

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of August 8, 2023

RESOLUTION NO. 23-113

**RESOLUTION OF THE HUMBOLDT COUNTY BOARD OF SUPERVISORS RESCINDING
RESOLUTION NO 19-122 AUTHORIZING THE APPLICATION OF CALIFORNIA WELFARE
AND INSTITUTIONS CODE SECTION 5151 WITHIN THE COUNTY OF HUMBOLDT**

WHEREAS, the California Lanterman-Petris-Short Act (Welfare and Institutions Code, Division 5, Part 1, Chapter 1, section 5000 et seq.) provides procedures for the involuntary evaluation and treatment of persons who, as a result of a mental disorder, constitute a danger to themselves or others, or are gravely disabled; and

WHEREAS, through the passing of Assembly Bill 2275, the California Lanterman-Petris-Short Act, Welfare and Institutions Code sections 5150 5151, 5256, and 5275, regarding the detention of mentally disordered persons for evaluation and treatment, were amended to specify that the 72-hour period of detention begins at the time when the person is first detained; and

WHEREAS, these changes in the law eliminated conflicting language previously contained in Welfare and Institutions Code sections 5150 and 5151 that permitted counties to apply a procedure whereby the seventy-two hour clock started at the time of admittance to the designated psychiatric inpatient facility; and

WHEREAS, these changes in the law further provide due process protection for those persons waiting in non-designated Emergency Departments through the provision of remote hearings, and the right to petition the court for a writ of habeas corpus, while waiting for psychiatric evaluation at the county designated facility; and

WHEREAS, to be in alignment with the changes within the Lanterman-Petris-Short Act, the resolution previously approved on December 16, 2019 by the Humboldt County Board of Supervisors through the adoption of Resolution No 19-122 is in need of rescension; and

WHEREAS, the Board of Supervisors of the County of Humboldt desires to operate within the law regarding detention and evaluation of mentally disordered persons pursuant to the Lanterman-Petris-Short Act as codified in Welfare and Institutions Code sections 5000-5556.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Humboldt hereby rescinds Resolution No 19-122, as adopted by the Humboldt County Board of Supervisors on December 16, 2019.

BE IT FURTHER RESOLVED, that the newly amended provisions of the California Lanterman-Petris-Short Act (Welfare and Institutions Code, Division 5, Part 1, Chapter 1, section 5000 et seq.), and any future amendments hereto, constitute the procedures for county interpretation of the seventy-two hour clock and due process rights afforded to individuals involuntarily detained thereunder.



Steve Madrone, Chair
Humboldt County Board of Supervisors

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of August 8, 2023

Adopted on motion by Supervisor Wilson, seconded by Supervisor Arroyo, and the following vote:

AYES: Supervisors: Bushnell, Wilson, Bohn, Madrone, Arroyo

NAYS:

ABSENT:

ABSTAIN:

STATE OF CALIFORNIA)

County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

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