

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, July 19, 2022

9:00 AM

Regular Meeting - Hybrid

A. ROLL CALL

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

Absent: 0

B. SALUTE TO THE FLAG

C. MODIFICATIONS TO THE AGENDA

County Administrative Office

1. 2021-22 Grand Jury Responses

Recommendation: That the Board of Supervisors:

1. Review and modify as necessary the proposed Grand Jury response from the Board of Supervisors (Attachment 2);
2. Review and modify as necessary the proposed Grand Jury responses from the Planning & Building and Public Works Departments (Attachments 3 and 4);
3. Approve the documents, as may be modified, as the response;
4. Direct the Clerk of the Board, within 5 working days, to submit the final response with an accompanying Board Order to the 2021-22 Grand Jury and the Presiding Judge of the Superior Court;
5. Direct the Clerk of the Board, within 5 working days, to submit a copy of all responses to the County Clerk/Recorder, together with a copy of the original report; and
6. Direct the Clerk of the Board, within 5 working days, to submit two copies of all responses to the Clerk of the Court, one of which will be forwarded to the State Archivist, together with a copy of the original report.

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

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

D. CONSENT CALENDAR

Approval of the Consent Agenda

A motion was made by Wilson, seconded by Supervisor Bushnell, 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

Agricultural Commissioner

1. Approval of Amendment 1 to Standard Agreement No. 21-0022, Cannabis Cultivation Licensing Inspection Agreement between Humboldt County and the California Department of Cannabis Control, Compliance Division

Recommendation: That the Board of Supervisors:

1. Approve Amendment No. 1 to Standard Agreement No. 21-0022, known as the Cannabis Cultivation Licensing Inspection Agreement;
2. Authorize the Chair to sign the amendment and return the original signed copy to the Agricultural Commissioner's Office for further processing; and
3. Grant a waiver from the provisions of the Nuclear Free Ordinance.

A motion was made by Supervisor Wilson, 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

Aviation

2. Non-Federal Reimbursable Agreement with the Federal Aviation Administration for the California

Redwood Coast-Humboldt County Airport (ACV) Engineering Design Review and Oversight Support for the Runway 32 MALSR

Recommendation: That the Board of Supervisors:

1. Approve and authorize the Director of Aviation to execute the attached Non-Federal Reimbursable Agreement with the Federal Aviation Administration (FAA) for California Redwood Coast-Humboldt County Airport engineering design review and oversight support for Runway 32 MALSR;
2. Authorize the Director of Aviation to execute any future amendments after review by County Counsel, Risk Management, and the County Administrative Office; and

A motion was made by Supervisor Wilson, 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

Board of Supervisors

3. Continuation of the Local Emergency Due to Drought

Recommendation: That the Board of Supervisors:

1. Declare that a local emergency remains in effect, per Resolution 21-77, until Aug. 9, 2022, enabling the County of Humboldt and other local government entities to adequately plan, prepare and implement policy to be able to effectively respond to the threat posed by the drought.

A motion was made by Supervisor Wilson, 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

4. Resolution Authorizing the Road Closures for the 43rd Annual Humboldt Redwoods Half Marathon and 5K on Oct. 9, 2022

Recommendation: That the Board of Supervisors:

1. Adopt the resolution and direct the Clerk of the Board to return a fully executed copy of the resolution to Six Rivers Running Club.

A motion was made by Supervisor Wilson, 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

Clerk of the Board

5. Submittal of Supervisors' Monthly Expense Report on Meetings Pursuant to Government Code Section 53232.3(d)

Recommendation: That the Board of Supervisors:

1. Receive and file the Supervisors' Monthly Expense Report.

A motion was made by Supervisor Wilson, 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

6. Approval of the Action Summary - Meeting of July 12, 2022

Recommendation: That the Board of Supervisors:

1. Approve the Action Summary for the meeting of July 12, 2022, and authorize the Clerk of the Board and the Board Chair to sign the minute book in accordance with California Governmental Code Section 25103.

A motion was made by Supervisor Wilson, 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

County Counsel**7. First Amendment to the Attorney-Client Fee Agreement with Gordon-Creed, Kelly, Holl, Angel & Sugerman, LLP Regarding the Provision of Legal Services Related to Representation of the Humboldt County Department of Health and Human Services in Connection with Juvenile Dependency Appellate Litigation on an As-Needed Basis (4/5 Vote Required)**

Recommendation: That the Board of Supervisors:

1. Approve, and authorize the Interim County Counsel, or a designee thereof, to execute, the attached first amendment to the attorney-client fee agreement with Gordon-Creed, Kelly, Holl, Angel & Sugerman, LLP regarding the provision of legal services related to the representation of the Humboldt County Department of Health and Human Services in connection with juvenile dependency appellate litigation on an as-needed basis (4/5 vote required); and
2. Direct the Clerk of the Board to return one (1) certified copy of the Board Order pertaining to this item to the Humboldt County Counsel's Office.

A motion was made by Supervisor Wilson, 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

Department of Health and Human Services: Administration**8. Authorize a Temporary Increase in Pay for Tane Choate, Mental Health Cook, Pursuant to Section 12.4.1 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 Mental Health Cook Tane Choate (class 0434, range 343) as though promoted to Director of Dietary Services (class 0901, range 388) beginning July 10, 2022.

A motion was made by Supervisor Wilson, 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

Department of Health and Human Services: Behavioral Health

9. Professional Services Agreement with California Psychiatric Transitions, Inc. Regarding the Provision of Long Term Residential Mental Health Treatment Services

Recommendation: That the Board of Supervisors:

1. Approve, and authorize the Chair of the Board to execute, the attached professional services agreement with California Psychiatric Transitions, Inc. regarding the provision of long-term mental health treatment services to adults with severe mental illnesses for the period of July 1, 2022 through June 30, 2025;
2. Authorize the Department of Health and Human Services - Behavioral Health Director, or a designee thereof, to execute any and all subsequent amendments to the attached professional services agreement with California Psychiatric Transitions, Inc. after review and approval by County Counsel, Risk Management and the County Administrative Office; and
3. Direct the Clerk of the Board to return one (1) fully executed original copy of the attached professional services agreement with California Psychiatric Transitions, Inc., to the Department of Health and Human Services - Contract Unit for further processing.

A motion was made by Supervisor Wilson, 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

10. Memorandum of Understanding with Mariane Gilbert Regarding the Payments Associated with the Provision of Non-Emergency Medical Care Services

Recommendation: That the Board of Supervisors:

1. Approve, and authorize the Chair of the Board to execute, the attached memorandum of understanding with Mariane Gilbert regarding payment associated with the provision of non-emergency medical care services;
2. Authorize the Department of Health and Human Services - Behavioral Health Director, or a designee thereof, to execute any and all subsequent amendments to the attached memorandum of understanding with Mariane Gilbert after review and approval by County Counsel, Risk Management, and the County Administrative Office; and
3. Direct the Clerk of the Board to return one (1) fully executed copy of the attached memorandum of understanding with Mariane Gilbert to the Department of Health and Human Services - Contract Unit for further processing.

A motion was made by Supervisor Wilson, 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

11. Mental Health Services Act Annual Update for Fiscal Year 2022-2023

Recommendation: That the Board of Supervisors:

1. Adopt the attached Mental Health Services Act Annual Update for Fiscal Year 2022-2023
2. Direct the Clerk of the Board to return one certified copy of the Board report to the Department of Health and Human Services - Contract Unit.

A motion was made by Supervisor Wilson, 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

12. Appointments to the Humboldt County Behavioral Health Board

Recommendation: That the Board of Supervisors:

1. Appoint Gardner Carlson to the Humboldt County Behavioral Health Board for a three-year term;
2. Appoint Vernon Price to the Humboldt County Behavioral Health Board for a three-year term and;
3. Appoint Oscar Mogollon Maticorena to the Humboldt County Behavioral Health Board for a three-year term.

A motion was made by Supervisor Wilson, 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

13. Participation Agreement with California Mental Health Services Authority Regarding the Humboldt County Department of Health and Human Services - Behavioral Health's Participation in the Semi-Statewide Enterprise Health Record Program

Recommendation: That the Board of Supervisors:

1. Approve, and authorize the Department of Health and Human Services - Behavioral Health Director, or a designee thereof, to execute, the attached participation agreement with California Mental Health Services Authority regarding Humboldt County Department of Health and Human Services - Behavioral Health's participation in the Semi-Statewide Enterprise Health Record Program for the period of execution through March 18, 2029; and
2. Authorize the Department of Health and Human Services - Behavioral Health Director, or a designee thereof, to execute any and all subsequent extensions, modifications and amendments to the attached participation agreement with California Mental Health Services Authority after review and approval by County Counsel, Risk Management and the County Administrative Office.

A motion was made by Supervisor Wilson, 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

Department of Health and Human Services: Public Health

14. Grant Agreement with the California Department of Public Health Regarding Implementation of the California Home Visiting Project, Maternal, Infant and Early Childhood Home Visiting Program and American Recovery Plan

Recommendation: That the Board of Supervisors:

1. Waive the requirements of the Humboldt County Nuclear-Free Ordinance with regard to the attached grant agreement with the California Department of Public Health;
2. Approve, and authorize the Department of Health and Human Services - Public Health Director, or a designee thereof, to execute, the attached grant agreement with the California Department of Public Health regarding of implementation of the California Home Visiting Project, Maternal, Infant and Early Childhood Home Visiting Program and American Recovery Plan for the period of July 1, 2022 through September 30, 2023;
3. Authorize the Department of Health and Human Services - Public Health Director, or a designee thereof, to execute any and all subsequent amendments to, and any other agreements, certifications, attestations and documents directly associated with, the attached grant agreement with the California Department of Public Health, after review and approval by County Counsel, Risk Management and the County Administrative Office; and
4. Direct the Clerk of the Board to return one (1) original executed copy of the Board Order authorizing execution of the attached grant agreement with the California Department of Public Health to the Department of Health and Human Services - Contract Unit for further processing.

A motion was made by Supervisor Wilson, 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

Department of Health and Human Services: Social Services

15. Agreement with Chabot-Las Positas Community College District and the Department of Health and Human Services (DHHS) - Child Welfare Services (CWS)

Recommendation: That the Board of Supervisors:

1. Approve, and authorize the Chair of the Board to execute, the agreement with Chabot-Las Positas Community College District for the provision of training, education and other resources to child welfare providers and other eligible populations to benefit Title IV-E eligible children effective July 1, 2022 through June 30, 2025 with the option to extend this agreement upon the same terms and conditions via amendment for two, 1-year terms; and
2. Approve, and authorize the Director of the Department of Health and Human Services, or a designee thereof, to exercise the first and second options to extend the agreement via amendment for additional 1-year terms from July 1, 2025 through June 30, 2026 and July 1, 2026 through June 30, 2027; and
3. Authorize the DHHS - CWS Director to amend program elements of the agreement as necessary after review and approval by County Counsel, Risk Management and the County Administrative Office upon execution and through June 30, 2025; and
4. Direct the Clerk of the Board to route the fully executed agreement to the DHHS - Contracts Unit for further processing.

A motion was made by Supervisor Wilson, 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

Human Resources

16. Legal Services Agreement with Liebert Cassidy Whitmore Regarding the Provision of Professional Legal Services Related to Representation of the County of Humboldt in Labor Negotiations, Administrative Proceedings and Other Employment-Related Matters

Recommendation: That the Board of Supervisors:

1. Approve, and authorize the Chair of the Board to execute, the attached legal services agreement with Liebert Cassidy Whitmore regarding the provision of professional legal services related to representation of the County of Humboldt in labor negotiations, administrative proceedings and other employment-related matters, in an amount not to exceed Three Hundred Fifty Thousand Dollars (\$350,000.00), for the period of July 1, 2022 through June 30, 2023;
2. Authorize the Human Resources Director, or a designee thereof, to execute any and all subsequent amendments to the attached legal services agreement with Liebert Cassidy Whitmore, after review and approval by County Counsel, Risk Management and the County Administrative Office; and
3. Direct the Clerk of the Board to return one (1) fully executed original copy of the attached legal services agreement with Liebert Cassidy Whitmore to the Human Resources Department for further processing.

A motion was made by Supervisor Wilson, 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

DHHS: Administration

2. Temporary Employment of Retired Annuitant as Program Manager - Department of Health and Human Services, Behavioral Health (4/5 Vote Required)

Recommendation: That the Board of Supervisors:

1. Approve the employment of Cathy Rigby as a temporary retired annuitant Program Manager - Department of Health and Human Services (DHHS) Behavioral Health (BH), (class 0934, salary range 523, step E) (4/5 vote required); and
2. Adopt the attached resolution for an exception to the 180-day wait period.

A motion was made by Supervisor Bohn, seconded by Supervisor Bushnell, that the recommendations be approved. The motion carried by the following vote:

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

Planning and Building Department

17. Donation of Vehicles to the County Motor Pool

Recommendation: That the Board of Supervisors:

1. Approve the donation of two Ford F150 pickup trucks to the county Motor Pool for capitalization, maintenance, and insurance purposes.

A motion was made by Supervisor Wilson, 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

Public Works

19. Bid Award Authorization for Storm Damage Repair to Eel Rock Road (7D010) Post Mile 0.50, 0.60, and 1.90

Recommendation: That the Board of Supervisors:

1. Receive and file the bid proposals submitted for Storm Damage Repair to Eel Rock Road (7D010) Post Mile 0.50, 0.60, and 1.90;
2. Award the project agreement to Mobley Construction dba MCI for the total amount of \$511,993;
3. Authorize the Chair of the Board to execute the project agreement upon submittal of the appropriate bonds and insurance; and
4. Authorize the Public Works Director to execute contract change orders up to the amount of \$38,100.

A motion was made by Supervisor Wilson, 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

20. Bid Award Authorization for Storm Damage Repair to Ettersburg Road (5B010) Post Mile 5.00-5.60 and 5.25

Recommendation: That the Board of Supervisors:

1. Receive and file the bid proposals submitted for Storm Damage Repair to Ettersburg Road (5B010) Post Mile 5.00-5.60 and 5.25;
2. Award the project agreement to GR Wilcox Enterprises, Inc., for the total amount of \$378,373.83;
3. Authorize the Chair of the Board to execute the project agreement upon submittal of the appropriate bonds and insurance; and
4. Authorize the Public Works Director to execute contract change orders up to the amount of \$31,418.69.

A motion was made by Supervisor Wilson, 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

21. First Amendment to the Consultant Services Agreement with Mark Thomas and Company, Inc. Regarding the Provision of On-Call Engineering and/or Environmental Services

Recommendation: That the Board of Supervisors:

1. Approve and authorize the Chair of the Board to execute, the attached first amendment to the consultant services agreement with Mark Thomas and Company, Inc. regarding the provision of on-call engineering and/or environmental services; and
2. Direct the Clerk of the Board to return one (1) fully executed original copy of the attached consultant services agreement with Mark Thomas and Company, Inc. to the Department of Public Works for further processing.

A motion was made by Supervisor Wilson, 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

22. Authorization to Execute California State Office of Emergency Services Form 130- Designation of Applicant's Agent Resolution for Non-State Agencies

Recommendation: That the Board of Supervisors:

1. Authorize the Director of Public Works Director, the Deputy Director of Public Works- Engineering, the Sheriff, and the Director of Public Health to act as agents of the County of Humboldt for purposes of obtaining certain federal financial assistance under any and all applicable local, state and federal laws and regulations;
2. Authorize the above-referenced officials to execute, and provide the California State Office of Emergency Services (CalOES) and the Federal Emergency Management Agency (FEMA) with, and all required assurances and agreements for all matters pertaining to such state disaster assistance;
3. Authorize the Department of Public Works to file the attached California State of Office of Emergency Services Form 130- Designation of Applicant's Agent Resolution for Non-State Agencies with the California Office of Emergency Services;
4. Authorize the Clerk of the Board to sign the California Office of Emergency Services Form 130- Designation of Applicant's Agent Resolution for Non-State Agencies; and
5. Direct the Clerk of the Board to return a fully executed original copy of the attached California Office of Emergency Services Form 130- Designation of Applicant's Agent Resolution for Non-State Agencies for further processing.

A motion was made by Supervisor Wilson, 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

E. SPECIAL PRESENTATIONS

F. ITEMS PULLED FROM CONSENT

Planning and Building Department

18. Authorization to Amend Three Professional Service Agreement with Qualified Consulting Firms Providing Project Assistance with Current Planning and Cannabis Planning Projects

Recommendation: That the Board of Supervisors:

1. Authorize the Director of Planning and Building to amend the existing professional service agreements as necessary to support completion of permit application processing

A motion was made by Supervisor Bushnell, seconded by Wilson, that the recommendations be approved. The motion carried by the following vote:

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

G. MATTERS INITIATED BY BOARD MEMBERS

1. Revenue Options for Overall Roads Maintenance and Repairs, Trails, Parks and Other Services

Recommendation: That the Board of Supervisors:

1. Discuss options to increase revenues to provide road maintenance and repair, trail and park maintenance, and other county services.
2. Consider allocating a position to Public Works to pursue grant funding for roads, trails, parks and other county services.

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

1. Direct staff to come back with recommendations of short term and long term funding sources
2. Bring back recommendation to consider the formation of an AdHoc committee.

The motion carried with the following vote:

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

H. DEPARTMENT REPORTS**Human Resources****3. Humboldt County Foundational Diversity, Equity and Inclusion Definitions, Addition of Exploring Racial Equity: Common Terms to the County's Mandatory Training List, Diversity Framework (Seal), and the Establishment of a Diversity Web Presence**

Recommendation: That the Board of Supervisors:

1. Adopt the foundational definitions of diversity, equity, inclusion, microaggression and intersectionality;
2. Add Exploring Racial Equity: Common Terms course to the county's Mandatory Training List;
3. Require 3 hours of diversity training required annually for all county staff;
4. Adopt the Humboldt County Diversity Framework (Seal); and
5. Direct the Office of Human Resources to establish the necessary web site presence dedicated to county diversity initiatives and data.

A motion was made by Wilson, seconded by Supervisor Madrone, that the recommendations be approved. The motion carried by the following vote:

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

I. PUBLIC HEARINGS**Planning and Building Department**

1. Blanc Lot Line Adjustment and Zone Boundary Adjustment (4/5 Vote Required)
Assessor Parcel Numbers (APN) 316-205-006, 316-206-002, 316-206-009, 316-212-003
Record No.: PLN-2021-16919
Korbel Area

Recommendation: That the Board of Supervisors:

1. Introduce Ordinance No. _____ (Attachment B) by title and waive further reading; and
2. Open the public hearing, receive and consider the staff report, the Planning Commission's findings and accept public comments; and
3. Close the public hearing; and
4. Find the project exempt from CEQA pursuant to Section 15305 and 15061(b)(3) of the CEQA Guidelines, and that there is no substantial evidence that the project will have a significant effect on the environment; and
5. Make the necessary findings to approve the Lot Line Adjustment (LLA) and Zone Boundary Adjustment (ZBA) (Attachment A) and adopt by 4/5ths vote Ordinance No. _____ (Attachment B) amending Section 311-7 of the Humboldt County Code by reclassifying, through immediate conversion, approximately 3.09 acres from Timberland Production Zone (TPZ) to Agriculture Exclusive with a 160-acre minimum parcel size (AE-B-5(160)) to conform to the reconfigured lot lines approved with the LLA and rezone approximately 6.2 acres from Agriculture Exclusive with a 160-acre minimum parcel size (AE-B-5(160)) to Timberland Production Zone (TPZ); and
6. Direct the Clerk of the Board to publish a summary of the Ordinance within 15 days after adoption of the ordinance; and
7. Direct the Chair of the Board to sign and the Clerk of the Board to record a Certificate of Rezoning (Notice of Timberland Production Zone Status)(Attachment C); and
8. Direct the Clerk of the Board to give notice of the decision to the applicant/owner, the County Assessor's Office, the County Planning Department and any other interested party; and
9. Direct Planning and Building Department to file a Notice of Exemption pursuant to California Environmental Quality Act (CEQA).

A motion was made by Supervisor Bohn, seconded by Wilson, that the recommendations be approved. The motion carried by the following vote:

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

2. Appeals Filed by Arne Petersen and Friends of Ferndale for a Livable Community of the Conditional Use Permit Modification Approved by the Planning Commission on May 19, 2022, Authorizing an Increase in Event-Related Noise Levels From the Two (2) Motorcycle Racing Events Allowed to Occur Annually at the Humboldt County Fairgrounds

Recommendation: That the Board of Supervisors:

1. Open the public hearing on the two appeals and receive the staff report, testimony by the appellants and applicant, and public; and
2. Close the public testimony portion of the hearing; and
3. Deliberate on the Appeal of the Use Permit Modification, Supplemental to the previously adopted Mitigated Negative Declaration, Substitute Mitigation Measures, and Mitigation Monitoring & Reporting Program (Attachment 1); and
4. Close the public hearing; and
5. Adopt the resolution (Resolution 22-__) (Attachment 1) which does the following:
 - a. Finds the project exempt from CEQA under CEQA Guidelines section 15304(e)
 - b. Approves the revisions to the Mitigation Monitoring and Reporting Program
 - c. Makes the findings to deny the Appeal submitted by Arne Petersen
 - d. Makes the findings to uphold the Appeal by Friends of Ferndale for a Livable Community
 - e. Makes the findings to approve the requested modification to the Conditional Use Permit
 - f. Approves the Conditional Use Permit modification permitting operation of a one-time racing event as a pilot/trial, authorizing an increase in noise levels during the pilot/trial event, and prohibiting further racing events until a separate modification of the permit has been granted and accompanied by further environmental review
 - g. Directs the Planning and Building Department to file a Notice of Exemption for the project in accordance with Section 15061(2) of the CEQA Guidelines.
6. Direct the Clerk of the Board to give notice of the decision to both appellants, the Planning and Building Department, and any other interested party.

A motion was made by Supervisor Wilson, seconded by Supervisor Madrone, that staff recommendations be approved with the following addition:

1. Add a condition stating that any modification to the permit shall come directly back to the Board of Supervisors. The motion carried by the following vote:

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

J. DISCUSSION ITEMS**K. MATTERS SET FOR TIME CERTAIN****County Counsel - Closed Session**

1. 9:30 AM - Conference with Legal Counsel - Pursuant to Government Code Section 54954.5 and 54957 to consider Public Employee Appointment for the position of County Surveyor

That the Board of Supervisors met in Conference with Legal Counsel - Pursuant to Government Code Section 54954.5 and 54957 to consider Public Employee Appointment for the position of County Surveyor. No reportable action.

2. 2:00 PM - Conference with Legal Counsel – Pursuant to Government Code Section 54956.9(d)(1) to discuss existing litigation in the case of Shawn Lee Perrot v. Duane Christian, Case No. 5:22-cv-01311 EJD

The Board met in Conference with Legal Counsel – Pursuant to Government Code Section

54956.9(d)(1) to discuss existing litigation in the case of Shawn Lee Perrot v. Duane Christian, Case No. 5:22-cv-01311 EJD. The Board voted unanimously to authorize Risk Management to enter into an agreement with Mitchell Law Firm for defense of the case of Shawn Lee Perrot v. Duane Christian, Case No. 5:22-cv-01311 EJD.

L. PUBLIC COMMENT ON NON-AGENDA ITEMS - 1:30 PM

M. CLOSED SESSION

1. Conference with Legal Counsel - Pursuant to Government Code Sections 54954.5 and 54957 to consider Public Employee Appointment for the position of the Agricultural Commissioner
The Board met in Conference with Legal Counsel - Pursuant to Government Code Sections 54954.5 and 54957 to consider Public Employee Appointment for the position of the Agricultural Commissioner. No reportable action.
2. Conference with Legal Counsel – Pursuant to Government Code Section 54956.9(d)(1) to discuss existing litigation in the case of People of the State of California, et al. v. Karen Paz Dominguez, et al., Humboldt County Superior Court Case No. CV2200584
The Board of Supervisors met in Conference with Legal Counsel – Pursuant to Government Code Section 54956.9(d)(1) to discuss existing litigation in the case of People of the State of California, et al. v. Karen Paz Dominguez, et al., Humboldt County Superior Court Case No. CV2200584. No reportable action.

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.

NIKKI TURNER

Deputy Clerk of the Board of Supervisors of the County of Humboldt, State of California.

07/19/2022