CARRE BROWN 1st District Supervisor JOHN MCCOWEN 2nd District Supervisor GEORGEANNE CROSKEY 3rd District Supervisor Vice-Chair DAN GJERDE 4th District Supervisor DAN HAMBURG 5th District Supervisor Chair

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



KATHARINE L. ELLIOTT County Counsel

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MENDOCINO COUNTY BOARD OF SUPERVISORS

BOARD OF SUPERVISORS AGENDA

REGULAR MEETING

January 23, 2018 - 9:00 AM BOARD CHAMBERS, ROOM 1070 COUNTY ADMINISTRATION CENTER

TIMED ITEMS

Please note that all times provided are considered approximate

10:00 A.M. Discussion and Possible Action Regarding the Cannabis Overlay Exemption Development and Scope of Work with Michael Baker International (the County's Contractor for Said Services) (refer to agenda item 5c))

1:00 P.M. Closed Session (refer to agenda item 9)

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.

1. OPEN SESSION (9:00 A.M.)

1a) Roll Call

1b) 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.

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

5a) Discussion and Possible Action Regarding Presentation of Mendocino County Employees Retirement Association Actuarial Valuation for the Fiscal Year Ending June 30, 2017, and Adoption of Retirement Contribution Rates for Fiscal Year 2018-19

(Sponsor: Mendocino County Employees Retirement Association)

Recommended Action:

Accept the Mendocino County Employees Retirement Association actuarial valuation for the fiscal year ending June 30, 2017, and adopt the Retirement Board's recommended retirement contribution rates as contained within the report.

Attachments: MCERA 6 30 2017 Actuarial Valuation Report.PDF

Presentation to the Board of Supervisors - Actuarial Valuation June

5b) Discussion and Possible Action Regarding Presentation of the Fiscal Year 2016-17 Annual Report from the Behavioral Health Advisory Board (Sponsor: Health and Human Services Agency)

<u>Recommended Action</u>: Accept Presentation of the Fiscal Year 2016-17 Annual Report from the Behavioral Health Advisory Board.

Attachments: 2017 BHAB Annual Report.pdf

5c) Discussion and Possible Action Regarding the Cannabis Overlay Exemption Development and Scope of Work with Michael Baker International (the County's Contractor for Said Services) (Sponsors: Executive Office and Planning and Building Services)

<u>Recommended Action:</u>

Receive an update from Michael Baker International regarding the process associated with developing a potential cannabis overlay exemption process and other related cannabis processes, including "opt-out" provisions, and provide direction to staff and/or the Contractor as appropriate.

<u>Attachments:</u> 10-3-17 Michael Baker International-Executed Agreement

5d) Discussion and Possible Adoption of Resolution to Present to the Voters of the County a Measure Amending Mendocino County Code Chapter 5.20 for Collection of Transient Occupancy Tax on Private Campgrounds and Recreational Vehicle Parks at the June 5, 2018 General Election; and Introduction and Waive Reading of Ordinance Amending Chapter 5.20 of the Mendocino County Code

(Sponsors: Treasurer-Tax Collector and County Counsel)

<u>Recommended Action:</u>

Adopt Resolution to present to the voters of the County a measure adopting the Ordinance amending Mendocino County Code Chapter 5.20 for collection of Transient Occupancy Tax on private campgrounds and recreational vehicle parks at the June 5, 2018 general election; introduce and waive reading of the Ordinance amending chapter 5.20 of the Mendocino County Code; and authorize Chair to sign same.

Attachments: TRANS OCC TAX Resolution TOT Ordinance Summary TOT ORDINANCE - REDLINE TOT ORDINANCE - CLEAN STAFF REPORT - CAMPGROUND-RV BALLOT

5e) Discussion and Possible Action Regarding Updates Associated with Fire Recovery Efforts in Mendocino County (Sponsor: Executive Office)

<u>Recommended Action</u>:

Receive update regarding fire recovery efforts in Mendocino County; and provide direction as appropriate.

5f) Discussion and Possible Action Regarding Presentation of the Department of Planning and Building Services Development Activity Report for the Month of December, 2017

(Sponsor: Planning and Building Services)

<u>Recommended Action</u>:

Accept the Development Activity Report from Planning and Building Services for the month of December, 2017.

<u>Attachments:</u> 1.PBS Monthly RPT-December 2017 2.Monthly activity SQL report search criteria December Agendas 5g) Discussion and Possible Action Regarding Informational Update on the Implementation of the Mendocino County Cannabis Cultivation Program and Cannabis Compliance and Code Enforcement Unit (Sponsor: Agriculture)

Recommended Action:

Accept implementation update regarding the Mendocino County Cannabis Cultivation Program and Cannabis Compliance and Code Enforcement Unit and, as necessary, provide direction on implementation.

Attachments: 2018 Canna Numbers

5h) Discussion and Possible Direction Regarding Possible Amendments to the Mendocino County Cannabis Cultivation Ordinance (Chapters 10A.17 and 20.242) of the Mendocino County Code and Cannabis Facilities Ordinance (Chapters 6.36 and 20.243) of the Mendocino County Code (Sponsor: County Counsel)

<u>Recommended Action</u>: Provide direction to staff regarding possible updates to the Cannabis Cultivation and Facilities Ordinances.

Attachments: Cannabis Ordinances Review - 1.23.18

- 5i) Chief Executive Officer's Report (Sponsor: Executive Office)
- 5j) Discussion and Possible Action Including Review, Adoption, Amendment, Consideration or Ratification of Legislation Pursuant to the Adopted Legislative Platform

(Sponsor: Executive Office)

<u>Recommended Action</u>: Provide direction to staff on matters of legislation.

6. BOARD OF SUPERVISORS AND MISCELLANEOUS

6a) Adoption of Proclamation and Acceptance of Informational Presentation Recognizing January 2018, as Positive Parenting Awareness Month in Mendocino County (Sponsor: Supervisor Hamburg)

Recommended Action:

Adopt Proclamation and accept informational presentation recognizing January 2018 as Positive Parenting Awareness Month in Mendocino County; and authorize Chair to sign same.

 Attachments:
 First 5 Proclamation.docx

 Triple P Model of Practice BOS.pdf

 RESOLUTION 03-17. Recognition of Each January as Positive Pa

6b) Supervisors' Reports Regarding Board Special Assignments, Standing and Ad Hoc Committee Meetings, and Other Items of General Interest

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.

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 54956.9c – Conference with Legal Counsel – Initiation of Litigation: One Case

9b) Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiator – Property APN: 002 093 25 00; 190 Orr Street, Ukiah, California; Agency Negotiators: Carmel J. Angelo and Janelle Rau. Others involved: Sheriff Thomas Allman. Under Negotiation: Property Acquisition, Price and Terms of Payment

9c) 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 of California, Fish and Game Commission - Notice of Revised Proposed Regulatory Language. For more information, please contact Mr. Sonke Mastrup at (916) 799-0398.

10b) State of California, Fish and Game Commission - Notice of Proposed Regulatory Action Relative to Amending Section 502, Title 14, California Code of Regulations. For more information, please contact Ms. Melanie Weaver at (916) 445-3717.

10c) State of California, Fish and Game Commission - Notice of Proposed Regulatory Action Relative to Subsections (b)(5), (b)(68), and (b)(156.5) of Section 7.50, Title 14, California Code of Regulations. For more information, please contact Mr. Roger Bloom at (916) 445-3777.

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 APPROVAL:

APPOINTMENTS

4a) Approval of Recommended Appointments/Reappointments

Recommended Action:

Approve the following appointments/reappointments: Mr. Ben Anderson, First 5 General Representative; Mendocino. Ms. Barbara Howe, First 5 Mendocino. Representative; Ms. Lucresha Renteria, First 5 Mendocino, County General Representative; Mr. Thad Van Bueren, Westport Municipal Advisory Council. Member; Ms. Flinda Behringer, Behavioral Health Advisory Board, 5th District Representative; Ms. Emily Strachan, Behavioral Health Advisory Board, 4th District Representative; Ms. Cathy Harpe, Behavioral Health Advisory Board, 2nd District Representative; Ms. Denise Gorny, Behavioral Health Advisory Board, 1st District Representative; Ms. Sue Ranochak, Mendocino Council of Governments (MCOG), Public Appointee; Mr. Michael G. Carter, Mendocino Council of Governments (MCOG), Alternate Public Appointee; Ms. Allison Findley, Mendocino Tourism Commission, Inland Chamber County of Regional Promotional Organization *Commerce/Inland* Member; Ms. Jennifer Seward, Mendocino County Tourism Commission, Arts Organization/Attractions Member; and Ms. Melissa Finley, Gualala Municipal Advisory Council, Member.

<u>Attachments:</u> Findley Redacted.pdf Seward Redacted.pdf M Finley Redacted.pdf

MINUTES

4b) Approval of Regular Meeting Minutes

<u>Recommended Action:</u>

Approve the Regular Meeting Minutes of October 3, 2017; October 10, 2017; October 17, 2017; October 24, 2017; October 31, 2017; November 7, 2017; November 13, 2017; November 14, 2017; November 21, 2017; December 5, 2017; December 18, 2017; December 19, 2017; and January 2, 2018.

Attachments: 01-02-18 Minutes - DRAFT.pdf 12-19-17 Minutes - DRAFT.pdf 12-18-17 Minutes - DRAFT.pdf 12-05-17 Minutes - DRAFT.pdf 11-21-17 Minutes - DRAFT.pdf 11-14-17 Minutes - DRAFT.pdf 11-07-17 Minutes - DRAFT.pdf 10-31-17 Minutes - DRAFT.pdf 10-24-17 Minutes - DRAFT.pdf 10-17-17 Minutes - DRAFT.pdf 10-10-17 Minutes - DRAFT.pdf 10-10-17 Minutes - DRAFT.pdf

EXECUTIVE OFFICE

4c) Approval of Transfer of \$87,186 from Budget Unit 9991, Appropriations for Contingencies, to Budget Unit 1940, Miscellaneous, to Fund County Fire Agencies; Authorize Chair to Sign Funding Allocation Agreements for City of Ukiah (Fire Department) in the Amount of \$51,105, Ukiah Valley Fire Protection District in the Amount of \$64,956, and Fort Bragg Fire Protection Authority in the Amount of \$57,411; and Accept the Corrected Footnote No. 2 on the Fire Funding Allocation Spreadsheet as Presented to the Board on December 18, 2017 (updating from \$1,363 to \$1,463)

<u>Recommended Action</u>:

Approve transfer of \$87,186 from budget unit 9991, Appropriations for Contingencies, to budget unit 1940, Miscellaneous, to fund County Fire Agencies; authorize Chair to sign Funding Allocation Agreements for City of Ukiah (Fire Department) in the amount of \$51,105, Ukiah Valley Fire Protection District in the amount of \$64,956, and Fort Bragg Fire Protection Authority in the amount of \$57,411; and accept the corrected footnote No. 2 on Fire Funding Allocation Spreadsheet as presented to the Board on December 12, 2017 from \$1,363 to \$1,463.

<u>Attachments:</u> Budget Transfer Form

Fort Bragg FPA Signed 1-16-18 Ukiah Fire Department Citv of Ukiah REVISED 1-11-18 Ukiah Vallev Fire Protection District REVISED 1-11-18 Attachment A- Corrected Footnote

BOARD OF SUPERVISORS

4d) Adoption of Resolution Opposing Off Shore Oil Drilling on the Pacific Coast in Response to the Call for Comments on the Bureau of Ocean Energy Management's Draft Proposed Five-Year Outer Continental Shelf Offshore Oil and Gas Leasing Program for 2019 through 2024 (Sponsors: Supervisors Gjerde and Hamburg)

<u>Recommended Action:</u>

Adopt Resolution opposing off shore oil drilling on the Pacific Coast in response to the call for comments on the Bureau of Ocean Energy Management's draft proposed Five-Year Outer Continental Shelf Offshore Oil and Gas Leasing Program for 2019 through 2024; and authorize Chair to sign same.

Attachments: Resolution.docx

COUNTY COUNSEL

4e) Adoption of Resolution ratifying the Ordinance of the Ukiah Valley Fire District Adopting the 2016 Edition of the California Fire Code with Amendments, Regulating and Governing the Safeguarding of Life and Property from Fire and Explosion and for Providing for the Issuance of Permits, Repealing All Other Ordinances and Parts of Ordinances of the Ukiah Valley Fire District in Conflict Herewith

<u>Recommended Action:</u>

Adopt Resolution ratifying the Ordinance of the Ukiah Valley Fire District adopting the 2016 Edition of the California Fire Code with amendments regulating and governing the safeguarding of life and property from fire and explosion and for providing for the issuance of permits, repealing all other Ordinances and parts of Ordinances of the Ukiah Valley Fire District in conflict herewith; authorize Chair to sign same; and direct Clerk of the Board to send signed ratified copies to the Ukiah Valley Fire District, Emergency Services, the Department of Housing and Community Development and County Counsel.

<u>Attachments:</u> BOS Reso Ratify 2016 Adoption of CA Fire Code 2017-1 District's Ordinance re Adopt CA Fire Code BOS Reso 11-024 BOS Reso 08-053

HEALTH AND HUMAN SERVICES AGENCY

4f) Approval of Submission for Grant Application for Funds Available through California Office of Traffic Safety (OTS) in the Amount of \$300,000 to Provide Public Awareness and Community Education to Combat Drug Impaired Driving and Improve Pedestrian and Bicycle Safety for the period of November 1, 2018 through October 31, 2019; Authorization for Health and Human Services Agency Director or Designee to Sign Agreement if Funding is Granted and any Renewals or Amendments that do not Exceed the Annual Maximum Amount; and Direction for the Auditor Controller to Create Budget Information and Allow HHSA Director to Implement Spending

<u>Recommended Action</u>:

Approve submission of grant application for funds available through California OTS in the amount of \$300,000 to provide public awareness and community education to combat drug impaired driving and improve pedestrian and bicycle safety for the period of November 1, 2018 through October 31, 2019; authorize the HHSA Director or designee to sign Agreement if funds are granted and any renewals or amendments that do not exceed the annual maximum amount; and direct the Auditor Controller to create budget information and allow HHSA director to implement spending.

Attachments: PAPU OTS 2017 Grant Application.docx

HUMAN RESOURCES

4g) Approval of Retroactive Agreement with InterRemedy Insurance Services (a Sub-Contractor of Voya Financial) to Provide Stop Loss Services for the County's Self-Insured Health Plan, Specific and Aggregate Excess Coverage and Associated Administration in an Amount Not to Exceed \$1,060,000 for the Period of January 1, 2018, Through December 31, 2018, and Authorize the Human Resources Director, Upon Completion of a Marketing Analysis Each Year, to Approve Future Annual Stop Loss Renewals with InterRemedy Insurance Services That Do Not Exceed an Annual 10% Increase Over Existing Rates

<u>Recommended Action</u>:

agreement Approve retroactive with InterRemedy Insurance Services (a sub-contractor of Voya Financial) to provide stop loss services for the Countu's Self-Insured Health Plan, specific and aggregate excess coverage and associated administration in an amount not to exceed \$1,060,000 for the period of January 1, 2018, through December 31, 2018, and authorize the Human Resources Director, upon completion of a marketing analysis each year, to approve future annual stop loss renewals with InterRemedy Insurance Services that do not exceed an annual 10% increase over existing rates; and authorize Chair to sign same.

Attachments: InterRemedy BOS copy

4h) Adoption of Resolution Authorizing the Changes to the Position Allocation Table for the Health and Human Services Agency Budget Units 0488, 4010, 4011, 4012, 4013, 4050, 5010, and 5020 per Attachment A

<u>Recommended Action:</u>

Adopt Resolution authorizing changes to the Position Allocation Table for the Health and Human Services Agency Budget Units 0488, 4010, 4011, 4012, 4013, 4050, 5010 and 5020 per Attachment A; and authorize chair to sign same.

Attachments: 1.23.18 HR - PAT Changes HHSA- BU Move reso db 1.23.18 HR -PAT Changes - Attachment A

PLANNING AND BUILDING SERVICES

4i) Authorization of the Issuance of a Coastal Development Permit, CDP_2017-0028 (Baker), to Demolish and Replace an Existing Modular Home with a 1,782 Square Foot Manufactured Home, in the Coastal Zone, 6.6 miles Northeast of the Community of Gualala, and 1.2 Miles North of the Intersection of Iversen Road and Fish Rock Road, at 42001 Iversen Road, Gualala (APN: 141-100-12)

<u>Recommended Action</u>:

Authorize the issuance of a Coastal Development Permit, CDP_2017-0028 (Baker), to demolish and replace an existing modular home with a 1,782 square foot manufactured home, in the Coastal Zone, 6.6 miles northeast of the community of Gualala, and 1.2 miles north of the intersection of Iversen Road and Fish Rock Road, at 42001 Iversen Road, Gualala (APN: 141-100-12), as approved by the Coastal Permit Administrator.

Attachments: 2. CDP 2017-0028 (Baker) Attachments

- 3. CDP 2017-0028 (Baker) Staff Report
- 0. CDP 2017-0028 (Baker) Public Notice
- 4j) Approval of Appointment of Mr. John Dixon as a Coastal Representative to Fill a Vacant Seat on the Business Improvement District (BID) Advisory Board

<u>Recommended Action</u>:

Approve the appointment of Mr. John Dixon as a Coastal Representative to fill a vacant seat on the Business Improvement District (BID) Advisory Board.

<u>Attachments:</u> BID Application (Dixon) - Redacted

4k) Approval of Appointment of Mr. Marcus Magdaleno as an Inland Representative to Fill a Vacant Seat on the Business Improvement District (BID) Advisory Board

<u>Recommended Action:</u>

Approve the appointment of Mr. Marcus Magdaleno as an Inland Representative to fill a vacant seat on the Business Improvement District (BID) Advisory Board.

Attachments: Application for Marcus Magdaleno - Redacted

41) Approval of Appointment of Ms. Wendy Roberts as an At Large Representative to Fill a Vacant Seat on the Business Improvement District (BID) Advisory Board

<u>Recommended Action:</u>

Approve the appointment of Ms. Wendy Roberts as an At Large Representative to fill a vacant seat on the Business Improvement District (BID) Advisory Board.

Attachments: BID Application (Roberts) - Redacted

4m) Approval of Agreement with Land Logistics, in the Amount of \$50,000 for the Period of January 23, 2018, Through April 30, 2018, for Contract Planning and Interim Director Services in the Department of Planning and Building Services

<u>Recommended Action</u>:

Approve the Agreement with Land Logistics, in the amount of \$50,000 for the period of January 23, 2018, through April 30, 2018, for contract planning and Interim Director services in the Department of Planning and Building Services; and authorize Chair to Sign Same.

Attachments: LAND LOGISTICS- Bridge Contract

4n) Approval of Amendment to BOS Agreement 17-005 with Taylor Code Consulting, Inc., Modifying the Scope of Work to Address the Need for On-going Department Support for a Code Enforcement Division Manager, and Increasing the Amount by \$350,000 for a New Total Amount of \$500,000 for the Term January 1, 2017 through June 30, 2020

<u>Recommended Action:</u>

Approve the amendment to BOS Agreement 17-005 with Taylor Code Consulting, Inc., modifying the scope of work to address the need for on-going Department support for a Code Enforcement Division Manager, and increasing the amount by \$350,000 for a new total amount of \$500,000 for the term January 1, 2017 through June 30, 2020; and authorize Chair to sign same.

<u>Attachments:</u> Taylor Consulting Amendment

AIR QUALITY MANAGEMENT DISTRICT

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. 40) Approval of the Air Quality Management District's Application for Subvention Funds from the California Air Resources Board for Fiscal Year 2017/2018 and Authorization for the Air Pollution Control Officer to Sign and Submit the Application to the California Air Resources Board

<u>Recommended Action:</u>

Approve the Air Quality Management District's application for State Subvention Funds; and authorize the Air Pollution Control Officer to sign and submit the application to the California Air Resources Board and request the Clerk of the Board to provide a Minute Order to the District of the Board's decision.

Attachments: 2017-18 Subvention Application

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.

If you wish to address the Board on any matter on the agenda, please review and complete the public comment/speaker form available at the back of the Board Chambers. If you wish to submit documentation, please provide 10 copies to Executive Office staff, located in the Administration Center, Room 1010.

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.