



COUNTY OF HUMBOLDT

For the meeting of: 10/18/2022

File #: 22-1217

To: Board of Supervisors

From: Human Resources

Agenda Section: Departmental

SUBJECT:

Sustained Finding of Violation of the Board of Supervisors Code of Conduct

RECOMMENDATION(S):

That the Board of Supervisors:

1. Receive, file and discuss the attached summary of a sustained finding of violation of the Board of Supervisors Code of Conduct as required.

SOURCE OF FUNDING:

N/A

DISCUSSION:

At the April 4, 2022, Board of Supervisors meeting, the Humboldt County Board of Supervisors approved amendments to the Humboldt County Board of Supervisors Code of Conduct and considered a formal complaint against Second District Supervisor, Michelle Bushnell. The approved amendments to the Code of Conduct included the creation of a Committee (comprised of the County Administrative Officer, Director of Human Resources and County Counsel) to determine if a formal investigation should be initiated based upon a complaint of a violation of the Board of Supervisors Code of Conduct.

After the April 4, 2022, Board of Supervisors meeting, the committee received additional complaints to be considered. The committee convened and determined that a formal investigation into whether violations of the Board of Supervisors Code of Conduct occurred was appropriate. The Director of Human Resources subsequently initiated an investigation with a neutral third-party investigator. The investigator completed the investigation and determined that there was one sustained finding. This sustained finding is summarized in the document attached to this report. A “Sustained” finding indicates that the investigation established that, more likely than not, the allegation is true.

Per the Board of Supervisors Code of Conduct:

“A sustained violation of this Code of Conduct and Ethics by a Board member will be agendized for open session consideration, which will include notifying the Board member subject to the allegation(s) of the allegation(s) and providing the Board member an opportunity to present

information.

Following completion of the investigation process resulting in sustained allegations against a Board member, Board action is limited to public censure, and such action shall require the affirmative vote of at least two-thirds of the Board members present and voting.”

This agenda item serves to meet the requirement outlined above and to initiate the open discussion with the Board of Supervisors.

FINANCIAL IMPACT:

N/A

STRATEGIC FRAMEWORK:

This Agenda Item supports the Board of Supervisors' Strategic Framework by fostering transparent, accessible, welcoming and user-friendly services.

OTHER AGENCY INVOLVEMENT:

N/A

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Per the Board of Supervisors Code of Conduct, the action before your board is the only action that can be taken when there is a sustained finding. It would not be inappropriate for the Director of Human Resources, County Administrative Officer and County Counsel to recommend, either for or against, public censure of Supervisor Bushnell, as this authority resides with the Board of Supervisors.

ATTACHMENTS:

1. Summary of Sustained Finding

PREVIOUS ACTION/REFERRAL:

Board Order No.: D-2

Meeting of: April 4, 2022

File No.: 22-390