

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

DATE: April 11, 2024

TIME: Closed Session – 5:00 P.M.
Regular Session – 6:00 P.M.

PLACE: Woodley Island Marina Meeting Room, 601 Startare Drive, Eureka, CA 95501

How to Observe and Participate in the Meeting:

Observe: Members of the public can attend the meeting in person or observe the meeting on Zoom at the following link: <https://us02web.zoom.us/j/6917934402>

Meeting ID: 691 793 4402

One tap mobile

(669) 900-9128, 6917934402#

Public members observing on Zoom will not be able to participate or provide comment.

Members of the public who may wish to provide public comment during the meeting must attend in person.

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. Move to Closed Session

- a) 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: Chris Mikkelsen, Executive Director; Ryan Plotz, District Counsel. Negotiating parties: Crowley Wind Services, Inc. Under negotiation: price and terms of payment.

Agenda for April 11, 2024 Regular Board Meeting

- b) 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: Chris Mikkelsen, Executive Director; Ryan Plotz, District Counsel. Negotiating party: California Marine Investments LLC. Under negotiation: price and payment terms.
- c) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: One case. Facts and circumstances involve allegations by California River Watch of certain violations of the Clean Water Act or other related laws arising from the District's Fields Landing facilities.

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

5. Pledge of Allegiance

6. Report on Closed Session

7. 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 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.*

8. Consent Calendar

- a) Adopt Minutes for the March 14, 2024 Regular Board Meeting
- b) Receive District Financial Reports February 2024
- c) Consider Approval and Adoption of a Procurement Policy

9. Communications, Reports, and Correspondence Received

- a) Correspondence Received
- b) Executive Director's Report
- c) Staff Reports
- d) District Counsel and District Treasurer Reports

Agenda for April 11, 2024 Regular Board Meeting

- e) Commissioner and Committee Reports
 - 1. Presentation on the Eel River Recovery Project – Commissioner Higgins

10. Unfinished Business

- a) **Receive Status Update Regarding the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal Project**

Recommendation: Receive the report and provide direction.

Summary: The Board has requested a monthly update regarding the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal Project. Updates may include project schedule, budget, funding opportunities, tasks completed, tasks underway, upcoming tasks, the latest overall project strategy, and agreements with Crowley Wind Services. This report will provide an update for the month of April 2024.

- b) **Receive Status Update Regarding the District-Owned Marine Outfall Line**

Recommendation: Receive the report and provide direction.

Summary: As shared at the March 14th Board Meeting, the District-owned Marine Outfall Line has received some significant exposure and peripheral damage due to the 2023-24 Winter Storms. This damage is consistent with the exceptional beach erosion experienced over winter along the Samoa Peninsula. This staff report will include an infrastructure assessment, the emergency scope of work, an estimated project schedule, an estimated budget, funding opportunities, work underway, and an assessment of the next steps.

11. New Business

- a) **Budget Goals for Woodley Island Marina, Fields Landing Boat Yard, and Dredging**

Recommendation: Receive a report on the proposed capital expense projects for the 2024-2025 fiscal year for Woodley Island Marina, Fields Landing Boat Yard, and Dredging.

Summary: Beginning at the April 11th meeting, staff will present the Capital expense projects under consideration for the 2024-2025 fiscal year and the projected costs of each. These items do not include the recurring maintenance and operations costs, which will be presented in the final draft budget brought to the commission for approval in June.

- b) **Review and Adopt Travel Reimbursement Guidelines**

Recommendation: Staff recommends the board adopt CalHR 2203 - Allowances and Travel Reimbursements for all Harbor District travel.

Summary: Business travel has been steadily increasing for Harbor District staff and commissioners, often partially reimbursable under grants. By adopting the state

Agenda for April 11, 2024 Regular Board Meeting

rates for allowances and travel reimbursements, the District would comply with grant reimbursement policies while covering travel necessities for staff.

12. Future Agenda Items

- a) Resolution supporting Missing and Murdered Indigenous Persons (MMIP)
- b) District Bay-wide Piling Removal Concept
- c) ACOE Nearshore placement update

13. Adjournment

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

March 14, 2024

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 – 5:05 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. 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: Chris Mikkelsen, Executive Director; Ryan Plotz, District Counsel. Negotiating parties: Crowley Wind Services, Inc. Under negotiation: price and terms of payment.

REGULAR SESSION – 6:0 P.M.

ROLL CALL

PRESENT: BENSON
DALE
HIGGINS
KULLMANN

ABSENT: NEWMAN

QUORUM: YES

PLEDGE OF ALLEGIENCE

PUBLIC COMMENT: The following individuals addressed the Commission regarding subject matters not on the regular session meeting agenda: No one.

CONSENT CALENDAR

- a) Adopt Minutes for the February 8, 2024, Regular Board Meeting
- b) Receive District Financial Reports January 2024
- c) Consider Approval of the First Amendment to the Project Labor Agreement By and Between the Humboldt Bay Harbor, Recreation and Conservation District and State Building Trades Council of California, Building and Construction Trades Council of Humboldt and Del Norte Counties, and the Signatory Craft Councils and Unions

Draft Minutes for March 14, 2024 Regular Board Meeting

- d) Authorize the Execution of an Extension to the Agreement to Stay Loan and Rent Payment Obligations Between the Harbor District and the Humboldt Bay Development Association
- e) Consider Accepting Application for Filing for Harbor District Permit 2024-01: Billboard Repair

COMMISSIONER BENSON ASKED BOARD CHAIR TO PULL ITEM 8E FOR DISCUSSION.

COMMISSIONER BENSON MOVED ACCEPT CONSENT CALENDAR ITEMS A-D.

COMMISSIONER KULLMANN SECONDED.

VOICE VOTE WAS CALLED, MOTION CARRIED.

Ayes: BENSON, DALE, HIGGINS, KULLMANN

Noes: NONE

Absent: NEWMAN

Abstain: NONE

- I. District staff presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. Dave Meserve and Jack Norton commented.
- IV. Chair Dale moved the discussion back to the Commission.

COMMISSIONER HIGGINS MOVED TO NOT ACCEPT ITEM 8E APPLICATION FOR FILING.
COMMISSIONER BENSON SECONDED.

COMMISSIONER HIGGINS WITHDREW HIS MOTION FOR ITEM 8E.

COMMISSIONER HIGGINS MOVED TO CONDITIONALLY APPROVE THIS APPLICATION FOR FILING ASKING STAFF TO ENSURE CORRECTIONS ARE MADE TO THE APPLICATION.
COMMISSIONER KULLMANN SECONDED.

VOICE CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: DALE, HIGGINS, KULLMANN

Noes: BENSON

Absent: NEWMAN

Abstain: NONE

COMMUNICATIONS, REPORTS AND CORRESPONDENCE RECEIVED

- a) Correspondence Received
 - 1. Letter from Humboldt Waterkeeper regarding agenda item 8e (Attachment A).
- b) Executive Director's Report
 - I. Executive Director presented Executive Director's report.
- c) Staff Reports
 - I. Staff presented reports.
- d) District Counsel and District Treasurer Reports
 - I. No report.
- e) Commissioner and Committee Reports
 - I. Commissioners reported on recent activities and subcommittees.

UNFINISHED BUSINESS

a) Receive Status Update Regarding Humboldt Bay Offshore Wind Heavy Lift Marine Terminal Project

- I. District staff presented the item.
- II. The Commission discussed the item.
- III. Chair Dale opened the item to public comment. Heidi Moore-Guynup, Rachel Smith, Carol Vander Meer, Chris Moyer, and Mike Hauger commented.
- IV. Chair Dale moved the discussion back to the Commission.
- V. Discussion item only, no formal action was taken.

NEW BUSINESS

a) Receive a Green Port Presentation from Blue Lake Rancheria

- I. Heidi Moor-Guynup introduced Madison Hund and Ysabelle Yrad from Blue Lake Rancheria to present 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.
- V. Presentation only, no formal action was taken.

b) Consideration of Initial 2024-2025 District Budget Preparation Schedule

- 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.
- V. Presentation only, no formal action was taken.

FUTURE AGENDA ITEMS

- a) Resolution regarding Missing and Murdered Indigenous Persons
- b) Piling Removal Program Concept
- c) FY 2024-2025 Budget

ADJOURNMENT – 7:35 P.M.

APPROVED BY:

RECORDED BY:

Aaron Newman
Secretary of the Board of Commissioners

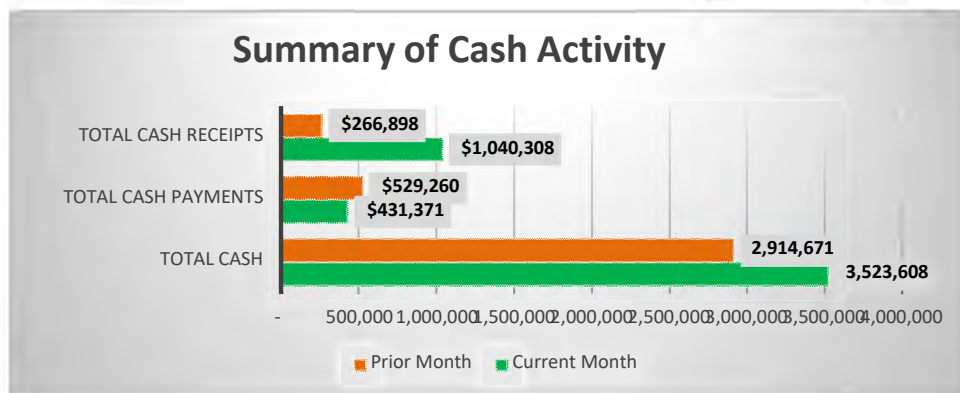
Mindy Hiley
Director of Administrative Services

HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT

Monthly Cash Flow Analysis

For The Months Ended February 29, 2024 and January 31, 2024

	<u>2/29/24</u>	<u>1/31/24</u>
<u>Account Balances</u>		
Checking	\$ 374,754	\$ 130,169
Savings	1,699,015	1,990,645
County Treasury	1,448,624	792,462
Cash on hand	1,215	1,395
Total Cash	3,523,608	2,914,671
Less: Restricted cash for Marina surcharges	(403,868)	(489,187)
Unrestricted Cash	3,119,740	2,425,484
Less: Unexpended grant proceeds and Nordic deposits included in cash above	(745,945)	(876,571)
Cash Available (Deficit), excluding Marina surcharges	2,373,795	1,548,913
 <u>Change in Cash Balance</u>		
Balance, Beginning of Month	\$ 2,914,671	\$ 3,177,033
Monthly Deposits	1,040,308	266,898
Monthly Payments	(431,371)	(529,260)
Balance, End of Month	\$ 3,523,608	\$ 2,914,671
 <u>Monthly Expenses Summary</u>		
Significant Individual Expenses:		
Redwood Community Action Agency	\$ 101,718	\$ 165,963
Flagstar Public Funding Loan Payment - Interest only		139,721
Third payroll in month	25,879	
Semi-annual property tax expense	20,330	
Sub-total, Significance/Unusual Expenses	147,927	305,684
General operating expenses and other misc. expense	283,444	223,576
Total Cash Payments	\$ 431,371	\$ 529,260
 <u>Monthly Deposits Summary</u>		
Significant Individual Revenues:		
CA Energy Commission		\$ 63,497
CalTrans-Office of Clean CA Local Grant	\$ 52,746	
Crowley Wind Services, Inc.		25,000
Property taxes and interest income	674,150	
Nordic Aquafarms, Inc.	55,849	
Sub-total, Significant/Unusual Revenues	782,745	88,497
General revenues	257,563	178,401
Total Cash Receipts	\$ 1,040,308	\$ 266,898



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Humboldt Bay Harbor, Recreation & Conservation District Balance Sheet

04/05/24

As of February 29, 2024

Accrual Basis

	Feb 29, 24
ASSETS	
Current Assets	
Checking/Savings	
10000 · PETTY CASH ON HAND	150.00
10100 · CHANGE FUND ON HAND	300.00
10111 · COIN MACHINE FUND	730.00
10200 · CASH IN BANK, CHECKING	15,736.40
10200.1 · Cash in PNC, Checking	359,017.13
10400 · CASH IN COUNTY - FUND 2720	1,411,732.59
10500 · CASH IN COUNTY - FUND 3872	36,890.97
10600.1 · Cash in bank, Tariff PNC	1,684,036.85
10700.1 · Cash in bank, Water PNC	14,977.74
10901 · UNEXPENDED MARINA SURCHARGES	403,867.99
10903 · RESTRICTED CASH	-403,867.99
Total Checking/Savings	3,523,571.68
Accounts Receivable	
12000 · ACCTS RECEIVABLE	1,986,528.89
Total Accounts Receivable	1,986,528.89
Other Current Assets	
12100 · ALLOW FOR BAD DEBTS	-418,101.27
12200 · TAXES RECEIVBLE	156,953.00
12300 · INTEREST RECEIVBLE	13,802.77
12600 · Note Receivable - NMTC	5,849,375.00
12700 · PREPAID EXPENSES	92,220.98
1499 · Undeposited Funds	35.00
Total Other Current Assets	5,694,285.48
Total Current Assets	11,204,386.05
Fixed Assets	
CAPITAL ASSETS, NET	
14910 · SAMOA PROPERTY	208,149.00
14930 · TOWN OF SAMOA PROPERTY	3,007,851.23
14940 · BAY STREET PROPERTY	35,000.00
15000 · AUTOMOTIVE EQUIPMENT	95,639.08
15100 · OFFICE EQUIPMENT	193,303.88
15200 · OPERATING EQUIPMENT	314,098.74
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	1,351,140.12
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	-18,989,614.17
Total CAPITAL ASSETS, NET	12,852,642.22
14800 · SHIPWRECK PROPERTY	50,088.05
14900 · DOG RANCH PROPERTY	7,507.70
Total Fixed Assets	12,910,237.97
Other Assets	
18700 · Deferred Lease Asset	3,679,190.00
19000 · Deferred Outflows of PERS	702,529.00
Total Other Assets	4,381,719.00

Humboldt Bay Harbor, Recreation & Conservation District

Balance Sheet

04/05/24

As of February 29, 2024

Accrual Basis

	Feb 29, 24
TOTAL ASSETS	28,496,343.02
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 · ACCOUNTS PAYABLE	536,667.95
Total Accounts Payable	536,667.95
Credit Cards	
20112 · US Bank Visa	8,404.61
Total Credit Cards	8,404.61
Other Current Liabilities	
Payroll tax & Withholding Liab	
2100 · PAYROLL LIABILITIES	-2,772.38
21000 · WAGE GARNISHES	372.46
21100 · FEDERAL WITHHOLDING TAX	1,633.30
2111 · *DIRECT DEPOSIT LIABILITIES	-25,828.10
21200 · STATE WITHHOLDING TAX	990.73
21300 · STATE UNEMPLOYMENT TAX	2,350.73
21400 · SOCIAL SECURITY/MEDICARE TAX	-1,049.62
21600 · PERS CARE/MEDICAL INSURANCE	12,727.37
21700 · PERS RETIREMENT	5.60
21800 · STATE DISABILITY INSURANCE	-398.12
21900 · UNION DUES DEDUCTIBLE	74.76
Total Payroll tax & Withholding Liab	-11,893.27
20200 · NOTES PAYABLE	173,717.33
20400 · ACCRUED WAGES PAYABLE	37,333.75
20500 · ACCRUED INTEREST	34,245.14
20600 · ACCRUED VACATION PAYABLE	68,682.94
20800 · DEPOSITS ON HAND	
20801 · KEY DEPOSITS ON HAND	18,000.00
20802 · PLUG DEPOSITS ON HAND	1,330.00
20803 · SLIP DEPOSITS ON HAND	50,329.91
20804 · STORAGE DEPOSITS	4,199.15
20806 · LEASE SECURITY DEPOSIT	101,698.42
20807 · STORAGE DEPOSIT - REDWOOD DOCK	2,943.31
20808 · WAIT LIST DEPOSIT	5,275.00
Total 20800 · DEPOSITS ON HAND	183,775.79
24000 · Ground Lease Deferred Income	3,906,000.00
24002 · Groundlease Current Def Income	120,184.62
27201 · Deferred Inflows - OPEB	3,223.00
28000 · DEFERRED INCOME	163,450.39
28400 · DEFERREDINCOMECalTrans Spartina	735,897.47
Total Other Current Liabilities	5,414,617.16
Total Current Liabilities	5,959,689.72
Long Term Liabilities	
24001 · Gound Lease Amortization	-424,391.45
24003 · Groundlease Current Offset	-120,184.62
25500 · OPEB Liability	169,351.00
25700 · BOND PAYABLE 2014 REFINANCING	1,447,641.17
25800 · BBVA Loan Payable	908,007.88
25900 · LESS CURRENT PORTION	-173,717.33
26100 · Rate Stabilization Fund	5,454,000.00
27000 · Net Pension Liability	1,408,435.00
27200 · Deferred Inflows of PERS	115,823.00
27202 · Deferred Inflows - Leases	3,545,298.00
Total Long Term Liabilities	12,330,262.65

Humboldt Bay Harbor, Recreation & Conservation District

Balance Sheet

As of February 29, 2024

	<u>Feb 29, 24</u>
Total Liabilities	18,289,952.37
Equity	
30500 · INVESTMENT IN FIXED ASSETS	9,299,245.07
30900 · RESTRICTED FUND BALANCE	
30901 · Restricted Fd Bal-Curr Yr Chang	-1,485,487.33
30900 · RESTRICTED FUND BALANCE - Other	1,887,090.07
Total 30900 · RESTRICTED FUND BALANCE	401,602.74
31200 · GENERAL FUND BALANCE	
31000 · FUND BALANCE - TIDELANDS TRUST	-931,218.23
31201 · General Fund-Change is Restrict	1,485,487.33
31200 · GENERAL FUND BALANCE - Other	1,010,372.61
Total 31200 · GENERAL FUND BALANCE	1,564,641.71
3900 · RETAINED EARNINGS	-63.45
Net Income	-1,059,035.42
Total Equity	10,206,390.65
TOTAL LIABILITIES & EQUITY	<u>28,496,343.02</u>

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Humboldt Bay Harbor, Recreation & Conservation District

Profit & Loss

04/05/24

February 2024

Accrual Basis

	Feb 24	Jul '23 - Feb 24
Ordinary Income/Expense		
Income		
Donations		
46519 · Donations - Lighthouse	0.00	5.00
Total Donations	0.00	5.00
Dredging Revenue		
41318 · Dredging Surcharge - T	18,866.33	156,507.65
Total Dredging Revenue	18,866.33	156,507.65
Fees		
40108 · PERMITS-T	100.00	3,000.00
40808 · Pilotage Services - T	0.00	1,584.69
41308 · Moorage - T	0.00	11.20
41308.1 · Poundage - T	0.00	3,987.07
41818 · Late Charges/Interest - T	5,800.00	49,625.00
41819 · Late Charges/Interest - NT	75.00	894.77
45608 · Chevron - Ports O&M - T	0.00	16,175.00
Total Fees	5,975.00	75,277.73
Float Replacement Account		
41418 · Float Replacement	5,928.87	49,311.27
Total Float Replacement Account	5,928.87	49,311.27
Grant Revenue		
Harbor Grants		
45208.1 · Harbor Grants, Gov't - T	1,163.25	7,694.64
Total Harbor Grants	1,163.25	7,694.64
Total Grant Revenue	1,163.25	7,694.64
Harbor Surcharge		
40908 · Harbor Improvement Surcharge-T	3,714.00	83,105.68
Total Harbor Surcharge	3,714.00	83,105.68
Interest Revenue		
43108 · Interest Income - T	4,347.69	72,603.82
43109 · Interest Income - NT	583.33	4,666.64
43309 · Interest On Del Accts - NT	0.00	103.54
Total Interest Revenue	4,931.02	77,374.00
Other Revenue		
45908 · Other Revenue - T	1,039,924.90	1,039,928.90
45909 · Other Revenue - NT	103,867.13	261,374.28
46008 · Recovery of Bad Debt - T	0.00	1,000.00
Total Other Revenue	1,143,792.03	1,302,303.18
Rent Income		
40218 · Slip Rents - T	45,929.81	381,172.15
40318.1 · Transient Rentals - T	3,374.00	23,558.15
40518 · Equipment Rent - T	0.00	3,438.42
40519 · Equipment Rent - NT	1,130.00	1,480.00
40809 · Yard Rent - NT	1,021.20	9,279.60
41108 · Rents, Tidelands Leases - T	22,642.21	313,382.18
41309 · Storage - NT	9,580.70	49,326.53
41409 · Upland Rent - NT		
41409.2 · Redwood Terminal 2 - NMTC	0.00	0.00
41409 · Upland Rent - NT - Other	104,954.02	859,292.28
Total 41409 · Upland Rent - NT	104,954.02	859,292.28
Total Rent Income	188,631.94	1,640,929.31

Humboldt Bay Harbor, Recreation & Conservation District

Profit & Loss

04/05/24

February 2024

Accrual Basis

	Feb 24	Jul '23 - Feb 24
Sales		
40119 · Concession Sales - NT	1,012.25	3,993.00
Total Sales	1,012.25	3,993.00
Tax Revenue		
43509 · Property Tax Revenues	110,000.00	880,000.00
45009 · Other Federal Tax Revenue	0.00	12.57
Total Tax Revenue	110,000.00	880,012.57
Utility Surcharge		
40409 · Utility Surcharge - NT	4,048.84	25,847.38
40418 · Utility Surcharge, Marina Dock	5,908.90	38,264.31
Total Utility Surcharge	9,957.74	64,111.69
47019 · Returned Check Charges	0.00	35.00
52708.1 · Discount	32.58	174.40
Total Income	1,494,005.01	4,340,835.12
Gross Profit	1,494,005.01	4,340,835.12
Expense		
Accounting/Auditing Services		
52500 · Accounting Fees - T	3,517.50	35,749.88
52508 · Accounting Fees - NT	1,172.50	13,626.62
Total Accounting/Auditing Services	4,690.00	49,376.50
Advertising & Promotion		
51000 · Advertising & Promotion - NT	1,173.17	1,790.96
51008 · Advertising & Promotion - T	2,510.00	3,031.45
Total Advertising & Promotion	3,683.17	4,822.41
Bad Debts		
51308 · Bad Debts - T	0.00	28,498.80
Total Bad Debts	0.00	28,498.80
Communications		
51400 · Communications - NT	1,631.68	13,760.27
51408 · Communications - T	173.61	1,361.45
Total Communications	1,805.29	15,121.72
Conference & Meetings		
51500 · Conferences & Meetings - NT	1,341.20	11,791.34
51508 · Conferences & Meetings - T	1,076.91	1,981.67
Total Conference & Meetings	2,418.11	13,773.01
Dredging Expense		
55608 · Dredging Expense - T	110,113.90	196,823.61
56708 · Dredging - GT	0.00	573,688.75
56718 · Dredging - MT	0.00	918,528.75
Total Dredging Expense	110,113.90	1,689,041.11
Dues, Subscriptions & Licences		
51600 · Dues & Subscriptions - NT	209.29	22,643.90
51608 · Dues & Subscriptions - T	0.00	1,686.50
Total Dues, Subscriptions & Licences	209.29	24,330.40
Elections & Government Fees		
51700 · Elections & Prop Tax Assess-NT	17,988.63	62,285.61
Total Elections & Government Fees	17,988.63	62,285.61
Engineering Services		

Humboldt Bay Harbor, Recreation & Conservation District

Profit & Loss

04/05/24

February 2024

Accrual Basis

	Feb 24	Jul '23 - Feb 24
52400 · Engineering Fees - NT	5,004.55	56,557.65
52408 · Engineering Fees - T	208.75	4,618.75
Total Engineering Services	5,213.30	61,176.40
Fuel		
50400 · IMPUTED AUTO VALUE G/A	60.00	900.00
51200 · Automotive, Fuel- NT	1,129.51	4,762.72
51208 · Vessel Fuel	0.00	1,852.79
51218 · Automotive, Fuel - T	1,104.79	5,274.74
Total Fuel	2,294.30	12,790.25
Grant Expenses		
Conservation Grant Expenses		
54408.3 · Conservation Grant Exp	0.00	13,039.59
Total Conservation Grant Expenses	0.00	13,039.59
Harbor Grant Expenses		
54408.1 · Harbor Grant Exp	144,882.98	1,151,884.83
Total Harbor Grant Expenses	144,882.98	1,151,884.83
Recreation Grant Expenses		
54408.2 · Recreation Grant Exp	211,970.12	169,195.86
Total Recreation Grant Expenses	211,970.12	169,195.86
Total Grant Expenses	356,853.10	1,334,120.28
Insurance		
51800 · Insurance - NT	11,928.16	84,293.25
51808 · Insurance - T	0.00	19,766.50
Total Insurance	11,928.16	104,059.75
Interest Expense		
55108 · Interest Expense - T	4,156.00	172,969.00
55109 · Interest Expense - NT	7,624.00	60,992.00
Total Interest Expense	11,780.00	233,961.00
Legal Services		
52300 · Legal Fees - NT	27,311.63	48,207.27
52308 · Legal Fees - T	8,641.87	14,649.73
Total Legal Services	35,953.50	62,857.00
Maintenance - Equipment		
51209 · Automotive, Repairs - NT	651.72	9,473.41
52710 · Repairs & Maint, Equip - NT	361.36	2,505.36
52718 · Repairs & Maint, Equip - T	300.00	808.94
Total Maintenance - Equipment	1,313.08	12,787.71
Maintenance - Facilities		
52708 · Repairs & Maint, Facilities - T	330.63	45,600.49
52719 · Repairs & Maint, Facilities - N	13,680.13	45,178.32
Total Maintenance - Facilities	14,010.76	90,778.81
Maintenance - IT		
57008 · Maintenance, IT Equip - T	287.50	7,090.53
57009 · Maintenance, IT Equip - NT	279.50	3,434.65
Total Maintenance - IT	567.00	10,525.18
Maintenance Supplies		
52008 · Maintenance Supplies - T	0.00	298.08
52010 · Maintenance Supplies - NT	2,731.04	12,408.79

Humboldt Bay Harbor, Recreation & Conservation District

Profit & Loss

04/05/24

February 2024

Accrual Basis

	Feb 24	Jul '23 - Feb 24
Total Maintenance Supplies	2,731.04	12,706.87
Office Supplies		
51900 · Office Supplies - NT	3,819.05	33,077.99
51908 · Office Supplies - T	621.99	6,106.99
Total Office Supplies	4,441.04	39,184.98
Other Expenses		
53709 · Cash Over/Short - NT	-767.43	-767.43
55418 · Other Expenses - T	0.00	325.00
55419 · Other Expenses - NT	0.00	7,500.00
Total Other Expenses	-767.43	7,057.57
Other Professional/Outside Serv		
52109 · Outside Services, Other - NT	0.00	1,801.17
52110 · OUTSIDE SERVICES M/A	0.00	250.00
52118 · Outside Services, Other - T	785.00	3,702.00
Total Other Professional/Outside Serv	785.00	5,753.17
Permits		
51610 · Permits - NT	0.00	171.66
51618 · Permits - T	500.00	14,093.00
Total Permits	500.00	14,264.66
Personnel Expenses		
Commissioners Fees		
50200 · Commissioner's Salaries - NT	2,100.00	16,800.00
50208 · Commissioner's Salaries - T	900.00	7,200.00
Total Commissioners Fees	3,000.00	24,000.00
Contract Temporary Services		
50318 · Contract Temporary Services - T	0.00	13,518.18
Total Contract Temporary Services	0.00	13,518.18
Payroll Burden		
50500 · Payroll Benefits, Other - NT	26,959.83	256,401.77
50508 · Payroll Benefits, Other - T	7,023.56	75,434.35
6560 · Workers' Comp	3,966.12	31,401.77
Total Payroll Burden	37,949.51	363,237.89
Salaries/Wages		
50100 · Salaries & Wages - NT	75,192.12	735,613.96
Total Salaries/Wages	75,192.12	735,613.96
Total Personnel Expenses	116,141.63	1,136,370.03
Planning Services		
52200 · Planning Fees - NT	13,892.50	39,491.41
52208 · Planning Fees - T	1,265.00	3,167.50
Total Planning Services	15,157.50	42,658.91
Rent Expense		
52600 · Rent Expense - NT	0.00	756.00
54308 · Redwood Terminal 2 Lease Expens	0.00	6,308.57
Total Rent Expense	0.00	7,064.57
Small Tools		
52800 · Small Tools - NT	464.29	1,266.46
52808 · Small Tools - T	0.00	162.78
Total Small Tools	464.29	1,429.24

Humboldt Bay Harbor, Recreation & Conservation District

04/05/24

Profit & Loss

Accrual Basis

February 2024

	Feb 24	Jul '23 - Feb 24
Utilities		
52909 · Utilities - NT	10,779.61	130,669.90
52918 · Utilities - T	274.97	36,715.12
53000 · Water, Sewer, & Refuse - NT	10,030.71	94,399.92
53008 · Water, Sewer, & Refuse - T	6,923.36	58,130.87
Total Utilities	28,008.65	319,915.81
57018 · Bank Service Charges	400.30	3,158.79
Total Expense	748,683.61	5,399,870.54
Net Ordinary Income	745,321.40	-1,059,035.42
Net Income	745,321.40	-1,059,035.42

2:51 PM

Humboldt Bay Harbor, Recreation & Conservation District

04/05/24

Account QuickReport

Accrual Basis

As of February 29, 2024

Type	Date	Num	Name	Memo	Amount
10200.1 - Cash in PNC, Checking					
Liability Check	02/01/2024		QuickBooks Payroll Serv...	Created by Payro...	-27,049.42
Liability Check	02/02/2024	ACH	PERS Unfunded Accrue...	2233447024	-5,872.04
Liability Check	02/02/2024	ACH	CalPERS 457 Program	450348	-1,138.35
Bill Pmt -Check	02/02/2024	ACH	CalPERS 457 Program	457Match 02/02/...	-325.00
Liability Check	02/02/2024	ACH	State Disbursement Unit	0230000067964	-233.53
Liability Check	02/02/2024	ACH	California State Disburse...	20000002073316	-500.76
Bill Pmt -Check	02/02/2024	ACH	CalPERS Health	2233447024	-23,406.76
Bill Pmt -Check	02/02/2024	2790	314intermedia		-60.00
Bill Pmt -Check	02/02/2024	2791	AT&T Internet	831-000-8571 571	-886.57
Bill Pmt -Check	02/02/2024	2792	California State Lands C...	Sublease of an E...	-2,325.61
Bill Pmt -Check	02/02/2024	2793	Campton Electric Supply		-11.08
Bill Pmt -Check	02/02/2024	2794	City of Eureka (Sewer)	2001-901804-02	-4,125.11
Bill Pmt -Check	02/02/2024	2795	City of Eureka (Water)	2001-901802-01	-5,733.27
Bill Pmt -Check	02/02/2024	2796	Coastal Business Syste...	017-1623192-000	-505.55
Bill Pmt -Check	02/02/2024	2797	Humboldt Bay Solar Fun...	HB0520	-4,518.36
Bill Pmt -Check	02/02/2024	2798	Humboldt Community Se...	3165	-18.00
Bill Pmt -Check	02/02/2024	2799	Independent Business F...	365250	-443.31
Bill Pmt -Check	02/02/2024	2800	Interstate Battery		-129.43
Bill Pmt -Check	02/02/2024	2801	Marine Lien Sale, Inc.	PO#	-540.00
Bill Pmt -Check	02/02/2024	2802	Mission Uniform & Linen	299313	-827.35
Bill Pmt -Check	02/02/2024	2803	Mr. Rooter Plumbing	PO#2081 Hydro...	-1,096.08
Bill Pmt -Check	02/02/2024	2804	MSC Industrial Supply Co.	09809068	-20.64
Bill Pmt -Check	02/02/2024	2805	Network Help To Go		-575.00
Bill Pmt -Check	02/02/2024	2806	Northern California Glove	3474	-245.81
Bill Pmt -Check	02/02/2024	2807	Pacific Gas & Electric (8...	0074698259-4	-7,513.44
Bill Pmt -Check	02/02/2024	2808	Pape Material Handling	340686, 490169,...	-595.14
Bill Pmt -Check	02/02/2024	2809	Redwood Community Ac...	PO 1841, Project...	-18,174.48
Bill Pmt -Check	02/02/2024	2810	Security Lock & Alarm		-50.13
Bill Pmt -Check	02/02/2024	2811	Standard Insurance Com...	ST 908447 0001	-153.40
Bill Pmt -Check	02/02/2024	2812	Wiyot Tribe	Received 1-22-2...	-4,047.10
Check	02/02/2024	2813	Arcata Economic Develo...	Refund for Confe...	-150.00
Check	02/02/2024	2814	Quinlan, Michael/Durham	Tenant Refund	-22.78
Bill Pmt -Check	02/02/2024	2815	CA Dept of Tax and Fee ...	47-084568	-413.00
Bill Pmt -Check	02/02/2024	2816	Humboldt County Health ...	PT0007745, RM...	-1,159.17
Bill Pmt -Check	02/02/2024	2817	Shafer's Ace Hardware #...	21586	-145.25
Liability Check	02/07/2024	E-pay	Employment Developme...	499-0307-3 QB T...	-31.26
Liability Check	02/07/2024	E-pay	Internal Revenue Service	94-2262845 QB ...	-97.48
Liability Check	02/08/2024		QuickBooks Payroll Serv...	Created by Payro...	-754.97
Bill Pmt -Check	02/08/2024	ACH	Francotyp-Postalia	466106100	-300.00
Liability Check	02/09/2024	ACH	California State Disburse...	20000002073316	-500.76
Liability Check	02/09/2024	ACH	CalPERS 457 Program	450348	-25.00
Liability Check	02/09/2024	ACH	PERS Unfunded Accrue...	2233447024 J.C...	-173.75
Bill Pmt -Check	02/09/2024	2818	CAPA		-2,500.00
Bill Pmt -Check	02/09/2024	2819	Marine Lien Sale, Inc.	PO#2090	-360.00
Bill Pmt -Check	02/09/2024	2820	McLean, Ron	Reimbursement	-64.44
Bill Pmt -Check	02/09/2024	2821	Napa Auto Parts	24290	-608.58
Bill Pmt -Check	02/09/2024	2822	Northern California Glove	3474	-664.50
Bill Pmt -Check	02/09/2024	2823	Pacific Gas & Electric (3...	6598073494-4	-326.04
Bill Pmt -Check	02/09/2024	2824	Pacific Gas & Electric (N...	2072047	-881.23
Bill Pmt -Check	02/09/2024	2825	Pierson Building Center	1297	-918.02
Bill Pmt -Check	02/09/2024	2826	Recology Eel River	061097997	-519.24
Bill Pmt -Check	02/09/2024	2827	Recology Humboldt Cou...	061218064	-837.49
Bill Pmt -Check	02/09/2024	2828	Recology Humboldt Cou...	A0060000265	-4,190.40
Bill Pmt -Check	02/09/2024	2829	Redwood Community Ac...	PO 1759 07/01-0...	-101,717.67
Liability Check	02/12/2024	E-pay	Employment Developme...	499-0307-3 QB T...	-2,091.97
Liability Check	02/12/2024	E-pay	Internal Revenue Service	94-2262845 QB ...	-5,325.16
Liability Check	02/15/2024		QuickBooks Payroll Serv...	Created by Payro...	-27,947.91
Liability Check	02/16/2024	2830	Operating Engineers Loc...	94-2262845	-286.20
Bill Pmt -Check	02/16/2024	ACH	PERS Unfunded Accrue...	2233447024	-7,930.50
Bill Pmt -Check	02/16/2024	ACH	CalPERS 457 Program	457Match 02/16/...	-325.00
Liability Check	02/16/2024	ACH	CalPERS 457 Program	450348	-1,115.41
Liability Check	02/16/2024	ACH	PERS Unfunded Accrue...	2233447024	-5,594.60
Liability Check	02/16/2024	ACH	State Disbursement Unit	0230000067964	-233.53
Liability Check	02/16/2024	2831	Franchise Tax Board		-100.00
Bill Pmt -Check	02/16/2024	2832	101Netlink	February 2024	-170.00
Bill Pmt -Check	02/16/2024	2833	Cal Poly Sponsored Prog...	VOID: Q4 2023 ...	0.00
Bill Pmt -Check	02/16/2024	2834	Coastal Ecosystems Insti...	Sponsorship of t...	-1,000.00
Bill Pmt -Check	02/16/2024	2835	Costco Wholesale Memb...	Business Membe...	-120.00

Humboldt Bay Harbor, Recreation & Conservation District

Account QuickReport

As of February 29, 2024

04/05/24

Accrual Basis

Type	Date	Num	Name	Memo	Amount
Bill Pmt -Check	02/16/2024	2836	Humboldt County Tax Co...	2nd Installment 3...	-20,330.17
Bill Pmt -Check	02/16/2024	2837	K&L Gates LLP	VOID: 2074259.0...	0.00
Bill Pmt -Check	02/16/2024	2838	Mad River Community H...	A0073115	-253.75
Bill Pmt -Check	02/16/2024	2839	Mitchell Law Firm, LLP		-7,030.00
Bill Pmt -Check	02/16/2024	2840	Pacific Gas & Electric (1...	Acct #06704919...	-3,555.52
Bill Pmt -Check	02/16/2024	2841	SHN Consulting Enginee...		-2,643.75
Bill Pmt -Check	02/16/2024	2842	Tenera Environmental Inc.	20236001	-2,656.00
Bill Pmt -Check	02/16/2024	2843	Thrifty Supply		-55.71
Bill Pmt -Check	02/16/2024	2844	Verizon Wireless		-164.18
Bill Pmt -Check	02/16/2024	2845	Wiyot Tribe		-4,047.10
Bill Pmt -Check	02/16/2024	2846	Zerlang and Zerlang Mari...		-11,700.00
Bill Pmt -Check	02/16/2024	2847	Verizon Wireless		-237.32
Bill Pmt -Check	02/16/2024	2848	B & B Portable Toilets	RWD	-133.44
Bill Pmt -Check	02/16/2024	2849	Coastal Business Syste...	017-1623192-000	-527.94
Bill Pmt -Check	02/16/2024	2850	Dale, Greg.	Meeting at Cafe ...	-94.24
Bill Pmt -Check	02/16/2024	2851	David L. Moonie & Co., L...		-7,850.00
Bill Pmt -Check	02/16/2024	2852	Englund Marine Supply	PO#2079	-577.74
Bill Pmt -Check	02/16/2024	2853	Eureka Glass Company, ...	PO#1914 Replac...	-1,268.58
Bill Pmt -Check	02/16/2024	2854	Eureka Oxygen Company		-163.37
Bill Pmt -Check	02/16/2024	2855	Hensell Materials, Inc.		-172.07
Bill Pmt -Check	02/16/2024	2856	Humboldt Bay Municipal ...	9002.001 RMT2	-1,280.69
Bill Pmt -Check	02/16/2024	2857	Humboldt Bay Solar Fun...	HB0520	-4,293.10
Bill Pmt -Check	02/16/2024	2858	Humboldt Fasteners		-71.00
Bill Pmt -Check	02/16/2024	2859	Humboldt Recycling, LLC.		-48.80
Bill Pmt -Check	02/16/2024	2860	Humboldt Waste Manag...	20218	-62.54
Bill Pmt -Check	02/16/2024	2861	K&L Gates LLP	2074259.00001	-15,713.50
Bill Pmt -Check	02/16/2024	2862	Marine Lien Sale, Inc.		-180.00
Bill Pmt -Check	02/16/2024	2863	Security Lock & Alarm	RMT2 Locks	-60.09
Bill Pmt -Check	02/16/2024	2864	Shelter Cove Resort Imp...	SC 12/27/23-01/...	-257.57
Bill Pmt -Check	02/16/2024	2865	StewTel, Inc.		-347.22
Bill Pmt -Check	02/16/2024	2866	Cal Poly Sponsored Prog...	Q4 2023 Ports, A...	-9,350.45
Bill Pmt -Check	02/16/2024		ACWA JPIA	QuickBooks gen...	0.00
Liability Check	02/27/2024	E-pay	Employment Developme...	499-0307-3 QB T...	-1,857.82
Liability Check	02/27/2024	E-pay	Internal Revenue Service	94-2262845 QB ...	-4,645.62
Check	02/28/2024		QuickBooks Payroll Serv...	Created by Direct...	-3.50
Bill Pmt -Check	02/29/2024	2867	Howser, Suzie	March Health Ins...	-757.82
Bill Pmt -Check	02/29/2024	2868	Mell, Doug	March Health In...	-757.82
Liability Check	02/29/2024		QuickBooks Payroll Serv...	Created by Payro...	-25,879.10
Check	02/29/2024			Service Charge	-371.31
Total 10200.1 · Cash in PNC, Checking					-410,120.86
TOTAL					-410,120.86

COMMISSIONERS

1st Division

Aaron Newman

2nd Division

Greg Dale

3rd Division

Stephen Kullmann

4th Division

Craig Benson

5th 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
April 11, 2024

TO: Honorable Board President and Harbor District Board Members

FROM: Chris Mikkelsen, Executive Director

DATE: April 2, 2024

TITLE: Consider Approval and Adoption of a Procurement Policy

STAFF RECOMMENDATION: Staff Recommends that the Board Approve and Adopt a Procurement Policy for the Humboldt Bay Harbor, Recreation and Conservation District consistent with State and Federal standards.

SUMMARY: The District has been thriving in applying for and being awarded several State and Federal Grants, so it has become necessary to update the Procurement Policy to include specific actions and provisions that comply with state and federal contracting and purchasing guidelines. The attached Procurement Policy meets these standards and allows for the timely continued operations and success of several District projects funded under such grants.

ATTACHMENTS:

A. Procurement Policy

HUMBOLDT BAY HARBOR, RECREATION, & CONSERVATION DISTRICT¹

CONSOLIDATED PROCUREMENT POLICY

Section 1. Definitions

- 1.1 “Bid” shall mean a bid, quote, or proposal submitted by a prospective contractor to the District in response to an invitation for bids, request for proposals, or other solicitation document.
- 1.2 “Bidder” shall mean an individual or business entity submitting a Bid to the District in response to a solicitation for goods, supplies, services, or construction services.
- 1.3 “Board” shall mean the Humboldt Bay Harbor, Recreation, & Conservation District Board of Commissioners.
- 1.4 “Day” shall mean a calendar day, unless otherwise specified.
- 1.5 “District” shall mean the Humboldt Bay Harbor, Recreation, & Conservation District.
- 1.6 “Emergency” shall mean a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.
- 1.7 “Professional services” shall mean those services of a professional nature, including without limitation architectural services, engineering services, and construction project management services.
- 1.8 “Public projects” shall mean the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind.
- 1.9 “Responsible bidder” shall mean a Bidder that is trustworthy, as well as demonstrating the quality, fitness, capacity (including financial and technical), contractor integrity, compliance with public policy, [2 CFR § 200.31(h) and experience to satisfactorily perform the contract.

Section 2. Basic Principles

- 2.1 Conflicts of interest. The District shall maintain a written conflict of interest code and standards of conduct policy for conflicts of interest consistent with the requirements of California law and Title 2 of the Code of Federal Regulations, section 200.318(c). No District employee, officer, or agent may participate in the selection, award, or administration of a contract if he or she has a real or apparent conflict of interest in violation of the District’s Conflict of Interest Code or any federal conflict of interest requirement applicable to the District. The standards of conduct shall provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the District.
- 2.2 Prohibition on splitting contracts. The District shall not split a single contract into a series of

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contracts to avoid the bidding requirements of this Policy.

2.3 Detailed specifications.

- (a) Specifications shall incorporate a clear and accurate description of the technical requirements of the goods, supplies, and/or services being procured and may, if necessary, set forth minimum essential characteristics and standards to which the goods, supplies, or services must conform. Use of overly-detailed specifications should be minimized or avoided. Solicitations shall identify all requirements which the offerors must fulfill and all the factors to be used in evaluating bids or proposals. [2 CFR 200.319(d)]
- (b) On federally-funded projects over ten thousand dollars (\$10,000), or when the District's purchases of the product over the past year exceed ten thousand dollars (\$10,000), specifications shall require the highest percentage of recovered or recycled materials practicable for products identified in Title 40, Part 247, Subpart B of the Code of Federal Regulations, consistent with maintaining satisfactory competition and without jeopardizing the intended use of the products. The District may decide not to require such items if the items are not available in a reasonable period of time, fail to meet performance standards, or are only available at an unreasonable price.

2.4 Brand name specifications.

- (a) The District shall not draft specifications that will limit the bidding directly or indirectly to any one Bidder and shall not specify a product by brand name unless the brand name is followed by the words "or equal." Notwithstanding the foregoing, the District may specify a brand name without permitting an equal product if the Board makes a finding, described in the invitation for bids, that the brand name is necessary for one of the following purposes:
 - (1) To field test or experiment to determine the product's suitability for future use.
 - (2) To match or interface with other products in use in the District.
 - (3) To obtain a necessary item that is only available from one source.
 - (4) To respond to an emergency.
- (b) On federally-funded projects, specifications that reference a specific brand name should be avoided, if possible. Where such specifications are used, the District shall document why the specifications practically cannot be stated without reference to a brand name. When a "brand name or equal" description is used on a federally-funded project, the specifications shall state the specific features of the brand which must be met and if those specific features and/or specifications can be achieved with the proposed alternate brand, then the alternate brand will be accepted.

2.5 Notice. Published notice of a procurement opportunity shall specify, at a minimum, a brief description of the work to be done or goods or supplies to be purchased, how to obtain additional information, and the date and time that Bids will be due. In addition to methods of notice required herein, the District may provide notice of contracting opportunities using such other methods that it deems appropriate.

2.6 Sealed Bids. When utilizing competitive bids, bids must be solicited from an adequate number of

qualified sources, providing them with sufficient response time prior to the date set for opening the bids; the invitation for bids must define the items or services in order for the bidder to properly respond; all Bids shall be sealed and shall be publicly opened at the time set forth in the invitation for bids or request for proposals. No Bids shall be considered which have not been received prior to the closing time for Bids set forth in the solicitation. A firm, fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in the bidding documents, factors such as discounts, transportation costs, and life cycle costs will be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of. Any or all bids may be rejected if there is a sound documented reason. [2 CFR §200.320(1)(ii)]

- 2.7 **Requests for Proposals.** Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical. The District shall maintain a written method for conducting technical evaluations of the proposals received and making selections. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the District, with price and other factors considered. [2 CFR § 200.320(b)(2)]debar
- 2.8 **Public records.** After cost proposals have been opened, all Bids shall be available for public inspection, subject to any exemptions in the California Public Records Act (or similar law) for trade secrets or other proprietary information.
- 2.9 **District's reserved rights.** In any procurement, the District reserves the right to reject all Bids, or to waive minor irregularities in the Bids. In procurements involving Federal funding, the District must have, and document, a sound reason to reject all Bids after Bid opening.
- 2.10 **List of interested bidders.** The District may, at its discretion, maintain one or more lists of potential Bidders interested in future District contracts. Any list may be limited to specified types of goods or services. If the District chooses to maintain such a list, then the District shall publish annually on its website (if available), and in a newspaper or periodical of general circulation that is circulated in each of the counties within the boundaries of the District, a notice inviting potential Bidders to register to be notified of future solicitations for the types goods or services to which the list will apply. Except as otherwise provided herein, the District shall attempt to notify all listed entities on such a list of applicable solicitations, in any manner that the District deems appropriate, but failure of any listed entity to receive notice shall not invalidate any procurement. Any list of pre-qualified persons, firms, or products which are used in acquiring goods and services will be current and include enough qualified sources to ensure maximum open and free competition. Potential bidders may qualify during the solicitation period. [2 CFR 200.319(e)]
- 2.11 **Labor compliance.** In its procurements and contracts, the District shall comply with all California Labor Code and other labor law requirements (including, without limitation, federal equivalents such as the Davis-Bacon Act when applicable) and with any applicable Labor Compliance Program.
- 2.12 **Delegation of authority.** Subject to the availability of funds and the procedures set forth in this Policy, the District's Executive Director is authorized to bind the District, without first obtaining specific authorization by the Board, by written contract or purchase order for either: a) goods or supplies, or b) services, including construction services, where the contract involves an expenditure of five thousand dollars (\$5,000) or less in any one transaction, or when the contract is required immediately to respond to an emergency. All contracts in excess of five thousand

dollars (\$5,000), other than emergency contracts, shall be awarded by action of the Board; emergency contracts in excess of five thousand dollars (\$5,000), if not awarded by the Board, shall be reviewed by the Board and approved or terminated as soon as practical following award.

- 2.13 Bid protests and other contractual and administrative issues. The District alone is responsible, in accordance with good administrative practice and sound business judgement, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. [2 CFR § 200.318(k)] Any bidder may protest the award of a contract, on the ground that the Bidder should have been selected for award in accordance with the evaluation and selection standards in the solicitation document, by providing the District with a written statement of protest. Such written statement of protest shall specify all facts, evidence, and law supporting the protest. For contracts awarded under an invitation for bids, any protest must be received by the District within five (5) business days after the bid due date. For contracts awarded under a request for proposals, any protest must be received by the District within five (5) business days after the date that the District provides Bidders with notice of its intent to award the contract. Failure to timely protest waives any right to contest the District's award.
- 2.14 Procurement file. The District shall maintain a procurement file documenting the procurement, including, but not limited to, the following: the solicitation document, any pre-solicitation price estimates, copies of any advertisements, any written contacts and/or communication with potential bidders, any addenda, all bids received, any notice of intent to award and basis for the contract price, any protest and response, and documentation of award. In any procurement involving Federal funds, the procurement file also shall document the rationale for a) the procurement method, b) the selection of contract type, and c) contractor selection or rejection.
- 2.15 Automatic update. To the extent any provision in this Policy is based on requirements for public bidding and any such requirement is changed, eliminated, or added after the effective date of this Policy, such changes shall be deemed automatically incorporated into this Policy and shall replace any inconsistent provision herein.
- 2.16 For federally funded projects, the District must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
- (a) Affirmative steps must include:
- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
 - (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
 - (5) Using the services and assistance, as appropriate, of such organizations as the Small

Business Administration and the Minority Business Development Agency of the Department of Commerce; and

(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (a)(1) through (5) of this section.

- 2.17 Exclusion from Competing. Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals are excluded from competing for such procurements. [2 CFR § 200.319(b)]
- 2.18 Domestic Preference. As appropriate and to the extent consistent with law, to the greatest extent practicable, preference will be given for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). This requirement will be included in all sub-awards including all contracts and purchase orders for works or products. [2 CFR § 200.322]
- 2.19 Contracts will be awarded only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as trustworthiness, quality, fitness, capacity (including financial and technical), contractor integrity, compliance with public policy, and experience to satisfactorily perform the contract. [2 CFR § 200.31(h)]
- 2.20 Contract Provisions. All contracts made by the District under a Federal award must contain provisions covering the following:
- (a) Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
 - (b) All contracts in excess of \$10,000 must address termination for cause and for convenience by the District including the manner by which it will be effected and the basis for settlement.
 - (c) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp. , p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR Part 60, “Office of Federal Contract Compliance Programs, Equal Opportunity, Department of Labor.”
 - (d) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by the District must include provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by the Department of Labor regulations (29 CFR Part 5, “Labor Standard Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborer and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to

pay wages not less than once a week. The District must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The District must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by the Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The District must report all suspected or reported violations to the Federal awarding agency.

- (e) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the District in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hour worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchase of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
- (f) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR § 401.2(a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding substitution of parties, assignment or performance of experimental, developmental, or research under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.
- (g) Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended - Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issues pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water and Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal Awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- (h) Debarment and Suspension (Executive Orders 12549 and 12689) - A contract award must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension."

- (i) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) - Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award. [Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards]

Section 3. Purchases of Goods or Supplies

- 3.1 Competitive bidding. Except in an emergency, or where only one brand meets the District's needs and only one supplier of that brand name product exists, all contracts for the purchase or lease of goods or supplies in an amount over three thousand, five hundred dollars (\$3,500) shall be entered into with the lowest responsible Bidder meeting specifications.
- 3.2 Estimates. Prior to seeking Bids for a purchase over one hundred fifty thousand dollars (\$150,000), the District shall perform a cost or price analysis. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation. The District shall make an independent estimate of the cost of the goods or supplies before receiving bids or proposals. [2 CFR § 200.324(a)] [Although this requirement is applicable to procurements in excess of the Simplified Acquisition Threshold, consider including it here.]
- 3.3 Small purchase procedures.
 - (a) For purchases between three thousand, five hundred dollars (\$3,500) and twenty-five thousand dollars (\$25,000), and where the District maintains an applicable list of potential Bidders, the District may use an informal, small purchase procedure. Under the small purchase procedure, the District shall request sealed quotes for the goods or supplies from the listed vendors by a specified deadline and may award a contract or purchase order to the lowest responsible Bidder as long as the District receives at least three (3) responses from qualified vendors.
 - (b) Where the District does not maintain an applicable list of potential Bidders but has a need to purchase commercially-available items between three thousand, five hundred dollars (\$3,500) and fifteen thousand dollars (\$15,000), and where the purchase is of an item that is customarily used by the general public and is sold to the District in the same form and at the same price at which it is sold to the general public, the District may purchase the item without competitive bidding or quotes if the District conducts such market research as it deems appropriate in the circumstances to verify that the price charged is customary and reasonable for the item purchased.
- 3.4 Considerations of economy. In structuring its procurement, it is the District's policy to seek the most economical approach, including considering whether goods can be purchased or leased more economically by consolidating or breaking out purchases. The District will avoid acquiring unnecessary or duplicative items, and for procurements under federal funding instruments, will consider whether Federal surplus property is available and would reduce costs.
- 3.5 Advertising. Except in an emergency or where the District uses a small purchase procedure under section 3.3, cooperative purchasing agreement under section 3.7, or single-source procedure

under section 3.8, whenever the District contracts for goods or supplies of more than three thousand, five hundred dollars (\$3,500), the District shall provide notice of its solicitation at least twice, with the first notice not less than ten (10) days prior to receipt of Bids and with at least five (5) days between the two publications, in a newspaper or periodical of general circulation which is circulated in each of the counties within the boundaries of the District.

- 3.6 Profit separately stated. For contracts over one hundred fifty thousand dollars (\$150,000) that include Federal funding, profit shall be separately stated, and the District shall negotiate the profit if the proposed profit exceeds a reasonable amount, as determined by the Board, considering factors including complexity of the work, the contractor's risk, the contractor's investment, any subcontracting, the contractor's past performance, and industry profit rates in the area.
- 3.7 Cooperative purchasing agreements. The District may, by cooperative purchasing agreements or multiple award schedule contracts available to the District, purchase goods or supplies through legal contracts of other public agencies without separate advertising or competitive bidding by the District. Where multiple potential vendors exist under a cooperative purchasing agreement, the District shall make reasonable attempts to secure at least three (3) quotes or bids prior to awarding the contract.
- 3.8 Single-Source procedure. Where the Board has made a finding that a brand name product is necessary to match or interface with other products in use in the District and that the product is available from only one source, the District may purchase the product without advertising or conducting competitive bidding. The Board's finding must include the reasons that the brand name product is necessary, the basis for concluding that it is available from only one source, and the basis for concluding that the price offered is reasonable. Use of Federal Supply Schedule pricing, where available, shall be adequate evidence that the price offered is reasonable.
- 3.9 Negotiation following competitive bidding. If the District conducts competitive bidding for a purchase and receives no responsive bids, then the District may award a contract for substantially the same product(s) that were bid by negotiating with available vendor(s).

Section 4. Services

- 4.1 Competitive solicitation. Except in the case of emergency or where sole source services contracting is authorized or where non-competitive solicitation is permitted by this policy or applicable law, all contracts for services, other than professional services or construction services, in an amount in excess of fifteen thousand dollars (\$15,000) shall be entered into with the Bidder providing the best value to the District following a competitive solicitation process.
- 4.2 Best value. The District shall determine "best value" for purposes of award of a services contract based on: a) the lowest responsible Bidder meeting specifications under an invitation for bids or b) the Bidder receiving the highest score based on evaluation criteria stated in a request for proposals. Further, the District entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms that are a potential source to perform the proposed effort.
- 4.3 Request for proposal . Requests for proposals must be publicized and proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals

must be considered to the maximum extent practical. The District will have a written method for conducting technical evaluations of the proposals received and making selections. Contracts must be awarded to the responsible bidder whose proposal is most advantageous to the District, with price and other factors considered. [2 CFR § 200.320(b)(2)A request for proposals shall include all of the following:

- (a) A description of the services to be provided,
- (b) A description of the format that proposals shall follow and the information they shall contain,
- (c) A requirement to submit proposals with the price and all cost information in a separate, sealed envelope which shall not be opened until all other portions of the proposal are evaluated or scored,
- (d) The criteria and standards, which must include price, that the District will use in evaluating proposals and determining the best value, including the weight or relative importance of each evaluation factor,
- (e) The date and time when proposals are due, and
- (f) An anticipated timeline for review of proposals, opening of the cost proposal, and award.

4.4 Local preferences prohibited. Except in federally-funded contracts when applicable Federal statutes mandate or encourage geographic preference, the District shall not consider any geographic preference as an evaluation criterion in determining best value. Provided, however, when contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

4.5 Advertising. Except in an emergency or where sole source services contracting is authorized, whenever the District contracts for services of more than fifteen thousand dollars (\$15,000), other than construction services (which are subject to the requirements of Section 5) or professional services, the District shall provide notice of its solicitation at least twice, with the first notice not less than ten (10) days prior to receipt of Bids and with at least five (5) days between the two publications, in a newspaper or periodical of general circulation which is circulated in each of the counties within the boundaries of the District. This requirement applies to professional services only if the District formally solicits Bids for such services.

4.6 Sole source services. Notwithstanding the foregoing requirements for competitive solicitation for services, the District may award a sole source contract for services without first advertising if the Board makes at least one of the following findings, with the basis for the finding described in detail in the resolution awarding the contract:

- (a) That only one firm or individual has the specialized expertise or experience necessary to perform the services, and other potential bidders cannot develop that experience or expertise prior to contract award. The District shall identify:
 - (1) The necessary expertise or experience,
 - (2) Any alternatives considered to allow for competition, and why those alternatives were rejected,

- (3) The basis for the conclusion that only one firm meets the District's needs,
 - (4) How the District determined that the price is reasonable, and
 - (5) If possible, how that expertise or experience can be developed in other potential vendors to allow competition in future procurements.
- (b) That continuity of services is required to avoid risk of substantial loss or added expenditure to the District. The District shall identify:
- (1) The potential loss or expenditure, including the likelihood of such loss or expenditure occurring absent continuity of services,
 - (2) Any alternatives considered to reduce the risk of the potential loss or expenditure, and why the alternatives were rejected,
 - (3) How the District determined that the price is reasonable, and
 - (4) If possible, actions the District can take to reduce the risk of loss or unnecessary expenditure in future transitions to other vendors.

4.7 Professional services.

- (a) Notwithstanding any other requirement of this Policy, the District is authorized to award a contract for professional services based on demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. Any proposed construction project manager shall provide evidence that the firm and its personnel have expertise and experience in construction project design review and evaluation, construction mobilization and supervision, bid evaluation, project scheduling, cost-benefit analysis, claims review and negotiation, and general management and administration of a construction project.
- (b) In awarding a contract for professional services that is not federally funded, the District may, but is not required to, use the competitive procedures specified in this Policy. If the contract includes Federal funding, then the District must use the competitive procedures specified in this Policy.
- (c) Notwithstanding anything to the contrary in section 2.9, if the District maintains a list of potential professional services firms, the District is not required to offer every listed firm the opportunity to compete for professional services contract opportunities that are not federally funded but may select the potential firms to solicit.
- (d) If the District does not use a formal competitive procedure, then the District shall take such steps as are necessary, in its discretion, to confirm that the prices proposed by the firm for the services are fair and reasonable for public entities. In federally-funded contracts, the District shall not accept pricing based on a percentage of construction cost.
- (e) In awarding a contract for architectural, engineering, legal, or auditing services under a request for proposals, the District may select the most qualified firm without using price as a selection factor if the District negotiates fair and reasonable compensation after selection of the firm.

(f) In contracting for professional services, the District shall attempt to identify small business firms able to provide the services and consider a firm's small business status in selecting its contractor, as "small business" is defined in California Government Code section 14837(d)(1).

4.8 Negotiation following competitive solicitation. If the District conducts a competitive solicitation for services and receives no responsive bids or proposals, then the District may award a contract for substantially the same service(s) by negotiating with available service provider(s).

Section 5. Construction contracts

5.1 Competitive bidding. Except in an emergency or as otherwise provided herein, all contracts for public projects in an amount over Five thousand dollars, five hundred (\$3,500) shall be entered into with the lowest responsible Bidder meeting specifications, except that work consisting solely of new construction is required to be awarded upon competitive bidding only if it exceeds in cost the sum of ten thousand dollars (\$10,000). When economically feasible, value engineering clauses will be included in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. [2 CFR § 200.318(g)]

5.2 Performance by day labor. Notwithstanding any other requirement of this chapter, the District may make repairs, alterations, modifications, or additions, or perform routine, recurring, and usual work for the maintenance of facilities under its control, by day labor or by force account. Notwithstanding the foregoing, the District shall not perform any project by day labor where the estimated cost of contracting for construction of the project exceeds one hundred fifty thousand dollars (\$150,000) or the estimated time to perform the work exceeds one thousand five hundred (1,500) hours of labor without the Board making a finding justifying such use of day labor.

5.3 Prequalification. The District may, at its option, require from prospective Bidders answers to questions contained in a standard form of questionnaire and financial statement, including seeking information on the prospective Bidder's financial status and experience in performing public works contracts. When completed, the questionnaire and financial statement shall be verified under oath by the prospective Bidder in the manner in which pleadings in civil actions are verified. If the District requires such prequalification documentation, the responses shall not be public records or open to public inspection.

5.4 Plans and specifications. Before soliciting Bids for any public project, the District shall have prepared complete plans and specifications. For any public project over one hundred fifty thousand dollars (\$150,000) that involves Federal funding, the District shall prepare estimates of cost based on its plans and specifications prior to soliciting Bids.

5.5 Invitation for bids contents. The District's invitation for bids for any public project shall include the following:

(a) A requirement that the Bidder provide Bid security in the amount of ten percent (10%) of its Bid in the form of i) bidder's bond by an admitted surety insurer, or ii) a cashier's check or certified check made payable to the District.

(b) Notification of the license classification(s) required for the work. For contracts involving Federal funds, the Bidder need not be licensed at the time of Bid but must be licensed in California no later than the date the contract is awarded.

(c) Notification that the Bidder and all subcontractors must be registered in accordance with

California Labor Code section 1725.5.

- (d) Notification that neither the Bidder nor its subcontractors may be debarred or suspended, as reflected in the Federal System for Award Management (SAM) database or prohibited from performing work on the public works project pursuant to California Labor Code Section 1777.1 or 1777.7.
- (e) Notification that the contract is subject to prevailing wage requirements under the California Labor Code and/or Federal Davis-Bacon Act, as applicable. A requirement that the Bidder list all subcontractors that will perform over one-half of one percent (0.5%) of the contract work, in accordance with California Public Contract Code sections 4100 *et seq.*
- (f) If the District will require attendance at a mandatory pre-bid conference, site visit, or meeting, notification of: 1) the time, date, and location of the site visit, conference or meeting, which shall be no earlier than five (5) days after first publication of the notice of the bid opportunity, and 2) when and where project documents, including final plans and specifications, are available.
- (g) A requirement that the Bidder submit a “non-collusion affidavit” in accordance with California Public Contract Code section 7106.
- (h) A requirement that the Bidder submit an “Iran Contracting Act” certification in accordance with California Public Contract Code sections 2200 *et seq.*
- (i) Notification that, in accordance with California Public Contract Code section 7103.5, the selected contractor and its subcontractors must assign to the District all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the California Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the public works contract or the subcontract.
- (j) A requirement that, for contracts over twenty-five thousand dollars (\$25,000), the selected contractor provide a payment bond in the amount of 100% of the contract amount. For federally-funded projects, regardless of the contract amount, the performance bond shall be in an amount equal to 100% of the contract amount.
- (k) A requirement that the selected contractor provide a performance bond in the amount of 50% of the contract amount or such other amount as set forth in the solicitation documents. For federally-funded projects, the performance bond shall be in an amount equal to 100% of the contract amount.
- (l) An option for the selected contractor to substitute securities in lieu of retention.
- (m) In federally-funded contracts, a requirement that the Bidder include the following forms, documentation, or commitments:
 - (1) Documentation that the Bidder met or made good faith efforts to meet any Federal Disadvantaged Business Enterprise participation goals, if required as a condition of receiving or maintaining federal funding.
 - (2) Unless otherwise exempt, the equal opportunity clause provided under 41 CFR § 60-1.4(b)

for federally-funded contracts.

(3) Unless otherwise exempt, an anti-lobbying certification as required by Title 31, section 1352 of the United States Code.

(4) If the contract is over one hundred fifty thousand dollars (\$150,000), an agreement to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671a) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387).

(n) Any additional requirements mandated by law.

5.6 Profit separately stated. For contracts over one hundred fifty thousand dollars (\$150,000) that include Federal funding, the District shall require that profit be separately stated, and the District shall negotiate the profit if the proposed profit exceeds a reasonable amount, considering factors including complexity of the work, the contractor's risk, the contractor's investment, the amount of subcontracting, the contractor's past performance, and industry profit rates in the area for similar work.

5.7 Advertising. Except in an emergency, whenever the District contracts for public projects of more than three thousand, five hundred dollars (\$3,500), the District shall provide notice of its solicitation at least twice, with the first notice not less than ten (10) days prior to receipt of Bids and with at least five (5) days between the two publications, in a newspaper or periodical of general circulation which is circulated in each of the counties within the boundaries of the District.

5.8 Failure of the intended awardee to enter the contract; award to next lowest Bidder. If the successful Bidder fails to enter into a contract when awarded by the District, then the Bidder's security shall be forfeited to the District. The District may award to the next lowest Bidder or reject all Bids. If the second lowest responsible Bidder fails or refuses to execute the contract, the District may award it to the third lowest responsible Bidder, and so forth. The bid security of any Bidder that does not forfeit its security shall be returned following award and execution of the contract.

5.9 Emergency contracting. In an emergency, the District may take any immediate action required to prevent or mitigate the loss or impairment of life, health, property, or essential public services, and procure the necessary equipment, services, and supplies for those purposes, without adopting prior plans and specifications or giving notice for bids to let contracts. Any emergency contract shall terminate as soon as conditions warrant so that the remainder of the public project in response to the emergency may be completed by competitively-bid contract.

5.10 Contract modifications. In a federally-funded contract, the District must make an independent estimate of the cost of any contract modification that may exceed one hundred fifty thousand dollars (\$150,000) and shall perform such other evaluation of the contractor's cost proposal as is necessary to validate the pricing of the modification. The District shall not agree to price a modification to a federally-funded contract based on cost plus a percentage of cost pricing.

5.11 Reservation of rights. The District reserves the right to utilize any other legally-authorized methodology for construction contracting, including without limitation design-build contracting in accordance with Public Contract Code sections 22160 *et seq.*

COMMISSIONERS

1st Division

Aaron Newman

2nd Division

Greg Dale

3rd Division

Stephen Kullmann

4th Division

Craig Benson

5th Division

Patrick Higgins

Humboldt Bay
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Eureka, California 95502-1030



STAFF REPORT
HARBOR DISTRICT MEETING
April 11, 2024

TO: Honorable Board President and Harbor District Board Members

FROM: Rob Holmlund, Development Director

DATE: April 5, 2024

TITLE: Receive Status Update Regarding Humboldt Bay Offshore Wind Heavy Lift Marine Terminal Project

STAFF RECOMMENDATION: Receive report and provide direction.

SUMMARY: The Board has requested a monthly update regarding the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal Project. Updates may include project schedule, budget, funding opportunities, tasks completed, tasks underway, upcoming tasks, the latest overall project strategy, and agreements with Crowley Wind Services. This report will provide an update for the month of April 2024.

DISCUSSION: Topics to be covered in the April 2024 monthly update include: a pending RFQ for consulting services; ongoing efforts to understand ways in which the District can contribute to the prevention of MMIP-related problems; status of ongoing meetings with Tribes, fishermen, aquaculture tenants, neighborhood groups; and information about the recently awarded INFRA grant.

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STAFF REPORT
HARBOR DISTRICT MEETING
April 11, 2024

TO: Honorable Board President and Harbor District Board Members

FROM: Chris Mikkelsen, Executive Director

DATE: April 3, 2024

TITLE: Receive Status Update Regarding District-Owned Marine Outfall Line

STAFF RECOMMENDATION: Receive the report and provide direction.

SUMMARY: As shared at the March 14th Board Meeting, the District-owned Marine Outfall Line has received some significant exposure and peripheral damage due to the 2023-24 Winter Storms. This damage is consistent with the exceptional beach erosion experienced over winter along the Samoa Peninsula. This staff report will include an infrastructure assessment, the emergency scope of work, an estimated project schedule, an estimated budget, funding opportunities, work underway, and an assessment of the next steps.

DISCUSSION: The District owns and maintains a high-density polyethylene (HDPE) outfall pipe that extends from Manhole 5 located at Redwood Marine Terminal II (RMT II) and transcends approximately 1-1/2 miles into the Pacific Ocean by permitted use of a State Land Lease. The 36-inch HDPE pipe was placed in an original 48-inch outfall in the 1990s to extend the length of the outfall pipe and ensure a line free of leaks.

Over the recent winter months, the beaches of the Samoa Peninsula have seen significant erosion, which has exposed a large section of the outfall. Fortunately, the District, looking to limit vehicular traffic, recently has placed boulders around several existing beach parking areas to prevent vehicles from driving onto the beach. Such traffic likely would have created a certain opportunity for a collision with the outfall.

The marine outfall line is currently permitted to discharge treated wastewater effluent from the Town of Samoa and portions of stormwater from RMT II. It has also previously serviced DF Fairhaven, a power plant that discharged process water into the outfall. In total, flows from these sources are minimal as compared to the capacity of the outfall pipe, whereas the minimal

flows have created an opportunity for floating of the outfall, which, combined with significant seasonal wave action, has created damage to the pipe cover, with large portions now missing. If the now floated pipe is not secured, there is potential for damage or worse, a failure. If the pipe were to fail or require more significant repairs, service to the Town of Samoa WWTF could be interrupted, resulting in significant hardship for the community and potential negative environmental impacts.

In consultation with the District Engineer and the California Coastal Commission, the District prepared a work plan and secured an emergency Coastal Development Permit for the temporary repairs. A “rock-bag” method will be used to temporarily secure the outfall while assessment continues for a permanent repair. Materials and Labor are currently in route or at bid, with work expected to commence as early as Monday, April 8th, and estimated to take 1 to 2 weeks to complete. Initial cost estimates suggest an expense for engineering, permitting, materials, and labor of approximately \$150,000.00. There is potential for emergency assistance, and staff has requested consultation with CalOES. Other agency consultations, including the CA State Lands Commission, the County of Humboldt Building and Planning, NC Regional Water Quality Control Board, and others, are occurring and will continue as further may be required.

Attachments:

- A. Scope of Work
- B. Emergency CDP



Reference: 016240.006

March 22, 2024

Chris Mikkelsen
Humboldt Bay Harbor, Recreation, and Conservation District
601 Startare Dr.
Eureka, CA 95501

**Subject: Redwood Marine Terminal II Ocean Outfall Pipe, Emergency Storm
Damage Repair Work Plan**

Dear Chris Mikkelsen:

This work plan has been prepared at your request for the proposed emergency repairs to the ocean outfall pipe on the beach adjacent to the Redwood Marine Terminal II (RMT II) facility in Samoa, California (Figures 1 and 2, Appendix 1). This work plan describes the proposed nature and cause of the emergency repair methodology, construction process, and best management practices to minimize impacts to the beach environment where the repairs will take place.

Background

The Humboldt Bay Harbor, Recreation, and Conservation District (Harbor District) owns and maintains a 36-inch diameter high-density polyethylene (HDPE) pipeline that extends from RMT II to approximately 1.5 miles offshore into the Pacific Ocean. The 36-inch HDPE pipeline was inserted into the original 48-inch diameter outfall pipeline in the mid-1990s to extend the length of the outfall pipe and to create a new seamless pipe that would not leak.

The original 48-inch diameter outfall pipe was installed in the mid-1960s and was constructed of two types of materials. The land-ward segment of pipe above the low tide line was constructed of redwood staves, and the ocean-ward segment of pipe below the low tide line was constructed of steel pipe encased in concrete. Over time the wood stave pipe began to fail, and instead of repairing the wood stave pipe a new, smaller diameter, HDPE pipe was inserted through the original pipe.

The original design drawings for the outfall pipe from the mid-1960s indicate that the pipe was buried below ground west of New Navy Base Road out to the mean lower low water (MLLW) tide level. At that time, the MLLW tide line was shown approximately 450 feet west of the transition flange where the pipe transitioned from wood stave to concrete-encased steel. In recent years it has been common to see the top of the original wood stave pipe, which encases the HDPE pipe, exposed where the pipe crosses the beach. This typically occurs in the winter when storms increase the size of swells and tidal swings become more extreme.



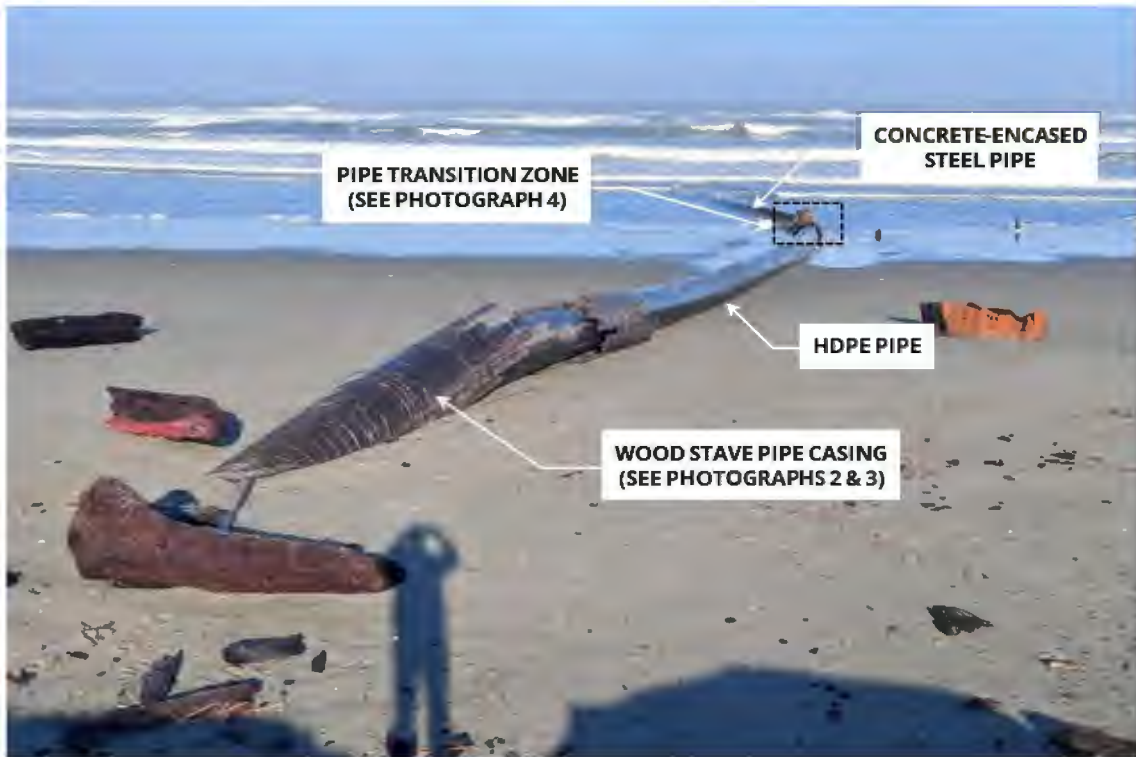
Current Conditions

During this past winter of 2023-2024, there was significant erosion on the beaches of the Samoa Peninsula. The outfall pipe has become completely exposed as it crosses the beach, daylighting approximately 214 feet east of the transition flange (Figures 2 and 3, Appendix 1). This has resulted in a segment of the HDPE pipe being exposed in the surf zone. The Harbor District has placed large boulders around the existing beach access parking area to prevent vehicles from driving onto the beach.

The outfall pipe is currently used to discharge treated wastewater effluent from the Town of Samoa wastewater treatment facility (WWTF) and stormwater runoff from a small segment of the RMT II site. The flows from these two sources are far below the maximum capacity of the outfall pipe, such that the pipe remains mostly empty at all times. This creates a buoyant force that combined with the forces of waves has caused the pipe to rise slightly where it daylights onto the beach. The HDPE pipe is somewhat flexible compared with the outer wood stave casing such that as the HDPE pipe has floated out of the sand, the old wood stave casing pipe has been damaged and large portions of it are now missing.

If the pipe is not secured, it will continue to move about as the waves and tides act on it, potentially damaging the HDPE pipe or causing a failure of the pipe. Vehicles also travel along this segment of beach periodically and could crash into the pipe and damage or destroy it if it is not buried and covered with protective material. The pipe is a critical piece of infrastructure conveying treated wastewater effluent to an approved location offshore. If the pipe were to fail or require more significant repairs, service to the Town of Samoa WWTF could be interrupted, resulting in significant hardship for the community and potential negative environmental impacts.

The following photographs depict the conditions on March 14, 2024, at approximately 9:30 AM during a low minus tide.



Photograph 1. Ocean outfall pipe exposed across beach. View looking west. Taken March 14, 2024, 9:06 AM. Approximate tide level -0.1 feet, North American vertical datum, 1988 (NAVD88).



Photograph 2. Ocean outfall pipe daylighting onto beach. View looking northeast. Taken March 14, 2024 9:11 AM. Approximate tide level -0.15 feet, NAVD88.



Photograph 3. Ocean outfall pipe daylighting onto beach. View looking south-southwest. Taken March 14, 2024, 9:20 AM. Approximate tide level -0.23 feet, NAVD88.



Photograph 4. Ocean outfall pipe transition zone from HDPE pipe to concrete-encased steel pipe. View looking west-northwest. Taken March 14, 2024, 9:10 AM. Approximate tide level -0.15 feet, NAVD88.



Photograph 5. Ocean outfall pipe transition flange closeup. View looking north-northwest. Taken March 14, 2024, 9:35 AM. Approximate tide level -0.25 feet, NAVD88.

Proposed Repair Methodology

The HDPE pipe that has floated out of the sand as it daylighted onto the beach needs to be lowered to create a more constant slope so it will drain properly to the ocean. The lower segment of pipe where it transitions to concrete-encased steel pipe casing will not be moved. The concrete-encased steel pipe appears to be immobile and will act as a fixed end point for this repair.

We propose to dig the beach sand alongside and slightly beneath the HDPE pipe to a depth of approximately 3-5 feet. Trenching the sand alongside the pipe will allow it to be shifted slightly horizontally so it falls into the trench while remaining completely intact. The trenching will be field-fit to correct the vertical slope of the pipe and correct the horizontal alignment to relieve stress that is being placed at bends in the pipe. The intent will be to bury the pipe so the crown (top) of the pipe is approximately even with the existing ground level at the upper portion of the beach.

Once re-buried, large bags of rock will be placed on top of the pipe to prevent it from floating out of the sand again. The bags are constructed of plastic mesh with approximately 1-inch openings. The bags will be filled with approximately 4 tons of 2-inch to 8-inch angular rock. Two bags will be placed side by side with a third bag placed on top along the length of the pipe (Figure 4, Appendix 1). The stack of three

bags weighing approximately 12 tons total, will span the width of the 3-foot-diameter HDPE pipe extending up to 6 feet past the edge of the pipe on either side. The bags are flexible and will conform to the shape of the pipe as it daylights out of the sand and transitions into the concrete-encased steel pipe. The weight of the bags is more than sufficient to counter the buoyant force on the pipe with a large safety factor to account for the dynamic forces of the tides and waves.



Photograph 6. Example of plastic mesh rock bags.

The bags will be placed on top of the pipe in a continuous run from the concrete encased steel pipe on the lower end to where the pipe currently daylights on the upper end (Figure 4, Appendix 1). This will weight the HDPE pipe along the entire length that is exposed to the range of tides and swells at this location.

Proposed Construction Process Description

Trenching will be accomplished using tracked excavators capable of travelling and working on the beach sand. If necessary, the tracked machinery can be placed on crane mats to prevent them from sinking into the sand and becoming stuck on the beach. Once the trench is prepared to the engineer's approval, lifting straps will be placed around the HDPE pipe and the excavators will move the pipe into place in the trench.

The rock bags will be filled by a contractor at their offsite facility, and the filled bags will be transported to the project site on the beach where they will be offloaded and placed onto the re-buried pipe. It is anticipated that the repairs will take 5 to 10 working days to complete.

Best Management Practices

Due to the project location being on a public beach and adjacent to sensitive habitat areas, the following best management practices will be followed to minimize potential impacts from the project.

Construction

Staging and equipment loading/unloading areas will be restricted to previously disturbed and developed areas such as paved roadways, existing parking areas, and nearby industrial sites. No vehicles or equipment will be allowed in or on undisturbed areas of dune vegetation.



RMT II Ocean Outfall Pipe, Emergency Storm Damage Repair Work Plan

March 22, 2024

Page 7

Equipment travel on the beach will be necessary for trenching and placement of the rock bags. Due to the high amount of erosion of the beach dunes that occurred this past winter, the existing beach access path at the project site is inhibited by a vertical sand cliff approximately 10 feet in height (Photographs 7 and 8). The existing beach access location will be modified so equipment can access the beach safely. Modification of the beach access location will entail building up the eroded cliff area with beach sand to create a stable and secure access ramp that can be used by large equipment such as excavators. The access ramp will also serve as the access point for inspection and maintenance of the rock bags described in the next section. The access ramp will be blocked with large boulders to prevent public vehicle access. The boulders will be moved aside and replaced by heavy equipment when access to the pipeline is required for construction and repairs.



Photograph 7. Beach and outfall pipe access location. View looking south-southeast. Taken March 14, 2024, 10:10 AM. Approximate tide level -0.33 feet, NAVD88.



Photograph 8. Proposed beach access location.

Sand spoils from trenching remaining after the pipe is re-buried will be spread around and along the pipe to help support the rock bags when placed over the pipe.

Rock bags will be delivered to the site in large trucks and offloaded by an excavator or other heavy equipment. The trucks may drive onto the beach if possible without getting stuck, or they may offload in a pre-determined staging area. If the bags are offloaded in a staging area not on the beach, they will be carried onto the beach by an excavator or other large equipment and transported to the pipe location following the pre-determined travel ways described above.

Post-Construction

Once the rock bags are in place, they will be monitored for damage and/or movement. For the first 7 days after placement, the bags will be inspected daily. If no visible movement or damage occurs during the first 7 days, monitoring inspections will be reduced to weekly and immediately following any large storms or heavy surf events.

If at any time the bags are observed to be moving or failing, the frequency of monitoring inspections will be increased to daily until the issue is corrected.

Bags that are determined to be failing due to breakage and damage to the plastic bag material will be removed as soon as it is safe and feasible to do so and replaced with new material. Supplemental bags

Chris Mikkelsen

RMT II Ocean Outfall Pipe, Emergency Storm Damage Repair Work Plan

March 22, 2024

Page 9

filled with rock will be staged at a nearby industrial site and maintained ready for use at all times. Damaged bags and loose rocks will be removed by heavy equipment, and all debris from the bags will be removed by hand.

The bags will remain in place until a more permanent solution is developed. This is anticipated to occur within 2-3 years but will not exceed 5 years.

Integrity of the Plastic Mesh Rock Bags

Two types of materials used by manufacturers of plastic mesh rock bags have been explored including HDPE and polyester. These materials are known to be susceptible to degradation from exposure to ultraviolet (UV) light from the sun. The materials used in manufacture of the bags contain UV stabilizers intended for long-term UV exposure. The manufacturers indicate that the materials used in the bags have an estimated useful life when exposed to UV of 10-30 years depending on the specific environmental conditions.

Each manufacturer contacted recommends using a double layer of bags for the 4-ton bag application proposed herein. The double-bag application creates the structural integrity for the bags to meet the manufacturers' specified strength and performance metrics specifically for this type of application. Materials testing data and performance studies from manufacturers can be provided upon request.

Please call me at 707-441-8855 if you have any questions regarding this work plan.

Sincerely,

SHN



Mike Foget, PE
District Engineer



Chuck Swanson
Staff Engineer

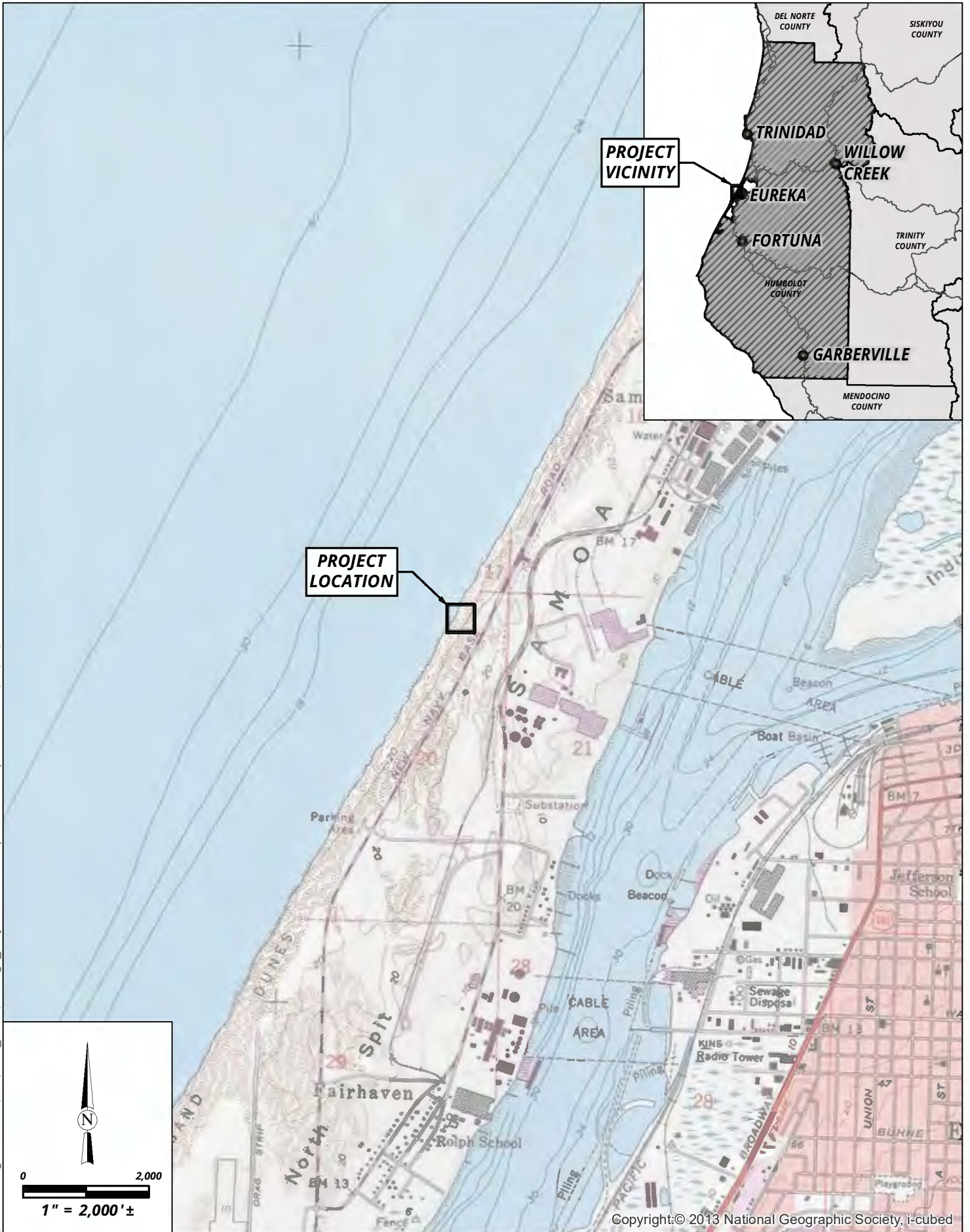
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Appendix 1. Figures



Figures

1



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Humboldt Bay Harbor, Res. and Cons. District
 2024 Outfall Repair
 Samoa, California

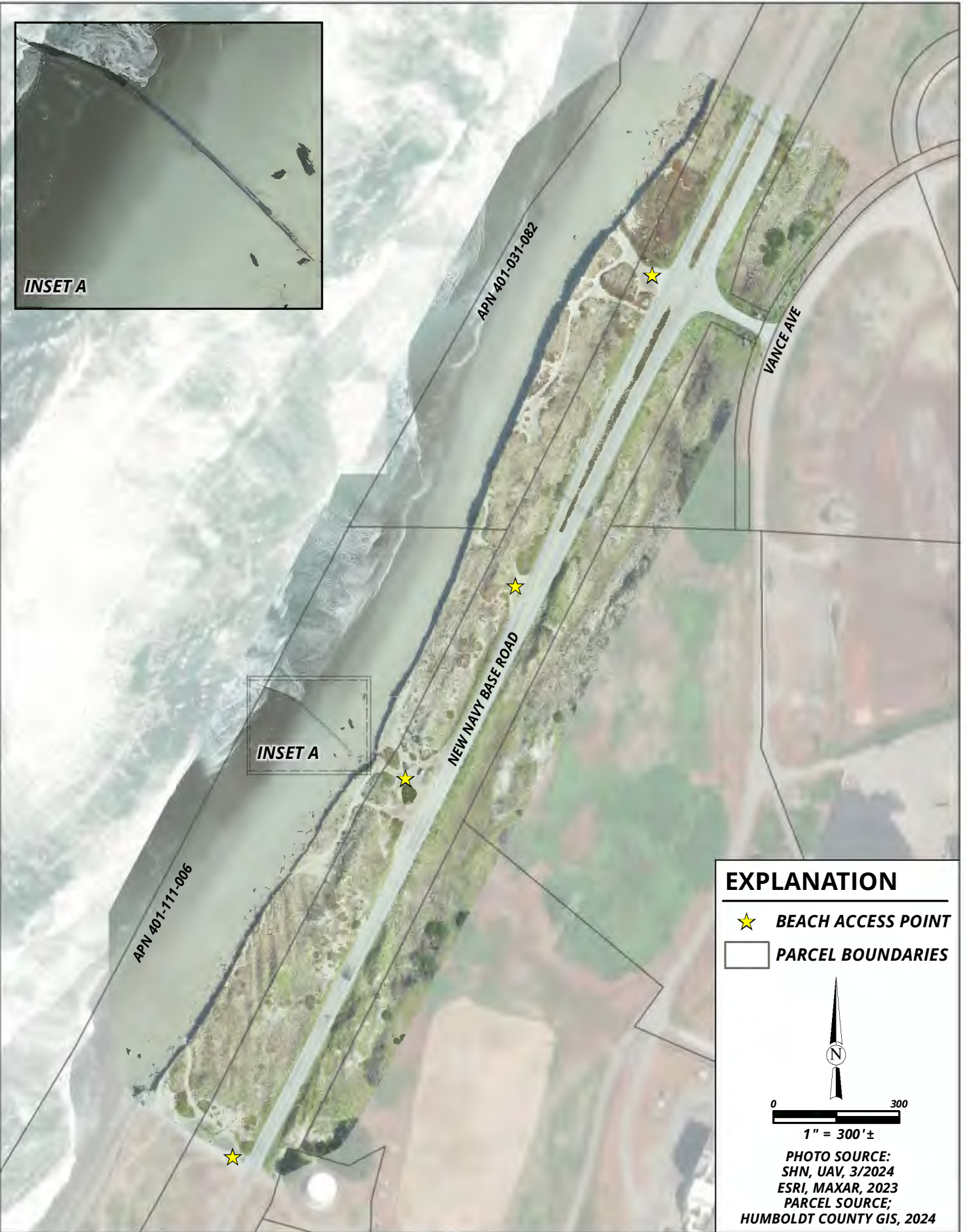
Project Location Map Figure

March 2024 - 016240.006

1







INSET A



INSET A

EXPLANATION

-  **BEACH ACCESS POINT**
-  **PARCEL BOUNDARIES**

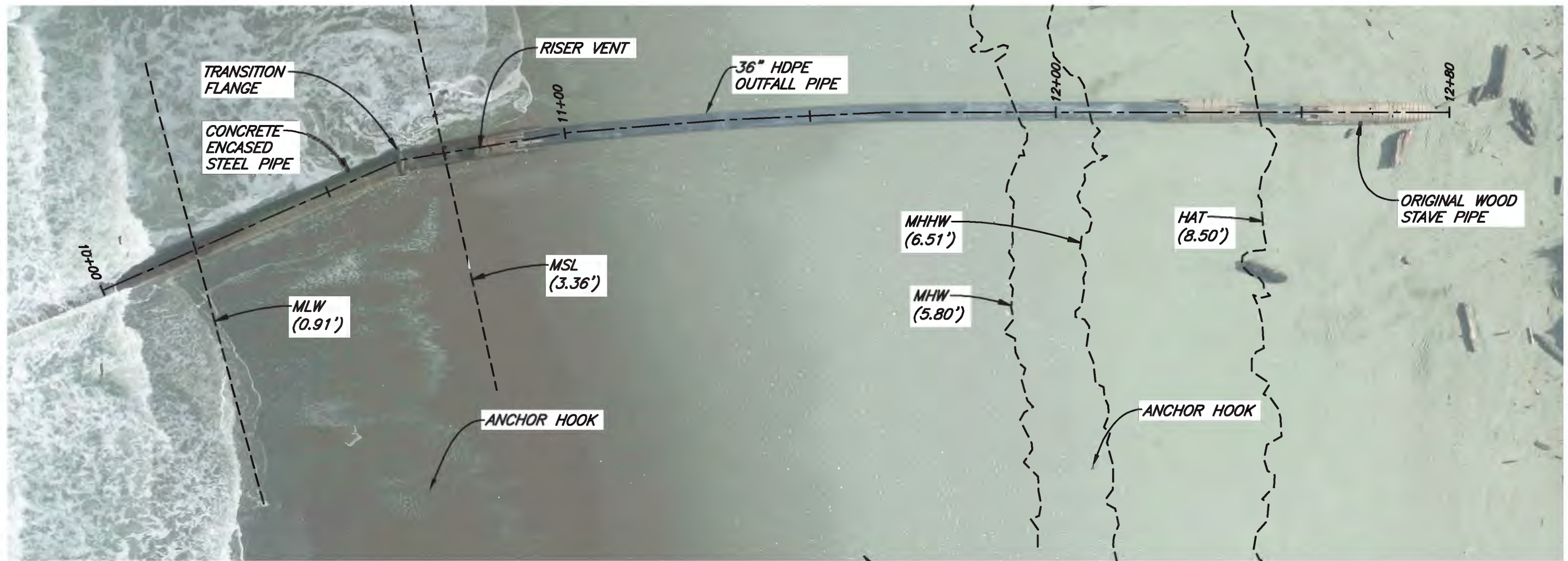



1" = 300' ±

PHOTO SOURCE:
SHN, UAV, 3/2024
ESRI, MAXAR, 2023
PARCEL SOURCE:
HUMBOLDT COUNTY GIS, 2024

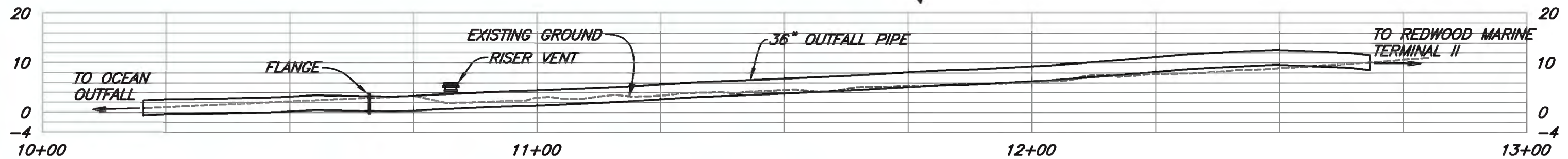


Humboldt Bay Harbor, Res. and Cons. District
2024 Outfall Repair
Samoa, California



PLAN

1"=20'



PROFILE

SCALE: 1"=20' H&V

EXPLANATION

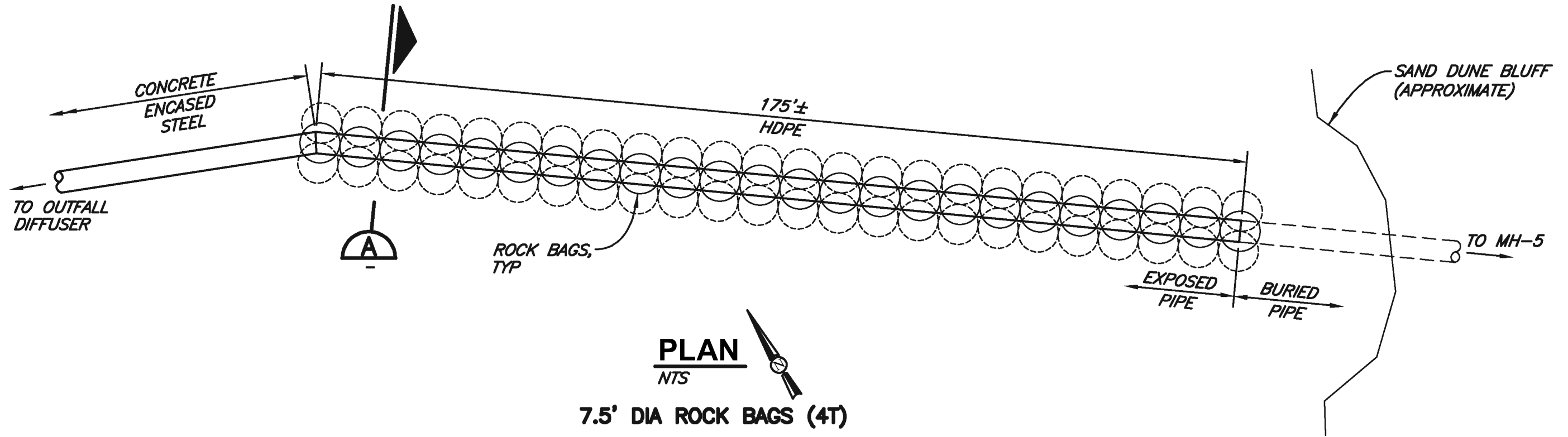
HAT	HIGHEST ASTRONOMICAL TIDE
MHHW	MEAN HIGHER-HIGH WATER
MHW	MEAN HIGH WATER
MSL	MEAN SEA LEVEL
MLW	MEAN LOW WATER
MLLW	MEAN LOWER-LOW WATER (NOT SHOWN)
LAT	LOWEST ASTRONOMICAL TIDE (NOT SHOWN)

NOTES:

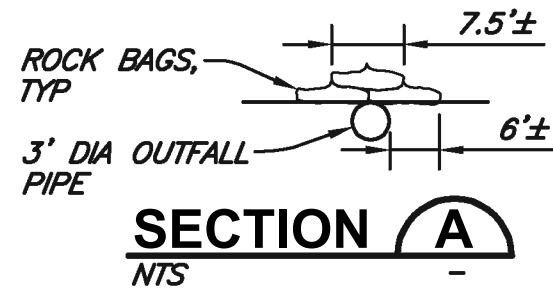
1. ELEVATIONS ARE IN REFERENCE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
2. TIDE LEVELS FOR NORTH SPIT, CA; NOAA STATION 9418767.



F:\Eureka\2016\016240-Engr-HBHRCD\006 RMT II support\Outfall-Repair-2024\DWG\016240-06-OUTFALL-REPAIR.SAVED: 3/21/2024 10:40 AM CNEWELL, PLOTTED: 3/21/2024 10:41 AM, NEWELL, CHRIS



PLAN
NTS
7.5' DIA ROCK BAGS (4T)



SECTION A
NTS

NOTES:

1. 7.5' DIA BAGS: 24 ROWS OF 3 EA = 72 BAGS; @4T EA = 288T ROCK; OVERHANG 5.5' EACH SIDE OF PIPE.
2. ASSUME OD OF EXPOSED PIPE = 3' DIA



CALIFORNIA COASTAL COMMISSION



APPLICATION FOR EMERGENCY PERMIT

PLEASE NOTE: If immediate action is allowed under Public Resources Code Section 30611, contact your [District Office](#) within three days (72 hours) of the disaster or discovery of the danger, whichever occurs first, for authorization to conduct emergency action, then submit the required information and attachments below within seven days of taking emergency action.

If immediate action is not allowed under Public Resources Code, Section 30611 this application **must** be submitted in writing to the [District Office](#) and an emergency permit issued before any work may commence.

For more information, see California Code of Regulations, Title 14, sections 13138 to 13144.

1. Date/Time: 03/09/2024 Request • in person by phone by email

2. **CONTACT INFORMATION**

Property Owner

Name: Humboldt Bay Harbor District
Mailing Address: 601 Startare Drive Eureka, CA 95501
Phone Number: 707-443-0801
Email address: cmikkelsen@humboldtbay.org

Authorized Representative

Name: Mike Foget
Company: SHN Geologists & Engineers
Mailing Address: 812 W. Wabash Avenue Eureka, CA 95501
Phone Number: 707-441-8855
Email address: mfoget@shn-engr.com

Contractor

Name: Self / Pending
Company: _____
Mailing Address: _____
Phone Number: _____
Email address: _____

3. **Location of Emergency Work**, including street address and Assessor's Parcel Number (APN):

Attach additional pages as needed for the following:

4. Nature and cause of emergency.
5. The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.
6. Construction method and a detailed description of preventive work requested (e.g., rip-rap, bulkhead, etc.) including plans or drawings if available.
7. Timing of emergency work (estimate as to when work will be performed – generally a period of 24 to 72 hours after the emergency occurrence).

REQUIRED ATTACHMENTS

8. Evidence of applicant's interest in property on which emergency work is to be performed (e.g. property tax bill).
9. Site plan showing proposed and existing development on the subject parcel.
10. Vicinity map (road map) with location of project site marked. For rural areas, please also provide a parcel map.
11. An **application fee of \$1,471** (as of July 1, 2023). The emergency application fee is credited toward the follow-up permit application fee.

SUPPLEMENTAL ATTACHMENTS

Please provide, as available:

12. Evidence of approval by local planning department.
13. Documentation of the emergency, including photographs.
14. Plans or drawings depicting or describing the necessary work.

Note: The proposed emergency work must be the minimum necessary to address the emergency. Emergency work is considered temporary and subject to removal unless and until a regular coastal development permit permanently authorizing the work is approved. Consideration of the regular permit application is subject conditions according to all applicable provisions of the California Coastal Act and Commission regulations. For more information, see the [Commission's Laws and Regulations](#) under the About tab on the Commission website.

Humboldt Bay Harbor, Recreation and Conservation District Emergency Permit Application

March 09, 2024

APN # 401-111-006 Location: Samoa Peninsula, Samoa, CA 95564

4. -7. Project Emergency: Due to extreme surf, giant tides, and continued beach erosion, a portion of the district-owned Marine Outfall Line has become exposed and has a convex section, which will require adjustment and burial. Immediate actions include closing vehicular access to the beach, placing armor (boulders) around the pipe, and installing temporary signage in the immediate area to direct onlookers and beachgoers away from the project area. Permanent repairs are being assessed by our District, SHN, and Coastal Engineers, Moffat & Nichol. With no action take, the outfall anchoring system could sustain significant additional damage and a portion of the pipe may be floated. Work will take place within tidal windows and will be ongoing effective 03/09/2024, until shoring may be completed.









COMMISSIONERS
 1st Division
 Aaron Newman
 2nd Division
 Greg Dale
 3rd Division
 Stephen Kullmann
 4th Division
 Craig Benson
 5th 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

April 11, 2024

TO: Honorable Board President and Harbor District Board Members

FROM: Chris Mikkelsen, Executive Director

DATE: April 4, 2024

TITLE: **Budget Goals for Woodley Island Marina, Fields Landing Boat Yard, and Dredging**

STAFF RECOMMENDATION: Staff recommends the Board receive a report on the proposed capital expense projects for the 2024-2025 fiscal year for Woodley Island Marina, Fields Landing Boat Yard, and Dredging.

SUMMARY: Beginning at the April 11th meeting, staff will present the Capital expense projects under consideration for the 2024-2025 fiscal year and the projected costs of each. These items do not include the recurring maintenance and operations costs, which will be presented in the final draft budget brought to the commission for approval in June.

DISCUSSION: Staff recommends using the following schedule to review goals, revenue, and expenditures by programmatic activity. These series of meetings would double as strategy sessions, which would be used by the Board, Executive Director, and District Staff to get a clear understanding of where each activity is financially and what we can reasonably accomplish within our financial means. Staff will work with the Budget Subcommittee to prepare the budget and bring the complete budget to the Board for approval.

Date	Meeting Type	Purpose
April 11	Regular	A) Review Preliminary Budget with Preliminary Goals, Income, and Expenditures: 1. Woodley Island Marina 2. Fields Landing Boat Yard 3. Dredging
May 9	Regular	A) Preliminary Goals, Income, and Expenditures: 1. Redwood Marine Terminal I 2. Redwood Marine Terminal II 3. Shelter Cove
June 13	Regular	A) Preliminary Goals, Income, and Expenditures: 1. Port Operations 2. Conservation and Recreation Programs 3. Administrative Services 4. General Operating and Staffing 5. Follow up discussion from previous budget meeting topics B) Adopt Preliminary Budget
July 11	Regular	Budget Adoption and Transmission to Board of Supervisors

COMMISSIONERS

1st Division

Aaron Newman

2nd Division

Greg Dale

3rd Division

Stephen Kullmann

4th Division

Craig Benson

5th 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
April 13, 2023

TO: Honorable Board President and Harbor District Board Members

FROM: Chris Mikkelsen, Executive Director

DATE: May 4, 2023

TITLE: Review and Adopt Travel Reimbursement Guidelines

STAFF RECOMMENDATION: Staff recommends the board adopt the CalHR 2203 – Allowances and Travel Reimbursements for all Harbor District travel.

SUMMARY: Business travel has been steadily increasing for Harbor District staff and commissioners, often partially reimbursable under grants. By adopting the state rates for allowances and travel reimbursements, the District would comply with grant reimbursement policies while covering travel necessities for staff.

ATTACHMENTS:

- A) CalHR 2203 - Allowances and Travel Reimbursements

2203 - Allowances and Travel Reimbursements

Category

Travel/Relocation

Audience List

- Accounting Officers
- Budget Officers
- Claims Coordinators
- Employee Benefits Officers
- Labor Relations Officers
- Personnel Officers
- Personnel Transactions Staff
- Travel and Relocation Liaisons

Synopsis

This policy:

- Provides information about allowances and travel reimbursements.
- Provides eligibility criteria.
- States the reimbursement rates.

Introduction

***CalHR has updated this section to reflect increases that took effect on January 1, 2024, to meal and short-term lodging expense reimbursement rates for all excluded state employees as well as all rank and file state employees on authorized travel status.**

Provisions in the following programs authorize the reimbursement of authorized out-of-pocket expenses such as receipted lodging, meals and/or incidentals (per diem) that are reasonably, actually, and necessarily incurred as a result of conducting state business:

- Travel Program
- Relocation Program

Statement

Eligibility Criteria for Reimbursement of Travel Expenses

All excluded and represented employees may be eligible for reimbursement of receipted lodging and per diem for authorized business travel. The circumstances of travel will determine eligibility and the rate allowed.

Eligibility Criteria for Reimbursement of Moving and Relocation Expenses

All excluded and represented employees may be eligible for reimbursement of receipted lodging and per diem for authorized employee relocations. The circumstances of travel and the specific relocation will determine eligibility and the rate allowed.

Business and Travel Policy

For bargaining units (BUs) with an existing Memorandum of Understanding (MOU), if the MOU contains state business, travel and relocation language that is in conflict with this policy, the MOU language shall be controlling.

Each state agency shall determine the necessity for and the mode of travel to be reimbursed. In accordance with CalHR policy, reimbursement shall be for actual, necessary, and appropriate business and travel expenses incurred fifty (50) miles or more from home and headquarters. HR Manual section 2201 – Travel and Relocation Policy provides information on reimbursement for approved travel less than 50 miles from home and headquarters. Lodging and/or meals included in hotel expenses, conference and registration fees, transportation costs such as airline tickets, or otherwise provided shall not be claimed for reimbursement. Employees who are unable to consume meal(s) provided by the state as noted above due to time constraints or other considerations, such as reasonable accommodation, may be reimbursed in accordance with the rates established in policy, provided an alternate meal was purchased. Snacks and continental breakfasts such as rolls, juice, and coffee are not considered to be meals.

When employees are required to obtain lodging due to state business, reimbursement will be for actual receipted lodging plus applicable mandatory taxes and fees, in accordance with policy and the published lodging maximums. Employees shall only use commercial lodging

establishments such as hotels, motels, bed and breakfast inns, public campgrounds, or short-term rentals (such as Airbnb) that cater to the general public. Lodging will not be reimbursed without a valid receipt.

Reimbursement of lodging expenses in excess of specified amounts, excluding taxes, requires advance written approval from CalHR. CalHR may delegate approval authority to departmental Appointing Powers or increase the lodging maximum rate for the geographical area and period of time deemed necessary to meet the needs of the state. Employee may not claim lodging, meal, or incidental expenses within 50 miles of his/her home or headquarters.

Airline Rewards Credits

State employees shall not receive reimbursement for using airline rewards credits (credits, points, etc.) while conducting approved state business. Airline rewards credits do not translate to a cash value to be reimbursed by the state.

Hotel Rewards Credits

State employees shall not receive reimbursement for using hotel rewards credits (credits, points, etc.) while conducting approved state business. Hotel rewards credits do not translate to a cash value to be reimbursed by the state.

Alcoholic Beverages

State employees shall not receive reimbursement for purchasing alcoholic beverages while conducting approved state business.

Receipt Policy

For BUs with an existing MOU, if the MOU contains state business, travel and relocation language that is in conflict with this policy, the MOU language shall be controlling.

Reimbursement will be claimed only for actual and necessary business, travel, and relocation expenses. Regardless of any exceptions to receipt policy, the approving officer may require additional certification and/or explanation from an employee to determine expenses were actually and reasonably incurred. In the absence of a satisfactory explanation, the expense shall not be allowed.

Receipts shall be submitted for every item of expense of \$25 or more except for meal and incidental expenses. When receipts are not required to be submitted with a travel expense claim, it is the employee's responsibility to maintain receipts and records of their actual expenses. Receipts must be made available for audit upon request by employing departments, state control agencies and/or the Internal Revenue Service (IRS). Receipts are

required for every item of transportation and business expense incurred as a result of conducting state business.

The following actual expenses are an exception to the receipt policy:

- Railroad and bus fares of less than \$25 when travel is wholly within California.
- Street car, ferry fares, bridge and road tolls, local rapid transit system, taxi, shuttle or hotel bus fares, and parking fees of \$10 or less for each continuous period of parking or each separate transportation expense noted in receipt policy.
- Telephone, fax, or other necessary state business costs of \$5 or less.
- The absence of a receipt shall result in the reduction of the amount claimed to the non-receipted amounts above.

Reimbursement for Meals, Incidentals and Lodging

For BUs with an existing MOU, if the MOU contains state business, travel and relocation language that is in conflict with this policy, the MOU language shall be controlling with the following exception: the meal reimbursement rates provided below are applicable to all excluded state employees as well as all rank and file state employees on authorized travel status.

Employees on authorized travel status may be reimbursed for receipted lodging and per diem. Reimbursement rates for meals and incidentals are as follows:

Meal and Incidental Expense Category	Current Reimbursement Rate Through December 31, 2023 for Actual Expense	Effective January 1, 2024: Reimbursement Rate for Actual Expense**
Breakfast	Up to \$7	Up to \$13
Lunch	Up to \$11	Up to \$15
Dinner	Up to \$23	Up to \$26
Incidentals	Up to \$5	Up to \$5
Total Daily Maximum Allowance	Up to \$46	Up to \$59

** Receipts are not required to claim meal and incidental expenses up to the maximum allowable reimbursement rates specified above. Receipts for meals must be maintained by the employee as substantiation that the amount claimed was not in excess of the amount of the actual expense. The employing department may request receipts at any time.

Tips for Allowable Meal and/or Transportation Expenses

For BUs with an existing MOU, if the MOU contains state business, travel and relocation language that is in conflict with this policy, the MOU language shall be controlling.

Tips for Allowable Meal Expenses

Effective May 11, 2020, state employees may receive reimbursement for tips related to allowable meal expenses incurred while conducting approved state business as follows:

- Up to \$2.00 or 20%, whichever amount is greater.

A meal expense may be an allowable expense if the employee is eligible to claim a meal in accordance with state policy.

State employees submitting claims for tips associated with allowable meal expenses shall only receive reimbursement up to the maximum amount allowed for meal expenses. Expenses in excess of the maximum amount allowed for meal expenses are not reimbursable. For example, if the maximum allowable reimbursement for dinner is \$23.00, then the maximum allowable reimbursement for a \$23.00 dinner plus tip is \$23.00.

Tips for Allowable Transportation Expenses

Effective May 11, 2020, state employees may receive reimbursement for tips related to allowable transportation expenses incurred while conducting approved state business as follows:

- Up to \$2.00 or 20%, whichever amount is greater.

For example, for an allowable \$20.00 transportation expense, such as a transportation network company (such as Uber or Lyft) or taxi expense, the maximum allowable tip is the greater of \$2.00 or 20% [\$4.00]).

Allowable transportation expenses may include transportation network company fare or taxi fare, plus applicable mandatory taxes and fees. A transportation network company (such as Uber or Lyft) expense or a taxi expense may be an allowable expense if it is:

- Incurred in accordance with state policy.
- The method of travel that is in the best interest of the state.

Please note that department paid direct bill accounts should be the primary method of payment for transportation network company expenses.

Receipts for Meals and Incidentals

For BUs with an existing MOU, if the MOU contains state business, travel and relocation language that is in conflict with this policy, the MOU language shall be controlling with the following exception: receipts are not required to claim meal and incidental expenses up to the maximum allowable reimbursement rates specified above.

Receipts for meals must be maintained by the employee as substantiation that the amount claimed was not in excess of the amount of the actual expense. The employing department may request receipts at any time.

Incidentals

For BUs with an existing MOU, if the MOU contains state business, travel and relocation language that is in conflict with this policy, the MOU language shall be controlling.

CalHR must comply with current IRS policy. The term “incidentals” includes fees and tips given to porters, baggage carriers, hotel staff, and staff on ships. No other items may be claimed as incidentals.

Travel Timeframes

For BUs with an existing MOU, if the MOU contains state business, travel and relocation language that is in conflict with this policy, the MOU language shall be controlling.

For travel lasting 24 hours or more, employees may claim meals (at the rates noted above), based on the following timeframes:

- First day of travel:
 - Trip begins at or before 6 am - Breakfast may be claimed
 - Trip begins at or before 11 am - Lunch may be claimed
 - Trip begins at or before 5 pm - Dinner may be claimed
- Continuing travel after 24 hours:
 - Trip ends at or after 8 am - Breakfast may be claimed
 - Trip ends at or after 2 pm - Lunch may be claimed
 - Trip ends at or after 7 pm - Dinner may be claimed
- Fractional day travel (trips less than 24 hours):
 - Trip begins at or before 6 am and ends at or after 9 am - Breakfast may be claimed
 - Trip begins at or before 4 pm and ends at or after 7 pm - Dinner may be claimed

- If the fractional day includes an overnight stay, receipted lodging may be claimed. No meal or lodging expenses may be claimed or reimbursed more than once on any given date or during any twenty-four (24)-hour period.
- Employees may not claim lunch or incidentals on one-day trips.
- When trips are less than 24 hours and there is no overnight stay, meals claimed are taxable.

Short-Term Lodging Reimbursement Rates

For BUs with an existing MOU, if the MOU contains state business, travel and relocation language that is in conflict with this policy, the MOU language shall be controlling with the following exception: the short-term lodging reimbursement rates provided below are applicable to all excluded state employees as well as all rank and file state employees on authorized travel status.

HR Manual section 2201 – Travel and Relocation Policy provides additional information about short-term lodging and the excess lodging rate request process.

County	Current Maximum Lodging Reimbursement Rate Through December 31, 2023	Effective January 1, 2024: Maximum Lodging Reimbursement Rate
All counties except those listed below	\$90	\$107
Alameda	\$140	\$189
City of Santa Monica	\$150	\$270
Los Angeles	\$120	\$169
Marin	\$110	\$166
Monterey	\$125	\$184
Napa	\$95	\$195

County	Current Maximum Lodging Reimbursement Rate Through December 31, 2023	Effective January 1, 2024: Maximum Lodging Reimbursement Rate
Orange	\$120	\$169
Riverside	\$95	\$142
Sacramento	\$95	\$145
San Diego	\$125	\$194
San Francisco	\$250	\$270
San Mateo	\$140	\$222
Santa Clara	\$140	\$245
Ventura & Edwards AFB, excluding the city of Santa Monica	\$120	\$169

Application

Not Applicable.

Authorities

- [Bargaining Contracts - MOUs](#)
- [California Code of Regulations, title 2, sections 599.615 to 599.638.1 - Traveling Expenses](#)
- [California Code of Regulations, title 2, sections 599.714 to 599.724.1 - Moving and Relocation Expenses](#)
- [Executive Order B-06-11](#)
- [Executive Order B-5-11](#)
- [Government Code section 18502](#)

- [Government Code sections 11030 to 11033.5 - Traveling Expenses](#)
- [Government Code section 19822.4 - Claims for Reimbursement](#)
- [Government Code section 19815.4 - General](#)
- [Government Code section 19820 - Claims for Reimbursement](#)

Resources

FAQs

- [Travel Program - Frequently Asked Questions](#): Travel Program - Frequently Asked Questions

Forms

- [STD 255](#): Moving Service Authorization (Employee Household Goods)
- [STD 255A](#): Moving Service Authorization/Bid Proposal - Mobile Home
- [STD 255C](#): Excess Lodging Rate Request
- [STD 256](#): Moving/Relocation Expense Approval Request
- [STD 261](#): Authorization to Use Privately Owned Vehicles on State Business
- [STD 262](#): Travel Expense Claim
- [STD 265](#): Insurance Verification & Authorization to Operate Privately Owned/Rented/Leased Aircraft on State Business

Related Policies

- [2201](#): Travel and Relocation Policy
- [2202](#): Mileage Reimbursement

Web Pages

- [CalATERS](#): California Automated Travel Expense Reimbursement System
- [Payroll Procedures Manual](#): State Controller's Office PPM
- [Relocation Reimbursements](#): Relocation Reimbursements
- [Statewide Travel Program](#): Department of General Services State Travel Portal
- [Travel Reimbursements](#): Travel Reimbursements

Authorized By

Benefits Division

Benefits Division Inquiries, Benefits Division

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<https://hrmanual.calhr.ca.gov/Home/ManualItem/1/2203>