

BOARD OF SUPERVISORS

REX BOHN
First District
MICHELLE BUSHNELL
Second District
MIKE WILSON
Third District
VIRGINIA BASS
Chair - Fourth District
STEVE MADRONE
Vice Chair - Fifth District



COUNTY STAFF

ELISHIA HAYES
County Administrative Officer
SCOTT MILES
Interim County Counsel
KATHY HAYES
Clerk of the Board

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

ACTION SUMMARY

Tuesday, November 1, 2022

9:00 AM

Regular Meeting - Hybrid

A. ROLL CALL

Present: 5 - Supervisor Rex Bohn, Supervisor Michelle Bushnell, Supervisor Mike Wilson,
Supervisor Virginia Bass, and Supervisor Steve Madrone

Absent: 0

B. SALUTE TO THE FLAG

C. MODIFICATIONS TO THE AGENDA

County Administrative Office

4. Allocation of 1.0 Full Time Equivalent Program Manager in the County Administrative Office and Supplemental Budget (4/5 Vote Required)

Recommendation: That the Board of Supervisors:

1. Allocate 1.0 Full Time Equivalent Program Manager (Class 0934, Salary Range 523) in the County Administrative Office - Management & Budget Team (1100-103); and
2. Approve the attached supplemental budget in the amount of \$91,079 for the County Administrative Office - Management & Budget Team (4/5 vote required).

This item was pulled from the agenda to return to a date uncertain.

D. CONSENT CALENDAR

Approval of the Consent Agenda

A motion was made by Supervisor Bushnell, seconded by Supervisor Wilson, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Michelle Bushnell, Mike Wilson, Virginia Bass, and Steve Madrone

Assessor

1. Approval of and Authorization from the Board of Supervisors for the Assessor to Sign a Joint Powers Agreement with other California Counties in Order to Receive, Manage and Expend up to \$30,000,000 of State Funds for Technology Improvements for County Assessor Departments (4/5 Vote Required)

Recommendation: That the Board of Supervisors:

Assessor requests approval of and authorization from the Board of Supervisors for the Assessor to sign a Joint Powers Agreement with other California counties in order to receive, manage and expend up to \$30,000,000 of state funds for technology improvements for county assessor departments.

A motion was made by Supervisor Bushnell and seconded by Supervisor Wilson, to approve staff recommendations. The motion carried with the following vote:

Clerk of the Board

2. Board of Supervisors Teleconferencing Meetings and AB 361: Continuation of Emergency

Recommendation: That the Board of Supervisors:

1. Find that the Board has reconsidered the circumstances of the state of emergency that continues to exist, that state or local officials continue to recommend measures for social distancing and the current Covid-19 emergency related to in-person meetings continues to present an imminent risk to health and safety of attendees.
2. Authorize the Chair to sign the resolution re-authorizing remote teleconference meetings for the period of November 1, 2022 through November 29, 2022.

A motion was made by Supervisor Bushnell, seconded by Supervisor Wilson, to approve staff recommendations. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Michelle Bushnell, Mike Wilson, Virginia Bass, and Steve Madrone

3. Notice of Vacancy on the Shelter Cove Resort Improvement District

Recommendation: That the Board of Supervisors:

1. Receive and file the report.

A motion was made by Supervisor Bushnell, seconded by Supervisor Wilson, to approve staff recommendations. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Michelle Bushnell, Mike Wilson, Virginia Bass, and Steve Madrone

County Clerk/Recorder/Registrar of Voters

5. Authorize a Temporary Increase in Pay for Benjamin Hershberger, Fiscal Officer, Pursuant to Section

12.4 of the American Federation of State, County and Municipal Employees (AFSCME) Memorandum of Understanding (MOU)

Recommendation: That the Board of Supervisors:

1. Authorize a temporary increase in pay for Fiscal Officer Benjamin Hershberger (class 0185, range 442) as though promoted to Manager-Clerk/Recorder's Office (class 0344, range 478) beginning November 12, 2022, and continuing until the vacant position is filled.

A motion was made by Supervisor Bushnell, seconded by Supervisor Wilson, to approve staff recommendations. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Michelle Bushnell, Mike Wilson, Virginia Bass, and Steve Madrone

Department of Health and Human Services: Public Health

7. Approval of Second Amendment to Memorandum of Understanding with Westside Community Improvement Association Regarding the Addition of Influenza and Other Advisory Committee on Immunization Practices (ACIP) Recommended Immunizations to Existing COVID-19 Testing and/or Vaccination Operations

Recommendation: That the Board of Supervisors:

1. Approve the second amendment to memorandum of understanding with Westside Community Improvement Association regarding the addition of influenza and ACIP recommended immunizations to existing COVID-19 testing and/or vaccination operations;
2. Authorize the Department of Health and Human Services - Public Health Director or designee thereof, to sign any and all subsequent amendments, and any other documents directly related to the addition of influenza and ACIP recommended immunizations to existing memoranda of understandings with local community partners, related to COVID-19 Testing and/or Vaccination Operations in Humboldt County, after review and approval of County Council, Risk Management and the County Administrative Office;
3. Authorize the Department of Health and Human Services - Public Health Director or designee thereof, to execute additional memoranda of understanding regarding, influenza and ACIP recommended immunization operations in Humboldt County, after review and approval of County Council, Risk Management and the County Administrative Office;
4. Direct the clerk of the Board to return one certified copy of the order pertaining to this item to the Department of Health and Human Services - Contracts Unit.

A motion was made by Supervisor Bushnell, seconded by Supervisor Wilson, to approve staff recommendations. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Michelle Bushnell, Mike Wilson, Virginia Bass, and Steve Madrone

8. Enter into an Agreement with Tulare County Superintendent of Schools for Humboldt County Department of Health and Human Services - Public Health Branch (DHHS - Public Health) - Substance Use Prevention Division to Act as the Friday Night Live (FNL) Coordinator for the Humboldt County Area

Recommendation: That the Board of Supervisors:

1. Approve and authorize the DHHS - Public Health Director, or their designee, to enter into and execute the attached Agency Agreement with Tulare County Superintendent of Schools.
2. Approve and authorize DHHS - Public Health Director, or their designee, to enter into any subsequent agreements or amendments with Tulare County Superintendent of Schools related to this Friday Night Live agreement and within the current Substance Abuse Block Grant term after review by County Counsel and Risk Management.

A motion was made by Supervisor Bushnell, seconded by Supervisor Wilson, to approve staff recommendations. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Michelle Bushnell, Mike Wilson, Virginia Bass, and Steve Madrone

Planning and Building Department

9. Extension of Extra-Help Hours for the Cannabis Services Unit 1100-268 (4/5 Vote Required)

Recommendation: That the Board of Supervisors:

1. Approve the extension of extra help hours for Office Assistant I, James Davidson, to a maximum of 1,920 hours through June 30, 2023, pursuant to Section 7 of the Humboldt County Salary Resolution.

A motion was made by Supervisor Bushnell, seconded by Supervisor Wilson, to approve staff recommendations. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Michelle Bushnell, Mike Wilson, Virginia Bass, and Steve Madrone

Public Works

12. Telecommunications Vault Lease Agreement with the State of California Regarding Use of the Shelter Cove Telecommunications Site and Supplemental Budget (4/5 Vote Required)

Recommendation: That the Board of Supervisors:

1. Approve, and authorize the County Administrative Officer, or a designee thereof, to execute the attached telecommunications vault lease agreement with the State of California regarding use of the Shelter Cove telecommunications site for the period of Nov. 1, 2022 through Oct. 31, 2029;
2. Approve the attached supplemental budget request for Communications 3521-151 in the amount of \$5,816 for fiscal year 2022-23 (4/5 Vote Required); and
3. Direct the Clerk of the Board to provide the Department of Public Works - Real Property Division with one (1) fully executed certified copy of the Board Order pertaining to this item.

A motion was made by Supervisor Bushnell, seconded by Supervisor Wilson, to approve staff recommendations. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Michelle Bushnell, Mike Wilson, Virginia Bass, and Steve Madrone

13. Bridge Preventive Maintenance Project at Six Locations in Humboldt County

Recommendation: That the Board of Supervisors:

1. Approve the attached plans and specifications for the Bridge Preventive Maintenance Project at six (6) locations in Humboldt County; and
2. Direct the Clerk of the Board to advertise the above-mentioned project as required by Section 22037 of the California Public Contract Code, with bids to be opened on Tuesday, Dec. 6, 2022, at 2:00 p.m.

A motion was made by Supervisor Bushnell, seconded by Supervisor Wilson, to approve staff recommendations. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Michelle Bushnell, Mike Wilson, Virginia Bass, and Steve Madrone

14. Letter of Interest and Support to Humboldt Waste Management Authority (HWMA) for Leading Regionalization for the Purposes of Organics Processing in Compliance with SB1383

Recommendation: That the Board of Supervisors:

1. Approve, and authorize the Chair of the Board to sign the attached letter to notify the Humboldt Waste Management Authority ("HWMA") of the county's support for regionalization for the purposes of organics processing.

A motion was made by Supervisor Bushnell, seconded by Supervisor Wilson, to approve staff recommendations. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Michelle Bushnell, Mike Wilson, Virginia Bass, and Steve Madrone

E. PUBLIC COMMENT ON NON-AGENDA ITEMS

F. SPECIAL PRESENTATIONS

G. ITEMS PULLED FROM CONSENT

Department of Health and Human Services: Behavioral Health

6. Subcontract Agreement with Advocates for Human Potential, Inc. Regarding Implementation of the Behavioral Health Mobile Crisis and Non-Crisis Services Project in Humboldt County

Recommendation: That the Board of Supervisors:

1. Approve, and authorize the Department of Health and Human Services - Behavioral Health Director, and/or designees thereof, to execute, the attached subcontract agreement with Advocates for Human Potential, Inc. regarding implementation of the Behavioral Health Mobile Crisis and Non-Crisis Services Project in Humboldt County for the period of February 15, 2022 through February 14, 2023; and
2. Authorize the Department of Health and Human Services - Behavioral Health Director, and/or designees thereof, to execute any and all subsequent amendments to, and any other agreements, certifications, attestations and documents directly associated with, the attached subcontract agreement with Advocates for Human Potential, Inc., after review and approval by County Counsel, Risk Management and the County Administrative Office; and
3. Direct the Clerk of the Board to provide one (1) fully executed certified copy of the Board order related to this item to the Department of Health and Human Services - Contract Unit.

A motion was made by Supervisor Bushnell and seconded by Supervisor Wilson, to approve staff recommendations. The motion carried with the following vote:

Aye: 5 - Rex Bohn, Michelle Bushnell, Mike Wilson, Virginia Bass, and Steve Madrone

Planning and Building Department

10. SN Indianola LLC Local Coastal Plan Petition and Zone Reclassification Petition

Recommendation: That the Board of Supervisors:

1. Accept the petition by approving the attached resolution (Attachment 1) finding it is in the public interest to proceed with this application; and
2. Direct the Clerk of the Board to give notice of the decision to the applicant and any other interested party.

A motion was made by Supervisor Bushnell and seconded by Supervisor Wilson, to approve staff recommendations. The motion carried with the following vote:

Aye: 5 - Rex Bohn, Michelle Bushnell, Mike Wilson, Virginia Bass, and Steve Madrone

Public Works

11. Revocable License Agreement with the United States Coast Guard Regarding Use of the Trinidad Head Telecommunications Site

Recommendation: That the Board of Supervisors:

1. Approve, and authorize the County Administrative Officer, or a designee thereof, to execute, the attached revocable license with the United States Coast Guard regarding use of the Trinidad Head Telecommunications Site for the period of September 1, 2022 through August 31, 2027; and
2. Direct the Clerk of the Board to return one (1) fully executed certified copy of the Board Order pertaining to this item.

A motion was made by Supervisor Bushnell, seconded by Supervisor Wilson, to approve staff recommendations. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Michelle Bushnell, Mike Wilson, Virginia Bass, and Steve Madrone

H. MATTERS INITIATED BY BOARD MEMBERS

Board of Supervisors

1. Join the Coalition Seeking Relief from the Mounting Organic Dairy Emergency on the North Coast and Send a Letter in Support of Financial Aid for Western United States Organic Dairies Due to Historic Drought Conditions and Unsustainable Feed Costs (Supervisor Rex Bohn)

Recommendation: That the Board of Supervisors:

1. Authorize the Chair to sign the letter of support; and
2. Join the coalition of producers, processors, non-profits and government agencies who seek relief from the mounting dairy emergency on the north coast from Marin to Del Norte County.

A motion was made by Supervisor Bohn, seconded by Supervisor Bushnell, to approve staff

recommendations. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Michelle Bushnell, Mike Wilson, Virginia Bass, and Steve Madrone

I. DEPARTMENT REPORTS

County Administrative Office

1. Update and Possible Board Action on Cannabis Excise Tax Reduction Program

Recommendation: That the Board of Supervisors:

1. Accept an update on the Cannabis Excise Tax Reduction Program; and
2. Consider providing staff direction on Tax Year 2023 Cannabis Excise Taxes.

A motion was made by Supervisor Bohn, seconded by Supervisor Madrone, to approve staff recommendations as amended below:

1. *Suspend tax payments for cultivation years 2022 (due in 2023) and 2023 (due in 2024); and*
2. *Defer all outstanding payments until Oct. 2023, with a waiver of penalty on installments due Oct. 2022 and with enforcement occurring following payments due in Oct. 2023 for any outstanding taxes owed;*
3. *Return with recommendations to modify Trellis; and*
4. *Return for discussion on a potential ballot initiative to modify the structure of Measure S.*

The motion carried by the following vote:

Aye: 3 - Rex Bohn, Virginia Bass, and Steve Madrone

Nay: 1 - Mike Wilson

Abstain: 1 - Michelle Bushnell

Human Resources

2. Sustained Finding of Violation of the Board of Supervisors Code of Conduct

Recommendation: That the Board of Supervisors:

1. Receive, file and discuss the attached summary of a sustained finding of violation of the Board of Supervisors Code of Conduct as required.

A motion was made by Supervisor Wilson, seconded by Supervisor Bohn, to approve staff recommendations. The motion carried by the following vote:

Aye: 4 - Rex Bohn, Mike Wilson, Virginia Bass, and Steve Madrone

Abstain: 1 - Michelle Bushnell

J. PUBLIC HEARINGS

Planning and Building Department

1. Public Hearing on the Wireless Telecommunications Facilities Ordinance (Record # PLN-2021-17452)

Recommendation: That the Board of Supervisors:

1. Receive and consider the staff report, open the public hearing, and accept public comment; and
2. Close the public hearing; and
3. Deliberate on the proposed ordinances; and
4. Adopt the proposed ordinances by taking the following actions:
 - a. Adopt Resolution No. ____ [Attachment 1] making findings the Coastal Ordinance is exempt from environmental review pursuant to CEQA and making all the required findings for consistency with the General Plan, Zoning Ordinance and the Coastal Act, and transmitting the ordinance to the California Coastal Commission for their review and certification; and
 - b. Adopt Resolution No. ____ [Attachment 2] making findings the Inland Ordinance is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), and making all the required findings for consistency with the General Plan, Zoning Ordinance; and
 - c. Adopt Coastal Ordinance No: ____ [Attachment 3] regulating Wireless Telecommunications Facilities in the coastal zone, which will become effective after California Coastal Commission certification; and
 - d. Adopt Inland Ordinance No: ____ [Attachment 4] regulating Wireless Telecommunications Facilities in the inland parts of the County; and
 - e. Direct the Clerk of the Board to publish a Summary of the Ordinances within 15 days after adoption by the Board, along with the names of those Supervisors voting for and against the ordinances [Attachment 5 & Attachment 6] 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 (Government Code section 25124); and
 - f. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

A motion was made by Supervisor Wilson, seconded by Supervisor Madrone, to approve staff recommendations as amended below:

- 1. Continue this item to the Nov. 29, 2022 Board of Supervisors meeting to allow for the following:***
- 2. Consider recommended changes from the Coastal Commission; and***
- 3. Consider changes to sections in the Ordinance that were discussed; and***
- 4. Consider a potential change to the set back.***

The motion carried by the following vote:

Aye: 5 - Rex Bohn, Michelle Bushnell, Mike Wilson, Virginia Bass, and Steve Madrone

Public Works

2. Notice of Intention to Purchase Real Property Located at 1017 Fourth Street, Eureka, California

Recommendation: That the Board of Supervisors:

1. Introduce Notice of Intention to purchase real property, the purchase price of which is in excess of Fifty Thousand Dollars (\$50,000.00);
2. Open the public hearing; and
3. Close the public hearing.

A motion was made by Supervisor Wilson, seconded by Supervisor Bushnell, to approve staff recommendations. The motion carried by the following vote:

Aye: 4 - Michelle Bushnell, Mike Wilson, Virginia Bass, and Steve Madrone

Nay: 1 - Rex Bohn

M. CLOSED SESSION (See Matters Set for Time Certain)

K. DISCUSSION ITEMS

L. MATTERS SET FOR TIME CERTAIN

Board of Supervisors - Special Presentation

1. 9:30 AM - PG&E Presentation Related to Power Capacity in the Fortuna, Rio Dell and Garberville Areas (Supervisor Michelle Bushnell and Supervisor Rex Bohn)

Recommendation: That the Board of Supervisors:

1. Receive a presentation from Humboldt County Planning Director John Ford, and
2. Receive a presentation from Fortuna City Manager Merritt Perry, and
3. Receive a presentation from Rio Dell Planning Director Kevin Caldwell, and
4. Receive a presentation from PG&E related to power capacity in Fortuna, Rio Dell and Garberville areas.

A motion was made by Supervisor Bushnell, seconded by Supervisor Bohn, to receive and file the report. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Michelle Bushnell, Mike Wilson, Virginia Bass, and Steve Madrone

Board of Supervisors - Closed Session

2. 3:00 PM - (Closed Session) Pursuant to Government Code Sections 54954.5 and 54957 to consider a Public Employee Performance Evaluation for the position of Agricultural Commissioner

No reportable action

3. 3:00 PM - (Closed Session) 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. Labor negotiators: Tabatha Miller, Paige Plummer, and Jack Hughes. Employee Organizations (represented and unrepresented): SEIU/In-Home Support Services, 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), Appointed Department Heads, and Management and Confidential employees

No reportable action.

County Counsel - Closed Session

4. 3:00 PM - (Closed Session) Conference with Legal Counsel – pursuant to Government Code Section 54956.9(d)(1) to discuss existing litigation in the case of Friends of the Eel River v. County of Humboldt et al., Humboldt County Superior Court Case No. 2201593

The Board voted unanimously to authorize the Risk Manager to enter into agreement with Downey Brand, LLP to defend the County in the case of Friends of the Eel River v. County of Humboldt et al., Humboldt County Superior Court Case No. 2201593.

N. ADJOURNMENT

I, Nikki Turner, Deputy Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct original record of the above entitled meeting of the Humboldt County Board of Supervisors held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

*Nikke Turner
Deputy Clerk of the Board of Supervisors of the County of Humboldt, State of California*

November 2, 2022