#### **BOARD OF SUPERVISORS**

REX BOHN
First District
ESTELLE FENNELL
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
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, May 5, 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 937 1356 9730 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

#### A. SALUTE TO THE FLAG

# B. MODIFICATIONS TO THE AGENDA

#### C. CONSENT CALENDAR

# Agricultural Commissioner

Approve Amendment 1 to the Cooperative Service Agreement No. 18-73-06-0245-RA between
Humboldt County and United States Department of Agriculture Animal and Plant Health inspection
Services Wildlife Services (USDA-APHIS-WS), and Related Financial Plans for FY 2019-20
(\$74,482) and FY 2020-21 (\$77,089)

Recommendation: That the Board of Supervisors:

1. Approve Amendment 1 to Cooperative Service Agreement No. 18-73-06-0245-RA, known as the United States Department of Agriculture-Wildlife Services (USDA-WS) Contract (Attachment 1), and Financial Plans No 19-73-06-0254-RA and 20-73-06-0254-RA;

2. Authorize the Chair to sign three copies each of Amendment 1 to the Cooperative Service Agreement, Financial Plan No. 19-73-06-0254-RA, and Financial Plan No. 20-73-06-0254-RA, and return all signed copies to the Agricultural Commissioner's office for further processing; and

3. Grant a waiver 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:

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

2. Approval of Amendment 1 to Cooperative Agreement No. 18-0684-000-SA, Industrial Hemp Cultivation Program in the amount of \$1,880

Recommendation: That the Board of Supervisors:

- 1. Approve Amendment 1 to Cooperative Agreement No. 18-0684-000-SA, known as the Industrial Hemp Cultivation Program agreement;
- 2. Authorize the Chair to sign the agreement and return the agreement to the Agricultural Commissioner's Office 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:

#### **Board of Supervisors**

3. Letter of Support to the California Public Utilities Commission for Frontier Communications request for funding from the California Advanced Services Fund (CASF) for Garberville to Alderpoint Project (Supervisor Estelle Fennell)

Recommendation: That the Board of Supervisors:

1. Authorize the Chair to sign the letter of support.

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

 Letter of Appreciation for Sandra Dale for her Service on the Humboldt County Resource Conservation District

Recommendation: That the Board of Supervisors:

1. Authorize the Chair to sign the letter of appreciation.

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
- 5. Vacancy on the Humboldt County Resource Conservation District

Recommendation: That the Board of Supervisors:

1. Receive and file the report.

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. Approval of the Action Summary Meeting of April 28, 2020

Recommendation: That the Board of Supervisors:

1. Approve the Action Summary for the meeting of April 28, 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:

# Department of Health and Human Services: Mental Health

Mental Health Organizational Provider Services Agreement with Crestwood Behavioral Health Inc. Pathways Regarding the Provision of Adult Residential Treatment Services to Eligible Medi-Cal
Beneficiaries Residing in Humboldt County

Recommendation: That the Board of Supervisors:

- 1. Approve, and authorize the Chair of the Board to execute, the attached mental health organizational provider services agreement with Crestwood Behavioral Health Inc. Pathways regarding the provision of adult residential treatment services to eligible Medi-Cal beneficiaries residing in Humboldt County for the period of July 1, 2020 through June 30, 2023;
- 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 mental health organizational provider services agreement with Crestwood Behavioral Health, Inc. Pathways 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 mental health organizational provider services agreement with Crestwood Behavioral Health, Inc. Pathways to the Department of Health and Human Services
- Contract Unit for further processing.

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

8. Approval of State Standard Agreement #19-10873 for Infectious Disease Prevention and Control Local Infrastructure Funding

**Recommendation:** That the Board of Supervisors:

- Approve State Standard Agreement #19-10873 with the California Department of Public Health (CDPH) for Infrastructure Disease Prevention and Local Control Infrastructure Funding for the period beginning Feb. 1, 2020 through June 30, 2023;
- 2. Authorize the Chair of the Board to sign two original agreements and one original Contractor Certification Clause (CCC);
- 3. Authorize the Department of Health and Human Services (DHHS) Public Health Director, or a designee thereof, to sign any amendments or documents related to state standard agreement #19-10873; and
- 4. Direct the Clerk of the Board to forward two original signed agreements and one original signed CCC to DHHS Public Health for forwarding to CDPH.

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

# **Department of Health and Human Services: Social Services**

9. Resolution Authorizing Acceptance of Funding Made Available through the California Department of Housing and Community Development's Transitional Housing Program

Recommendation: That the Board of Supervisors:

- 1. Adopt the attached resolution which authorizes the Humboldt County Department of Health and Human Services Director, or a designee thereof, to accept funding made available through the California Department of Housing and Community Development's Transitional Housing Program; and
- 2. Direct the Clerk of the Board to return one fully executed certified copy of the attached resolution to the Department of Health and Human Services Contract Unit for submission to the California Department of Housing and Community Development.

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. Resolution Authorizing Acceptance of Funding Made Available through the California Department of Housing and Community Development's Housing Navigators Program

**Recommendation:** That the Board of Supervisors:

- 1. Adopt the attached resolution which authorizes the Humboldt County Department of Health and Human Services Director, or a designee thereof, to accept funding made available through the California Department of Housing and Community Development's Housing Navigators Program; and
- 2. Direct the Clerk of the Board to return one fully executed certified copy of the attached resolution to the Department of Health and Human Services Contract Unit for submission to the California Department of Housing and Community Development.

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

11. Resolution Authorizing Execution of State of California Standard Agreement No. 19-5037 with the California Department of Social Services Regarding the Provision and Receipt of Services and Activities Related to the Resource Family Approval Program

Recommendation: That the Board of Supervisors:

- 1. Adopt the attached resolution which authorizes the Department of Health and Human Services Director, or a designee thereof, to execute State of California Standard Agreement No. 19-5037 with the California Department of Social Services regarding the provision and receipt of services and activities related to the Resource Family Approval program, and any amendments thereto, along with any and all other certifications, agreements and documents required or deemed necessary for the Department of Health and Human Services Child Welfare Services to accept and secure CDSS' provision of such services and activities; and
- 2. Direct the Clerk of the Board to return one fully executed certified copy of the attached resolution to the Department of Health and Human Services Contract Unit for submission to the California Department of Social Services.

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

12. Extension of Extra-Help Hours - Cannabis Planning Budget Unit 1100268 and Building Inspections Budget Unit 1100262 (4/5 Vote Required)

Recommendation: That the Board of Supervisors:

- 1. Approve the extension of extra help hours to a total of 1400 hours through June 30, 2020 pursuant to Section 7 of the Humboldt County Salary Resolution for the staff persons listed below:
- \* Cannabis Services
- 1. Lily Naylor, Office Assistant I
- 2. Brienna Zoellner, Office Assistant I
- \* Building Inspections
- 3. Erica Reichle, Office Assistant I

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

# Public Works

13. Bid Award Authorization for Storm Damage Repair to Bair Road (6L300) Post Miles 0.50, 1.30, 3.00, 4.10 and Stover Road (6M100) Post Mile 5.47

Recommendation: That the Board of Supervisors:

- 1. Receive and file the bid proposals submitted for the Bair Road (6L300) Post Miles 0.50, 1.30, 3.00, 4.10 and Stover Road (6M100) Post Mile 5.47 Storm Damage Repair Project;
- 2. Award the attached project agreement to GR Wilcox Enterprises, Inc., for the total amount of Four Hundred Fifty-Eight Thousand Two Hundred Fifty-Four Dollars (\$458,254.00); and
- 3. Authorize the Chair of the Board to execute the attached project agreement with GR Wilcox Enterprises, Inc., upon submittal of the appropriate bonds and insurance.

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

14. Request for Qualifications No. DPW 2020-001 Regarding the Provision of Professional Design Engineering Services for the Garberville Complete Streets Project and the Redway Drive/Redwood Drive Intersection Highway Safety Project

Recommendation: That the Board of Supervisors:

1. Approve, and authorize the Director of Public Works to advertise and distribute, the attached request for qualifications regarding the provision of professional design engineering services for the Garberville Complete Streets Project and the Redway Drive/Redwood Drive Intersection Highway Safety Project.

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

15. Local Bridge Seismic Retrofit Program Project Delivery Agreement Regarding the Seismic Retrofit/Replacement of the Honeydew Bridge (04C0055) on Mattole Road

Recommendation: That the Board of Supervisors:

1. Approve, and authorize the Department of Public Works Director, or a designee thereof, to execute, the attached Local Bridge Seismic Retrofit Program project delivery agreement regarding the seismic retrofit/replacement of the Honeydew Bridge (04C0055) on Mattole Road.

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

#### Sheriff

16. Position Allocation Modification for the Substance Abuse Counselor I/II from Department of Health and Human Services Behavioral Health (DHHS-BH) to the Humboldt County Sheriff's Office Correctional Facility (HCCF)

Recommendation: That the Board of Supervisors:

- 1. Approve the deallocation of one full-time equivalent (1.0 FTE) Substance Abuse Counselor I/II/Trainee (salary range 347/365/317, class 0491A/B/U, position 01) in fund 1170, budget unit 424 effective immediately; and
- 2. Approve the allocation of one full-time equivalent (1.0 FTE) Substance Abuse Counselor I/II/Trainee (salary range 347/365/317, class 0491A/B/U, position 01) in fund 1100, budget unit 243 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:

Ave:

- 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

#### **Board of Supervisors**

Discuss a Timeline for Opening all Humboldt County Departments and Consider sending a Letter to Governor Newsom requesting the removal of the Statewide Shelter-In-Place Order (SIP) (Supervisor Rex Bohn)

Recommendation: That the Board of Supervisors:

- 1. Discuss a timeline for opening of all county departments; and
- 2. Send a letter to Governor Newsom requesting the removal of the statewide SIP to allow local jurisdictions, following public health benchmark standards to open up their SIP orders and make their own cautious decision on how to reactivate businesses that are struggling economically.

A motion was made by Supervisor Wilson, seconded by Supervisor Madrone, that it's the goal of the county for all county departments to resume office hours and interactions with members of the public and staff while maintaining appropriate safety protocols when the Governor moves the State out of a soft stage two opening, into stage two heading into stage three, and that date is flexible. The motion carried by the following vote:

. Aye:

#### H. DEPARTMENT REPORTS

#### County Administrative Office

1. Introduction of Ordinance to Amend Chapter 5 of Division 4 of Title II of the Humboldt County Code Relating to the Purchasing Agent of Humboldt County §245-1 et seq Sections 245-2, 245-2.5, 245-3 items (a), (c), (d), (h), 245-4, 245-6 and 245-10

Recommendation: That the Board of Supervisors:

- 1. Introduce the attached Ordinance to Amend Chapter 5 of Division 4 of Title II of the Humboldt County Code Relating to the Purchasing Agent of Humboldt County section 245-1 et seq Sections 245-2, 245-2.5, 245-3 items (a), (c), (d), (h), 245-4, 245-6 and 245-10 by title (Attachment 1), and waive the first reading;
- 2. Set the Ordinance for adoption at least one week away;
- 3. Direct the Clerk of the Board to publish the 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 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
- 4. Direct the Clerk of the Board, within 15 days after 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 and amendments along with the names of those Supervisors voting for and against the Ordinance [Government Code Section 25124 (b)(1)].

A motion was made by Supervisor Wilson, seconded by Supervisor Madrone, to direct staff to bring this item back with a \$250,000 threshold at the next meeting. The motion carried by the following vote:

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

COUNTY OF HUMBOLDT Page 9

2. Emergency Response Pay Premium Sunset Date and Rate of Pay Under the Emergency Family and Medical Leave Expansion Act

Recommendation: That the Board of Supervisors:

1. Adopt a Resolution Setting a Sunset Date for the Emergency Response Pay Premium (ERPP) effective upon the date the Governor moves the State of California from Stage 1 to Stage 2 under the pandemic road map, and/or when the Governor provides local modification of the state's Stay-at-Home Order, whichever occurs first;

2. Adopt a Resolution Updating the Rate of Employee Pay Under the Emergency Family and Medical Leave Expansion Act.

A motion was made by Supervisor Wilson, seconded by Supervisor Bass, to adopt the resolution setting a sunset date for the emergency response pay premium with the modification to the first now therefore to read "The Emergency Response Pay Premium authorized under Section 2 of Resolution 20-27, will sunset May 8, 2020." And to adopt the resolution updating the rate of employee pay under the emergency family and medical leave expansion act. The motion carried by the following vote:

Ave:

4 - Estelle Fennell, Virginia Bass, Mike Wilson, and Steve Madrone

Nav:

1 - Rex Bohn

#### County Counsel

3. Adoption of an Uncodified Urgency Ordinance to Prohibit Residential Evictions During the COVID-19 State of Emergency for Nonpayment of Rent or for No-fault Evictions and to Repeal and Replace Ordinance No. 2641 Regarding COVID-19 and Evictions (4/5 Vote Required)

**Recommendation:** That the Board of Supervisors:,

- 1. Adopt an Uncodified Urgency Ordinance to Prohibit Residential Evictions During the COVID-19 State of Emergency for Nonpayment of Rent or for No-fault Evictions and to Repeal and Replace Ordinance No. 2641 Regarding COVID-19 and Evictions; and
- 2. If adopted, direct the Clerk of the Board to publish the post-adoption summary of the ordinance within 15 days.

A motion was made by Supervisor Wilson, seconded by Supervisor Bass, to adopt the urgency ordinance with all references of 180 days to be changed to 90 days and to revisit the status of this item in a month. The motion carried by the following vote:

Aye:

4 - Estelle Fennell, Virginia Bass, Mike Wilson, and Steve Madrone

Nay:

1 - Rex Bohn

#### I. PUBLIC HEARINGS

# **Public Works**

 Public Hearing Regarding Formation of the Humboldt County Groundwater Sustainability Agency for the Eel River Valley Groundwater Basin; and Request for Proposals for Professional Consulting Services

Recommendation: That the Board of Supervisors:

- 1. Open the public hearing;
- 2. Receive a staff report;
- 3. Receive comments from the public;
- 4. Close the public hearing;
- 5. Adopt the attached resolution forming the Humboldt County Groundwater

Sustainability Agency for the Eel River Valley Groundwater Basin;

- 6. Authorize Public Works to issue the attached Request for Proposals; and
- 7. Direct Public Works to bring the Agreement for Professional Services with the

selected consulting firm back to the Board for review and approval.

A motion was made by Supervisor Wilson, seconded by Supervisor Madrone, 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

#### J. DISCUSSION ITEMS

#### K. MATTERS SET FOR TIME CERTAIN

#### **DHHS:** Public Health

1. 9:00 a.m. - Update on Local Conditions Surrounding COVID-19

Recommendation: That the Board of Supervisors:

1. Receive a report from Department of Health & Humans Services (DHHS) - Public Health and other county staff regarding the current status of novel coronavirus (COVID-19) in Humboldt County.

Approved per order of the Chair.

#### L. CLOSED SESSION

- 1. Conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) to discuss existing litigation in the case of Gammariello v. Moore, D.N.D. No. 5:20-cv-2583-VKD
  - 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 Gammariello v. Moore, D.N.D. No. 5:20-cv-2583-VKD. The Board voted five to zero to authorize defense of the case and also authorize the Risk Manager to enter into an agreement with the Mitchell Brisso firm for defense of the case.
- 2. It is the intention of the board to meet in closed session pursuant to Government Code section 54957(b)(1) to consider the appointment of the Agricultural Commissioner.
  - The Board of Supervisors met in closed session pursuant to Government Code section 54957(b)(1) to consider the appointment of the Agricultural Commissioner. The Board voted five to zero to appoint Weylan Shaw as the interim Agricultural Commissioner for a period through January 1, 2021.
- 3. A conference with legal counsel pursuant to Government Code section 54956.9(d)(1) in the matter of Jeffrey S. Blanck v. County of Humboldt et al. case number 1:19-cv-3055.
  - The Board of Supervisors met in conference with legal counsel pursuant to Government Code section 54956.9(d)(1) in the matter of Jeffrey S. Blanck v. County of Humboldt et al. case number 1:19-cv-3055. There was no action to report.
- 4. Pursuant to Government Code sections 54954.5 and 54957, to consider a Public Employee Performance Evaluation for the position of the County Counsel.
  - The Board of Supervisors met in conference pursuant to Government Code sections 54954.5 and 54957, to consider a Public Employee Performance Evaluation for the position of the County Counsel. There was no action to report.
- 5. Conference with Legal Counsel Anticipated Litigation pursuant to Government Code Section 54956.9, subd. (d)(2) and (e)(3) regarding exposure to litigation in three potential cases: claims for property tax refund from Pacific Bell, AT&T Mobility and T-Mobile West.
  - The Board of Supervisors met in conference with Legal Counsel Anticipated Litigation pursuant to Government Code Section 54956.9, subd. (d)(2) and (e)(3) regarding exposure to litigation in three potential cases: claims for property tax refund from Pacific Bell, AT&T Mobility and T-Mobile West. The Board voted four to zero with one recusal to direct the Risk Manager to reject all three claims.
- 6. It is the intention of the board to meet in closed session pursuant to Government Code section 54957(b)(1) to consider the appointment of the Director of Human Resources.
  - The Board of Supervisors met in closed session pursuant to Government Code section 54957(b)(1) to consider the appointment of the Director of Human Resources. The Board voted four to zero with one abstention to offer the position to Linda Le as Human Resources Director which has been accepted.

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# 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

COUNTY OF HUMBOLDT



# MINUTES TUESDAY, MAY 5, 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, May 19, 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