

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

ACTION MINUTES –November 14, 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 9:00 A.M.)

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

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

The Pledge of Allegiance was led by: Mr. John Macdonald.

4F) ADOPTION OF PROCLAMATION RECOGNIZING JOHN MACDONALD IN ACHIEVING THE RANK OF EAGLE SCOUT IN THE BOY SCOUTS OF AMERICA, TROOP 316 IN MENDOCINO COUNTY - SPONSOR: SUPERVISORS MCCOWEN AND BROWN

Presenter/s: Supervisor McCowen.

Public Comment: Mr. John Macdonald.

Board Action: None.

AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

Presenter/s: None.

AGENDA ITEM NO. 4 – APPROVAL OF CONSENT CALENDAR

Presenter/s: Chair Gjerde.

Public Comment: None.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Brown, and carried unanimously (4/1, with Supervisor Woodhouse absent), IT IS ORDERED THAT CONSENT ITEMS 4(a) – 4(p); are approved as follows with direction to the Health and Human Services Agency Director in the matter of item 4(j) to negotiate a removal of section 24 of the agreement or a revision to the language in section 24 of the agreement regarding approval from Humboldt County for advertising and media release:

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

Absent: 1 - Supervisor Woodhouse

4A) APPROVAL OF RECOMMENDED APPOINTMENTS/REAPPOINTMENTS - SPONSOR: EXECUTIVE OFFICE

Mr. Steve Bradley, Noyo Harbor District, Commissioner; Ms. Louise Osejo, In Home Supportive Services Advisory Committee, Current or Former IHSS Recipient; and Ms. Danyele Chamberlain, In Home Supportive Services Advisory Committee, Current or Former IHSS Provider; Mr. Keri St. Jeor, Museum Advisory Board, 5th District Representative; Ms. Christine Clark, Anderson Valley Cemetery District, Trustee; Mr. James Hill, Anderson Valley Cemetery District, Trustee; Ms. Eva Johnson, Anderson Valley Cemetery District, Trustee; Mr. Donald Smoot, Anderson Valley Cemetery District, Trustee.

Approved;

4B) ACCEPTANCE OF REPORT FOR 2016 17 FROM THE MENDOCINO COUNTY SUPERINTENDENT OF SCHOOLS ON THE STATUS OF DECILE 1 3 SCHOOLS IN MENDOCINO COUNTY, PURSUANT TO THE WILLIAMS LEGISLATION - SPONSOR: EXECUTIVE OFFICE

Approved;

4C) REAFFIRMATION OF A DECLARATION OF EMERGENCY PURSUANT TO MCC SEC. 2.32.040 AND PUBLIC CONTRACT CODE SECTION 22050 DUE TO DAMAGE TO A COUNTY OWNED FACILITY LOCATED AT 737 S. STATE ST., UKIAH CAUSED BY FLOODING - SPONSOR: EXECUTIVE OFFICE

Approved;

4D) ADOPTION OF RESOLUTION APPROVING THE INCLUSION OF PROPERTIES WITHIN THE COUNTY'S JURISDICTION IN THE CALIFORNIA HERO PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVAL OF AN AMENDMENT TO A CERTAIN JOINT POWERS AGREEMENT ADDING COUNTY OF MENDOCINO AS AN ASSOCIATE MEMBER OF THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS TO PERMIT THE PROVISION OF PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM SERVICES - SPONSOR: EXECUTIVE OFFICE

Adopted and Chair is authorized to sign same;

Enactment Nos: Resolution 16-134, Agreement 16-1094

4E) AUTHORIZATION OF BLANKET DECLARATION OF SURPLUS PROPERTY AND AUTHORIZATION FOR PURCHASING AGENT TO DISPOSE OF SAID SURPLUS PROPERTY THROUGHOUT FISCAL YEAR (FY) 2016 17 - SPONSOR: EXECUTIVE OFFICE

Approved;

4G) APPROVAL OF AMENDMENT TO AGREEMENT NO. PA 16-99 WITH LACO ASSOCIATES IN THE AMOUNT OF \$27,000, FOR A NEW TOTAL AGREEMENT AMOUNT OF \$77,000 FOR FISCAL YEAR 2016-2017, AND EXTEND THE TERMINATION DATE FROM DECEMBER 31, 2016 TO JUNE 30, 2017, TO PROVIDE PROFESSIONAL SERVICES SPECIFIC TO THE DEVELOPMENT OF A MEDICAL CANNABIS CULTIVATION REGULATION INITIAL STUDY - SPONSOR: BOARD OF SUPERVISORS

Approved and Chair is authorized to sign same;

Enactment No.: Agreement 16-1095

[Clarification: This item was sponsored by Planning and Building Services]

4H) ADOPTION OF THE MENDOCINO COUNTY ASSESSMENT APPEALS BOARD LOCAL RULES FOR 2016 17 - SPONSOR: BOARD OF SUPERVISORS

Approved;

[Clarification: This item was sponsored by the Executive Office]

4I) ADOPTION OF RESOLUTION AUTHORIZING THE CONSOLIDATION OF ELECTION OF THE GOVERNING BOARD OF THE MENDOCINO UNIFIED SCHOOL DISTRICT WITH THE GENERAL ELECTION TO BE HELD IN NOVEMBER DURING EVEN NUMBERED YEARS - SPONSOR: COUNTY COUNSEL

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 16-135

4J) APPROVAL OF AGREEMENT WITH HUMBOLDT COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES MENTAL HEALTH IN THE AMOUNT OF \$150,000 TO PROVIDE SPECIALIZED MENTAL HEALTH SERVICES FOR MENDOCINO COUNTY PROBATION YOUTH PLACED IN THE LOCKED FACILITY IN FISCAL YEAR 2016 17 - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Approved and Chair is authorized to sign same;

Enactment No: Agreement 16-1096

4K) ADOPTION OF PROCLAMATION DECLARING NOVEMBER 2016 AS DIABETES AWARENESS MONTH IN MENDOCINO COUNTY - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Adopted and Chair is authorized to sign same;

4L) ADOPTION OF RESOLUTION AMENDING RESOLUTION NO. 16 132, CORRECTING THE SALARY GRADE, BARGAINING UNIT, AND BIWEEKLY SALARY OF DELETED POSITION NUMBER 3723, DEPUTY DIRECTOR OF MENTAL HEALTH SERVICES - SPONSOR: HUMAN RESOURCES

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 16-136

4M) AUTHORIZATION OF THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. CDP 2016 0022 (HEID/MALINA) TO CONSTRUCT A GUEST COTTAGE IN ALBION, LOCATED AT 33801 NAVARRO RIDGE ROAD; APN 123 320 07 - SPONSOR: PLANNING AND BUILDING SERVICES

Approved;

4N) RATIFICATION OF SUBMISSION OF 2017 APPLICATION FOR DOMESTIC CANNABIS ERADICATION SUPPRESSION PROGRAM (DCESP) FUNDING FROM THE UNITED STATES DEPARTMENT OF JUSTICE (U.S. DOJ) DRUG ENFORCEMENT AGENCY (DEA) - SPONSOR: SHERIFF-CORONER

Approved and Chair is authorized to sign same;

Enactment No: Agreement 16-1097

4O) ACCEPTANCE OF THE SEPTEMBER 30, 2016, REPORT OF MENDOCINO COUNTY POOLED INVESTMENTS - SPONSOR: TREASURER-TAX COLLECTOR

Approved;

THE BOARD OF SUPERVISORS JOINTLY CONVENED AS THE AIR QUALITY MANAGEMENT DISTRICT IN CONSIDERATION OF ITEM 4(p)

4P) APPROVAL OF APPLICATION FOR SUBVENTION FUNDS FROM THE CALIFORNIA AIR RESOURCES BOARD AND AUTHORIZATION FOR THE AIR POLLUTION CONTROL OFFICER TO SIGN AND SUBMIT THE APPLICATION TO THE CALIFORNIA AIR RESOURCES BOARD - SPONSOR: AIR QUALITY MANAGEMENT DISTRICT

Approved.

5C) PRESENTATION OF FY 2016 17 1ST QUARTER BUDGET REPORT AND ADOPTION OF RESOLUTION AMENDING THE FY 2016 17 ADOPTED BUDGET - SPONSOR: EXECUTIVE OFFICE

Presenter/s: Ms. Carmel J. Angelo, Chief Executive Officer; Mr. Alan Flora, Assistant Chief Executive Officer; and Mr. Lloyd Weer, Auditor Controller.

Public Comment: Mr. Thomas Allman, Sheriff and Ms. Tammy Moss Chandler, Director, Health and Human Services Agency.

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor Brown, IT IS ORDERED that the Board of Supervisors Accept the FY 2016 17 1st Quarter Budget Report; adopts Resolution amending the FY 2016 17 Adopted Budget; and authorizes Chair to sign same. The motion carried by the following vote:

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

Absent: 1 - Supervisor Woodhouse

Enactment No.: Resolution 16-137

BOARD RECESS: 10:20 A.M. - 10:33 A.M.

5D) DISCUSSION AND POSSIBLE ACTION REGARDING THE ADULT MENTAL HEALTH SERVICES TRANSITION AND FIRST QUARTER ACCOMPLISHMENTS (JULY 1 - SEPTEMBER 30, 2016) - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

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

Public Comment: Ms. Kate Gaston.

Board Action: None.

5I) 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: None.

5J) DISCUSSION AND POSSIBLE ACCEPTANCE OF DEPARTMENT OF PLANNING AND BUILDING SERVICES DEVELOPMENT ACTIVITY REPORT FOR THE MONTH OF OCTOBER 2016 - SPONSOR: PLANNING AND BUILDING SERVICES

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

Public Comment: None.

Board Action: None.

5K) TRANSPORTATION DIRECTORS REPORT - SPONSOR: TRANSPORTATION

Presenter/s: Supervisor Gjerde

Public Comment: None.

Board Action: None.

LUNCH RECESS: 11:44 A.M - 1:33 P.M.

5E) NOTICED PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S OCTOBER 6, 2016, ACCEPTANCE OF A MEMORANDUM AS AN ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION ADOPTED FOR USE PERMIT UR_2009-0002 AND DETERMINATION THAT THE PROPOSED RELOCATION OF THE INTERNATIONAL INSTITUTE FOR PHILOSOPHY & ETHICS (IIPE) EAST CAMPUS IS CONSISTENT WITH CONDITION B 1 OF USE PERMIT UR 2009-0002 - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Ms. Janelle Rau, Deputy Chief Executive Officer; Mr. Andy Gustavson, Chief Planner, Planning and Building Services; and Mr. Robert Dostalek, Planner, Planning and Building Services.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Hamburg, IT IS ORDERED that the Board of Supervisors allow the public hearing to move forward. The motion carried by the following vote:

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

Absent: 1 - Supervisor Woodhouse

Appellant Presenter/s: Mr. Jody Sangiacomo and Ms. Vicky Sangiacomo.

Applicant Presenter/s: Ms. Amy Chang-Chien; Mr. John Chu; Mr. Terry Huffman; Mr. Brian Momsen; and Mr. Don Tomasi.

Public Comment: Mr. Ernest Waugh; Mr. Alan Nicholson; Mr. Dale Higgins; Ms. Tia Satterwhite; Mr. Miguel Rodriguez; Ms. Amanda Devereaux; Ms. Terri Nicholson; Ms. Monique Pelletier; Mr. Steve Samana; Ms. Meghan Sweet; and Ms. Laura German.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor McCowen, IT IS ORDERED that the Board of Supervisors denies the appeal and adopts Resolution finding that the proposed relocation of the IIPE/East Campus is consistent with Condition B-1 of Use Permit UR_2009-0002 and authorizes Chair to sign same; and, accepts the staff memorandum as an addendum to the Mitigated Negative Declaration adopted for Use Permit UR_2009-0002. The motion carried by the following vote:

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

Absent: 1 - Supervisor Woodhouse

Enactment No. Resolution 16-138

BOARD RECESS: 3:19 P.M. - 3:35 P.M.

5F) NOTICED PUBLIC HEARING - DISCUSSION AND POSSIBLE ADOPTION OF AN ORDINANCE REZONING ONE (1) PARCEL, (R_2016 0003 - ROSHELLE), TOTALING 119± ACRES CURRENTLY ZONED RL (RANGELAND) TO TPZ (TIMBER PRODUCTION ZONE), LOCATED AT 23700 RIDGEWAY HIGHWAY, POTTER VALLEY; ASSESSOR PARCEL NUMBERS 108-223-02, AND 037-370-34 - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Ms. Adele Philips, Planner, Planning and Building Services.

Public Comment: None.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Hamburg, IT IS ORDERED that the Board of Supervisors adopts Ordinance rezoning one (1) parcel, (R_2016 0003 - Roschelle), totaling 119 acres currently zoned RL to TPZ, located at 23700 Ridgeway Highway, Potter Valley; APN 108-223-02, and 037-370-34; and authorizes Chair to sign same. The motion carried by the following vote:

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

Absent: 1 - Supervisor Woodhouse

Enactment No.: Ordinance 4368

5G) NOTICED PUBLIC HEARING - DISCUSSION AND POSSIBLE ADOPTION OF AN ORDINANCE REZONING ONE (1) PARCEL, (R_2016-0001 RUSTIC RETIREMENT), TOTALING 160± ACRES CURRENTLY ZONED RL (RANGELAND) TO TPZ (TIMBER PRODUCTION ZONE), LOCATED AT 9120 PEACHLAND ROAD, BOONVILLE; ASSESSOR PARCEL NUMBER 046-550-76 - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Ms. Adele Philips, Planner, Planning and Building Services.

Public Comment: None.

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor Brown, IT IS ORDERED that the Board of Supervisors adopts Ordinance rezoning one (1) parcel, (R_2016 0001 Rustic Retirement), totaling 160± acres currently zoned RL to TPZ, located at 9120 Peachland Road, Boonville; APN 046 550 76; and authorizes Chair to sign same. The motion carried by the following vote:

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

Absent: 1 - Supervisor Woodhouse

Enactment No.: Ordinance 4369

5H) DISCUSSION AND POSSIBLE ACTION TO INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE AMENDING CHAPTER 18.16 OF THE COUNTY CODE RELATING TO THE MASTER GRID AND PROPERTY NUMBERING SYSTEM - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Steve Dunncliff, Director, Planning and Building Services and Mr. Russ Ford, Cartographer Planner, 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 introduces and waives first reading of Ordinance amending Chapter 18.16 of the County Code relating to the Master Grid and Property Numbering System. The motion carried by the following vote:

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

Absent: 1 - Supervisor Woodhouse

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

Presenter/s: Ms. Carmel J. Angelo, Chief Executive Officer and Ms. Janelle Rau, Deputy Chief Executive Officer.

Public Comment: None.

Board Action: None.

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

Presenter/s: None.

Public Comment: None.

Board Action: None.

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

Public Comment: None

Board Directive: GENERAL CONSENSUS OF THE BOARD to refer five code enforcement-related ordinances to the General Government Committee for review at their December 12, 2016 regular meeting.

ADJOURNED TO CLOSED SESSION: 10:50 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: COUNTY OF MENDOCINO V. SOLID WASTE SYSTEMS MENDOCINO COUNTY SUPERIOR COURT CASE No. SCUk CVG 11 59459****9C) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(C) – CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION – ONE CASE**

RECONVENED IN OPEN SESSION: 5:35 P.M.

AGENDA ITEM NO. 9 – REPORT OUT OF CLOSED SESSION

Presenter: Chair Gjerde.

Board Action: In Respect to items 9(a) - (c) direction was given to staff.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 5:35 P.M.

Attest: NICOLE FRENCH
Deputy Clerk of the Board II

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