

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

August 10, 2023

The Humboldt Bay Harbor, Recreation and Conservation District met in regular session on the above date, Closed Session met at 4:00 P.M., Regular Session met at 6:00 P.M. at the Wharfinger Building, #1 Marina Way, Eureka, CA 95501.

CLOSED SESSION – 4:00 P.M.

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

BUSINESS

a) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 364 Vance Avenue, Samoa, Humboldt County APN 401-112-021-000; and APN 401-112-024-000. Agency negotiator: Larry Oetker, Executive Director; Ryan Plotz, District Counsel. Negotiating parties: Humboldt Bay Development Association.
Under negotiation: price and terms of payment

b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Executive Director

c) PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Deputy Director

d) PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Director of Administrative Services

e) PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Development Director

f) CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Larry Oetker, Executive Director; Ryan Plotz, District Counsel
Unrepresented employee: Deputy Director

REGULAR SESSION – 6:10 P.M.

ROLL CALL

PRESENT: BENSON
DALE
KULLMANN
HIGGINS
NEWMAN

Adopted Minutes for August 10, 2023 Regular Board Meeting

ABSENT: NONE
QUORUM: YES

PLEDGE OF ALLEGIENCE

REPORT ON SPECIAL CLOSED SESSION: No reportable action.

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 July 13, 2023 Regular Board Meeting
- b) Adopt Minutes for July 27, 2023 Special Board Meeting
- c) Approve Employment Contract Renewal for Director of Administrative Services
- d) Approve Employment Contract Renewal Marina Manager
- e) Consider Approving a Contract Amendment with Redwood Community Action Agency in the Amount of \$119,392 with a contingency of up to 10% for an expanded Scope of Services for the Samoa Peninsula Beautification Project

COMMISSIONER KULLMANN MOVED TO ACCEPT CONSENT CALENDAR ITEMS A-E.

COMMISSIONER HIGGINS SECONDED.

VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: BENSON, DALE, HIGGINS, KULLMANN, NEWMAN

Noes: NONE

Absent: NONE

Abstain: NONE

COMMUNICATIONS, REPORTS AND CORRESPONDENCE RECEIVED

- a) Correspondence Received – None
- b) Executive Director's Report – None
- c) Staff Reports – None
- d) District Counsel and District Treasurer Reports – None
- e) Commissioner and Committee Reports – None

UNFINISHED BUSINESS - None

NEW BUSINESS

- a) Consider Adopting Resolution 2023-15, A Resolution Authorizing the Submission of a US Department of Transportation FY 2023-2024 Multimodal Project Discretionary Grant Opportunity for the Humboldt Offshore Wind Terminal Project for the Construction of a Phase of a New Heavy Lift Multipurpose Terminal to Support the Offshore Wind Industry
 - I. District staff presented the item.
 - II. The Commission discussed the item.
 - III. Chair Dale opened the item to public comment. Frank Rojas, Randy Thomas, Luis Neuner, Richard Marks, Lonyx Landry, Lana McCovey, Jeff Hunerlach and Adam Kirk commented.

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

COMMISSIONER HIGGINS MOVED TO ADOPT RESOLUTION 2023-15, A RESOLUTION AUTHORIZING THE SUBMISSION OF A US DEPARTMENT OF TRANSPORTATION FY 2023-2024 MULTIMODAL PROJECT DISCRETIONARY GRANT OPPORTUNITY FOR THE HUMBOLDT OFFSHORE WIND TERMINAL PROJECT FOR THE CONSTRUCTION OF A PHASE OF A NEW HEAVY LIFT MULTIPURPOSE TERMINAL TO SUPPORT THE OFFSHORE WIND INDUSTRY.

COMMISSIONER KULLMANN SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: BENSON, DALE, HIGGINS, KULLMANN, NEWMAN

Noes: NONE

Absent: NONE

Abstain: NONE

b) Consider Approval of a Project Labor Agreement with the State Building and Construction Trade Council of the State of California, Building and Construction Trades Council of Humboldt and Del Norte Counties, and the Signatory Craft Councils and Unions

I. Executive Director presented the item.

II. The Commission discussed the item.

III. Chair Dale opened the item to public comment. Frank Rojas, Luis Neuner, Robert Hemsted, Randy Thomas, Michael Dreiling, Eddie Reyes, Mitchell Bechtel, Mark Plubell, Sean Marsh, Keith Dias, Connie Stewart, Rachel Smith, Jacque Hostler-Carmesin, Lonyx Landry, Rick Sousa, Dr. Larissa Petrucci, Richard Marks, William Burns, Jared Mumm, Karry Vengas, Nicholas Moore, Jonny Hughs, Sharon Golden, Michelle Pickens, Cody Freitas, Lynette Mullen, Les Charter, Ben Palton, Jason Chipley, Danny Roles, Harry Herkert, Sean Farley, Tim Campbell, Lana McCovey, Tim Hooven, Chris Albright, Ryan Cameron, Nate McKeever, John Barber, Charles Lavery, Korey Wygal, Jason Pearce, Chris Knerr, Jeff Hunerlach, Treston Shull and Chris Hannan commented.

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

COMMISSIONER HIGGINS MOVED TO APPROVE A PROJECT LABOR AGREEMENT WITH THE STATE BUILDING AND CONSTRUCTION TRADE CONUNCIL OF THE STATE OF CALIFORNIA, BUILDING AND CONSTRUCTION TRADES COUNCIL OF HUMBOLDT AND DEL NORTE COUNTIES, AND THE SIGNATORY CRAFT COUNCILS AND UNIONS.

COMMISSIONER BENSON SECONDED.

COMMISSIONER HIGGINS AMMENDED HIS MOTION TO ACCEPT TWO CHANGES PRESENTED AT THE MEETING (ATTACHMENT A)

COMMISSIONER BENSON SECONDED THE AMMENDED MOTION.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: BENSON, DALE, HIGGINS, KULLMANN, NEWMAN

Noes: NONE

Absent: NONE

Abstain: NONE

10 MINUTE RECESS

c) Consider Awarding an Audit Contract for the Humboldt Bay Harbor, Recreation and Conservation District to Harshwal & Company LLP

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

COMMISSIONER KULLMANN MOVED TO AWARD AN AUDIT CONTRACT FOR THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT TO HARSHWAL & COMPANY LLP.

COMMISSIONER BENSON SECONDED.

VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: BENSON, DALE, HIGGINS, KULLMANN, NEWMAN

Noes: NONE

Absent: NONE

Abstain: NONE

d) Consider Adopting Resolution 2023-14 Establishing Findings Relative to Humboldt Bay Harbor, Recreation and Conservation District Permit 2023-03; a CEQA Exemption; and Conditional Approval of Permit 2023-03 for the Caltrans Eureka Slough Bridges Geotechnical Investigation 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.

COMMISSIONER KULLMANN MOVED TO ADOPT RESOLUTION 2023-14 ESTABLISHING FINDINGS RELATIVE TO HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT PERMIT 2023-03; A CEQA EXEMPTION; AND CONDITIONAL APPROVAL OF PERMIT 2023-03 FOR THE CALTRANS EUREKA SLOUGH BRIDGES GEOTECHNICAL INVESTIGATION PROJECT.

COMMISSIONER HIGGINS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.

Ayes: BENSON, DALE, HIGGINS, KULLMANN, NEWMAN

Noes: NONE

Absent: NONE

Abstain: NONE

ADJOURNMENT – 9:04 P.M.

APPROVED BY:



Aaron Newman
Secretary of the Board of Commissioners

RECORDED BY:



Mindy Hiley
Director of Administrative Services

I. Hiring Hall Dispatch Prioritization

Section 2.9 "Disadvantaged Worker" shall mean a Local Resident, who, prior to the commencing Project Work, meets at least one of the following barriers to employment and shall be prioritized in the following order for dispatch: (1) is enrolled as a tribal member or a spouse of an enrolled tribal member of a federally recognized Tribe within the Local Impact Area or within Del Norte County; (2) resides on the Samoa Peninsula from the Mad River Slough to the North Jetty; (3) is a Veteran Worker; (4) is a commercial fisherman; or (5) has successfully completed the Building Trades Multi-Craft Core Curriculum Pre-Apprenticeship Program (this includes graduates who reside in Del Norte County).

Section 8.8 To facilitate the dispatch of Targeted Workers, all Contractors will be required to utilize the Craft Request Form whenever they are requesting the referral of any employee from a Union referral list for the Project, a sample of which is attached as Attachment "C." When Targeted Workers are requested by the Contractors, the Unions will refer such workers regardless of their place in the Unions' hiring halls' list and normal referral procedures. The Unions will dispatch workers in the following order: (1) workers enrolled as a tribal member or a spouse of an enrolled tribal member of a federally recognized Tribe within the Local Impact Area or within Del Norte County; (2) residents on the Samoa Peninsula from the Mad River Slough to the North Jetty; (3) Veteran Workers; (4) commercial fisherman; (5) those who have successfully completed the Building Trades Multi-Craft Core Curriculum Pre-Apprenticeship Program who reside in Humboldt and Del Norte Counties; (6) any worker domiciled in the Humboldt County; (7) graduates of Humboldt County local High Schools, College of the Redwoods, and Cal Poly Humboldt; and (8) any workers needed to meet targeted employment requirements pursuant to the Project's funding sources. The Project Labor Coordinator shall be copied on all Craft Request Forms at the time of the request for dispatch and will monitor compliance with the referral process.

Replace second paragraph in Attachment C with the following paragraph--

Humboldt Bay Harbor, Recreation, and Conservation District Project Labor Agreement (PLA) establishes a 20% goal of all of the hours worked on the Project shall be from Targeted Workers. Qualified workers shall be dispatched in the following order: (1) is enrolled as a tribal member or a spouse of an enrolled tribal members of a federally recognized Tribe within Humboldt or Del Norte Counties; (2) residents on the Samoa Peninsula from the Mad River Slough to the North Jetty; (3) is a Veteran Worker (any person who has served in the armed forces of the United States as demonstrated by a valid Form DD214); (4) is a commercial Fisherman; (5) has successfully completed the Building Trades Multi-Craft Core Curriculum Pre-Apprenticeship Program and resides in Humboldt or Del Norte Counties; (6) residents of the Local Impact Area (i.e., Humboldt County), which is comprised of the zip codes set forth on Attachment D; (7) graduates of Humboldt County local High Schools, College of the Redwoods, or Cal Poly Humboldt; and (8) any workers needed to meet targeted employment requirements pursuant to the Project's funding sources.

II. ILWU clarification

3.4.1 (i) This project does not include the loading and unloading of any cargo from vessels, including over the newly constructed terminal or any other port facilities. This project also does not include the movement of any cargo from vessels at any port facilities to the cargo's point of rest. This work is customarily completed by and shall remain the sole jurisdiction of members of the International Longshore and Warehouse (ILWU), except for work on barges used as construction work platforms and except for the rigging and hoisting of construction materials directly from the barge into the construction process for the Project.

Humboldt Bay Harbor, Recreation and Conservation District
P.O. Box 1030
Eureka, California 95502-1030
districtplanner@
humboldtbay.org
Agenda item 11.B.

Dear Harbor Commissioners:

On behalf of CORE Hub Network leaders and our local Union partners, we stand together in **supporting a Project Labor Agreement with the Harbor District for the Heavy Lift Marine Terminal**. This is a historic moment for our region and the Project Labor Agreement is the first step for building out family-sustaining high-road careers for local residents who need them the most.

But more is needed: The PLA is the *beginning*, but there are other actions needed to make sure these jobs and benefits get to those who need them the most; that local decision-making is centered; that there are strong policies in place to prevent Missing and Murdered Indigenous People; and that a zero-emission world class terminal is developed. These actions include a strong district-wide **community benefit agreement, which we will continue to advocate for together** that include commitments to using best available technology to achieve a zero-emission wind terminal, community-centered benefits and decision-making, as well as prioritizing hiring disadvantaged workers, and strong District commitments to prevention of MMIP and supporting Tribal and Minority-Owned businesses. These commitments are critical to community support for and obtaining Department of Transportation's FY 2023-2024 Multimodal Project Discretionary Grant Opportunity (MPDG) which requires "*Investments flowing into Tribes and Justice40 communities that experience environmental, climate, and socioeconomic burdens*"¹ and other federal funding, which require community support, often through CBAs, and compliance with Justice 40 and Executive Orders²:

Specific actions include:

- **A District-wide *Community Benefits Agreement* with strong commitments to prioritize hiring ‘disadvantaged workers’ and women, using best available technology to achieve a zero-emission wind terminal, and other community benefits and protections.**

¹ *Notice of Funding Opportunity for the Department of Transportation's FY 2023-2024 Multimodal Project Discretionary Grant Opportunity (MPDG)*. Department of Transportation. P23.https://www.transportation.gov/sites/dot.gov/files/2023-06/MPDG%20NOFO%202023-2024%20Final_0.pdf

² These include: Executive Order 13175 — Consultation and Coordination With Indian Tribal Governments, Executive Order 13990 — Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, Executive Order 14008 — Tackling the Climate Crisis at Home and Abroad, Executive Order 14053- Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Murdered and Missing Indigenous People.

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Agenda item 11.B.

- **District to work with regional Tribes to develop Missing and Murdered Indigenous People (MMIP) Prevention measures, which commitments shall be binding on District contractors and subcontractors through a PLA appendix.**
- **District to pass policies to support tribal -and minority-owned businesses.**

In solidarity,

Keith LeMoine, Business Manager, Laborers International Union of North America Local 324

Jeff Hunerlach, Secretary-Treasurer, Building and Construction Trades Council of Humboldt and Del Norte Counties

Cody Freitas, Business Representative, Operating Engineers Local 3

Lonyx Landry, Director of Outreach and Development, Inter-Tribal Student Services

Luis Neuner, Decarbonize the North Coast Advocate, Environmental Protection Information Center

Val Martinez, Executive Director, Redwood Community Action Agency

John McEntagart, Business Manager/Financial Secretary, International Brotherhood of Electrical Workers Local 551

Sean Marsh, International Brotherhood of Electrical Workers, Local 1245

Beth Burks, Executive Director, Humboldt County Association of Governments

Carla Avila-Martinez, Climate Action Program Manager, Surfrider

Katerina Oskarsson, Executive in Residence, CORE Hub

My name is Jared Mumm. I'm an electrician and a Business Representative with your local Electricians' Union, IBEW Local 551.

I am from Santa Rosa. And I've had the opportunity to be involved with several conversations regarding different PLA's, just like this conversation we're having tonight. I'd like to point out that when you vote yes or no on a PLA, you're not really talking about whether you think the project is a good idea, or if you're pro or anti-union, but you're either taking or passing on an opportunity to set some conditions if or when a job does go.

If an awarding body, like you, has things you want your projects to do, goals you want to achieve beyond just "build a thing," then you need to find a way to put those aspirations down in writing. If details that you care about are not in writing, then they will not matter once the building starts; they go right out the window as soon as the project has a deadline.

Now, I've read your PLA, cover to cover, and the document makes it very clear that someone, I assume that it was you or your representatives, recognizes that there are groups within your community for whom the rising tide that supposedly lifts all ships for some reason never quite reaches their shores. And this PLA appears to me to express someone's desire to ensure that the good of this project will reach local tribal members and their spouses, commercial fishermen, local graduates, and local residents.

It should not be taken for granted that local contractors will be awarded this work or that local workers will be on site. There is nothing to stop someone from Sacramento, the Valley, LA, or out of State from rolling into town, scooping up the project, and telling your community, no, I'm good, I've already got a crew. Be advised, that is already happening here in Humboldt County.

If you want the developers and contractors that are going to earn a profit on this project to give any special attention to actually including your neighbors, then this PLA is a good tool to use to make that happen, and you should vote yes on the PLA. Thank you.