

CARRE BROWN
1st District
Supervisor

JOHN MCCOWEN
2nd District
Supervisor
Chair

VACANT
3rd District
Supervisor

DAN GJERDE
4th District
Supervisor

DAN HAMBURG
5th District
Supervisor
Vice-Chair



CARMEL J. ANGELO
Chief Executive Officer/
Clerk of the Board

KATHARINE L. ELLIOTT
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MENDOCINO COUNTY BOARD OF SUPERVISORS

ACTION MINUTES – January 24, 2017

**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 9:02 A.M.)

Present: Supervisor Carre Brown, Chair John McCowen, Supervisor Dan Gjerde, and Supervisor Dan Hamburg. Chair McCowen presiding.

Staff Present: Ms. Carmel J. Angelo, Chief Executive Officer; Ms. Katharine L. Elliott, County Counsel and Ms. Nicole French, Deputy Clerk of the Board.

The Pledge of Allegiance was led by: Mr. Jerry Ward.

AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

Presenter/s: Mr. David Severn.

AGENDA ITEM NO. 4 – APPROVAL OF CONSENT CALENDAR

Presenter/s: Chair McCowen.

Public Comment: None.

Board Directive: Consent Calendar item 4(i) removed for separate consideration.

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor Gjerde, IT IS ORDERED THAT CONSENT ITEMS 4(a) – 4(h) and 4(j) – 4(o); are approved as follows:

Aye: 4 - Supervisor Brown, Chair McCowen, Supervisor Gjerde, and Supervisor Hamburg

No: 0 - None

4A) APPROVAL OF RECOMMENDED APPOINTMENTS/REAPPOINTMENTS - SPONSOR: EXECUTIVE OFFICE

Approve the following appointments/reappointments:

1. Todd Crabtree, Policy Council on Children and Youth, Member #3;
2. Roseanne Ibarra, Policy Council on Children and Youth, Member #12;
3. Gary Mirata, Community Development Commission, 1st District Representative;
4. Dawn Deetz, Community Development Commission, 1st District Representative;
5. Vishnu Vishnu, Community Development Commission, Tennant Commissioner (Inland);
6. Charlotte Scott, Law Library Board of Trustees, Trustee;
7. Robin Collier, Workforce Development Board, Business;
8. Jackie Wollenberg, Museum Advisory Board, 4th District Representative;
9. Troy James, Museum Advisory Board, Roots of Motive Power Representative;
10. John Passalacqua, First 5 Mendocino, General Representative;
11. Jeremy Mann, First 5 Mendocino, General Representative;
12. James Flaherty, First 5 Mendocino, General Representative;

4B) APPROVAL OF THE PURCHASE OF TWO (2) VEHICLES FOR THE COUNTY FLEET: ONE VEHICLE IN THE AMOUNT OF \$32,769.54 FOR THE DISTRICT ATTORNEY'S OFFICE, AUTHORIZING THE TRANSFER OF SAID DA ASSET FORFEITURE FUNDS (ACCT # 2110 760220 TRUST) TO BUDGET UNIT 2070 LINE ITEM 864360 FOR THE PURCHASE OF THE SAID VEHICLE; AND, ONE VEHICLE FOR THE PLANNING AND BUILDING SERVICES DEPARTMENT, REPLACING VEHICLE NUMBER 060 042, IN THE AMOUNT OF \$30,704.18 UTILIZING A TRANSFER OF COUNTY GENERAL FUNDS FROM BUDGET UNIT 2851 LINE ITEM 862239 TO LINE ITEM 865802, OPERATING TRANSFER OUT TO FUND 7110 VEHICLE REPLACEMENT FUND, BUDGET UNIT 0711, LINE ITEM 827802, OPERATING TRANSFER IN AND 864370 EQUIPMENT; AND, TO ADD BOTH VEHICLES TO THE COUNTY'S LIST OF FIXED ASSETS - SPONSOR: EXECUTIVE OFFICE

Approved;

4C) APPROVAL OF AMENDMENT TO BOARD AGREEMENT NO. 16 1095 WITH LACO ASSOCIATES IN THE AMOUNT OF \$61,500, FOR A REVISED TOTAL AGREEMENT AMOUNT OF \$138,500 FOR FISCAL YEAR 2016 2017, TO PROVIDE PROFESSIONAL SERVICES SPECIFIC TO THE DEVELOPMENT OF A MEDICAL CANNABIS CULTIVATION REGULATION INITIAL STUDY AND NON CULTIVATION CANNABIS REGULATION - SPONSOR: PLANNING AND BUILDING SERVICES

Approved and Chair is authorized to sign same;

Enactment No: Agreement 16-1095-A1

4D) APPROVE A MEMORANDUM OF UNDERSTANDING (MOU) AUTHORIZING THE CONTINUED USE OF THE MENDOCINO SOLID WASTE MANAGEMENT AUTHORITY (MSWA) FOR CLEANUP SERVICES OF CERTAIN PUBLIC NUISANCE ABATEMENTS - SPONSOR: PLANNING AND BUILDING SERVICES

Approved and Chair is authorized to sign same;

Enactment No: Agreement 17-003

4E) AUTHORIZATION OF THE ISSUANCE OF COASTAL DEVELOPMENT MINOR USE PERMIT, U_2016 0006 (CIMMIYOTTI), FOR A SINGLE UNIT RENTAL IN THE TOWN OF MENDOCINO - SPONSOR: PLANNING AND BUILDING SERVICES

Approved;

4F) ADOPTION OF RESOLUTION AUTHORIZING THE SUBMITTAL OF A \$500,000 APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) FOR FUNDING UNDER THE HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM; AUTHORIZING THE PLANNING & BUILDING SERVICES DIRECTOR TO EXECUTE THE HCD STANDARD AGREEMENT, ANY AMENDMENTS THERETO, AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE HOME PROGRAM - SPONSOR: PLANNING AND BUILDING SERVICES

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 17-007

4G) APPROVAL OF THE MENDOCINO COUNTY EMPLOYEES RETIREMENT ASSOCIATION RESOLUTION 2016 03, ADOPTING A CONFLICT OF INTEREST CODE - SPONSOR: MENDOCINO COUNTY EMPLOYEES RETIREMENT ASSOCIATION

Approved;

4H) APPROVAL TO PURCHASE A COMPUTER SERVER IN THE AMOUNT OF \$6,500, AND ADD THE ITEM TO THE COUNTY'S APPROVED LIST OF FIXED ASSETS - SPONSOR: SHERIFF-CORONER

Approved;

4J) APPROVE PURCHASE OF NETCLOCK AND MAINTENANCE OF EQUIPMENT FOR MENDOCINO COUNTY SHERIFF CORONER OFFICE (MCSO) 9 1 1 DISPATCH CENTER IN THE AMOUNT OF \$8,952.49 AND, ADD THE EQUIPMENT TO COUNTY'S FIXED ASSET INVENTORY - SPONSOR: SHERIFF-CORONER

Approved;

4K) ADOPTION OF RESOLUTION APPROVING NOTICE OF COMPLETION AND RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 130077, SEISMIC RETROFIT OF BRIDGE NUMBER 10C 048 ON MOORE STREET, COUNTY ROAD 229B, MILE POST 0.45 (CALPELLA AREA) - SPONSOR: TRANSPORTATION

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 17-008

4L) ADOPTION OF RESOLUTION APPROVING AND EXECUTING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 160098, PROFESSIONAL SERVICES AGREEMENT WITH ALPHA ANALYTICAL LABORATORIES, INC., FOR LABORATORY WATER TESTING SERVICES FOR CASPAR, LAYTONVILLE AND SOUTH COAST LANDFILLS (CASPAR, LAYTONVILLE AND GUALALA AREAS) - SPONSOR: TRANSPORTATION

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 17-009, Agreement 17-004

4M) ADOPTION OF RESOLUTION INCREASING CHANGE ORDER AUTHORITY IN THE AMOUNT OF \$36,104 TO A TOTAL OF \$722,108 FOR DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 130078, FOR CONSTRUCTION OF THE SCHOOL WAY BRIDGE REPLACEMENT OVER THE RUSSIAN RIVER ON SCHOOL WAY, COUNTY ROAD 236 (REDWOOD VALLEY AREA) - SPONSOR: TRANSPORTATION

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 17-010

4N) APPROVAL OF CERTIFICATION OF ELECTION RESULTS FOR THE LODGING BUSINESS IMPROVEMENT DISTRICT (LBID) BOARD OF DIRECTORS TO THE MENDOCINO COUNTY TOURISM COMMISSION (MCTC) APPOINTING CALLY DYM TO THE LARGE COASTAL LODGING OPERATOR SEAT - SPONSOR: TRESURER-TAX COLLECTOR

Approved;

4O) ADOPTION OF ORDINANCE DELEGATING AUTHORITY TO INVEST OR REINVEST THE FUNDS OF THE COUNTY AND ITS OTHER DEPOSITORS IN THE COUNTY TREASURY TO THE TREASURER FOR CALENDAR YEAR 2017 - SPONSOR: TRESURER-TAX COLLECTOR

Adopted and Chair is authorized to sign same;

Enactment No: 4378

AGENDA ITEM NO. 4 – CONSENT CALENDAR – REMOVED FOR SEPARATE CONSIDERATION:

4I) APPROVAL OF PURCHASE OF SEARCH AND RESCUE SNOW TRACTOR VEHICLE AND TRAILER FOR AN AMOUNT OF UP TO \$45,000; ADD THE EQUIPMENT TO THE COUNTY’S LIST OF FIXED ASSETS; AND APPROVE THE NECESSARY BUDGET TRANSFER FROM BUDGET UNIT 1100, LINE ITEM 770025; BUDGET UNIT 1100, LINE ITEM 770052; BUDGET UNIT 2310, LINE ITEM 823310 TO BUDGET UNIT 2310, LINE ITEM 864370 - SPONSOR: SHERIFF-CORONER

Presenter/s: Chair McCowen; and Mr. Tom Allman, Sheriff.

Public Comment: None.

Board Action: Upon motion by Supervisor Gjerde, seconded by Supervisor Hamburg, IT IS ORDERED that the Board of Supervisors hereby directs staff to present the purchase of a search and rescue snow tractor vehicle and trailer for consideration during the Fiscal Year 2017-18 budget process. The motion carried by the following vote:

Aye: 3 - Chair McCowen, Supervisor Gjerde, and Supervisor Hamburg

No: 1 - Supervisor Brown

6A) DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF NOMINATION OF HUMBOLDT COUNTY SUPERVISOR RYAN SUNDBERG TO THE CALIFORNIA COASTAL COMMISSION’S NORTH COAST REGION VACANCY FROM THE COUNTIES OF DEL NORTE, HUMBOLDT, AND MENDOCINO TO BE CONSIDERED FOR APPOINTMENT TO THE CALIFORNIA COASTAL COMMISSION FOR THE SEAT REQUIRING A REPRESENTATIVE FROM THE NORTH COAST REGION - SPONSOR: SUPERVISOR BROWN

Presenter/s: Supervisor Brown.

Public Comment: None.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Gjerde, IT IS ORDERED that the Board of Supervisors approves nomination of Humboldt County Supervisor Ryan Sundberg to the California Coastal Commission's North Coast Region Vacancy from the counties of Del Norte, Humboldt, and Mendocino to be considered for appointment to the California Coastal Commission for the seat requiring a representative from the North Coast Region. The motion carried by the following vote:

Aye: 4 - Supervisor Brown, Chair McCowen, Supervisor Gjerde, and Supervisor Hamburg

No: 0 - None

6B) DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF MENDOCINO COUNTY INLAND WATER AND POWER COMMISSION'S REQUEST TO FUND A PROPOSED STUDY OF THE HYDROLOGY OF THE UPPER MAIN EEL RIVER AND ITS RELATIONSHIP TO THE OPERATION OF THE POTTER VALLEY PROJECT AND CONTRIBUTION TO THE WATER SUPPLY OF LAKE MENDOCINO - SPONSOR: SUPERVISOR BROWN

Presenter/s: Supervisor Brown.

Public Comment: None.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Hamburg, IT IS ORDERED that the Board of Supervisors approves the Mendocino County Inland Water and Power Commission's request for the County of Mendocino to participate in the joint funding of a proposed study of the hydrology of the Upper Main Eel River and its relationship to the operation of the Potter Valley Project and contribution to the water supply of Lake Mendocino. The motion carried by the following vote:

Aye: 4 - Supervisor Brown, Chair McCowen, Supervisor Gjerde, and Supervisor Hamburg

No: 0 - None

6C) DISCUSSION AND POSSIBLE ACTION INCLUDING CONSIDERATION OF A PROPOSED ONE (1) YEAR AGREEMENT WITH SOLID WASTE OF WILLITS (SWOW) PROVIDING SWOW WITH ADDITIONAL REVENUE AND COST SAVING MEASURES RELATED TO THE PROVISION OF SOLID WASTE SERVICES PURSUANT TO FIVE EXISTING FRANCHISE AND/OR TRANSFER STATION AGREEMENTS WITH SWOW - SPONSOR: SUPERVISORS HAMBURG AND MCCOWEN

Presenter/s: Supervisor Hamburg; and Ms. Louisa Morris, General Manager, Mendocino Solid Waste Management Authority.

Public Comment: Mr. Jerry Ward, President, Solid Waste of Willits; Mr. Emmett Jones; and Mr. Bob Vaughn.

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor Gjerde, IT IS ORDERED that the Board of Supervisors:

- A. Authorizes staff to prepare an amendment to the County/City of Fort Bragg/SWOW Caspar Transfer Station contract to add scrap metal and electronics to the recycling commodity index. (this amendment will also require City of Fort Bragg approval, who is a party to this contract)
- B. Authorizes staff to implement the following items, including amending the contracts for Franchise Areas 1, 3, and 4 as necessary:
 1. A 10.09% collection rate increase to the South Coast contract. (Franchise Area 4)
 2. Transfer of ownership of the South Coast Transfer Station improvements to the County to relieve SWOW of property tax.
 3. Increase gate fees by \$3.25 per cubic yard at the Covelo transfer station to help fund purchase of roll-off containers. (Franchise Area 1)
 4. Allow (temporary) closure of the Boonville, Gualala, and Westport recycling buy-back centers. The County will retain the right to direct SWOW to re-open these recycling buy-back centers in the future. (Franchise Areas 1, 3, and 4)
 5. Contract with an independent contractor per the County's contracts with SWOW, to perform an independent financial audit and/or rate-setting study, with SWOW to pay 50% of the cost. This audit/study will be the basis for determining the County's response to SWOW's request for a Larger Rate Increase.
 6. Draft an amendment to defer by 90 (ninety) days the required franchise fee payment due for the first and second quarters of 2017. (Franchise Areas 1, 3, and 4)
- C. Waives the requirement approved by the Board and as stated in a January 10, 2017 letter to SHOW from County Solid Waste staff directing SWOW to obtain five performance bonds for five County contracts
- D. This proposed 1-year agreement will not take effect until the following contract terms are met:
 1. SWOW pays the Mendocino Solid Waste Management Authority surcharge for September 2016, which is currently past due, and the October 2016 surcharge payment which is due on January 29, 2017
 2. Refer the matter of Caspar transfer station waste boxes being covered, with any potential leachate contained and treated to the Joint Caspar Coordinating Committee for consideration within 30 days. The motion carried by the following vote:

Aye: 4 - Supervisor Brown, Chair McCowen, Supervisor Gjerde, and Supervisor Hamburg

No: 0 - None

AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

Presenter/s: Mr. David Sevren.

6D) INFORMATIONAL PRESENTATION REGARDING MENDOCINO COUNTY'S FIRST B CORPORATIONS (BENEFIT CORPORATIONS) - SPONSOR: SUPERVISORS GJERDE AND HAMBURG

Presenter/s: Supervisor Gjerde; Ms. Heather Paulsen, Heather Paulsen Consulting; Ms. Sattie Clark, Eleek; Mr. Jeremy Logan, Beckman Printing; and Black Bear Press; Ms. Joan Katzeff, Thanksgiving Coffee.

Public Comment: None.

Board Action: None.

RECESS: 10:39 – 10:48 A.M.

2A) DISCUSSION AND POSSIBLE ADOPTION OF PROCLAMATION RECOGNIZING PAMELA PATTERSON, CHIEF EXECUTIVE OFFICER OF THE WEST COMPANY, FOR HER SERVICE TO OUR COMMUNITY - SPONSOR: SUPERVISORS GJERDE AND MCCOWEN

Presenter/s: Supervisor Gjerde.

Public Comment: Ms. Pamela Patterson; Mr. John Kellerher; and Ms. Cynthia Ariosta.

Board Action: Approved without objection.

5F) DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION DECLARING A LOCAL EMERGENCY RELATED TO THE JANUARY 2017 WINTER STORMS EVENT (COUNTY WIDE) - SPONSOR: TRANSPORTATION AND EXECUTIVE OFFICE

Presenter/s: Mr. Howard Dashiell, Director, Transportation.

Public Comment: None.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Hamburg, IT IS ORDERED that the Board of Supervisors adopts Resolution declaring a local emergency related to the January 2017 Winter Storms event (County Wide); and authorizes Chair to sign same. The motion carried by the following vote:

Aye: 4 - Supervisor Brown, Chair McCowen, Supervisor Gjerde, and Supervisor Hamburg

No: 0 - None

Enactment No: Resolution 17-011

5G) NOTICED PUBLIC HEARING - PRESENTATION REGARDING CALIFORNIA DEPARTMENT OF TRANSPORTATION PROPOSED SPEED ZONE CHANGE, STATE ROUTE HIGHWAY 128, PHILO, (PHILO AREA) - SPONSOR: TRANSPORTATION

Presenter/s: Mr. Howard Dashiell, Director, Transportation; and Mr. Darren Hill, Traffic Engineer, Caltrans.

Public Comment: Mr. Craig Walker; Ms. Colleen Schenk; Ms. Barbara Scott; Ms. Beverly Dutra; Mr. Bob Vaughn; and Ms. Jo Bradley.

Board Action: Upon motion by Supervisor Gjerde, seconded by Supervisor Brown, IT IS ORDERED that the Board of Supervisors approves transmission of a letter to Caltrans stating the following points: 1) support the retention of the 35 mile per hour speed zone, recognizing that it's not enforceable; 2) request that Caltrans, within their available budget, perform "contact sensitive design" to minimize speed; and 3) encourage speed zone enforcement. The motion carried by the following vote:

Aye: 3 - Supervisor Brown, Chair McCowen, and Supervisor Gjerde

No: 1 - Supervisor Hamburg

5B) CONDUCT INTERVIEWS AND DISCUSS POSSIBLE APPOINTMENTS TO THE MENDOCINO COUNTY TOURISM COMMISSION - SPONSOR: EXECUTIVE OFFICE

Presenter/s: Ms. Nicole French, Deputy Clerk of the Board II.

Public Comment: Ms. Cynthia Ariosta; Mr. John Kuhry; Mr. Raakesh Patel; Mr. John Dixon; Ms. Wendy Roberts; and Mr. Kerry Randall.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Hamburg, IT IS ORDERED that the Board of Supervisors appoints Mr. John Kuhry to the At Large Member seat on the Mendocino Tourism Commission. The motion carried by the following vote:

Aye: 4 - Supervisor Brown, Chair McCowen, Supervisor Gjerde, and Supervisor Hamburg

No: 0 - None

CHAIR MCCOWEN PASSED GAVEL TO SUPERVISOR BROWN IN ORDER TO SECOND THE MOTION

SUPERVISOR BROWN PRESIDING AT 12:06 P.M.

Board Action: Motioned by Supervisor Hamburg, seconded by Supervisor McCowen, that the Board of Supervisors appoints Ms. Robin Collier to Food/Beverage Business seat on the Mendocino Tourism Commission. The motion failed by the following vote:

Aye: 2 - Chair McCowen and Supervisor Hamburg

No: 2 - Supervisor Brown and Supervisor Gjerde

SUPERVISOR BROWN PASSED GAVEL TO CHAIR MCCOWEN

CHAIR MCCOWEN PRESIDING AT 12:14 P.M.

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor Gjerde, IT IS ORDERED that the Board of Supervisors appoints Ms. Cynthia Ariosta to the Food/Beverage Business seat on the Mendocino Tourism Commission. The motion carried by the following vote:

Aye: 4 - Supervisor Brown, Chair McCowen, Supervisor Gjerde, and Supervisor Hamburg

No: 0 - None

ADJOURNED TO CLOSED SESSION IMMEDIATELY FOLLOWED BY LUNCH RECESS: 12:16 - 1:38 P.M.

9A) PURSUANT TO GOVERNMENT CODE SECTION 54957.6 CONFERENCE WITH LABOR NEGOTIATOR AGENCY NEGOTIATORS: CARMEL J. ANGELO, HEATHER COFFMAN, HEIDI DUNHAM, ALAN FLORA, CHERIE JOHNSON AND DONNA WILLIAMSON; EMPLOYEE ORGANIZATION(S): ALL

9B) PURSUANT TO GOVERNMENT CODE SECTION 54957 – PUBLIC EMPLOYEE APPOINTMENT – INTERIM AGRICULTURAL COMMISSIONER/SEALER OF WEIGHTS AND MEASURES

AGENDA ITEM NO. 9 – REPORT OUT OF CLOSED SESSION

Presenter: Chair McCowen.

Board Action: Direction was give to staff in the matter of item 9(a); item 9(b) was continued to later in the afternoon.

SUPERVISOR HAMBURG RECUSED HIMSELF ITEMS 5(I) AND 5(J)

SUPERVISOR HAMBURG ABSENT AT 1:39 P.M.

PUBLIC COMMENT FOR ITEMS 5(I) AND 5(J) WAS HEARD CONCURRENTLY

5I) PRESENTATION, DISCUSSION, AND POSSIBLE ACTION REGARDING CHANGES INCORPORATED INTO THE DRAFT MEDICAL CANNABIS COMPLIANCE ORDINANCE (MCCO), ALSO KNOWN AS CHAPTER 10A.17, AND THE DRAFT MEDICAL CANNABIS CULTIVATION SITE ORDINANCE, ALSO KNOWN AS CHAPTER 20.242, RESULTING FROM BOARD DIRECTION GIVEN ON OCTOBER 18, 2016 - SPONSOR: AGRICULTURE

Presenter/s: Mr. Chuck Morse, Agricultural Commissioner/Sealer of Weights and Measures; and Mr. Matthew Kiedrowski, Deputy County Counsel.

Public Comment: Mr. Casey O'Neill; Mr. Sean Trainor; Mr. Scott Willoughby; Ms. Valerie Edwards; Ms. Linda Gray; Mr. Andrew Nicholl; Mr. Michael Adams; Ms. Jennifer Gray; Ms. Ashley Oldham; Mr. Allan Harris; Mr. Josh Holfeltz; Ms. Ellen Drell; and Ms. Sandra Berman.

Board Directive: BY ORDER OF THE CHAIR the changes presented by the Agriculture Commissioner are hereby approved.

5J) PRESENTATION, DISCUSSION, AND POSSIBLE APPROVAL OF PROPOSED REVISIONS ORIGINATING FROM THE AGRICULTURAL COMMISSIONER TO THE DRAFT MEDICAL CANNABIS COMPLIANCE ORDINANCE (MCCO), ALSO KNOWN AS CHAPTER 10A.17 - SPONSOR: AGRICULTURE

Presenter/s: Mr. Chuck Morse, Agricultural Commissioner /Sealer of Weights and Measures; and Mr. Matthew Kiedrowski, Deputy County Counsel.

Public Comment: Mr. Casey O'Neill; Mr. Sean Trainor; Mr. Scott Willoughby; Ms. Valerie Edwards; Ms. Linda Gray; Mr. Andrew Nicholl; Mr. Michael Adams; Ms. Jennifer Gray; Ms. Ashley Oldham; Mr. Allan Harris; Mr. Josh Holfeltz; Ms. Ellen Drell; and Ms. Sandra Berman.

Board Directive: The Board of Supervisors provided the following direction to staff:

- Propose language at the February 7, 2017 Board of Supervisors meeting defining the word “park”;
- Remove duplicative language related to fees.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Gjerde, IT IS ORDERED that the Board of Supervisors approves the list of recommended changes with additional direction to staff regarding definition of the word park and inclusion of the fee structure. The motion carried by the following vote:

Aye: 3 - Supervisor Brown, Chair McCowen, and Supervisor Gjerde

No: 0 - None

Recused: 1 - Supervisor Hamburg

SUPERVISOR HAMBURG PRESENT AT 2:59 P.M.

5K) ADOPTION OF RESOLUTION INTRODUCING, READING THE TITLE, AND WAIVING FURTHER READING OF AN ORDINANCE ADOPTING THE 2016 CALIFORNIA BUILDING STANDARDS CODE WITH PROPOSED LOCAL AMENDMENTS TO TITLE 18 OF THE MENDOCINO COUNTY CODE, ADOPTING LOCAL FINDINGS, AND MAKING OTHER TECHNICAL AND ADMINISTRATIVE REVISIONS TO TITLE 18 AND SETTING THE DATE FOR A NOTICED PUBLIC HEARING TO CONSIDER THE PROPOSED ORDINANCE - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Steve Dunncliff, Director, Planning and Building Services; Mr. Mike Lockett, Chief Building Official, Planning and Building Services; and Mr. Matthew Kiedrowski, Deputy County Counsel.

Public Comment: Mr. Lee Howard.

Board Directive: GENERAL CONSENSUS OF THE BOARD to refer the matter of buildings with the "K" classification to the Public Health, Safety, and Resources Standing Committee.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Hamburg, IT IS ORDERED that the Board of Supervisors adopts Resolution introducing, reading the title, and waiving further reading of an Ordinance adopting the 2016 California Building Standards Codes with proposed local amendments to Title 18 of the Mendocino County Code, adopting local findings, and making other technical and administrative revisions to Title 18, and authorizes Chair to sign same; and setting March 7, 2017, as the date for a noticed public hearing to consider the proposed ordinance. The motion carried by the following vote:

Aye: 4 - Supervisor Brown, Chair McCowen, Supervisor Gjerde, and Supervisor Hamburg

No: 0 - None

Enactment No: Resolution 17-012

5L) DISCUSSION/PRESENTATION OF THE DEPARTMENT OF PLANNING AND BUILDING SERVICES DEVELOPMENT ACTIVITY REPORT FOR THE MONTH OF DECEMBER, 2016 - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Steve Dunncliff, Director, Planning and Building Services; and Ms. Adrienne Thompson, Administrative Services Manager, Planning and Building Services.

Public Comment: None.

Board Action: None.

5M) INFORMATIONAL UPDATE ON THE STATUS OF THE MENDOCINO TOWN LOCAL COASTAL PLAN AMENDMENT (LCPA) AND POSSIBLE DIRECTION OR CONSIDERATION OF COASTAL COMMISSION COMMENTS REGARDING THE SUBMITTED MENDOCINO TOWN LCPA - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Steve Dunncliff, Director, Planning and Building Services; Supervisor Brown; and Supervisor Hamburg.

Public Comment: None.

Board Action: None.

5A) PRESENTATION AND POSSIBLE DIRECTION TO STAFF REGARDING THE COUNTY'S CAPITAL IMPROVEMENT PLAN AND FACILITY NEEDS ASSESSMENT - SPONSOR: EXECUTIVE OFFICE

Presenter/s: Mr. Christopher Shaver, Deputy Chief Executive Officer; Mr. Mike Wesolowski, Building Maintenance Supervisor, Executive Office; and Mr. Alan Flora, Assistant Chief Executive Officer.

Public Comment: None.

Board Action: None.

5H) TRANSPORTATION DIRECTOR'S REPORT - SPONSOR: TRANSPORTATION

Presenter/s: Chair McCowen.

Public Comment: None.

Board Action: None.

~~5C) CHIEF EXECUTIVE OFFICER'S REPORT - SPONSOR: EXECUTIVE OFFICE ITEM WITHDRAWN~~**~~5D) DISCUSSION AND POSSIBLE ACTION INCLUDING REVIEW, ADOPTION, AMENDMENT, CONSIDERATION OR RATIFICATION OF LEGISLATION PURSUANT TO THE ADOPTED LEGISLATIVE PLATFORM - SPONSOR: EXECUTIVE OFFICE ITEM WITHDRAWN~~****5E) DISCUSSION AND POSSIBLE CONSIDERATION OF SUBMITTING A LETTER OF RECOMMENDATION TO THE GOVERNOR'S OFFICE FOR AN APPOINTMENT TO THE VACANT MENDOCINO COUNTY THIRD DISTRICT SUPERVISOR POSITION - SPONSOR: EXECUTIVE OFFICE**

Presenter/s: Ms. Carmel J. Angelo, Chief Executive Officer.

Public Comment: Mr. Mike A'Dair.

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor Brown, IT IS ORDERED that the Board of Supervisors directs staff to compose and transmit a letter of recommendation to the Governor's Office regarding an appointment to the vacant Mendocino County Third District Supervisor position endorsing the appointment of John Pinches; and authorizes the Chair to sign same. The motion carried by the following vote:

Aye: 4 - Supervisor Brown, Chair McCowen, Supervisor Gjerde, and Supervisor Hamburg

No: 0 - None

6E) SUPERVISORS' REPORTS REGARDING BOARD SPECIAL ASSIGNMENTS, STANDING AND AD HOC COMMITTEE MEETINGS, AND OTHER ITEMS OF GENERAL INTEREST - SPONSOR: BOARD OF SUPERVISORS

Presenter/s: Board of Supervisors

Public Comment: None.

Board Action: None.

ADJOURNED TO CLOSED SESSION: 4:42 P.M.

RECONVENED IN OPEN SESSION: 5:29 P.M.

9B) PURSUANT TO GOVERNMENT CODE SECTION 54957 – PUBLIC EMPLOYEE APPOINTMENT – INTERIM AGRICULTURAL COMMISSIONER/SEALER OF WEIGHTS AND MEASURES**AGENDA ITEM NO. 9 – REPORT OUT OF CLOSED SESSION**

Presenter: Chair McCowen.

Public Comment: Ms. Diane Curry, Interim Agricultural Commissioner.

Board Action: Chair McCowen reported the following action taken during closed session: upon motion by Supervisor Brown, seconded by Supervisor Hamburg, IT IS ORDERED that the Board of Supervisors appoints Ms. Diane Curry as the Interim Agricultural Commissioner. The motion carried by the following vote:

Aye: 4 - Supervisor Brown, Chair McCowen, Supervisor Gjerde, and Supervisor Hamburg

No: 0 - None

AGENDA ITEM NO. 10 – COMMUNICATIONS

- (a) Fish and Game Commission Notice of Availability of a Document Added to the Rulemaking File Regarding the California Spiny Lobster Fishery Management Plan Implementing Regulations Adopted at the Commission's June 22, 2016 Meeting (for more information please visit www.fgc.ca.gov/regulations/2016/index.aspx#29_80)

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 5:31 P.M.

Attest: Nicole N. French
Deputy Clerk of the Board II

JOHN MCCOWEN, 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) 3463-4441.
- 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.co.mendocino.ca.us/bos
- 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.co.mendocino.ca.us/bos

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