

GLENN MCGOURTY
1st District
Supervisor
Chair

MAUREEN MULHEREN
2nd District
Supervisor
Vice-Chair

JOHN HASCHAK
3rd District
Supervisor

DAN GJERDE
4th District
Supervisor

TED WILLIAMS
5th District
Supervisor



DARCIE ANTLE
Chief Executive Officer/
Clerk of the Board

CHRISTIAN M. CURTIS
County Counsel

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MENDOCINO COUNTY BOARD OF SUPERVISORS

ACTION MINUTES – March 14, 2023

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF MENDOCINO - STATE OF CALIFORNIA
FAIR STATEMENT OF PROCEEDINGS
(PURSUANT TO CALIFORNIA GOVERNMENT CODE §25150)**

AGENDA ITEM NO. 1 – OPEN SESSION (PLEDGE OF ALLEGIANCE AND ROLL CALL 9:00 A.M.)

Present: Supervisor Glenn McGourty, Supervisor Maureen Mulheren, Supervisor John Haschak, Supervisor Dan Gjerde, and Supervisor Ted Williams.

Staff Present: Darcie Antle, Chief Executive Officer; Christian M. Curtis, County Counsel; Atlas M.A. Pearson, Senior Deputy Clerk of the Board; Kim Saylor, Deputy Clerk of the Board; and Lillian Bearden, Deputy Clerk of the Board.

The Pledge of Allegiance was led by: Supervisor Mulheren.

AGENDA ITEM NO. 2 – PUBLIC EXPRESSION

Presenter/s: Mark Donegan.

AGENDA ITEM NO. 3 – APPROVAL OF CONSENT CALENDAR

Presenter/s: Chair McGourty; Supervisor Haschak; and Christian M. Curtis, County Counsel.

Public Comment: Jena Conner; John Flammang; Jesse VanVoorhis; Rachel Ebel Elliott; Patrick Hickey; Carrie Shattuck; Edena Blair; and Whitney Eads.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor Mulheren, IT IS ORDERED that Consent Calendar items 3a) – 3ab) are hereby approved as follows: The motion carried by the following vote:

Aye: 5 – Supervisor McGourty, Supervisor Gjerde, Supervisor Haschak, Supervisor Williams, and Supervisor Mulheren

No: 0 – None

Absent: 0 – None

3A) APPROVAL OF MINUTES OF FEBRUARY 23, 2023 SPECIAL CLOSED SESSION MEETING - SPONSOR: EXECUTIVE OFFICE

Approved and Chair is authorized to sign same;

3B) APPROVAL OF MINUTES OF FEBRUARY 28, 2023 REGULAR MEETING - SPONSOR: EXECUTIVE OFFICE

Approved and Chair is authorized to sign same;

3C) APPROVAL OF MINUTES OF MARCH 8, 2023 SPECIAL MEETING - SPONSOR: EXECUTIVE OFFICE

Approved and Chair is authorized to sign same;

3D) APPROVAL OF RECOMMENDED APPOINTMENTS/REAPPOINTMENTS - SPONSOR: EXECUTIVE OFFICE

Approved;

1. Mills Matheson, Physician Member, Air Quality Management District Hearing Board;
2. Robert Juengling, Member, Gualala Municipal Advisory Council;
3. Julie Golden, Member, Hopland Municipal Advisory Council;
4. Shawn Padi, Member, Hopland Municipal Advisory Council;
5. Charlotte Scott, Trustee, Law Library Board of Trustees;
6. Peter Braudrick, Long Term Director, Mendocino County Resource Conservation District;
7. Nicole Glentzer, The Superintendent of the County Office of Education, or Designee, Policy Council on Children and Youth (PCCY);
8. Marybeth Kelly, First District Representative, Mendocino County Climate Action Advisory Committee;
9. Erin Gardiner, Trustee, Russian River Cemetery District;
10. Jo Bradley, Behavioral Health Advisory Board Member, Mental Health Treatment Act Citizen Oversight Committee;
11. Eric Miller, Pilot, Little River Airport Advisory Committee;
12. Cameron Ramos, Second District Representative, Mendocino County Planning Commission;
13. Elizabeth Salomone, Mendocino Representative to the Technical Review Committee, North Coast Resource Partnership
14. Joseph Prestino, Second District Representative, Mendocino County Fish and Game Commission; and
15. Marc Schoen, Non-Pilot, Little River Airport Committee.

3E) ADOPTION OF MENDOCINO COUNTY’S 2023 LEGISLATIVE PLATFORM - SPONSOR: EXECUTIVE OFFICE

Adopted;

3F) APPROVAL OF AGREEMENT WITH EVAN BROOKS ASSOCIATES, IN THE AMOUNT OF \$100,000, TO PROVIDE GRANT CONSULTING AND GRANT WRITING SERVICES FOR THE NEW GRANTS UNIT, EFFECTIVE UPON FULL EXECUTION THROUGH JUNE 30, 2026 - SPONSOR: EXECUTIVE OFFICE

Approved and Chair is authorized to sign same;

Enactment No: Agreement 23-033

3G) ADOPTION OF RESOLUTION RATIFYING THE MENDOCINO COUNTY AIR QUALITY MANAGEMENT DISTRICT (MCAQMD) SUBMITTAL OF AN APPLICATION TO PARTICIPATE IN YEAR 25 OF THE STATE CARL MOYER PROGRAM FOR THE FISCAL YEAR 2022-2023, AUTHORIZING THE AIR POLLUTION CONTROL OFFICER (APCO) TO ACCEPT ALLOCATED STATE PROGRAM FUNDS IN THE AMOUNT OF \$200,000, FOR THE TERM OF FEBRUARY 28, 2023 THROUGH DECEMBER 31, 2027, EXECUTE THE GRANT AGREEMENT ON BEHALF OF THE MCAQMD, AND IMPLEMENT AND FOLLOW ALL REQUIREMENTS OF THE PROGRAM - SPONSOR: AIR QUALITY MANAGEMENT DISTRICT

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 23-049

RESOLUTION NO. 23-049

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS SITTING AS THE MENDOCINO COUNTY AIR QUALITY MANAGEMENT DISTRICT BOARD, RATIFYING THE SUBMITTAL OF THE APPLICATION TO PARTICIPATE IN YEAR 25 OF THE STATE CARL MOYER PROGRAM FOR THE FISCAL YEAR 2022-2023, AUTHORIZING THE AIR POLLUTION CONTROL OFFICER TO ACCEPT ALLOCATED STATE PROGRAM FUNDS IN THE AMOUNT OF \$200,000, EXECUTE THE GRANT AGREEMENT ON BEHALF OF THE DISTRICT AND IMPLEMENT AND FOLLOW ALL REQUIREMENTS OF THE PROGRAM

3H) APPROVAL OF RETROACTIVE FIRST AMENDMENT (SECOND AMENDMENT TO PURCHASING AGENT AGREEMENT NO. PA-22-143, MH-22-033) TO BOARD OF SUPERVISORS AGREEMENT NO. 22-279 WITH MANZANITA SERVICES, INC. IN THE AMOUNT OF \$0 FOR A TOTAL OF \$251,720 TO PROVIDE SPECIALTY MENTAL HEALTH WELLNESS CENTER SERVICES, EFFECTIVE AUGUST 1, 2022 THROUGH A NEW END DATE OF JUNE 30, 2023 (ORIGINAL END DATE: DECEMBER 31, 2022) - SPONSOR: BEHAVIORAL HEALTH AND RECOVERY SERVICES

Approved and Chair is authorized to sign same;

Enactment No: Agreement 22-279-A1

3I) APPROVAL OF BACKSTOP AGREEMENTS WITH THE BARRON & BUDD, P.C., AND THE CALIFORNIA ATTORNEY GENERAL IN RELATION TO THE SETTLEMENT AGREEMENTS WITH JOHNSON & JOHNSON, JANSSEN PHARMACEUTICALS, INC., ORTHO-McNEIL-JANSSEN PHARMACEUTICALS, INC., AND JANSSEN PHARMACEUTICA, INC. (COLLECTIVELY “JANSSEN”) SETTLEMENT AND MCKESSON CORPORATION, CARDINAL HEALTH, INC., AND AMERISOURCEBERGEN CORPORATION (COLLECTIVELY “DISTRIBUTORS”) SETTLEMENT - SPONSOR: COUNTY COUNSEL

Approved and Chair is authorized to sign same;

Enactment No: Interim Agreement *23-034; Interim Agreement *23-035

3J) APPROVAL OF ENGAGEMENT LETTER WITH SHOOK, HARDY & BACON L.L.P., FOR LEGAL SERVICES IN CONNECTION WITH DOE, ET AL. V. HUMBOLDT COUNTY, ET AL - SPONSOR: COUNTY COUNSEL

Approved and Chair is authorized to sign same;

3K) ACCEPTANCE OF REVISED IMPLEMENTATION PLAN AND DETAILED BUDGETING COSTS FOR THE CALIFORNIA ENERGY COMMISSION (CEC), CLEAN TRANSPORTATION PROGRAM RURAL ELECTRIC VEHICLE (REV) GRANT NO. 21-604; APPROVAL OF REVENUE GRANT AGREEMENT WITH CEC FOR THE REV GRANT, IN THE AMOUNT OF \$824,982, EFFECTIVE UPON FULL EXECUTION THROUGH MAY 3, 2027; AND AUTHORIZATION FOR THE FACILITIES AND FLEET DIVISION MANAGER TO ESTABLISH A CAPITAL IMPROVEMENT PROJECT TO COMPLETE THE INSTALLATION OF THE GRANT FUNDED CHARGING STATIONS IN UKIAH IN THE AMOUNT OF \$824,982 AND TO ACT AS PROJECT MANAGER TO ENTER CONTRACTS AND APPROVE CHANGE ORDERS FOR THE PROJECTS, PURSUANT TO PUBLIC CONTRACT CODE SECTION 20142 - SPONSOR: GENERAL SERVICES AGENCY

Approved and Chair is authorized to sign same;

Enactment No: Interim Agreement *23-036

3L) APPROVAL OF RENEWING THE FINDING MADE IN RESOLUTION NO. 22-247 THAT THE DETERIORATING CONDITION OF THE ADMINISTRATION CENTER SERVER ROOM COOLING SYSTEM CONSTITUTES AN EMERGENCY THAT REQUIRES IMMEDIATE ACTION TO PREVENT OR MITIGATE THE LOSS OR IMPAIRMENT OF COUNTY PROPERTY AND ABILITY TO PROVIDE ESSENTIAL PUBLIC SERVICES AND DETERMINING THERE IS A NEED TO CONTINUE WITH THE CONTRACT TO RESOLVE THE EMERGENCY - SPONSOR: GENERAL SERVICES AGENCY

Approved;

3M) APPROVAL OF RETROACTIVE FIRST AMENDMENT TO BOARD OF SUPERVISORS (BOS) AGREEMENT 21-014 WITH BROKAW DESIGN IN THE AMOUNT OF \$120,000.00 FOR ADDITIONAL DESIGN SERVICE FOR THE 911 COMMUNICATIONS EQUIPMENT FACILITY FOR A NEW AGREEMENT TOTAL OF \$139,665, AND EXTEND THE TERMINATION DATE FROM DECEMBER 31, 2022 TO JULY 31, 2024 - SPONSOR: GENERAL SERVICES AGENCY

Approved and Chair is authorized to sign same;

Enactment No: Agreement 21-014-A1

3N) APPROVAL OF AGREEMENT (RETROACTIVE FIRST AMENDMENT TO AGREEMENT GS-39-12) WITH BROKAW DESIGN IN THE AMOUNT OF \$6,600 FOR ADDITIONAL DESIGN SERVICES FOR THE PRE-TRIAL RELEASE PROGRAM BUILDING FOR A NEW AGREEMENT TOTAL OF \$51,600 AND TO EXTEND THE TERMINATION DATE FROM DECEMBER 30, 2022 TO JULY 31, 2024 - SPONSOR: GENERAL SERVICES AGENCY

Approved and Chair is authorized to sign same;

Enactment No: Agreement 23-037

3O) AUTHORIZATION FOR THE FACILITIES AND FLEET DIVISION MANAGER TO ESTABLISH A CAPITAL IMPROVEMENT PROJECT TO COMPLETE THE AGRICULTURE BUILDING ROOF REPLACEMENT AT 890 N. BUSH STREET, UKIAH IN THE AMOUNT OF \$300,000 AND AUTHORIZATION FOR THE FACILITIES AND FLEET DIVISION MANAGER TO ACT AS PROJECT MANAGER TO ENTER CONTRACTS AND APPROVE CHANGE ORDERS FOR THE PROJECTS, PURSUANT TO PUBLIC CONTRACT CODE SECTION 20142; AND APPROVAL OF APPROPRIATION OF PROJECT FUNDS FROM THE 2022 CERTIFICATE OF PARTICIPATION (COP) BOND FINANCING - SPONSOR: GENERAL SERVICES AGENCY

Approved and Chair is authorized to sign same;

3P) ADOPTION OF RESOLUTION AMENDING POSITION ALLOCATION TABLE AS FOLLOWS: SHERIFF-CORONER BUDGET UNIT 2310; DELETE 2.0 FTE STAFF ASSISTANT II; 1.0 FTE STAFF ASSISTANT III; ADD 3.0 FTE LEGAL SECRETARY II; JAIL BUDGET UNIT 2510; DELETE 1.0 FTE STAFF ASSISTANT II; ADD 1.0 FTE LEGAL SECRETARY II; AND AUTHORIZING RECLASSIFICATION OF INCUMBENT STAFF ASSISTANT II AND STAFF ASSISTANT III TO LEGAL SECRETARY I - SPONSOR: HUMAN RESOURCES

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 23-050

RESOLUTION NO. 23-050

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AMENDING THE POSITION ALLOCATION TABLE PROVIDING THE NUMBER AND COMPENSATION OF OFFICERS, DEPUTIES AND EMPLOYEES IN THE VARIOUS OFFICES OF THE COUNTY OF MENDOCINO

3Q) ADOPTION OF RESOLUTION AMENDING POSITION ALLOCATION TABLE AS FOLLOWS: TRANSFER POSITION NUMBER 4398 (PAYROLL MANAGER), 4525, AND 4526 (ACCOUNTANT-AUDITOR II-CONF) FROM EXECUTIVE OFFICE BUDGET UNIT 1020 TO PAYROLL BUDGET UNIT 1140; ADD 2.0 FTE ACCOUNTANT-AUDITOR II-CONF TO BUDGET UNIT 1140 - SPONSOR: HUMAN RESOURCES

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 23-051

RESOLUTION NO. 23-051

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AMENDING THE POSITION ALLOCATION TABLE PROVIDING THE NUMBER AND COMPENSATION OF OFFICERS, DEPUTIES AND EMPLOYEES IN THE VARIOUS OFFICES OF THE COUNTY OF MENDOCINO

3R) ADOPTION OF RESOLUTION AUTHORIZING SALARY REVISION OF DIRECTOR OF NURSING - PUBLIC HEALTH FROM \$119,225.60 - \$144,934.40 TO \$123,406.40 - \$150,009.00; SUPERVISING PUBLIC HEALTH NURSE FROM \$88,670.40 - \$107,764.80 TO \$109,720.00 - \$133,390.40; SENIOR PUBLIC HEALTH NURSE FROM \$84,448.00 - \$102,627.20 TO \$100,297.60 - \$121,908.80; PUBLIC HEALTH NURSE FROM \$76,585.60 - \$93,121.60 TO \$91,124.80 - \$110,780.80; REGISTERED NURSE FROM \$69,430.40 - \$86,406.40 TO \$78,187.20 - \$95,014.40; LICENSED VOCATIONAL NURSE FROM \$48,193.60 - \$58,572.80 TO \$55,515.20 - \$67,475.20 - SPONSOR: HUMAN RESOURCES

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 23-052

RESOLUTION NO. 23-052

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AMENDING THE POSITION ALLOCATION TABLE PROVIDING THE NUMBER AND COMPENSATION OF OFFICERS, DEPUTIES AND EMPLOYEES IN THE VARIOUS OFFICES OF THE COUNTY OF MENDOCINO

3S) ACCEPTANCE OF INFORMATIONAL REPORT REGARDING THE ISSUANCE OF EMERGENCY COASTAL DEVELOPMENT PERMIT EM_2023-0001 (JUG HANDLE CREEK FARM & NATURE CENTER) TO REMOVE HAZARDOUS TREES LOCATED AT 15501 N HIGHWAY 1, CASPAR, APN: 017-250-32 - SPONSOR: PLANNING AND BUILDING SERVICES

Approved;

3T) AUTHORIZATION OF THE ISSUANCE OF ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT No. CDP_2021-0039 (S & L FARMS WEST LLC) FOR REMEDIATION OF VIOLATIONS, INCLUDING UNPERMITTED VEGETATION REMOVAL, GRADING, DRAINAGE, DEMOLITION OF THREE (3) GREENHOUSES, ELECTRICAL PANEL AND PLUMBING, REMOVAL OF AN RV/TRAVEL TRAILER, SHIPPING CONTAINER, TRASH REMOVAL, AN UNPERMITTED MANUFACTURED HOME AND ITS ASSOCIATED SEPTIC SYSTEM; LOCATED AT 35555 TIMBERWOOD WAY, GUALALA; APN: 141-100-35 - SPONSOR: PLANNING AND BUILDING SERVICES

Approved;

3U) APPROVAL OF RETROACTIVE THIRD AMENDMENT TO AGREEMENT NO. BOS 21-183 WITH REDWOOD COMMUNITY SERVICES, INC., IN THE AMOUNT OF \$0 FOR A NEW AGREEMENT TOTAL OF \$150,000, TO PROVIDE MEAL AND SUPPLY DELIVERY SERVICES TO INDIVIDUALS IN QUARANTINE OR ISOLATION DUE TO COVID-19, DURING THE COVID-19 PANDEMIC, EFFECTIVE JULY 1, 2021 THROUGH A NEW END DATE OF JUNE 30, 2023 (ORIGINAL END DATE: DECEMBER 31, 2022) - SPONSOR: PUBLIC HEALTH

Approved and Chair is authorized to sign same;

Enactment No: Agreement 21-183-A3

3V) APPROVAL OF RETROACTIVE SECOND AMENDMENT TO BOS AGREEMENT NO. 22-080 (FOURTH AMENDMENT OVERALL TO DEPARTMENT AGREEMENT NO. PH-21-012) WITH SCHAT’S BAKERY, IN THE AMOUNT OF \$0 FOR A TOTAL OF \$125,000, TO PROVIDE NUTRITIONALLY APPROPRIATE AND BALANCED MEALS FOR INDIVIDUALS IN QUARANTINE, EFFECTIVE SEPTEMBER 27, 2021, THROUGH A NEW END DATE OF JUNE 30, 2023 (ORIGINAL END DATE: DECEMBER 31, 2022) - SPONSOR: PUBLIC HEALTH

Approved and Chair is authorized to sign same;

Enactment No: Agreement 22-080-A2

3W) APPROVAL OF RETROACTIVE AGREEMENT WITH GRACE COMMUNITY CHURCH IN THE AMOUNT OF \$15,000, TO PROVIDE CALFRESH HEALTHY LIVING PROGRAM ACTIVITIES TO MENDOCINO COUNTY RESIDENTS, EFFECTIVE OCTOBER 1, 2022 THROUGH SEPTEMBER 30, 2023 - SPONSOR: PUBLIC HEALTH

Approved and Chair is authorized to sign same;

Enactment No: Agreement 23-038

3X) RATIFICATION OF RETROACTIVE AGREEMENT WITH PARTNERS IN CARE FOUNDATION IN THE AMOUNT OF \$1,000, TO PROVIDE EVIDENCE-BASED PROGRAM AFFILIATE SERVICES TO THE MENDOCINO COUNTY PUBLIC HEALTH DEPARTMENT, COMMUNITY WELLNESS DIVISION, EFFECTIVE SEPTEMBER 20, 2022 THROUGH SEPTEMBER 19, 2025 - SPONSOR: PUBLIC HEALTH

Approved and Chair is authorized to sign same;

Enactment No: Agreement 23-039

3Y) ADOPTION OF PROCLAMATION RECOGNIZING MARCH 2023 AS SOCIAL WORK APPRECIATION MONTH IN MENDOCINO COUNTY - SPONSOR: SOCIAL SERVICES

Adopted and Chair is authorized to sign same;

3Z) APPROVAL OF RETROACTIVE FIRST AMENDMENT TO AGREEMENT NO. BOS 22-027 WITH MCAVHN CARE AND PREVENTION NETWORK IN THE AMOUNT OF \$0 FOR A TOTAL OF \$344,288, FOR STREET OUTREACH, NON-CONGREGATE SHELTER AT LOCAL MOTELS, RAPID RE-HOUSING SERVICES, AND HOUSING CASE MANAGEMENT SERVICES TO PEOPLE EXPERIENCING HOMELESSNESS IN MENDOCINO COUNTY, EFFECTIVE OCTOBER 1, 2021 THROUGH A NEW END DATE OF SEPTEMBER 30, 2023 (ORIGINAL END DATE: SEPTEMBER 30, 2022) - SPONSOR: SOCIAL SERVICES

Approved and Chair is authorized to sign same;

Enactment No: Agreement 22-027-A1

3AA) ADOPTION OF RESOLUTION APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 220029 IN THE AMOUNT OF \$500.00, WITH AND ACCEPTING THE GRANT DEED CONVEYING REAL PROPERTY FROM JOE OASIS HINMAN AND VASHTI ROSE O'DONNELL, HUSBAND AND WIFE, AS JOINT TENANTS, FOR THE ACQUISITION OF RIGHTS OF WAY NEEDED FOR CONSTRUCTION OF THE MILL CREEK BRIDGE REPLACEMENT ON HILL ROAD, COUNTY ROAD 327B, MILEPOST 2.05 (COVELO AREA) - SPONSOR: TRANSPORTATION/SOLID WASTE

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 23-053

RESOLUTION NO. 23-053

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 220029 IN THE AMOUNT OF \$500.00, WITH AND ACCEPTING THE GRANT DEED CONVEYING REAL PROPERTY FROM JOE OASIS HINMAN AND VASHTI ROSE O'DONNELL, HUSBAND AND WIFE, AS JOINT TENANTS, FOR THE ACQUISITION OF RIGHTS OF WAY NEEDED FOR CONSTRUCTION OF THE MILL CREEK BRIDGE REPLACEMENT ON HILL ROAD, COUNTY ROAD 327B, MILEPOST 2.05 (COVELO AREA)

3AB) ADOPTION OF RESOLUTION AUTHORIZING DEPARTMENT OF TRANSPORTATION TO ADVERTISE FOR BIDS AND AWARD DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 230000 TO PERFORM THE 2023 CORRECTIVE/PREVENTATIVE MAINTENANCE PROJECT ON VARIOUS COUNTY MAINTAINED ROADS, AT AN ESTIMATED COST OF \$4,500,000 (PHILO/ELK AREA) - SPONSOR: TRANSPORTATION/SOLID WASTE

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 23-054

RESOLUTION NO. 23-054

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING DEPARTMENT OF TRANSPORTATION TO ADVERTISE FOR BIDS AND AWARD DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 230000 TO PERFORM THE 2023 CORRECTIVE/PREVENTATIVE MAINTENANCE PROJECT ON VARIOUS COUNTY MAINTAINED ROADS AT AN ESTIMATED COST OF \$4,500,000 (PHILO / ELK AREA)

AGENDA ITEM NO. 4 – REGULAR CALENDAR

4A) DISCUSSION AND POSSIBLE ACTION INCLUDING ACCEPTANCE OF REPORT AND DIRECTION TO STAFF REGARDING THE FACILITY CONDITION ASSESSMENT OF COUNTY OWNED FACILITIES AND FACILITIES STRATEGIC PLANNING CONCEPTS - SPONSOR: GENERAL SERVICES AGENCY

Presenter/s: Janelle Rau, Director, General Services Agency; Doug Anderson, Assistant Facilities Manager, General Services Agency; Kyle Matti, Principal Architect, Nichols, Melburg & Rossetto; and Matthew Kendall, Mendocino County Sheriff-Coroner.

Public Comment: Bekkie Emery; Patrick Hickey; Peter McNamee; Lourance Hall; and Chamise Cubbison.

Board Directive: BY ORDER OF THE CHAIR, the Board directs staff to return in 30 days with an update in the Chief Executive Officer's report providing data on a short and long-term plan, fund and purpose, lease vs. owned, including Department Head input, providing the state has responded within the necessary timeline.

Board Action: No Action Taken.

4B) DISCUSSION AND POSSIBLE ACTION INCLUDING AWARD TO AND APPROVAL OF AN AGREEMENT WITH CUPPLES AND SONS CONSTRUCTION INC. IN THE AMOUNT OF \$1,534,642 FOR BID NUMBER 064-22 FOR THE CAPITAL IMPROVEMENT PROJECT TO COMPLETE THE MECHANICAL UPGRADE AND REMODEL AT THE FORT BRAGG JUSTICE CENTER, 700 SOUTH FRANKLIN STREET IN FORT BRAGG FOR THE PERIOD OF ONE HUNDRED FIFTY CALENDAR DAYS FROM THE DATE OF ISSUANCE OF THE NOTICE TO PROCEED; AUTHORIZATION FOR THE FACILITIES AND FLEET DIVISION MANAGER TO ACT AS PROJECT MANAGER TO APPROVE CHANGE ORDERS FOR THE PROJECT, PURSUANT TO PUBLIC CONTRACT CODE SECTION 20142; AND APPROVAL OF APPROPRIATION OF PROJECT FUNDS FROM THE RECENT CERTIFICATE OF PARTICIPATION (COP) BOND FINANCING AND OTHER SOURCES - SPONSOR: GENERAL SERVICES AGENCY

Presenter/s: Janelle Rau, Director, General Services Agency; and Doug Anderson, Assistant Facilities Manager, General Services Agency.

Public Comment: Peter McNamee.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor Mulheren, IT IS ORDERED that the Board of Supervisors authorizes award to and approves an agreement with Cupples and Sons Construction Inc. in the amount of \$1,534,642 for bid number 064-22 for the Capital Improvement project to complete the mechanical upgrade and remodel at the Fort Bragg Justice Center, 700 South Franklin Street in Fort Bragg for the period of one hundred fifty calendar days from the date of issuance of the Notice to Proceed; authorizes the Facilities and Fleet Division Manager to act as Project Manager to approve change orders for the project, pursuant to Public Contract Code section 20142; approves appropriation of project funds for the recent COP Bond financing and other sources; and authorizes the Chair to sign same. The motion carried by the following vote:

Aye: 5 – Supervisor McGourty, Supervisor Mulheren, Supervisor Haschak, Supervisor Gjerde and Supervisor Williams

No: 0 – None

Absent: 0 – None

Enactment No: Agreement 23-041

BOARD RECESS: 11:09 A.M. – 11:21 A.M.

4C) DISCUSSION AND POSSIBLE ACTION INCLUDING ACCEPTANCE OF A PRESENTATION FROM THE PROBATION DEPARTMENT REGARDING THE STATUS OF THE PRETRIAL RELEASE PROGRAM FOR MENDOCINO COUNTY AS OF DECEMBER 31, 2022; AND DIRECTION TO STAFF AS NECESSARY - SPONSOR: PROBATION

Presenter/s: Izen Locatelli, Chief Probation Officer; and Katie Ford, Assistant Chief Probation Officer.

Public Comment: None.

Board Action: Upon motion by Supervisor Mulheren, seconded by Supervisor Williams, IT IS ORDERED that the Board of Supervisors accepts presentation regarding the status of the Pretrial Release Program for Mendocino County as of December 31, 2022. The motion carried by the following vote:

Aye: 5 – Supervisor Mulheren, Supervisor Gjerde, Supervisor McGourty, Supervisor Haschak, and Supervisor Williams

No: 0 – None

Absent: 0 – None

4D) DISCUSSION AND POSSIBLE ACTION REGARDING PRESENTATION OF MID-YEAR BUDGET REPORT ON THE STATUS OF COUNTY DEPARTMENTAL SPENDING AND REVENUES FOR FISCAL YEAR 2022-23 AND EXECUTIVE OFFICE RECOMMENDATIONS - SPONSOR: EXECUTIVE OFFICE

Presenter/s: Darcie Antle, Chief Executive Officer; Tony Rakes, Division Manager, Information Technology; Chamise Cubbison, Auditor-Controller/Treasurer-Tax Collector; Katrina Bartolomie, Assessor/Clerk-Recorder; Tim Hallman, Acting Deputy Chief Executive Officer; and Kristin Nevedal, Director, Cannabis.

Public Comment: Peter McNamee; Al Stein; Carrie Shattuck; Hannah Nelson; Scott Ward; Michael Katz; and Michele Schott.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor Mulheren, IT IS ORDERED that the Board of Supervisors accepts the Mid-Year Budget Report on the status of County departmental spending and revenues for FY 2022-23; approves recommended budget adjustments and journal entries; and approves Executive Office recommendations. The motion carried by the following vote:

Aye: 5 – Supervisor Mulheren, Supervisor Gjerde, Supervisor Williams, Supervisor Haschak, and Supervisor McGourty

No: 0 – None

Absent: 0 – None

4E) DISCUSSION AND POSSIBLE ACTION INCLUDING DIRECTION TO STAFF REGARDING A PRESENTATION ON PRIORITIES AND PREPARATION OF MENDOCINO COUNTY’S FISCAL YEAR (FY) 2023-24 BUDGET- SPONSOR: EXECUTIVE OFFICE

Presenter/s: Darcie Antle, Chief Executive Officer; and Tim Hallman, Acting Deputy Chief Executive Officer.

Public Comment: Patrick Hickey; Carrie Shattuck; and Peter McNamee.

Board Action: Upon motion by Supervisor Haschak, seconded by Supervisor Williams, IT IS ORDERED that the Board of Supervisors provides direction to staff regarding the priorities and preparation of Mendocino County's FY 2023-24 budget; and directs staff to include a competitive salary and benefit package for all employees in the Effective County Government section. The motion carried by the following vote:

Aye: 5 – Supervisor Gjerde, Supervisor Haschak, Supervisor McGourty, Supervisor Mulheren, and Supervisor Williams

No: 0 – None

Absent: 0 – None

ADJOURNED TO CLOSED SESSION: 11:55 A.M.

6A) PURSUANT TO GOVERNMENT CODE SECTION 54957.6 - CONFERENCE WITH LABOR NEGOTIATOR - AGENCY NEGOTIATORS: DARCIE ANTLE, CHERIE JOHNSON, AND JON HOLTZMAN; EMPLOYEE ORGANIZATION(S): ALL

6B) PURSUANT TO GOVERNMENT CODE SECTION 54957 - PUBLIC EMPLOYEE PERFORMANCE EVALUATION - COUNTY COUNSEL

6C) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(D)(1) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: ONE CASE - COUNTY OF MENDOCINO, ET AL. V. AMERISOURCEBERGEN DRUG CORPORATION, ET AL. - CASE NO. 1:18-CV-02712

6D) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(D)(2) - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: SIGNIFICANT EXPOSURE TO LITIGATION: ONE CASE

6E) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(D)(1) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: ONE CASE - COUNTY OF MENDOCINO V. ORTNER MANAGEMENT GROUP, LLC ET AL. 22CV005116A) PURSUANT TO GOVERNMENT CODE SECTION 54957.6 - CONFERENCE WITH LABOR NEGOTIATOR - AGENCY NEGOTIATORS: DARCIE ANTLE, CHERIE JOHNSON, AND JON HOLTZMAN; EMPLOYEE ORGANIZATION(S): ALL

6F) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(D)(1) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: ONE CASE - DOE, ET AL. V. HUMBOLDT COUNTY, ET AL. HUMBOLDT SUPERIOR COURT, CASE NO. CV-22-01700

RECONVENED IN OPEN SESSION: 1:30 P.M.

AGENDA ITEM NO. 6 – REPORT OUT OF CLOSED SESSION

Presenter: Chair McGourty.

Public Comment: None.

Board Action: With respect to agenda items 6a) – 6f), no reportable action was taken.

4F) DISCUSSION AND POSSIBLE ACTION INCLUDING DIRECTION TO STAFF TO PREPARE ENVIRONMENTAL DOCUMENT AND ORDINANCE TO REMOVE OR STREAMLINE THE REQUIREMENT FOR ISSUANCE OF LOCAL PERMIT FOR CANNABIS CULTIVATION WHILE RETAINING ALL SUBSTANTIVE LEGAL RESTRICTIONS AND ENVIRONMENTAL PROTECTION MEASURES FOR STATE LICENSED OPERATORS - SPONSORS: SUPERVISOR WILLIAMS AND SUPERVISOR MCGOURTY

Presenter/s: Supervisor Williams; Supervisor McGourty; Christian M. Curtis, County Counsel; and Kristin Nevedal, Director, Cannabis.

Public Comment: Scott Ward; Ellen Drell; Michael Katz; Kristin Nevedal; Hannah Nelson; Lisa Lai; Al Stein; Corrine Powell; Faer Reel; Heidi Wordhouse; Paul Hansbury; Patrick Sellers; Angel Raich; Kali Perkins; Sarah Shrader; Susan Tibbon; E. D. Lerman; Monique Ramirez; Jim Roberts; and Chantal Simon-Pietre.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor Haschak, IT IS ORDERED that the Board of Supervisors directs staff to prepare environmental document and ordinance to remove or streamline the requirement for issuance of local permit for cannabis cultivation while retaining all substantive legal restrictions and environmental protection measures for state licensed operators; and directs to staff to return to the General Government Committee in 30 days with a report out that includes stakeholder input and state responses, with the condition that if state response is delayed, the information will be included in the next available Chief Executive Officer’s report. The motion carried by the following vote:

Aye: 5 – Supervisor McGourty, Supervisor Mulheren, Supervisor Haschak, Supervisor Williams, and Supervisor Gjerde

No: 0 – None.

Absent: 0 – None

BOARD RECESS: 3:10 P.M. – 3:20 P.M.

4G) DISCUSSION AND POSSIBLE ACTION INCLUDING INTRODUCTION AND WAIVE FIRST READING OF AN ORDINANCE AMENDING SECTIONS 6.32.050 AND 6.32.100 OF THE MENDOCINO COUNTY CODE TO PROVIDE, FOR CANNABIS CULTIVATION AND NURSERY OPERATIONS, A REDUCTION IN THE CANNABIS BUSINESS TAX FOR TAX YEARS 2023 AND 2024 AND TO ESTABLISH A PENALTY AND INTEREST AMNESTY PROGRAM AND A PRIOR YEAR TAX PAYMENT PLAN - SPONSOR: SUPERVISOR MULHEREN

Presenter/s: Supervisor Mulheren; Christian M. Curtis, County Counsel; Matthew Kiedrowski, Deputy County Counsel; and Chamise Cubbison, Auditor-Controller/Tax-Collector.

Public Comment: Scott Ward; Michael Katz; Rick Foles; Hannah Nelson; Al Stein; Lisa Lai; Susan Tibbon; Angel Raich; Paul Hansbury; Michele Schott; David King; Heidi Wordhouse; and Patrick Sellers.

Board Action: Upon motion by Supervisor Gjerde, seconded by Supervisor Haschak, IT IS ORDERED that the Board of Supervisors introduces and waives first reading of an ordinance amending Sections 6.32.050 and 6.32.100 of the Mendocino County Code to provide, for cannabis cultivation and nursery operations, a reduction in the cannabis business tax for tax years 2023 and 2024 and to establish a penalty and interest amnesty program and a prior year tax payment plan, as revised during the meeting. The motion carried by the following vote:

Aye: 4 – Supervisor McGourty, Supervisor Mulheren, Supervisor Haschak, and Supervisor Gjerde

No: 1 – Supervisor Williams

Absent: 0 – None

4H) CHIEF EXECUTIVE OFFICER'S REPORT - SPONSOR: EXECUTIVE OFFICE

Withdrawn.

4I) DISCUSSION AND POSSIBLE ACTION INCLUDING REVIEW, ADOPTION, AMENDMENT, CONSIDERATION OR RATIFICATION OF LEGISLATION PURSUANT TO THE ADOPTED LEGISLATIVE PLATFORM - SPONSOR: EXECUTIVE OFFICE

Withdrawn.

4J) SUPERVISORS' REPORTS REGARDING BOARD SPECIAL ASSIGNMENTS, STANDING AND AD HOC COMMITTEE MEETINGS, AND OTHER ITEMS OF GENERAL INTEREST

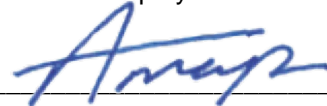
Withdrawn.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 6:34 P.M.

Attest: ATLAS M.A. PEARSON
Senior Deputy Clerk of the Board



GLENN MCGOURTY, Chair



NOTICE: PUBLISHED MINUTES OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS MEETINGS

- Effective March 1, 2009, Board of Supervisors minutes will be produced in “action only” format. As an alternative service, public access to recorded Board proceedings will be available on the Board of Supervisors’ website in indexed audio format
- LIVE WEB STREAMING OF BOARD MEETINGS is now available via the County’s YouTube Channel. If technical assistance is needed, please contact The Mendocino County Executive Office at (707) 463-4441.
- Minutes are considered draft until adopted/approved by the Board of Supervisors
- The Board of Supervisors’ action minutes are also posted on the County of Mendocino website at: www.mendocinocounty.org/government/board-of-supervisors
- To request an official record of a meeting of the Mendocino County Board of Supervisors, please contact the Executive Office at (707) 463-4441
- Please reference the departmental website to obtain additional resource information for the Board of Supervisors and Clerk of the Board: www.mendocinocounty.org/government/board-of-supervisors

Thank you for your interest in the proceedings of the Mendocino County Board of Supervisors