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**TITLE II - ADMINISTRATION**

**DIVISION 2**

**BOARD, COMMISSIONS AND COMMITTEES**

**CHAPTER 1**

**HUMBOLDT COUNTY FORESTRY REVIEW COMMITTEE**

**221-1. ESTABLISHMENT OF FORESTRY COMMITTEE.**

There is hereby established for the County of Humboldt a committee to be known as the Forestry Review Committee, established pursuant to Section 26152 of the Government Code. (Ord. 1711, § 2, 1/14/86)

**221-2. PURPOSE.**

The purpose of the Forestry Review Committee is to consider technical forest related matters of concern to Humboldt County and, when appropriate, to inform and make recommendations regarding such matters to the Board of Supervisors and the Planning Commission.

**221-3. APPOINTMENT AND TERM OF MEMBERS.**

(a) The committee shall consist of nine (9) members, of whom seven (7) shall be voting members. The Director of Community Development Services or designee and the Assessor or designee shall be ex-officio non-voting members who shall act as liaison for communication between the committee, the Planning Commission and the Board of Supervisors. (Ord. 2364, § 1, 06/20/2006)

All of the voting members shall be registered professional foresters in good standing working in Humboldt County. A registered professional forester in good standing is an individual who holds a current license issued by the Board of Forestry and who does not have a currently outstanding licensing action issued by the Board of Forestry. If possible, one voting member should be from the California Department of Forestry and one voting members should be from the University of California Extension Forest Advisor's Office. (Ord. No. 2168, § 1, 4/28/1998)

Five (5) of the voting members shall be appointed as follows: each member of the Board of Supervisors shall appoint one (1) member to the committee. Such members need not reside in the supervisorial district of the Supervisor who appointed them. The remaining two (2) of the voting members shall be appointed at large by a majority of the Board of Supervisors.

(b) Three (3) voting members shall serve terms which shall commence on the date of their appointment and shall expire on June 30, 1988. The terms of the remaining four (4) voting members shall commence on the date of their appointment and expire June 30, 1990. All subsequent appointments shall be for a term of four (4) years and shall expire on June 30 of the fourth year after appointment. Committee voting members shall serve at the pleasure of the Board of Supervisors. The voting members shall designate a Chair and a Vice-Chair from the voting members. (Ord. 1711, § 2, 1/14/86)

**221-4. FUNCTIONS.**

The Humboldt County Forestry Committee shall serve in an advisory capacity to the Planning Commission and the Board of Supervisors of the County of Humboldt in accordance with the following guidelines:

(1) The committee shall consider forestry matters that are within the authority of the Planning Commission and Board of Supervisors.

(2) Any expression of new policy by the committee shall first be reviewed by the Planning Commission and approved by the Board of Supervisors before being made public. Upon such approval, public release may be made either by the Board of Supervisors or said committee, or jointly by both.

(3) Upon referral of a joint timber management plan from the Director of Community Development Services, the committee shall review and make recommendations as to the adequacy of the plan within thirty (30) days after the referral. (Ord. 2364, § 1, 06/20/2006)

(4) Upon referral of applications for TPZ zoning or rezoning from the Director of Community Development Services, the committee shall review and make recommendations to the Director of Community Development Services as to whether the land proposed to be zoned or rezoned meets the criteria for TPZ zoning or rezoning. (Ord. 1711, § 2, 1/14/86; Ord. 2364, § 1, 06/20/2006)

**221-5. MEETINGS.**

(a) The committee shall hold meetings at the call of the Chair at such time and place as are designated by the Chair.

(b) A special committee meeting may be called at any time by the Chair. Such special meeting shall be effective for the transaction of business only if a quorum is present. Only the subject or subjects mentioned in the call of such special meeting shall be considered at the meeting.

(c) Four (4) voting members of the committee shall constitute a quorum. No official action may be taken by said committee without a quorum.

(d) All meetings of said committee shall be open to the public. Subject to reasonable restrictions by the Chair as to order of presentation, length of time and subject matter, any person may be allowed to express himself/herself at a committee meeting regarding business of the committee. (Ord. 1711, § 2, 1/14/86)

**221-6. REMOVAL OF MEMBERS FOR FAILURE TO ATTEND MEETINGS.**

A committee member absent from three (3) consecutive scheduled committee meetings without appropriate and reasonable excuse may be removed from the committee for such absence. (Ord. 1711, § 2, 1/14/86)

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CHAPTER 2

HUMBOLDT COUNTY PARKS AND RECREATION COMMISSION

[§§ 222-1 through 222-9 -- REPEALED BY ORD. 2351, § 2, 12/06/2005]

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**CHAPTER 3**

**HUMBOLDT COUNTY TOURISM DEVELOPMENT ADVISORY BOARD**

[REPEALED BY ORDINANCE NO. 1442 § 2, 1/13/81]

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**CHAPTER 4**

**HUMBOLDT COUNTY FISH AND GAME ADVISORY COMMISSION**

**224-1. ESTABLISHMENT OF COMMISSION.**

The Fish and Game Advisory Commission of the County of Humboldt is hereby established. (Ord. 682 § 1, 7/8/69; Ord. 2050, § 1, 9/13/94)

**224-2. APPOINTMENT OF REGULAR MEMBERS OF COMMISSION.**

The Commission shall consist of fifteen members. The Supervisor of each district shall appoint three (3) members. The three (3) members appointed by the individual Supervisors of Districts 1, 2 and 3 shall serve a term which shall become effective on the date when the member is appointed and shall expire on June 30, 1998. The three (3) members appointed by the individual Supervisors of Districts 4 and 5 shall serve a term which shall become effective on the date the member is appointed and shall expire on June 30, 1995. All subsequent appointments to fill vacancies which result from the expiration of a term of office shall be for a term of four (4) years from and after the expiration of the term of the office to which the appointment is being made. Persons appointed to fill a vacancy which results from an event other than expiration of a term of office shall serve until expiration of the term of the office to which the appointment is made. Members of the Commission shall serve at the pleasure of the Board of Supervisors. (Ord. 1660, § 1, 10/30/84; Ord. 1665, § 1, 12/18/84; Ord. 2050, 9/13/94)

**224-3. APPOINTMENT OF ASSOCIATE MEMBERS OF COMMISSION.**

The Board of Supervisors may appoint at large up to five (5) associate, non-voting members of the Commission. Associate members of the Commission shall serve at the pleasure of the Board of Supervisors. (Ord. 2050, § 2, 9/13/94)

**224-4. PURPOSE OF COMMISSION.**

The Commission is established to serve in an advisory capacity to the Board of Supervisors in all matters concerning fish and wildlife within the County of Humboldt. (Ord. 682, § 3, 7/8/69; Ord. 2050, § 3, 9/13/94)

**224-5. MEETINGS.**

The Commission shall hold regular monthly meetings at such time and place as shall be agreed upon by the Commission and such other special meetings as shall be required from time to time. Special meetings may be called by the Chair of the Commission or, in his/her absence, by the Vice Chairman of the Commission. (Ord. 682, § 4, 7/8/69; Ord. 2050, § 4, 9/13/94)

**224-6. REMOVAL OF REGULAR MEMBERS FOR FAILURE TO ATTEND MEETINGS.**

In the event that any regular member of the Committee shall absent himself/herself from three (3) consecutive regular meetings of the Commission without showing good cause therefor to the Chair, at the fourth such consecutive regular meeting from which he/she is absent his/her place shall automatically become vacant. Such vacancy shall be reported to the Board of Supervisors, and the Board of Supervisors shall appoint another regular member for the unexpired term of the member whose absence gave rise to the vacancy. (Ord. 682, § 5, 7/8/69; Ord. 1660, § 2, 10/30/84; Ord. 2050, § 6, 9/13/94)

CHAPTER 5

HUMBOLDT COUNTY ANIMAL CONTROL ADVISORY COMMITTEE

[REPEALED BY ORDINANCE NO. 2385, § 1, 4/10/2007]

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## CHAPTER 6

HUMBOLDT COUNTY DELINQUENCY PREVENTION COMMISSION**226-1. ESTABLISHMENT.**

Pursuant to and in accordance with Section 233 of the Welfare and Institutions Code of California, there is established in the County of Humboldt a Delinquency Prevention Commission. (Ord. 819, § 1, 1/11/72; Ord. 2308, § 3, 9/23/2003)

**226-2. PURPOSE.**

The purpose of the Humboldt County Delinquency Prevention Commission shall be to cooperate with and assist in coordinating on a county-wide basis governmental and nongovernmental agencies engaged in activities designed to prevent juvenile delinquency. (Ord. 819, § 2, 1/11/72)

**226-3. APPOINTMENT OF MEMBERS.**

There shall be no fewer than seven (7) members of the Delinquency Prevention Commission, and members shall be appointed by the Board of Supervisors to serve a term of four (4) years. (Ord. 819, § 4, 1/11/72)

**226-4. CAPACITY.**

The Board of Supervisors of the County of Humboldt hereby designates the Humboldt County Juvenile Justice Commission to serve in the capacity of the Humboldt County Delinquency Prevention Commission. (Ord. 819, § 4, 1/11/72)

**226-5. ASSISTANCE FROM OTHER COUNTY DEPARTMENTS.**

All departments of the County of Humboldt may assist the Delinquency Prevention Commission when such assistance is requested, and necessary staff and/or equipment can be made available. (Ord. 819, § 5, 1/11/72)

**226-6. COMPENSATION.**

The members of the Humboldt County Delinquency Prevention Commission shall be allowed reimbursement for actual and necessary expenses incurred in the performance of their duties in accordance with the provisions of the applicable chapter of this Code regulating reimbursement to County officers and employees for expenses incurred for travel, lodging and incidental expenses and meals while on County business. (Ord. 819, § 6, 1/11/72)

CHAPTER 7

THE COMMISSION ON THE STATUS OF WOMEN OF THE COUNTY OF HUMBOLDT

**227-1. ESTABLISHMENT OF COMMISSION.**

The Commission on the Status of Women of the County of Humboldt is hereby established. (Ord. 1178, § 1, 11/1/77)

**227-2. APPOINTMENT OF MEMBERS OF COMMISSION.**

The Commission shall consist of ten (10) members who shall be appointed by the Board of Supervisors. The Supervisor of each district shall appoint one (1) member, and the remaining five (5) members shall be appointed at large. The members appointed by the individual Supervisors of Districts 1, 2 and 3 shall serve a term which shall become effective on the date the members is appointed and shall expire on June 30, 1973. The members appointed by the individual Supervisors of Districts 4 and 5 shall serve a term which shall become effective on the date the member is appointed and shall expire on June 30, 1975. Three (3) of the five (5) members appointed at large shall be appointed and shall become effective on the date the member is appointed and shall expire on June 30, 1975, and the remaining two (2) members at large shall be appointed for a term which shall become effective on the date the member is appointed and shall expire on June 30, 1973. All subsequent appointments shall be for a term of four (4) years and shall expire on June 30 of the fourth year after appointment. Members of the Commission shall serve at the pleasure of the Board of Supervisors. (Ord. 1178, § 2, 11/1/77)

**227-3. PURPOSE OF THE COMMISSION.**

The Commission is established to serve in an advisory capacity to the Board of Supervisors in all matters concerning the status of women within the County of Humboldt. (Ord. 1178, § 3, 11/1/77)

**227-4. MEETINGS.**

The Commission shall hold regular monthly meetings at such time and place as shall be agreed upon by the Commission and such other special meetings as shall be required from time to time. Special meetings may be called by the Chairman of the Commission or, in the absence of the Chairman, by the Vice Chairman of the Commission. (Ord. 1178, § 4, 11/1/77)

**227-5. REMOVAL OF MEMBERS FOR FAILURE TO ATTEND MEETINGS.**

In the event that any member of the Commission shall be absent from three (3) consecutive regular meetings of the Commission without showing good cause therefor to the Chairman, at the fourth such consecutive regular meeting from which said member is absent, said member's place shall automatically become vacant. Such vacancy shall be reported to the Board of Supervisors, and the Board of Supervisors shall appoint another member for the unexpired term of the member whose absence gave rise to the vacancy. (Ord. 1178, § 5, 11/1/77)

**227-6. FUNDING AND REPORTS.**

The Commission shall be a nonfunded commission and may report its findings and recommendations to the Board of Supervisors periodically as conditions deem necessary. (Ord. 1178, § 6, 11/1/77)

**CHAPTER 8**

**HUMBOLDT COUNTY COMMISSION ON HUMAN RIGHTS**

**228-1. ESTABLISHMENT OF COMMISSION.**

The Humboldt County Commission on Human Rights is hereby established. (Ord. 1023, § 1, 4/22/75)

**228-2. AUTHORITY FOR ESTABLISHMENT.**

The Commission is established pursuant to Title 5, Division 1, Part 1, Chapter 1, Article 10 of the Government Code (§§ 50260-50265) and § 31000.1 of the Government Code. (Ord. 1023, §2, 4/22/75)

**228-3. PURPOSE OF COMMISSION.**

The purpose of the Commission on Human Rights is to promote tolerance and mutual respect between all persons, and to promote positive human relationships for the purpose of insuring public peace, health, safety and the general welfare. Committees may be established by the Commission. (Ord. 1023, § 5, 4/22/75; Ord. No. 2294, § 1, 02/25/2003)

**228-4. APPOINTMENT OF MEMBERS OF COMMISSION.**

The Commission shall consist of fifteen (15) members who shall be appointed by the Board of Supervisors. The Supervisors of each district shall appoint three (3) members. All appointments shall be for a term of four (4) years and shall expire on June 30 of the fourth year after the appointment. Members of the Commission shall serve at the pleasure of the Board of Supervisors. (Ord. 1023, § 3, 4/22/75; Ord. 1444, §4, 1/13/81; Ord. 2177, § 1, 10/6/98)

**228-5. OFFICERS AND THEIR DUTIES.**

The members of the Commission shall select a Chairman, a Vice Chairman and a Secretary. The Chairman shall preside at all meetings and shall provide the agenda for such meetings. The Vice Chairman shall preside in the absence of the Chairman and shall assist the Chairman in the conduct of his office. The Secretary shall keep the minutes of all meetings, prepare correspondence under the direction of the Chairman or Vice Chairman, send notices of meetings, maintain membership lists, and maintain the files of the Commission. (Ord. 1023, § 4, 4/22/75)

**228-6. RESPONSIBILITY OF COMMISSION.**

(a) To foster mutual respect and understanding among all people, including people subject to prejudice and discrimination due to race, creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, civic interest, or any other factors.

(b) To make any studies in any field of human relationships in the County as, in the judgment of the Commission, will aid in effectuating its general purposes.

(c) To inquire into incidents of tension and conflict among or between people, including people subject to prejudice and discrimination due to race, religious creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, civic interest, or any other factors, and to take action by means of conciliation, conference and persuasion to alleviate those tensions and conflict.

(d) To conduct and recommend any educational programs as, in the judgment of the Commission, will increase good will among inhabitants of the County and open new opportunities into all phases of community life for all inhabitants. (Ord. 1023, § 6, 4/22/75; amended by Ord. No. 2294, § 1, 02/25/2003)

**228-7. OBLIGATIONS OF COMMISSION.**

The Commission shall discharge the following obligations:

(a) To hold conferences and other public meetings in the interest of the constructive resolution of tensions, prejudice, and discrimination among or between groups of people, including people subject to prejudice and discrimination due to race, religious creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, civic interest, or any other factors.

(b) To issue any publications and reports of investigation as in its judgment will tend to effectuate the purposes of this chapter.

(c) To enlist the cooperation and participation of a variety of people, including people subject to prejudice and discrimination due to race, religious creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, civic interest, or any other factors, industry and labor organizations, media or mass communication, fraternal and benevolent associations, and other groups in an educational campaign devoted to fostering among the diverse groups of the County mutual esteem, justice and equity.

(d) To encourage and stimulate agencies under the jurisdiction of the Board of Supervisors to take any action as will fulfill the purposes of this chapter.

(e) To submit an annual report to the Board of Supervisors. (Ord. 1023, § 7, 4/22/75; amended by Ord. No. 2294, § 1, 02/25/2003)

**228-8. MEETINGS.**

The Commission shall hold regular monthly meetings at such time and place as shall be agreed upon by the Commission and such other special meetings as shall be required from time to time. Special meetings shall be called by the Chairman of the Commission or, in his absence from the County, by the Vice Chairman. Special meetings shall be effective for the transaction of business only if notice has been given to each member at least forty-eight (48) hours in advance of the special meeting, and the notice shall contain the subject of the special meeting. No action taken at either regular or special meetings shall be valid unless approved by a majority of the members of the Commission present and voting, and unless a quorum is present. A quorum shall consist of five (5) members of the Commission. (Ord. 1023, § 8, 4/22/75)

**228-9. REMOVAL OF MEMBERS FOR FAILURE TO ATTEND MEETINGS.**

In the event that any member of the Commission shall absent himself/herself from three (3) consecutive regular meetings of the Commission without showing good cause therefor to the Chairman, at the fourth such consecutive regular meeting from which he/she is absent his/her place shall automatically become vacant. Such vacancy shall be reported to the Board of Supervisors, and the Board of Supervisors shall appoint another member for the unexpired term of the member whose absence gave rise to the vacancy. (Ord. 1023, § 9, 4/22/75)

**CHAPTER 9**

**HUMBOLDT COUNTY CITIZENS' WELFARE ADVISORY COMMISSION**

[REPEALED BY ORDINANCE NO. 1442, § 3, 1/13/1981]

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**CHAPTER 10**

**EMERGENCY ORGANIZATION AND FUNCTIONS OF HUMBOLDT  
COUNTY DISASTER COUNCIL**

**2210-1. PURPOSES.**

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this County in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this County with all other public agencies, corporations, organizations and affected private persons, and to establish the Humboldt County Operational Area. (Ord. 961 § 1, 1/16/74; Ord. 2203, 3/21/2000; Ord. 2447, § 1, 04/05/2011)

**2210-2. DEFINITIONS.**

(a) As used in this chapter, "local emergency" shall have the meaning set forth in Government Code Section 8558 or successor statute. (Ord. 961 § 2, 1/16/74; Ord. 2203, 3/21/2000; Ord. 2447, § 1, 04/05/2011)

(b) As used in this chapter, "local health emergency" shall have the meaning set forth in Health and Safety Code Section 101080 or successor statute. (Ord. 2447, § 1, 04/05/2011)

**2210-3. HUMBOLDT OPERATIONAL AREA.**

The County of Humboldt, serving as the lead agency, and all political subdivisions therein, constitute the Humboldt Operational Area. The County of Humboldt, and all other political subdivisions within the Humboldt Operational Area are local government entities as defined by the Standardized Emergency Management System (SEMS) Regulations (CCR Title 19, Division 2, Chapter 1, Section 2409 and the National Incident Management System (NIMS) (Homeland Security Presidential Directive 5, February 2003). (Ord. 2203, 3/21/2000; Ord. 2447, § 1, 04/05/2011)

**2210-4. DISASTER COUNCIL MEMBERSHIP.**

(a) The Humboldt County Disaster Council is hereby created and shall consist of the following:

- (1) The Chair of the Board of Supervisors; (Ord. 2447, § 1, 04/05/2011)
- (2) One non-Chair member of the Board of Supervisors, with the remaining three non-Chair members serving as alternates; (Ord. 2447, § 1, 04/05/2011)
- (3) The Director of Emergency Services; Ord. 2447, § 1, 04/05/2011)
- (4) The Deputy Director of Emergency Services; Ord. 2447, § 1, 04/05/2011)

(5) The Assistant Director of Emergency Services; Ord. 2447, § 1, 04/05/2011

(6) The Emergency Services Coordinator; Ord. 2447, § 1, 04/05/2011)

(7) Such Chiefs of Emergency Services as are provided for in the current emergency plan of this County, adopted pursuant to this ordinance; Ord. 2447, § 1, 04/05/2011)

(8) A representative of the Voluntary Organizations Active in Disaster, (VOAD); (Ord. 2447, § 1, 04/05/2011)

(9) A representative of the Humboldt County Fire Chiefs Association; (Ord. 2447, § 1, 04/05/2011)

(10) A representative of the North Coast Emergency Medical Services (EMS); Ord. 2447, § 1, 04/05/2011)

(11) A representative of AT&T; Ord. 2447, § 1, 04/05/2011)

(12) A representative of Pacific Gas and Electric Company (PG&E). (Ord. 2447, § 1, 04/05/2011)

(Ord. 961 § 3, 1/16/74, Ord. 2203, 3/21/2000)

#### **2210-5. DISASTER COUNCIL POWERS AND DUTIES.**

It shall be the duty of the Humboldt County Disaster Council, and it is hereby empowered, to develop and recommend for adoption by the Board of Supervisors, emergency and mutual aid plans and agreements, and such ordinances, resolutions, rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet upon call of the Chairman or, in his/her absence from the County or inability to respond to call such meeting, upon call of the Vice Chairman and shall meet at least two times in each calendar year. (Ord. 961, § 4, 1/16/74; Ord. 2203, 3/21/2000)

#### **2210-6. DIRECTOR, DEPUTY DIRECTOR, ASSISTANT DIRECTOR AND COORDINATOR.**

(a) There is hereby created the office of Director of Emergency Services. The Sheriff of the County of Humboldt shall be the Director of Emergency Services for the County of Humboldt Operational Area.

(b) There is hereby created the office of Deputy Director of Emergency Services of the County of Humboldt and the Humboldt Operational Area who shall be a deputy sheriff of the rank of Undersheriff, appointed by the Director of Emergency Services. (Ord. 2447, § 1, 04/05/2011)

(c) There is hereby created the office of Assistant Director of Emergency Services for the County of Humboldt and the Humboldt Operational Area who shall be a deputy sheriff of the rank of Lieutenant or higher, appointed by the Director of Emergency Services.

(d) There is hereby created the position of Emergency Services Coordinator for the County of Humboldt and the Humboldt Operational Area who shall be a civilian employee of the Sheriff's Office appointed by the Director of Emergency Services. (Ord. 961, § 5, 1/16/74, Ord. 2203, 3/21/2000; Ord. 2447, § 1, 04/05/2011)

**2210-7. POWERS AND DUTIES OF DIRECTOR, DEPUTY DIRECTOR, ASSISTANT DIRECTOR AND COORDINATOR.**

(a) The Director of Emergency Services is hereby empowered to:

(1) Request the Board of Supervisors to proclaim the existence or threatened existence of a "local emergency" if the Board of Supervisors is in session, or to issue such proclamation if the Board of Supervisors is not in session. Whenever a local emergency is proclaimed by the Director, the Board of Supervisors shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect.

(A) Once the proclamation is made or ratified, the Board of Supervisors shall review, at least every thirty (30) days until such local emergency is terminated, the need for continuing the local emergency, and shall proclaim the termination of such local emergency at the earliest possible date that conditions warrant the termination. The frequency of review shall be in accordance with Government Code Section 8630 or successor statute. (Ord. 2447, § 1, 04/05/2011)

(2) Recommend that the Chairman of the Board of Supervisors request the Governor to proclaim a "state of emergency" when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency.

(3) Control and direct the effort of the emergency organization of this County for the accomplishment of the purposes of this ordinance.

(4) Direct cooperation between and coordination of services and staff of the emergency organization of this County, and the Humboldt Operational Area and to resolve questions of authority and responsibility that may arise between them.

(5) Represent this County in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.

(6) In the event of the proclamation of a "local emergency" as herein provided, the proclamation of a "state of emergency" by the Governor or the Secretary of the California Emergency Management Agency, or the existence of a "state of war emergency," the Director is hereby empowered: (Ord. 2447, § 1, 04/05/2011)

A. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the Board of Supervisors;

B. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life and property, and to bind the County for the fair value thereof and, if required immediately, to commandeer the same for public use;

C. To require emergency services of any County officer or employee and, in the event of the proclamation of a "state of emergency" in the County or the existence of a "state of war emergency," to command the aid of as many citizens of this County as he/she deems necessary in the execution of his/her duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by State law for registered Disaster Service Workers; (Ord. 2447, § 1, 04/05/2011)

D. To requisition necessary personnel or material of any County department or agency; and

E. To execute all of his/her ordinary power as Director of Emergency Services, all special powers conferred upon him/her by this ordinance or by resolution or emergency plan pursuant hereto adopted by the Board of Supervisors, all powers conferred upon him/her by any statute, by any agreement approved by the Board of Supervisors, and by any other lawful authority.

(b) The Director of Emergency Services shall designate the order of succession to that office, to take effect in the event the Director is unavailable to attend meetings and otherwise perform his/her duties during an emergency.

(c) The Deputy Director shall assist the Director of Emergency Services as directed and may act in the Director's absence.

(d) The Assistant Director of Emergency Services shall act as Director in the absence of the Director and the Deputy Director.

(e) The Emergency Services Coordinator shall, under the supervision of the Director and with the assistance of emergency services chiefs, develop emergency plans and manage the emergency programs of this County and shall have other such powers and duties as may be assigned by the Director. (Ord. 961, §6, 1/16/74; Ord. 2203, 3/21/2000)

**2210-8. COUNTY HEALTH OFFICER DECLARATION OF LOCAL HEALTH EMERGENCY.**

The County Health Officer may declare a "local health emergency" in the County or any area thereof affected by a threat to public health pursuant to Health and Safety Code Section 101080 or successor statute, including, but not limited to an imminent and proximate threat of the introduction of any contagious, infectious or communicable disease, chemical agent, noncommunicable biologic agent, toxin or radioactive agent. (Ord. 2447, § 1, 04/05/2011)

(a) If the County Health Officer declares a local health emergency, it shall not remain in effect for a period in excess of seven (7) days unless it has been ratified by the Board of Supervisors. The Board of Supervisors shall review, at least every 14 days until the local health emergency is terminated, the need for continuing the local health emergency and shall proclaim the termination of the local health emergency at the earliest possible date that conditions warrant the termination. The frequency of review shall be in accordance with Health and Safety Code Section 101080 or successor statute. (Ord. 2447, § 1, 04/05/2011)

(b) During a local health emergency, the County Health Officer shall have the power to: (Ord. 2447, § 1, 04/05/2011)

(1) Require the emergency services of any officer or employee of the County or any other political subdivision, and to requisition the aid of as many citizens within the County as he/she deems necessary in the execution of his/her duties. Such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered Disaster Service Workers. (Ord. 2447, § 1, 04/05/2011)

(2) Order into service necessary property or material from any County department or agency or any other political subdivision, and in addition, requisition private property or material deemed by him/her necessary in carrying out his/her responsibilities for which the County shall pay a reasonable value thereof. (Ord. 2447, § 1, 04/05/2011)

(3) Take necessary prevention measures including issue orders following due process for isolation and quarantine. (Ord. 2447, § 1, 04/05/2011)

(4) Issue any rules or emergency regulations including, but not limited to, the imposition of curfew, when essential to the immediate protection of life and property. Such rules or regulations shall be confirmed at the earliest practicable time by the Board of Supervisors. (Ord. 2447, § 1, 04/05/2011)

(c) If the local health emergency situation is such that conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of Humboldt County, requiring the combined forces of other political subdivisions, the County Health Officer may recommend to the Director of Emergency Services or to the Board of Supervisors that a local emergency be proclaimed. (Ord. 2447, § 1, 04/05/2011)

(d) During any emergency as defined by Government Code Section 8558 or successor statute, the County Health Officer may take any preventive measure that may be necessary to protect and preserve the public health from any public health hazard within his/her jurisdiction pursuant to Health and Safety Code Section 101040 or successor statute. (Ord. 2447, § 1, 04/05/2011)

**2210-9. COUNTY AGRICULTURAL COMMISSIONER AUTHORITY TO REQUEST UNITED STATES DEPARTMENT OF AGRICULTURE SECRETARIAL DISASTER DESIGNATION FOR AGRICULTURAL LOSSES.**

The Agricultural Commissioner in coordination with the County Director of Emergency Services may request a United States Department of Agriculture Secretarial Disaster Designation for Humboldt County when the Commissioner has determined that an unusual incident has occurred which caused severe physical property or production losses and has adversely affected local farmers, ranchers and/or aquaculturists. When requesting a Secretarial Disaster Designation, the Commissioner shall follow the County Secretarial Disaster Designation Coordination Plan as outlined in the Humboldt County Emergency Operations Plan. (Ord. 2447, § 1, 04/05/2011)

**2210-10. EMERGENCY ORGANIZATION.**

All officers and employees of this County, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Section 7(a)(6)(C) of this ordinance, be charged with duties incident to the protection of life and property in this County during such emergency, shall constitute the emergency organization of the County of Humboldt. (Ord. 2447, § 1, 04/05/2011)

**2210-11. EMERGENCY PLAN.**

The Humboldt County Disaster Council shall be responsible for the development of the Humboldt County Emergency Operations Plan, which plan shall provide for the effective mobilization of all of the resources of this County, both public and private, to meet any condition constituting a local emergency, or state of war emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plans shall take effect upon adoption by resolution of the Board of Supervisors. (Ord. 2447, § 1, 04/05/2011)

**2210-12. COUNTY WORKERS DEEMED DISASTER SERVICE WORKERS.**

All County employees are deemed Disaster Service Workers pursuant to Government Code Section 3100. (Ord. 2447, § 1, 04/05/2011)

**2210-13. COUNTY DEPARTMENTAL DISASTER PLANS.**

Each County department shall prepare a Departmental Emergency Plan (DEP) for internal departmental response to an emergency and ensure each employee is trained in their individual assignment under the plan. This plan shall include a notification to County employees detailing the requirements and responsibilities of being Disaster Service Workers, methods for all-hours call-up and accountability during an emergency and require general overview training in the Standardized Emergency Management System (SEMS), the National Incident Management System (NIMS), and the Incident Command System (ICS). The DEP shall be updated by the departments as needed on an annual basis. (Ord. 2447, § 1, 04/05/2011)

**2210-14. EXPENDITURES.**

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the County of Humboldt. (Ord. 961, 1/16/74; Ord. 2447, § 1, 04/05/2011)

**2210-15. PUNISHMENT OF VIOLATIONS.**

It shall be a misdemeanor punishable by a fine not to exceed Five Hundred Dollars (\$500.00), or by imprisonment not to exceed six (6) months or both for any person, during a state of war emergency, state of emergency or local emergency, to:

(a) Wilfully obstruct, hinder or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this ordinance, or in the performance of any duty imposed upon him/her by virtue of this ordinance.

(b) Do any act forbidden by any lawful rule or regulation issued pursuant to this ordinance, if such act is of such a nature as to give or be likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of this County, or to prevent, hinder or delay the defense or protection thereof.

(c) Wear, carry or display, without authority, any means of identification specified by the emergency agency of the State. (Ord. 961, § 10, 1/16/74)

**2210-16. SEVERABILITY.**

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared to be severable. (Ord. 2203, 3/21/2000; Ord. 2447, § 1, 04/05/2011)

**CHAPTER 11**

**HUMBOLDT COUNTY HISTORICAL RECORDS COMMISSION**

[REPEALED BY ORDINANCE NO. 1442, § 4, 1/13/81]

**CHAPTER 12**

**ASSESSMENT APPEALS BOARD**

**2212-1. ESTABLISHMENT OF ASSESSMENT APPEALS BOARD.**

There is hereby established for the County of Humboldt an Assessment Appeals Board pursuant to the provisions of Section 1620 et seq. of the Revenue and Taxation Code of California. (Ord. 1364, § 1, 10/30/79)

**2212-2. SELECTION OF MEMBERS.**

The Assessment Appeals Board shall consist of three (3) members and two (2) alternate members appointed for that purpose by a majority of the members of the Board of Supervisors. (Ord. 1364, § 1, 10/30/79; Ord. 2366, § 1, 07/25/2006)

**2212-3. TERM OF OFFICE; VACANCIES; SUCCEEDING NOMINATIONS.**

The term of members shall be three (3) years. The Board of Supervisors of Humboldt County shall select by majority vote one (1) person from among those nominated to serve for the succeeding term on such Board, or to fill the vacancy as the case may be. Upon expiration of the term of office of any member of the Assessment Appeals Board, the member whose term has expired shall continue to serve until such time as a new member takes office. A member whose term has expired may continue to serve for up to sixty (60) days after the expiration of such term with respect to matters on which the Assessment Appeals Board had commenced hearing prior to the expiration of the member's term. (Ord. 1364, § 1, 10/30/79; Ord. 1698, § 1, 7/16/85; Ord. 2366, § 1, 07/25/2006)

**2212-4. ELIGIBILITY.**

A person shall not be eligible for nomination for membership on the Assessment Appeals Board unless he/she has a minimum of five (5) years professional experience in this state as one of the following: certified public accountant or public accountant, licensed real estate broker, attorney, property appraiser accredited by a nationally recognized professional organization, or a property appraiser certified by the Office of Real Estate Appraisers, or a property appraiser certified by the State Board of Equalization, or a person who the nominating member of the Board of Supervisors has reason to believe is possessed of competent knowledge of property appraisal and taxation. No person shall be qualified to be a member of the Assessment Appeals Board who has, within three (3) years immediately preceding his appointment, been an employee of an assessor's office. No member of the Assessment Appeals Board shall knowingly participate in any assessment appeal proceeding wherein the member has an interest in either the subject matter of, or a party to the proceeding of such nature is that it could reasonably be expected to influence the impartiality of his judgment in the proceedings. (Ord. 1364, § 1, 10/30/79; Ord. 2366, § 1, 07/25/2006)

Up to two (2) members of a county board of supervisors who have served as a member of a county board of equalization pursuant to Revenue & Taxation Code § 1601 may serve on an assessment appeals board. The term of office for any member of the board of supervisors who serves on an assessment appeals board shall not exceed his or her term of office as a member of the county board of supervisors. Documentation of qualifying experience of appeals board members shall be filed with the clerk of the board. (Ord. 2366, § 1, 07/25/2006)

**2212-5. CLERK'S DUTIES.**

The Clerk of the Board of Supervisors shall be the Clerk of the Assessment Appeals Board and keep a record of its proceeding. He/She shall perform the same duties in connection with its proceedings of the Board of Equalization. The Clerk of the Assessment Appeals Board shall fix the time and place of sessions of the Assessment Appeals Board. He/She shall calendar all petitions or applications to be heard by the Assessment Appeals Board and notify all petitioners of the time and place fixed for such hearings. (Ord. 1364, § 1, 10/30/79; Ord. 2366, § 2, 07/25/2006)

**2212-6. REPEALED BY ORD. 2366, § 1, 07/25/2006)**

**2212-7. COMPENSATION.**

Members of the Assessment Appeals Board and alternate members serving in place of absent regular members of the Assessment Appeals Board shall be compensated at the rate of Forty Dollars (\$40.00) for each one-half (½) day and Seventy-five dollars (\$75.00) for each full day of assessment appeals hearings they are required to attend, and mileage for each mile actually and necessarily traveled from their residence in the performance of their duties as Assessment Appeals Board members at the mileage rates set forth in Section 246-6(d) of the Humboldt County Code. (Ord. 1441, § 1, 1/6/81)

**2212-8. PROPERTY SUBJECT TO CHANGE IN OWNERSHIP OR NEWLY CONSTRUCTED.**

The Assessment Appeals Board shall hear applications for a reduction in assessment in cases in which the issue is whether or not property that has been subject to a change in ownership, as defined in Chapter 2 (commencing with Section 60) of Part 0.5 of the Revenue and Taxation Code, or has been newly constructed, as defined in Chapter 3 (commencing with Section 70) of Part 0.5 of the Revenue and Taxation Code. (Ord. 1821, § 1, 2/9/88)

**2212-9. TRAINING OF NEWLY SELECTED MEMBERS.**

Every person newly selected for membership on or newly appointed to be a member of, an assessment appeals board shall complete the training described in Revenue & Taxation Code § 1624.02 (and its progeny) prior to the commencement of his or her term on the Assessment Appeals Board or as soon as reasonably possible within one year thereafter. (Ord. 2366, § 1, 07/25/2006)

A member of an assessment appeals board who does not complete the training required by this section in the time permitted shall complete the training within 60 days of the date of the notice by the clerk advising the member that his or her failure to complete the training constitutes resignation by operation of law. If the member fails to comply within 60 days of the notice by the clerk, the member shall be deemed to have resigned his or her position on the board. Notwithstanding the provisions of this section, an Assessment Appeals Board member may continue to retain his or her position on the board in order to complete all appeal hearings to which the member is assigned and which commenced prior to the date of resignation pursuant to this subdivision. (Ord. 2366, § 1, 07/25/2006)

**TITLE II -- ADMINISTRATION**

**DIVISION 2**

**BOARDS, COMMISSIONS AND COMMITTEES**

**CHAPTER 13**

**HUMBOLDT COUNTY PUBLIC AUTHORITY FOR IN-HOME SUPPORTIVE SERVICES**

**2213-1. PURPOSE AND FINDINGS.**

As required by Welfare and Institutions Code § 12302.25 the Board of Supervisors establishes a public authority, separate and apart from the County of Humboldt, whose powers are derived from and consistent with the provisions of Welfare and Institutions Code § 12301.6, as may be amended from time to time. The purpose of this public authority is to provide for the delivery of the In-Home Supportive Services Program as specified in the Welfare and Institutions Code and this chapter, subject to all applicable federal and state laws and regulations, and to the limitations set forth in this ordinance. The public authority shall serve as the employer of providers of in-home supportive services for purposes of the Meyer-Miliias-Brown Act. The Board of Supervisors of Humboldt County hereby determines that the establishment of the public authority is necessary for the public health and welfare. (Ord. No. 2278, § 1, 09/10/2002)

**2213-2. DEFINITIONS.**

(a) "Authority" means the Humboldt County Public Authority for in-home supportive services.

(b) "County" means the County of Humboldt.

(c) "IHSS" means in-home supportive services as described in Welfare and Institutions Code §12300 et seq.

(d) "Recipient" means a person eligible for and authorized to receive in-home supportive services pursuant to Welfare and Institutions Code § 12300 et seq.

(e) "Provider" means a person who provides in-home supportive services to a recipient. (Ord. No. 2278, § 1, 09/10/2002)

**2213-3. PUBLIC AUTHORITY CREATED.**

Pursuant to Welfare and Institutions Code § 12301.6, a public authority for in-home support services is hereby established. The public authority shall be known as the Humboldt County In-Home Supportive Services Public Authority and shall hereafter be referred to as the "Authority". (Ord. No. 2278, § 1, 09/10/2002)

**2213-4. GOVERNING BODY.**

The governing body of the Authority shall be the Humboldt County Board of Supervisors. (Ord. No. 2278, § 1, 09/10/2002)

**2213-5. SEPARATE ENTITY.**

The Authority shall be a public entity separate from the County and shall file the Statement of Fact for the Roster of Public Agencies required by Government Code § 53501. (Ord. No. 2278, § 1, 09/10/2002)

**2213-6. ADVISORY BOARD.**

(a) Humboldt County's Advisory Committee on In-Home Supportive Services was established pursuant to Welfare and Institutions Code § 12301.6(b)(3)(C), (D) by Resolution No. 2000-50 on June 6, 2000, as amended by Resolution No. 01-05 on January 9, 2001. The Advisory Committee is hereby appointed as the Advisory Board to the Authority.

(b) The Advisory Board shall assume all functions and responsibilities previously delegated to the Advisory Committee by the County Board of Supervisors.

(c) The Advisory Board shall report directly to the Authority's Governing Board. (Ord. No. 2278, § 1, 09/10/2002)

**2213-7. AUTHORITY EMPLOYEES.**

Employees of the Authority shall not be employees of County for any purpose. (Ord. No. 2278, § 1, 09/10/2002)

**2213-8. POWERS.**

(a) The Authority shall be a corporate public body, exercising public and essential governmental functions, that has all the powers necessary or convenient to carry out the delivery of IHSS in Humboldt County. These powers shall include, but not be limited to, the power to contract for services pursuant to Welfare and Institutions Code §§ 12302 and 12302.1, and to make or provide for direct payment to a care provider chosen by the recipient for the purchase of services pursuant to Welfare and Institutions Code §§ 12302 and 12302.2. (Ord. No. 2278, § 1, 09/10/2002)

(b) The Authority shall have the power in its own name to do any of the following:

- (1) To contract for the services of planners, financial consultants and other experts and, separate and apart therefrom, to employ such other persons as it deems necessary.
- (2) To sue and be sued in its own name.
- (3) To incur debts, liabilities or obligations subject to any limitations herein set forth.
- (4) To apply for, accept and receive state, federal or local licenses, permits, grants, loans or other aid from any agency of the United States of America, or of the State of California necessary for the Authority's full exercise of its powers.
- (5) To perform all acts necessary and proper to carry out fully the purpose of this Chapter and not inconsistent with Welfare and Institutions Code §§ 12300 et seq. or this Chapter. (Ord. No. 2278, § 1, 09/10/2002)

(c) The Authority shall be deemed to be the employer of IHSS care providers referred to recipients within the meaning of the Meyers-Milias-Brown Act, Government Code §§ 3500 et seq. (Ord. No. 2278, § 1, 09/10/2002)

(d) In order to assure the preservation of the individual provider mode and limit the liability of the Authority, the Authority shall have no authority or jurisdiction to regulate, control, or limit the rights and responsibilities of recipients to hire, fire or to supervise providers. Recipients shall retain the right to hire, fire, and supervise the work of any IHSS care providers providing services to them. The right to supervise includes, but is not limited to, the right to determine matters such as work schedules, work hours, tasks and duties, assignments and direction of work, methods and standards of caring and conduct, discipline, provisions for safety and security, control of premises, any in-home living or other accommodations, and final resolution of concerns, problems and complaints relating to such supervision. Recipients retain these rights and responsibilities independent of the Authority, just as they held such rights and responsibilities independent of the County prior to establishment of the Authority. (Ord. No. 2278, § 1, 09/10/2002)

**2213-9. RECIPIENT SELECTION.**

Recipients may select care providers who are not referred to them by the Authority. Those care providers shall nevertheless be referred to the Authority for the purposes of wages, benefits, and other terms and conditions of employment. Care providers shall not have job security or other employment rights that might limit recipients' rights as set forth in of this section and § 2213-8(d). (Ord. No. 2278, § 1, 09/10/2002)

**2213-10. STATE RESPONSIBILITIES.**

The establishment and operation of the Authority shall not alter, require the alteration of, or interfere with the State's payroll system or other provisions of Welfare and Institutions Code § 12302.2 for independent care providers of IHSS. Establishment of the Authority shall not affect the State's responsibilities regarding unemployment insurance or workers' compensation for IHSS care providers. (Ord. No. 2278, § 1, 09/10/2002)

**2213-11. AUTHORITY DUTIES.**

The duties and responsibilities of the Authority shall be as follows:

(a) The Authority shall implement the goals and objectives of Welfare and Institutions Code §§ 12300 et seq., including but not limited to: (Ord. No. 2278, § 1, 09/10/2002)

- (1) Provision of assistance to recipients in finding IHSS care providers through the establishment of a registry;
- (2) Investigation of the qualifications and background of potential IHSS care providers to be included on the registry;
- (3) Establishment of a referral system under which IHSS care providers shall be referred to recipients;
- (4) Provision for access to training of care providers and recipients;

- (5) Performance of other functions related to the delivery of IHSS as directed by the Authority's Governing Board;
- (6) Assurance that the requirements of the personal care option are met pursuant to Subchapter 19 (commencing with Section 1396) of Chapter 7 of Title 42 of the United States Code.

(b) Notwithstanding subdivision (a)(4), the Authority shall not be obligated to provide training directly, to pay for training privately or in the community, to pay care providers for time spent in training, to accompany recipients to training, to pay for transportation related to training, or to pay for any materials required by training. The Authority shall not be obligated to ensure that any provider or recipient attend or complete any training. (Ord. No. 2278, § 1, 09/10/2002)

(c) To adopt a budget for the Authority. (Ord. No. 2278, § 1, 09/10/2002)

(d) To exercise all powers, duties and functions as are prescribed by statute, the Board of Supervisors and the Authority. (Ord. No. 2278, § 1, 09/10/2002)

(e) In implementing and administering Welfare and Institutions Code § 12302.2, the Authority shall not reduce the hours of service for any recipient below the amount determined to be necessary under the uniform assessment guidelines established by the State Department of Social Services. (Ord. No. 2278, § 1, 09/10/2002)

(f) The following services and functions shall be the exclusive responsibility of the County and shall not be the responsibility of the Authority: (Ord. No. 2278, § 1, 09/10/2002)

- (1) Authorizing services for IHSS recipients;
- (2) Determining a recipient's need for IHSS, the level and quality of services required, and the eligibility of individuals to be served;
- (3) Conducting the initial or any subsequent assessment of need for services;
- (4) Terminating a recipient's participation in the IHSS program.

(g) Prior to initiating delivery of IHSS through the Authority, as described in this Chapter, the County and Authority shall enter into an agreement specifying the purposes, scope or nature of the agreement, the roles and responsibilities of each party including provisions which ensure compliance with all applicable state and federal labor laws, and compliance with all statutory and regulatory provisions applicable to the delivery of IHSS. The agreement shall also include a provision that requires that funds appropriated by the state for wage increases for IHSS care providers be used exclusively for that purpose. (Welfare and Institutions Code § 12302.25) (Ord. No. 2278, § 1, 09/10/2002)

**2213-12. NO EMPLOYER LIABILITY.**

The Authority shall be deemed not to be the employer of IHSS care providers referred to recipients for purposes of liability due to the negligence or intentional torts of IHSS care providers. (Ord. No. 2278, § 1, 09/10/2002)

**2213-13. NO NON-REFERRAL LIABILITY.**

The Authority shall not be held liable for any action or omission of any IHSS care providers whom the Authority did not list on a registry or otherwise refer to a recipient. (Ord. No. 2278, § 1, 09/10/2002)

**2213-14. NO COUNTY OR STATE LIABILITY.**

The County and the State of California shall be immune from any liability resulting from its implementation of this ordinance or from administration of the IHSS program pursuant to Welfare and Institutions Code § 12301.6. Any obligation of the Authority, whether statutory, contractual, or otherwise, shall be the obligation solely of the Authority and shall not be the obligation of the County or State. (Ord. No. 2278, § 1, 09/10/2002)

**2213-15. PUBLIC AUTHORITY LIABILITY.**

(a) Any obligation or legal liability of the Authority, whether statutory, contractual or otherwise, shall be the obligation or liability solely of the Authority and shall not be the obligation or liability of the County. (Ord. No. 2278, § 1, 09/10/2002)

(b) Any and all contracts, leases, or other agreements of any nature, including collective bargaining agreements, between the Authority and third parties other than the County shall contain an express provision advising the third party that the Authority is a separate governmental entity and that such agreement does not bind the County. The provision shall state: "The Authority is an independent legal entity, separate and apart from the County of Humboldt. The Authority has no power to bind the County to any contractual or legal obligations. Nor may the obligees of the Authority seek recourse against the County of Humboldt for any financial or legal obligation of the Authority." (Ord. No. 2278, § 1, 09/10/2002)

(c) The Authority shall require any and all third parties with whom it contracts, other than the County, to indemnify and hold harmless the Authority, to provide the Authority with written acknowledgment of such indemnification, and to maintain adequate levels of insurance, as determined by the County Risk Manager, naming the Authority as an additional insured. (Ord. No. 2278, § 1, 09/10/2002)

**2213-16. LIABILITY INSURANCE.**

Without limiting its indemnification of the County as set forth below, Authority shall acquire and maintain appropriate insurance in amounts and coverage types to be determined by the County Risk Manager to be adequate. The insurance shall name the County as an additional insured. (Ord. No. 2278, § 1, 09/10/2002)

**2213-17. INDEMNIFICATION.**

The Authority shall indemnify, defend and hold harmless the County, its elected and appointed officials, employees and agents from and against any and all liability, including defense costs and legal fees, resulting from claims for damages of any nature whatsoever, including but not limited to personal injury or property damages arising from or connected with any act or omission of any officer, employee or agent of the Authority. (Ord. No. 2278, § 1, 09/10/2002)

**2213-18. STAFFING.**

(a) The Authority's Governing Board shall appoint an Executive Director.

Such appointment shall consider recommendations of the Advisory Board and the County Administrative Officer, County Department of Health and Human Services Director and Personnel Director. (Ord. No. 2278, § 1, 09/10/2002)

(b) Employees of the Authority shall not be employees of County for any purpose. (Ord. No. 2278, § 1, 09/10/2002)

(c) The Authority may contract with the County as necessary for services including, but not limited to: (Ord. No. 2278, § 1, 09/10/2002)

- (1) County Personnel Department for representation of the Authority in Personnel and labor-related matters;
- (2) County Auditor and Treasurer for financial services, including auditor and payroll services;
- (3) County Counsel for legal services;
- (4) Clerk of the Board to act as secretary to the Authority;
- (5) Risk Manager for insurance and liability related matters.

(d) The Authority shall reimburse the County at least quarterly for any and all services provided to the Authority. The costs and expenses of County to provide administrative, legal, labor relations, and other services to the Authority shall be charged against the funds of the Authority. (Ord. No. 2278, § 1, 09/10/2002)

**2213-19. LABOR RELATIONS.**

Due to the special and critical health-care services provided through the IHSS program, the Board of Supervisors finds that any interruption of such services would pose an imminent threat to the health and safety of the recipients of IHSS services and to the community. In order to minimize the likelihood of such interruption and thereby protect the health and safety of recipients and to promote harmony and productive labor relations between the Authority and any labor organization, which seeks to represent or represents the providers of services to recipients of IHSS services: (Ord. No. 2278, § 1, 09/10/2002)

(a) The Authority shall establish rules and regulations for employer-employee relations through the adoption of an Employer-Employee Relations Policy. The Policy shall include the following terms:

- (1) Only those employee organizations recognized in accordance with the Authority's labor relations policy shall be entitled to negotiate with the Authority on matters within the scope of representation and such other rights as may be granted to recognized employee organizations pursuant to the Meyers-Miliias-Brown Act.
- (2) The Authority shall have a non-strike clause in any and all collective bargaining agreements with care providers and personnel of the Authority. The non-strike clause shall continue at least one (1) year beyond the other provisions of any and all collective bargaining agreements.

(b) The Authority shall take all legal action necessary to bar any strike or other concerted interruption of service to recipients. (Ord. No. 2278, § 1, 09/10/2002)

(c) Final adoption of any agreement negotiated between the Authority and any recognized labor organization shall be by simple majority of the governing body of the Authority. (Ord. No. 2278, § 1, 09/10/2002)

(d) The County Personnel Director is designated as manager of labor relations for the Authority. (Ord. No. 2278, § 1, 09/10/2002)

**2213-20. FISCAL PROVISIONS.**

(a) In adopting this Chapter, the County Board of Supervisors recognizes that the funding of IHSS is the product of a complex relationship of federal, state and county financing and that the ability of the Authority to operate and to negotiate the wages and benefits of IHSS care providers is contingent upon the availability of adequate funding from all sources. Nothing in this chapter is intended to require the County to appropriate any funds for the operation of the Authority or for the payment of wages and benefits to IHSS care providers. (Ord. No. 2278, § 1, 09/10/2002)

(b) The establishment and operation of the Authority or application of Government Code §§ 3500 et seq. shall not result in payments from the County's general fund beyond the amounts provided for in the County's annual budget, as amended from time to time. (Ord. No. 2278, § 1, 09/10/2002)

(c) The total of all administrative costs, wages and benefits proposed or established by the Authority shall be consistent with the provisions of the county budget. The maximum amount of County funds available in any given budget year for Authority's wage and benefit negotiations, if any, shall be set by the County Board of Supervisors as part of the County annual budget. While establishment of this figure shall not obligate the County, it shall serve as the absolute limit to County costs for any increases negotiated in collective bargaining taking place that fiscal year. (Ord. No. 2278, § 1, 09/10/2002)

(d) The Authority shall not have the authority to agree to approve any collective bargaining or other agreement that requires an increase in wages or benefits above the limits set by the County Board of Supervisors as part of the County annual budget. Services shall not be reduced in order to fund the Authority or to provide for the implementation of Government Code §§ 3500 et seq. (Ord. No. 2278, § 1, 09/10/2002)

(e) The Authority shall provide the County with all information necessary for the County to bill the State Department of Social Services for the state and federal share of Authority costs. The Authority shall assist the County in developing and submitting the information and documentation necessary to obtain approval from the State Department of Social Services and Department of Health Services for the Authority's reimbursement rate and rate adjustments. (Ord. No. 2278, § 1, 09/10/2002)

(f) Payment for all services provided pursuant to this chapter is contingent upon the availability of county, state and federal funds for the purpose of providing IHSS. (Ord. No. 2278, § 1, 09/10/2002)

(g) The Authority shall not spend funds or contractually or otherwise obligate funds in excess of the limits of its budget as set out in this chapter. (Ord. No. 2278, § 1, 09/10/2002)

**2213-21. BUDGET.**

Within ninety (90) days of the establishment of the Authority, and thereafter prior to the commencement of each fiscal year, the Authority shall adopt a budget for the ensuing fiscal year. The Authority shall prepare its

budget under the same laws, rules, and policies that govern the County budget process. Hearings on the Authority's budget shall be conducted concurrently with the County's regular budget hearings. (Ord. No. 2278, § 1, 09/10/2002)

**2231-22. RECORDS.**

The Authority shall maintain all records pertaining to service delivery and fiscal administrative controls for a minimum of five years after final payment for a given fiscal year, or until all pending County, state and federal audits have been completed, whichever is later. The Authority shall make any of the retained records available to all authorized County, state and federal representatives. (Ord. No. 2278, § 1, 09/10/2002)

**2213-23. INTERPRETATION.**

The provisions of this chapter are intended to be in addition to and not in conflict with state law. The provisions of this chapter shall, whenever possible, be construed as consistent with state law. (Ord. No. 2278, § 1, 09/10/2002)

**2213-24. SEVERABILITY.**

If any section of this chapter or the application thereof to any person or circumstances is for any reason held to be invalid or unconstitutional, such invalidity shall not affect the remaining provisions or applications of this chapter which can be given effect, and to this end the provisions of this chapter are severable. (Ord. No. 2278, § 1, 09/10/2002)

**2213-25. TERMINATION.**

The County Board of Supervisors may abolish the Authority by repeal of this chapter. (Ord. No. 2278, § 1, 09/10/2002)