

BOARD OF SUPERVISORS

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ESTELLE FENNELL
Chair - Second District
MARK LOVELACE
Vice Chair - Third District
VIRGINIA BASS
Fourth District
RYAN SUNDBERG
Fifth District



COUNTY STAFF

PHILLIP SMITH-HANES
County Administrative Officer
JEFFREY S. BLANCK
County Counsel
KATHY HAYES
Clerk of the Board

**COUNTY OF HUMBOLDT
BOARD OF SUPERVISORS
825 FIFTH STREET
EUREKA, CA 95501
SUPERVISORS' CHAMBER, FIRST FLOOR**

AGENDA

Tuesday, July 28, 2015

9:00 AM

Regular Meeting

NOTICE REGARDING PUBLIC COMMENT: For Items appearing on the agenda, the public is invited to make comments at the time the item comes up for Board consideration. The Board Chair will call for public comment as each item is heard by the Board. For items not appearing on the agenda, the public is invited to make comments during the Public Comment period for Non-Agenda Items at 1:30 p.m.

A. SALUTE TO THE FLAG

B. MODIFICATIONS TO THE AGENDA

C. CONSENT CALENDAR

These matters are routine in nature and are usually approved by a single vote. Prior to the meeting, any member of the public may request any member of the Board to pull a particular item for further discussion

Agricultural Commissioner

1. Approval of Cooperative Agreement No. 15-0310-SA, Nursery Inspection Program Contract in the amount of \$1,440.00

Recommendation: That the Board of Supervisors approve Standard Agreement No. 15-0310-SA, known as the Nursery Inspection and Enforcement Program contract with the California Department of Food and Agriculture in the amount of \$1,440.00; authorize the Chair to sign the original agreement, one copy of the cover page, and direct the Clerk of the Board to return all signed copies to the Agricultural Commissioner's office for further processing; and grant a waiver from the provisions of the Nuclear Free Ordinance.

Attachments: [Nursery Inspection Program Contract.pdf](#)

2. Approval of Cooperative Agreement No. 15-0364-SF Sudden Oak Mortality Regulatory Program Contract in the Amount of \$25,994.45

Recommendation: That the Board of Supervisors approve Cooperative Agreement No. 15-0364-SF known as the Sudden Oak Mortality Regulatory Program contract with the California Department of Food and Agriculture; authorize the Chair to sign the original agreement and one copy of the cover page, and direct the Clerk of the Board to return the signed agreement to the Agricultural Commissioner's Office for further processing; and grant a waiver from the provisions of the Nuclear Free Ordinance.

Attachments: [Sudden Oak Mortality Regulatory Program Contract.pdf](#)

Board of Supervisors

3. Resolution Affirming Efforts by Counties to Combat the Commercial Sexual Exploitation of Children (Supervisor Virginia Bass)

Recommendation: That the Board of Supervisors authorize the Chair to sign the Resolution, and direct the Clerk of the Board to send a fully executed copy to Michelle Gibbons at CSAC, 1100 K Street, #101, Sacramento, CA 95814.

Attachments: [Resolution to Combat Sexual Exploitation of Children.pdf](#)

4. A Letter Regarding the Proper Implementation Process of AB1213 Related to the Bobcat Protection Act of 2013 (Supervisor Rex Bohn)

Recommendation: That the Board of Supervisors authorize the Chair to sign a letter to the Department of Fish and Wildlife Director and the Fish and Game Commission Executive Director stating the need for proper implementation of AB1213.

Attachments: [Letter re Proper Implementation of Bobcat Protection Act of 2013.pdf](#)

5. Letter to Governor Brown Expressing Concerns Related to Past PILT (Payment in Lieu of Taxes) Funding Being Removed from Budget Bills Process (Supervisor Rex Bohn)

Recommendation: That the Board of Supervisors authorize the Chair to sign the letter.

Attachments: [Letter to Governor Brown Regarding PILT Payments.pdf](#)

6. Appreciation Letter to Margaret A. Gainer for Service on the Humboldt County Headwaters Fund Board (Supervisor Estelle Fennell)

Recommendation: That the Board of Supervisors authorize the Chair to sign the letter of appreciation.

Attachments: [Headwaters Fund Board Resignation Appreciation Letter.pdf](#)

Clerk of the Board

7. Approval of the Action Summary - Meeting of July 21, 2015

Recommendation: That the Board of Supervisors approve the Action Summary from the meeting of July 21, 2015 and authorize the Clerk of the Board and Board Chair to sign the minute book in accordance with California Government Code Section 25103.

Attachments: [Action Summary for Meeting of 7-21-2015.pdf](#)

County Administrative Office

8. Property Tax Exchange - Fieldbrook-Glendale Community Services District Annexation

Recommendation: That the Board of Supervisors authorize the County Administrative Officer or his designee, after consultation with the special districts affected by the annexation, to negotiate on their behalf as described in Revenue and Taxation (R&T) Code Section 99(b)(1)(B)(5); authorize the County Administrative Officer or his designee to represent the county in negotiations with Fieldbrook-Glendale Community Services District (FGCSD) for a share of the county's General Fund property tax revenue growth in areas of service expansion resulting from district boundary changes; and direct the County Administrative Officer or his designee upon agreement with the FGCSD on a property tax exchange to further develop a master property tax exchange agreement.

Attachments: [Property Tax Exchange with FGCSD.pdf](#)

9. Re-allocation and Deletion of Positions in the Management & Budget Team

Recommendation: That the Board of Supervisors dis-allocate the currently vacant position of Executive Assistant to the CAO (class 0103, unit 09, position 01) in budget unit 103; delete the class of Executive Assistant to the CAO (class 0103, unit 09, salary range 370) from the classification plan; reallocate the position of Administrative Services Manager (class 0775, unit 08, position 01), currently underfilled as Administrative Services Officer (class 0776, unit 09) by Elishia Hayes, to Administrative Services Officer (class 0776, unit 09, position 01) in budget unit 103; and delete the class of Administrative Services Manager (class 0775, unit 08, salary range 438) from the classification plan, effective immediately.

Attachments: [Re-allocation-Deletion of Positions in Management & Budget Team.pdf](#)

Department of Health and Human Services: Administration**10. Reallocate One Full Time Equivalent Physician/Psychiatrist Position in Budget Unit 424 to One Full Time Equivalent Senior Psychiatrist Position in Budget Unit 424**

Recommendation: That the Board of Supervisors reallocate one full time equivalent (FTE) Physician/Psychiatrist (range 680, class 0937, position number 02) position in budget unit 424 to one full time equivalent (FTE) Senior Psychiatrist (range 696, class 0924) in budget unit 424; effective immediately upon approval.

Attachments: [Reallocation of Physician-Psychiatrist Position.pdf](#)

Planning and Building Department**11. Release from Conveyance and Agreement to Allow Construction of Second Residential Unit on Lot 5 (Currently APN 303-142-056) of the Johnston Final Map Subdivision; Assessor Parcel Number (APN) 303-142-011; Case Number PRK-15-001; 6364 Lee Ann Drive, Cutten Area**

Recommendation: That the Board of Supervisors consider the application; authorize the Chair of the Board to execute the Quitclaim and Partial Reconveyance (for Development Restrictions) for Lot 5 of the Johnston Final Map Subdivision (Attachment A); direct the Planning and Building Department to record the Quitclaim and Partial Reconveyance (for Development Restrictions); and direct the Clerk of the Board to give notice of the decision to the applicant and any other interested party and to return original copies to the Planning Division for recording.

Attachments: [Release from Conveyance and Agreement to Allow Construction.pdf](#)

Public Works

12. North Coast Resource Partnership 2015 Integrated Regional Water Management (IRWM) Implementation Project and Appointment of Paul Helliker to the North Coast Resource Partnership Technical Peer Review Committee

Recommendation: That the Board of Supervisors adopt the attached resolution authorizing the Public Works Director to submit an application to the California Department of Water Resources on behalf of the North Coast Resource Partnership for the 2015 Integrated Regional Water Management Implementation Grant Program, and delegating signature authority to the Director; and appoint Paul Helliker to fill the vacancy in one of Humboldt County's two seats on the North Coast Resource Partnership Technical Peer Review Committee.

Attachments: [NCRP 2015 Integrated Regional Water Management.pdf](#)

13. Supplemental Budget for Parks & Recreation-Fiscal Year 2014-15 (4/5 Vote Required)

Recommendation: That the Board of Supervisors adopt the attached supplemental budget for FY 2014-15.

Attachments: [Supplemental Budget for Parks & Recreation.pdf](#)

14. Supplemental Budget for Vehicle Replacement (4/5 Vote Required)

Recommendation: That the Board of Supervisors authorize the purchase of two vehicles; adopt the attached supplemental budget; declare the following vehicles surplus: (1) 2009 Ford Taurus SE; vehicle # 04056; vin# 1FAHP23W49G113521; license # 1304689 and (1) 2008 Ford F150; vehicle # 24533; vin# 1FTRF12W28KC42947; license # 1259437; and authorize the Purchasing Agent to dispose of the surplus property and deposit the revenue from the sale in the departmental replacement fund and revenue accounts as appropriate.

Attachments: [Supplemental Budget for Vehicle Replacement.pdf](#)

Treasurer/Tax Collector

15. Resolution to Sell Tax-Defaulted Properties Via Sealed Bid

Recommendation: That the Board of Supervisors approve Resolution #_____ (Attachment 1) for sale of properties tax-defaulted, subject to sale; and direct the Clerk of the Board to provide the Treasurer-Tax Collector with four certified copies of the Resolution by August 4, 2015.

Attachments: [Resolution to Sell Tax-Defaulted Properties Via Sealed Bid.pdf](#)

D. SPECIAL PRESENTATIONS**Board of Supervisors**

1. Presentation on Humboldt State University (HSU) 5-year Strategic Plan (Supervisor Mark Lovelace)

Recommendation: That the Board of Supervisors hear the presentation and take appropriate action, if necessary.

Attachments: [HSU 5-Year Strategic Plan Presentation.pdf](#)
[HSU 5-year Strategic Plan Handout.pdf](#)

2. Breastfeeding Awareness and Promotion Week Proclamation (Supervisor Mark Lovelace)

Recommendation: That the Board of Supervisors adopt the Proclamation.

Attachments: [Breastfeeding Awareness Week Proclamation.pdf](#)

3. Proclaim August, 2015 as Coast Guard Month in Humboldt County (Supervisor Virginia Bass)

Recommendation: That the Board of Supervisors adopt the Proclamation.

Attachments: [Coast Guard Month Proclamation.pdf](#)

4. Humboldt County Fair Proclamation (Supervisor Rex Bohn)

Recommendation: That the Board of Supervisors authorize the Chair to sign the Proclamation.

Attachments: [Humboldt County Fair Proclamation.pdf](#)

E. MATTERS SET FOR TIME CERTAIN**F. ITEMS PULLED FROM CONSENT****G. MATTERS INITIATED BY BOARD MEMBERS**

H. DEPARTMENT REPORTS

Public Works

1. Aviation Division Subcommittee

Recommendation: That the Board of Supervisors designate two Supervisors to work as a subcommittee with the Department of Public Works and the County Administrative Office (CAO) to develop a plan for financial sustainability for the Department of Public Works Aviation Division.

Attachments: [Aviation Division Subcommittee.pdf](#)

I. CLOSED SESSION

1. Conference with Labor Negotiator - Pursuant to Government Code section 54957.6 it is the intention of the Board of Supervisors to meet in closed session to review the County's position and instruct its designated labor negotiator with respect to the various forms of compensation provided to the County's represented and unrepresented personnel. Negotiator: Dan Fulks. Employee Organizations: American Federation of State, County and Municipal Employees (AFSCME local 1684), Humboldt County Attorneys Association, Humboldt Deputy Sheriffs' Organization (Law Enforcement Non-Management Unit), Humboldt Deputy Sheriffs' Organization (Law Enforcement Management Unit), Elected & Appointed County Officials, and Management & Confidential Employees
2. Conference with legal counsel to decide whether or not to initiate litigation pursuant to Government Code Section 54956.9(d)(4).

J. PUBLIC COMMENT ON NON-AGENDA ITEMS – 1:30 P.M.

This portion of the meeting is reserved for persons desiring to address the Board on any matter not on this agenda that is under the jurisdiction of the Board. It is requested that speakers sign the sheet at the front doors of the Chamber by 1:25 p.m. Although the Board may briefly respond to statements or questions, under state law, matters presented under this item cannot be discussed or acted upon by the Board at this time.

1. Public Comment Sign-In Sheet and Handouts

Attachments: [Public Comment Sign-In Sheet and Handouts.pdf](#)

K. ADMINISTRATIVE ABATEMENT HEARINGS

L. PUBLIC HEARINGS

Planning and Building Department

1. Regli Jerseys Witman Lane Class D Agricultural Preserve; Establishment of a Class "D" Agricultural Preserve and Execution of Land Conservation Contract; Case Number AGP-14-002; Assessor Parcel Number (APN) 106-051-004; 525 Witman Lane, Ferndale Area

Recommendation: That the Board of Supervisors open a public hearing in the manner prescribed by law; receive a staff report, consider the applications, and receive public testimony; adopt the necessary findings prepared by Current Planning Division staff; adopt Resolution No. ____ (Attachment A) establishing the Regli Jerseys Witman Lane Agricultural Preserve; authorize the Chair of the Board to execute the Land Conservation Contract (Attachment B); direct Current Planning Division staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; direct the Clerk of the Board to record copies of the Resolution and Land Conservation Contract with the County Recorder; direct the Clerk of the Board to give notice of the decision to the applicant, the Assessor's Office, County Counsel, Current Planning Division, the California Office of Land Conservation, and any other interested party; and close the public hearing.

Attachments: [Regli Jerseys Witman Lane Class D Agricultural Preserve.pdf](#)

2. Regli Jerseys Port Kenyon Class D Agricultural Preserve; Establishment of a Class "D" Agricultural Preserve and Execution of Land Conservation Contract; Case Number AGP-14-003; Assessor Parcel Number (APN) 100-291-008; 2512 Port Kenyon Road, Ferndale Area

Recommendation: That the Board of Supervisors open a public hearing in the manner prescribed by law; receive a staff report, consider the applications, and receive public testimony; adopt the necessary findings prepared by Current Planning Division staff; adopt Resolution No. ____ (Attachment A) establishing the Regli Jerseys Port Kenyon Agricultural Preserve; authorize the Chair of the Board to execute the Land Conservation Contract (Attachment B); direct Current Planning Division staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; direct the Clerk of the Board to record copies of the Resolution and Land Conservation Contract with the County Recorder; direct the Clerk of the Board to give notice of the decision to the/applicant, the Assessor's Office, County Counsel, Current Planning Division, the California Office of Land Conservation, and any other interested party; and close the public hearing.

Attachments: [Regli Jerseys Port Kenyon Class D Agricultural Preserve.pdf](#)

3. Regli Jerseys Grizzly Bluff Class D Agricultural Preserve; Establishment of a Class "D" Agricultural Preserve and execution of Land Conservation Contract; Case Number AGP-14-004; Assessor Parcel Number (APN) 106-101-009; 4700 Grizzly Bluff Road, Ferndale Area

Recommendation: That the Board of Supervisors open a public hearing in the manner prescribed by law; receive a staff report, consider the applications, and receive public testimony; adopt the necessary findings prepared by Current Planning Division staff; adopt Resolution No. _____ (Attachment A) establishing the Regli Jerseys Grizzly Bluff Agricultural Preserve; authorize the Chair of the Board to execute the Land Conservation Contract (Attachment B); direct Current Planning Division staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; direct the Clerk of the Board to record copies of the Resolution and Land Conservation Contract with the County Recorder; direct the Clerk of the Board to give notice of the decision to the applicant, the Assessor's Office, County Counsel, Current Planning Division, the California Office of Land Conservation, and any other interested party; and close the public hearing.

Attachments: [Regli Jerseys Grizzly Bluff Class D Agricultural Preserve.pdf](#)

4. Medical Marijuana Land Use Ordinance (MMLUO) - Phase III; Collective or Cooperative Dispensing Facilities (CCDF); Case Number OR-15-01; Applies Countywide

Recommendation: That the Board of Supervisors introduce the Ordinance No. _____ by title and waive further reading [Attachment A]; open the public hearing, receive and consider the staff report and proposed determination of exempt status under CEQA, and accept public comment; deliberate on the Ordinance; adopt Resolution No. _____ [Attachment B] approving the proposed Zoning Ordinance changes. Approval of the proposed amendments to Chapter 4 of the Zoning Regulations (Outside the Coastal Zone) will become effective 30 days from the date of its passage. Approval of the proposed amendments to Chapter 3 (Inside the Coastal Zone) will become effective upon certification by the California Coastal Commission; adopt Ordinance No. _____ adding sections 313-55.3 and 314-55.3, authorizing the establishment of storefront-based medical marijuana collective or cooperative dispensing facilities in specific zones with a Conditional Use Permit (and Coastal Development Permit, where applicable); direct the Planning & Building Department - Current Planning Division to transmit the Local Coastal Program Amendment to the California Coastal Commission for certification in accordance with the Coastal Act; direct the Clerk of the Board to publish a Summary of the Ordinance within 15-days after adoption of the ordinance by the Board, along with the names of those Supervisors voting for and against the ordinance [Attachment E] and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance along with the names of those Supervisors voting for and against the ordinance; direct the Clerk of the Board to record in the action summary of the Board meeting that the ordinance has been duly published and posted, and to give notice of the decision to any interested parties; direct the Planning & Building Department - Current Planning Division, to bring before the Planning Commission for consideration and recommendation a separate ordinance rescinding Ordinance No. 2511, removing Sections 313-56 and 314-56 of the Humboldt County Zoning Regulations (Chapter 3 and Chapter 4 of Division 1 of Title III of the Humboldt County Code); and close the

Public Hearing.

Attachments: [Medical Marijuana Land Use Ordinance Phase III.pdf](#)
 [Public Comment on Phase III.pdf](#)

Clerk of the Board

5. Appeal of the Code Enforcement Officer's Determination to the Corrected Notice and Order to Abate Unlawful Marijuana Cultivation, Served July 9, 2015: Property Owner: Alex Poulos: APN 109-251-009

Recommendation: That the Board of Supervisors open the public hearing and receive the staff report and public testimony; close the public hearing, and based on the findings in the Code Enforcement Officers Notice and Order, pursuant to 314-55.2.7.3 (outdoor cultivation on property without a permitted residence within the Shelter Cove Resort Improvement District) deny the appeal; direct the Clerk of the Board to issue a written decision in the form of a resolution (Attachment E), including the findings relating to the existence or nonexistence of the nuisance, as well as findings concerning the property and means of abatement of the nuisance conditions set forth in the Notice and Order, and direct the Clerk of the Board to give notice of the decision to the appellant, appellant's agent, Code Enforcement Officer, and any other interested party.

Attachments: [Appeal of Code Enforcement Determination.pdf](#)
 [CEU Exhibits and Declarations.pdf](#)
 [Proof of Service.pdf](#)

M. AFTERNOON DISCUSSION ITEMS

Board of Supervisors

1. Reports on Board Member Travel at County Cost, Meeting Attendance, and Supervisorial District Matters

N. ADJOURNMENT

Any written materials related to an item on this agenda submitted to the Board of Supervisors less than 72 hours prior to the Board meeting, and that are public records subject to the Public Records Act, are available for public inspection in the Office of the Clerk of the Board at 825 5th Street, Suite 111, Eureka (476-2384), during normal business hours.

Persons wishing to file documentation on any agenda item for the official record must submit an original and nine (9) copies of each document to the Clerk of the Board of Supervisors, Room 111 of the County Courthouse, 825 5th Street in Eureka (476-2384). Documentation includes, but is not limited to, written correspondence, audio and video tapes, maps, photographs, and petitions. Failure to submit the required number of copies will result in the document/s not being placed in the official record. (Per Board of Supervisors' policy adopted on March 21, 1995.)

The Chamber is wheelchair accessible, and disabled parking is available in the lot on K Street, between Fourth and Fifth Streets. If you are a person with a disability, and you need disability-related modifications or accommodations to participate in this meeting, please contact the Clerk of the Board at (707) 476-2384, or (707) 445-7299 (fax). Requests for such modifications or accommodations must be made at least two full business days before the start of the meeting.

BARRING ANY UNFORESEEN TECHNICAL DIFFICULTIES OR SCHEDULING CHANGES, REGULAR MEETINGS OF THE BOARD OF SUPERVISORS ARE BROADCAST LIVE ON SUDDEN LINK, CHANNEL 10, AND ARE REBROADCAST ON FRIDAY AT 6:30 P.M.

County of Humboldt Web Site: <http://humboldt.gov/>