

BOARD OF SUPERVISORS



COUNTY STAFF

Chair
CLIF CLENDENEN
Second District

Vice Chair
MARK LOVELACE
Third District

BONNIE NEELY
Fourth District

JILL DUFFY
Fifth District

JIMMY SMITH
First District

PHILLIP SMITH-HANES
County Administrative Officer

WENDY B. CHAITIN
County Counsel

KATHY HAYES
Clerk of the Board

Tuesday, December 08, 2009

REGULAR SESSION

Humboldt County Courthouse
Supervisors' Chamber, First Floor
825 Fifth Street, Eureka

9:00 AM

Present at the meeting were: Jill Duffy, Jimmy Smith, Mark Lovelace and Clif Clendenen.

A. **SALUTE TO THE FLAG**

B. **SUPPLEMENTAL AGENDA ITEMS**

1. Board Meetings - Calendar Year 2010
ACTION: That the Board of Supervisors cancel Board meetings on the following dates in Calendar Year 2010 and direct the Clerk of the Board to notify all County Departments of these cancelled meetings:
Tuesday, February 16, 2010 (President's week – School Break)
Tuesday, March 30, 2010 (5th Tuesday)
Tuesday, June 29, 2010 (5th Tuesday)
Tuesday, August 3, 2010 (Summer break)
Tuesday, August 10, 2010 (Summer Break)
Tuesday, August 31, 2010 (5th Tuesday)
Tuesday, November 16, 2010 (CSAC Annual Conference in Riverside)
Tuesday, November 23, 2010 (Week of Thanksgiving Holiday)
Tuesday, November 30, 2010 (5th Tuesday)
Tuesday, December 21, 2010 (Christmas Break)
Tuesday, December 28, 2010 (Christmas Break)

C. **SPECIAL PRESENTATIONS**

1. Resolution Recognizing the 10th Anniversary of the Morris Graves Museum of Art in 2010. *(Supervisor Smith)*
ACTION: Adopt the Resolution.
Motion: Move to approve
Motion: Jill Duffy; Second: Mark Lovelace; Yeas: Jill Duffy, Mark Lovelace, Jimmy Smith, Clif Clendenen; Nays: None; Abstentions: None.
Vote Summary: 4 Yeas; 0 Nays; 0 Abstentions.
2. Resolution Recognizing Sylvia Noel Douglas upon her Retirement from the Humboldt County Department of Child Support Services. *(Supervisor Smith)*
ACTION: Adopt the Resolution.

D. **CONSENT CALENDAR**

These matters are routine in nature and are usually approved by a single vote. Prior to the meeting, any member of the public may request any member of the Board to pull a particular item for further discussion.

Board of Supervisors

1. Supervisor Mark Lovelace to Assume Vacant 3rd District Seat on Redwood Community Action Agency (RCAA) Board of Directors. *(Supervisor Lovelace)*
ACTION: No action required. Informational item only.
Motion: Move to approve
Motion: Jill Duffy; Second: Clif Clendenen; Yeas: Jill Duffy, Clif Clendenen, Jimmy Smith, Mark Lovelace; Nays: None; Abstentions: None.
Vote Summary: 4 Yeas; 0 Nays; 0 Abstentions.
2. Palmer Creek Community Services District Annual Audit. *(Supervisor Clendenen)*
ACTION: Approve the change as recommended unanimously by the Board of Directors of the Palmer Creek Community Services District to move from an annual audit to a biennial audit covering a two-year period in accordance with California Government Code 26909 Section (5) (b)(1). (Unanimous Vote Required).
Motion: Move to approve
Motion: Jill Duffy; Second: Clif Clendenen; Yeas: Jill Duffy, Clif Clendenen, Jimmy Smith, Mark Lovelace; Nays: None; Abstentions: None.
Vote Summary: 4 Yeas; 0 Nays; 0 Abstentions.
3. Letter of Appreciation to Guy Aronoff for Serving on the Human Rights Commission. *(Supervisor Smith)*
ACTION: Authorize Chair to Sign Letter of Appreciation.
Motion: Move to approve
Motion: Jill Duffy; Second: Clif Clendenen; Yeas: Jill Duffy, Clif Clendenen, Jimmy Smith, Mark Lovelace; Nays: None; Abstentions: None.
Vote Summary: 4 Yeas; 0 Nays; 0 Abstentions.
4. Letter of Support for Humboldt County Fair Horse Racing *(Supervisor Smith)*
ACTION: Authorize Chair to sign letter of support.
Motion: Move to approve
Motion: Jill Duffy; Second: Clif Clendenen; Yeas: Jill Duffy, Clif Clendenen, Jimmy Smith, Mark Lovelace; Nays: None; Abstentions: None.
Vote Summary: 4 Yeas; 0 Nays; 0 Abstentions.

5. Certificate of Achievement Presented to Eagle Scout Kyle Fleck. (*Supervisor Neely*)
ACTION: That the Board of Supervisors ratify the Signing of the Certificate of Achievement.
Motion: Move to approve
Motion: Jill Duffy; Second: Clif Clendenen; Yeas: Jill Duffy, Clif Clendenen, Jimmy Smith, Mark Lovelace; Nays: None; Abstentions: None.
Vote Summary: 4 Yeas; 0 Nays; 0 Abstentions.
6. Appoint Dwight Knapp, Dennis Bourassa and Peter Connolly to the Garberville Sanitary District Board of Directors. (*Supervisor Clendenen*)
ACTION: Appoint Dwight Knapp, Dennis Bourassa and Peter Connolly to the Garberville Sanitary District Board of Directors.
Motion: Approved with Revised Recommendations
Motion: Jill Duffy; Second: Clif Clendenen; Yeas: Jill Duffy, Clif Clendenen, Jimmy Smith, Mark Lovelace; Nays: None; Abstentions: None.
Vote Summary: 4 Yeas; 0 Nays; 0 Abstentions.

Clerk of the Board

7. Local Appointments List for 2010.
ACTION: Receive said list and direct the Clerk of the Board to send a copy of said list to the Humboldt County Library, Eureka Main Branch.
Motion: Move to approve
Motion: Mark Lovelace; Second: Jill Duffy; Yeas: Mark Lovelace, Jill Duffy, Jimmy Smith, Clif Clendenen; Nays: None; Abstentions: None.
Vote Summary: 4 Yeas; 0 Nays; 0 Abstentions.

County Administrative Office

8. Addendum to the Software License Agreement with SunGard Public Sector Inc. to Implement the Human Resources & Position Budgeting Software module within Interactive Fund Accounting System (IFAS).
ACTION: That the Board of Supervisors approve the Addendum to the Software Agreement, have the Chair of the Board execute the agreement with SunGard Public Sector Inc. to implement the Human Resources (HR) & Position Budgeting (PB) Software Module within Interactive Fund Accounting System (IFAS).
Motion: Move to approve
Motion: Jill Duffy; Second: Clif Clendenen; Yeas: Jill Duffy, Clif Clendenen, Jimmy Smith, Mark Lovelace; Nays: None; Abstentions: None.
Vote Summary: 4 Yeas; 0 Nays; 0 Abstentions.

District Attorney

9. District Attorney Victim Witness Program Grant Application for FY 2009-10 Violence Against Women Act (VAWA) Funds.
ACTION: That the Board of Supervisors authorize the District Attorney to submit the VAWA Stimulus Recovery grant application; and the Chair to execute the original Grant Award Face Sheet (Cal EMA 2-101) Form and Certificate of Assurance of Compliance (CalEMA 2-104f)
Motion: Move to approve
Motion: Jill Duffy; Second: Clif Clendenen; Yeas: Jill Duffy, Clif Clendenen, Jimmy Smith, Mark Lovelace; Nays: None; Abstentions: None.
Vote Summary: 4 Yeas; 0 Nays; 0 Abstentions.

10. District Attorney Victim Witness Program Grant Application for FY 2009-10 Victims of Crime Act (VOCA) Funds.
ACTION: That the Board of Supervisors authorize the District Attorney to submit the VOCA Stimulus Recovery grant application; and authorize the Chair to execute the original Grant Award Face Sheet (Cal EMA 2-101) Form Certificate of Assurance of Compliance (CalEMA 2-104f).
Motion: Move to approve
Motion: Jill Duffy; Second: Clif Clendenen; Yeas: Jill Duffy, Clif Clendenen, Jimmy Smith, Mark Lovelace; Nays: None; Abstentions: None.
Vote Summary: 4 Yeas; 0 Nays; 0 Abstentions.
11. Establishment of Titlow Hill Trust Fund.
ACTION: That the Board of Supervisors approve the establishment of Titlow Hill Trust Fund 3918 upon receipt of funds; Establish the fund with the following provisions: a. Funds will be drawn by Humboldt County Community Development Services from the Titlow Hill Trust Fund to pay all fees and costs associated with the preparation and environmental review of a proposed General Plan Amendment and Zone Reclassification for the Titlow Hill are for consideration by your Board until either this work is completed of the fund is exhausted; and any unexpended funds after all costs associated with the above activities have been paid are to be used by the Community Development Services Department and County Counsel for the investigation and administrative enforcement of Subdivision Map Act and related land use violations of the County Code.
BY ORDER OF THE CHAIR THIS ITEM WAS PULLED FROM THE AGENDA.
12. Execution of the Revolving Fund Agreement with the Victim Compensation and Government Claims Board.
ACTION: That the Board of Supervisors adopt the attached Resolution; and authorize the Chair of the Board to execute four (4) copies of the attached Standard Agreement with the Victim Compensation and Government Claims Board (VCGCB) for FY 2009/10 through 2011/12; and direct the Clerk of the Board to process and return the executed copies to the District Attorney's Office.
Motion: Move to approve
Motion: Jill Duffy; Second: Clif Clendenen; Yeas: Jill Duffy, Clif Clendenen, Jimmy Smith, Mark Lovelace; Nays: None; Abstentions: None.
Vote Summary: 4 Yeas; 0 Nays; 0 Abstentions.

Health and Human Services - Mental Health Branch

13. County Medical Services Program (CMSP) Participating Facility Agreement with Anthem Blue Cross.
ACTION: That the Board of Supervisors approve and authorize the Chair to sign the CMSP Participating Facility Agreement with Anthem Blue Cross; and direct the Clerk of the Board to return two signed copies of the Agreement to Mental Health Branch Administration.
Motion: Move to approve
Motion: Jill Duffy; Second: Clif Clendenen; Yeas: Jill Duffy, Clif Clendenen, Jimmy Smith, Mark Lovelace; Nays: None; Abstentions: None.
Vote Summary: 4 Yeas; 0 Nays; 0 Abstentions.

Health and Human Services - Public Health Branch

14. Approve Standard Agreement 09-11427 between the California Department of Public Health Humboldt and Humboldt County Health and Human Services, Public Health for the period October 1, 2009 through September 30, 2010.
ACTION: That the Board of Supervisors approve Standard Agreement 09-11427 between the California Department of Public Health and County of Humboldt for the period of October 1, 2009 through September 30, 2010; authorize the Chair to sign six copies of the Agreement, one (1) copy of the Certification Clauses (Exhibit C), both Lobbying Disclosures (Exhibit D(F) Attachments 1 and 2), and one copy of the Final State Share Budget (Exhibit E); and direct the Clerk of the Board to return all signed copies of the Agreement to the Public Health Branch.
Motion: Move to approve
Motion: Jill Duffy; Second: Clif Clendenen; Yeas: Jill Duffy, Clif Clendenen, Jimmy Smith, Mark Lovelace; Nays: None; Abstentions: None.
Vote Summary: 4 Yeas; 0 Nays; 0 Abstentions.

Personnel

15. County Administrative Officer Employment Agreement.
ACTION: That the Board of Supervisors approve the attached Employment Agreement which memorializes the appointment of Phillip Smith-Hanes as County Administrative Officer effective December 21, 2009 and sets out the employment terms between the County and County Administrative Officer Phillip Smith-Hanes; and authorize the Chairman of the Board of Supervisors to execute the Employment Agreement.
Motion: Move to approve
Motion: Jill Duffy; Second: Clif Clendenen; Yeas: Jill Duffy, Clif Clendenen, Jimmy Smith, Mark Lovelace; Nays: None; Abstentions: None.
Vote Summary: 4 Yeas; 0 Nays; 0 Abstentions.

Probation

16. Extension of Extra Help Hours to 1440 for Juvenile Corrections Officer Nick Farnsworth.
ACTION: That the Board of Supervisors approve the extension of extra help hours for Juvenile Corrections Officer Nick Farnsworth, through June 30, 2010, per Section 7 of the Humboldt County Salary Resolution.
Motion: Move to approve
Motion: Jill Duffy; Second: Clif Clendenen; Yeas: Jill Duffy, Clif Clendenen, Jimmy Smith, Mark Lovelace; Nays: None; Abstentions: None.
Vote Summary: 4 Yeas; 0 Nays; 0 Abstentions.

Public Works

17. Fieldbrook & Murray Road PM 2.8-5.0 & 5.1-5.6 Rehabilitation & Overlay Paving Project No. RPL -5904 (071) Contract No. 202706; Fieldbrook Road (4L760) PM 0.0 to 2.8 Rehabilitation & Overlay Paving Project No. RPL -5904 (060) Contract No. 202714; Fieldbrook Road (4L760) PM 3.5 to 5.0 Bicycle and Pedestrian Shoulder Improvement Project No. RPL-5904 (084) Contract No. 202721.
ACTION: That the Board of Supervisors accept the completed contract, including all change orders approved by the Public Works Department, between RAO Construction Co., Contractor, and Humboldt County for the rehabilitation and overlay and the bicycle & pedestrian shoulder improvement on Fieldbrook Road; approve the final claim for payment, as submitted by the Public Works Department to the Auditor/Controller, in the amount of \$46,318.47. This will bring the total amount paid to 100% of the contract; and approve the attached Appropriation Transfer to provide for payment.
Motion: Move to approve
Motion: Jill Duffy; Second: Clif Clendenen; Yeas: Jill Duffy, Clif Clendenen, Jimmy Smith, Mark Lovelace; Nays: None; Abstentions: None.
Vote Summary: 4 Yeas; 0 Nays; 0 Abstentions.
18. Supplemental Budget for Roads Engineering, Budget Unit 321.
ACTION: That the Board of Supervisors approves the following Supplemental Budget: Revenue: 1200321-523177 Environmental Justice Grant \$162,770; Expenditure: 1200321-2118 Professional & Special Services \$162,770.
Motion: Move to approve
Motion: Jill Duffy; Second: Clif Clendenen; Yeas: Jill Duffy, Clif Clendenen, Jimmy Smith, Mark Lovelace; Nays: None; Abstentions: None.
Vote Summary: 4 Yeas; 0 Nays; 0 Abstentions.
19. Review and Approve the Amendments to Solid Waste Agreements.
ACTION: That the Board of Supervisors approves the attached amendments to the below Franchise Agreements and approve Chair to sign three originals upon receipt from Contractors: 1.1 Humboldt Sanitation Company for the Northwestern Humboldt Area; 1.2 Tom's Trash Company for the Willow Creek Area; and approve the attached Amendment to Container Site Agreement for Humboldt Sanitation Company for the Northern Humboldt Area and approve Chair to sign three original copies of the Amendment upon receipt from Contractor.
Motion: Move to approve
Motion: Jill Duffy; Second: Clif Clendenen; Yeas: Jill Duffy, Clif Clendenen, Jimmy Smith, Mark Lovelace; Nays: None; Abstentions: None.
Vote Summary: 4 Yeas; 0 Nays; 0 Abstentions.

Sheriff

20. Request for Waiver of 960 Hour Limit for Extra Help Legal Office Assistant Xia Vang and Kendall Luna, (Budget Unit 1100243) Pursuant to Section 7 of the Humboldt County Salary Resolution.
ACTION: That the Board of Supervisors approve an increase in extra help hours for Legal Office Assistant Xia Vang, and Kendall Luna from 960 hours to 1920 hours, pursuant to Section 7 of the Humboldt County Salary Resolution.
Motion: Move to approve
Motion: Jill Duffy; Second: Clif Clendenen; Yeas: Jill Duffy, Clif Clendenen, Jimmy Smith, Mark Lovelace; Nays: None; Abstentions: None.
Vote Summary: 4 Yeas; 0 Nays; 0 Abstentions.

E. **MATTERS INITIATED BY BOARD MEMBERS**

1. Standing Item--Reports on Board Member Travel at County Cost, Meeting Attendance, and Supervisorial District Matters.

F. **DEPARTMENT REPORTS**

County Administrative Office

1. Standing Item --- State and Federal Budget Update.
ACTION: Hear report and take action as appropriate.
2. Adoption of 2010 State and Federal Legislative Platforms.
ACTION: That the Board of Supervisors review, modify as appropriate, and adopt the proposed state and federal legislative platforms for 2010; direct the County Administrative Officer to submit the final version of the state legislative platform to Governor Arnold Schwarzenegger, Assembly Member Wesley Chesbro, State Senator Patricia Wiggins, and Peterson Consulting; direct the County Administrative Officer to submit the final version of the federal legislative platform to U.S. Representative Mike Thompson, U.S. Senators Dianne Feinstein and Barbara Boxer, and Peterson Consulting; and authorize and direct the County Administrative Officer to submit letters to State and Federal legislatures, as needed to support the County's legislative platform during 2010. include within platform state and federal language regarding clarification on medical marijuana issues.
Motion: Approved with Revised Recommendations
Motion: Mark Lovelace; Second: Clif Clendenen; Yeas: Mark Lovelace, Clif Clendenen, Jimmy Smith; Nays: None; Abstentions: None.
Vote Summary: 3 Yeas; 0 Nays; 0 Abstentions.

DHHS - Mental Health Services

3. Mental Health Services Act (MHSA) Housing Program Request for Qualifications (RFQ).
ACTION: That the Board of Supervisors approve and authorize the issuance of an RFQ for a qualified developer to partner with the Mental Health Branch to develop permanent supportive housing through the MHSA Housing Program; and authorize the Department of Health and Human Services to sign a Memorandum of Understanding with selected developer to submit a joint application to the MHSA Housing Program.
Motion: Move to approve
Motion: Mark Lovelace; Second: Clif Clendenen; Yeas: Clif Clendenen, Mark Lovelace, Jimmy Smith; Nays: None; Abstentions: None.
Vote Summary: 3 Yeas; 0 Nays; 0 Abstentions.

G. **MATTERS SET FOR TIME CERTAIN**

10:00 a.m. - BOARD OF SUPERVISORS

1. Stakeholder Update on Marine Life Protection Act (MLPA) Activities, and consider support for Harbor District's grant application which would provide staffing, technical work and document development as it relates to the MLPA process. (*Supervisor Smith*)
ACTION: Hear the presentation, authorize Chair to sign letter of support and take appropriate action, if required.
Motion: Move to approve
Motion: Jill Duffy; Second: Clif Clendenen; Yeas: Mark Lovelace, Jill Duffy, Clif Clendenen, Jimmy Smith; Nays: None; Abstentions: None.
Vote Summary: 4 Yeas; 0 Nays; 0 Abstentions.

2:15 p.m. - Sheriff - OES

2. Tsunami Preparedness Presentation. (*Supervisor Smith*)
ACTION: Hear the presentation and take appropriate action, if necessary.
Motion: Move to approve
Motion: Mark Lovelace; Second: Clif Clendenen; Yeas: Mark Lovelace, Clif Clendenen, Jimmy Smith; Nays: None; Abstentions: None.
Vote Summary: 3 Yeas; 0 Nays; 0 Abstentions.

H. **CLOSED SESSION**

1. It is the intention of the Board of Supervisors to meet in closed session to consider the appointment for the position of Personnel Director pursuant to Government Code Sections 54954.5 and 54957.

I. **PUBLIC APPEARANCES--1:30 P.M.**

This portion of the meeting is reserved for persons desiring to address the Board on any matter not on this agenda that is under the jurisdiction of the Board. It is requested that speakers sign the sheet at the front doors of the Chamber by 1:25 p.m.

1. Public Appearances

J. **ADMINISTRATIVE ABATEMENT HEARINGS - NONE SCHEDULED**

K. **PUBLIC HEARINGS**

Community Development Services

1. Fort Baker Ranch Land Conservation Contract (Addition to existing preserve) Case Nos.: AGP 08-02/ZR-08-04: File Nos.: 314-252-03 Kneeland Area
ACTION: That the Board of Supervisors introduce ordinance no. ____ by title and waive further reading; open the public hearing, receive and consider the staff report, the Planning Commission's findings and accept public comment; close the public hearing; adopt the necessary findings prepared by Community Development Services - Planning Division; adopt Ordinance No. _____ amending Section 311-7 of the Humboldt County Code by reclassifying property in the Kneeland area within APN 314-252-03 currently zoned Agriculture Exclusive (AE) to Agriculture Exclusive with a Special Building Site combining zone specifying a minimum lot size of 160 acres (AE B-5(160) (Attachment A); direct the Clerk of the Board to publish a summary of the zoning changes within 15 of the date of the hearing (Attachment B); adopt Resolution No. ____ adding lands to the existing Fort Baker Ranch Agricultural Preserve (AGP#73-02) (Attachment C); direct the Chair to execute the Amendment to the Land Conservation Contract; Direct Planning Division staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; direct Planning Division staff to record the Notice of Merger with the County Recorder; direct the Clerk of the Board to record copies of the Resolution and amendment to the Land Conservation Contract with the County Recorder; and direct the Clerk of the Board to give notice of the decision to the applicant, the Assessor's Office, County Counsel, the planning Division, the California Office of Land Conservation and any other interested party.
Motion: Move to approve
Motion: Clif Clendenen; Second: Mark Lovelace; Yeas: Clif Clendenen, Mark Lovelace, Jimmy Smith; Nays: None; Abstentions: None.
Vote Summary: 3 Yeas; 0 Nays; 0 Abstentions.

L. **OPTIONAL ITEM**

M. **ADJOURNMENT**

Any written materials related to an item on this agenda submitted to the Board of Supervisors less than 72 hours prior to the Board meeting, and that are public records subject to the Public Records Act, are available for public inspection in the Office of the Clerk of the Board at 825 5th Street, Suite 111, Eureka (476-2384), during normal business hours.

Persons wishing to file documentation on any agenda item for the official record must submit an original and nine (9) copies of each document to the Clerk of the Board of Supervisors, Room 111 of the County Courthouse, 825 5th Street in Eureka (476-2384). Documentation includes, but is not limited to, written correspondence, audio and video tapes, maps, photographs, and petitions. Failure to submit the required number of copies will result in the document/s not being placed in the official record. (Per Board of Supervisors' policy adopted on March 21, 1995.)

The Chamber is wheelchair accessible, and disabled parking is available in the lot on K Street, between Fourth and Fifth Streets. If you are a person with a disability, and you need disability-related modifications or accommodations to participate in this meeting, please contact the Clerk of the Board at (707) 476-2384, or (707) 445-7299 (fax). Requests for such modifications or accommodations must be made at least **two full business days** before the start of the meeting.

MATTERS TENTATIVELY SCHEDULED FOR FUTURE BOARD MEETINGS

There are no Board meetings on the following days in 2010: February 16 (presidents Week – School Break); March 30 (5th Tuesday); June 29 (5th Tuesday); August 3 (Summer Break); August 10 (Summer Break); August 31 (5th Tuesday); November 16 (CSAC Annual Conference Riverside); November 23 (Week of Thanksgiving Holiday); December 21 (Christmas Break); December 28 (Christmas Break)

CURRENT OPENINGS ON BOARDS, COMMITTEES, AND COMMISSIONS

Alcohol and Drug Advisory Board
Area 1 Developmental Disability Board
Assessment Appeals Board
Citizen's Law Enforcement Liaison Committee
Emergency Medical Care Committee
Fire Safe Council
Fish and Game Advisory Commission
Forestry Review Committee
Headwaters Fund Board
Housing Authority Commission
Human Rights Commission
In-Home Supportive Services Advisory
Committee
Mental Health Board
Status of Women Commission
Williamson Act Advisory Committee
Workforce Investment Board

To request an application, please contact the Clerk of the Board at 476-2384.

BARRING ANY UNFORESEEN TECHNICAL DIFFICULTIES OR SCHEDULING CHANGES, REGULAR MEETINGS OF THE BOARD OF SUPERVISORS ARE BROADCAST LIVE ON SUDDEN LINK, CHANNEL 10, AND ARE REBROADCAST ON FRIDAY AT 6:30 P.M.

County of Humboldt Web Site: <http://www.co.humboldt.ca.us>