

CARRE BROWN
1st District
Supervisor
Chair

JOHN MCCOWEN
2nd District
Supervisor

JOHN HASCHAK
3rd District
Supervisor
Vice-Chair

DAN GJERDE
4th District
Supervisor

TED WILLIAMS
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@mendocinocounty.org

MENDOCINO COUNTY
BOARD OF SUPERVISORS
BOARD OF SUPERVISORS AGENDA

REGULAR MEETING
February 05, 2019 - 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.

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.

Public Expression

Attachments: [02-05-19 De La Quadra Correspondence](#)

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 an Update to the Board of Supervisors from the Mental Health Treatment Act Citizen's Oversight Committee on Progress Since the January 8, 2019 Update
(Sponsor: Executive Office)**

Recommended Action:

Accept update from the Mental Health Treatment Act Citizen's Oversight Committee; and provide direction as appropriate.

- 5b) Discussion and Possible Action Regarding the Mental Health Treatment Act Citizen's Oversight Committee's Recommendations to the Board of Supervisors to Pursue Options Associated with Constructing or Acquiring a Crisis Residential Unit, Crisis Treatment Unit, or 24 Hour Psychiatric Health Facility Utilizing Measure B Funds
(Sponsor: Executive Office and Health and Human Services Agency on Behalf of the Mental Health Treatment Act Citizen's Oversight Committee)**

Recommended Action:

Receive the update regarding the recommendations from the Mental Health Treatment Act Oversight Committee and provide direction to staff to proceed with researching options associated with the development of a Crisis Residential Unit, Crisis Treatment Unit, or 24 Hour Psychiatric Health Facility Utilizing Measure B Funds, including design, bid and/or build and potential properties or facilities locations. Said options would be presented to the Board of Supervisors at a future meeting for discussion and/or direction as appropriate.

Attachments: [Measure B Meeting Agenda Summary](#)
[Previous Board Action. 05-23-17](#)
[Previous Board Action - 03-15-16](#)
[Previous Board Action - 07-07-15](#)
[Previous Board Action - 03-17-15](#)
[Kemper 2018 Measure B Notes](#)

- 5c) Discussion and Possible Action Regarding an Employee Agreement in the Approximate Amount of \$203,000 Between the County of Mendocino and Dale P. Trigg to Serve as the Assistant District Attorney from the Date of Board of Supervisors Execution through the Period of Time that C. David Eyster Continues in the Position of Mendocino County District Attorney (Sponsor: District Attorney)**

Recommended Action:

Approve the Employment Agreement in the amount of approximately \$203,000 between Mendocino County and Dale P. Trigg to serve as the Assistant District Attorney commencing on the date of Board of Supervisors execution through the period of time that C. David Eyster continues in the position of Mendocino County District Attorney; and authorize the Chair to sign same.

Attachments: [Assist. DA Agreement](#)

- 5d) Discussion and Possible Action Regarding an Update on the Implementation of the Mendocino County Cannabis Cultivation Program and Cannabis Compliance Efforts (Sponsor: Department of Agriculture)**

Recommended Action:

Accept the informational update on the implementation of the Mendocino County Cannabis Program, and Cannabis compliance efforts; and provide direction as appropriate.

Attachments: [Commissioners Report \(data as of 1-17-2019\)](#)

[Zoning Data as of 1-17-2019](#)

[02-04-19 O'Neill Correspondence](#)

[02-04-19 Foster Correspondence](#)

[02-04-19 Wheeler Correspondence](#)

[02-04-19 North Correspondence](#)

[02-04-19 Nelson Correspondence](#)

- 5e) Noticed Public Hearing - Discussion and Possible Action Including Adoption of Resolution Authorizing the County of Mendocino to Submit an Application to the State Department of Housing and Community Development (HCD) for Community Development Block Grant (CDBG) Funds in the Amount of \$2,140,001 for Three Projects; 1. Rural Community Housing Development Corporation (RCHDC) Public Improvements in Support of Affordable Housing; 2. West Company Microenterprise Technical Assistance; and 3. Economic Development Finance Corporation (EDFC) Planning Technical Assistance (PTA) Study (Sponsor: Planning & Building Services)**

Recommended Action:

Adopt Resolution authorizing the County of Mendocino to submit an application to HCD for CDBG funding in the amount of \$2,140,001 for three projects; 1. RCHDC public improvements in support of affordable housing; 2. West Company Microenterprise Technical Assistance and; 3. EDFC PTA study; and authorize Chair to sign same.

Attachments: [Staff Memo](#)
[Resolution](#)
[CDBG Public Notice- Draft 2-5-19](#)
[Affadavit of Publication](#)

- 5f) Chief Executive Officer's Report (Sponsor: Executive Office)**

Recommended Action:

Accept the Chief Executive Officer's report.

Attachments: [CEO Report 02-05-19 Edition](#)

- 5g) Discussion and Possible Action Including Review, Adoption, Amendment, Consideration or Ratification of Legislation Pursuant to the Adopted Legislative Platform (Sponsor: Executive Office)**

Recommended Action:

Provide direction to staff on matters of legislation.

6. BOARD OF SUPERVISORS AND MISCELLANEOUS

- 6a) Discussion and Possible Action Including Approval of Formation of an Ad Hoc Committee Regarding Fire and Emergency Medical Services Sustainability, Consisting of Supervisors Williams and McCowen (Sponsors: Supervisors Williams and McCowen)**

Recommended Action:

Approve the formation of an Ad Hoc Committee regarding fire and emergency medical services sustainability, consisting of Supervisors Williams and McCowen.

**6b) Discussion and Possible Action Regarding the State Controller's Office Notice of Inactive Districts and the Local Agency Formation Commission's (LAFCO) Proposed Action to Initiate the Dissolution of the County of Mendocino's County Service Area No. 3 (CSA 3)
(Sponsor: Supervisor Brown)**

Recommended Action:

Discuss the correspondence from the State Controller's Office and LAFCO regarding the intent to dissolve CSA 3 and provide direction if appropriate.

Attachments: [2-4-19 LAFCO agenda item](#)
 [2-4-19 LAFCO Staff Report - County Service Area 3](#)

**6c) Discussion and Possible Direction to Staff Regarding the Development of an Ordinance or Ordinance Amendments Prohibiting the Cultivation, Processing or Manufacturing of Cannabis or Cannabis Products Using Genetic Engineering Techniques
(Sponsors: Supervisor Haschak and Supervisor Williams)**

Recommended Action:

Provide direction to staff to develop a new Ordinance or Ordinance amendments prohibiting the cultivation, processing or manufacturing of cannabis or cannabis products using genetic engineering techniques and present said ordinance to the Board at a future meeting date for discussion and consideration.

Attachments: [02-01-19 Lieberknecht Correspondence](#)
 [02-01-19 Marianchild Correspondence](#)
 [02-02-19 Aleshire Correspondence](#)
 [02-02-19 Panofskv Correspondence](#)
 [02-03- Coleman Correspondence](#)
 [02-04-19 Trvstad Correspondence](#)
 [02-04-19 Powell Correspondence](#)
 [02-04-19 Marianchild Correspondence](#)
 [02-04-19 Daly Correspondence](#)
 [02-05-19 Re Correspondence](#)
 [02-04-19 Dammuller Correspondence](#)
 [02-04-19 Sargentti Correspondence](#)
 [02-04-19 Davis Correspondence](#)
 [02-05-19 Lumpkin Correspondence](#)

6d) 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 – (c) – 1 Case - R.15-06-009 (Standards for Disaster and Emergency Preparedness Plans for Electrical Corporations and Regulated Water Companies)
- 9b) Pursuant to Government Code Section 54956.9c – Conference with Legal Counsel – Initiation of Litigation: One Case – I.15-08-019 (Investigation to Determine Whether Pacific Gas and Electric Company and PG&E Corporation’s Organizational Culture and Governance Prioritize Safety)
- 9c) Pursuant to Government Code Section 54956.9c – Conference with Legal Counsel – Initiation of Litigation: One Case – R.18-10-007 (Implementing Electric Utility Wildfire Mitigation Plans Pursuant to Senate Bill 901)
- 9d) Pursuant to Government Code Section 54956.9c – Conference with Legal Counsel – Initiation of Litigation: One Case - (c) - 1 Case - R.18-12-005 (Proceedings to Examine Electric Utility De-Energization of Power Lines in Dangerous Conditions)
- 9e) Pursuant to Government Code Section 54956.9c – Conference with Legal Counsel – Initiation of Litigation: One Case – (c) – 1 Case – A.18-12-009 (Application of Pacific Gas and Electric Company to Increase Rates and Charges for Electric and Gas Service)
- 9f) Pursuant to Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation – 1 case – Mendocino County v. PG&E Corporation, et al. – Case No. SCUk-CVPG-18-70440
- 9g) Pursuant to Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation – 1 case – Arthur D. Scott v. County of Alameda, et al., Alameda County Case No. RG17869558
- 9h) Pursuant to Government Code Section 54957 – Public Employee Performance Evaluation – Air Pollution Control Officer
- 9i) Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiator – Agency Negotiators: Carmel J. Angelo, Heidi Dunham, Cherie Johnson and Donna Williamson; Employee Organization(s): All

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.

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:

- 1. Mr. Robert Scott, Westport Municipal Advisory Council, Member.*
- 2. Mr. Michael Carter, Mendocino Council of Governments (MCOG); Public Appointee Alternate;*
- 3. Ms. Traci Pellar, Mendocino County Fish and Game Commission, 3rd District Commissioner;*
- 4. Mr. Dean Titus, Anderson Valley Cemetery District, Trustee; and*
- 5. Mr. Ian Roth, Mendocino Historical Review Board, Member.*

Attachments: Pellar
Roth
Titus

MINUTES**4b) Approval of Minutes of January 22, 2019, Regular Meeting****Recommended Action:**

Approve minutes of the January 22, 2019, regular meeting.

Attachments: 01-22-19 Minutes - DRAFT

EXECUTIVE OFFICE**4c) Adoption of Resolution Declaring the Continuation of a Local Emergency Related To the Mendocino Complex Fire****Recommended Action:**

Adopt Resolution declaring the continuation of a Local Emergency related to the Mendocino Complex Fire; and authorize Chair to sign same.

Attachments: Resolution

4d) Adoption of Resolution Declaring the Continuation of a Local Emergency Related to the Redwood Complex Fire

Recommended Action:

Adopt Resolution declaring the continuation of a Local Emergency related to the Redwood Complex Fire; and authorize Chair to sign same.

Attachments: [Resolution](#)

HEALTH AND HUMAN SERVICES AGENCY

4e) Adoption of Resolution Reaffirming the Existence of Local Health Emergency Related to the Mendocino Complex Fire, as Proclaimed by the Local Health Officer

Recommended Action:

Adopt Resolution reaffirming the existence of Local Health Emergency related to the Mendocino Complex Fire as proclaimed by the Local Health Officer; and authorize Chair to sign same.

Attachments: [Resolution](#)

4f) Adoption of Resolution Reaffirming the Existence of Local Health Emergency Related to the Redwood Complex Fire, as Proclaimed by the Local Health Officer

Recommended Action:

Adopt Resolution reaffirming the existence of Local Health Emergency related to the Redwood Complex Fire, as proclaimed by the Local Health Officer; and authorize Chair to sign same.

Attachments: [Resolution](#)

HUMAN RESOURCES

- 4g) Approval of Retroactive Agreement with PartnerRe America Insurance Company (PartnerRe) to Provide A Stop-Loss Re-Insurance Policy, Which Includes Specific Excess Loss and Aggregate Excess Loss Insurance Coverage for the County's Self-Funded Health Plan in the Amount of \$1,200,000 for the Period of January 1, 2019 through December 31, 2019 and Authorize the Human Resources Director, Upon Completion of a Marketing Analysis Each Year, to Approve Future Annual Stop Loss Renewals with ParterRe That Do Not Exceed an Annual 10% Increase over 2019 Rates**

Recommended Action:

Approve retroactive Agreement with PartnerRe to provide a stop-loss re-insurance policy, which includes specific excess loss and aggregate excess loss insurance coverage, for the County's Self-Funded Health Plan in the amount of \$1,200,000 for the period of January 1, 2019 through December 31, 2019 and authorize the Human Resources Director, upon completion of a marketing analysis each year, to approve future annual stop loss renewals with ParterRe that do not exceed an annual 10% increase over 2019 rates; and authorize Chair to sign same.

Attachments: [Mendocino Co. - Carmel Anelo letter 1.11.19 Agreement](#)

LIBRARY

- 4h) Approval of Acceptance of Grant Award in the Amount of \$2,000 for New Books and Speaker Fees for California Center for the Book: Book-to-Action for Coast Community Library Featuring The Bee Friendly Garden by Kate Frey and Gretchen Lebuhn**

Recommended Action:

Authorize the acceptance of the grant award in the amount of \$2,000 for new books and speaker fees for California Center for the Book: Book-to-Action for Coast Community Library featuring The Bee Friendly Garden by Kate Frey and Gretchen Lebuhn.

- Attachments: [BOOK TO ACTION 2019 Grant Application](#)
[Book to Action 2019 Overview](#)
[2019 Book to Action winners](#)

TRANSPORTATION

- 4i) Adoption of Resolution Approving Notice of Completion and Release of Contract Surety, Department of Transportation Contract Number 170054, 2017 Storm Damage Repairs on Branscomb Road, County Road 429, Milepost 21.50 (Laytonville Area)**

Recommended Action:

Adopt Resolution approving Notice of Completion and Release of Contract Surety, Department of Transportation Contract Number 170054, 2017 Storm Damage Repairs on Branscomb Road, County Road 429, milepost 21.50 (Laytonville Area); and authorize Chair to sign same.

- Attachments: [Memo](#)
[Resolution](#)
[Unsigned Notice of Completion](#)

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 email your documentation to bos@mendocinocounty.org; or submit a hard copy to the Executive Office at least 5 business days in advance of the meeting.

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.mendocinocounty.org/departments.htm.

Board proceedings are broadcast on the local Public Access Channel to accommodate greater public access; tune in at the corresponding Open Session time as posted on the front page of the Agenda.

LIVE WEB STREAMING OF BOARD MEETINGS: <https://mendocino.legistar.com>, or visit the County YouTube channel. For technical assistance, please contact the Clerk of the Board at (707) 463-4441.

Please reference the departmental website to obtain additional resource information for the Board of Supervisors: www.mendocinocounty.org/bos.

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