

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

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MENDOCINO COUNTY BOARD OF SUPERVISORS

ACTION MINUTES – July 19, 2016

**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 – 9:03 A.M.)

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

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

AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

Presenters: Ms. Mary Jane Montana, Interim Manager, Animal Care Services; Mr. Tom Allman, Sheriff; Ms. Amy Lee; and Ms. Susan Crews.

AGENDA ITEM NO. 4 – APPROVAL OF CONSENT CALENDAR

Board Action: GENERAL CONSENSUS OF THE BOARD that Consent Calendar items 4(j), 4(k) and 4(l) are removed for separate consideration.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Brown, and carried unanimously, IT IS ORDERED THAT CONSENT ITEMS 4(a) – 4(i); and 4(m)-4(n); are approved as follows:

4A) CLAIM OF MARILYN FELLDIN

Rejected;

4B) CLAIM OF DEBORA DELONG

Rejected;

4C) AUTHORIZATION FOR THE COUNTY CLERK TO CONDUCT AND CONSOLIDATE THE CITY OF WILLITS', THE CITY OF FORT BRAGG'S AND THE CITY OF POINT ARENA'S COUNCIL MEMBER ELECTIONS WITH THE PRESIDENTIAL GENERAL ELECTION SCHEDULED FOR TUESDAY, NOVEMBER 8, 2016 - SPONSOR: ASSESSOR/CLERK-RECORDER

Approved;

4D) AUTHORIZATION FOR THE COUNTY CLERK TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION FOR THE CITY OF FORT BRAGG (MEASURE AA AND MEASURE AB) WITH THE PRESIDENTIAL GENERAL ELECTION SCHEDULED FOR TUESDAY, NOVEMBER 8, 2016- SPONSOR: ASSESSOR/CLERK-RECORDER

Approved;

4E) AUTHORIZATION FOR THE COUNTY CLERK TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION FOR THE CITY OF POINT ARENA (MEASURE AC AND MEASURE AD) WITH THE PRESIDENTIAL GENERAL ELECTION SCHEDULED FOR TUESDAY, NOVEMBER 8, 2016 - SPONSOR: ASSESSOR/CLERK-RECORDER

Approved;

4F) ADOPTION OF RESOLUTION GRANTING PERMISSION FOR THE MENDOCINO COUNTY FAIR AND APPLE SHOW TO HOLD A PARADE ON SUNDAY, SEPTEMBER 18, 2016, BETWEEN 12:00 P.M. AND 1:30 P.M. ALONG HIGHWAY 128 IN BOONVILLE - SPONSOR: SUPERVISOR HAMBURG

Adopted; and Chair is authorized to sign same;

Enactment No: Resolution 16-085

4G) ADOPTION OF PROCLAMATION RECOGNIZING JULY 24, 2016, AS LESBIAN, GAY, BISEXUAL, AND TRANSGENDER PRIDE DAY IN MENDOCINO COUNTY - SPONSORS: SUPERVISORS MCCOWEN AND BROWN

Adopted; and Chair is authorized to sign same;

4H) APPROVAL OF AGREEMENT WITH CRESTWOOD BEHAVIORAL HEALTH, INC. IN THE AMOUNT OF \$67,160 TO PROVIDE RESIDENTIAL TREATMENT SERVICES FOR ADULTS WITH MENTAL HEALTH CHALLENGES FOR FISCAL YEAR 2016-17 - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Approved; and Chair is authorized to sign same;

Enactment No: Agreement 16-058

4M) APPROVAL OF REVENUE AGREEMENT No. 2016-29 WITH THE U.S. DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION IN THE AMOUNT OF \$60,000 FOR THE ERADICATION AND SUPPRESSION OF ILLICIT CANNABIS ON FEDERAL LANDS - SPONSOR: SHERIFF-CORONER

Approved and Chair is authorized to sign same;

Enactment No: Agreement 16-062*

4N) APPROVAL OF THE 2016 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) IN THE AMOUNT OF \$143,435; AND ADOPTION OF RESOLUTION AUTHORIZING THE DIRECTOR AND ASSISTANT DIRECTOR OF EMERGENCY SERVICES TO EXECUTE ANY ACTIONS NECESSARY UNDER GRANT; AND ADOPTION OF STATE GOVERNING BODY RESOLUTION ACCOMPANYING THE EMPG APPLICATION - SPONSOR: SHERIFF-CORONER

Approved and Chair is authorized to sign same;

Enactment No: 16-087

4O) APPROVAL OF OUTDOOR FESTIVAL APPLICATION FOR THE ENCHANTED FOREST FESTIVAL, TO BE HELD JULY 21-24, 2016, IN LAYTONVILLE, CALIFORNIA – SPONSOR: TREASURER-TAX COLLECTOR

Approved;

4I) ADOPTION OF RESOLUTION AUTHORIZING THE PROCESSING OF A CONSOLIDATED COASTAL DEVELOPMENT PERMIT BY THE CALIFORNIA COASTAL COMMISSION FOR THE NOYO HARBOR DISTRICT TO AUTHORIZE THE BOAT LAUNCH RAMP AND PARKING FACILITIES PROJECT WITHIN MENDOCINO COUNTY COASTAL ZONE - SPONSOR: PLANNING AND BUILDING SERVICES

Adopted and Chair is authorized to sign same.

Enactment No: Resolution 16-086

4J) APPROVAL OF AGREEMENT WITH LACO ASSOCIATES IN THE AMOUNT OF \$150,000 TO CONDUCT STATE MANDATED ANNUAL INSPECTIONS OF COUNTY MINES AND QUARRIES AND PREPARATION OF INSPECTION REPORTS FOR THE TERM OF JULY 1, 2016 TO JUNE 30, 2018 - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Steve Dunicliff, Director, Planning and Building Services.

Public Comment: None.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor McCowen, IT IS ORDERED that the Board of Supervisors approves Agreement with LACO Associates in the amount of \$150,000 to conduct State mandated inspections of County mines and quarries and prepare inspection reports for the term July 1, 2016 to June 30, 2018; authorize the Planning and Building Services Director to sign any future amendments to the Agreement that do not affect the maximum amount; and authorizes Chair to sign same. The motion carried by the following vote:

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

No: 1 - Supervisor Woodhouse

Enactment No: Agreement 16-059

4K) APPROVAL OF AGREEMENT WITH LACO ASSOCIATES IN THE AMOUNT OF \$400,000 TO PROVIDE ON-CALL PLANNING SERVICES FOR THE TERM OF JULY 1, 2016 TO JUNE 30, 2018 - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter: Mr. Steve Dunicliff, Director, Planning and Building Services.

Public Comment: Ms. Claudia Cress McNeelis.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Brown, IT IS ORDERED that the Board of Supervisors approves Agreement with LACO Associates in the amount of \$400,000 to provide on-call planning services for the term July 1, 2016 to June 30, 2018; authorize the Planning and Building Services Director to sign any future amendments to the Agreement that do not affect the maximum amount; and authorizes Chair to sign same. The motion carried by the following vote:

Aye: 5 - Supervisor Brown, Supervisor McCowen, Supervisor Woodhouse, Chair Gjerde, and Supervisor Hamburg

Enactment No: Agreement 16-060

4L) APPROVAL OF AGREEMENT WITH DEBORAH YACOBELLIS IN THE AMOUNT OF \$90,000 TO PROVIDE TRAKIT PERMIT SYSTEM MAINTENANCE AND UPDATES FOR THE TERM OF JULY 1, 2016 TO JUNE 30, 2018 - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Steve Dunicliff, Director, Planning and Building Services.

Public Comment: None.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Brown and carried unanimously, IT IS ORDERED that the Board of Supervisors approves Agreement with Deborah Yacobellis in the amount of \$90,000 to provide Trakit permit system maintenance and updating services for the term July 1, 2016 to June 30, 2018; authorizes the Planning and Building Services Director to sign any future amendments to the Agreement that do not affect the maximum amount; and authorizes Chair to sign same. The motion carried by the following vote:

Aye: 5 - Supervisor Brown, Supervisor McCowen, Supervisor Woodhouse, Chair Gjerde, and Supervisor Hamburg

Enactment No: Agreement 16-061

5E) DISCUSSION AND POSSIBLE ACCEPTANCE OF AN INFORMATIONAL PRESENTATION ON THE DEPARTMENT OF PLANNING AND BUILDING SERVICES 2015-16 DEVELOPMENT ACTIVITY REPORT - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Steve Dunicliff, Director, Planning and Building Services.

Public Comment: Mr. Louis Bigfoot.

Board Action: GENERAL CONSENSUS OF THE BOARD that Planning and Building Services staff shall prepare an item to place on the August 2, 2016, Consent calendar to formalize an amnesty program which shall be open for one year effective July 1, 2016 through June 30, 2017.

BOARD RECESS: 10:47 A.M. - 11:15 A.M.

5C) DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION TO PRESENT TO THE VOTERS OF THE COUNTY A MEASURE ADDING CHAPTER 6.23 OF TITLE 6 TO THE MENDOCINO COUNTY CODE ESTABLISHING CANNABIS BUSINESS LICENSE TAXES AND ORDERING CONSOLIDATION OF SAID ELECTION WITH THE CONSOLIDATED GENERAL ELECTION CALLED FOR NOVEMBER 8, 2016; AND INTRODUCTION AND WAIVE READING OF AN ORDINANCE ADDING CHAPTER 6.23 TO THE MENDOCINO COUNTY CODE IMPOSING A CANNABIS BUSINESS TAX ON COMMERCIAL CANNABIS BUSINESSES – SPONSOR: EXECUTIVE OFFICE

Supervisor Hamburg recused himself due to a potential conflict.

SUPERVISOR HAMBURG ABSENT: 11:05 A.M.

Presenter/s: Mr. Alan D. Flora, Assistant Chief Executive Officer; Mr. Matt Kiedrowski, Deputy County Counsel II; and Ms. Katharine L. Elliott, County Counsel.

Public Comment: Ms. Corinne Powell; Ms. Hannah Nelson; Mr. Lawrence Rosen; Mr. Justin Calvino; Ms. Valerie Edwards; Mr. Doug Kerseg; Ms. Johanna Mortz; Ms. Ali Boecker; Mr. Casey O'Neill; Ms. Deborah Kelley; Ms. Kate Gaston; Ms. Jude Thilman; and Ms. Shari Schapmire, Treasurer-Tax Collector.

Board Action: Upon motion by Supervisor Woodhouse, seconded by Supervisor McCowen, IT IS ORDERED that the Board of Supervisors adopts Resolution presenting to the voters of the County a measure adding Chapter 6.23 of Title 6 to the Mendocino County Code imposing a Cannabis Business License Tax and ordering consolidation of said election with the consolidated General Election called for November 8, 2016, and authorizes Chair to sign same; and introduces and waives reading of an Ordinance adding Chapter 6.23 to Title 6 to the Mendocino County Code imposing a Cannabis Business Tax on commercial cannabis businesses, as revised. (Ordinance revised as follows : the second sentences of paragraph (B)(2) and (C)(2) would be changed to read "Incremental increases in the tax rate shall occur following an approval by the Board of Supervisors at a regularly scheduled meeting of the Board of Supervisors, and occur not more than once per fiscal year." The motion carried by the following vote:

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

Recused: 1 - Supervisor Hamburg

Enactment No: Resolution 16-088

Board Action: GENERAL CONSENSUS OF THE BOARD that Executive Office staff shall compile a list of identified priorities for the distribution of the tax generated from Cannabis Business Licenses and present item at the Board of Supervisors meeting on August 2, 2016.

BOARD RECESS: 12:18 P.M. - 1:34 P.M.

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 - SPONSOR: GENERAL GOVERNMENT COMMITTEE

Supervisor Hamburg recused himself on this item due to a conflict.

SUPERVISOR HAMBURG ABSENT: 1:41 P.M.

Presenter/s: Mr. Chuck Morse; Agricultural Commissioner; Mr. Andy Gustavson, Chief Planner, Planning and Building Services; Ms. Sarah Dukett, Administrative Analyst II, Executive Office; Mr. Matt Kiedrowski, Deputy County Counsel II; and Ms. Katharine L. Elliott, County Counsel.

Public Comment: Ms. Hannah Nelson; Ms. Jeanette Pedersen; Ms. Ali Boecher (for Ms. Jude Thilman); Mr. Lawrence Rosen; Mr. Tim Bloke; Ms. Devon Jones; Mr. Justin Calvino; Mr. John Park; Ms. Valerie Edwards; Mr. Michael Steinmetz; Mr. Ron Edwards; Ms. Ellen Drell; Ms. Ali Boecker; Mr. Casey O'Neill; Mr. Leif Bierer; Ms. Johanna Mortz; Ms. Corinne Powell; Mr. Craig Pedersen; Mr. Jordan Caballero; Mr. Dwight Harris; Mr. Stephen Iberg; and Mr. Stuart Marcus.

BOARD RECESS: 3:02 P.M. - 3:19 P.M.

Board Action: GENERAL CONSENSUS OF THE BOARD that this item shall be continued to the August 2, 2016, Board of Supervisors Meeting, to be heard at 1:30 P.M.

BOARD RECESS: 4:32 P.M. - 4:42 P.M.

5D) 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. Andy Gustavson, Chief Planner, Planning and Building Services.

Public Comment: None.

Board Action: No action taken.

5a) CHIEF EXECUTIVE OFFICER’S REPORT

Board Action: No action taken.

5B) DISCUSSION AND POSSIBLE ACTION INCLUDING REVIEW, ADOPTION, AMENDMENT, CONSIDERATION OR RATIFICATION OF LEGISLATION PURSUANT TO THE ADOPTED LEGISLATIVE PLATFORM

Board Action: No action taken.

6A) SUPERVISORS’ REPORTS REGARDING BOARD SPECIAL ASSIGNMENTS, STANDING AND AD HOC COMMITTEE MEETINGS, AND OTHER ITEMS OF GENERAL INTEREST

Board Action: No action taken.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 5:36 P.M.

Attest: KARLA VAN HAGEN
Deputy Clerk of the Board

DAN GJERDE, Chair

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

- Effective March 1, 2009, Board of Supervisors minutes will be produced in “action only” format. As an alternative service, public access to recorded Board proceedings will be available on the Board of Supervisors’ website in indexed audio format
- LIVE WEB STREAMING OF BOARD MEETINGS is now available via the County’s YouTube Channel. If technical assistance is needed, please contact The Mendocino County Executive Office at (707) 463-4441.
- Minutes are considered draft until adopted/approved by the Board of Supervisors
- The Board of Supervisors’ action minutes are also posted on the County of Mendocino website at: www.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