900 · RETAINED EARNINGS</b>	<b>-282,363.30</b>
Net Income	55,387.10
<b>Total Equity</b>	<u><b>10,160,073.82</b></u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u><b>24,710,266.74</b></u></u>

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**Humboldt Bay Harbor, Recreation & Conservation District**

**Profit & Loss**

01/06/23

October 2022

Accrual Basis

	Oct 22	Jul - Oct 22
<b>Ordinary Income/Expense</b>		
<b>Income</b>		
<b>Donations</b>		
46519 · Donations - Lighthouse	0.00	14.00
<b>Total Donations</b>	0.00	14.00
<b>Dredging Revenue</b>		
41318 · Dredging Surcharge - T	17,134.52	73,803.58
<b>Total Dredging Revenue</b>	17,134.52	73,803.58
<b>Fees</b>		
40108 · PERMITS-T	0.00	1,850.00
40808 · Pilotage Services - T	0.00	150.00
41308 · Moorage - T	0.00	10.64
41308.1 · Poundage - T	262.00	1,279.75
41818 · Late Charges/Interest - T	625.00	2,750.00
41819 · Late Charges/Interest - NT	-4,598.84	-3,873.84
45608 · Chevron - Ports O&M - T	0.00	8,087.50
<b>Total Fees</b>	-3,711.84	10,254.05
<b>Float Replacement Account</b>		
41418 · Float Replacement	7,019.24	29,850.94
<b>Total Float Replacement Account</b>	7,019.24	29,850.94
<b>Grant Revenue</b>		
Harbor Grants		
45208.1 · Harbor Grants, Gov't - T	0.00	5,944.50
<b>Total Harbor Grants</b>	0.00	5,944.50
<b>Total Grant Revenue</b>	0.00	5,944.50
<b>Harbor Surcharge</b>		
40908 · Harbor Improvement Surcharge-T	25,771.63	64,408.51
<b>Total Harbor Surcharge</b>	25,771.63	64,408.51
<b>Interest Revenue</b>		
43108 · Interest Income - T	10,419.76	15,280.33
43109 · Interest Income - NT	23,041.00	108,601.00
<b>Total Interest Revenue</b>	33,460.76	123,881.33
<b>Other Revenue</b>		
45908 · Other Revenue - T	1.00	6.00
45909 · Other Revenue - NT	1,907.56	8,121.46
<b>Total Other Revenue</b>	1,908.56	8,127.46
<b>Rent Income</b>		
40218 · Slip Rents - T	45,010.64	195,944.19
40318.1 · Transient Rentals - T	2,553.63	18,446.42
40518 · Equipment Rent - T	0.00	380.00
40519 · Equipment Rent - NT	210.00	210.00
40809 · Yard Rent - NT	1,021.20	4,084.80
41108 · Rents, Tidelands Leases - T	35,988.91	120,341.93
41309 · Storage - NT	6,046.60	18,322.41
41409 · Upland Rent - NT		
41409.2 · Redwood Terminal 2 - NMTC	5,007.69	20,030.76
41409 · Upland Rent - NT - Other	52,317.54	235,768.93
<b>Total 41409 · Upland Rent - NT</b>	57,325.23	255,799.69
<b>Total Rent Income</b>	148,156.21	613,529.44
<b>Sales</b>		

## Humboldt Bay Harbor, Recreation &amp; Conservation District

## Profit &amp; Loss

01/06/23

October 2022

Accrual Basis

	Oct 22	Jul - Oct 22
40119 · Concession Sales - NT	445.00	2,347.75
<b>Total Sales</b>	<b>445.00</b>	<b>2,347.75</b>
<b>Tax Revenue</b>		
43509 · Property Tax Revenues	100,000.00	400,000.00
<b>Total Tax Revenue</b>	<b>100,000.00</b>	<b>400,000.00</b>
<b>Utility Surcharge</b>		
40409 · Utility Surcharge - NT	2,353.16	20,328.79
40418 · Utility Surcharge, Marina Dock	3,660.72	14,708.38
<b>Total Utility Surcharge</b>	<b>6,013.88</b>	<b>35,037.17</b>
47019 · Returned Check Charges	0.00	35.00
52708.1 · Discount	0.00	147.59
<b>Total Income</b>	<b>336,197.96</b>	<b>1,367,381.32</b>
<b>Gross Profit</b>	<b>336,197.96</b>	<b>1,367,381.32</b>
<b>Expense</b>		
<b>Accounting/Auditing Services</b>		
52500 · Accounting Fees - T	2,850.00	9,943.50
52508 · Accounting Fees - NT	950.00	4,147.00
<b>Total Accounting/Auditing Services</b>	<b>3,800.00</b>	<b>14,090.50</b>
<b>Advertising &amp; Promotion</b>		
51000 · Advertising & Promotion - NT	461.73	461.73
51008 · Advertising & Promotion - T	263.02	547.97
<b>Total Advertising &amp; Promotion</b>	<b>724.75</b>	<b>1,009.70</b>
<b>Bad Debts</b>		
51308 · Bad Debts - T	12,605.76	12,605.76
51309 · Bad Debts - NT	0.00	0.00
<b>Total Bad Debts</b>	<b>12,605.76</b>	<b>12,605.76</b>
<b>Communications</b>		
51400 · Communications - NT	1,937.67	9,814.05
51408 · Communications - T	284.72	3,314.46
<b>Total Communications</b>	<b>2,222.39</b>	<b>13,128.51</b>
<b>Conference &amp; Meetings</b>		
51500 · Conferences & Meetings - NT	960.74	2,718.25
51508 · Conferences & Meetings - T	4,053.00	3,769.59
<b>Total Conference &amp; Meetings</b>	<b>5,013.74</b>	<b>6,487.84</b>
<b>Dredging Expense</b>		
56708 · Dredging - GT	587.50	1,792.50
56718 · Dredging - MT	0.00	4,995.00
<b>Total Dredging Expense</b>	<b>587.50</b>	<b>6,787.50</b>
<b>Dues, Subscriptions &amp; Licences</b>		
51600 · Dues & Subscriptions - NT	28,824.13	29,733.51
51608 · Dues & Subscriptions - T	0.00	125.25
<b>Total Dues, Subscriptions &amp; Licences</b>	<b>28,824.13</b>	<b>29,858.76</b>
<b>Elections &amp; Government Fees</b>		
51700 · Elections & Prop Tax Assess-NT	47,431.56	47,431.56
<b>Total Elections &amp; Government Fees</b>	<b>47,431.56</b>	<b>47,431.56</b>
<b>Engineering Services</b>		
52400 · Engineering Fees - NT	-5,521.25	432.54

## Humboldt Bay Harbor, Recreation &amp; Conservation District

## Profit &amp; Loss

01/06/23

October 2022

Accrual Basis

	Oct 22	Jul - Oct 22
52408 · Engineering Fees - T	-50,785.00	-38,337.50
<b>Total Engineering Services</b>	<b>-56,306.25</b>	<b>-37,904.96</b>
<b>Fuel</b>		
50400 · IMPUTED AUTO VALUE G/A	105.00	525.00
51200 · Automotive, Fuel- NT	629.07	3,728.70
51208 · Vessel Fuel	0.00	861.85
51218 · Automotive, Fuel - T	734.08	4,134.52
<b>Total Fuel</b>	<b>1,468.15</b>	<b>9,250.07</b>
<b>Grant Expenses</b>		
Conservation Grant Expenses		
54408.3 · Conservation Grant Exp	0.00	5,000.00
<b>Total Conservation Grant Expenses</b>	<b>0.00</b>	<b>5,000.00</b>
Harbor Grant Expenses		
54408.1 · Harbor Grant Exp	95,033.35	178,760.21
<b>Total Harbor Grant Expenses</b>	<b>95,033.35</b>	<b>178,760.21</b>
<b>Total Grant Expenses</b>	<b>95,033.35</b>	<b>183,760.21</b>
<b>Insurance</b>		
51800 · Insurance - NT	8,735.68	29,321.07
51808 · Insurance - T	2,563.16	6,263.59
51810 · INSURANCE M/A	0.00	4,267.81
51819 · INSURANCE M/NT		
53109.3 · Fields Landing Insurance	0.00	1,158.66
53209.1 · Shelter Cove Insurance	0.00	721.89
<b>Total 51819 · INSURANCE M/NT</b>	<b>0.00</b>	<b>1,880.55</b>
<b>Total Insurance</b>	<b>11,298.84</b>	<b>41,733.02</b>
<b>Interest Expense</b>		
55108 · Interest Expense - T	4,156.00	16,624.00
55109 · Interest Expense - NT	7,880.96	31,482.94
<b>Total Interest Expense</b>	<b>12,036.96</b>	<b>48,106.94</b>
<b>Legal Services</b>		
52300 · Legal Fees - NT	11,331.75	51,383.12
52308 · Legal Fees - T	2,779.75	10,135.38
<b>Total Legal Services</b>	<b>14,111.50</b>	<b>61,518.50</b>
<b>Maintenance - Equipment</b>		
51209 · Automotive, Repairs - NT	903.36	3,253.40
52710 · Repairs & Maint, Equip - NT	544.39	1,420.78
52718 · Repairs & Maint, Equip - T	103.53	7,792.03
<b>Total Maintenance - Equipment</b>	<b>1,551.28</b>	<b>12,466.21</b>
<b>Maintenance - Facilities</b>		
52708 · Repairs & Maint, Facilities - T	9,682.57	28,511.88
52709 · REPAIRS & MAINTENANCE G/NT	603.61	619.98
52719 · Repairs & Maint, Facilities - N	5,744.46	31,706.27
<b>Total Maintenance - Facilities</b>	<b>16,030.64</b>	<b>60,838.13</b>
<b>Maintenance - IT</b>		
57008 · Maintenance, IT Equip - T	1,138.11	2,062.61
57009 · Maintenance, IT Equip - NT	1,025.77	2,405.93
<b>Total Maintenance - IT</b>	<b>2,163.88</b>	<b>4,468.54</b>
<b>Maintenance Supplies</b>		
52008 · Maintenance Supplies - T	65.93	166.16
52010 · Maintenance Supplies - NT	880.66	5,367.19

## Humboldt Bay Harbor, Recreation &amp; Conservation District

## Profit &amp; Loss

01/06/23

October 2022

Accrual Basis

	Oct 22	Jul - Oct 22
<b>Total Maintenance Supplies</b>	946.59	5,533.35
<b>Office Supplies</b>		
51900 · Office Supplies - NT	3,139.78	13,648.66
51908 · Office Supplies - T	284.10	2,161.83
51918 · OFFICE EXPENSE M/T	20.23	81.24
<b>Total Office Supplies</b>	3,444.11	15,891.73
<b>Other Professional/Outside Serv</b>		
52109 · Outside Services, Other - NT	0.00	0.00
52110 · OUTSIDE SERVICES M/A	200.00	816.00
52118 · Outside Services, Other - T	-34,000.00	-32,419.00
<b>Total Other Professional/Outside Serv</b>	-33,800.00	-31,603.00
<b>Permits</b>		
51610 · Permits - NT	0.00	332.38
<b>Total Permits</b>	0.00	332.38
<b>Personnel Expenses</b>		
<b>Commissioners Fees</b>		
50200 · Commissioner's Salaries - NT	1,470.00	5,880.00
50208 · Commissioner's Salaries - T	630.00	2,520.00
<b>Total Commissioners Fees</b>	2,100.00	8,400.00
<b>Contract Temporary Services</b>		
50318 · Contract Temporary Services - T	7,023.16	28,905.48
<b>Total Contract Temporary Services</b>	7,023.16	28,905.48
<b>Payroll Burden</b>		
50500 · Payroll Benefits, Other - NT	31,939.88	137,478.51
50508 · Payroll Benefits, Other - T	9,956.79	45,167.19
6560 · Workers' Comp	3,060.02	14,450.90
<b>Total Payroll Burden</b>	44,956.69	197,096.60
<b>Salaries/Wages</b>		
50100 · Salaries & Wages - NT	72,256.53	328,912.48
50108 · Salaries & Wages - T	0.00	129.68
<b>Total Salaries/Wages</b>	72,256.53	329,042.16
<b>Total Personnel Expenses</b>	126,336.38	563,444.24
<b>Planning Services</b>		
52200 · Planning Fees - NT	2,185.00	6,109.00
52208 · Planning Fees - T	325.00	4,481.38
<b>Total Planning Services</b>	2,510.00	10,590.38
<b>Rent Expense</b>		
54308 · Redwood Terminal 2 Lease Expens	17,650.00	68,470.18
<b>Total Rent Expense</b>	17,650.00	68,470.18
<b>Small Tools</b>		
52800 · Small Tools - NT	45.82	1,676.91
<b>Total Small Tools</b>	45.82	1,676.91
<b>Utilities</b>		
52909 · Utilities - NT	14,814.24	75,836.24
52918 · Utilities - T	4,434.45	21,712.85
53000 · Water, Sewer, & Refuse - NT	9,385.06	45,866.79
53008 · Water, Sewer, & Refuse - T	4,332.98	18,558.64

**Profit & Loss**

October 2022

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	Oct 22	Jul - Oct 22
Total Utilities	32,966.73	161,974.52
55700 - Float Replacement Expense - MT	0.00	46.74
<b>Total Expense</b>	<b>348,697.81</b>	<b>1,311,994.22</b>
<b>Net Ordinary Income</b>	<b>-12,499.85</b>	<b>55,387.10</b>
<b>Net Income</b>	<b>-12,499.85</b>	<b>55,387.10</b>

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Humboldt Bay Harbor, Recreation & Conservation District

Account QuickReport

As of October 31, 2022

01/06/23

Accrual Basis

Type	Date	Num	Name	Memo	Amount
<b>10200.1 - Cash in PNC, Checking</b>					
Liability Check	10/03/2022	E-pay	Employment Developme...	499-0307-3 QB T...	-0.03
Liability Check	10/03/2022	E-pay	Employment Developme...	499-0307-3 QB T...	-132.29
Liability Check	10/12/2022	E-pay	Employment Developme...	499-0307-3 QB T...	-1,816.71
Liability Check	10/12/2022	E-pay	Internal Revenue Service	94-2262845 QB ...	-4,691.92
Liability Check	10/12/2022	ACH	California State Disburse...	200000002142499	-461.53
Liability Check	10/13/2022		QuickBooks Payroll Serv...	Created by Payro...	-24,299.64
Check	10/14/2022	1545	US Bank Corporate Pay...		-2,927.09
Liability Check	10/14/2022	ACH	PERS Unfunded Accrue...	2233447024	-5,010.50
Liability Check	10/14/2022	ACH	CalPERS 457 Program	450348	-1,660.75
Bill Pmt -Check	10/14/2022	ACH	CalPERS 457 Program	457Match 10/14/...	-300.00
Bill Pmt -Check	10/14/2022	ACH	PERS Unfunded Accrue...	2233447024	-8,327.67
Liability Check	10/14/2022	ACH	State Disbursement Unit	0230000067964	-233.53
Bill Pmt -Check	10/14/2022	1546	101Netlink	WIM	-230.00
Bill Pmt -Check	10/14/2022	1547	ACWA JPIA	215	-25,778.31
Bill Pmt -Check	10/14/2022	1548	Alber's Tractor & Ag Work		-525.00
Bill Pmt -Check	10/14/2022	1549	AT&T Phone	707 443-0800 07...	-481.44
Bill Pmt -Check	10/14/2022	1550	California Redwood Co.	Red Tank 07/19/...	-1,117.54
Bill Pmt -Check	10/14/2022	1551	Cox, Castle & Nicholson ...	VOID:	0.00
Bill Pmt -Check	10/14/2022	1552	David L. Moonie & Co., L...		-8,118.00
Bill Pmt -Check	10/14/2022	1553	Englund Marine Supply		-605.18
Bill Pmt -Check	10/14/2022	1554	Enterprise-Record, Merc...		-284.95
Bill Pmt -Check	10/14/2022	1555	Eureka Ready Mix	00662	-442.46
Bill Pmt -Check	10/14/2022	1556	Express Services, Inc.	28590512	-2,284.40
Bill Pmt -Check	10/14/2022	1557	Gallagher Marine Insura...	Marine Insurance...	-1,136.00
Bill Pmt -Check	10/14/2022	1558	Humboldt Bay Municipal ...	9002.001 RMT2	-1,239.33
Bill Pmt -Check	10/14/2022	1559	Pacific Gas & Electric (1...	Acct #06704919...	-2,142.70
Bill Pmt -Check	10/14/2022	1560	Pacific Gas & Electric (3...	6598073494-4	-192.60
Bill Pmt -Check	10/14/2022	1561	Pacific Gas & Electric (N...	2072047	-408.70
Bill Pmt -Check	10/14/2022	1562	Recology Eel River	061097997	-446.02
Bill Pmt -Check	10/14/2022	1563	Recology Humboldt Cou...	061218064	-729.18
Bill Pmt -Check	10/14/2022	1564	Recology Humboldt Cou...	A0060000265	-2,342.59
Bill Pmt -Check	10/14/2022	1565	Shelter Cove Resort Imp...	SC 08/30/2022-0...	-390.56
Bill Pmt -Check	10/14/2022	1566	Eureka Oxygen Company		-89.50
Bill Pmt -Check	10/14/2022	1567	Express Services, Inc.	28590512	-2,507.30
Bill Pmt -Check	10/14/2022	1568	McNeill, Brian	PO 1859 Backflo...	-1,000.00
Bill Pmt -Check	10/14/2022	1569	Mill Yard, The		-68.34
Bill Pmt -Check	10/14/2022	1570	Mitchell Law Firm, LLP		-3,906.00
Bill Pmt -Check	10/14/2022	1571	Napa Auto Parts	24290	-709.97
Bill Pmt -Check	10/14/2022	1572	Pierson Building Center	1297	-927.02
Bill Pmt -Check	10/14/2022	1573	Platt Electric Supply	217917	-30.58
Bill Pmt -Check	10/14/2022	1574	SHN Consulting Enginee...		-10,080.00
Bill Pmt -Check	10/14/2022	1575	Staples Credit Plan	6035 5178 1247 ...	-290.18
Bill Pmt -Check	10/14/2022	1576	StewTel, Inc.		-327.30
Bill Pmt -Check	10/14/2022	1577	Valley Pacific Petroleum ...	114137	-954.63
Bill Pmt -Check	10/14/2022	1578	Verizon Wireless		-122.62
Bill Pmt -Check	10/14/2022	1579	Humboldt Bay Solar Fun...	HB0520	-11,496.27
Bill Pmt -Check	10/14/2022	1580	Humboldt Waste Manag...	WIM	-91.80
Bill Pmt -Check	10/14/2022	1581	ICF Jones & Stokes, Inc.	Professional Ser...	-1,752.30
Bill Pmt -Check	10/14/2022	1582	Platt Electric Supply	217917	-103.53
Bill Pmt -Check	10/14/2022	1583	Verizon Wireless		-413.75
Check	10/14/2022	1584	MSRC	Tenant Refund	-499.20
Check	10/14/2022	1585	Archer-Klemm, Nikkie	Tenant Refund	-30.00
Check	10/14/2022	1586	Arnold, Ernest	Tenant Refund	-20.00
Check	10/14/2022	1587	Turner, Chris	Tenant Refund	-186.60
Liability Check	10/25/2022	E-pay	Employment Developme...	499-0307-3 QB T...	-1,918.23
Liability Check	10/25/2022	E-pay	Internal Revenue Service	94-2262845 QB ...	-5,180.74
Liability Check	10/25/2022	1612	Operating Engineers Loc...	94-2262845	-299.04
Liability Check	10/27/2022		QuickBooks Payroll Serv...	Created by Payro...	-27,137.76
Check	10/28/2022	1588	Lew, Will (Randy)	Tenant Refund	-125.10
Check	10/28/2022	1589	Turner, Chris	Tenant Refund	-20.00
Check	10/28/2022	1590	Osborne, Terry	Tenant Refund	-210.30
Bill Pmt -Check	10/28/2022	1591	Association of California ...	2023 Annual Age...	-16,860.00
Bill Pmt -Check	10/28/2022	1592	AT&T Internet	831-000-8571 571	-886.57
Bill Pmt -Check	10/28/2022	1593	B & B Portable Toilets	RWD	-133.74
Bill Pmt -Check	10/28/2022	1594	Coastal Business Syste...	WIM Copier Lease	-485.21
Bill Pmt -Check	10/28/2022	1595	Enterprise-Record, Merc...		-425.50
Bill Pmt -Check	10/28/2022	1596	Humboldt Community Se...	3165	-490.11
Bill Pmt -Check	10/28/2022	1597	Mission Uniform & Linen	299313	-461.19

## Humboldt Bay Harbor, Recreation &amp; Conservation District

01/06/23

## Account QuickReport

Accrual Basis

As of October 31, 2022

Type	Date	Num	Name	Memo	Amount
Bill Pmt -Check	10/28/2022	1598	Network Help To Go	November IT Ser...	-575.00
Bill Pmt -Check	10/28/2022	1599	Planwest Partners, Inc.		-3,880.00
Bill Pmt -Check	10/28/2022	1600	Restif Cleaning Service		-385.00
Bill Pmt -Check	10/28/2022	1601	RMI Outdoors		-217.01
Bill Pmt -Check	10/28/2022	1602	Standard Insurance Com...	ST 908447 0001	-227.80
Bill Pmt -Check	10/28/2022	1603	StewTel, Inc.		-177.89
Bill Pmt -Check	10/28/2022	1604	Tenera Environmental Inc.	20236001	-17,850.35
Bill Pmt -Check	10/28/2022	1605	Western Chainsaw	PO #1864	-407.28
Bill Pmt -Check	10/28/2022	1606	World Oil Enviromental S...	15055	-754.55
Bill Pmt -Check	10/28/2022	1607	Southwest Answering Se...	9/8-10/05/2022 ...	-200.00
Bill Pmt -Check	10/28/2022	1608	City of Eureka (Sewer)	2001-901804-02	-2,933.12
Bill Pmt -Check	10/28/2022	1609	City of Eureka (Water)	2001-901802-01	-5,522.84
Bill Pmt -Check	10/28/2022	1610	Pintermedia LLC		-60.00
Bill Pmt -Check	10/28/2022	ACH	CalPERS 457 Program	457Match 10/28/...	-325.00
Liability Check	10/28/2022	ACH	CalPERS 457 Program	450348	-1,685.75
Liability Check	10/28/2022	ACH	PERS Unfunded Accrue...	2233447024	-5,218.89
Liability Check	10/28/2022	ACH	California State Disburse...	200000002142499	-403.50
Liability Check	10/28/2022	1613	Franchise Tax Board		-100.00
Liability Check	10/28/2022	ACH	State Disbursement Unit	0230000067964 ...	-233.53
Bill Pmt -Check	10/28/2022	1614	Express Services, Inc.	28590512	-2,231.46
Bill Pmt -Check	10/28/2022	1615	Pacific Gas & Electric (8...	0074698259-4	-9,275.38
Check	10/31/2022			Service Charge	-256.96
Total 10200.1 · Cash in PNC, Checking					-241,918.31
<b>TOTAL</b>					<b>-241,918.31</b>





## RESOLUTION NO 22-28

### **Affirming the ancestral territory and jurisdiction of the Wiyot Tribe and Duly Enrolled Citizens of the Tribe**

- Whereas:** The Wiyot Tribe is a federally recognized Indian tribe with inherent powers of self-government protected by federal law and the Tribe's Constitution; and
- Whereas:** The Wiyot Tribal Council is the governing body of the Wiyot Tribe under the authority of the Constitution of the Tribe; and
- Whereas:** Article III, Section I of the Constitution of the Wiyot Tribe provides that the Wiyot Tribe shall consist of those individuals duly enrolled pursuant to the Tribe's Constitution and the Tribe's Citizenship Ordinance; and
- Whereas:** Article II of the Constitution of the Wiyot Tribe provides that the jurisdiction of the Wiyot Tribe, its General Council, Tribal Council, and Tribal Court shall extend to the fullest extent permitted by applicable tribal and federal law; and
- Whereas:** The Wiyot Tribe's ancestral territory includes all that area from Little River to the north, Bear River Ridge to the south, and from the Pacific Coast out to as far as Berry Summit in the northeast and Chalk Mountain in the southeast; and
- Whereas:** The Wiyot Tribe's jurisdiction extends to all of the Tribe's ancestral territory and all lands, waters and resources within the Tribe's ancestral territory, including eighty-eight acres of land held in trust by the United States on the Wiyot Tribe's behalf, located on the south end of Humboldt Bay, California, five miles from the town of Loleta ("Wiyot Reservation"), and all those parcels acquired by the Tribe in fee or by the Federal Government in trust for the Tribe, or its citizens; and
- Whereas:** All lands, water and resources within the Tribe's ancestral territory not held on behalf of the Wiyot Tribe and all duly enrolled citizens of the Tribe are nonetheless critical to maintaining cultural and traditional connections and the cultural identity of Wiyot citizens and persons with Wiyot ancestry; and
- Whereas:** Article VI, Section 1(a) and Section 1(f) of the Constitution of the Wiyot Tribe provides that the Tribal Council has the power and responsibility to promote and

protect the Wiyot language, culture and traditions; and to protect and preserve cultural resources of the Wiyot Tribe; and

**Whereas:** The Wiyot Tribal Historic Preservation Office is responsible for protecting, preserving, and managing Wiyot cultural resources within the Tribe's ancestral territory; evaluating public and private development within the Wiyot Tribe's ancestral territory for cultural impacts; and advising and assisting in identification and mitigation of harm to significant cultural resources; and

**Now Therefore Be It Resolved,** the Tribal Council of the Wiyot Tribe hereby affirms that the ancestral territory of the Wiyot Tribe includes and extends to all that area from Little River to the north, Bear River Ridge to the south, and from the Pacific Coast out to as far as Berry Summit in the northeast and Chalk Mountain in the southeast. The jurisdiction of the Tribe includes all lands, water and resources encompassing the Tribe's ancestral territory; and

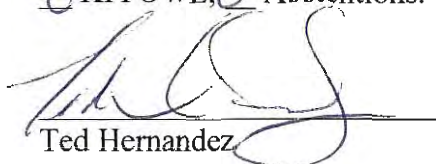
**Be It Further Resolved,** the Wiyot Tribe and Tribe's Tribal Historic Preservation Office shall be notified and consulted if at any point Wiyot cultural resources are discovered within the Tribe's ancestral territory. The Wiyot Tribe may, at its discretion, assign a Wiyot Cultural Monitor as the exclusive means by which public or private development within the Wiyot Tribe's ancestral territory is monitored and recorded; and


**Be It Further Resolved,** the Wiyot Tribal Council declares that, based on Wiyot culture, tradition and history, no other Indian tribe, whether federally recognized or state recognized, having members who claim Wiyot ancestry, shall have any authority without the express permission of the Wiyot Tribal Council or Wiyot Chairperson to participate in cultural resource investigations, cultural resource surveys, cultural monitoring, cultural resource treatment plans, co-management agreements or similar arrangements involving lands or resources within the Wiyot ancestral territory as confirmed in this Resolution; and

**Be It Further Resolved,** the rights and protections afforded to Wiyot citizens under the Constitution of the Wiyot Tribe, including jurisdiction over the Tribe's ancestral territory, is limited to all those dully enrolled citizens of the Wiyot Tribe.

#### C-E-R-T-I-F-I-C-A-T-I-O-N

This is to certify that the Resolution 22-28 was approved at the regularly scheduled Council meeting of the Wiyot Tribal Council on December 12, 2022 at which a quorum was present and that this Resolution was adopted by a vote of 5 HIH, 0 KIYOWL, 0 Abstentions. This Resolution has not been rescinded or amended in any way.

  
Ted Hernandez  
Tribal Chair

  
Marnie Atkins  
Secretary



## HUMBOLDT BAY MUNICIPAL WATER DISTRICT

828 SEVENTH STREET, PO BOX 95 • EUREKA, CALIFORNIA 95502-0095

OFFICE 707-443-5018 ESSEX 707-822-2918

FAX 707-443-5731 707-822-8245

EMAIL [OFFICE@HBMWD.COM](mailto:OFFICE@HBMWD.COM)

Website: [www.hbmwd.com](http://www.hbmwd.com)

### BOARD OF DIRECTORS

SHERI WOO, PRESIDENT

NEAL LATT, VICE-PRESIDENT

J. BRUCE RUPP, SECRETARY-TREASURER

MICHELLE FULLER, DIRECTOR

DAVID LINDBERG, DIRECTOR

### GENERAL MANAGER

JOHN FRIEDENBACH

December 14, 2022

**RECEIVED**

DEC 16 2022

**H.B.H.R. & C.D.**

Humboldt Bay Harbor and Conservation District  
601 Startare Drive  
Eureka, CA 95501

Re: Domestic and Industrial Water Supply

Dear Directors,

We wish to congratulate your district on the Humboldt Bay Offshore Wind and Heavy Lift Marine Terminal project that you recently announced. The Master Plan graphic showing the build out is very impressive. We are writing to formally express our concerns for the future water supply needs for this undertaking. As you know, the former LP Pulp Mill site was a single HBMWD water customer with both domestic and industrial water service. Each were connected to their respective water transmissions systems via independent single meters. The domestic service is a six inch (6 in) pipeline which is located south westerly of the Nordic Aquafarms project. This size water service may not be adequate for your Master Plan development. Therefore, we respectfully suggest that we begin detailed discussions regarding how best to provide water service, both domestic drinking water and fire suppression water, to your projects at full build out as currently projected.

It is our understanding that our respective staffs have conducted preliminary discussions, but we feel the need to elevate this item to the Board level as there will likely be major infrastructure improvements required and water supply agreements necessary. Infrastructure improvements will require funding, permitting, engineering design, and construction. It will be critical for the success of your project that any necessary improvements are coordinated with your timeline for development.

We have a local sales committee, Directors Latt and Rupp, who are available to meet with a committee of your directors to begin our discussions.

We look forward to hearing from you soon.

Respectfully,

Sheri Woo, Board President

## COMMISSIONERS

1<sup>st</sup> Division

Aaron Newman

2<sup>nd</sup> Division

Greg Dale

3<sup>rd</sup> Division

Stephen Kullmann

4<sup>th</sup> Division

Craig Benson

5<sup>th</sup> Division

Patrick Higgins

**Humboldt Bay**  
**Harbor, Recreation and Conservation District**  
 (707)443-0801  
 P.O. Box 1030  
 Eureka, California 95502-1030



**STAFF REPORT – HARBOR DISTRICT MEETING**

January 12, 2023

**TO:** Honorable Board President and Harbor District Board Members

**FROM:** Mindy Hiley, Director of Administrative Services

**DATE:** January 6, 2023

**TITLE:** Consider Adopting Resolution 2023-01, A Resolution Declaring that Governing Body and Volunteers Shall Be Deemed Employees of the District for the Purpose of Providing Workers' Compensation Coverage

**STAFF RECOMMENDATION:** Staff recommends the Board: Adopt Resolution 2023-01 for Governing Body and Volunteers.

**BACKGROUND:** The Special District Risk Management Authority (SDRMA) requires an annual Resolution to extend Workers' Compensation coverage to their Governing Body members and/or volunteers. If adopted, such persons will be deemed as employees for workers' compensation benefit. The Resolution permits the Governing Body to designate the categories of persons whom the District desires to "deem" to be employees for this purpose by checking the boxes associated with those categories on the Resolution. Any persons designated will need to be listed under the Workers' Compensation Program and must pay an annual premium to enable coverage.

**DISCUSSION:** The Humboldt Bay Harbor, Recreation and Conservation District values its Commissioners and recommends that they be covered and listed under the Workers' Compensation Program. The financial burden of the addition of five Commissioners would be \$226.80 annually. The District also values its volunteers has begun assembling a crew of volunteers to serve as captains and deck hands on the Fire Boat during fire emergencies throughout Humboldt Bay. If the District did want to add any persons in the additional categories, the annual rate is calculated based on volunteer hours. As an example, 500 volunteer hours would be an additional annual premium of \$147.25. If the District wishes to add any persons to the policy, it must be done at the time of renewal, in the month of February.

Staff recommends the Board adopt the Resolution for the Governing Body and Volunteers. The addition of workers' compensation coverage for Governing Body Members and Volunteers will be revisited annually.

**ATTACHMENTS:**

- A. Resolution 2023-01

***HUMBOLDT BAY HARBOR, RECREATION  
AND CONSERVATION DISTRICT***

---

**RESOLUTION NO. 2023-01**

**A RESOLUTION DECLARING THAT GOVERNING BODY MEMBERS AND  
VOLUNTEERS SHALL BE DEEMED TO BE EMPLOYEES OF THE DISTRICT FOR THE  
PURPOSE OF PROVIDING WORKERS' COMPENSATION COVERAGE FOR SAID  
CERTAIN INDIVIDUALS WHILE PROVIDING THEIR SERVICES**

**WHEREAS**, the Humboldt Bay Harbor, Recreation and Conservation District utilizes the services of Governing Body Members and Volunteers; and

**WHEREAS**, Section 3363.5 of the California Labor Code provides that a person who performs voluntary service for a public agency as designated and authorized by the Governing Body of the agency or its designee, shall, upon adoption of a resolution by the Governing Body of the agency so declaring, be deemed to be an employee of the agency for the purpose of Division 4 of said Labor Code while performing such services; and

**WHEREAS**, the Governing Body wishes to extend Workers' Compensation coverage as provided by State law to the following designated categories of persons as indicated by a checkmark in the box to the left of the descriptions:

- All Members of the Governing Body of the Humboldt Bay Harbor, Recreation and Conservation District as presently or hereafter constituted and/or
- All persons performing voluntary services without pay other than meals, transportation, lodging or reimbursement for incidental expenses
- Individuals on Work-study programs
- Interns
- Other Volunteers
- Volunteer Fire Boat Program

**NOW, THEREFORE, BE IT RESOLVED**, that such persons coming within the categories specified above, including the duly elected or appointed replacements of any Governing Body Member and other designated individuals be deemed to be employees of the Humboldt Bay Harbor, Conservation and Recreation District for the purpose of Workers' Compensation coverage as provided in Division 4 of the Labor Code while performing such service. However, said Governing Body Members and other designated individuals will not be considered an employee of the Humboldt Bay Harbor, Recreation and Conservation District for any purpose other than for such Workers' Compensation coverage, nor grant nor enlarge upon any other right, duty or responsibility of such Governing Body Members or other designated individuals, nor allow such persons to claim any other benefits or gifts give to paid employees of the Humboldt Bay Harbor, Recreation and Conservation District.

**PASSED, APPROVED AND ADOPTED** by the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District at a duly called meeting held on the 12th day of January 2023, by the following polled vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

\_\_\_\_\_  
\_\_\_\_\_, **President**  
**Board of Commissioners**

\_\_\_\_\_  
\_\_\_\_\_, **Secretary**  
**Board of Commissioners**

**CERTIFICATE OF SECRETARY**

The undersigned, duly qualified and acting Secretary of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, does hereby certify that the attached Resolution is a true and correct copy of RESOLUTION NO. 2023-01 entitled,

**A RESOLUTION DECLARING THAT GOVERNING BODY MEMBERS AND VOLUNTEERS SHALL  
BE DEEMED TO BE EMPLOYEES OF THE DISTRICT FOR THE PURPOSE OF PROVIDING  
WORKERS' COMPENSATION COVERAGE FOR SAID CERTAIN INDIVIDUALS WHILE  
PROVIDING THEIR SERVICES**

as regularly adopted at a legally convened meeting of the Board of Commissioners of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, duly held on the 12th day of January 2023; and further, that such Resolution has been fully recorded in the Journal of Proceedings in my office, and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of January 2023.

\_\_\_\_\_

\_\_\_\_\_, Secretary  
Board of Commissioners

COMMISSIONERS  
 1<sup>st</sup> Division  
 Aaron Newman  
 2<sup>nd</sup> Division  
 Greg Dale  
 3<sup>rd</sup> Division  
 Stephen Kullmann  
 4<sup>th</sup> Division  
 Craig Benson  
 5<sup>th</sup> Division  
 Patrick Higgins

**Humboldt Bay**  
**Harbor, Recreation and Conservation District**  
 (707)443-0801  
 P.O. Box 1030  
 Eureka, California 95502-1030



**STAFF REPORT**  
**HARBOR DISTRICT MEETING**  
**January 12, 2023**

**TO:** Honorable Board President and Harbor District Board Members

**FROM:** Larry Oetker, Executive Director

**DATE:** January 5, 2023

**TITLE: Consider Adopting Resolution 2023-02, A Resolution Accepting Funds from the California Department of Fish and Wildlife, Office of Spill Prevention and Response for Oil Spill Prevention and Response Equipment, and to Authorize the Executive Director to execute the Grant Agreement**

**STAFF RECOMMENDATION:** Staff recommends the Board: Adopt Resolution 2023-02.

**SUMMARY:** Through a prior award, the District was the recipient of a mobile Oil Spill Prevention and Response Trailer funded by the California Department of Fish and Wildlife (CDFW). These trailers are strategically placed for the implementation of Oil Spill Response Equipment Staging in Humboldt County. As the materials and equipment housed in these trailers require periodic replacement and replenishment, CDFW offers Mini-Grants to reimburse grantees for such supplies.

**DISCUSSION:** General Operations on Humboldt Bay, periodically call for the immediate need to respond to, investigate and clean up spills of various kinds on the waters of Humboldt Bay, both in and around Woodley Island Marina and other bay locations when called upon. The District, utilizing supplies from the OSPR Trailer, works with CDFW OSPR, USCG MSD, and other responding agencies to clean up any such spills and properly dispose of them. As such, the supplies of the OSPR trailer have waned and require full replenishment, including both personnel response gear and response absorbent materials. This \$10,000 grant will provide for the full replacement of absorbent materials and for the District to acquire new response gear.

**ATTACHMENTS:**

- A. Grant Agreement**
- B. Resolution 2023-02**





State of California - Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
P.O. Box 944209  
Sacramento, CA 94244-2090  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

*GAVIN NEWSOM, Governor*  
*CHARLTON H. BONHAM, Director*



**OFFICE OF SPILL PREVENTION AND RESPONSE  
OIL SPILL RESPONSE EQUIPMENT STAGING, HUMBOLDT COUNTY  
GRANT AGREEMENT NUMBER – Q2275077**

**GRANTOR:** State of California, acting by and through  
The California Department of Fish and Wildlife  
P.O. Box 944209  
Sacramento, CA 94244-2090

**GRANTEE:** Humboldt Bay Harbor, Recreation and Conservation District  
601 Startare Drive  
Eureka, CA 95510

**SECTION 1 – LEGAL BASIS OF AWARD**

Pursuant to Government Code 8670.8.3, the California Department of Fish and Wildlife (CDFW or Grantor) is authorized to enter into this Grant Agreement (Agreement) and to make an award to the Humboldt Bay Harbor, Recreation and Conservation District (Grantee) for the purposes set forth herein. Grantee accepts the grant on the terms and conditions of this Agreement. Accordingly, Grantor and Grantee (Parties) hereby agree as follows:

**SECTION 2 – GRANT AWARD**

**2.01 Grant:** In accordance with the terms and conditions of this Agreement, including Section 5.07 – General Terms and Conditions, Grantor shall provide Grantee with a maximum of \$10,000 (Grant Funds) to financially support and assist Grantee's implementation of Oil Spill Response Equipment Staging, Humboldt County (Project).

**2.02 Term:** The term of this agreement is January 3, 2023, or upon approval, whichever is later, through June 30, 2023.

**SECTION 3 – ELIGIBLE USES OF GRANT**

Only Grantee expenditures that are necessary to implement the Project, comply with applicable federal and State of California law, and made in accordance with Section 6 – Project Statement and Section 9 – Budget and Payment as set forth within this Agreement are eligible for reimbursement from the Grant Funds.

**Q2275077**

**HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

**SECTION 4 – GRANTEE’S REPRESENTATIONS AND WARRANTIES**

Grantee represents and warrants to Grantor as follows:

- 4.01 Existence and Power:** Grantee is a governmental entity, validly existing, and in good standing under the laws of California. Grantee has full power and authority to transact the business in which it is engaged and full power, authority, and legal right to execute and deliver this Agreement and incur and perform its obligations hereunder.
- 4.02 Binding Obligation:** This Agreement has been duly authorized, executed and delivered on behalf of Grantee and constitutes the legal, valid, and binding obligation of Grantee, enforceable in accordance with the Agreement’s terms.

**SECTION 5 – GRANTEE’S AGREEMENTS**

- 5.01 Purpose:** This Agreement is entered into by the Parties for the purpose of providing financial support to Grantee to complete the Project, specifically the activities identified within Section 6 – Project Statement.
- 5.02 Project:** Grantee shall complete activities as set forth in Section 6 – Project Statement.
- 5.03 Use of Project Funds:** Grantee agrees that only Grantee expenditures that are necessary to implement the Project, comply with applicable federal and State of California law, and made in accordance with Section 6 – Project Statement and Section 9 – Budget and Payment as set forth within this Agreement are eligible for reimbursement from the Grant Funds. Grantee acknowledges that it may not transfer Grant Funds between or among budget line items without written approval from the CDFW Grant Manager in accordance with Section 9 – Budget and Payment.
- 5.04 Payment Schedule:** Payments shall be made to Grantee according to the payment and report schedule identified in Section 9 – Budget and Payment.
- 5.05 Eligibility of Funds:** In the event that the California Budget Act does not provide sufficient appropriations to allow Grantor to fund the Project at the level specified in Section 2 – Grant Award and Section 9 – Budget and Payment of this Agreement, Grantor reserves the right to modify this Agreement to reflect a reduction in available funds, as an alternative to termination.
- 5.06 Submission of Reports:** Grantee shall comply with the format, content, and timing requirements set out in Section 8 – Reports. Failure to submit timely and accurate reports shall be considered evidence of non-compliance with this Agreement and shall permit termination of this Agreement by Grantor.

**Q2275077**

**HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

- 5.07 General Terms and Conditions:** Public Entities General Grant Provisions (Exhibit 1.a) and Notice of Economic Sanctions (Exhibit 3) are attached hereto and made a part of this Agreement.
- 5.08 Amendments:** This Agreement may only be amended in accordance with Section 5.07 – General Terms and Conditions. Grantee shall submit any request to amend any term of this Agreement in writing to the CDFW Grant Manager no later than 120 days prior to the end of the term of this Agreement. Grantee must include an explanation of and justification for any such request.
- 5.09 Acknowledgement of Credit:** Grantee shall include signage, to the extent practicable, informing the public that the Project received funds through the CDFW. Further, Grantee shall include appropriate acknowledgement of credit to the Office of Spill Prevention and Response (OSPR) Grant Program and its implementing agency, the CDFW, for Grantor's financial support when using any data and/or information developed under this Agreement (e.g., in posters, reports, publications, presentations).
- 5.10 Labor Code Requirements; Prevailing Wage:** State grants may be subject to California Labor Code requirements, which include prevailing wage provisions. Certain State grants administered by the CDFW are not subject to Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code. For more details, please refer to California Fish and Game Code Section 1501.5 and the Department of Industrial Relations website at <http://www.dir.ca.gov>. The grantee shall pay prevailing wage to all persons employed in the performance of any part of the Project if required by law to do so.
- 5.11 California Business and Professions Code Compliance:** Grantee shall be responsible for obtaining the services of an appropriately licensed professional or appropriately licensed professionals if required by the California Business and Professions Code, including but not limited to Section 6700 et seq. (Professional Engineers Act) and Section 7800 et seq. (Geologists and Geophysicists Act).

If Grantee fails to perform in accordance with the compliance provisions of this Agreement, Grantor shall have sole discretion to delay, interrupt, or suspend the work for which the Grant Funds are supplied.

**SECTION 6 – PROJECT STATEMENT**

- 6.01 Introduction:** During an oil spill, California operates within the Incident Command System (ICS), a mechanism used to bring multiple jurisdictions under one standard operating arena. The ICS is managed by the Unified Command, in most cases, is comprised of a designated official from the United States Coast Guard, the OSPR and the Responsible Party (Spiller); the three members make all decisions on how the oil spill incident operations are planned, executed, and demobilized.

**Q2275077**

**HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

Several Oil Spill Response Organizations (OSRO) are available to provide response and clean-up of oil spills throughout the State. However, in certain remote locations, the OSRO's have difficulty or are unable to pre-stage response equipment. To address this problem, OSPR has established a grant program that will provide local government agencies with funding to purchase spill response equipment, so they can initiate a first response prior to the OSRO's arrival.

- 6.02 Objectives:** Grant funding will enhance the availability of oil response equipment around the state and will provide local governments an opportunity to protect their economic resources. Grantee will purchase the operating supplies for response equipment as identified in Equipment Specifications (Attachment I).
- 6.03 Project Description:** Grantee's Project Manager will be responsible for all aspects of the administration of this grant which include procurement, staging and usage of the equipment.
- 6.04 Location:** The equipment will be staged at the Humboldt Bay Harbor, Recreation and Conservation District, located at 602 Startare Drive, Eureka, CA 95501, Humboldt County.
- 6.05 Materials and Equipment:** See the Operating Supplies identified in the Oil Spill Response Equipment Staging, Humboldt County Equipment Specifications (Attachment I).
- 6.06 Project Implementation:** Consistent with Grantee's proposal for the Project, Grantee will complete the following tasks in accordance with Section 6.07 – Schedule of Due Dates and Deliverables:

**Task 1 – Ordering Operating Supplies**

- 1. Place order per OSPR equipment specifications which is attached hereto as Oil Spill Response Equipment Staging, Humboldt County Equipment Specifications (Attachment I) and made a part of this agreement. Trailer previously purchased under another grant.

**Task 2 – Operating Supplies Delivery**

Coordinate delivery of equipment.

- 1. Submit report to the CDFW Grant Manager with equipment staging location.
- 2. The CDFW Grant Manager will perform an inspection of the equipment.

**Task 3 – Project Management and Administration**

- 1. Furnish the necessary personnel, equipment, material and/or service(s) necessary for routine or incidental deployment of the equipment provided in this agreement.

**Q2275077**

**HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

2. Equipment may be deployed in the event of an oil spill within Grantee’s jurisdiction, for the shelf life of the equipment. Grantee will notify the CDFW Grant Manager within 15 days by phone or e-mail, when the equipment is used in conjunction with an oil spill response. Grantee also agrees to notify the CDFW Grant Manager if the equipment is relocated to a different staging location within the jurisdiction.
  
3. Provide the CDFW Grant Manager with equipment access such as facility/storage security access codes, keys to gate and trailer locks or designate staff to be on-site to allow the necessary access.
  
4. Grantee’s Project Manager will be responsible for all aspects of the administration of this grant, including procurement, invoicing, final reporting, staging, and usage of the equipment.

**6.07 Schedule of Due Dates and Deliverables:**

<u>Task</u>	<u>Description</u>	<u>Deliverables</u>	<u>Estimated Completion Dates</u>
1	Ordering Operating Supplies	Operating Supplies	May 15, 2023
2	Operating Supplies Delivery	Location Report	May 15, 2023
3	Project Management and Administration	Invoice	May 30, 2023
		Final Report	May 30, 2023

**SECTION 7 – CONTACTS**

The point of contact may be changed at any time by either party by providing a 10 day advance written notice to the other party. The Parties hereby designate the following points of contact during the Term of this Agreement:

<b>CDFW Grant Manager:</b>		<b>Grantee Project Manager:</b>	
Name:	Cindy Murphy	Name:	Larry Oetker
Title:	Associate Governmental Program Analyst	Title:	Executive Director
Address:	P.O. Box 944209 Sacramento, CA 94244-2090	Address:	601 Startare Drive Eureka, CA 95510
Phone:	(916) 324-6250	Phone:	(707) 443-0801 ext. 115
Email:	<a href="mailto:cindy.murphy@wildlife.ca.gov">cindy.murphy@wildlife.ca.gov</a>	Email:	<a href="mailto:loetker@humboldtby.org">loetker@humboldtby.org</a>

**Q2275077****HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

Direct all administrative inquiries to:

<b>CDFW Grant Coordinator:</b>		<b>Grantee Project Coordinator:</b>	
Name:	Julia-Malia Olea	Name:	Chris Mikkelsen
Title:	Contract/Grant Coordinator	Title:	Director of Facilities & Operations
Address:	P.O. Box 944209 Sacramento, CA 94244-2090	Address:	601 Startare Drive Eureka, CA 95510
Phone:	(916) 216-1303	Phone:	(707) 443-0801
Email:	<a href="mailto:julia-malia.olea@wildlife.ca.gov">julia-malia.olea@wildlife.ca.gov</a>	Email:	<a href="mailto:cmikkelsen@humboldtby.org">cmikkelsen@humboldtby.org</a>

**SECTION 8 – REPORTS**

**8.01 Final Report:** No Progress Reports are required; however Grantee shall submit a Final Report by the date listed in Section 6.07 – Schedule of Due Dates and Deliverables. The report shall summarize the life of the Agreement and describe the work and results pursuant to Section 6 – Project Statement. The Final Report will be submitted, electronically, to the CDFW Grant Manager upon completion of the Project tasks. The CDFW Grant Manager will provide Grantee a sample Final Report template, upon request. The Final Report will consist of one electronic version in Microsoft Word (or compatible format), upon the completion of the Project.

**8.02 Document Accessibility:** CDFW follows the Web accessibility standards of California Government Code Sections 7405 and 11135, and the Web Content Accessibility Guidelines (WCAG). Since all Office of Spill Prevention and Response Oil Spill Response Equipment Staging Final Reports will be posted to CDFW's website, grantees must ensure that the WCAG standards for adequate accessibility to people with disabilities are met for all Reports and associated submittals. Final Reports, and all associated documents, should be submitted as Word Documents for ease of editing to meet WCAG standards.

**SECTION 9 – BUDGET AND PAYMENT**

**9.01 Budget Details and Funding Summary:** Grantor will provide an amount not to exceed \$10,000 as detailed below in the Line Item Budget Detail (Budget) below. Grantee or its partners will provide up to \$0 in funds or in-kind services as cost share to complete tasks described in Section 6 – Project Statement. Actual expenditures will not be determined until the competitive process and equipment procurement has occurred. The procurement will consist of such items as a boom, absorbents, anchors, personal protective equipment, and all other items as outlined in Oil Spill Response Equipment Staging, Humboldt County Equipment Specifications (Attachment I).

Q2275077

## HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

Line-Item Budget Detail	
<b>A. PERSONNEL SERVICES</b>	
Not Applicable	\$0
<b>Total Personnel Services</b>	<b>\$0</b>
<b>B. OPERATING EXPENSES: GENERAL</b>	
Equipment identified in Attachment I (Each item less than \$5,000)	\$10,000
<b>Subtotal Operating Expenses: General</b>	<b>\$10,000</b>
<b>C. OPERATING EXPENSES: SUBCONTRACTORS</b>	
Not Applicable	\$0
<b>Subtotal Operating Expenses: Subcontractors</b>	<b>\$0</b>
<b>D. OPERATING EXPENSES: EQUIPMENT</b>	
Not Applicable	\$0
<b>Subtotal Operating Expenses: Equipment</b>	<b>\$0</b>
<b>E. INDIRECT COSTS</b>	
Indirect Charge Rate 0% (Applies to Sections A + B only)	\$0
<b>F. GRAND TOTAL (A+B+C+D+E)</b>	<b>\$10,000</b>

**9.01.1 Budget Flexibility:** Grantee must submit all budget line item revision requests, in writing, to the CDFW Grant Manager, prior to implementing any changes. All proposed budget changes require prior approval from the CDFW Grant Manager, regardless of budgetary impact. Informal Budget adjustments between existing line items may be permitted. Any revision to the Line Item Budget Detail must comply with Section 5.08 – Amendments. Considerations for informal Budget adjustments, if granted, must include:

1. Revisions which are consistent with the purpose, objectives, and description of the Project as detailed in Section 6 – Project Statement;
2. Revisions that do not increase or decrease the total Agreement amount;
3. Revisions that do not substitute key personnel; and
4. Line item shifts **within** a budget category (e.g., Field Supplies to Travel) up to \$25,000 or 10% of the Agreement amount, whichever is less.

Formal Budget adjustments will be considered by the Grantor, with prior approval from the CDFW Grant Manager. An amendment to the Agreement is required if a formal Budget adjustment is approved. Considerations for formal amendments, if granted, include:

1. Shifting Grant Funds between budget categories (e.g., Personnel Services to Operating Expenses);

**Q2275077**

**HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

- 2. Increasing or decreasing the total Agreement amount;
- 3. Substituting key personnel; or
- 4. Line item shifts **within** a budget category (e.g. Field Supplies to Travel) that exceeds \$25,000 or 10% of the Agreement amount, whichever is less.

**9.02 Payment Provisions:**

**9.02.1 Disbursements:** Grant disbursements will be made to Grantee in one lump sum payment in arrears, upon receipt of an original itemized invoice and required documentation as identified in Section 6.07 – Schedule of Due Dates and Deliverables.

Grant disbursements will be mailed to the following Grantee address:

<b>Grantee Name:</b>	Humboldt Bay Harbor, Recreation and Conservation District
<b>Attention:</b>	Larry Oetker
<b>Address:</b>	601 Startare Drive Eureka, CA 95510

**9.02.2 Invoice Documentation:** The invoice for payment must be accompanied by the Final Report. If there is cost share involved with the project, the final invoice must include a budget summary of cost share expenditures by fund source. The CDFW Grant Manager will provide Grantee with a sample invoice template upon request. The Final Invoice must be submitted to the CDFW Grant Manager by the date identified in Section 6.07 – Schedule of Due Dates and Deliverables. The invoice package must be sent hard copy or email to the CDFW Grant Manager, as identified in Section 7 – Contacts.

**Requirements:** The invoice shall contain the following information:

- 1. The word “Invoice” should appear in a prominent location at the top of the page(s);
- 2. Printed name of Grantee on company letterhead;
- 3. Grantee’s business address, including P.O. Box, City, State, and Zip Code;
- 4. Name of the CDFW Region/Division being billed;
- 5. The invoice date and the time period covered; i.e., the term “from” and “to”;
- 6. This Agreement number and the sequential number of the invoice (i.e., Q2275077-Invoice 1);
- 7. The invoice must be itemized using the categories and following the format of the Budget;



**Q2275077**

**HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

8. The total amount due. This should be in a prominent location in the lower right-hand portion of the last page and clearly distinguished from other figures or computations appearing on the invoice. The total amount due shall include all costs incurred by Grantee under the terms of this grant;
9. The original signature of Grantee; and
10. Grantee must provide supporting documentation for the invoice and actual receipts.

**Q2275077**

**HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of Grantor date set forth below the signature.

**AUTHORIZED AGENT FOR GRANTEE**

By:

Signature: \_\_\_\_\_

Printed Name: Larry Oetker

Title: Executive Director

Date: \_\_\_\_\_

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

By:

Signature: \_\_\_\_\_

Printed Name: Amy Mower

Title: Chief, Business Management Branch

Date: \_\_\_\_\_

*This agreement is exempt from DGS-OLS approval, per SCM 4.06.*

**HUMBOLDT BAY HARBOR, RECREATION,  
AND CONSERVATION DISTRICT**

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**RESOLUTION NO. 2023-02**

**A RESOLUTION ACCEPTING GRANT FUNDS FROM THE CALIFORNIA  
DEPARTMENT OF FISH AND WILDLIFE, OFFICE OF SPILL PREVENTION  
AND RESPONSE FOR OIL SPILL RESPONSE EQUIPMENT**

**WHEREAS**, the grantee, applied to the California Department of Fish and Wildlife, Office of Spill Prevention and Response for oil spill response equipment for the Humboldt Bay Harbor, Recreation and Conservation District; and

**WHEREAS**, the California Department of Fish and Wildlife, Office of Spill Prevention and Response has approved the Humboldt Bay Harbor, Recreation and Conservation District to receive \$10,000 in oil spill response equipment grant funds and now requires a resolution accepting these funds.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:**

Executive Director Larry Oetker is hereby authorized to accept a California Department of Fish and Wildlife, Office of Spill Prevention and Response grant in the amount of \$10,000 for oil spill response equipment on behalf of the Humboldt Bay Harbor, Recreation and Conservation District, a public entity established under the laws of the State of California.

**PASSED AND ADOPTED** by the Humboldt Bay Harbor, Recreation and Conservation District Board of Commissioners at a duly called meeting held on the **12<sup>th</sup> day of January 2023** by the following polled vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

\_\_\_\_\_

\_\_\_\_\_, **President**  
**Board of Commissioners**

\_\_\_\_\_

\_\_\_\_\_, **Secretary**  
**Board of Commissioners**

**CERTIFICATE OF SECRETARY**

The undersigned, duly qualified and acting Secretary of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, does hereby certify that the attached Resolution is a true and correct copy of RESOLUTION NO. **2023-02** entitled,

**A RESOLUTION ACCEPTING GRANT FUNDS FROM THE CALIFORNIA  
DEPARTMENT OF FISH AND WILDLIFE, OFFICE OF SPILL PREVENTION AND  
RESPONSE FOR OIL SPILL RESPONSE EQUIPMENT**

as regularly adopted at a legally convened meeting of the Board of Commissioners of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, duly held on the **12<sup>th</sup> day of January 2023**; and further, that such Resolution has been fully recorded in the Journal of Proceedings in my office, and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this **12<sup>th</sup> day of January 2023**.

\_\_\_\_\_  
\_\_\_\_\_, Secretary  
Board of Commissioners



**Humboldt Bay Harbor, Recreation and Conservation District  
Active Subcommittees  
2022**

**Humboldt Bay Development Association**

Marks and Higgins  
Zerlang, Unea & \_\_\_\_\_

**Budget  
(Ad-Hoc)**

Dale and Kullmann

**Labor Relations  
(Ad-Hoc)**

Dale and Kullmann

**Dredging  
(Ad-Hoc)**

Higgins and Newman

**Shelter Cove/RID  
(Ad-Hoc)**

Dale and Higgins

**Samoa Peninsula Infrastructure/  
Offshore Wind Energy Subcommittee  
(Ad-Hoc)**

Est. 08/13/2020

Updated 09/08/2022

Dale and Kullmann

**2x2 Committee (Eureka/Harbor District)  
(Ad-Hoc)**

Marks and Newman

**Pilotage Advisory Subcommittee  
(Staff Working Group, Ad-Hoc)**

Est. 12/09/2021

Dale and Newman

Captain Petrusha, Captain Powell and Pete  
Jackson

**Volunteer Fireboat Program Liaison  
Est. 02/10/2022**

Newman

**Commercial Fishing Subcommittee  
Est. 02/10/2022**

Newman and Kullmann

**Redwood Region Economic Development  
Commission**

Dale; Marks as alternate