

Supervisor Wilson,

I am contacting you today to inform you of the misconduct I personally witnessed by County Supervisor Michelle Bushnell. Michelle Bushnell often accompanies cultivators to the Planning Department to discuss their cannabis applications and permits, notably when there are disagreements between the Planning Department and applicant. Although I understand that she may be their elected official, it was my belief that she was also a public official and would conduct herself in a neutral manner. Below you will find a timeline of events regarding Michelle Bushnell's impropriety during a meeting revolving an active cannabis application for which I am the assigned planner.

On Tuesday December 28, 2021, at 4:30 pm I met with Director John Ford in his office at the Planning Department to discuss the history of violations and inaccurate information I had discovered in a commercial cannabis application. The information I presented to the Director showed that the applicant had (1) cultivated an excess of approximately 2,159 square feet of Mixed Light cultivation each year for three consecutive years, (2) harvested approximately 1-acre of trees without permits as confirmed by CAL FIRE, and (3) submitted inaccurate Operations and Site Plans to the planning department. The applicant had also been accused of trucking water to the site, leading myself, the assigned planner, to question whether there was a reliable source of irrigation water onsite. Prior to the meeting I had notified the applicant that their interim permit was set to expire on December 31, 2021 and would not be renewed. During this meeting with Director Ford, Michelle Bushnell called Director Ford stating that I had not renewed the interim permit and the applicant was going to lose 400 pounds of processed cannabis if we did not renew the permit. Michelle Bushnell called the Director twice during this 30-minute meeting requesting that he confirm whether the applicant would receive an interim permit for the 2022 cultivation season. During each call the Director stated that he was unable to provide an answer to her inquiry until he had completed his review of the information I provided him. Michelle Bushnell stated she would relay to the applicant that the Director needed until the following day to review the information and provide the applicant with an answer regarding the renewal of their permit.

The Director and I agreed we would extend the interim permit through January 31, 2022, providing the applicant ample time to pay the \$ [REDACTED] penalty fee, bring the site back into compliance, and provide our department with accurate Operations and Site Plans. If these actions were taken the applicant would receive an interim permit extension through June 1, 2022. That evening at 5:13pm, I submitted the violation letter to the applicant and agent, and they requested a meeting on December 29, 2021.

On December 29, 2021, at 10:45am, I met with Director Ford privately to review the information prior to our meeting with the applicant at 11am.

At 11am, Michelle Bushnell accompanied the applicant and their agent to Director Fords office. The meeting began with the applicant stating they were unaware of their overage in cultivation area, and that the site had remained the same since 2018. I refuted this claim and stated the site had changed numerous times between 2018 and 2021. At this time, I was reviewing a packet of documentation I had brought to the meeting. Michelle Bushnell was sitting directly to my right and reached for the documents, so I extended them to her. She pulled them abruptly from my grasp. While the conversation continued, she loudly and rapidly flipped through the documents before dramatically tossing them on the table before her.

The Director brought up the topic of the tree removal that occurred on the property. The applicant claimed he was not the one who removed the trees. I refuted this claim, as he was the property owner at the time. He then claimed that he removed the trees for defensible space, which I also refuted because there were no greenhouses in the area at that time and following the tree removal the clearing became a new cultivation area. At this point, Michelle Bushnell began to raise her voice at me and condescendingly stated "you don't know that [REDACTED]" to which I responded, "yes I do." She then stated, "No you don't." At this time I reached to show Michelle Bushnell the aerial imagery timeline created by the Code Enforcement Unit but she was uninterested in viewing it and instead stated that it was my job to "get people through the permitting process." Both the agent and Michelle Bushnell began to question my qualifications. I responded that it was my job to ensure the project met the requirements of the ordinance and I conducted measurements of the tree removal using aerial imagery. Michelle Bushnell then stood from her chair, crossed the room, and yelled "you better stop before I lose it!" Following her yelling the threat a second time, I responded "you already have [lost it]!"

Michelle Bushnell then abruptly exited the room and slammed Director Ford's office door, hard and loud enough to make the walls shake. No more than 1 minute later she returned and was visibly crying.

At this time Director Ford inquired as to what water source the applicant was relying upon, as our Department had received complaints that the applicant was trucking water to the site (a violation of Humboldt County Code). The applicant stated that he had numerous wells onsite that supplied water for his operation. The applicant then stated that he had trucked water to the site during the summer of 2021 to fill his fire suppression water tanks.

While the discussion continued Michelle Bushnell continued to glare at me, she was seated directly to my right. I turned my head and made direct eye contact. We did not break eye contact until a question was directed to me by the applicant's agent.

Following continued conversation about the wells, Michelle Bushnell continued to personally attack me stating, "do you understand that not giving [the applicant] their interim permit will force them to lose all the product onsite?" To which I responded by stating that this applicant was 1 of 60 people I did not grant a 2022 interim permit to. She then continued to ask me, "Do you even care what you are doing to these people?"

I then responded to her, stating that I have the Planning Commission and neighbors of the project to answer to. Once again, raising her voice, she stated "you do not answer to the neighbors." To which I responded "yes I do, I answer to the public as a whole." I proceeded to state that sorting through the inaccurate information the applicant provided us, and evaluating all the violations onsite, resulted in a significant amount of my time being diverted to this project and away from completing cannabis applications for my other applicants. She began to discredit me again, telling me "Don't even use that as an excuse."

At this point I was extremely frustrated by the way she was speaking to me, and I looked at Director Ford while gesturing to Michelle Bushnell and yelled, "are you going to let her talk to me like that?" Director Ford remained silent. I plead once more, stating "Do something about this!" Director Ford then directed me to leave the meeting and work on another project. The meeting continued without my presence. I immediately returned to my desk and took elaborate notes of the events of the meeting, which were essential in completing this timeline.

Michelle Bushnell's actions at the meeting on December 29, 2021, failed to adhere to the following principles and standards outlined in the draft Code of Conduct adopted by your Board on May 18, 2021 (notably f):

- a) *Public officials be independent, impartial, and fair in their judgment and actions;*
- b) *Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility, both as between Board member and between the Board of Supervisors and other peers, staff and the public;*
- c) **Board Member Conduct.** *The professional and personal conduct of Board members must be above reproach and by the law must avoid even the appearance of impropriety, which is critically important for maintaining a positive and productive image of county governance. While it is understood that Board members enjoy First Amendment rights, they should practice civility and decorum in discussions and debate, and refrain from abusive conduct, personal charges unsubstantiated allegations, disclosure of confidential information, or verbal attacks upon the character or motives of other members of the Board of Supervisors, boards, commissions, staff or the public which has the effect of disrupting the County's business and bringing the County's government into dispute;*
- d) **Conflict of Interest.** *In order to assure their independence and impartiality in the County's best interest, Board members shall not use their official positions to influence decisions in which they have a conflict of interest of any nature. All Board members shall use their best efforts to refrain from creating even the appearance of impropriety in their actions and decisions. No Board member shall engage in any business, transaction or activity, or have a financial interest, which is in conflict with the proper discharge of official duties, which would tend to impair independence of judgment or action in the performance of official duties, which creates the appearance of such conflict, or which otherwise violates applicable County policies or state or federal law;[...]*
- e) **Advocacy.** *Board members shall represent the official policies or positions of the entire Board of Supervisors, to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Board members shall explicitly state they do not represent the opinion of the entire Board;*
- f) **Positive Work Place Environment.** *Board members shall support the maintenance of a positive and constructive work place environment for County employees, private citizens and businesses dealing with the County. Board members shall recognize their role in individual dealings with County employees. There are many rules and regulations, both federal and state, which deal with the way in which employees are treated, and untoward conduct by a Board member may expose the County to substantial risk. While a Board member is not, strictly speaking, a "superior" or "supervisor" of a County employee, courts and juries have widely viewed them as being bound to the restrictions which apply to such roles. Accordingly, Board members should always address County employees, whether in public or in private, with courtesy and respect. Any concerns which a Board member may have regarding the performance of a County employee should only be raised in private with the County Administrative Officer. Negative or critical comments by Board*

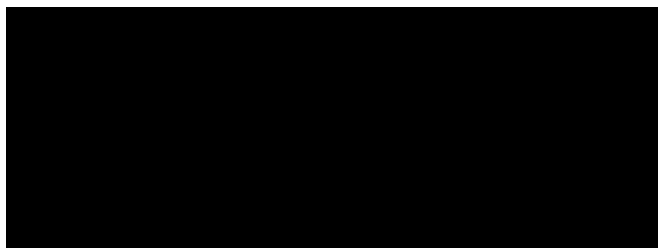
members about a County employee in public serves to lessen public trust and respect for, and confidence in, County government. It may also constitute actionable conduct, exposing the County to financial or legal risks. Board members have no legal right or authority to act as the superior, employer or supervisor of any County employee, although the Board of Supervisors acting as a body has this authority over the County Administrative Officer, County Counsel and appointed Department Heads;

- g) Policy Role of Board members.** *Board members shall respect and adhere to the Board - County Administrative Officer structure of the County of Humboldt government. In this structure, the Board of Supervisors determines the policies of the County with the advice, information and analysis provided by the public, boards and commissions and County staff. Board members shall not interfere with the administrative functions of the County or the professional and legal duties of County staff, nor shall they impair the ability of staff to implement Board-policy decisions.*

Due to my inability to conceal my distress following the meeting, I left the office for the remainder of the day and notified my supervisor. I then contacted County Counsel to obtain information on how to file a formal complaint against a Humboldt County Supervisor. County Counsel directed me to reach out to our HR department. Our HR department initially recommended I file a grievance. I further elaborated the grievance to the HR liaison, assigned specifically to the Planning Department, and they agreed that a grievance may not be the most appropriate course of action for this situation. The HR liaison directed me to email my district supervisor.

In closing, I would like to state that the misconduct by Michelle Bushnell not only reflects a lack of understanding of her role as a public official but directly reflects a lack of respect for the accomplishments I have achieved in my time of employment with Humboldt County. As a public servant I actively assist cannabis cultivators in their ambitions to complete their permit. I also vet every compliant I receive from neighbors and other community members who are directly impacted by cannabis operations that do not adhere to Humboldt County Code. The information I presented at the meeting on December 29, 2021, was not emotionally charged or unsubstantiated. Michelle Bushnell preferred to discredit, threaten, and berate me rather than review the facts and allow me, and by extension our department, to enforce Humboldt County Code and State Law. To be clear, Michelle Bushnell did not review, or allow me to present, the factual information I had spent the last 4 months compiling regarding this project.

Thank you for your time and consideration on this matter,



December 30, 2021