



VIA EMAIL [zohanen2@co.humboldt.ca.us]

September 20, 2022

Zachary O'Hanen
Director of Human Resources
County of Humboldt
825 Fifth Street, Suite 100
Eureka, CA 95501

Re: Complaint of Alleged Misconduct by Supervisor Michelle Bushnell

Dear Mr. O'Hanen:

I have completed my report regarding several complaints, including the investigation of alleged misconduct by District Two Supervisor Michelle Bushnell. In accordance with Section C of the Board of Supervisors' Code of Conduct, you have requested that I forward my administrative determination regarding the sustained finding of my investigation of this allegation and the basis therefor, which are as follows:

ALLEGATION 1: Supervisor Bushnell violated the Code of Conduct by mistreating a member of the County's Planning Department staff in a December 29, 2021 meeting at the Planning Department.

FINDING: SUSTAINED.

BASIS FOR FINDING: While the conduct of the Planning Department staff member during the meeting in question played a large role in provoking Bushnell and created an awkward and hostile tone for the meeting, Bushnell's reaction to the employee was not representative of model conduct for an elected official. Bushnell reacted combatively to the employee, which escalated the tension at the meeting to the point where Bushnell left the room. To Bushnell's credit, she admitted during her interview that her conduct was inappropriate and took full responsibility for her actions. Nevertheless, such conduct was unbecoming for an elected official and violated the Code of Conduct in at least two respects.

First, Bushnell's conduct violated Section B(3) of the Code of Conduct, which requires that Supervisors, "practice civility and decorum in discussions and debate, and refrain from abusive conduct, personal charges...or verbal attacks upon the character or motives of...staff...which has the effect of disrupting the County's business..." Even though Bushnell was provoked, she was overly confrontational with the employee and questioned the employee's qualifications in front of a constituent. This did not show proper decorum and reflected poorly on her office.

Second, Bushnell's conduct violated Section B(10) of the Code of Conduct, which requires that Supervisors "support the maintenance of a positive and constructive workplace environment for County employees..." The policy also requires that Supervisors "address County employees, whether in public or in private, with courtesy and respect." While Bushnell was provoked by the employee to a degree, it was inappropriate for her to engage with the employee in such a provocative fashion in front of her constituent and other staff members. The confrontation produced a highly awkward situation and did not serve to support a positive workplace environment for those staff members.

The above is merely intended to provide a summary of the sustained allegation against Supervisor Bushnell and the basis for the finding therein. Further details to support this finding, including witness testimony and other evidence, are contained in my full report, which is not intended to be distributed publicly pursuant to the California Public Records Act and, specifically, Government Code Sections 6254(c) and (k).

Respectfully,

A handwritten signature in blue ink, appearing to read "Richard E. Nosky, Jr.", written in a cursive style.

Richard E. Nosky, Jr.
California State Bar No. 130726