



Attachment 2a  
**COUNTY ADMINISTRATIVE OFFICE  
MANAGEMENT & BUDGET TEAM  
COUNTY OF HUMBOLDT**

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SUPREME COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT

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INTEROFFICE MEMORANDUM

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**TO:** BOARD OF SUPERVISORS  
**FROM:** PHILLIP SMITH-HANES, COUNTY ADMINISTRATIVE OFFICER *PSH*  
**SUBJECT:** RESPONSE TO 2010-11 GRAND JURY REPORT 2011-CD-01  
**DATE:** 9/26/2011

The 2010-11 Grand Jury has issued report 2011-CD-01 and the Board of Supervisors is required to respond to findings 1 and 2 and recommendation 2 of this report. I recommend that the Board respond as follows:

*Finding 1:* *The Grand Jury has concluded that the recusal of the District I representative was appropriate with regard to property being within a zone of conflict for that commissioner regarding the Forster/Gill development. California statutes mandate a conflict exists when a representative resides within a specified distance to the subject project and as such cannot vote nor participate in decisions related to that property. The County has two at-large Commissioners, thus the public is still fully represented.*

**The Board of Supervisors agrees with this finding.**

Pursuant to Government Code sections 87100 and 87103(b), and the California Code of Regulations, Title 2, Section 18704.2(a) (1) recusal of the District I representative was the appropriate course of action. The onus is on the individual public official to determine if there is a conflict or not. This is not the duty of the County. The Grand Jury is correct in noting that there are two at-large Commissioners, and the public was represented.

*Finding 2:* *No evidence was found to prove that the Humboldt County Planning Department purposefully canceled meetings to avoid having large numbers of the public at Planning Commission meetings regarding the Forster/Gill project (Ridgewood Village proposal), nor did we find any violation of the Brown Act.*

**The Board of Supervisors agrees with this finding.**

There have been meetings which were not notified properly and therefore were required to be canceled. A notice was posted at the Courthouse and on the website that the meeting was canceled due to insufficient noticing.

State regulations require that notices for public hearings be posted either 10-days, 30-days, or 45-days prior to the hearing, depending on the type of project. Projects involving environmental document review require a

## Attachment 2a

longer posting period prior to a meeting.

Recommendation 2: *The Grand Jury regards the people's right to have input in the running of Humboldt County to be paramount. Canceling meetings without appropriate notice gives the impression of impropriety. We encourage the Planning Director to fix this repeated procedural problem to avoid future recurrence.*

**This recommendation has been and will continue to be implemented.**

The Board of Supervisors recognizes that there was confusion about the July 1 meeting and prior meetings. The Planning Division has an internal verification system to ensure public meeting notices are posted properly at the Courthouse, as required by the Brown Act, and will continue to follow that procedure.