

CARRE BROWN
1st District
Supervisor

JOHN MCCOWEN
2nd District
Supervisor
Vice-Chair

TOM WOODHOUSE
3rd District
Supervisor

DAN GJERDE
4th District
Supervisor
Chair

DAN HAMBURG
5th District
Supervisor

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



KATHARINE L. ELLIOTT
County Counsel

COUNTY ADMINISTRATION CENTER
501 Low Gap Road, Room 1070
Ukiah, CA 95482
(707) 463-4441 (t)
(707) 463-5649 (f)
cob@co.mendocino.ca.us

MENDOCINO COUNTY BOARD OF SUPERVISORS

AGENDA - FINAL-REVISED

REGULAR MEETING

August 02, 2016 - 9:00 AM

**BOARD CHAMBERS, ROOM 1070, COUNTY
ADMINISTRATION CENTER**

Following the posting of the Agenda, all agenda item supporting documentation, including any material submitted to the Clerk after distribution of the Agenda packet, is available for public review through the Executive Office, 501 Low Gap Road, Room 1010, Ukiah, CA 95482 during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. Persons wishing to file documentation on any agenda item for the official record must submit ten (10) copies of each document to the Executive Office. Members of the public are advised that all cell phones or electronic devices are to be silenced upon entering the Board Chambers.

TIMED ITEMS

Please note that all times provided are considered approximate

1:30 P.M. Discussion and Possible Direction to Staff Regarding a Draft Medical Cannabis Cultivation Ordinance, Draft Medical Cannabis Cultivation Site Zoning Regulation and Commencing a California Environmental Quality Act (CEQA) Project Description and Initial Study - Continued from the July 19, 2016 Board of Supervisors Meeting (Sponsor: General Government Committee) (refer to item 6b)

1. OPEN SESSION (9:00 A.M.)**a) Roll Call****b) Pledge of Allegiance****2. PROCLAMATIONS**

Items in this section are automatically adopted unless specifically pulled by a Supervisor. Proclamations may be presented or commented on as needed.

3. PUBLIC EXPRESSION

Members of the public are welcome to address the Board on items not listed on the agenda, but within the jurisdiction of the Board of Supervisors. The Board is prohibited by law from taking action on matters not on the agenda, but may ask questions to clarify the speaker's comment. The Board limits testimony on matters not on the agenda to 3 minutes per person and not more than 10 minutes for a particular subject at the discretion of the Chair of the Board.

Individuals wishing to address the Board under Public Expression are welcome to do so throughout the meeting. To best facilitate these items, please review and complete the public comment/speaker form available at the back of the Boardroom and present to the Clerk. If you wish to submit written comments, please provide 10 copies to the Executive Office staff, located in the County Administration Center, Room 1010. All meetings are tape-recorded, so speakers are reminded to announce their names as they approach the podium.

Public Expression**4. CONSENT CALENDAR**

The Consent Calendar is considered routine and non-controversial and will be acted upon by the Board at one time without discussion. Any Board member may request that any item be removed from the Consent Calendar for individual consideration.

See section at the end of this document for the full listing of Consent items.

5. COUNTY EXECUTIVE OFFICE AND DEPARTMENTAL MATTERS**EXECUTIVE OFFICE****5a) Chief Executive Officer's Report**

(<http://www.co.mendocino.ca.us/administration/CEOReports.htm>)

5b) Discussion and Possible Action Including Review, Adoption, Amendment, Consideration or Ratification of Legislation Pursuant to the Adopted Legislative Platform

- 5c) Discussion and Possible Adoption of Resolution Requesting That the Sonoma Clean Power (SCP) Authority Act as Community Choice Aggregator on Behalf of the County and Implement the Sonoma Clean Power Community Choice Aggregation (CCA) Program Within the Unincorporated Areas of Mendocino County; and, Introduce and Waive Reading of an Ordinance Authorizing the Implementation of a Community Choice Aggregation Program**

Recommended Action:

Adopt resolution requesting that SCP act as the CCA on behalf of the County and implement the SCP CCA program within the unincorporated areas of Mendocino County, and authorize Chair to sign same; and, introduce and waive reading of an ordinance authorizing the implementation of a CCA program.

COUNTY COUNSEL

- 5d) Discussion and Possible Adoption of Resolution to Present to the Voters of the County (1) a Proposed Ordinance Adding Chapter 6.32 of Title 6 to the Mendocino County Code Establishing Cannabis Business License Taxes and (2) an Advisory Ballot Measure Regarding the Expenditure of any Funds Raised by Chapter 6.32, if Approved by the Voters, and Ordering Consolidation of Said Election with the Consolidated General Election Called for November 8, 2016; Second Reading and Adoption of an Ordinance Adding Chapter 6.32 to the Mendocino County Code Imposing a Cannabis Business Tax on Commercial Cannabis Businesses; and Appointment of an Ad Hoc Committee to Prepare Arguments in Favor of the Ordinance and Rebuttal Arguments to any Opposition**

Recommended Action:

Adopt Resolution Presenting to the voters of the County (1) a Proposed Ordinance Adding Chapter 6.32 of Title 6 to the Mendocino County Code Establishing Cannabis Business License Taxes and (2) an Advisory Ballot Measure Regarding the Expenditure of any Funds Raised by Chapter 6.32, if Approved by the Voters, and Ordering Consolidation of Said Election with the Consolidated General Election Called for November 8, 2016, and authorize Chair to sign same; Conduct Second Reading and Adopt Ordinance adding Chapter 6.32 to Title 6 to the Mendocino County Code imposing a Cannabis Business Tax on commercial cannabis businesses, and authorize Chair to sign same; and Appoint an Ad Hoc Committee to Prepare Arguments in Favor of the Ordinance and Rebuttal Arguments to any Opposition.

HEALTH AND HUMAN SERVICES AGENCY**5e) Discussion and Possible Action Regarding the Status of Adult Mental Health Services Transition and Related Activities***Recommended Action:*

Accept the update regarding the status of the Mental Health Adult Services Transition Plan and the status of the various activities associated with mental health services.

PLANNING AND BUILDING SERVICES**5f) Noticed Public Hearing - Discussion and Possible Adoption of Ordinance Amendment No. OA_2015-0001, Amending Chapter 20, Divisions I and II of the Mendocino County Code to Modify the Definitions of "Family," "Supportive Housing," "Transitional Housing," "Emergency Shelter;" and the "Group Care" Use Type and to Allow Emergency Shelters in C-1 and C-2 Zoning Districts by Right***Recommended Action:*

Adopt Ordinance Amendment No. OA_2015-0001, amending Chapter 20, Divisions I and II of the Mendocino County Code, to modify the definitions of "Family," "Supportive Housing," "Transitional Housing," "Emergency Shelter;" and the "Group Care" use type; and, allow Emergency Shelters in C-1 and C-2 zoning districts by right by finding the request to be consistent with the General Plan and 2014-2019 Housing Element Update; and authorize Chair to sign same.

5g) 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*Recommended Action:*

Accept the Mendocino Town LCPA status report and, as necessary, direct Planning and Building Services to respond to Coastal Commission comments regarding the LCPA.

6. BOARD OF SUPERVISORS AND MISCELLANEOUS**6a) Supervisors' Reports Regarding Board Special Assignments, Standing and Ad Hoc Committee Meetings, and Other Items of General Interest**

- 6b) Discussion and Possible Direction to Staff Regarding a Draft Medical Cannabis Cultivation Ordinance, Draft Medical Cannabis Cultivation Site Zoning Regulation and Commencing a California Environmental Quality Act (CEQA) Project Description and Initial Study - Continued from the July 19, 2016 Board of Supervisors Meeting (Sponsor: General Government Committee)**

Recommended Action:

Provide direction to Staff regarding a draft Medical Cannabis Cultivation Ordinance, draft Medical Cannabis Cultivation Site Zoning Regulation and commencing a CEQA project description and initial study.

- 6c) Discussion and Possible Action Regarding a Tax Sharing Agreement Between the County of Mendocino and the City of Willits (Sponsor: Supervisor Woodhouse)**

Recommended Action:

Discuss the possibility of a Master Tax Sharing Agreement between the City of Willits and the County of Mendocino and form an ad hoc committee to work with the City of Willits to draft a tax sharing agreement.

7. BOARD OF DIRECTORS MATTERS

The Mendocino County Board of Supervisors meets concurrently as the Board of Directors of the: In-Home Supportive Services Public Authority Governing Board; Mendocino County Air Quality Management District; Mendocino County Public Facilities Corporation; and the Mendocino County Water Agency.

8. MODIFICATIONS TO AGENDA

Items added to the agenda subsequent to agenda publication, up to 72 hours in advance of the meeting, pursuant to Government Code section 54954.

- 8a) Consideration and Possible Adoption of a Resolution to Present to the Voters of the County an Urgency Ordinance Enacting Language to Allow the State Board of Equalization to Administer the Transactions and Use Tax that May Be Imposed by a Voter Sponsored Initiative on the November 8, 2016, Mendocino County Ballot; and Adoption of an Urgency Ordinance of the Mendocino County Board of Supervisors Adopting Enacting Language to Allow the State Board of Equalization to Administer the Transactions and Use Tax that May Be Imposed by a Voter Sponsored Initiative on the November 8, 2016, Mendocino County Ballot (Sponsor: Sheriff's Office)**

Recommended Action:

Adopt Resolution to present to the voters of the County an Urgency Ordinance enacting language to allow the State Board of Equalization to administer the transactions and use tax that may be imposed by a voter sponsored initiative on the November 8, 2016, Mendocino County ballot and adopt Urgency Ordinance of the Mendocino County Board of Supervisors adopting enacting language to allow the State Board of Equalization to administer the transactions and use tax that may be imposed by a voter sponsored initiative on the November 8, 2016, Mendocino County ballot

9. CLOSED SESSION

Any public reports of action taken in the closed session will be made in accordance with Government Code sections 54957.1.

- 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 54956.9(a) - Conference with Legal Counsel - Existing Litigation: James Neuroth and Joan C. Nygren v. Mendocino County, et al., Case No. 15-3226 NJV
- 9c) Pursuant to Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: Linda Morales v. County of Mendocino, et al., USDC Case No.:16-CV-02429-EMC
- 9d) Pursuant to Government Code Section 54956.9d(2) - Conference with Legal Counsel - Anticipated Litigation: Significant Exposure to Litigation - One Case

10. COMMUNICATIONS RECEIVED AND FILED

Communications received and filed are retained by the Clerk throughout the Board proceedings. To review items described in this section, please contact the Executive Office staff in Room 1010.

- 10a) State Water Resources Control Board for the week of July 8 - July 14, 2016. For more information, please contact John Mendoza at (707) 547-1929, or via email at John.Mendoza@scwa.ca.gov.

4. CONSENT CALENDAR - CONTINUED

The Consent Calendar is considered routine and non-controversial and will be acted upon by the Board at one time without discussion. Any Board member may request that any item be removed from the Consent Calendar for individual consideration.

ITEMS RECOMMENDED FOR DENIAL/REJECTION:

- 4a) Claim of Tim Brennan**
- 4b) Claim of Brookside Retirement Residence**
- 4c) Claim of Sarah Rouse**

ITEMS RECOMMENDED FOR APPROVAL:

APPOINTMENTS**4d) Approval of Recommended Appointments/Reappointments**Recommended Action:

Approve the following appointments/reappointments: 1) Erica Bruce, Cemetery District of the Redwoods, Trustee; 2) Martin Holzhauser, Covelo Public Cemetery District, Trustee; 3) Susan Wynd Novotny, Health and Human Services Agency Advisory Board, Community Representative; 4) Ernest Harpe, Hopland Cemetery District, Trustee (appointment of Mr. Harpe includes a waiver of residency as he lives outside of the Hopland Cemetery District boundaries).

ASSESSOR/CLERK-RECORDER**4e) Acceptance of the Certification of Initiative Signatures by the Mendocino County Registrar of Voters regarding the petition titled, "An Initiative to Regulate Medical Cannabis Cultivation, Processing, Testing, Distribution, Transportation, Delivery and Dispensing"**Recommended Action:

Accept the certification of initiative signatures by the Mendocino County Registrar of Voters.

4f) Acceptance of the Certification of Initiative Signatures by the Mendocino County Registrar of Voters Regarding the Petition Titled, "An Initiative to Add a Temporary Half-Cent Sales Tax to Fund Facilities in Mendocino County to Assist in the Diagnosis and Treatment of Mental Health and Drug Dependency" and Board ActionRecommended Action:

Accept the certification of initiative signatures by the Mendocino County Registrar of Voters regarding the petition titled, "An Initiative to Add a Temporary Half-Cent Sales Tax to Fund Facilities in Mendocino County to Assist in the Diagnosis and Treatment of Mental Health and Drug Dependency."

AUDITOR-CONTROLLER

- 4g) Approval of Agreement with Golden State Finance Authority to Pay Collection Fees to the County of Mendocino for the Collection of Special Taxes and Special Contractual Assessments for Properties within the County's Unincorporated Area in the Golden State Finance Authority Program for Financing Renewable Energy Generation, Energy and Water Efficiency Improvements, and Electric Vehicle Charging Infrastructure**

Recommended Action:

Approve Agreement with Golden State Finance Authority to pay collection fees to the County of Mendocino for the collection of special taxes and special contractual assessments for properties within the County's unincorporated area in the Golden State Finance Authority program for financing renewable energy generation, energy and water efficiency improvements, and electric vehicle charging infrastructure; and authorize Chair to sign same.

HEALTH AND HUMAN SERVICES AGENCY

- 4h) Adoption of Resolution Authorizing Health and Human Services Agency (HHSA), Public Health Prevention and Planning Unit (PAPU) to Accept the Five-Year Drug Free Communities (DFC) Grant, in the Amount of \$125,000 per Year, for Federal Fiscal Years (FY) 2016-17 Through 2020-21, to Support Fort Bragg Alcohol and Drug Abuse Prevention Activities**

Recommended Action:

Adopt Resolution authorizing Mendocino County HHSA, PAPU to accept the five-year DFC grant, in the amount of \$125,000 per year, for Federal FY 2016-17 through 2020-21, to support Fort Bragg alcohol and drug abuse prevention activities; and authorize Chair to sign same.

- 4i) Authorization for Health and Human Services Agency (HHSA), to Apply for a Four-Year Sober Truth on Preventing Underage Drinking Act (STOP Act) Grant, in the Amount of \$50,000 Per Year, for Federal Fiscal Years 2016-17 Through 2019-20 to Support Fort Bragg Alcohol Abuse Prevention Activities; and Adoption of Resolution Authorizing HHSA Director or Designee to Accept the Grant and Sign Any Future Amendments to the Grant that do not Affect the Annual Maximum Amount**

Recommended Action:

Authorization for HHSA/PAPU to apply for a four-year Sober Truth on Preventing Underage Drinking Act (STOP Act) Grant, in the amount of \$50,000 per year, for Federal FY 2016-17 through 2019-20 to support Fort Bragg alcohol abuse prevention activities; and adoption of Resolution authorizing HHSA Director or designee to accept the grant and sign any future amendments to the grant that do not affect the annual maximum amount; and authorize Chair to sign same.

HUMAN RESOURCES

- 4j) Adoption of Resolution Adopting the Classification and Establishing the Salary of Chief Deputy Auditor Controller**

Recommended Action:

Adopt Resolution adopting the classification and salary of Chief Deputy Auditor Controller; and authorize Chair to sign same.

PLANNING AND BUILDING SERVICES

- 4k) Approval of Workforce Development Board (WDB)/Local Elected Official (LEO)/Administrative Staff Partnership Agreement, in Accordance and Pursuant to Changes Required Due to Workforce Innovation and Opportunity Act (WIOA) Law**

Recommended Action:

Approve WDB/LEO/Administrative Staff Partnership Agreement pursuant to requirements of the Workforce Innovation and Opportunity Act (WIOA) law; and authorize Chair to sign same.

- 4l) Approval of the Department Planning and Building Services' Establishment and Implementation of a Building Permit Amnesty Program Resulting in the Waiver of Investigative/Penalty Fees on Residential Building Permit Applications for Self-Reported Illegal Construction for the Period of July 1, 2016 to June 30, 2017**

Recommended Action:

Approve the Department Planning and Building Services implementation of a Building Permit Amnesty Program that will result in the waiver of investigative/penalty fees on residential building permit applications for self-reported illegal construction for the period July 1, 2016 to June 30, 2017.

- 4m) Approval of a Service Agreement with Solano County, Establishing the Financial Framework for A Workforce Development Board (WDB) Partnership with The North Bay Business Sector Alliance (NBBSA) That Was Recently Awarded a \$1 Million Slingshot Grant of Which Mendocino County WDB Will Receive \$156,000 of Revenue for 21 months**

Recommended Action:

Approve the Service Agreement with Solano County, establishing the financial framework for a Workforce Development Board (WDB) partnership with the North Bay Business Sector Alliance (NBBSA); authorize the Planning and Building Services Director to sign any future amendments to the Agreement that do not affect the maximum amount; and authorize Chair to sign same.

SHERIFF-CORONER

- 4n) Adoption of Resolution authorizing the Mendocino County Emergency Services Director, the Sheriff-Coroner/Assistant Emergency Services Director, the Public Health Director or Designee, to Execute for, and on Behalf of, the County of Mendocino, Any Action Necessary for the Administration of the 2016 State Homeland Security Grant Program**

Recommended Action:

Adopt Resolution authorizing the Mendocino County Sheriff-Coroner Office, Office of Emergency Services to submit an application for the 2016 Homeland Security Grant Program with the California Office of Emergency Services naming the Emergency Services Director, Assistant Emergency Services Director and Public Health Director or designee as authorized agents and return two signed and certified originals of the Resolution for submittal to the State of California.

TRANSPORTATION

- 4o) Adoption of Resolution Approving Agreement Number 160056 in the Amount of \$5,000, with and Accepting the Grant Deed Conveying Real Property from Alvin D. Dodd and Edwina R. Dodd, for the Acquisition of Rights of Way Needed for Construction of the Branscomb Road Pedestrian Bridge over Ten Mile Creek, Project Number A-1201, Located on Branscomb Road, County Road 429, Milepost 25.41 (Laytonville Area)**

Recommended Action:

Adopt Resolution approving Agreement No. 160056 in the amount of \$5,000, with and accepting the grant deed conveying real property from Alvin D. Dodd and Edwina R. Dodd, for the acquisition of rights of way needed for construction of the Branscomb Road pedestrian bridge over Ten Mile Creek, project number A-1201, located on Branscomb Road, County Road (CR) 429, milepost (M.P.) 25.41 (Laytonville area); and authorize Chair to sign same.

- 4p) Adoption of Resolution Approving Agreement Number 160057 in the Amount of \$2,650, with and Accepting the Grant Deed Conveying Real Property from Marion D. Nelson, for the Acquisition of Rights of Way Needed for Construction of the Branscomb Road Pedestrian Bridge over Ten Mile Creek, Project Number A-1201, Located on Branscomb Road, County Road 429, Milepost 25.41 (Laytonville Area)**

Recommended Action:

Adopt Resolution approving Agreement No. 160057 in the Amount of \$2,650, with and accepting the Grant Deed conveying real property from Marian D. Nelson, for the acquisition of rights of way needed for construction of the Branscomb Road pedestrian bridge over Ten Mile Creek, Project No. A-1201, located on Branscomb Road, County Road (CR) 429, milepost (M.P.) 25.41 (Laytonville area); and authorize Chair to sign same.

- 4q) Adoption of Resolution Authorizing the Department of Transportation to Advertise for Bids and Award Contract Number 150114 in the Amount of \$107,000 for Construction of the Mendocino Village Americans with Disabilities Act Access and Sidewalk Segment on Kasten Street, County Road 407L, Mile Post 0.00 (Mendocino Area)**

Recommended Action:

Adopt Resolution authorizing the Department of Transportation (DOT) to advertise for bids and award Contract No. 150114 in the amount of \$107,000 for the construction of the Mendocino Village Americans with Disabilities Act (ADA) access and sidewalk segment on Kasten Street, County Road (CR) 407L, Mile Post (M.P.) 0.00 (Mendocino Area); and authorize Chair to sign same.

- 4r) Adoption of Resolution Approving Agreement Number 160072 in the Amount of \$14,000, with and Accepting the Grant Deed Conveying Real Property from Paolo Shere and Meadow Shere, for the Acquisition of Rights of Way Needed for Construction of the Branscomb Road Pedestrian Bridge over Ten Mile Creek, Project Number A-1201, Located on Branscomb Road, County Road 429, Milepost 25.41 (Laytonville Area)**

Recommended Action:

Adopt Resolution approving Agreement No. 160072 in the amount of \$14,000, with and accepting the Grant Deed conveying real property from Paolo Shere and Meadow Shere, for the acquisition of rights of way needed for construction of the Branscomb Road pedestrian bridge over Ten Mile Creek, Project No. A-1201, located on Branscomb Road, County Road (CR) 429, milepost (M.P.) 25.41 (Laytonville area); and authorize Chair to sign same.

- 4s) Adoption of Resolution Authorizing the Department of Transportation to Advertise for Bids and Award Contract Number 160047 in an Estimated Amount of \$370,000 to Perform Repairs to a Portion of the Westerly Capping Fill of the Closed Laytonville Landfill, and Increase the Director of Transportation's Change Order Authority to 10% of the Contract (Laytonville Area)**

Recommended Action:

Adopt Resolution authorizing Department of Transportation (DOT) to advertise for bids and award Contract Number 160047 in an estimated amount of \$370,000 to perform repairs to a portion of the westerly capping fill of the closed Laytonville Landfill; increase the Director of Transportation's change order authority to 10% of the contract; and authorize Chair to sign same.

- 4t) Adoption of Resolution Authorizing the Department of Transportation to Advertise for Bids and Award Contract Number 160044 in the Amount of \$100,000 for Construction of the Mendocino Village Parking Striping on Lansing Street, County Road 500, Mile Post 0.00 to Mile Post 0.16 and Main Street, County Road 407E, Mile Post 0.05 to Mile Post 0.36. (Mendocino Area)**

Recommended Action:

Adopt Resolution authorizing the Department of Transportation (DOT) to advertise for bids and award contract number 160044 in the amount of \$100,000 for the construction of the Mendocino Village Parking Striping on Lansing Street, County Road (CR) 500, Mile Post (M.P.) 0.00 to M.P. 0.16 and Main Street, CR 407E, M.P. 0.05 to M.P. 0.36 (Mendocino Area); and authorize Chair to sign same.

ADJOURNMENT

Additional Meeting Information for Interested Parties

The Board of Supervisors complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternative formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Executive Office by calling (707) 463-4441 at least five days prior to the meeting.

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A copy of the Agenda Packet is available for public review in the Executive Office, Room 1010. Proposed actions and supporting documents are considered draft until acted upon by the Board.

Additional information on specific agenda items may be obtained by contacting the sponsoring departments. Contact information for County departments may be obtained at www.co.mendocino.ca.us/departments.htm.

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LIVE WEB STREAMING OF BOARD MEETINGS: www.co.mendocino.ca.us/bos/meetings/publishedmeetings.htm under the "Live Video" tab, or visit the County YouTube channel. For technical assistance, please contact the Executive Office at (707) 463-4441.

Please reference the departmental website to obtain additional resource information for the Board of Supervisors: www.co.mendocino.ca.us/bos.

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