

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

DATE: August 8, 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: Assessor's Parcel Numbers 401-112-021 and 401-112-024, Samoa Peninsula, Humboldt County, California
District negotiators: Chris Mikkelsen, Executive Director;
Ryan Plotz, District Counsel. Negotiating party: California Marine Investments LLC.
Under negotiation: price and payment terms payment

b) CONFERENCE WITH REAL PROPERTY NEGOTIATORS.

Agenda for August 8, 2024 Regular Board Meeting

Property: Assessor's Parcel Numbers 405-031-010, City of Eureka, Humboldt County, California. District Negotiators: Chris Mikkelsen, Executive Director; Ryan Plotz, District Counsel. Negotiating party: Fresh Freeze Supply, Inc. Under negotiation: price and payment terms.

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

5. Pledge of Allegiance

6. 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.*

7. Consent Calendar

- a) Adopt Minutes for July 11, 2024 Regular Board Meeting
- b) Adopt Minutes for July 24, 2024 Special Board Meeting
- c) Receive District Financial Reports for May 2024
- d) Approve Employment Agreement with Facilities Coordinator
- e) Consider Accepting Application for Filing for Harbor District Permit 2024-02: Wadulh Lagoon Tidal Wetland Enhancement Project

8. Communications, Reports, and Correspondence Received

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

9. Unfinished Business

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

Recommendation: Receive the report and provide direction.

Agenda for August 8, 2024 Regular Board Meeting

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

10. New Business

a) Amendment No. 4 to Ordinance 8, An Ordinance of the Board of Commissioners Amending the Conflict of Interest Code of the Humboldt Bay Harbor, Recreation and Conservation District

Recommendation: Staff recommends that the Board: Adopt Amendment No. 4 to Ordinance 8 and consent to read by title only.

Summary: The Political Reform Act requires local government agencies to review their conflict-of-interest code every two years to determine if revisions are necessary. After review by District Counsel, it was determined that an amendment was necessary.

11. Future Agenda Items

a) Resolution Supporting Community Engagement

12. Adjournment

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

July 11, 2024

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

REGULAR SESSION – 6:02 P.M.

ROLL CALL

PRESENT: BENSON
DALE
HIGGINS
NEWMAN

ABSENT: KULLMANN

QUORUM: YES

PLEDGE OF ALLEGIANCE

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 June 13, 2024, Regular Board Meeting
COMMISSIONER HIGGINS MOVED ADOPT CONSENT CALENDAR ITEM A.
COMMISSIONER NEWMAN SECONDED.
VOICE VOTE WAS CALLED, MOTION CARRIED.
Ayes: DALE, HIGGINS, NEWMAN
Noes: NONE
Absent: KULLMANN
Abstain: BENSON

COMMUNICATIONS, REPORTS AND CORRESPONDENCE RECEIVED

- a) Correspondence Received
 - I. No correspondence received.
- 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. No one 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 Report from Students at Redwood Coast Montessori School on their Studies Related to Community and Wind Energy**
 - I. Executive Director introduced Lincoln and Tobias, who presented the item.
 - II. The Commission discussed the item.
 - III. Chair Dale opened the item to public comment. No one commented.
 - IV. Chair Dale moved the discussion back to the Commission.
 - V. Presentation item, no formal action was taken.

- b) **Community Engagement Commitments and Strategies for the 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. Robin Grey-Stewart, Rachel Smith and Carol Vander Meer commented.
 - IV. Chair Dale moved the discussion back to the Commission.
COMMISSIONER HIGGINS MOVED TO ADOPT THE COMMUNITY ENGAGEMENT COMMITMENTS AND STRATEGIES FOR THE HUMBOLDT BAY OFFSHORE WIND HEAVY LIFT MARINE TERMINAL PROJECT.
COMMISSIONER NEWMAN SECONDED.
VOICE VOTE WAS CALLED, MOTION CARRIED.
Ayes: BENSON, DALE, HIGGINS, NEWMAN
Noes: NONE
Absent: KULLMANN
Abstain: NONE

- c) **Consider Adoption of Resolution 2024-05, A Resolution to Authorize the Execution of a Grant Agreement and Accept Funds from the California Department of Fish and Wildlife for Secretariat Services for the Harbor Safety Committee of the Humboldt Bay Area for Fiscal Year 2024-2025**
 - I. Executive Director presented the item.
 - II. The Commission discussed the item.

III. Chair Dale opened the item to public comment. No one commented.

IV. Chair Dale moved the discussion back to the Commission.

COMMISSIONER HIGGINS MOVED TO ADOPT RESOLUTION 2024-05, AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT AND ACCEPTING FUNDS FROM THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE FOR SECRETARIAT SERVICES FOR THE HARBOR SAFETY COMMITTEE OF THE HUMBOLDT BAY AREA FOR FISCAL YEAR 2024-2025.

COMMISSIONER NEWMAN SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: BENSON, DALE, HIGGINS, NEWMAN

Noes: NONE

Absent: KULLMANN

Abstain: NONE

d) Consider Adopting Resolution 2024-06, A Resolution Authorizing the Execution of the Application and Agreement for Social Security Coverage for Employees of the Humboldt Bay Harbor, Recreation and Conservation District who are Members of the California Public Employees Retirement System (Calpers)

I. District staff presented the item.

II. The Commission discussed the item.

III. Chair Dale opened the item to public comment. No one commented.

IV. Chair Dale moved the discussion back to the Commission.

COMMISSIONER DALE MOVED TO ADOPT RESOLUTION 2024-06, AUTHORIZING THE EXECUTION OF THE APPLICATION AND AGREEMENT FOR SOCIAL SECURITY COVERAGE FOR EMPLOYEES OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT WHO ARE MEMBERS OF THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM.

COMMISSIONER BENSON SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: BENSON, DALE, HIGGINS, NEWMAN

Noes: NONE

Absent: KULLMANN

Abstain: NONE

FUTURE AGENDA ITEMS

a) Resolution Supporting Community Engagement

b) Fiscal Year 2024-2025 Final Budget Adoption

c) Issuance of a Solicitation of Interest and Request for Qualifications in support of the development and operation of the District's proposed Heavy Lift Marine Terminal

d) Wednesday, July 24, 2024, Special Meeting at 5:30 P.M.

ADJOURNMENT – 7:15 P.M.

Draft Minutes for July 11, 2024 Regular Board Meeting

APPROVED BY:

RECORDED BY:

Aaron Newman
Secretary of the Board of Commissioners

Mindy Hiley
Director of Administrative Services

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

July 24, 2024

The Humboldt Bay Harbor, Recreation and Conservation District met in special session on the above date, Special Session met at 5:30 P.M. at the Woodley Island Marina Meeting Room, 601 Startare Drive, Eureka, CA 95501.

REGULAR SESSION – 5:30 P.M.

ROLL CALL

PRESENT: BENSON
 DALE
 KULLMANN
 NEWMAN

ABSENT: HIGGINS

QUORUM: YES

PLEDGE OF ALLEGIENCE

PUBLIC COMMENT: The following individuals addressed the Commission regarding subject matters not on the special session meeting agenda: Jan Kraepelien.

BUSINESS

a) Consider Adopting Resolution No. 2024-07, A Resolution Adopting the Final Fiscal Year 2024-2025 Humboldt Bay Harbor, Recreation and Conservation District Budget

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

COMMISSIONER BENSON MOVED TO ADOPT RESOLUTION 2024-07 ADOPTING THE FINAL FISCAL YEAR 2024-2025 HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT BUDGET

COMMISSIONER NEWMAN SECONDED.

VOICE VOTE WAS CALLED, MOTION CARRIED.

Ayes: BENSON, DALE, KULLMANN, NEWMAN

Noes: NONE

Absent: HIGGINS

Abstain: NONE

ADJOURNMENT – 6:08 P.M.

Draft Minutes for July 24, 2024 Special Board Meeting

APPROVED BY:

RECORDED BY:

Aaron Newman
Secretary of the Board of Commissioners

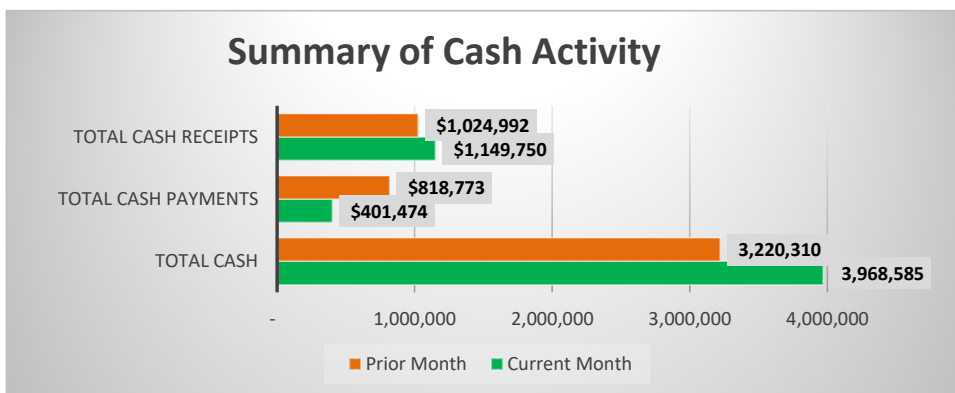
Mindy Hiley
Director of Administrative Services

HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT

Monthly Cash Flow Analysis

For The Months Ended May 31, 2024 and April 30, 2024

	<u>5/31/24</u>	<u>4/30/24</u>
<u>Account Balances</u>		
Checking	\$ 927,867	\$ 118,425
Savings	1,720,328	1,782,010
County Treasury	1,318,460	1,318,460
Cash on hand	1,930	1,415
Total Cash	<u>3,968,585</u>	<u>3,220,310</u>
Less: Restricted cash for Marina surcharges	(476,723)	(453,850)
Unrestricted Cash	<u>3,491,862</u>	<u>2,766,460</u>
Less: Unexpended grant proceeds and Nordic deposits included in cash above	(729,085)	(734,431)
Cash Available (Deficit), excluding Marina surcharges	<u>2,762,777</u>	<u>2,032,029</u>
 <u>Change in Cash Balance</u>		
Balance, Beginning of Month	\$ 3,220,310	\$ 3,014,091
Monthly Deposits	1,149,750	1,024,992
Monthly Payments	(401,474)	(818,773)
Balance, End of Month	<u>\$ 3,968,586</u>	<u>\$ 3,220,310</u>
 <u>Monthly Expenses Summary</u>		
Significant Individual Expenses:		
Redwood Community Action Agency	\$ 58,075	\$ 58,075
Moffat & Nichol expenditure	491,100	491,100
Wahlund Construction Inc.	80,200	
Payment of 6/30/23 audit fee	20,500	
CA River Watch	25,000	
Sub-total, Significance/Unusual Expenses	<u>674,875</u>	<u>549,175</u>
General operating expenses and other misc. expense	(273,402)	269,598
Total Cash Payments	<u>\$ 401,474</u>	<u>\$ 818,773</u>
 <u>Monthly Deposits Summary</u>		
Significant Individual Revenues:		
California Energy Commission	\$ 839,504	\$ 789,939
CalTrans Office of Clean CA	98,654	
Nordic Aquafarms, Inc.		27,745
Sub-total, Significant/Unusual Revenues	<u>938,158</u>	<u>817,684</u>
General revenues	211,592	207,308
Total Cash Receipts	<u>\$ 1,149,750</u>	<u>\$ 1,024,992</u>



Humboldt Bay Harbor, Recreation & Conservation Dis

Balance Sheet As of May 31, 2024

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
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	7,353.11
10200.1 Cash in PNC, Checking	920,514.34
10400 CASH IN COUNTY - FUND 2720	1,281,083.62
10500 CASH IN COUNTY - FUND 3872	37,375.94
10600.1 Cash in bank, Tariff PNC	1,668,943.70
10700.1 Cash in bank, Water PNC	51,384.71
10901 UNEXPENDED MARINA SURCHARGES	476,723.00
10902 UNEXP SURCHARGES AVAIL CASH ADJ	0.00
10903 RESTRICTED CASH	-476,723.00
Total Bank Accounts	\$3,967,835.42
Accounts Receivable	
12000 ACCTS RECEIVABLE	1,393,578.66
Total Accounts Receivable	\$1,393,578.66
Other Current Assets	
11200 US TREASURY BONDS	0.00
12001 OTHER RECEIVABLES	0.00
12002 DOUBTFUL ACCOUNTS RECEIVABLE	0.00
12100 ALLOW FOR BAD DEBTS	-418,101.27
12200 TAXES RECEIVBLE	483,451.57
12300 INTEREST RECEIVBLE	515.03
12600 Note Receivable - NMTC	5,849,375.00
12700 PREPAID EXPENSES	73,684.67
12800 LEASE RECEIVABLE	0.00
12900 Accounts Receivable FSM	0.00
1499 Undeposited Funds	750.00
Total Other Current Assets	\$5,989,675.00
Total Current Assets	\$11,351,089.08
Fixed Assets	
14800 SHIPWRECK PROPERTY	50,088.05
14900 DOG RANCH PROPERTY	7,507.70
16999 Combined Expense Pending Transf	0.00

Humboldt Bay Harbor, Recreation & Conservation Dis

Balance Sheet As of May 31, 2024

	TOTAL
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
15400 1998 MARINA DREDGING PROJECT	0.00
15500 MARINA, RESTAURANT COMPLEX	0.00
15600 MARINA	10,529,004.29
15700 FL BOAT BLDG & REPAIR FACILITY	4,302,259.53
15800 SHELTER COVE	2,386,247.10
15900 DREDGING COSTS	215,226.78
16000 KING SALMON	15,143.99
16100 MARINA DREDGE,CONSTR IN PROGRES	1,351,140.12
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
Total Fixed Assets	\$12,910,237.97
Other Assets	
12400 BNY LOAN RECEIVBLE	0.00
15300 CONSTRUCTION IN PROGRESS	0.00
18000 DEPOSITS	0.00
18500 OTHER DEFERRED ASSETS	0.00
18700 Deferred Lease Asset	3,679,190.00
19000 Deferred Outflows of PERS	702,529.00
Total Other Assets	\$4,381,719.00
TOTAL ASSETS	\$28,643,046.05
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 ACCOUNTS PAYABLE	733,210.59
Total Accounts Payable	\$733,210.59
Credit Cards	
20112 US Bank Visa	14,775.28

Humboldt Bay Harbor, Recreation & Conservation Dis

Balance Sheet As of May 31, 2024

	TOTAL
Total Credit Cards	\$14,775.28
Other Current Liabilities	
20000.1 ACCOUNTS PAYABLE YR END ADJUST	0.00
20100 LEASE PAYABLE TO HBDA	0.00
20200 NOTES PAYABLE	173,717.33
20400 ACCRUED WAGES PAYABLE	37,333.75
20500 ACCRUED INTEREST	69,585.14
20600 ACCRUED VACATION PAYABLE	68,682.94
20700 ACCRUED SICK LEAVE PAYABLE	0.00
20800 DEPOSITS ON HAND	0.00
20801 KEY DEPOSITS ON HAND	18,320.00
20802 PLUG DEPOSITS ON HAND	1,230.00
20803 SLIP DEPOSITS ON HAND	53,943.14
20804 STORAGE DEPOSITS	4,256.15
20805 CONF. ROOM DEPOSITS	0.00
20806 LEASE SECURITY DEPOSIT	102,198.42
20807 STORAGE DEPOSIT - REDWOOD DOCK	2,943.31
20808 WAIT LIST DEPOSIT	5,225.00
20809 HAUL OUT DEPOSIT	0.00
Total 20800 DEPOSITS ON HAND	188,116.02
22000 DEFERRED LEASE INCOME	0.00
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	518,041.51
28402 DEFERREDINCOME CalTrans Eelgrass	117,983.00
28500 OTHER DEFERRED CREDITS	0.00
Payroll tax & Withholding Liab	
2100 PAYROLL LIABILITIES	643.15
21000 WAGE GARNISHES	372.46
2110 DIRECT DEPOSIT LIABILITIES	0.00
21100 FEDERAL WITHHOLDING TAX	5,229.30
2111 *DIRECT DEPOSIT LIABILITIES	0.01
21200 STATE WITHHOLDING TAX	2,473.51
21300 STATE UNEMPLOYMENT TAX	492.60
21400 SOCIAL SECURITY/MEDICARE TAX	0.00
21500 AFLAC	0.00
21600 PERS CARE/MEDICAL INSURANCE	11,409.95
21700 PERS RETIREMENT	5.60
21701 PERS DEFERRED COMPENSATION	0.00
21800 STATE DISABILITY INSURANCE	0.00
21900 UNION DUES DEDUCTIBLE	74.76

Humboldt Bay Harbor, Recreation & Conservation Dis

Balance Sheet As of May 31, 2024

	TOTAL
Total Payroll tax & Withholding Liab	20,701.34
Sales Tax Agency Payable	0.00
Total Other Current Liabilities	\$5,387,019.04
Total Current Liabilities	\$6,135,004.91
Long-Term Liabilities	
24001 Gound Lease Amortization	-424,391.45
24003 Groundlease Current Offset	-120,184.62
25000 DUE STATE OF CALIFORNIA	0.00
25100 NOTES PAYABLE- CMIA	0.00
25200 ENVIRONMENTAL REMEDIATION LIAB	0.00
25300 BOND PAYABLE - DEEP DREDGING	0.00
25400 Note Payable - No. Valley Bank	0.00
25500 OPEB Liability	169,351.00
25600 Note Payable-Coast Seafoods Co.	0.00
25700 BOND PAYABLE 2014 REFINANCING	1,447,641.17
25800 BBVA Loan Payable	908,007.88
25900 LESS CURRENT PORTION	-173,717.33
26000 CAPITAL LEASE PAYABLE	0.00
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
Total Liabilities	\$18,465,267.56
Equity	
3000 OPENING BALANCE EQUITY	0.00
30200 GOVT CONTRIBUTIONS MARINA	0.00
30201 ACCUM DEPR MARINA, EDA PORTION	0.00
30300 GOVT CNTRB/FL BOAT BLDG/RPR FAC	0.00
30301 ACCUM DEPR - FL BOAT BLDG & RPR	0.00
30400 GOVT CONTRIB - CA DEPT OF B&W	0.00
30401 ACCUM DEPR/SHELTER COVE B&W	0.00
30500 INVESTMENT IN FIXED ASSETS	9,225,775.07
30505 Change In Invest Fixed Assets	0.00
Total 30500 INVESTMENT IN FIXED ASSETS	9,225,775.07
30900 RESTRICTED FUND BALANCE	1,887,090.07
30901 Restricted Fd Bal-Curr Yr Chang	-1,412,668.32
Total 30900 RESTRICTED FUND BALANCE	474,421.75

Humboldt Bay Harbor, Recreation & Conservation Dis

Balance Sheet As of May 31, 2024

	TOTAL
31200 GENERAL FUND BALANCE	1,083,842.61
31000 FUND BALANCE - TIDELANDS TRUST	-931,218.23
31100 Designated for General Fd Reser	0.00
31108 Designated Bal-Curr Yr Change	0.00
Total 31100 Designated for General Fd Reser	0.00
31201 General Fund-Change is Restrict	1,412,668.32
31205 General Fund Invest Fixed Asset	0.00
31208 General Fund Change in Designat	0.00
Total 31200 GENERAL FUND BALANCE	1,565,292.70
3900 RETAINED EARNINGS	-63.45
Net Income	-1,087,647.58
Total Equity	\$10,177,778.49
TOTAL LIABILITIES AND EQUITY	\$28,643,046.05

Humboldt Bay Harbor, Recreation & Conservation Dis

Profit and Loss

May 2024

	TOTAL	
	MAY 2024	APR 2024 (PP)
Income		
47019 Returned Check Charges	35.00	35.00
52708.1 Discount	76.69	
Dredging Revenue		
41318 Dredging Surcharge - T	17,613.41	17,521.63
Total Dredging Revenue	17,613.41	17,521.63
Fees		
40108 PERMITS-T	2,750.00	
40808 Pilotage Services - T		366.52
41818 Late Charges/Interest - T	5,050.00	5,250.00
41819 Late Charges/Interest - NT	25.00	70.27
Total Fees	7,825.00	5,686.79
Float Replacement Account		
41418 Float Replacement	5,509.84	5,478.97
Total Float Replacement Account	5,509.84	5,478.97
Grant Revenue		
Harbor Grants		
45208.1 Harbor Grants, Gov't - T		1,043,284.03
Total Harbor Grants		1,043,284.03
Total Grant Revenue		1,043,284.03
Harbor Surcharge		
40908 Harbor Improvement Surcharge-T	5,438.00	5,400.00
Total Harbor Surcharge	5,438.00	5,400.00
Interest Revenue		
43108 Interest Income - T	4,392.46	4,267.94
43109 Interest Income - NT	583.33	630.16
Total Interest Revenue	4,975.79	4,898.10
Other Revenue		
45908 Other Revenue - T	2.00	-1,039,923.90
45909 Other Revenue - NT	10,270.20	63,664.09
Total Other Revenue	10,272.20	-976,259.81
Rent Income		
40218 Slip Rents - T	40,892.06	43,206.10
40318.1 Transient Rentals - T	1,093.93	2,270.52
40518 Equipment Rent - T		509.58
40519 Equipment Rent - NT	600.00	480.00
40809 Yard Rent - NT	1,021.20	1,021.20
41108 Rents, Tidelands Leases - T	15,763.93	24,423.92

Humboldt Bay Harbor, Recreation & Conservation Dis

Profit and Loss

May 2024

	TOTAL	
	MAY 2024	APR 2024 (PP)
41309 Storage - NT	6,780.71	4,980.61
41409 Upland Rent - NT	82,919.16	32,862.34
41409.2 Redwood Terminal 2 - NMTC		0.00
Total 41409 Upland Rent - NT	82,919.16	32,862.34
Total Rent Income	149,070.99	109,754.27
Sales		
40119 Concession Sales - NT	763.25	550.75
Total Sales	763.25	550.75
Tax Revenue		
43509 Property Tax Revenues	110,000.00	110,000.00
Total Tax Revenue	110,000.00	110,000.00
Utility Surcharge		
40409 Utility Surcharge - NT	3,154.74	2,582.28
40418 Utility Surcharge, Marina Dock	5,192.02	5,436.66
Total Utility Surcharge	8,346.76	8,018.94
Total Income	\$319,926.93	\$334,368.67
GROSS PROFIT	\$319,926.93	\$334,368.67
Expenses		
57018 Bank Service Charges	545.24	411.55
Accounting/Auditing Services		
52500 Accounting Fees - T	3,691.50	19,123.50
52508 Accounting Fees - NT	1,230.50	7,229.50
Total Accounting/Auditing Services	4,922.00	26,353.00
Advertising & Promotion		
51000 Advertising & Promotion - NT		184.46
51008 Advertising & Promotion - T	86.68	118.72
Total Advertising & Promotion	86.68	303.18
Bad Debts		
51308 Bad Debts - T		115.80
Total Bad Debts		115.80
Communications		
51400 Communications - NT	967.94	1,097.61
51408 Communications - T	171.27	175.54
Total Communications	1,139.21	1,273.15
Conference & Meetings		
51500 Conferences & Meetings - NT	1,918.94	3,237.79
Total Conference & Meetings	1,918.94	3,237.79

Humboldt Bay Harbor, Recreation & Conservation Dis

Profit and Loss

May 2024

	TOTAL	
	MAY 2024	APR 2024 (PP)
Dredging Expense		
56708 Dredging - GT	250.00	
56718 Dredging - MT		
Total Dredging Expense	250.00	
Dues, Subscriptions & Licences		
51600 Dues & Subscriptions - NT	3,096.88	2,456.79
51608 Dues & Subscriptions - T	3,096.87	
Total Dues, Subscriptions & Licences	6,193.75	2,456.79
Engineering Services		
52400 Engineering Fees - NT	24,747.82	53,847.10
52408 Engineering Fees - T		116.25
Total Engineering Services	24,747.82	53,963.35
Fuel		
50400 IMPUTED AUTO VALUE G/A (deleted)	60.00	120.00
51200 Automotive, Fuel- NT	673.62	589.27
51208 Vessel Fuel	250.92	
51218 Automotive, Fuel - T	678.42	654.06
Total Fuel	1,662.96	1,363.33
Grant Expenses		
Harbor Grant Expenses		
54408.1 Harbor Grant Exp	385,487.56	-776,748.26
Total Harbor Grant Expenses	385,487.56	-776,748.26
Recreation Grant Expenses		
54408.2 Recreation Grant Exp	25,766.50	-59,235.54
Total Recreation Grant Expenses	25,766.50	-59,235.54
Total Grant Expenses	411,254.06	-835,983.80
Insurance		
51800 Insurance - NT	11,428.16	11,523.16
Total Insurance	11,428.16	11,523.16
Interest Expense		
55108 Interest Expense - T	4,156.00	4,156.00
55109 Interest Expense - NT	7,624.00	7,624.00
Total Interest Expense	11,780.00	11,780.00
Legal Services		
52300 Legal Fees - NT	3,372.38	45,251.00
52308 Legal Fees - T	635.62	6,151.00
Total Legal Services	4,008.00	51,402.00
Maintenance - Equipment		
51209 Automotive, Repairs - NT	1,261.72	570.17

Humboldt Bay Harbor, Recreation & Conservation Dis

Profit and Loss

May 2024

	TOTAL	
	MAY 2024	APR 2024 (PP)
52710 Repairs & Maint, Equip - NT		183.50
52718 Repairs & Maint, Equip - T	307.79	1,479.33
Total Maintenance - Equipment	1,569.51	2,233.00
Maintenance - Facilities		
52708 Repairs & Maint, Facilities - T	86,556.51	13,255.77
52719 Repairs & Maint, Facilities - N	6,897.35	2,145.11
Total Maintenance - Facilities	93,453.86	15,400.88
Maintenance - IT		
57008 Maintenance, IT Equip - T	442.50	570.67
57009 Maintenance, IT Equip - NT	287.50	287.50
Total Maintenance - IT	730.00	858.17
Maintenance Supplies		
52010 Maintenance Supplies - NT	1,755.56	1,296.80
Total Maintenance Supplies	1,755.56	1,296.80
Office Supplies		
51900 Office Supplies - NT	4,908.16	4,158.58
51908 Office Supplies - T	1,621.70	723.39
Total Office Supplies	6,529.86	4,881.97
Other Expenses		
55419 Other Expenses - NT		67.67
Total Other Expenses		67.67
Other Professional/Outside Serv		
52109 Outside Services, Other - NT	700.00	1,569.50
52118 Outside Services, Other - T	0.00	0.00
Total Other Professional/Outside Serv	700.00	1,569.50
Payroll Expenses	3.50	
Permits		
51610 Permits - NT	501.01	
Total Permits	501.01	
Personnel Expenses		
Commissioners Fees		
50200 Commissioner's Salaries - NT		2,100.00
50208 Commissioner's Salaries - T		900.00
Total Commissioners Fees		3,000.00
Payroll Burden		
50500 Payroll Benefits, Other - NT	24,820.59	25,403.27
50508 Payroll Benefits, Other - T	7,017.54	6,983.03
6560 Workers' Comp	3,233.00	3,597.50
Total Payroll Burden	35,071.13	35,983.80

Humboldt Bay Harbor, Recreation & Conservation Dis

Profit and Loss

May 2024

	TOTAL	
	MAY 2024	APR 2024 (PP)
Salaries/Wages		
50100 Salaries & Wages - NT	67,740.01	72,173.23
Total Salaries/Wages	67,740.01	72,173.23
Total Personnel Expenses	102,811.14	111,157.03
Planning Services		
52200 Planning Fees - NT	8,600.00	
52208 Planning Fees - T	600.00	
Total Planning Services	9,200.00	
Rent Expense		
54308 Redwood Terminal 2 Lease Expens	765.42	2,316.97
Total Rent Expense	765.42	2,316.97
Utilities		
52909 Utilities - NT	20,958.54	17,856.50
52918 Utilities - T	4,918.39	5,637.06
53000 Water, Sewer, & Refuse - NT	10,512.93	11,863.97
53008 Water, Sewer, & Refuse - T	5,318.16	5,850.46
Total Utilities	41,708.02	41,207.99
Total Expenses	\$739,664.70	\$ -490,810.72
NET OPERATING INCOME	\$ -419,737.77	\$825,179.39
NET INCOME	\$ -419,737.77	\$825,179.39

Humboldt Bay Harbor, Recreation & Conservation Dis

Bill Payment List

May 2024

DATE	NUM	VENDOR	AMOUNT
10200.1 Cash in PNC, Checking			
05/10/2024	ACH	CalPERS 457 Program	-300.00
05/10/2024	ACH	CalPERS Health	-16,288.65
05/10/2024	ACH	PERS Unfunded Accrued Liab	-7,930.50
05/10/2024	3065	B & B Portable Toilets	-133.44
05/10/2024	3066	Cal Poly Sponsored Programs Foundation	-2,668.90
05/10/2024	3067	California River Watch	-25,000.00
05/10/2024	3068	Eureka Oxygen Company	-97.00
05/10/2024	3069	Eureka Ready Mix	-466.55
05/10/2024	3070	Humboldt Bay Municipal Water Dist.	-1,356.09
05/10/2024	3071	Industrial Electric Arcata, Inc	-1,319.20
05/10/2024	3074	Mission Uniform & Linen	-149.97
05/10/2024	3075	Northern California Glove	-38.41
05/10/2024	3076	Pacific Coast Congress	-365.00
05/10/2024	3077	Pacific Gas & Electric (8259-4)	-7,828.63
05/10/2024	3078	Pacific Gas & Electric (Non-Energy)	-1,094.43
05/10/2024	3079	Pierson Building Center	-690.97
05/10/2024	3080	RMI Outdoors	-17.47
05/10/2024	3081	SHN Consulting Engineers & Geologists	0.00
05/10/2024	3082	Solink Corporation	-222.17
05/10/2024	3083	Times Printing Co	-114.98
05/10/2024	3084	Total Compensation Systems, Inc.	-855.00
05/10/2024	3085	US Bank Corporate Payment System	-5,174.28
05/10/2024	3089	Dale, Greg.	-152.00
05/10/2024	3090	Enterprise-Record, Mercury-Register	-54.36
05/10/2024	3091	Harshwal & Company, LLP	-20,500.00
05/10/2024	3092	Kullmann, Stephen.	-238.05
05/10/2024	3093	North Coast Journal	-73.75
05/10/2024	3094	Pacific Gas & Electric (1906-4)	-2,402.55
05/10/2024	3095	Pacific Gas & Electric (3494-4)	-355.47
05/10/2024	3096	StewTel, Inc.	-342.54
05/10/2024	3097	Wahlund Construction Inc.	-80,200.00
05/10/2024	3098	World Oil Enviromental Services	-757.32
05/10/2024	3099	101Netlink	-380.00
05/10/2024	3100	David L. Moonie & Co., LLP	-4,998.00
05/10/2024	3101	Englund Marine Supply	-1,350.32
05/10/2024	3102	Mitchell Law Firm, LLP	-1,147.00
05/10/2024	3103	Napa Auto Parts	-45.87
05/10/2024	3104	Recology Eel River	-519.24
05/10/2024	3105	Recology Humboldt County (061218064)	-837.49
05/10/2024	3106	Recology Humboldt County (A0060000265)	-2,618.55
05/10/2024	3107	Schmidbauer Building Supply	-107.25
05/10/2024	3108	Tenera Environmental Inc.	-1,920.00
05/10/2024	3109	Thrifty Supply	-10.30
05/10/2024	3110	Western Chainsaw	-134.05

Humboldt Bay Harbor, Recreation & Conservation Dis

Bill Payment List

May 2024

DATE	NUM	VENDOR	AMOUNT
05/22/2024	3113	Scribble Software	-6,184.00
05/22/2024	3118	Willie's Budget Appliance Repair	-90.00
05/22/2024	3119	Alves Inc.	-3,172.00
05/22/2024	3120	SHN Consulting Engineers & Geologists	-7,872.85
05/22/2024	3121	California Redwood Co.	-1,119.61
05/22/2024	3122	K&L Gates LLP	-23,457.00
05/22/2024	3123	Accurate Termite & Pest Solutions	-600.00
05/22/2024	3124	Alber's Tractor & Ag Work	-1,660.00
05/22/2024	3125	Shelter Cove Resort Improvement District	-166.37
05/22/2024	3126	Humboldt Community Services District	-18.00
05/22/2024	3127	Kullmann, Stephen.	-362.73
05/22/2024	3128	Valley Pacific Petroleum Services, Inc	-1,418.53
05/22/2024	3129	Law Offices of Nancy Diamond	-302.50
05/22/2024	3130	Shelter Cove Fishing Preservation Inc	-2,083.33
05/22/2024	3131	Network Help To Go	-575.00
05/22/2024	3132	Weist Law LLP	-495.00
05/22/2024	3133	Planwest Partners, Inc.	-10,725.00
05/22/2024	3134	Coastal Business Systems, Inc.	-527.94
05/22/2024	3135	Downey Brand LLP	-594.00
05/22/2024	3136	Mission Uniform & Linen	-551.52
05/22/2024	3137	MSC Industrial Supply Co.	-49.80
05/22/2024	ACH	Verizon Wireless	-416.67
05/31/2024	DD053101	Howser, Suzie	-757.82
05/31/2024	DD053102	Mell, Doug	-757.82
05/29/2024	3138	SHN Consulting Engineers & Geologists	-49,918.00
05/29/2024	3139	Standard Insurance Company	-322.00
05/24/2024	ACH	CalPERS 457 Program	-275.00
Total for 10200.1 Cash in PNC, Checking			\$ -305,728.24

EMPLOYMENT AGREEMENT
With
Bryan Robinson

THIS AGREEMENT is between the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, a public entity, located in Humboldt County, California, herein referred to as "District", and Bryan Robinson herein referred to as "Employee".

The parties recite that:

- A. District is a public entity with legal duties, powers, and obligations set forth in Sections 1 through 83 of Appendix 2 of the Harbors and Navigation Code of the State of California.
- B. Employee is willing to be employed by District, and District is willing to employ Employee in the unclassified, at-will position of Facilities Coordinator II on the terms and conditions hereinafter set forth.
- C. The position of Facilities Coordinator II is an unclassified service employee as defined in Section 73 of Appendix 2 of the Harbors and Navigation Code. Said position is an "At Will" position terminable at the will of either the employer or the employee.

FOR THE REASONS SET FORTH ABOVE, AND IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES OF THE PARTIES HERETO, DISTRICT AND EMPLOYEE COVENANT AND AGREE AS FOLLOWS:

- 1. Pursuant to this Agreement, Employee is employed as Facilities Coordinator II for the Humboldt Bay Harbor, Recreation and Conservation District effective July 1, 2024 and Employee hereby accepts and agrees to such employment.
- 2. Employee shall perform and complete the services and tasks set forth in and according to the time frame set forth in Exhibit "A", attached hereto and incorporated by reference.
- 3. Employee shall at all times faithfully, industriously, and to the best of his ability, experience, and talent perform all duties that may be required pursuant to the expressed and implicit terms as set forth by the Executive Director of the District. Such duties shall be rendered in Humboldt County, California and at such other place or places as District shall in good faith require or the interest, and needs or requests of District shall require or make advisable.
- 4. Employee shall serve in the position of Facilities Coordinator II at the will and pleasure of the Executive Director of District. The Executive Director of the District or Employee may terminate this Agreement and terminate Employee's employment with or without cause at any time. In the event Employee desires to terminate employment with the District as Facilities Coordinator II, it is expected that Employee shall give to District a minimum

of thirty (30) days written notice of said intention to terminate. Employee shall be compensated for accrued benefits to the date of termination in accordance with the provisions of the Personnel Policy.

5. District shall pay Employee and Employee agrees to accept from District, \$75,096 per year in full payment of Employee's services for his position as Facilities Coordinator II hereunder, compensation to be set by the Board of Commissioners and as adjusted from time to time.
In addition to the foregoing, Employee shall receive five days of Management Leave plus all the employee benefits for full-time employees as now established by the District's personnel policy, or different employee benefits as may be modified or established by the District in the future. However, nothing in this section or any other part of this Agreement shall be interpreted as preventing or precluding the District from rescinding, amending or otherwise modifying the existing Personnel Policy or from adopting additional personnel policies or procedures concerning the employment, including but not limited to modifications of the benefits of employment.
6. Employee's salary, job duties, and performance shall be reviewed in July of each year by the Executive Director of the District. The annual performance review may be used to adjust Employee's salary based upon the salary schedule for Mid Management, Management, and Appointed Classifications, which has been approved by the Board of Commissioners. However, nothing in this section shall be construed as a promise or commitment by the District to increase compensation or concerning the amount of any such increase.
7. The effective date of appointment of Employee as Facilities Coordinator II shall be July 1, 2024, and unless renewed, will terminate on June 30, 2027. In the event the Employee is terminated without cause or the Employee's contract is not renewed, Employee will be given the opportunity to retire.
8. Employee shall devote his full time, attention, knowledge, and skill solely and exclusively as Facilities Coordinator II, solely and exclusively to the business and interest of the District. The position is considered to be an exempt position within the meaning of the California Labor Code for the purposes of wage and hour provisions. Employee's workweek is not necessarily limited to 40 hours per week. Employee may be expected to work in excess of 40 hours per week if required to perform his duties as Facilities Coordinator II at the regular monthly salary with no provision for overtime pay.
9. Employee is an unclassified employee as Facilities Coordinator II. The position of Facilities Coordinator II is not entitled to participate as a member of the Operating Engineers Local Union No. 3, FL-CIO, pursuant to the Union Contract with District, and Facilities Coordinator II is not included as a member of the bargaining unit represented by the Union.

10. Employee shall abide by all applicable provisions of District's Personnel Policy as amended and with all other District policies and procedures currently in force or as may be implemented during the term of employment.
11. This written Agreement contains the sole and entire agreement between the parties. It supersedes any and all other agreements between the parties. The parties acknowledge and agree that neither of them has made any representation with respect to the subject matter of this Agreement or any representations including the execution and delivery hereof except such representations as are specifically set forth herein, and each party acknowledges that he/she or it has relied on his/her or its own judgment in entering into this Agreement. The parties further acknowledge that any statements or representations that may have heretofore been made by either of them to the other are void and of no effect and that neither of them has relied thereon in connection with his or its dealings with the other.
12. No waiver of modification of this Agreement or of any covenant, condition, or limitation herein contained shall be valid unless in writing and duly executed by the party to be charged therewith.
13. This Agreement and performance hereunder and all suits and special proceedings hereunder shall be construed in accordance with the laws of the State of California. In any action, special proceeding, or other proceedings that may be brought arising out of, in connection with, or by reason of this Agreement, the laws of the State of California shall be applicable and shall govern to the exclusion of the law of any other form. Any legal proceedings or actions arising out of this agreement shall be venued in Humboldt County, California.

Executed at Humboldt County, California, on the date first written below.

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

Chris Mikkelsen, Executive Director

Date

EMPLOYEE

Bryan Robinson

Date

EXHIBIT A

Facilities Coordinator II/III

Job Description

The Facilities Coordinator II/III is a management position and is responsible for work control functions and support related to the safe and efficient operation of facilities operated by the District, which include on-water and upland facilities, industrial and recreational facilities, and emergency services activities. Daily tasks include performing technical and administrative duties in support of our tenants, facility maintenance, construction projects, and all other facility support activities.

Job Duties

- Coordinate workflow, including planning and coordinating manpower, all facility maintenance activities, material, and equipment acquisition, and routinely solve moderately complex technical problems
- Act as a primary point of contact between facility management, service providers, and tenants on day-to-day service needs for all District facilities
- Supervise the facilities team both on-site and in the field
- Coordinate and schedule all facility maintenance activities to meet programmatic requirements
- Provide oversight of emergency services, including oil spill prevention and response, hazardous materials management, and vessel response services
- Coordinate and prioritize multiple concurrent tasks associated with facility-related activities,
- Oversee the procurement, installation, modification, and repair of all facilities improvements
- Conduct facility assessments and inspections for maintenance and risk management needs
- Monitor and respond to facility alarms and emergencies during normal and after-business hours
- Update key plans, report new equipment installation by location, and provide warranty and operation manual information to users and on shared data drive
- Read, update, and catalog technical studies by location and activity
- Prepare and manage annual facilities maintenance budget
- Perform other duties as assigned

Qualifications

- Ability to secure and maintain a U.S. Transportation Workers Identification Card
- Completion of Hazwoper 40 and recurring 8-hour annual refresher

- Associate degree in a technical field or equivalent combination of education and experience, with related experience in the field of facility management.
- Intermediate knowledge of building and utility systems in office, industrial, and marine facilities.
- Working knowledge of industry safety practices and an Injury and Illness Prevention Program
- Experience solving moderately complex technical problems and ability to make decisions, when necessary, with the assistance of established guidelines, techniques, and procedures
- Proficient with computers and standard software such as Microsoft Word, Excel, PowerPoint, Outlook, and web browsers.
- Proficient verbal and written communication skills to communicate effectively and respectfully with co-workers, tenants, and outside agencies and organizations
- Proven interest and ability to acquire new knowledge and skills independently and proactively.

Additional Qualifications for Level III

- Significant experience in facility operational management including leasing plan development and implementation
- Demonstrated proficiency in lease administration, accounting, and collection practices
- Fundamental understanding of the development and implementation of a Capital Improvement Program
- High-level knowledge of building operation and utility systems in office, industrial, and on-water facilities
- Experience reading and interpreting construction plans and utility technical drawings
- High-level knowledge of safety and security practices with a specialized emphasis on hazard-related facilities
- 5 or more years of experience in facility permitting and municipal compliance
- Immense experience initiating and coordinating work orders and diagnosis of maintenance and repair needs
- Significant experience developing recurring and preventive maintenance programs

2024 Salary Range: \$66,645 - \$82,480

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
August 8, 2024

TO: Honorable Board President and Harbor District Board Members

FROM: Rob Holmlund, Development Director

DATE: August 2, 2024

TITLE: Consider Accepting Application for Filing for Harbor District Permit 2024-02: Wadulh Lagoon Tidal Wetland Enhancement Project

STAFF RECOMMENDATION: Staff recommends that the Board: Accept Permit Application 2024-02 for filing.

SUMMARY: The Wadulh Lagoon Tidal Wetland Enhancement Project (Project; Wadulh pronounced “wah-dush”) is intended to restore a diked former agricultural pasture to a combination of estuarine and palustrine wetland habitats, including salt marsh, brackish marsh, mudflat, and subtidal/intertidal eelgrass habitat, while protecting existing forested wetlands to the west.

DISCUSSION:

The Project includes a 54.2-acre Project Area within a 78-acre parcel (APN 506-291-014-000) along the upper western portion of the Mad River Slough on Humboldt Bay, approximately 1.25 miles west of the City of Arcata, in Humboldt County, California (Figure 1. Project Site and Location Map). The Project Area is located on the Wadulh Unit of the Humboldt Bay National Wildlife Refuge (NWR). The Project Applicant is the Humboldt County Resource Conservation District, the parcel is owned by the U.S. Fish and Wildlife Service (USFWS).

Consistent with District Ordinances and the Harbors and Navigation Code, this is a procedural step to accept a permit application to conduct physical improvements within the waters of Humboldt Bay. If the Board chooses to accept the filing of this permit, staff will follow standard procedures to review and evaluate the project. Following that analysis, the project will come before the Board with a staff recommendation for or against approval.

The parcel consisted of tidal wetlands and mudflat prior to its conversion to agricultural land in the 1930’s. Currently the parcel is an abandoned, subsided pasture that is bound on the east side by a failing levee along Mad River Slough, on the west side by dunes and dune forest, on the north by Lanphere Road, and on the south by a vegetated cross levee. The Project’s limits of disturbance (i.e. earthwork) is planned across 28.9 acres, and the completed Project will restore and protect a total of 52 acres of tidal lagoons, intertidal salt and brackish marsh, and freshwater emergent wetlands. The Project will have numerous long-term benefits for climate resiliency, coastal wetlands and associated native species, and sensitive species recovery and result in a mosaic of wetland types as well as a net increase in wetlands.

This Project proposes to modify the current ground contours slightly through the creation of the new tidal lagoon channel and placement of excavated materials in locations and elevations to support establishment of salt marsh habitat. The tidal lagoon channels will be graded to range from approximately -1.5 to 2.0 feet NVD88. Marsh elevations will range up to 8.0 feet. Placement of fill will result in the creation of new upland conditions at the northern cross levee site (the existing southern cross levee will be enhanced). The removal of the existing tide gate (including associated culvert) in the Mad River Slough levee will provide full tidal connectivity between Mad River Slough and the excavated tidal lagoon channel network. Approximately 1,650 linear feet of the Mad River Slough Levee will be lowered from approximately 9 to 13 feet to approximately 7 feet in elevation (NAVD88).

The Project is located approximately 150 feet from mapped occurrences of eelgrass at its closest point. A component of the Project is to create eelgrass habitat, which is anticipated to passively revegetate from natural recruitment of existing eelgrass from within the Mad River Slough. The Project includes placement of fill within the interior of the parcel to create salt marsh ridges, marsh areas, to fill a remnant anthropomorphic ditch, and to construct levees at the northern and southern parcel boundaries to protect neighboring property owners from tidal inundation. This fill will be sourced from the excavated tidal lagoon channels, and from the lowering of the failing Mad River Slough levee. The existing tidegate will be breached at the end of construction to enable tidal influence within the property. No shoreline armoring is proposed, rather shoreline levee removal will occur.

The Project is planned for implementation in summer 2025 and will be constructed in either one or two seasons; and is anticipated to be either entirely completed by October 15, 2025, or would include completion of all internal earthwork by October 15, 2025 with the Mad River Slough levee lowering and tide gate removal and hydrologic interconnectivity (breaching) to occur by October 15, 2026. A California Environmental Quality Act (CEQA) Statutory Exemption for Restoration Projects was processed for this Project pursuant to Public Resources Code Section 21080.56. The applicant is also pursuing permits from other regulatory agencies.

The submitted Wadulh Lagoon Tidal Wetland Enhancement Project Application is available on the Harbor District website: <https://humboldt-bay.org/public-notices-announcements-information>.

Figure 1. Project Site and Location Map

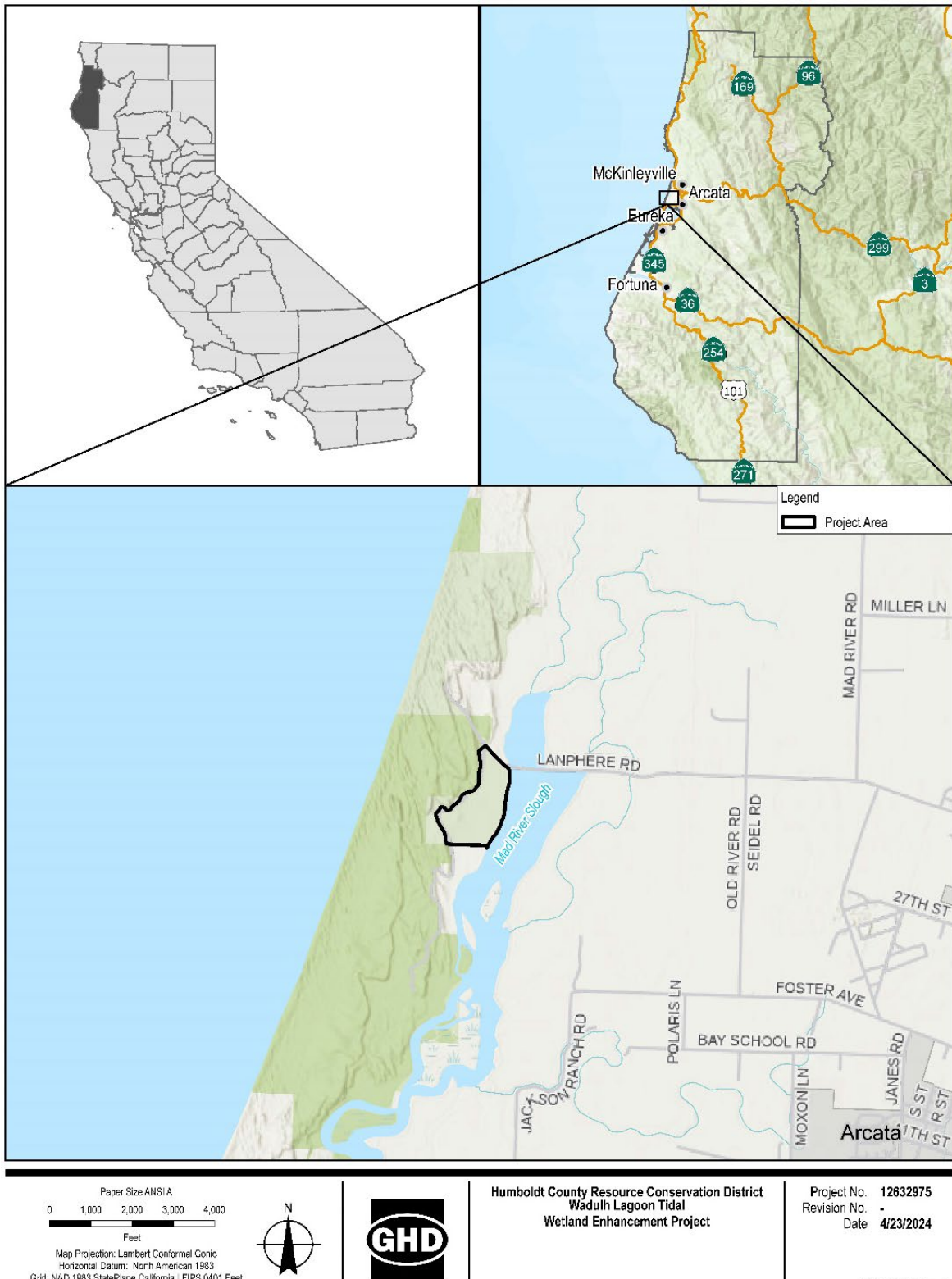
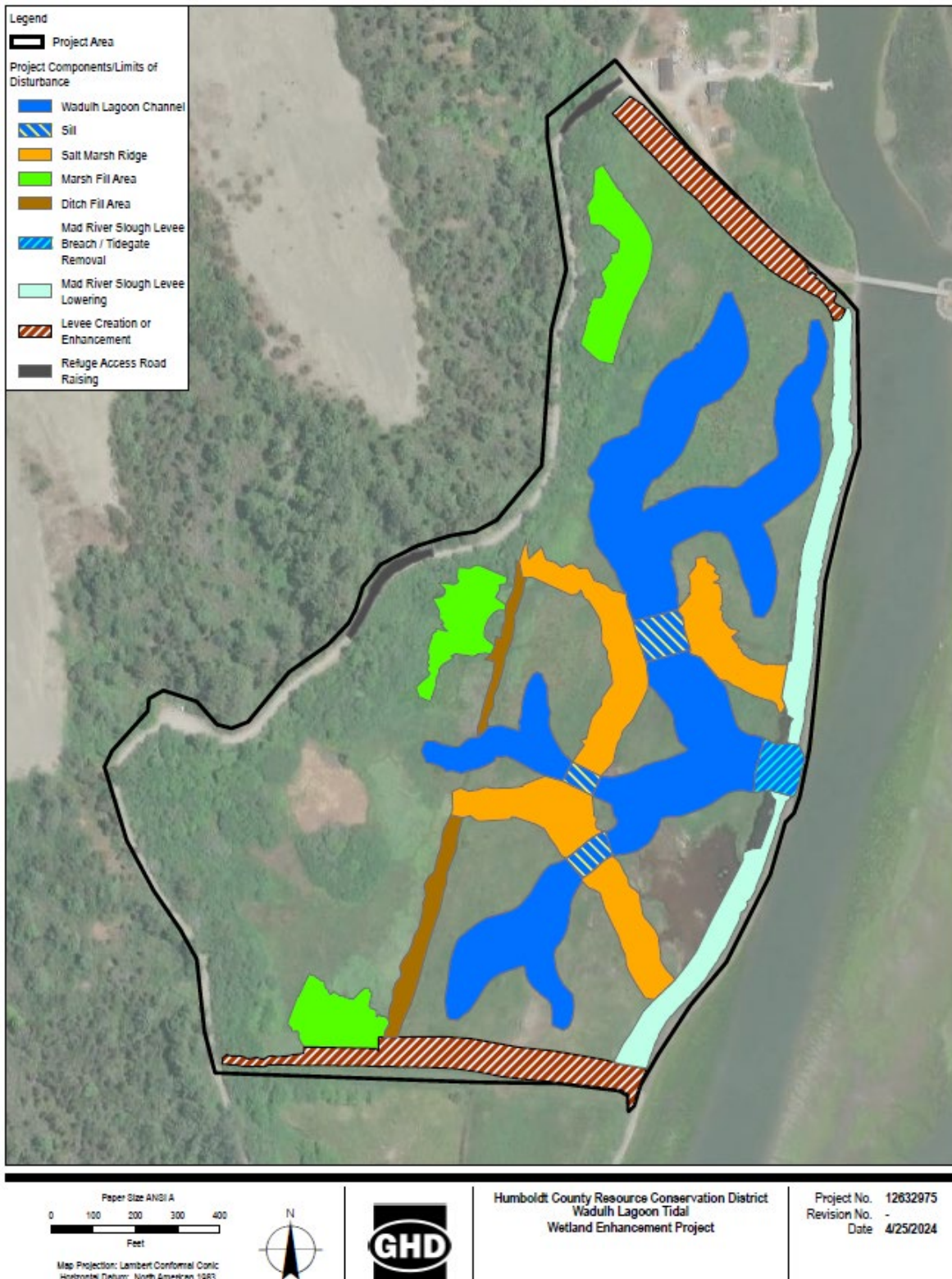


Figure 2. Proposed Project Components



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
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Eureka, California 95502-1030



STAFF REPORT
HARBOR DISTRICT MEETING
August 8, 2024

TO: Honorable Board President and Harbor District Board Members

FROM: Rob Holmlund, Development Director

DATE: August 3, 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 the project schedule, budget, funding opportunities, tasks completed, tasks underway, upcoming tasks, community engagement, and the latest overall project strategy. This report will provide an update for August 2024.

DISCUSSION: The August 2024 monthly update will cover topics such as updates on visual simulations roll-out meetings, upcoming public meetings, and the status of ongoing meetings with Tribes, fishermen, aquaculture tenants, and neighborhood groups. It will also cover the rollout of a Solicitation of Interest and other pertinent project-related items.

COMMISSIONERS

1st Division

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Harbor, Recreation and Conservation District
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STAFF REPORT
HARBOR DISTRICT MEETING
August 8, 2024

TO: Honorable Board President and Harbor District Board Members

FROM: Chris Mikkelsen, Executive Director

DATE: August 5, 2024

TITLE: Amendment No. 4 to Ordinance 8, An Ordinance of the Board of Commissioners Amending the Conflict of Interest Code of the Humboldt Bay Harbor, Recreation and Conservation District

STAFF RECOMMENDATION: Staff recommends that the Board: Amendment No. 4 to Ordinance 8 and consent to read by title only.

SUMMARY: The Political Reform Act requires local government agencies to review their Conflict of Interest code every two years to determine whether revisions are necessary. After review by District Counsel, an amendment was determined necessary.

ATTACHMENTS:

- A. Amendment No. 4 to Ordinance 8
- B. 2024 Biennial Notice for Conflict of Interest Code from the County of Humboldt
- C. Ordinance 8 (including Amendments 1, 2 and 3)

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

AMENDMENT NO. 4 TO ORDINANCE 8

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS AMENDING THE
CONFLICT OF INTEREST CODE OF THE HUMBOLDT BAY HARBOR,
RECREATION, AND CONSERVATION DISTRICT**

RECITALS

WHEREAS, the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District (“District”) passed and adopted District Ordinance No. 8, which established the District’s Conflict of Interest Code in compliance with the Political Reform Act of 1974;

WHEREAS, over time, the Board of Commissioners has amended Ordinance No. 8 by further ordinance; and

WHEREAS, The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations, Section 18730) containing terms of a standard conflict of interest code that may be incorporated by reference into an agency’s conflict of interest code; and

WHEREAS, the Board of Commissioners, by way of this Ordinance, desires to further amend Ordinance No. 8 to incorporate by reference the model ordinance contained in California Code of Regulations, Section 18730.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT DO ORDAIN AS FOLLOWS:

Section 1. Sections 1 through 13, inclusive, of Ordinance No. 8, as amended by Amendment No. 3 to Ordinance No. 8, passed and adopted on October 8, 2020, are deleted in their entirety and replaced with the text set forth in **Exhibit A** hereto and incorporated herein. On and after the Effective Date, **Exhibit A** hereto shall be the Conflict of Interest Code of the District.

Section 2. Publication. The Clerk of the Board shall publish, within 15 days from the passage, at least once in a daily newspaper of general circulation that is printed and published within the District. The publication must also include the names of the members voting for and against.

Section 3. Effective Date. This Ordinance shall be effective upon expiration of 30 days from its publication.

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

**PASSED AND ADOPTED THIS 8th DAY OF AUGUST 2024, BY THE BOARD OF
COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION AND
CONSERVATION DISTRICT BY THE FOLLOWING POLLED VOTE:**

AYES:

NOES:

ABSENT:

ATTEST:

GREG DALE, PRESIDENT
Board of Commissioners

AARON NEWMAN, SECRETARY
Board of Commissioners

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

Exhibit A

CONFLICT OF INTEREST CODE OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

Section 1. Introduction.

In compliance with the Political Reform Act of 1974 ("Act"), California Government Code Section 81000, et seq., and specifically with Section 87300 et seq., the Humboldt Bay Harbor, Recreation, and Conservation District ("District") hereby adopts this Conflict of Interest Code, which shall be applicable to all designated employees of the District. The Fair Political Practices Commission has adopted a regulation, California Code of Regulations, Title 2, Section 18730, which contains the terms of a standard conflict of interest code ("Model Code") for local agencies to adopt. The Model Code may be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to the amendments to the Political Reform Act.

Section 2. Incorporation of the Model Code as the District's Conflict of Interest Code.

The Model Code set forth in Section 18730 of Title 2 of the California Code of Regulations, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference and, along with the attached Appendix A and Appendix B, constitute the conflict of interest code of the Humboldt Bay Harbor, Recreation, and Conservation District. The requirements of this Code are in addition to other requirements of the Act such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to any other state or local laws pertaining to conflicts of interest.

Section 3. Designated Employees; and Disclosure Categories.

The persons holding positions listed in Appendix A are designated positions. It has been determined that these directors, officers and employees make or participate in the making of decisions which may have a foreseeable material effect on financial interests. Each designated position is assigned one or more of the disclosure categories as set forth in Appendix B. It has been determined that the financial interests set forth in a designated position's disclosure category are the types of financial interests which the individual foreseeably can affect materially through the conduct of his or her office. Each person holding a designated position shall file statements of economic interests disclosing his or her financial interests as required by the applicable disclosure category.

Section 4. Disclosure Categories.

This Code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this Code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

B) The disclosure assigned in the code of the other agency is the same as that required under Article 2 of Chapter 7 of the Political Reform Act, Government Code Section 87200; and

C) The filing officer is the same for both agencies. Such persons are covered by this Code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Appendix B specify which kinds of financial interest are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Appendix A. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foresee ably can affect materially through the conduct of his or her office.

Section 5. Statements of Economic Interests; Place of Filing.

All designated positions required to submit a statement of economic interests shall file the original with the President, Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, who shall be the filing officer for all designated employees other than the members of the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District. Upon receipt of the statement of economic interests of the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, the agency shall make and retain a copy and forward the originals of these statements to the Humboldt County, California, Board of Supervisors, who shall be the filing officer, within five days of the filing deadline or five days of receipt in the case of statements filed late.

Section 6. Statements of Economic interests: Time of Filing.

(A) Initial Statements.

All persons holding a designated position on the effective date of this Code, as originally adopted, promulgated and approved by the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, shall file statements within 30 days after the effective date of this Code. Thereafter, each person already in a position when it is designated by an amendment to this Code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements.

All persons assuming designated positions after the effective date of this Code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements.

All persons holding a designated position shall file statements no later than April 1.

(D) Leaving Office Statements.

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 7. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the Code and income received during the 12 months prior to the effective date of the Code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements.

Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the Code or the date of assuming office whichever is later.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the dosing date of the last statement filed and the date of leaving office.

Section 8. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the Humboldt Bay Harbor, Recreation, and Conservation District, and shall contain the following information:

(A) Investments and Real Property Disclosure.

When an investment or an interest in real property is required to be reported, the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

(B) Personal Income Disclosure.

When personal income is required to be reported, the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000), or greater than \$100,000.
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and, the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

Section 9. Prohibition on Receipt of Honoraria.

(A) No member of the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, or designated employee shall accept any honorarium. Subdivisions (a), (b), and (c) of Government Code Section 89501 shall apply to the prohibitions in this section. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section 89506.

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

Section 9.1. Prohibition. on Receipt of Gifts of \$520 or More.

No member of the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, or designated employee shall accept any gifts with a total value of more than five hundred twenty dollars (\$520) in a calendar year from any single source. Subdivision (d) of Government Code Section 89503 shall apply to this section.

Section 10. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating five hundred dollars (\$500) or more in value provided to; received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

Section 10.1 Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

Section 11. Manner of Disqualification.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, this determination and disclosure shall be made part of the agency's official record; in the case of a

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

designated employee who is the President of the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

Section 12. Assistance of the Commission and Counsel.

Any person holding a designated position who is unsure of his or her duties under this Code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the attorney for the District, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

Section 13. Violations.

This Code has the force and effect of law. Designated employees, officers or directors violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this Code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

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

APPENDIX A

<u>Designated Positions</u>	<u>Disclosure Category</u>
Members of the Board of Commissioners, Humboldt Bay Harbor Recreation, and Conservation District	1,2,3,4
Executive Director	1,2,3,4
Deputy Director	1,2,3,4
Director of Facilities Maintenance	1,2,3,4
Director of Administrative Services	1,2,3,4
Director of Development	1,2,3,4
District Counsel	1,2,3,4
District Treasurer	1,2,3,4
District Engineer	1,2,3,4
District Planner	1,2,3,4
Consultants*	1,2,3,4

* Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest category in the code subject to the following limitation:

The Executive Director may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and based upon that description, a statement of the extent of disclosure requirements. The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Appendix B

General Provisions

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

When a designated employee, officer or director is required to disclose investments, sources of income and business positions, he or she need only disclose investments and positions in business entities and sources of income (other than gifts) which do business in the jurisdiction, plan to do business in the jurisdiction or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction. Gifts must be disclosed without regard to the location of the donor. When a designated employee, officer or director is required to disclose interests in real property, he or she need only disclose real property which is located in whole or in part within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the District.

Designated employees, officers or directors shall disclose their financial interests pursuant to the appropriate disclosure categories indicated in Appendix A.

Disclosure Categories

Category 1: Reportable business entity income.

Category 2: Reportable business positions.

Category 3: Interests in real property located within two miles of any land owned
or used by the Humboldt Bay Harbor, Recreation and Conservation District.

Category 4: Reportable personal income.



COUNTY OF HUMBOLDT
Office of Elections & Voter Registration

2426 6th Street
Eureka, CA 95501-0788
707-445-7481
Fax 707-445-7204

RECEIVED

JUN 03 2024

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

TO: Humboldt Bay Harbor Recreation and Conservation District
PO Box 1030
Eureka, CA 95502

FROM: Wojciech Czyz, Administrative Analyst

DATE: May 31, 2024

SUBJECT: 2024 Biennial Notice for Conflict of Interest Code

RESPONSE DEADLINE: AUGUST 5, 2024

The Political Reform Act requires local government agencies to review their Conflict of Interest code every two years and determine if revisions to the code are necessary. Any necessary revisions must be reviewed and approved by the Humboldt County Board of Supervisors. The Office of Elections assists in this process by receiving districts' materials and presenting proposed revisions to Board of Supervisors for approval. **Districts must complete and return the enclosed 2024 Local Agency Biennial Notice form to the Office of Elections no later than August 5, 2024.** Please feel free to contact the Humboldt County Office of Elections at 707-445-7481 with questions.

Required Components for Conflict of Interest Code

A local government agency's Conflict of Interest Code must contain three components: (1) terms of the code; (2) designated positions, and (3) disclosure categories. Each component is briefly defined below. Additional information about required components can be found at the Fair Political Practices Commission (FPPC) website: <https://www.fppc.ca.gov/learn/rules-on-conflict-of-interest-codes.html>

1. Incorporation (Terms of the Code): Terms of the Code include provisions that govern local government agencies' decisions, such as how financial interests are reported and where financial statements are held. The FPPC recommends that agencies incorporate FPPC Regulation 18730 by reference because these terms can be quite complex and Regulation 18730 contains all of these provisions. Regulation 18730 can be found on the FPPC's website at <https://www.fppc.ca.gov/the-law/fppc-regulations/regulations-index.html>
2. List of Designated Positions: A Conflict of Interest Code must list all positions that participate in the decision-making process where financial interests may exist, such as voting, negotiating contracts, or making recommendations on district-related matters.
3. Disclosure categories. Disclosure categories describe different types of financial interests based on job descriptions. Higher-level district positions that have a broader

range of job duties will have increased disclosure requirements compared to district positions with limited job duties.

When Conflict of Interest Code Revisions are Necessary

Step 1: District board reviews its Conflict of Interest Code and determines revisions **are** necessary because of changes in state law or district circumstances (see **Attachment 1:** Should You Amend Your Agency's Conflict of Interest Code?).

Step 2: District board drafts proposed revisions to its Conflict of Interest Code (see **Attachment 2:** Conflict of Interest Code Changes). Contact the Office of Elections for additional information about how the changes should be presented for review.

Step 3: District board completes biennial notice form.

Step 4: District board returns biennial notice form and proposed code revisions to the Office of Elections.

NOTE: Revisions to a district's Conflict of Interest Code do not go into effect until they have been approved by the Humboldt County Board of Supervisors.

When Conflict of Interest Code Revisions are NOT Necessary

Step 1: District board reviews its Conflict of Interest Code and determines no changes are necessary (see **Attachment 1:** Should You Amend Your Agency's Conflict of Interest Code?).

Step 2: District board completes biennial notice form

Step 3: District board returns biennial notice form to the Office of Elections.

Enclosed:

2024 Local Agency Biennial Notice

Attachment 1: Should You Amend Your Agency's Conflict of Interest Code?

Attachment 2: Conflict of Interest Code Changes

2024 Local Agency Biennial Notice

Name of Agency: Humboldt Bay Harbor, Recreation & Conservation District

Mailing Address: Po Box 1030, Eureka, Ca 95502-1030

Contact Person: Mindy Hiley Phone No. (707) 443-0801

Email: mhiley@humboldtbay.org Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (check one BOX):

An amendment is required. The following amendments are necessary:

(Check all that apply.)

- Include new positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- Other (describe) _____

The code is currently under review by the code reviewing body.

No amendment is required. (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Chris Mikkel

Signature of Chief Executive Officer

8/05/2024

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **August 5, 2024** to:

**Humboldt County Office of Elections
Attn: Wojciech Czyz
2426 6th Street, Eureka, CA 95501**

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.



CALIFORNIA Fair Political Practices Commission

Should you Amend Your Agency's Conflict of Interest Code?

A local agency's conflict of interest code must reflect the current structure of the organization and properly identify officials and employees who should be filing Statements of Economic Interests ([Form 700](#)). A code tells public officials, governmental employees, and consultants what financial interests must be disclosed on the Form 700. It helps provide transparency in local government as required under the Political Reform Act.

Biennial Review of Conflict of Interest Codes

To ensure conflict of interest codes remain current and accurate, each local agency is required to review its code at least every even-numbered year. The agency should receive a Biennial Notice as a reminder of this obligation from its code reviewing body.

The Local Agency Biennial Notice is not forwarded to the FPPC.

The County Board of Supervisors is the code reviewing body for county agencies and the code reviewing body for city agencies is the City Council.

When determining whether to amend, an agency should carefully review its current conflict of interest code and consider the following:

- Is the current code more than five years old?
- Have there been any substantial changes to the agency's organizational structure since the current code was adopted?
- Have any positions been eliminated or renamed since the current code was adopted?
- Have any new positions been added since the current code was adopted?
- Have there been any substantial changes in duties or responsibilities for any positions since the current code was adopted?

The resources [on the FPPC website](#) provide guidance to local agencies about amending codes. The information is categorized based on the jurisdiction of the agency. If you answered yes to any of the above questions, your agency's conflict of interest code will likely need to be amended. Each district must complete the enclosed Biennial Notice and return it to their reviewing body. The code reviewing body will provide further instructions on the code amendment and approval process.

Statutory Authority

Government Code Sections 87302, 87302.6, 87303, 87306, 87306.5, 87307, 87309, 87310, 87311, and 87314.

CONFLICT OF INTEREST CODE CHANGES

MATERIALS NEEDED FROM AGENCY MAKING A CHANGE

- Send the Elections Office the entire code showing amendments in ~~strikeout~~ (of old text) and underscore (of new text) format
- In a transmittal letter, discuss areas of change and manner of resolution. Please include
 - Written explanation of all changes
 - Duty statements of newly-designated positions
 - Organization chart of agency
 - Declaration of agency CEO or Board President
 - Minutes of a recent meeting (to show who is involved in decisions)
 - A list of all boards and commissions within the agency, if applicable

STRIKEOUT/UNDERScore AND WRITTEN EXPLANATION EXAMPLE

A.	Outreach Services Community Services	
	1. Community Services Director	2
	2. <u>Community Services Manager</u>	3
	2. Community Services Assistant Manager	3
	3. Cultural Services Manager	4
	4. Senior Recreation Supervisor	4

Comments:

Outreach Services become Community Services.

The Community Services Assistant Manager was reclassified to Community Services Manager.

ORDINANCE NO. 8

ORDINANCE TO ESTABLISH CONFLICT OF INTEREST CODE
FOR THE HUMBOLDT BAY HARBOR,
RECREATION AND CONSERVATION DISTRICT,
A PUBLIC ENTITY

1122 Fifth Street
P.O. Box 134
Eureka, CA 95501

THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION,
AND CONSERVATION DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Introduction.

In compliance with the Political Reform Act of 1974, California Government Code Section 81000, et seq., and specifically with Section 87300 et seq. and Hays v. Wood, 25 Cal 3d 772, the Humboldt Bay Harbor, Recreation and Conservation District hereby adopts this Conflict of Interest Code which shall be applicable to all designated employees of the agency. The requirements of this Code are in addition to other requirements of the Act such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to any other state or local laws pertaining to conflicts of interest.

Section 2. Definition of Terms.

The definitions contained in the Political Reform Act of 1974, the regulations of the Fair Political Practices Commission (2 Cal. Adm. Code Sections 18100 et seq.), Hays v. Wood, 25 Cal. 3d 772, and any amendments to the Act or regulations, are incorporated by reference into this Conflict of Interest Code.

Section 3. Designated Employees.

The persons holding positions listed in Appendix A are designated employees. It has been determined that these officers and employees make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

Section 4. Disclosure Statements.

A designated employee shall be assigned one or more of the disclosure categories set forth in Appendix B. It has been determined that the financial interests set forth in a designated employee's disclosure category are the types of financial interests which he or she foreseeably can affect materially through the conduct of his or her office. Each designated employee shall file statements of economic interests disclosing his or her financial interests as required by the applicable disclosure category.

Section 5. Place of Filing.

All designated employees required to submit a statement of economic interests shall file the original with the President, Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, who shall be the filing officer for all designated employees other than the members of the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District.

Upon receipt of the statement of economic interests of the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, the agency shall make and retain a copy and forward the originals of these statements to the Humboldt County, California, Board of Supervisors, who shall be the filing officer, within five days of the filing deadline or five days of receipt in the case of statements filed late.

Section 6. Time of Filing.

(a) Initial Statements. All designated employees employed by the agency on the effective date of this Code shall file statements within thirty days after the effective date of this Code.

(b) Assuming Office Statements.

(1) All persons assuming designated positions after the effective date of this Code which are civil service/merit system positions, shall file statements within thirty days after assuming the designated positions.

(2) All other persons appointed, promoted or transferred to designated positions after the effective date of the Code, shall file statements within ten days after assuming office, or if subject to confirmation, ten days after being nominated or appointed.

(c) Annual Statements. All designated employees shall file statements no later than February 15.

(d) Leaving Office Statements. All persons who leave designated positions shall file statements within thirty days after leaving office.

Section 7. Contents of Statements.

(a) Contents of Initial Statements. Initial statements shall disclose any reportable investments and interests in real property held on the effective date of the Code.

(b) Assuming Office Statements. Assuming office statements shall disclose any reportable investments and interests in real property held on the date of assuming office.

(c) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, and income held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the Code or the date of assuming office whichever is later.

(d) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, and income held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 8. Manner of Reporting.

Disclosure statements shall be made on forms supplied by the Humboldt Bay Harbor, Recreation, and Conservation District, and shall contain the following information:

(a) Contents of Investment and Real Property Reports.

When an investment or interest in real property is required to be reported, the statement shall contain the following:

(1) A statement of the nature of the investment or interest;

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business activity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(b) Contents of Personal Income Reports.

When personal income is required to be reported, the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or twenty-five dollars (\$25) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address of the donor, a description of the gift, the amount or value of the gift, and the date on which the gift was received.

(c) Contents of Business Entity Income Reports.

When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) In the case of a business entity, the name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(d) Contents of Management Position Reports.

When management positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any

position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(e) Acquisition or Disposal During Reporting Period.

In the case of an annual or leaving office statement, if an investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

Section 9. Disqualification.

Designated employees must disqualify themselves from making, participating in the making or using their official positions to influence the making of any governmental decision which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on:

(a) Any business entity in which the designated employee has a direct or indirect investment worth more than one thousand dollars (\$1,000);

(b) Any real property in which the designated employee has a direct or indirect interest worth more than one thousand dollars (\$1,000);

(c) Any source of income, other than loans by a commercial lending institution in the regular course of business, aggregating two hundred fifty dollars (\$250) or more in value received by or promised to the designated employee within twelve months prior to the time when the decision is made; or

(d) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. (The fact that a designated employee's vote is needed to break a tie does not make his or her participation legally required for purposes of this section.)

Section 10. Manner of Disqualification.

A designated employee required to disqualify himself or herself shall notify his or her supervisor in writing. This

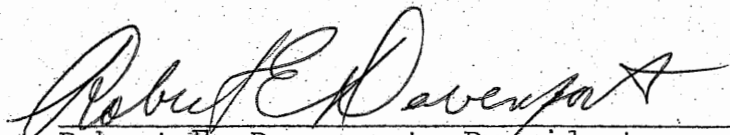
notice shall be forwarded to the President, Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, who shall record the employee's disqualification. Upon receipt of such statement, the supervisor shall reassign the matter to another employee. In the case of a designated employee who is a board member or commissioner, notice of disqualification shall be given at the meeting during which consideration of the decision takes place and shall be made part of the official record of the board or commission.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS
OF THE HUMBOLDT BAY HARBOR, RECREATION, AND
CONSERVATION DISTRICT ON THE 24th DAY OF APRIL,
1980, BY THE FOLLOWING POLLED VOTE:


AYES: 4

NAYES: 1

ABSENT:


Robert E. Davenport, President,
Board of Commissioners,
Humboldt Bay Harbor, Recreation,
and Conservation District

ATTEST:


Anna L. Sparks, Secretary

APPENDIX A

Designated Positions

Disclosure Category

Members of the Board of Commissioners,
Humboldt Bay Harbor, Recreation, and
Conservation District

1, 2, 3, 4, 5, 6

Chief Executive Officer

1, 2, 3, 4, 5, 6

Attorney

1, 2, 3, 4, 5, 6

Treasurer

1, 2, 3, 4, 5, 6

Chief Engineer

1, 2, 3, 4, 5, 6

Planner

1, 2, 3, 4, 5, 6

APPENDIX B

General Provisions

When a designated employee is required to disclose investments and sources of income, he need only disclose investments in business entities and sources of income which do business in the jurisdiction, plan to do business in the jurisdiction or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction. When a designated employee is required to disclose interests in real property, he need only disclose real property which is located in whole or in part within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency.

Designated employees shall disclose their financial interests pursuant to the appropriate disclosure category as indicated in Appendix A.

Disclosure Categories

- Category 1: All investments and sources of income as required in Section 8(a), 8(b) and 8(c) above.
- Category 2: All interests in real property as required in Section 8(a) above.
- Category 3: All investments, interests in real property and sources of income subject to the regulatory, permit or licensing authority of the department.
- Category 4: Investments in business entities and sources of income which engage in land development, construction or the acquisition or sale of real property.
- Category 5: Interests in real property located within two miles of any land owned or used by the Humboldt Bay Harbor, Recreation, and Conservation District.
- Category 6: Investments in business entities and sources of income of the type which, within the past two years, have contracted with the Humboldt Bay Harbor, Recreation and Conservation District to provide services, supplies, materials, machinery or equipment.

HUMBOLDT BAY HARBOR, RECREATION,
AND CONSERVATION DISTRICT

. . .

AMENDMENT NO. 1 TO ORDINANCE NO. 8

AMENDMENT TO ORDINANCE ESTABLISHING A CONFLICT
OF INTEREST CODE FOR THE HUMBOLDT BAY HARBOR,
RECREATION AND CONSERVATION DISTRICT, A PUBLIC ENTITY.

THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION,
AND CONSERVATION DISTRICT DOES HEREBY AMEND SECTION 2. DEFINITION
OF TERMS OF ORDINANCE NO. 8 TO READ AS FOLLOWS:

The definitions contained in the Political Reform Act of 1974, the
regulations of the Fair Political Practices Commission (Title 2,
California Code of Regulations, Sections 18100 et seq.), Hays v.
Wood, 25 Cal. 3d 772, and any amendments to the Act or regulations,
are incorporated by reference into this Conflict of Interest Code.

THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION,
AND CONSERVATION DISTRICT DOES HEREBY ADD TO APPENDIX A THE
FOLLOWING:

Designated Positions

Disclosure Categories

Consultants*

* Consultants shall be included in the list of
designated employees and shall disclose pursuant
to the broadest category in the code subject to
the following limitation:

The Chief Executive Officer may determine in
writing that a particular consultant, although a
"designated position," is hired to perform a range
of duties that is limited in scope and thus is not
required to fully comply with the disclosure re-
quirements described in this section. Such written
determination shall include a description of the
consultant's duties and, based upon that descrip-
tion, a statement of the extent of disclosure re-
quirements. The Chief Executive Officer's deter-
mination is a public record and shall be retained
for public inspection in the same manner and loca-
tion as this conflict of interest code."

LASTLY, THE BOARD OF COMMISSIONERS ADDS TO APPENDIX B THE FOLLOWING WORDING:

Disclosure Categories

Category 7: Consultant*

* Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest category in the code subject to the following limitation:

The Chief Executive Officer may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chief Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code."

PASSED AND ADOPTED THIS 22ND DAY OF SEPTEMBER, 1994, BY THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT BY THE FOLLOWING POLLED VOTE:

AYES: COMMISSIONER DAVENPORT, COMMISSIONER CURLESS, COMMISSIONER FREDERICK, COMMISSIONER HUNTER, COMMISSIONER OLLIVIER

NOES:

ABSENT:


CHARLES L. OLLIVIER, President
Board of Commissioners

ATTEST:


DENNIS G. HUNTER, Secretary
Board of Commissioners

HUMBOLDT BAY HARBOR, RECREATION,
AND CONSERVATION DISTRICT

...

AMENDMENT NO. 2 TO ORDINANCE NO. 8

AMENDMENT TO ORDINANCE ESTABLISHING A CONFLICT
OF INTEREST CODE FOR THE HUMBOLDT BAY HARBOR,
RECREATION AND CONSERVATION DISTRICT, A PUBLIC ENTITY.

THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION,
AND CONSERVATION DISTRICT DOES HEREBY AMEND ORDINANCE NO. 8 TO READ
AS FOLLOWS:

Section 1. Introduction.

In compliance with the Political Reform Act of 1974, California Government Code Section 81000, et seq., and specifically with Section 87300 et seq., the Humboldt Bay Harbor, Recreation, and Conservation District hereby amends this Conflict of Interest Code which shall be applicable to all designated employees of the agency. The requirements of this Code are in addition to other requirements of the Act such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to any other state or local laws pertaining to conflicts of interest.

Section 2. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. Sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this Conflict of Interest Code.

Section 3. Designated Employees.

The persons holding positions listed in Appendix A are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

Section 4. Disclosure Categories.

This Code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are

designated in this Code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

- A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;
- B) The disclosure assigned in the code of the other agency is the same as that required under Article 2 of Chapter 7 of the Political Reform Act, Government Code Section 87200; and
- C) The filing officer is the same for both agencies.

Such persons are covered by this Code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Appendix B specify which kinds of financial interest are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Appendix A. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

Section 5. Statements of Economic Interests: Place of Filing.

All designated employees required to submit a statement of economic interests shall file the original with the President, Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, who shall be the filing officer for all designated employees other than the members of the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District.

Upon receipt of the statement of economic interests of the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, the agency shall make and retain a copy and forward the originals of these statements to the Humboldt County, California, Board of Supervisors, who shall be the filing officer, within five days of the filing deadline or five days of receipt in the case of statements filed late.

Section 6. Statements of Economic Interests: Time of Filing.

(A) Initial Statements.

All designated employees employed by the agency on the effective date of this Code, as originally adopted, promulgated and approved by the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, shall file statements within 30 days after the effective date of this Code. Thereafter, each person already in a position when it is designated by an amendment to this Code shall file an initial statement within 30 days after the effective date of the amendment:

(B) Assuming Office Statements.

All persons assuming designated positions after the effective date of this Code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements.

All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements.

All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 6.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

Section 7. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the Code and income received during the 12 months prior to the effective date of the Code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements.

Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the Code or the date of assuming office whichever is later.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 8. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the Humboldt Bay Harbor, Recreation, and Conservation District, and shall contain the following information:

(A) Investments and Real Property Disclosure.

When an investment or an interest in real property is required to be reported, the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

3. The address or other precise location of the real property;

4. A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure.

When personal income is required to be reported, the statement shall contain:

1. The name and address of each source of income aggregating two hundred fifty dollars (\$250) or more in value or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure.

When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure.

When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period.

In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

Section 9. Prohibition on Receipt of Honoraria.

(A) No member of the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, or designated employee shall accept any honorarium.

Subdivisions (b), (c), and (e) of Government Code Section 89502 shall apply to the prohibitions in this section. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section 89506.

Section 9.1. Prohibition on Receipt of Gifts of \$280 or More.

(A) No member of the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, or designated employee shall accept any gifts with a total value of more than two hundred eighty dollars (\$280) in a calendar year from any single source.

Subdivision (d) of Government Code Section 89504 shall apply to this section.

Section 10. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred and eighty dollars (\$280) or more in value provided to; received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

Section 10.3 Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

Section 11. Manner of Disqualification.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the President of the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

Section 12. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this Code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the attorney for the Humboldt Bay Harbor, Recreation, and Conservation District, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

Section 13. Violations.

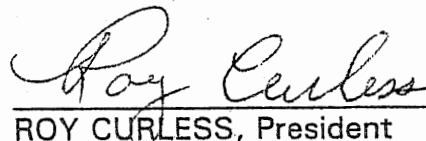
This Code has the force and effect of law. Designated employees violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this Code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

Passed and adopted this 26th day of October, 1995, by the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District by the following poll votes:

AYES: COMMISSIONER DAVENPORT, COMMISSIONER CURLESS, COMMISSIONER FREDERICK, COMMISSIONER HUNTER, COMMISSIONER OLLIVIER

NAYES:

ABSENT:



ROY CURLESS, President
BOARD OF COMMISSIONERS,
HUMBOLDT BAY HARBOR, RECREATION,
AND CONSERVATION DISTRICT

ATTEST:



John Frederick, Secretary
Board of Commissioners

APPENDIX A

<u>Designated Positions</u>	<u>Disclosure Category</u>
Members of the Board of Commissioners, Humboldt Bay Harbor Recreation, and Conservation District	1, 2, 3, 4, 5, 6
Chief Executive Officer	1, 2, 3, 4, 5, 6
Attorney	1, 2, 3, 4, 5, 6
Treasurer	1, 2, 3, 4, 5, 6
Chief Engineer	1, 2, 3, 4, 5, 6
Planner	1, 2, 3, 4, 5, 6
Consultants*	

* Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest category in the code subject to the following limitation:

The Chief Executive Officer may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chief Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

APPENDIX B

General Provisions

When a designated employee is required to disclose investments and sources of income, he need only disclose investments in business entities and sources of income which do business in the jurisdiction, plan to do business in the jurisdiction or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction. When a designated employee is required to disclose interests in real property, he need only disclose real property which is located in whole or in part within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency.

Designated employees shall disclose their financial interests pursuant to the appropriate disclosure category as indicated in Appendix A.

Disclosure Categories

- Category 1: All investments and sources of income as required in Section 8(a), 8(b), and 8(c) above.
- Category 2: All interests in real property as required in Section 8(a) above.
- Category 3: All investments, interests in real property and sources of income subject to the regulatory, permit or licensing authority of the department.
- Category 4: Investments in business entities and sources of income which engage in land development, construction or the acquisition or sale of real property.
- Category 5: Interests in real property located within two miles of any land owned or used by the Humboldt Bay Harbor, Recreation, and Conservation District.
- Category 6: Investments in business entities and sources of income of the type which, within the past two years, have contracted with the Humboldt Bay Harbor, Recreation, and Conservation District to provide services, supplies, materials, machinery or equipment.
- Category 7: Consultant*

* Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest category in the code subject to the following limitation:

The Chief Executive Officer may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chief Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

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

AMENDMENT NO. 3 TO ORDINANCE 8

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS AMENDING THE
CONFLICT OF INTEREST CODE OF THE HUMBOLDT BAY HARBOR,
RECREATION, AND CONSERVATION DISTRICT**

RECITALS

WHEREAS, the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District ("District") passed and adopted District Ordinance No. 8, which established the District's Conflict of Interest Code in compliance with the Political Reform Act of 1974;

WHEREAS, over time, the Board of Commissioners has amended Ordinance No. 8 by further ordinance; and

WHEREAS, The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations, Section 18730) containing terms of a standard conflict of interest code that may be incorporated by reference into an agency's conflict of interest code; and

WHEREAS, the Board of Commissioners, by way of this Ordinance, desires to further amend Ordinance No. 8 to incorporate by reference the model ordinance contained in California Code of Regulations, Section 18730.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT DO ORDAIN AS FOLLOWS:

Section 1. Sections 1 through 13, inclusive, of Ordinance No. 8, as amended by Amendment No. 2 to Ordinance No. 8, passed and adopted on October 26, 1995, are deleted in their entirety and replaced with the text set forth in **Exhibit A** hereto and incorporated herein. On and after the Effective Date, **Exhibit A** hereto shall be the Conflict of Interest Code of the District.

Section 2. Publication. The Clerk of the Board shall publish, within 15 days from the passage, at least once in a daily newspaper of general circulation that is printed and published within the District. The publication must also include the names of the members voting for and against.

Section 3. Effective Date. This Ordinance shall be effective upon expiration of 30 days from its publication.

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

**PASSED AND ADOPTED THIS 8th DAY OF OCTOBER 2020 BY THE BOARD OF
COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION AND
CONSERVATION DISTRICT BY THE FOLLOWING POLLED VOTE:**

AYES: DALE, DOSS, HIGGINS, KULLMANN, MARKS

NOES: NONE

ABSENT: NONE



**STEPHEN KULLMANN, PRESIDENT
Board of Commissioners**

ATTEST:



**PATRICK HIGGINS, SECRETARY
Board of Commissioners**

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

Exhibit A

CONFLICT OF INTEREST CODE OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

Section 1. Introduction.

In compliance with the Political Reform Act of 1974 ("Act"), California Government Code Section 81000, et seq., and specifically with Section 87300 et seq., the Humboldt Bay Harbor, Recreation, and Conservation District ("District") hereby adopts this Conflict of Interest Code, which shall be applicable to all designated employees of the District. The Fair Political Practices Commission has adopted a regulation, California Code of Regulations, Title 2, Section 18730, which contains the terms of a standard conflict of interest code ("Model Code") for local agencies to adopt. The Model Code may be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to the amendments to the Political Reform Act.

Section 2. Incorporation of the Model Code as the District's Conflict of Interest Code.

The Model Code set forth in Section 18730 of Title 2 of the California Code of Regulations, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference and, along with the attached **Appendix A** and **Appendix B**, constitute the conflict of interest code of the Humboldt Bay Harbor, Recreation, and Conservation District. The requirements of this Code are in addition to other requirements of the Act such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to any other state or local laws pertaining to conflicts of interest.

Section 3. Designated Employees; and Disclosure Categories.

The persons holding positions listed in **Appendix A** are designated positions. It has been determined that these directors, officers and employees make or participate in the making of decisions which may have a foreseeable material effect on financial interests. Each designated position is assigned one or more of the disclosure categories as set forth in **Appendix B**. It has been determined that the financial interests set forth in a designated position's disclosure category are the types of financial interests which the individual foreseeably can affect materially through the conduct of his or her office. Each person holding a designated position shall file statements of economic interests disclosing his or her financial interests as required by the applicable disclosure category.

Section 5. Statements of Economic Interests; Place of Filing.

All designated positions required to submit a statement of economic interests shall file the original with the President, Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, who shall be the filing officer for all designated employees other than the members of the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District.

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Upon receipt of the statement of economic interests of the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, the agency shall make and retain a copy and forward the originals of these statements to the Humboldt County, California, Board of Supervisors, who shall be the filing officer, within five days of the filing deadline or five days of receipt in the case of statements filed late.

Section 6. Statements of Economic interests: Time of Filing.

(A) Initial Statements.

All persons holding a designated position on the effective date of this Code, as originally adopted, promulgated and approved by the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, shall file statements within 30 days after the effective date of this Code. Thereafter, each person already in a position when it is designated by an amendment to this Code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements.

All persons assuming designated positions after the effective date of this Code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements.

All persons holding a designated position shall file statements no later than April 1.

(D) Leaving Office Statements.

All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 12. Assistance of the Commission and Counsel.

Any person holding a designated position who is unsure of his or her duties under this Code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the attorney for the District, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

Section 13. Violations.

This Code has the force and effect of law. Designated employees, officers or directors violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in

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relation to which a violation of the disqualification provisions of this Code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

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APPENDIX A

Designated Positions

Disclosure Category

Members of the Board of Commissioners, Humboldt Bay Harbor Recreation, and Conservation District	1, 2, 3, 4
Executive Director	1, 2, 3, 4
Deputy Director	1, 2, 3, 4
Director of Facilities Maintenance	1, 2, 3, 4
Director of Administrative Services	1, 2, 3, 4
District Counsel	1, 2, 3, 4
District Treasurer	1, 2, 3, 4
District Engineer	1, 2, 3, 4
District Planner	1, 2, 3, 4

Consultants*

* Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest category in the code subject to the following limitation:

The Executive Director may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

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Appendix B

General Provisions

When a designated employee, officer or director is required to disclose investments, sources of income and business positions, he or she need only disclose investments and positions in business entities and sources of income (other than gifts) which do business in the jurisdiction, plan to do business in the jurisdiction or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction. Gifts must be disclosed without regard to the location of the donor. When a designated employee, officer or director is required to disclose interests in real property, he or she need only disclose real property which is located in whole or in part within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the District.

Designated employees, officers or directors shall disclose their financial interests pursuant to the appropriate disclosure categories indicated in **Appendix A**.

Disclosure Categories

- Category 1: Reportable business entity income.
- Category 2: Reportable business positions.
- Category 3: Interests in real property located within two miles of any land owned or used by the Humboldt Bay Harbor, Recreation and Conservation District.
- Category 4: Reportable personal income.