

BOARD OF SUPERVISORS

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



COUNTY STAFF

AMY S. NILSEN
County Administrative Officer
JEFFERSON BILLINGSLEY
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, February 23, 2021

9:00 AM

Regular Meeting - Virtual

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 990 1818 1227 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

Board of Supervisors

1. Appointment of Ben McWhorter to the Humboldt County Aviation Advisory Committee Representing District Two (Supervisor Michelle Bushnell)

Recommendation: That the Board of Supervisors:

1. Receive and file the report.

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

Aye: 5 - Rex Bohn, Virginia Bass, Michelle Bushnell, Mike Wilson, and Steve Madrone

2. Appoint Lucinda Jackson to the Humboldt County Humans Rights Commission Representing District Four (Supervisor Virginia Bass)

Recommendation: That the Board of Supervisors:

1. Receive and file the report.

This item was pulled from consent to be brought back at a later date.

Child Support Services**3. Deallocation of Vacant Positions and Allocation of Positions in the Department of Child Support Services**

Recommendation: That the Board of Supervisors:

1. Deallocate 1.0 full-time equivalent (FTE) Executive Secretary in bargaining group American Federation of State and County and Municipal Employees (AFSCME) (Class 0167, Range 390, Position 01);
2. Deallocate 1.0 FTE Accounting Technician in bargaining group AFSCME (Class 0355, Range 367, Position 02);
3. Deallocate 1.0 FTE Child Support Assistant III in bargaining group AFSCME (Class 0367, Range 360, Position 01);
4. Allocate 1.0 FTE Staff Services Specialist in bargaining group AFSCME (Class 0390, Range 384);
5. Allocate 1.0 FTE Child Support Specialist I/II in bargaining group AFSCME (Class 0141, Range 346/365); and
6. Allocate 1.0 FTE Child Support Specialist III in bargaining group AFSCME (Class 0147, Range 384) all in Child Support fund 1380-206.

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

Aye: 5 - Rex Bohn, Virginia Bass, Michelle Bushnell, Mike Wilson, and Steve Madrone

Clerk of the Board**4. Submittal of Supervisor's Monthly Expense Report on Meetings Pursuant to Government Code Section 53232.3(d)**

Recommendation: That the Board of Supervisors:

1. Receive and file the report.

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

Aye: 5 - Rex Bohn, Virginia Bass, Michelle Bushnell, Mike Wilson, and Steve Madrone

5. Approval of the Action Summary - Meeting of February 9, 2021

Recommendation: That the Board of Supervisors:

1. Approve the Action Summary for the meeting of February 9, 2021 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 Madrone, seconded by Supervisor Wilson, that the recommendations be approved. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Virginia Bass, Michelle Bushnell, Mike Wilson, and Steve Madrone

County Administrative Office**6. Information Security Program Charter**

Recommendation: That the Board of Supervisors:

1. Approve the attached Information Security Program Charter; and
2. Designate the Senior Security Analyst III over the Information Security Working Group as the County of Humboldt's Information Security Officer.

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

Aye: 5 - Rex Bohn, Virginia Bass, Michelle Bushnell, Mike Wilson, and Steve Madrone

7. Appointment to the Humboldt County Workforce Development Board (HC-WDB)

Recommendation: That the Board of Supervisors:

1. Review the attached membership application for Shelley Nilsen; and
2. Appoint Shelley Nilsen to the HC-WDB for a 2-year term effective immediately and pursuant to the HC-WDB Bylaws.

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

Aye: 5 - Rex Bohn, Virginia Bass, Michelle Bushnell, Mike Wilson, and Steve Madrone

Department of Health and Human Services: Behavioral Health**8. Data Sharing Agreement with Partnership HealthPlan of California Regarding the Exchange of Health Care Utilization Data Pertaining to Individuals Who are Experiencing, or at Risk of Experiencing, Homelessness in Humboldt County**

Recommendation: That the Board of Supervisors:

1. Waive the requirements of the Humboldt County Nuclear Free Ordinance with regard to the attached data sharing agreement with Partnership HealthPlan of California;
2. Approve, and authorize the Department of Health and Human Services Director, or a designee thereof, to execute the attached data sharing agreement with Partnership HealthPlan of California regarding the exchange of health care utilization data pertaining to individuals who are experiencing, or at risk of experiencing, homelessness in Humboldt County for the period of Feb. 23, 2021 through June 30, 2026; and
3. Authorize the Department of Health and Human Services Director, or a designee thereof, to execute any and all subsequent amendments to the attached data sharing agreement with Partnership HealthPlan of California, after review and approval by County Counsel, Risk Management and the County Administrative Office.

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

Aye: 5 - Rex Bohn, Virginia Bass, Michelle Bushnell, Mike Wilson, and Steve Madrone

Department of Health and Human Services: Public Health

9. Telemedicine Program Agreement between the Regents of the University of California on behalf of its University of California, Davis School of Medicine and the University of California, Davis Medical Center (collectively UC Davis Health) and Humboldt County Department of Health and Human Services (DHHS)- Public Health to Provide Grant-Funded Telemedicine Equipment and Services to Rural and Underserved Communities

Recommendation: That the Board of Supervisors:

1. Approve the agreement between DHHS - Public Health and UC Davis Health to help establish a telemedicine program;
2. Authorize the Chair of the Board to sign the Telemedicine Program Agreement;
3. Authorize the Public Health Director to sign future amendments to this agreement thereto after review by County Counsel and Risk Manager; and
4. Grant a waiver of the Nuclear Free Ordinance.

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

Aye: 5 - Rex Bohn, Virginia Bass, Michelle Bushnell, Mike Wilson, and Steve Madrone

Department of Health and Human Services: Social Services

10. Memorandum of Understanding with the California Department of Child Support Services Regarding Continued Access to the State of California's Child Support Enforcement System

Recommendation: That the Board of Supervisors:

1. Waive the requirements of the Humboldt County Nuclear-Free Ordinance with regard to the attached memorandum of understanding with the California Department of Child Support Services;
2. Approve, and authorize the Department of Health and Human Services - Social Services Deputy Director, or a designee thereof, to execute, the attached memorandum of understanding with the California Department of Child Support Services regarding continued access to the State of California's Child Support Enforcement System for the period of Feb. 23, 2021 through Feb. 22, 2024; and
3. Authorize the Department of Health and Human Services - Social Services Deputy Director, or a designee thereof, to execute any and all subsequent amendments to the attached memorandum of understanding with the California Department of Child Support Services, after review and approval by County Counsel, Risk Management and the County Administrative Office.

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

Aye: 5 - Rex Bohn, Virginia Bass, Michelle Bushnell, Mike Wilson, and Steve Madrone

11. Appointment of Two Supervisors to a Department of Health and Human Services - Child Welfare Services Ad Hoc Committee

Recommendation: That the Board of Supervisors:

1. Appoint Supervisor Rex Bohn and Supervisor Steve Madrone to a Department of Health and Human Services - Child Welfare Services Ad Hoc Committee; and
2. Direct the Clerk of the Board to send a letter to the Northern California Tribal Chairmen's Association informing them of the creation of the Child Welfare Services Ad Hoc Committee and its Membership.

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

Aye: 5 - Rex Bohn, Virginia Bass, Michelle Bushnell, Mike Wilson, and Steve Madrone

District Attorney

12. Memorandum of Understanding with the Transaction Record Analysis Center Regarding Access to the TRAC Money Transmitter Data System

Recommendation: That the Board of Supervisors:

1. Waive the requirements of the Humboldt County Nuclear-Free Ordinance with regard to the attached memorandum of understanding with the Transaction Record Analysis Center;
2. Approve, and authorize the District Attorney, or a designee thereof, to execute the attached memorandum of understanding with the Transaction Record Analysis Center regarding access to the TRAC Money Transmitter Data system; and
3. Authorize the District Attorney, or designee thereof, to execute any and all subsequent amendments to the attached memorandum of understanding with the Transaction Record Analysis Center, after review and approval by County Counsel, Risk Management and the County Administrative Office.

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

Aye: 5 - Rex Bohn, Virginia Bass, Michelle Bushnell, Mike Wilson, and Steve Madrone

Public Works

13. Second Amendment to Lease at 1608 Pickett Road, McKinleyville

Recommendation: That the Board of Supervisors:

1. Approve the Second Amendment to lease with McKinleyville Community Services District (MCSD), lessor, for continued use of the Sheriff's Substation facility at 1608 Pickett Road, McKinleyville, for the period of Mar. 1, 2021 to and including Feb. 28, 2022;
2. Authorize the Chair of the Board of Supervisors to sign the Second Amendment to lease; and
3. Direct the Clerk of the Board to return one executed Second Amendment to lease to Public Works Real Property.

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

Aye: 5 - Rex Bohn, Virginia Bass, Michelle Bushnell, Mike Wilson, and Steve Madrone

14. First Amendment to Lease at 1606 Pickett Road, McKinleyville for Library Use

Recommendation: That the Board of Supervisors:

1. Approve the First Amendment to lease with McKinleyville Community Services District (MCSD), lessor, for continued use of the McKinleyville Library facility at 1606 Pickett Road, McKinleyville, for the period of June 1, 2021 to and including May 31, 2022;
2. Authorize the Chair of the Board of Supervisors to sign the First Amendment to lease; and
3. Direct the Clerk of the Board to return one executed First Amendment to lease to Public Works Real Property.

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

Aye: 5 - Rex Bohn, Virginia Bass, Michelle Bushnell, Mike Wilson, and Steve Madrone

D. PUBLIC COMMENT ON NON-AGENDA ITEMS

E. SPECIAL PRESENTATIONS

DHHS: Public Health

1. 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.

F. ITEMS PULLED FROM CONSENT

G. MATTERS INITIATED BY BOARD MEMBERS

H. DEPARTMENT REPORTS

Child Support Services

1. Resolution for the Temporary Employment of Retired Annuitant as Child Support Specialist III in the Child Support Services Department

Recommendation: That the Board of Supervisors:

1. Approve the employment of Sharon Mitchell as a temporary retired annuitant Child Support Specialist III with the Child Support Services Department (Class 0147, Range 384, Step E, Position X1); and
2. Adopt the attached resolution for the exception of the 180-day wait period of the California Public Employees Retirement System.

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, Virginia Bass, Michelle Bushnell, Mike Wilson, and Steve Madrone

Clerk of the Board

2. Consider Making the Appointment of the At-Large Position on the Planning Commission

Recommendation: That the Board of Supervisors:

1. Consider making the Appointment of the At-Large position on the Planning Commission.

A motion was made by Supervisor Wilson, seconded by Supervisor Madrone, to reappoint Brian Mitchell as the At-Large member on the Planning Commission. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Virginia Bass, Michelle Bushnell, Mike Wilson, and Steve Madrone

3. Consider Making the Appointments of Two (2) At-Large Members on the Measure Z Citizens Advisory Committee

Recommendation: That the Board of Supervisors:

1. Consider making the appointments of two (2) At-Large positions on the Measure Z Citizens Advisory Committee.

A motion was made by Supervisor Madrone, seconded by Supervisor Bushnell, to appoint Justin Robbins and Bob Bronkall as the At-Large members to the Measure Z Citizens Advisory Committee. The motion carried by the following vote:

Aye: 4 - Virginia Bass, Michelle Bushnell, Mike Wilson, and Steve Madrone

Nay: 1 - Rex Bohn

County Administrative Office

4. Outstanding Financial Transactions

Recommendation: That the Board of Supervisors:

1. Receive the staff report and provide direction as needed; and
2. Authorize the Auditor-Controller (AC) to post all remaining financial transaction in FY 2019-20 prior to closing of the fiscal year.

A motion was made by Supervisor Bushnell, seconded by Supervisor Madrone, to direct the County Administrative Office to return with recommendations on establishing an Audit Committee, to have the Auditor-Controller return to the Board to review the 2019 audit and findings with the external auditor as soon as possible, and authorize the Auditor-Controller to post all remaining financial transactions in fiscal year 2019-20 prior to closing of the fiscal year. The motion carried by the following vote:

Aye: 5 - Rex Bohn, Virginia Bass, Michelle Bushnell, Mike Wilson, and Steve Madrone

I. PUBLIC HEARINGS**County Administrative Office**

1. Public Hearing to Consider Adoption of an Ordinance for the 2021 Update of the Humboldt County Schedule of Fees and Charges (4/5 Vote Required)

Recommendation: That the Board of Supervisors:

1. Open the public hearing;
2. Introduces by title, Ordinance No. ____ (Attachment III), updating the Humboldt County Schedule of Fees and Charges for 2021;
3. Waive the first reading of the ordinance;
4. Receives the staff report and public comments;
5. Approves and/or modifies the new, increased, decreased, deleted or changed fees, as shown in the 2021 Humboldt County Schedule of Fees and Charges (Attachment I);
6. Adopts the Ordinance;
7. Directs the Clerk of the Board, within 15 days, to publish a post-adoption summary of the ordinance (Attachment IV) 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)]; and
8. Close the public hearing.

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, Virginia Bass, Michelle Bushnell, Mike Wilson, and Steve Madrone

Planning and Building Department

2. Public Hearing on Draft Dispensary Amendments to the Cannabis Dispensaries Ordinance; (Case # PLN-2020-16688)

Recommendation: That the Board of Supervisors:

1. Receive and consider the staff report, open the public hearing, and accept public comment; and
2. Close the public hearing; and
3. Deliberate on the proposed ordinance amendments; and
4. Adopt the proposed ordinances by taking the following actions:
 - a. Adopt Resolution No. ____ [Attachment 1] making findings the Coastal Ordinance Amendments are exempt from environmental review pursuant to CEQA and making all the required findings for consistency with the General Plan, Zoning Ordinance and the Coastal Act, and transmitting the ordinance to the California Coastal Commission for their review and certification; and
 - b. Adopt Resolution No. ____ [Attachment 2] making findings the Inland Ordinance Amendments are exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), and making all the required findings for consistency with the General Plan, and Zoning Ordinance; and
 - c. Adopt Coastal Ordinance Amendments No: ____ [Attachment 3] modifying the allowed hours of operation for cannabis dispensaries in the coastal zone and to ensure information is provided about the danger of cannabis use during pregnancy and while breastfeeding, which will become effective after California Coastal Commission certification; and
 - d. Adopt Inland Ordinance Amendments No: ____ [Attachment 4] modifying the allowed hours of operation for cannabis dispensaries and to ensure information is provided about the danger of cannabis use during pregnancy and while breastfeeding in the inland parts of the County; and
 - e. Direct the Clerk of the Board to publish a Summary of the Ordinance Amendments within 15 days after adoption by the Board, along with the names of those Supervisors voting for and against the ordinance [Attachment 5] and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance amendments along with the names of those Supervisors voting for and against the ordinance (Government Code section 25124); and
 - f. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

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

Aye: 5 - Rex Bohn, Virginia Bass, Michelle Bushnell, Mike Wilson, and Steve Madrone

J. DISCUSSION ITEMS

K. MATTERS SET FOR TIME CERTAIN**Board of Supervisors - Closed Session**

1. 1:30 p.m. - 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 negotiators. Labor negotiators: Kelly Barns, Elishia Hayes and Jack Hughes. Employee Organizations (represented and unrepresented): 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 and Appointed Department Heads, and Management and Confidential Employees.

Conference with Labor Negotiator - Pursuant to Government Code section 54957.6 The Board of Supervisors met in closed session to review the County's position and instruct its designated labor negotiators. Labor negotiators: Kelly Barns, Elishia Hayes and Jack Hughes. Employee Organizations (represented and unrepresented): 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 and Appointed Department Heads, and Management and Confidential Employees. There was no action to report.

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 Pamela Jarose, Executor of the Estate of John R. Braun v. County of Humboldt, Case No. 4:18-cv-7383-SBA.

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 Pamela Jarose, Executor of the Estate of John R. Braun v. County of Humboldt, Case No. 4:18-cv-7383-SBA. There was no action to report.

2. Conference with Legal Counsel – Anticipated Litigation pursuant to Government Code Section 54956.9, subd. (d)(2) and (e)(3) regarding exposure to litigation in one potential case: notice of intent to bring action under the Resource Conservation and Recovery Act (42 U.S.C. Section 6972) from Pamela Jarose as the executor of the Estate of John R. Braun.

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 one potential case: notice of intent to bring action under the Resource Conservation and Recovery Act (42 U.S.C. Section 6972) from Pamela Jarose as the executor of the Estate of John R. Braun. The Board voted unanimously to approve Porter Scott's retention of Downey Brown to assist in the defense of the Estate's RCRA claims and Authorize the Risk Manager to execute a retainer agreement or letter of engagement with Downey Brown for representation of the county should the Braun Estate file under RCRA.

3. Conference with Legal Counsel – pursuant to Government Code Section 54956.9(d)(2) & (e)(3) to discuss threatened litigation by K. Sawatzky

The Board of Supervisors met in conference with Legal Counsel – pursuant to Government Code Section 54956.9(d)(2) & (e)(3) to discuss threatened litigation by K. Sawatzky. 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

FEBRUARY 24, 2021