



COUNTY OF HUMBOLDT

For the meeting of: November 10, 2015

Date: November 4, 2015
 To: The Honorable Board of Supervisors
 From: Ana Hartwell, Deputy Clerk of the Board of Supervisors
 Subject: **Approval of the Action Summary – Meeting of November 3, 2015**

RECOMMENDATION: That the Board of Supervisors approve the Action Summary from the meeting of November 3, 2015 and authorize the Clerk of the Board and Board Chair to sign the minute book in accordance with California Government Code Section 25103.

SOURCE OF FUNDING: General Fund

DISCUSSION: The Action Summary from the meeting of November 3, 2015 is attached. This Action Summary encompasses all actions taken by the Board of Supervisors at their November 3, 2015 meeting.

FINANCIAL IMPACT: None

OTHER AGENCY INVOLVEMENT: None

ALTERNATIVES TO STAFF RECOMMENDATIONS: Direct the Clerk of the Board to prepare a corrected Action Summary, if necessary.

ATTACHMENT(S): Action Summary for the meeting of November 3, 2015

Prepared by Ana Hartwell, Deputy Clerk of the Board

CAO Approval: Amy Olson

REVIEW:

Auditor _____ County Counsel _____ Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:

- Consent
- Departmental
- Public Hearing
- Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor Lovelace Seconded by Supervisor Sundberg

Ayes Sundberg, Lovelace, Fennell, Bohn
 Nays _____
 Abstain _____
 Absent Bass

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: Nov. 10, 2015

By: Ana Hartwell
 Ana Hartwell, Deputy Clerk of the Board

BOARD OF SUPERVISORS

REX BOHN
First District
ESTELLE FENNEL
Chair - Second District
MARK LOVELACE
Vice Chair - Third District
VIRGINIA BASS
Fourth District
RYAN SUNDBERG
Fifth District



COUNTY STAFF

PHILLIP SMITH-HANES
County Administrative Officer
JEFFREY S. BLANCK
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, November 3, 2015

9:00 AM

Regular Meeting

A. SALUTE TO THE FLAG

B. MODIFICATIONS TO THE AGENDA

C. CONSENT CALENDAR

Agricultural Commissioner

1. Approval of Cooperative Agreement No 15-243-SA, Certified Farmers Market Inspection Contract in the Amount of \$12,800.00 and Supplemental Budget (4/5 Vote Required)

Recommendation: That the Board of Supervisors approve the Cooperative Agreement No. 15-243-SA, known as the Certified Farmer's Market Inspection Program contract with the California Department of Food and Agriculture in the amount of \$12,800; authorize the Chair to sign the original agreement, one copy of the cover page, and direct the Clerk of the Board to return all signed copies to the Agricultural Commissioner's Office for further processing; direct the Auditor-Controller to execute the attached Supplemental Budget (4/5 vote required); and grant a waiver from the provisions of the Nuclear Free Ordinance.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Mark Lovelace, Virginia Bass, and Ryan Sundberg

Board of Supervisors

- 2. Letter to the Department of Fish & Wildlife Services Requesting Clamming Boundary Line Adjustment at Clam Beach (Little River Beach) (Supervisor Ryan Sundberg & Supervisor Rex Bohn)

Recommendation: That the Board of Supervisors authorize Chair to sign letter to the Department of Fish & Wildlife Services requesting clamming boundary line adjustment at Clam Beach.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Mark Lovelace, Virginia Bass, and Ryan Sundberg

- 3. Appreciation Letter to Charlie Bean for Service on the Humboldt County Human Rights Commission (Supervisor Virginia Bass)

Recommendation: That the Board of Supervisors authorize the Chair to sign the Letter of Appreciation.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Mark Lovelace, Virginia Bass, and Ryan Sundberg

- 4. Letter of Support for Humboldt State University's Saltonstall-Kennedy Project - Socioeconomic Data Collection to Support Fishing Community Sustainability Planning (Supervisor Estelle Fennell)

Recommendation: That the Board of Supervisors ratify authorization for the Chair to sign the letter of support.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Mark Lovelace, Virginia Bass, and Ryan Sundberg

- 5. Informational Report on the Appointment of Otto Van Emmerik to the McKinleyville Community Advisory Committee Representing the 5th District (Supervisor Ryan Sundberg)

Recommendation: That the Board of Supervisors receive and file the report.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Mark Lovelace, Virginia Bass, and Ryan Sundberg

Clerk of the Board

6. Approval of the Action Summary - Meeting of October 27, 2015

Recommendation: That the Board of Supervisors approve the Action Summary from the meeting of October 27, 2015 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 Bass, seconded by Supervisor Lovelace, that the recommendations be approved. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Estelle Fennell, Mark Lovelace, Virginia Bass, and Ryan Sundberg

County Administrative Office

7. Local Fire District Allocations for Fiscal Year 2015-16 for the Arcata, Blue Lake, Ferndale, Fortuna, Garberville, Humboldt, Kneeland, Loleta, Petrolia, Redway and Willow Creek Fire Protection Districts, and Fieldbrook and Carlotta, Orick, Orleans and Weott Community Service Districts, and Shelter Cove Resort Improvement District (RID)

Recommendation: That the Board of Supervisors authorize the Chair of the Board to execute agreements with Arcata, Blue Lake, Ferndale, Fortuna, Garberville, Humboldt, Kneeland, Loleta, Petrolia, Redway and Willow Creek Fire Protection Districts, and Fieldbrook, Carlotta, Orick, Orleans and Weott Community Service Districts, and Shelter Cove Resort Improvement District (RID) for revenue-sharing of the county's Fiscal Year 2015-16 Proposition 172 (Prop 172) funding; and direct the Clerk of the Board to submit one copy of the agreement to the County Administrative Office for processing.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Mark Lovelace, Virginia Bass, and Ryan Sundberg

8. Amendment to California HERO Program Property-Assessed Clean Energy (PACE) Financing Resolution

Recommendation: That the Board of Supervisors adopt the attached resolution amending resolution 15-59, approving and authorizing execution of an Agreement for Collection of Special Taxes and Contractual Assessments related to the California HERO PACE program within the unincorporated area of Humboldt County and authorizing other required action.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Mark Lovelace, Virginia Bass, and Ryan Sundberg

Public Works

9. Construction of Storm Damage Repairs on Alderpoint Road (F6B165) at PM 42.65 & 42.70, Project No.: ER-4400(051) & ER-4400(052) Contract No.: 206377 & 206378

Recommendation: That the Board of Supervisors ratify the signature of the Director of Public Works on Contract Change Order Number 1 for the total amount of \$18,871.00; and approve the attached Appropriation Transfer to provide funding.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Mark Lovelace, Virginia Bass, and Ryan Sundberg

10. Establish a Trust Fund for Passenger Facility Charge 11

Recommendation: That the Board of Supervisors approve the establishment of an interest-bearing trust fund for deposit of Passenger Facility Charges (PFC) collected during the PFC-11 period and for balance transfers from prior PFC's; direct the Auditor/Controller to set up a new fund titled "Passenger Facility Charge-11" with fund number 3996; and direct the Auditor/Controller to transfer remaining PFC 8 Fund 3992 balance and associated interest to PFC 11 Fund 3996.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Mark Lovelace, Virginia Bass, and Ryan Sundberg

11. Little Trail Subdivision, Phase I, APN 018-081-005, Cutten

Recommendation: That the Board of Supervisors accept and approve the subdivision map for filing with the County Recorder; accept the dedications to the County of Humboldt of Parcel C for public utilities and sidewalks, Berner Lance for public utility purposes only, and Parcels B, D, and E for non-vehicular access; direct the Clerk of the Board to sign the subdivision map on behalf of the Board; authorize the Chair to execute the Conveyance and Agreement; and direct the Clerk of the Board to transmit the subdivision map and the Conveyance and Agreement to the County Recorder.

A motion was made by Supervisor Bass, seconded by Supervisor Lovelace, that this Informational Report be approved. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Estelle Fennell, Mark Lovelace, Virginia Bass, and Ryan Sundberg

12. Hangar Lease Assignment from Security National Servicing Corporation to Mercer, Fraser Company (4/5 Vote Required)

Recommendation: That the Board of Supervisors (4/5 vote required) approve and authorize the chair to execute the attached Consent to Assignment and Assumption Agreement with Security National Servicing Corporation and Mercer, Fraser Company; and direct the Clerk of the Board to retain the original executed Consent to Assignment and Assumption Agreement, and return two certified copies of the same to the Land Use Division for further processing.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Mark Lovelace, Virginia Bass, and Ryan Sundberg

13. Approve the Memorandum of Understanding between the Humboldt County Department of Health and Human Services and the Humboldt County Department of Public Works Regarding Motor Pool Division 3500350

Recommendation: That the Board of Supervisors approve, and authorize the appropriate County officials to execute the attached Memorandum of Understanding (MOU) between the Department of Health and Human Services (DHHS) and the Department of Public Works effective from the date of execution through June 30, 2016.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Mark Lovelace, Virginia Bass, and Ryan Sundberg

D. SPECIAL PRESENTATIONS

E. MATTERS SET FOR TIME CERTAIN

F. ITEMS PULLED FROM CONSENT

G. MATTERS INITIATED BY BOARD MEMBERS

Board of Supervisors

1. Fernbridge River Bar Discussion (Supervisor Rex Bohn)

Recommendation: That the Board of Supervisors hear the discussion and take appropriate action, if required.

A motion was made by Supervisor Bohn, seconded by Supervisor Sundberg, to have County Counsel work with the Sheriff and local law enforcement, as well as stakeholders at the Sheriff's discretion, to come up with an amicable solution to the issues that have been brought forth today. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Estelle Fennell, Mark Lovelace, Virginia Bass, and Ryan Sundberg

2. Green Diamond Presentation on the Conservation Strategy and Opportunity for a Community Forest for the McKinleyville Tract (Supervisor Ryan Sundberg)

Recommendation: That the Board of Supervisors hear the presentation and take appropriate action, if required.

A motion was made by Supervisor Sundberg, seconded by Supervisor Bohn, to have the County support the McKinleyville forest concept and request that Green Diamond contact the McKinleyville Municipal Advisory Committee and give a presentation to them at their next meeting. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Estelle Fennell, Mark Lovelace, Virginia Bass, and Ryan Sundberg

3. Appointment of Members to the Blue Ribbon Task Force (Supervisor Rex Bohn)

Recommendation: That the Board of Supervisors consider appointments to the Blue Ribbon Task Force.

A motion was made by Supervisor Lovelace, seconded by Supervisor Bass, to direct the County Administrative Office to work with W. Brown Creative Partners to bring back a proposal for the makeup of the Blue Ribbon Task Force. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Estelle Fennell, Mark Lovelace, Virginia Bass, and Ryan Sundberg

4. Clarification of Timeline for Report by the Humboldt County Planning Commission to the Board on the Proposed Ordinance Regarding Commercial Cultivation of Cannabis for Medical Use (Supervisor Estelle Fennell)

Recommendation: That the Board of Supervisors request, in writing, that the Planning Commission render its recommendation and report on the proposed ordinance relating to the commercial cannabis for medical use by December 3, 2015, as discussed below; and authorize the Planning Commission to hold as many meetings as necessary to complete their review of the ordinance prior to or on December 3, 2015.

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

Aye: 4 - Estelle Fennell, Mark Lovelace, Virginia Bass, and Ryan Sundberg

Nay: 1 - Rex Bohn

H. DEPARTMENT REPORTS

In-Home Supportive Services

1. Approval of the New In-Home Support Services (IHSS) Public Authority (PA) Provider Rate Effective January 1, 2016

Recommendation: That the Board of Supervisors adjourn as Humboldt County Board of Supervisors; convene as the Governing Board of the Humboldt County In-Home Supportive Services Public Authority and consider the following agenda; approve the new IHSS Public Authority provider rate change effective January 1, 2016 due to the state action to increase the state minimum wage; and reconvene as Humboldt County Board of Supervisors.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Mark Lovelace, Virginia Bass, and Ryan Sundberg

I. 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 Director of Planning and Building 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 Director of Planning and Building pursuant to Government Code sections 54954.5 and 54957. There was no action to report.

2. It is the intention of the Board of Supervisors to meet in closed session to consider the appointment for the position of Director of Department of Health and Human Services pursuant to Government Code sections 54954.5 and 54957.

The Board of Supervisors met in closed session to consider the appointment for the position of Director of Department of Health and Human Services pursuant to Government Code sections 54954.5 and 54957. There was no action to report.

3. Conference with Labor Negotiator - Pursuant to Government Code section 54957.6 it is the intention of the Board of Supervisors to meet in closed session to review the County's position and instruct its designated labor negotiator with respect to the various forms of compensation provided to the County's represented and unrepresented personnel. Negotiator: Dan Fulks. Employee Organizations: American Federation of State, County and Municipal Employees (AFSCME local 1684), Humboldt County Attorneys Association, Humboldt Deputy Sheriffs' Organization (Law Enforcement Non-Management Unit), Humboldt Deputy Sheriffs' Organization (Law Enforcement Management Unit), Elected & Appointed County Officials, and Management & Confidential Employees.

The Board of Supervisors met in conference with Labor Negotiator pursuant to Government Code section 54957.6 to review the County's position and instruct its designated labor negotiator with respect to the various forms of compensation provided to the County's represented and unrepresented personnel. Negotiator: Dan Fulks. Employee Organizations: American Federation of State, County and Municipal Employees (AFSCME local 1684), Humboldt County Attorneys Association, Humboldt Deputy Sheriffs' Organization (Law Enforcement Non-Management Unit), Humboldt Deputy Sheriffs' Organization (Law Enforcement Management Unit), Elected & Appointed County Officials, and Management & Confidential Employees. There was no action to report.

4. Conference with Legal Counsel - Existing Litigation pursuant to Government Code section 54956.9, subd. (d)(1); County of Humboldt v. Robert C. McKee et al.; Humboldt County Superior Court Case No. DR020825.

The Board of Supervisors met in conference with Legal Counsel on existing litigation pursuant to Government Code section 54956.9, subd. (d)(1); County of Humboldt v. Robert C. McKee et al.; Humboldt County Superior Court Case No. DR020825. The County has settled with the Secondary Defendants named in the original Complaint. The signing Secondary Defendants have paid the County the back taxes and penalties and will be able to proceed to obtain permits for development through regular County processes. The County will dismiss all remaining defendants.

5. Conference with legal counsel to discuss possible litigation and settlement involving Suddenlink, County of Humboldt, and other public entities pursuant to Government Code Section 54956.9(d)(2) and (4).

The Board of Supervisors met in conference with legal counsel to discuss possible litigation and settlement involving Suddenlink, County of Humboldt, and other public entities pursuant to Government Code Section 54956.9(d)(2) and (4). The County has agreed to a settlement proposal involving all public entities and Suddenlink in the payment of some back fees regarding Access Humboldt. The settlement is still contingent on the other public entities signing on to the agreement.

J. PUBLIC COMMENT ON NON-AGENDA ITEMS – 1:30 P.M.

K. ADMINISTRATIVE ABATEMENT HEARINGS

L. PUBLIC HEARINGS

Planning and Building Department

1. County-Initiated Notice of Intent to Serve Notice of Non-Renewal of the Tooby and Prior Land Conservation Contract. Resolution No. 77-18. Case Number AGPN-15-004. Application Number 9995. Key Assessor Parcel Number (APN) 217-211-008-000 (see Attachment G for a complete list of affected parcel numbers). Blocksburg Area

Recommendation: That the Board of Supervisors hold a public hearing in the manner prescribed by law, receive the staff report; approve the Notice of Intent to Service Notice of Non-Renewal and direct the Planning staff to mail said notice to the property owners informing them of their right to protest; direct the Clerk of the Board to execute the Notice of Non-Renewal and record with the County Recorder's Office no later than 20 days after the County sends the Notice of Intent to Serve Notice of Non-Renewal to property owners; and direct the Clerk of the Board to give notice of the decision to Non-Renew the Land Conservation Contract to property owners, the California Office of Land Conservation, the Assessor's Office, County Counsel and any other interested party.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Mark Lovelace, Virginia Bass, and Ryan Sundberg

Public Works

2. Amendment to Humboldt Sanitation Franchise Agreement Rate Schedule for FY 2015-16

Recommendation: That the Board of Supervisors open a public hearing and receive the staff report and public comments on the proposed rate reduction for solid waste collection in the northwestern area of Humboldt County; close the public hearing; approve the Amendment to Solid Waste Franchise Agreement with Humboldt Sanitation Company, Inc., effective December 1, 2015; and direct the Clerk of the Board to return two fully executed copies of said Amendments to Public Works for distribution.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Mark Lovelace, Virginia Bass, and Ryan Sundberg

M. AFTERNOON DISCUSSION ITEMS**County Administrative Office****1. First Quarter Fiscal Year 2015-16 Budget Update (4/5 Vote Required)**

Recommendation: That the Board of Supervisors receive a review of the Fiscal Year (FY) 2014-15 ending balances, first quarter budget results for FY 2015-16, and an initial projection of the County's budget condition for FY 2016-17; establish the Capital Project Reserve fund (3562); direct the County Administrative Office (CAO) to review, in consultation with department heads, the current county department structure and responsibilities and report back to the Board with any recommended changes; approve the list of budget adjustments shown on Attachment 1 (4/5 vote required), and authorize CAO staff to make any technical corrections necessary to effectuate the Board's direction; approve funding allocation of a one (1.0) full-time equivalent Senior Accountant Auditor (job class 1632, salary range 405) and dis-allocation of currently frozen 1.0 Accountant/Auditor I/II (job class 643, salary range 362/386) in budget unit 111 Auditor-Controller's Office and modifications to the position allocation table as shown on Attachment 2; and provide additional direction to staff as appropriate.

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

Aye: 5 - Rex Bohn, Estelle Fennell, Mark Lovelace, Virginia Bass, and Ryan Sundberg

2. County Administrative Officer Report: Recent Conference Attendance and Various Other Topics

Recommendation: That the Board of Supervisors receive an oral report from the County Administrative Officer providing an update on recent conference attendance, and various other topics, and take action as may be required.

This CAO Report was received and filed per order of the Chair.

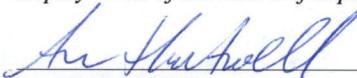
Board of Supervisors**3. Reports on Board Member Travel at County Cost, Meeting Attendance, and Supervisorial District Matters****N. ADJOURNMENT**

I, ANA HARTWELL, 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.

ANA HARTWELL

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


November 3, 2015



MINUTES
TUESDAY, NOVEMBER 3, 2015
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, November 10, 2015, with the vote as shown below.

AYES: Supervisors: Sundberg, Lovelace, Fennell, Bohn
NAYS: Supervisors: n/a
ABSENT: Supervisors: Bass



ANA HARTWELL
Deputy Clerk of the Board



ESTELLE FENNELL
Chair of the Board