

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

DATE: **October 12, 2023**

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) Public Employee Evaluation: Executive Director**
- b) Public Employee Evaluation: Development Director**
- c) Public Employee Evaluation: Director of Administrative Services**

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- d) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Property: All or Portions of Humboldt County Assessor Parcel Nos.: 401-112-024-000, 401-031-040-000, 401-031-078-000, and 401-031-083-000, and portions of the tidelands along the Samoa Peninsula adjacent to Redwood Marine Terminal I. Agency negotiator: Larry Oetker, Executive Director; Ryan Plotz, District Counsel. Negotiating parties: Crowley Wind Services, Inc. Under negotiation: price and terms of payment.
- e) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential acquisition and/or lease of real property on the Samoa Peninsula, Humboldt County, with Assessor's Parcel Numbers, 401-112-021 and 401-112-024 California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Humboldt Bay Development Association (Non-Profit Organization). 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. Report on Closed Session

7. Public Comment

*Note: This portion of the Agenda allows the public to speak to the Board on the **various issues NOT itemized on this Agenda.** A member of the public may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to the Brown Act, the Board may not take action on any item that does not appear on the Agenda. Each speaker is limited to speak for a period of three (3) minutes regarding each item on the Agenda. Each speaker is limited to speak for a period of three (3) minutes during the PUBLIC COMMENT portion of the Agenda regarding items of special interest to the public NOT appearing on the Agenda that are within the subject matter jurisdiction of the Board of Commissioners. The three (3) minute time limit may not be transferred to other speakers. The three (3) minute time limit for each speaker may be extended by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District.*

8. Consent Calendar

- a) Adopt Minutes for September 14, 2023 Regular Board Meeting
- b) Receive District Financial Reports for July 2023
- c) Review and Approve a Lease Agreement with the United States Army Corps of Engineers at Woodley Island
- d) Consider Accepting Application for Filing for Harbor District Permit 2023-06: City of Eureka Flood Reduction and Sea Level Rise Resiliency Project
- e) Approve First Amendment to Employment Agreement for Director of Administrative Services

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- f) Approve First Amendment to Employment Agreement for Director of Development
- g) Approve Third Amendment to Employment Agreement for Executive Director

9. 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

10. Unfinished Business

- a) **Consider Adopting Resolution No. 2023-18 Amending the Salary Schedule for Middle-Management Unclassified Employees of the Humboldt Bay Harbor, Recreation and Conservation**

Recommendation: Staff recommends that the Board adopt Resolution 2023-18, A Resolution Amending the Salary Schedule for Middle-Management Unclassified Employees.

Summary: In September 2023, the Board of Commissioners approved a Collective Bargaining Agreement establishing a 3-year wage increase for all classified employees. The purpose of this resolution is to increase the salaries of middle management, unclassified employees on the same schedule.

11. New Business

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

Recommendation: Receive report and provide direction.

Summary: The District is actively working to develop a Heavy Lift Multipurpose Terminal to support the offshore wind industry. The District has expended a \$570,000 grant from the State Lands Commission, is in the process of expending a \$10.45M grant from the California Energy Commission, has submitted a \$8,672,986 PIDP grant application to the Federal Maritime Administration (MARAD), and has submitted a \$426,719,810 MPDG grant application (also known as "MEGA grant") to the Federal Department of Transportation. Per the current project schedule, project permitting is scheduled to be completed in early-2025 and construction is scheduled to begin in mid-2026. This report will provide an update on project schedule, budget, tasks completed, tasks underway, upcoming tasks, and the latest overall project strategy.

b) Consider Approval of Cooperative Agreement with Caltrans to Jointly Develop an Eelgrass Master Mitigation Project

Recommendation: 1) Approve the Eelgrass Master Mitigation Project (Project) Cooperative Agreement with Caltrans; 2) Authorize the Harbor District Council to make nonmaterial amendments to the Agreement as may be required by Caltrans; 3) Authorize the Executive Director to execute the amendment and contracts based on these terms; and 4) Direct staff to bring the final agreement back to the Board for public disclosure.

Summary: Caltrans and District staff developed a Cooperative Agreement that outlines terms and conditions for the District to manage the special studies needed to complete permitting and design for a Master Eelgrass Mitigation Project. The mitigation project is intended to mitigate two development projects being pursued by Caltrans and several other development projects pursued by the Harbor District. The Agreement states that Caltrans will fund these Phase 1 special studies in exchange for the right to utilize a portion of the overall eelgrass mitigation project on District-controlled property. The Agreement also explicitly allows for amendments so that the agreement will eventually include permitting, design, and construction.

c) Review and Approve an Agreement to Stay Loan and Rent Payment Obligations Between the Harbor District and the Humboldt Bay Development Association, Related to the Chase Community Capital New Market Tax Credit Loan

Recommendation: Staff recommends the Board: Review, approve, and authorize the execution of an Agreement to Stay Loan Payments related to the New Market Tax Credit Exit Agreement dated March 10, 2023, and the Fund Interest Purchase Agreement dated March 10, 2023.

Summary: In March of 2016, the Humboldt Bay Harbor District, (District), in partnership with the Humboldt Bay Development Association, (HBDA), invested in and entered into a New Market Tax Credit (NMTC) loan fund for ongoing site clean-up and capital improvements of the vacant former Evergreen Pulp Mill. Such an agreement required the District and HBDA to enter into certain credit and lease agreements to carry out the intended improvements.

12. Future Agenda Items

13. Adjournment