

BOARD OF SUPERVISORS

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



COUNTY STAFF

ELISHIA HAYES
Interim County Administrative
Officer
JEFFERSON BILLINGSLEY
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 13, 2021

9:00 AM

Regular Meeting - Virtual

A. ROLL CALL

Present: Supervisor Virginia Bass, Chair; Supervisor Mike Wilson, Vice Chair; Supervisor Rex Bohn; Supervisor Steve Madrone; Supervisor Michelle Bushnell

Supervisor Wilson was absent for the morning session

Staff Present: Elishia Hayes, Interim County Administrative Officer; Jefferson Billingsley, County Counsel; and Tracy Damico, Deputy Clerk of the Board

B. SALUTE TO THE FLAG

C. MODIFICATIONS TO THE AGENDA

D. CONSENT CALENDAR

Board of Supervisors

1. Informational Report on the Reappointment of John McBeth to the Humboldt County Aviation Advisory Committee (Supervisor Rex Bohn)

Recommendation: That the Board of Supervisors:
1. Receive and file the report.

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

Clerk of the Board

2. Quarterly Report of Current and Projected Vacancies of Humboldt County Appointed Boards, Committees and Commissions through September 30, 2021

Recommendation: That the Board of Supervisors:

1. Receive and file the report.

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

3. Approval of the Action Summary - Meeting of June 29, 2021

Recommendation: That the Board of Supervisors:

1. Approve the Action Summary for the meeting of June 29, 2021 and authorize the Clerk of the Board and Board Chair to sign the minute book in accordance with California Government Code Section 25103.

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

County Administrative Office

4. Supplemental Budget Request for Information Technology to Purchase CrowdStrike Falcon Complete Anti-Virus and Endpoint Security Protection in Fiscal Year 2021-22 (4/5 Vote Required)

Recommendation: That the Board of Supervisors:

1. Approve the attached supplemental budget in fund 3550 budget unit 118 Information Technology (IT) in fiscal year (FY) 2021-22 in the amount of \$115,668 for the purchase of CrowdStrike Falcon Complete Anti-Virus and Endpoint Security Protection. (4/5 Vote Required)

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

5. Updated Information Technology Policies

Recommendation: That the Board of Supervisors:

1. Adopt the updated Information Systems Acceptable Use Policy; and
2. Adopt the updated Information Systems Policy.

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

6. New Appointments and Re-appointments to the Humboldt County Workforce Development Board

(HC-WDB)

Recommendation: That the Board of Supervisors:

1. Review the attached membership applications from Megan Bonham and Michelle Vassel (Attachments 1 and 2);
2. Appoint Megan Bonham and Michelle Vassel to the HC-WDB for a two-year term effective immediately and pursuant to the HC-WDB Bylaws;
3. Ratify the HC-WDB re-appointments of Rosemary Den Ouden, Daniel Dixon, Michael Hetticher, Jeff Hunerlach, Libby Maynard, and Pru Ratliff to the HC-WDB for a term of two years effective immediately, in accordance with the HC-WDB Bylaws (Attachment 3);
4. Ratify the appointments to the HC-WDB Executive Committee of Shelley Nilsen as Chair and Lee Cunningham as Vice Chair (Attachment 3); and
5. Ratify the resignations from the HC-WDB of Dena McCullough (former Chair of the HC-WDB Executive Committee), Mike Newman (former Vice Chair of the HC-WDB Executive Committee), and Jessica Dalton (former HC-WDB member) (Attachment 3).

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

7. Deallocation of Information Technology Technician Position and Allocation of Information Technology Systems Supervisor Position

Recommendation: That the Board of Supervisors:

1. Approve the deallocation of 1.0 full-time equivalent Information Technician II position (class 0189, salary range 432) in budget unit 3550-118 to be effective the pay period following Board approval; and
2. Approve the allocation of 1.0 full-time equivalent Information Technology Systems Supervisor position (class 0645, salary range 468) in budget unit 3550-118 to be effective the pay period following Board approval.

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

County Clerk/Recorder/Registrar of Voters

8. Temporary Increase in County Clerk Recorder Full Time Equivalent (FTE)

Recommendation: That the Board of Supervisors:

1. Allocate one temporary Full Time Equivalent (FTE) Recordable Documents Examiner I/II position - Class Number 0155, Salary Range 295-324, 37.5 hours a week.

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

Department of Health and Human Services: Behavioral Health

9. Professional Services Agreement with Christian Agricola Regarding the Provision of Psychiatric Services within the Humboldt County Correctional Facility and Other Behavioral Health Facilities Located Throughout Humboldt County

Recommendation: That the Board of Supervisors:

1. Approve, and authorize the Chair of the Board to execute, the attached professional services agreement with Christian Agricola regarding the provision of psychiatric services at the Humboldt County Correctional Facility, and other behavioral health facilities located throughout Humboldt County, for the period of July 1, 2021 through June 30, 2022;
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 Christian Agricola, 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 fully executed original copy of the attached professional services agreement with Christian Agricola to the Department of Health and Human Services - Contract Unit for further processing.

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

Department of Health and Human Services: Public Health

10. Update on Local Conditions Surrounding COVID-19

Recommendation: That the Board of Supervisors:

1. Receive a written report from Department of Health and Human Services (DHHS) - Public Health and the Humboldt County Health Officer regarding the current status of novel coronavirus (COVID-19) in Humboldt County.

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

Department of Health and Human Services: Social Services

11. Professional Services Agreement with Kevin Kelly Regarding the Performance of Court-Ordered Psychological Evaluations of Youth and Adult Clients

Recommendation: That the Board of Supervisors:

1. Approve, and authorize the Chair of the Board to execute, the attached professional services agreement with Kevin Kelly regarding the performance of court-ordered psychological evaluations of youth and adult clients in an amount not to exceed \$30,000 for the period of July 1, 2021 through June 30, 2022;
2. Authorize the Department of Health and Human Services - Child Welfare Services Director, or a designee thereof, to execute any and all subsequent amendments to the attached professional services agreement with Kevin Kelly, 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 fully executed original copy of the attached professional services agreement with Kevin Kelly to the Department of Health and Human Services - Contract Unit for further processing.

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

12. Professional Services Agreement with Accurate Drug Testing Services Regarding the Provision of Drug, Alcohol and DNA Collection, Screening and Confirmation Services

Recommendation: That the Board of Supervisors:

1. Approve, and authorize the Chair of the Board to execute, the attached professional services agreement with Accurate Drug Testing Services regarding the provision of drug, alcohol and deoxyribonucleic acid collection, screening and confirmation services in an amount not to exceed \$80,000 for the period of July 1, 2021 through June 30, 2023;
2. Authorize the Department of Health and Human Services - Child Welfare Services Director, or a designee thereof, to execute any and all subsequent amendments to the attached professional services agreement with Accurate Drug Testing Services 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 fully executed original copy of the attached professional services agreement with Accurate Drug Testing Services to the Department of Health and Human Services - Contract Unit for further processing.

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

Planning and Building Department

- 13. Morris Lot Line Adjustment and Joint Timber Management Plan (4/5 Vote Required)**
 APNs: 208-142-033, 207-142-035
 Record Number: PLN-2020-16532

Recommendation: That the Board of Supervisors:

1. Approve (by 4/5 vote) the Joint Timber Management Plan (JTMP) and Guide (Attachment B) prepared pursuant to Section 51119.5 of the California Government Code (C.G.C.) (Note: A 4/5th vote is required);
2. Find the project exempt from environmental review pursuant to Sections 15061(b) (3) and 15305 of the California Environmental Quality Act (CEQA) Guidelines and make all of the required findings (Attachment D) to approve the Lot Line Adjustment;
3. Direct the Planning Division staff to record the Declaration with the JTMP and the Notices of Lot Line Adjustment and Certificate of Subdivision Compliance; and
4. Direct the Clerk of the Board to give notice of the decision to owners, the County Assessor's Office and any other interested party.

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

14. Advance Salary Step from Step A to Step C for Alyssa Suarez, Planner II (4/5 Vote Required)

Recommendation: That the Board of Supervisors:

1. Approve the advanced salary step for Alyssa Suarez, Planner II.

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

Probation

15. Allocation of 1.0 Full-time Equivalent (FTE) Correctional Cook (0433) and Related Supplemental Budget, Probation Department Budget Unit 234 (4/5 Vote Required)

Recommendation: That the Board of Supervisors:

1. Approve the allocation an additional 1.0 FTE Correctional Cook (0433) (salary range \$15.96 - \$20.49) position to the Probation Department in Budget Unit 234; and
2. Approve the attached supplemental budget in the amount of \$66,124 in budget 234 to cover the cost of that position

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

Public Works

16. Lease with Carrington Company of 627 H Street For Use As Conflict Counsel Offices

Recommendation: That the Board of Supervisors:

1. Approve and authorize the Chair of the Board to sign the attached Lease Agreement with Carrington Company for 627 H Street, Eureka, for use as Conflict Counsel offices.

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

17. Convey Property in the Southwest Quadrant of the Interchange of Loleta Drive and State Highway 101 to Loleta Community Services District (4/5 Vote Required)

Recommendation: That the Board of Supervisors:

1. Find that property described in Exhibit A and shown in Exhibit B of the attached Resolution is no longer needed by county;
2. Adopt and authorize the Chair of the Board to execute the attached Resolution to Convey Property to Loleta Community Services District (Attachment 2);
3. Approve and authorize the Chair of the Board to execute the attached Transfer Agreement (Attachment 3);
4. Approve and authorize the Chair of the Board to execute the attached Grant Deed (Attachment 4); and
5. Direct the Clerk of the Board to return the original executed Grant Deed, Resolution for Property Conveyance, and Transfer Agreement to the Land Use Division staff for further processing, retaining a copy of the same with meeting records.

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

18. Extend Term of the Lease at the Courthouse Café (4/5 Vote Required)

Recommendation: That the Board of Supervisors:

1. Approve the Lessee's option to extend the term of the lease at the Courthouse Cafe with Christopher J. Rohrs to Sept. 30, 2022;
2. Remove the temporary waiver of monthly rent payment obligation from Christopher J. Rohrs, effective on Jul. 1, 2021; and
3. Authorize Public Works to prepare, sign and submit a notice of removing the temporary waiver of monthly rents.

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

19. Surplus Vehicles/Sale of Surplus Vehicles

Recommendation: That the Board of Supervisors:

1. Declare four (4) vehicles surplus;
2. Authorize the sale of vehicles to College of the Redwoods Law Enforcement Training Center; and
3. Deposit the revenue from the sale in the Motor Pool Fund.

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

20. Amendments to the Solid Waste Container Site and Transfer Station Agreements for Fiscal Year 2021-22

Recommendation: That the Board of Supervisors:

1. Find that the public health, safety, and well-being require a five (5) year extension of the northern solid waste container site operation and hauling agreement with Humboldt Sanitation Company, Inc.;
2. Approve, and authorize the Chair of the Board to execute, the attached tenth amendment to the northern solid waste container site operation and hauling agreement with Humboldt Sanitation Company, Inc.;
3. Approve, and authorize the Chair of the Board to execute, the attached twelfth amendment to the southern solid waste container site operation agreement with Recology Eel River;
4. Approve, and authorize the Chair of the Board to execute, the attached eleventh amendment to the Redway Transfer Station operation and maintenance agreement with Recology Eel River; and
5. Direct the Clerk of the Board to return one (1) fully executed original copy of each attached amendment to the Department of Public Works for further processing.

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

21. Surplus Vehicles/Sale of Surplus Vehicles City of Ferndale Police Department

Recommendation: That the Board of Supervisors:

1. Declare two (2) vehicles surplus;
2. Authorize the sale of vehicles to City of Ferndale Police Department; and
3. Deposit the revenue from the sale in the Motor Pool Fund.

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

Sheriff

22. Animal Shelter Fiscal Year 2020-2021 Supplemental Budget and Appropriations Transfer Requests (4/5 Vote Required)

Recommendation: That the Board of Supervisors:

1. Approve the fiscal year (FY) 2020-2021 supplemental budget request for budget unit 1100-221700 Animal Shelter for an Animal Control Vehicle (Attachment 1) (4/5 vote required);
2. Approve the FY 2020-2021 appropriations transfer request for budget unit 1100-221700 Animal Shelter for a trailer; and
3. Authorize the Auditor-Controllers' Office to make any technical corrections for any fixed asset object code corrections for all Sheriff's Office budget units for FY 2020-2021.

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

- 23. Set a Public Hearing pursuant to Government Code Section 7283.1(d) to Provide Information to the Public about Immigration and Customs Enforcements (ICE) Access to Individuals 2020 as well as Semi-Annual Reporting for the Measure K Sanctuary Ordinance and to Receive and Consider Public Comment on August 17, 2021

Recommendation: That the Board of Supervisors:

- 1. Direct the Clerk of the Board to Schedule a public hearing on Tuesday, August 17, 2021, at 9 a.m., or as soon thereafter as the matter may be heard, to provide information about ICE's access to individuals and allow public comment; and
- 2. Direct the Clerk of the Board to post and publish the required public hearing notice at least 30 days prior to the public hearing.

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

- 24. Amendment to Service Agreement with Everbridge for County-Wide Emergency Mass Notification Services

Recommendation: That the Board of Supervisors:

- 1. Approve the amendment to the service agreement with Everbridge, authorizing an automatic annual renewal of services; and
- 2. Authorize the Chair of the Board of Supervisors to sign the Amendment to Service Agreement and any extensions, modifications or amendments.

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

Treasurer/Tax Collector

- 25. Professional Services Agreement with Linebarger Goggan Blair & Sampson, LLP for Third Party Debt Collection Services

Recommendation: That the Board of Supervisors:

- 1. Approve, and authorize the Chair of the Board to execute, the attached agreement with Linebarger Goggan Blair & Sampson, LLP for third party debt collection services (4/5 vote required); and
- 2. Direct the Clerk of the Board to submit two (2) executed originals of the attached agreement to the Humboldt County Treasurer-Tax Collector's Office - Revenue Recovery Division.

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

E. PUBLIC COMMENT ON NON-AGENDA ITEMS

F. SPECIAL PRESENTATIONS

G. ITEMS PULLED FROM CONSENT

H. MATTERS INITIATED BY BOARD MEMBERS

I. DEPARTMENT REPORTS

County Administrative Office

1. 2021 Redistricting Effort in Humboldt County

Recommendation: That the Board of Supervisors:

1. Receive the staff report and presentation on the 2021 redistricting process; and
2. Provide direction on the oversight mechanism for redistricting.

A motion was made by Supervisor Bushnell, seconded by Supervisor Bohn to form a Redistricting Advisory Commission with one appointed member per Supervisor with no district boundary limitations.

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

J. PUBLIC HEARINGS

Planning and Building Department

1. Public Hearing on Amendments to the Inland Zoning Regulations, Building Code, and Local Coastal Program Amendment for Accessory Dwelling Units, Case No. PLN-2019-15873

Recommendation: That the Board of Supervisors:

1. Open the public hearing, receive and consider the staff report, and accept public comment;
2. Close the public hearing and deliberate;
3. Adopt Resolution No. _____ (Attachment 1) certifying compliance with the California Environmental Quality Act, and making findings of fact concerning amendments to the Inland Zoning and Building Regulations Pertaining to Accessory Dwelling Units;
4. Adopt Ordinance _____ (Attachment 2) Amending sections 314-3 and 314-69.05 of Chapter 4 of Division 1 of Title III of the HUMBOLDT County Code, AND section 331.5-7 of Chapter 1.5 of Division 3 OF Title III of the HUMBOLDT County Code (Text Amendments to Inland ADU REGULATIONS), Pertaining to Accessory Dwelling Units Outside the Coastal Zone;
5. Regarding the ordinance amending Section 331.5-7 of Chapter 1.5 of Division 3 of Title III of the Humboldt County Code (Text Amendments to AOB Regulations) (Attachment 3):
 - a. Introduce the ordinance and waive the first reading;
 - b. Set the ordinance for adoption at least one week from this hearing date;
 - c. Direct the Clerk of the Board to publish the required pre-adoption summary of the ordinance and to post a certified copy of the full text of the proposed ordinance in the office of the Clerk of the Board, both the publication and posting to be done at least 5 days prior to the Board meeting at which the ordinance will be adopted [Government Code Section 25124(b)(1)];
 - d. Direct the Clerk of the Board, within 15 days after the adoption of the ordinance, to publish a post-adoption summary of the ordinance with the names of the supervisors voting for and against the ordinance, and to post in the office of the Clerk of the Board 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(b)(1)];
6. Adopt Resolution No. _____ (Attachment 4) certifying compliance with the California Environmental Quality Act, making findings of fact concerning the Proposed Local Coastal Program Amendment, and adopting amendments to the six Local Coastal Plans contained in Exhibit A of the resolution, all Pertaining to Accessory Dwelling Units;
7. Adopt Ordinance _____ (Attachment 5) repealing Ordinance 2651 and adding section 313-69.05; amending sections 313-6 and 313-7, and amending sections 313-107, 313-109, 313-136, 313-137, 313-148, 313-154, 313-155, 313-163, and 313-177 of Chapter 3 of Division 1 of Title III of the HUMBOLDT County Code, COASTAL ZONING CODE; and amending sections 312-6 and 312-9 of Chapter 2 of Division 1 of Title III of the HUMBOLDT County Code, General Provisions, all relating to Accessory Dwelling Units.
8. Direct the Clerk of the Board to publish the Post-Adoption Summaries of the ordinances within 15 days after their passage;
9. Direct Planning and Building Department staff to transmit the Coastal ADU Ordinance and Coastal Plan Amendments, including all necessary supporting documentation, to the California Coastal Commission as an amendment to the certified Local Coastal Program for their review and certification in accordance with Public Resources Code Section 305143;

10. Direct Planning Department staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
11. Direct the Clerk of the Board to give notice of the decision to any interested party.

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

Aye: 4 - Rex Bohn, Virginia Bass, Michelle Bushnell, and Steve Madrone

K. DISCUSSION ITEMS

L. MATTERS SET FOR TIME CERTAIN

Board of Supervisors - Closed Session

1. 12:30 p.m. - Conference with Legal Counsel – pursuant to Government Code Section 54956.9(d)(1) to discuss existing litigation in the case of Anderson v. Hienrich, et at. Case no. 4:20-cv-06867-YGR.

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 Anderson v. Hienrich, et at. Case no. 4:20-cv-06867-YGR. The Board voted 4-1 with Supervisor Bohn voting no to authorize the Risk Manager to enter into a retainer agreement with the Mitchell Firm for defense of the action and that County Counsel sign a conflict waiver.

2. 12:30 p.m. - Conference with Legal Counsel – pursuant to Government Code Section 54956.9(d)(1) to discuss existing litigation in the case of Northcoast Environmental Center, et al. v. County of Humboldt, Humboldt Superior Court Case No. CV 2100518.

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 Northcoast Environmental Center, et al. v. County of Humboldt, Humboldt Superior Court Case No. CV 2100518. There was not action to report.

3. 12:30 p.m. - Conference with Legal Counsel – pursuant to Government Code Section 54956.9(d)(1) to discuss existing litigation in the case of Conso v. City of Eureka, et at. Case no. 1:21-cv-04480-RMI.

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 Conso v. City of Eureka, et at. Case no. 1:21-cv-04480-RMI. The Board voted unanimously to authorize the Risk Manager to enter into a retainer agreement with the Mitchell Firm for defense of the action and that County Counsel sign a conflict waiver.

Planning and Building Department

4. 1:30 p.m. - Appeal of the Planning Commission actions to Approve the Arcata Land Company, LLC, Conditional Use Permit and to Adopt a Mitigated Negative Declaration to allow for commercial cannabis cultivation. The application is for the operation of a combination of outdoor light-deprivation cultivation (2.3 acres) and mixed-light cultivation (5.7 acres) in new enclosed gutter-connected greenhouses, and 30,000 square feet of existing hoop houses dedicated to ancillary propagation activities on APNs 506-231-021 and 505-151-011 (one separate legal parcel). The Project will also

include ancillary support features, such as an administrative building, propagation and office building, utility building, new onsite wastewater treatment system, unpaved parking areas, security fencing, and storm water management features (e.g., retention basins).

Recommendation: That the Board of Supervisors adopt the attached resolution to do the following:

1. Adopt Findings relative to CEQA Compliance and findings to support denial of the appeal and approval of the Conditional Use Permit; and
2. Adopt the Initial Study and Mitigated Negative Declaration, State Clearinghouse No. 2021010337; and
3. Specifies the custodian of the record of proceedings upon which the decision is based is the Planning Department, located at 3015 H Street, Eureka, California; and
4. Denies the Appeal submitted by James Cotton, Kim Puckett, Paula Proctor, Michael Proctor, Joan Edwards, Lee Torrence, Rebecca Crow, Carol McFarland, Don Nielsen, Terrence McNally, Kerry McNally, Tamara Spivey, Mona Mazzotti, Abraham Moshekh, Duane E Smith, Pamela J Smith, Victor Howard, Lydia Butyrin, Lisa Pelletier, Kathryn Melia, Julie Hochfeld, Nancy Blinn, Warren Blinn, Peggy Bell-Hans, Todd Casebolt, Deni Devine, Jose Mendoca and Leonor Mendoca; and
5. Approves the Conditional Use Permit for 5.7 acres of new mixed light cannabis cultivation and 2.7 acres of new outdoor light-deprivation cannabis cultivation, with 30,000 square feet of appurtenant propagation area, and associated infrastructure and support facilities, subject to the conditions of approval contained in Attachment 1A of this Resolution; and
6. Adopts the Mitigation, Monitoring, and Reporting Program in Attachment 1B of this Resolution.

Supervisor Wilson made an amending motion, seconded by Steve Madrone, to require the applicant to record a conservation and open space easement and/or organic farming easement over the eastern 500 feet of APN's 506-231-022 and 505-151-012. The amending motion carried by the following vote:

Aye: 3 - Michelle Bushnell, Mike Wilson, and Steve Madrone

Nay: 2 - Rex Bohn, and Virginia Bass

A motion was made by Supervisor Bushnell, seconded by Supervisor Bohn, to deny the appeal and approve the project to allow 5.7 acres of cultivation, the greenhouses may be constructed for the entire 5.7 acres as part of the initial construction, but cultivation is to be phased. The 1st phase is one acre which will be monitored for the entire cultivation cycle and if found in compliance with the conditions of the permit, a second acre can be added. If both of those acres are operated without violation then the entire 5.7 acres may be cultivated. The motion included adding a condition on monitoring, a condition to dedicate a bike/pedestrian easement along Foster avenue and a condition to require installation of solar within 5 years. The Amendment is part of the motion made by Supervisor Bushnell. The motion passed as follows:

Aye: 3 - Rex Bohn, Virginia Bass, and Michelle Bushnell

Nay: 2 - Mike Wilson, and Steve Madrone

M. CLOSED SESSION

N. ADJOURNMENT

I, TRACY DAMICO, 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.

TRACY DAMICO

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



July 13, 2021