

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
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MENDOCINO COUNTY BOARD OF SUPERVISORS

ACTION MINUTES –August 2, 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 9:03A.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. Ms. Nicole French, Deputy Clerk of the Board.

Pledge of Allegiance: Mr. Dave Jensen.

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-CORONER

Presenter/s: Mr. Tom Allman, Sheriff.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Hamburg, IT IS ORDERED that the Board of Supervisors adopts 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 adopts 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. The motion carried by the following vote:

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

Enactment No: Ordinance 4360, Resolution 16-089

AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

Presenter/s: Ms. Jo Bradley; Mr. Brent Haugen; Ms. Mary Jane Montana; Ms. Alisha Marin; Ms. Cambria Milani; Mr. Dave Jensen; and Ms. Katharine McKay.

AGENDA ITEM NO. 4 – APPROVAL OF CONSENT CALENDAR

Presenter/s: Chair Gjerde.

Public Comment: Mr. Hal Wagenet; Mr. Spencer Manners; Ms. Sarah Bodnar; Mr. Richard Mack; and Ms. Sherry Glaser.

Board Directive: Consent Calendar items 4(e), 4(l), and 4(s) removed for separate consideration.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Woodhouse, and carried unanimously, IT IS ORDERED THAT CONSENT ITEMS 4(a)-4(d), 4(f)-4(k); 4(m) - 4(r); and 4(t) are approved as follows:

4A) CLAIM OF TIM BRENNAN

Denied;

4B) CLAIM OF BROOKSIDE RETIREMENT RESIDENCE

Denied;

4C) CLAIM OF SARAH ROUSE

Denied;

4D) APPROVAL OF RECOMMENDED APPOINTMENTS/REAPPOINTMENTS

Approved;

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 included a waiver of residency as he lives outside of the Hopland Cemetery District boundaries);

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 ACTION – SPONSOR: ASSESSOR-CLERK-RECORDER

Approved;

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 - SPONSOR: AUDITOR-CONTROLLER

Approved and Chair is authorized to sign same;

Enactment No: Agreement 16-063

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 - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 16-090

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 - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 16-091

4J) ADOPTION OF RESOLUTION ADOPTING THE CLASSIFICATION AND ESTABLISHING THE SALARY OF CHIEF DEPUTY AUDITOR CONTROLLER - SPONSOR: HUMAN RESOURCES

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 16-092

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 - SPONSOR: PLANNING AND BUILDING SERVICES

Approved;

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 - SPONSOR: PLANNING AND BUILDING SERVICES

Approved and Chair is authorized to sign same;

Enactment No. Agreement 16-065

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 - SPONSOR: SHERIFF-CORONER

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 16-093

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) - SPONSOR: TRANSPORTATION

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 16-094, Agreement 16-066

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) - SPONSOR: TRANSPORTATION

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 16-095, Agreement 16-067

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) - SPONSOR: TRANSPORTATION

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 16-096

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) - SPONSOR: TRANSPORTATION

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 16-097, Agreement 16-068

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) – SPONSOR: TRANSPORTATION

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 16-098

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

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” – SPONSOR: ASSESSOR/CLERK RECORDER

Presenter/s: None.

Public Comment: None.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Woodhouse, IT IS ORDERED that the Board of Supervisors accepts the certification of initiative signatures by the Mendocino County Registrar of Voters. The motion carried by the following vote:

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

Recuse: 1 - Supervisor Hamburg

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) - SPONSOR: TRANSPORTATION

Presenter/s: Supervisor Woodhouse and Mr. Howard Dashiell, Director, Transportation.

Public Comment: None.

Board Action: Upon motion by Supervisor Woodhouse, seconded by Supervisor Brown, IT IS ORDERED that the Board of Supervisors adopts 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 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: Resolution 16-099

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 - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Supervisor McCowen and Mr. Jon Moore, Administrative Services Manager, Planning and Building Services.

Public Comment: None.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Brown, IT IS ORDERED that the Board of Supervisors approves 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. The motion carried by the following vote:

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

No: 1 - Supervisor Woodhouse

5E) DISCUSSION AND POSSIBLE ACTION REGARDING THE STATUS OF ADULT MENTAL HEALTH SERVICES TRANSITION AND RELATED ACTIVITIES - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Presenter/s: Ms. Tammy Moss Chandler, Director, Health and Human Services Agency; Dr. Jenine Miller, Behavioral Health Director, Health and Human Services Agency; and Ms. Camille Schraeder, Director, Redwood Quality Management Company.

Public Comment: None.

Board Action: No action taken.

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 - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. John Speka, Planner III, Planning and Building Services and Mr. Andy Gustavson, Senior Planner, Planning and Building Services.

Public Comment: Ms. Camille Schraeder and Mr. Aeolian Vincent DePaule.

Board Directive: GENERAL CONSENSUS OF THE BOARD this item is hereby continued to the September 13, 2016, Regular meeting of the Board of Supervisors.

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 - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Andy Gustavson, Senior Planner, Planning and Building Services.

Public Comment: None.

Board Action: No action taken.

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 - SPONSOR: EXECUTIVE OFFICE

Presenter/s: Mr. Christopher Shaver, Deputy Chief Executive Officer; Mr. Cordel Stillman, Deputy Chief Engineer, Sonoma County Water Agency; and Ms. Kate Kelly, Public Affairs and Marketing Director, Sonoma Clean Power.

Public Comment: Mr. Joel Chaban; Ms. Kay Martin; and Mr. Jim Koogle.

Board Action: Upon motion by by Supervisor Hamburg, seconded by Supervisor Brown, IT IS ORDERED that the Board of Supervisors adopts 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, incorporating amended language to the Resolution as provided by Supervisor McCowen: "WHEREAS, SCPA representatives have stated a willingness to consider including one Mendocino County representative on the SCPA Board and a second Mendocino County representative (collectively representing the cities) if all eligible Mendocino County cities apply and are accepted for participation in the SCPA; and" and "WHEREAS, SCPA representatives have stated a willingness to consider proportional and equitable use of program funds and mutually beneficial local partnerships; and" as the eighth and ninth paragraphs of the Resolution, and authorizes Chair to sign same; and, introduces and waives reading of an Ordinance authorizing the implementation of a CCA program. The motion carried by the following vote:

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

Enactment No: Resolution 16-100

6C) DISCUSSION AND POSSIBLE ACTION REGARDING A TAX SHARING AGREEMENT BETWEEN THE COUNTY OF MENDOCINO AND THE CITY OF WILLITS - SPONSOR: SUPERVISOR WOODHOUSE

Presenter/s: Supervisor Woodhouse.

Public Comment: None.

Board Action: No action taken.

6A) 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.

ADJOURNED TO LUNCH RECESS: 12:17 P.M.

RECONVENED IN OPEN SESSION: 1:34 P.M.

SUPERVISOR HAMBURG RECUSED HIMSELF FROM ITEMS 6(B) AND 5(D)

SUPERVISOR HAMBURG ABSENT AT 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 CONTINUED FROM THE JULY 19, 2016 BOARD OF SUPERVISORS MEETING - SPONSOR: GENERAL GOVERNMENT COMMITTEE

Presenter/s: Mr. Chuck Morse, Agricultural Commissioner/Sealer of Weights and Measures; Mr. Andy Gustavson, Senior Planner, Planning and Building Services; Mr. Matthew Kiedrowski, Deputy County Counsel; and Ms. Sarah Dukett, Administrative Analyst, Executive Office.

Public Comment: Mr. Craig Pedersen; Ms. Teri Johnson; Ms. Jeanette Pedersen; Mr. Mike Sweeney; Mr. Terry Guerrero; Mr. Larry Rosen; Ms. Deborah Edelman; Ms. Valerie Edwards; Ms. Julie Cartier; Mr. Jason Brenner; Ms. Susan Schindler; Mr. Ben Blake; Ms. Corinne Powell; Mr. Harry Marchant; Mr. Avery Edmunds; Mr. Ross Liberty; Ms. Sherry Glaser; Mr. Swami Chaitanya; Ms. Sarah Bodnar; Ms. Jude Thilman; Mr. Casey O'Neill; Ms. Nikki Lastreto; Mr. Joshua Keats; Mr. Eric Leeds; Mr. Kevin Porter; Mr. William Porter; Ms. Hannah Nelson; Mr. Justin Calvino; Mr. Michael Steinmetz; Ms. Pebbles Trippet; and Mr. Brian Carson.

BOARD RECESS: 3:40 P.M. – 3:54 P.M.

Board Directive: GENERAL CONSENSUS OF THE BOARD that while cannabis could be cultivated on Williamson Act land, it could not be used to qualify land for Williamson Act.

Board Directive: GENERAL CONSENSUS OF THE BOARD that the Right to Farm Act would not apply to cannabis cultivation at this time.

Board Directive: GENERAL CONSENSUS OF THE BOARD to eliminate the 2 acre minimum for cottage cannabis cultivation for existing cultivators.

Board Directive: GENERAL CONSENSUS OF THE BOARD to allow indoor industrial cultivation for new permits effective January 1, 2018.

Board Directive: GENERAL CONSENSUS OF THE BOARD directing staff to refrain from using acronyms in the titles of draft cannabis ordinances.

Board Directive: GENERAL CONSENSUS OF THE BOARD in the forest land and TPZ, existing grows with an administrative permit can be approved in the medium to large size facility.

Board Directive: GENERAL CONSENSUS OF THE BOARD directing staff to research the impacts of a transfer mechanism for individuals with permits to move cultivation of cannabis from one property to another and present this information to the Board of Supervisors at a future meeting and potentially the Planning Commission.

Board Directive: GENERAL CONSENSUS OF THE BOARD that staff shall provide an update on the existing 9.31 urgency ordinance program monthly at a meeting of the Board of Supervisors.

Board Directive: GENERAL CONSENSUS OF THE BOARD that staff shall provide an update on the environmental process at each meeting of the Board of Supervisors.

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 - SPONSOR: COUNTY COUNSEL

Presenter/s: Ms. Katharine L. Elliott, County Counsel; Supervisor Dan Gjerde; and Mr. Matthew Kiedrowski, Deputy County Counsel.

Public Comment: Mr. Larry Rosen; Ms. Sherry Glaser; Ms. Mary Aigner; Ms. Hannah Nelson; Ms. Jude Thilman; Mr. Brian Carson; Ms. Susan Schindler; Mr. Bill Knapp; Mr. Michael Schaeffer; Mr. Carl Magann; Mr. Casey O'Neill; Mr. Joseph Sidell; and Mr. Stuart Marcus.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Woodhouse, IT IS ORDERED that the Board of Supervisors adopts Resolution presenting to the voters of the County a proposed ordinance adding Chapter 6.32 of Title 6 to the Mendocino County Code Establishing Cannabis Business License Taxes. The motion carried by the following vote:

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

Recuse: 1 - Supervisor Hamburg

BBOARD RECESS: 5:35 P.M. – 5:41 P.M.

SUPERVISOR HAMBURG PRESENT AT 5:41 P.M. [FOR THE PURPOSE OF DISCUSSION ONLY, SUPERVISOR HAMBURG REMAINED RECUSED FROM VOTING]

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Brown, IT IS ORDERED that the Board of Supervisors reconsiders the previous action. The motion carried by the following vote:

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

Recuse: 1 - Supervisor Hamburg

SUPERVISOR HAMBURG ABSENT AT 6:21 P.M.

Board Action: Upon substitute motion by Supervisor McCowen, seconded by Supervisor Brown, IT IS ORDERED that the Board of Supervisors adopts a Resolution presenting an advisory ballot measure regarding the expenditure of any funds raised by Chapter 6.32, if approved by the voters, directing staff to add the following language: “should the County use a majority of that revenue for funding enforcement of marijuana regulations, enhanced mental health services, repair of county roads, and increased fire and emergency medical services,” and language seeking voter approval to allow the use of any enacted business license tax revenue related to marijuana ballot measures to be used for these purposes; and ordering consolidation of said election with the consolidated General Election called for November 8, 2016, and authorizes Chair to sign same; conducts second reading and adopts Ordinance adding Chapter 6.32 to Title 6 to the Mendocino County Code imposing a cannabis business tax on commercial cannabis businesses, and authorizes Chair to sign same; and appoints an ad hoc committee to prepare arguments in favor of the ordinance and rebuttal arguments to any opposition. The motion carried by the following vote:

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

Recuse: 1 - Supervisor Hamburg

Enactment No.: Resolution 16-101, Ordinance No. 4361

ADJOURNED TO CLOSED SESSION 6:28 P.M.

SUPERVISOR HAMBURG PRESENT AT 6:28 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 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 ITEM WITHDRAWN

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

RECONVENED IN OPEN SESSION 6:51 P.M.

AGENDA ITEM NO. 9 – REPORT OUT OF CLOSED SESSION

Presenter/s: Chair Gjerde.

Board Action: In respect to items 9(a), 9(c), and 9(d), no action was taken.

5A) CHIEF EXECUTIVE OFFICER’S REPORT - SPONSOR: EXECUTIVE OFFICE

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 - SPONSOR: EXECUTIVE OFFICE

Board Action: No action taken.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 6:52 P.M.

Attest: NICOLE FRENCH
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) 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