

BOARD OF SUPERVISORS

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



COUNTY STAFF

AMY S. NILSEN
County Administrative Officer
JEFFERSON BILLINGSLEY
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, October 6, 2020

9:00 AM

Regular Meeting

In accordance with Executive Order N-29-20 the Humboldt County Board of Supervisors meetings will be held virtually until further notice.

Email Public Comment:

To submit public comment to the Board please email cob@co.humboldt.ca.us, provide your name and the agenda item number(s) on which you wish to comment. All public comment submitted after the agenda has been published will be included with the administrative record after the fact.

Zoom Public Comment:

When the Board of Supervisors announce the agenda item that you wish to comment on, call the conference line and turn off your TV or live stream. Please call 669-900-9128, enter Meeting ID 959 6267 3896 and press star () 9 on your phone, this will raise your hand. You'll continue to hear the Board meeting on the call.*

When it is time for public comment on the item you wish to speak on, the Clerk of the Board of Supervisors staff will unmute your phone. You'll hear a prompt that will indicate your phone is unmuted. Staff will then ask you to state your name and begin your comment. You will have 3 minutes to comment.

*You may access the live stream of the meeting by using the following link:
<https://humboldt.legistar.com>*

The County of Humboldt is committed to providing equal access to all county programs, services and activities through the provision of accommodations for individuals with disabilities as required under the Americans with Disabilities Act (ADA). With 72 hours prior notice, a request for reasonable accommodation or modification can be made. Please contact the Clerk of the Board Office at 707-476-2390 or by email cob@co.humboldt.ca.us or the ADA Coordinator at 844-365-0352 or by email at ada@co.humboldt.ca.us

A. SALUTE TO THE FLAG

B. MODIFICATIONS TO THE AGENDA

C. CONSENT CALENDAR

Agricultural Commissioner

1. Approval of Cooperative Agreement No. 19-0727-019-SF, the Pierce's Disease Control Program Contract in the amount of \$18,639.76

Recommendation: That the Board of Supervisors:

1. Approve Cooperative Agreement No. 19-0727-019-SF known as the Pierce's Disease Control Program contract between Humboldt County and the California Department of Food and Agriculture;
2. Authorize the Chair to sign the original agreement and direct the Clerk of the Board to return all copies to the Agriculture Department 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 Bass, that the recommendations be approved. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Estelle Fennell, Virginia Bass, Mike Wilson, and Steve Madrone

Clerk of the Board

2. Approval of the Action Summary - Meeting of September 29, 2020

Recommendation: That the Board of Supervisors:

1. Approve the Action Summary for the meeting of September 29, 2020 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 Wilson, seconded by Supervisor Bass, that the recommendations be approved. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Estelle Fennell, Virginia Bass, Mike Wilson, and Steve Madrone

County Administrative Office**3. Grant Agreement with Western Organic Family Farms, COOP**

Recommendation: That the Board of Supervisors:

1. Approve the grant agreement with "Western Organic Family Farms, COOP" for expenditures related to the recipients submittal of an U.S. Department of Agriculture's Value Added Producer Grant, performing an A2/A2 Organic Milk Feasibility Study, as well as the sales, marketing and distribution of its A2/A2 brand; and
2. Approve the attached Standard Terms and Conditions detailing the insurance and indemnification requirements associated with this grant agreement.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Virginia Bass, Mike Wilson, and Steve Madrone

Department of Health and Human Services: Public Health**4. Professional Services Agreement with Humboldt State University for ACEs Aware trainings for the term of July 1, 2020 through June 30, 2021**

Recommendation: That the Board of Supervisors:

1. Approve the Professional Service Agreement with Humboldt State University (HSU) in the amount of \$110,000 for the term of July 1, 2020 through June 30, 2021;
2. Authorize the Director of Public Health or a designee to sign two copies of the agreement;
3. Authorize the Director of Public Health or designee to approve all future amendments and documents directly related to this agreement upon approval by County Counsel and Risk Management; and
4. Direct the Clerk of the Board to return one copy of the certified board report to the DHHS- Contract Unit.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Virginia Bass, Mike Wilson, and Steve Madrone

Planning and Building Department

5. Release from Conveyance and Agreement to Allow Construction of Multifamily Residential Units on Lots 11, 12, 13, 53, 54, 61, and 62 of Tract No. 647 (Former APN 508-252-001) of the Central Estates Phase 2C Final Map Subdivision; Case Number FMS-07-08

Recommendation: That the Board of Supervisors:

1. Consider the application;
2. Authorize the Chair of the Board to execute the Quitclaim and Partial Reconveyance (for Development Restrictions);
3. Direct Planning and Building Department to record the Quitclaim and Partial Reconveyance (for Development Restrictions); and
4. 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 Department for recording.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Virginia Bass, Mike Wilson, and Steve Madrone

6. Authorization to Sign Four (4) Professional Service Agreements with Qualified Consulting Firms to Assist the Planning and Building Department with Current Planning and Cannabis Planning Projects

Recommendation: That the Board of Supervisors:

1. Receive the staff report;
2. Authorize the Director of Planning and Building to sign four (4) professional service agreements with qualified consultants for the purpose of preparing environmental documents and technical studies, writing staff reports, completing the initial study checklist (pursuant to Appendix G of the California Environmental Quality Act (CEQA) guidelines, providing peer review of environmental documents and providing inspection services and state mandated reports in compliance with the requirements of the State of California Division of Mine Reclamation Surface Mining and Reclamation Act (SMARA); and
3. Authorize the Director of Planning and Building to amend the agreements as may be required.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Virginia Bass, Mike Wilson, and Steve Madrone

7. Request to Continue the Public Hearing on the Building Code Amendments Associated with the Accessory Dwelling Unit Ordinance to the Agenda of the Meeting to be Held on October 27, 2020

Recommendation: That the Board of Supervisors:

1. Continue the Public Hearing on the Building Code Amendments Associated with the Accessory Dwelling Unit Ordinance to the Agenda of the Meeting to be Held on October 27, 2020.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Virginia Bass, Mike Wilson, and Steve Madrone

Public Works

8. Federal Apportionment Exchange and State Match Program for Regional Surface Transportation Program Funds for Fiscal Year 2019-2020

Recommendation: That the Board of Supervisors:

1. Approve, and authorize the Chair of the Board to execute, Agreement No. X20-5904(183) with the California Department of Transportation regarding the assignment of federal apportionments made available to the County of Humboldt for allocation to transportation projects in exchange for nonfederal State Highway Account funds; and
2. Direct the Clerk of the Board to return one (1) fully executed original copy of Agreement No. X20-5904(183) to the Department of Public Works for transmittal to the California Department of Transportation.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Virginia Bass, Mike Wilson, and Steve Madrone

Sheriff

9. Position Allocation Modification to Humboldt County Correctional Facility (HCCF) from Vocational Counselor to Client Services Worker

Recommendation: That the Board of Supervisors:

1. Approve the allocation of one full-time (1.0 FTE) Client Services Worker I/II (AFSCME, salary range 320/353, class 0772) in budget unit 3884-127 effective immediately; and
2. Approve the deallocation of one full-time (1.0 FTE) Vocational Counselor I/II (AFSCME, salary range 353/376, class 0768) in budget unit 3884-127 effective immediately.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Virginia Bass, Mike Wilson, and Steve Madrone

10. Agreement Between the Humboldt County Sheriff's Office (HCSO) and HomeWAV for Video Visitation for Those Incarcerated

Recommendation: That the Board of Supervisors:

1. Approve the agreement between the HCSO and HomeWAV; and
2. Authorize the Sheriff to sign three (3) original copies of the agreement and any additional amendments, modifications, or extensions of this agreement.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Virginia Bass, Mike Wilson, and Steve Madrone

D. ITEMS PULLED FROM CONSENT

E. PUBLIC COMMENT ON NON-AGENDA ITEMS

F. SPECIAL PRESENTATIONS

G. MATTERS INITIATED BY BOARD MEMBERS

H. DEPARTMENT REPORTS

County Administrative Office

1. Responses to 2019-20 Grand Jury Reports

Recommendation: That the Board of Supervisors:

1. Review and modify as necessary the proposed Grand Jury responses from the Board of Supervisors (Attachment 2);
2. Approve the repaired files as official responses from the Human Resources, and Probation Departments (Attachments 4 and 5);
3. Approve the documents, as may be modified, as the response;
4. Receive report from the District Attorney (Attachment 3);
5. Direct the Clerk of the Board, within 5 working days, to submit the final response with an accompanying Board Order to the 2019-20 Grand Jury and the Presiding Judge of the Superior Court;
6. 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
7. 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 Bass, seconded by Supervisor Wilson, that the recommendations be approved. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Estelle Fennell, Virginia Bass, Mike Wilson, and Steve Madrone

DHHS: Social Services

2. Humboldt County Public Authority for In-Home Supportive Services (IHSS) to Approve Recommendation to Appoint an IHSS Advisory Board Member

Recommendation: That the Board of Supervisors:

1. Adjourn as the Humboldt County Board of Supervisors;
2. Convene as the Governing Board of the Humboldt County IHSS Public Authority and consider the following agenda;
 - a. Approve recommendation to appoint Mr. Jack Breazeal to the IHSS Advisory Board; and
3. Reconvene as the Humboldt County Board of Supervisors.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Virginia Bass, Mike Wilson, and Steve Madrone

I. PUBLIC HEARINGS***Public Works***

1. Acquisition of Assessor Parcel Number 501-241-005 and 404-141-002 for the Humboldt Bay Trail South Project

Recommendation: That the Board of Supervisors:

1. Open the public hearing;
2. Receive the staff report and comments from the public;
3. Close the public hearing;
4. Find that Notice of Intention to Purchase Real Property was given pursuant to Government Code section 25350;
5. Approve the purchase of real property designated with Assessor Parcel No. 501-241-005 and Assessor Parcel No. 404-141-002 ("the Subject Property") to provide right-of-way for the Humboldt Bay Trail South Project;
6. Direct that future lease revenue associated with the Subject Property be dedicated for maintenance of the Humboldt Bay Trail and project development to expand regional trails;
7. Approve, and authorize the Public Works Director to sign, the attached Purchase and Sale Agreement (and revisions or amendments with non-substantial changes);
8. Appoint the Public Works Director, or the Deputy-Director for Environmental Services, to negotiate and execute documents reasonably necessary to complete the property acquisition; and
9. Authorize the attached budget adjustment for 1710715 (Bicycles & Trailways Program) for fiscal year (FY) 2020-21.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Virginia Bass, Mike Wilson, and Steve Madrone

Planning and Building Department

2. Samoa Peninsula Wastewater Project (SPWP) Environmental Impact Report (EIR) Certification, Project Approval and Local Coastal Program Amendment Initiation; Record Number PLN-2020-16642

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) Making Findings of Fact, Certifying the Final Environmental Impact Report (FEIR) for the SPWP (Attachment 3), adopting the Mitigation Monitoring and Reporting Program (Attachment 2), approving the SPWP, and initiating amendments to the Humboldt Bay Area Plan that are necessary to allow the SPWP to proceed;
4. Direct Planning and Building staff to file a Notice of Determination with the Humboldt County Clerk and State Clearinghouse; and
5. Direct Planning and Building staff to prepare amendments to the Humboldt Bay Area Plan necessary for the SPWP to proceed.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Virginia Bass, Mike Wilson, and Steve Madrone

3. Public Hearing on Draft Amendments to the Commercial Cannabis Land Use Ordinance (CCLUO) for Small Cultivators (Case # PLN-2020-16447), Amendment to the Outdoor Cultivation of Cannabis for Personal Use Ordinance (Case # PLN-2020-16479) and Amendments to the CCLUO to Ensure Financial Security, Introduction of Amendments to the Commercial Marijuana Cultivation Tax Ordinance to Ensure Financial Security (Case # PLN-2020-16579)
-

Recommendation: That the Board of Supervisors:

1. Introduce the Inland Small Cultivators CCLUO Amendments by title and waive further reading of Ordinance No. ____ [Attachment 3], amending sections 314-55.4.4, 314-55.4.6.1, and 314-55.4.6.5 of Chapter 4 of Division 1 of Title III of the Humboldt County Code - HCC;
2. Introduce the Inland Personal Use Ordinance Amendments by title and waive further reading of Ordinance No. ____ [Attachment 4], amending section 314-55.2.7 of Chapter 4 of Division 1 of Title III of the HCC;
3. Introduce the Inland and Coastal Financial Security Ordinance Amendments by title and waive the first reading of Ordinance No. ____ [Attachment 5], adding section 313-55.4.12.2.9 to Chapter 3 of Division 1 of Title III, adding section 314-55.4.12.2.9, to Chapter 4 of Division 1 of Title III (Financial Security Amendments - Part 1);
4. Introduce by title the amendments to the Commercial Marijuana Cultivation Tax Ordinance amending sections 719-4, 719-6, 719-7 and 719-12 of Chapter 9 of Division 1 of Title VII of the HCC [Attachment 6] (Financial Security Amendments - Part 2);
5. Receive and consider the Planning Commission's recommendation, staff analysis and written comments received [Attachment 7], open the public hearing, and accept public comment;
6. Close the public hearing;
7. Deliberate on the proposed ordinances; and
8. Adopt the proposed ordinances and Plan amendments and set the amendments to the Commercial Marijuana Cultivation Tax Ordinance for adoption at least one week away by taking the following actions:
 - a. Adopt Resolution No. ____ [Attachment 1] making findings that the Addendum to the Program Environmental Impact Report (PEIR) for the Commercial Cannabis Land Use Ordinance (CCLUO) prepared for the Small Cultivator Ordinance Amendments is in conformance with the California Environmental Quality Act (CEQA), the Personal Use Ordinance Amendments and the Inland Financial Security Ordinance Amendments are exempt from environmental review pursuant to CEQA per Sections 15050(c)(2) and 15060(c)(3) and making all the required findings for consistency with the General Plan, and Zoning Ordinance and state law;
 - b. Adopt Resolution No. ____ [Attachment 2], making findings that the Coastal Financial Security Ordinance Amendments are exempt from environmental review pursuant to CEQA per Sections 15050(c)(2) and 15060(c)(3), making all the required findings for consistency with the General Plan, Zoning Ordinance and the Coastal Act and transmitting the Coastal Financial Security Ordinance Amendments to the California Coastal Commission for their review and certification;
 - c. Adopt Ordinance No. ____ [Attachment 3], the Small Cultivators Ordinance Amendments to the CCLUO; and
 - d. Adopt Ordinance No. ____ [Attachment 4], the Personal Use Ordinance Amendments;
 - e. Adopt Ordinance No. ____ [Attachment 5], the Inland and Coastal Financial Security Amendments to the CCLUO (Financial Security Amendments - Part 1) and transmitting the Coastal Financial Security Amendments to the California Coastal Commission for their review and certification;
 - f. Set for adoption the Financial Security Amendments to the Commercial Marijuana Cultivation Tax Ordinance [Attachment 6] (Financial Security Amendments - Part 2) at least one week from this hearing date, direct the Clerk of the Board to publish the

pre-adoption summary of the Ordinance (Attachment 11), and to post a certified copy of the full text of the proposed Ordinance in the office of the Clerk of the Board, both publication and posting to be done at least five (5) days prior to the Board meeting at which the Ordinance will be adopted [Government Code Section 25124(b)(1)], and direct the Clerk of the Board to publish a post-adoption summary of the ordinance amendments (Attachment 12) with the names of the Supervisors voting for and against the ordinance amendments and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the adopted ordinance amendments along with the names of those Supervisors voting for and against the ordinance [Government Code Section 25124(b)(1)];

g. Direct the Clerk of the Board to publish Summaries of the Small Cultivators Ordinance Amendments, Personal Use Ordinance Amendments, and the Financial Security Amendments to the CCLUO within 15 days after adoption, along with the names of those Supervisors voting for and against each ordinance amendments [Attachments 8, 9, and 10] and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of each adopted ordinance; and

h. Direct Planning Staff to prepare and file a Notice of Determination for the Small Cultivators Ordinance Amendments and a Notice of Exemption for the Personal Use Ordinance Amendments and Financial Security Amendments to the CCLUO with the County Clerk and Office of Planning and Research.

A motion was made by Supervisor Madrone, seconded by Supervisor Fennell, that the recommendations be approved with the modifications as discussed. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Estelle Fennell, Virginia Bass, Mike Wilson, and Steve Madrone

J. DISCUSSION ITEMS

K. MATTERS SET FOR TIME CERTAIN**Planning and Building Department**

1. 1:30 p.m. - Appeal of the Planning Commission actions to approve the Honeydew Ranch, LLC, Conditional Use Permit and Special Permit to allow continued cultivation of 16,175 square feet of mixed light cannabis cultivation and a 14,000-square-foot wholesale nursery, and up to 3.82 acres of cannabis cultivation relocated to the site through the RRR program and Adoption of a Mitigated Negative Declaration that evaluated a maximum of 6 acres of mixed light commercial cannabis cultivation and the wholesale nursery on Assessor Parcel Number (APN): 107-272-005

Recommendation: That the Board of Supervisors:

1. Open the public hearing and receive the staff report, testimony by the appellant (applicant), and public;
2. Close the public hearing;
3. Adopt the resolution (Resolution 20-__). (Attachment 1) which does the following:
 - a. Adopt the Initial Study and Mitigated Negative Declaration, State Clearinghouse No. 2019069066;
 - b. Make the findings required to deny the appeal and approve the Conditional Use Permits and Special Permit;
 - c. Deny the Appeal;
 - d. Adopt the mitigation monitoring and reporting plan; and
 - e. Approve the Conditional Use Permit, Special Permit and Zoning Clearance Certificates subject to the conditions of approval (Attachment 1A);
4. Direct the Clerk of the Board to give notice of the decision to the appellant, the project applicant, the property owner, and any other interested party; and
5. Direct the Planning and Building Department to file a Notice of Determination with the Humboldt County Recorder's Office, pursuant to the California Environmental Quality Act.

A motion was made by Supervisor Madrone, seconded by Supervisor Fennell, to approve alternative staff recommendation number two and add the conditions that the solar array be constructed and installed by 6/30/2021; to allow inspection without twenty four hour notice; and that the generator be completely removed by the time the solar array is installed. The motion carried by the following vote:

Aye: 4 - Rex Bohn, Estelle Fennell, Mike Wilson, and Steve Madrone

Nay: 1 - Virginia Bass

L. CLOSED SESSION

1. It is the intention of the Board of Supervisors to meet in closed session to consider the Public Employee Performance Evaluation for the position of Planning and Building Director pursuant to Government Code sections 54954.5 and 54957.

The Board of Supervisors met in closed session to consider the Public Employee Performance Evaluation for the position of Planning and Building Director pursuant to Government Code sections 54954.5 and 54957. This item was continued to the next meeting.

2. It is the intention of the Board of Supervisors to meet in closed session to consider the Public Employee Performance Evaluation for the position of the Aviation Director pursuant to Government Code sections 54954.5 and 54957.

The Board of Supervisors met in closed session to consider the Public Employee Performance Evaluation for the position of the Aviation Director pursuant to Government Code sections 54954.5 and 54957. This item was continued to the next meeting.

3. It is the intention of the Board of Supervisors to meet in closed session to consider the Public Employee Performance Evaluation for the position of Public Defender pursuant to Government Code sections 54954.5 and 54957.

The Board of Supervisors met in closed session to consider the Public Employee Performance Evaluation for the position of Public Defender pursuant to Government Code sections 54954.5 and 54957. This item was continued to the next meeting.

4. Conference with Legal Counsel – pursuant to Government Code Section 54956.9(d)(1) to discuss existing litigation in the case of HUMMAP v. Humboldt County, Humboldt Superior Court Case No. CV 180425, A160161, A160264.

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 HUMMAP v. Humboldt County, Humboldt Superior Court Case No. CV 180425, A160161, A160264. There was no action to report.

M. ADJOURNMENT

I, RYAN SHARP, 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.

RYAN SHARP

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

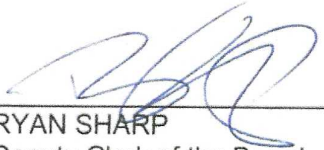

OCTOBER 7, 2020



MINUTES
TUESDAY, OCTOBER 6, 2020
Regular Session

The Honorable Board of Supervisors of the County of Humboldt met in regular session on the above date within the Humboldt County Courthouse, Eureka, California. The minutes of this meeting were approved on Tuesday, October 20, 2020 with the vote as shown below.

AYES: Supervisors: Fennell, Bohn, Madrone, Wilson, Bass
NAYS: Supervisors: --
ABSENT: Supervisors: --
ABSTAIN: Supervisors: --



RYAN SHARP
Deputy Clerk of the Board



ESTELLE FENNELL
Chair of the Board