

CARRE BROWN
1st District
Supervisor

JOHN MCCOWEN
2nd District
Supervisor
Chair

VACANT
3rd District
Supervisor

DAN GJERDE
4th District
Supervisor

DAN HAMBURG
5th District
Supervisor
Vice-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

ACTION MINUTES – March 7, 2017

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 9:02A.M.)

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

The Pledge of Allegiance was led by: Mr. Phil Dow.

AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

Presenter/s: Mr. Louis Bigfoot; Mr. Ron Edwards; Mr. Roger Wheeler; Ms. Julia Daykin; Mr. Mark Thies; Mr. Brandon Wheeler; Mr. James Smalley; Ms. Petra Buchanan; Mr. Anthony Adams; and Mr. Emmanuel Mallo.

AGENDA ITEM NO. 4 – APPROVAL OF CONSENT CALENDAR

Presenter/s: Chair McCowen.

Public Comment: Mr. Phil Dow; and Mr. Rick Ehlert, Programs Specialist, Sheriff Coroner.

Board Directive: Consent Calendar item 4(y) removed for separate consideration.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Hamburg, IT IS ORDERED THAT CONSENT ITEMS 4(a) – 4(k), 4(l) with direction to Supervisors Brown and Gjerde to modify language to paragraph two of the letter as necessary , 4(m) - 4(x), and 4(z) - 4(cc); are approved/rejected as follows:

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

No: 0 - None

4A) CLAIM OF JOHN MABERY

Rejected;

4B) CLAIM OF FRED SHOFNER

Rejected;

4C) CLAIM OF LAUREN CURLEE

Rejected;

4D) CLAIM OF JAY FERRICK

Rejected;

4E) CLAIM OF LORRAINE MATHEWS

Rejected;

4F) JANUARY 23, 2017 JOINT MEETING WITH THE BEHAVIORAL HEALTH ADVISORY BOARD MINUTES

Approved;

4G) JANUARY 24, 2017 REGULAR BOARD MEETING MINUTES

Approved;

4H) JANUARY 27, 2017 BOARD OF SUPERVISORS WORKSHOP MINUTES

Approved;

4I) APPROVAL OF RECOMMENDED APPOINTMENTS/REAPPOINTMENTS

Approve the following appointments/reappointments:

1. Hal Wagenet, North Coast Railroad Authority, Mendocino Representative;
2. Dan Potash, Mendocino Historical Review Board, Member;
3. John Simonich, Mendocino Historical Review Board, Member;
4. Jeffrey Warner, Community Development Commission, 4th District Representative;
5. Robert Boyd, Law Library Board of Trustees, Trustee;

4J) APPROVAL OF LETTERS OF SUPPORT FOR SENATE BILL 1 (BEALL) AND ASSEMBLY BILL 1 (FRAZIER) TO PROVIDE MUCH NEEDED NEW STATEWIDE INVESTMENT TO MAINTAIN AND IMPROVE LOCAL STREETS, ROADS, AND STATE HIGHWAYS TRANSPORTATION FUNDING PACKAGE - SPONSOR: EXECUTIVE OFFICE

Approved and Chair is authorized to sign same;

4K) ADOPTION OF PROCLAMATION RECOGNIZING MARCH 2017 AS AMERICAN RED CROSS MONTH IN MENDOCINO COUNTY - SPONSOR: EXECUTIVE OFFICE

Adopted and Chair is authorized to sign same;

4L) APPROVAL OF LETTER OF SUPPORT FOR ASSEMBLY BILL 174 (BIGELOW) - CALIFORNIA TRANSPORTATION COMMISSION MEMBERSHIP - SPONSOR: SUPERVISORS BROWN AND GJERDE

Approved and Chair is authorized to sign same;

4M) ADOPTION OF RESOLUTION AUTHORIZING THE CONSOLIDATION OF ELECTION OF THE GOVERNING BOARD OF THE MENDOCINO COUNTY OFFICE OF EDUCATION 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 17-024

4N) ADOPTION OF RESOLUTION AUTHORIZING THE CONSOLIDATION OF ELECTION OF THE GOVERNING BOARD OF THE MANCHESTER UNION ELEMENTARY 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 17-025

4O) ADOPTION OF RESOLUTION AUTHORIZING THE CONSOLIDATION OF ELECTION OF THE GOVERNING BOARD OF THE SOUTHERN HUMBOLDT 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 17-026

4P) APPROVAL OF REVENUE AGREEMENT WITH NORTH COAST DRIVERS FOR MULTIPLE OFFENDER DRINKING DRIVER PROGRAM SERVICES NOT TO EXCEED \$209,741 FOR FISCAL YEAR (FY) 2016 17 - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Approved and Chair is authorized to sign same;

Enactment No: Agreement 17-008

4Q) APPROVAL OF AMENDMENT TO AGREEMENT NO. BOS 16 072 WITH REDWOOD COMMUNITY SERVICES, INC. IN THE AMOUNT OF \$277,000 TO PROVIDE HOUSING AND SERVICES TO ASSIST EMANCIPATED FOSTER AND PROBATION YOUTH FOR HEALTH AND HUMAN SERVICES AGENCY (HHSA) FAMILY AND CHILDREN'S SERVICES (FCS) IN FISCAL YEAR 2016 17 - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Approved and Chair is authorized to sign same;

Enactment No: Agreement 16-072-A1

4R) RATIFICATION OF SUBMISSION OF APPLICATION FOR FUNDS AVAILABLE FROM CALIFORNIA DEPARTMENT OF PUBLIC HEALTH (CDPH), SAFE AND ACTIVE COMMUNITIES BRANCH IN THE AMOUNT OF \$52,500 TO PROVIDE SUPPORT TO THE OPIOID ABUSE PREVENTION COALITION (SAFE RX MENDOCINO) FROM JUNE 1, 2017 TO FEBRUARY 28, 2019; AND AUTHORIZATION FOR HEALTH AND HUMAN SERVICES AGENCY (HHSA) DIRECTOR/DESIGNEE TO SIGN AGREEMENT ON BEHALF OF BOARD, IF FUNDING IS GRANTED - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Approved;

4S) APPROVAL OF AGREEMENT WITH AMERICAN GUARD SERVICES, INC. IN THE AMOUNT OF \$93,312.00 FOR FISCAL YEAR (FY) 2016 17 FOR SECURITY GUARD SERVICES AT MENDOCINO COUNTY HEALTH AND HUMAN SERVICES AGENCY (HHSA); AUTHORIZE HHSA DIRECTOR TO SIGN ANY RENEWALS DURING FY 2017 18 AND 2018 19 OR AMENDMENTS THAT DO NOT AFFECT THE ANNUAL MAXIMUM AMOUNT - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Approved and Chair is authorized to sign same;

Enactment No: Agreement 17-009

4T) ADOPTION OF ORDINANCE AMENDING CHAPTER 9.05 OF MENDOCINO COUNTY CODE TITLED, "EMERGENCY MEDICAL RESPONSE" - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Adopted and Chair is authorized to sign same;

Enactment No: Ordinance 4379

4U) ADOPTION OF RESOLUTION ADOPTING CHANGES TO THE POSITION ALLOCATION TABLE AS FOLLOWS: HEALTH AND HUMAN SERVICES AGENCY (HHSA) MOVE ONE (1) FULL TIME EQUIVALENT (FTE) COMPLIANCE MANAGER FROM BUDGET UNIT (BU) 5020 TO BU 4050; BU 5010 DELETE ONE (1) FTE DEPARTMENT ANALYST AND ADD ONE (1) FTE SENIOR PROGRAM SPECIALIST - SPONSOR: HUMAN RESOURCES

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 17-027

4V) ADOPTION OF RESOLUTION AUTHORIZING ADOPTION OF CHANGES TO THE POSITION ALLOCATION TABLE AS FOLLOWS: LIBRARY, BUDGET UNIT 6110 - DELETE ONE (1) FULL TIME EQUIVALENT (FTE) SENIOR LIBRARY TECHNICIAN; ADD ONE (1) FTE DEPARTMENT APPLICATION SPECIALIST; AND AUTHORIZE THE RECLASSIFICATION AND SALARY ADJUSTMENT OF THE AFFECTED INCUMBENT - SPONSOR: HUMAN RESOURCES

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 17-028

4W) APPROVAL OF PRIVATE ROAD NAME PETITION RN 2016 0001, PURSUANT TO CHAPTER 18.16 OF THE MENDOCINO COUNTY CODE AND OFFICIALLY DETERMINING THE PRIVATE END ROUTE OF OAK KNOLL ROAD - SPONSOR: PLANNING AND BULIDING SERVICES

Approved;

4X) ADOPTION OF RESOLUTION AMENDING THE MEMBERSHIP CRITERIA FOR THE HOPLAND MUNICIPAL ADVISORY COUNCIL (MAC) TO ALLOW APPOINTMENTS OF REGISTERED VOTERS WHO RESIDE WITHIN, WORK OR CONDUCT BUSINESS WITHIN, OR OWN PROPERTY WITHIN THE HOPLAND MAC BOUNDARIES - SPONSOR: PLANNING AND BULIDING SERVICES

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 17-029;

4Z) ADOPTION OF RESOLUTION ESTABLISHING THE SOUTH COAST LANDFILL CLOSURE ACCOUNT AS THE FINANCIAL ASSURANCE MECHANISM FOR CLOSURE OF THE SOUTH COAST LANDFILL (GUALALA AREA) - SPONSOR: TRANSPORTATION

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 17-030;

4AA) ADOPTION OF RESOLUTION DECLARING CONTINUATION OF A LOCAL EMERGENCY RELATED TO THE JANUARY, FEBRUARY, AND MARCH 2017 WINTER STORMS EVENT (COUNTY WIDE) - SPONSOR: TRANSPORTATION

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 17-031;

4BB) APPROVAL TO DISCHARGE FROM ACCOUNTABILITY THE ATTACHED LIST OF CASES COMPRISED OF DELINQUENT FINES, PENALTIES, FEES, AND ASSESSMENTS DETERMINED TO BE NON-COLLECTIBLE DUE TO AGE OF DEBT, DEBTOR INABILITY TO PAY, OR LACK OF INFORMATION AVAILABLE TO LOCATE DEBTOR AND WHERE THE COST OF RECOVERY EXCEEDS THAT OF COLLECTION - SPONSOR: TREASURER-TAX COLLECTOR

Approved;

4CC) ADOPTION OF RESOLUTION APPROVING THE REQUEST TO SELL TAX DEFAULTED PROPERTY SUBJECT TO THE POWER OF SALE - SPONSOR: TREASURER-TAX COLLECTOR

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 17-032;

AGENDA ITEM NO. 4 – CONSENT CALENDAR – REMOVED FOR SEPARATE CONSIDERATION:**4Y) APPROVAL OF REVENUE AGREEMENT NO. 2017 28 WITH THE U.S. DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION IN THE AMOUNT OF \$70,000 FOR THE ERADICATION AND SUPPRESSION OF ILLICIT CANNABIS ON FEDERAL LANDS FOR THE PERIOD TERM OF OCTOBER 1, 2016 TO SEPTEMBER 30, 2017 - SPONSOR: SHERIFF-CORONER**

Presenter/s: Chair McCowen; and Mr. Randy Johnson, Undersheriff.

Public Comment: Mr. Ron Edwards; and Mr. Roger Wheeler.

Board Action: Upon motion by Supervisor Gjerde, seconded by Supervisor Hamburg, IT IS ORDERED that the Board of Supervisors approves revenue Agreement No. 2017 28 with the U.S. Department of Justice Drug Enforcement Administration in the amount of \$70,000 for the eradication and suppression of illicit cannabis on Federal lands for the period term of October 1, 2016 to September 30, 2017; authorizes the Sheriff to sign any future amendments to the Agreement that do not increase the annual maximum amount of the Agreement; and authorizes Chair to sign same. The motion carried by the following vote:

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

No: 0 - None

Enactment No: Agreement 17-010

5A) NOTICED PUBLIC HEARING AND POTENTIAL ADOPTION OF AN ORDINANCE ADOPTING BY REFERENCE THE 2016 CALIFORNIA BUILDING STANDARDS CODE AND PROPOSED LOCAL AMENDMENTS TO TITLE 18 OF THE MENDOCINO COUNTY CODE, ADOPTING LOCAL FINDINGS, AND MAKING OTHER TECHNICAL AND ADMINISTRATIVE REVISIONS TO TITLE 18 - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Steve Dunncliff, Director, Planning and Building Services; Mr. Michael Lockett, Chief Building Official, Planning and Building Services; and Mr. Matthew Kiedrowski, Deputy County Counsel.

Public Comment: Mr. Lee Howard.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Gjerde, IT IS ORDERED that the Board of Supervisors adopts the Ordinance as amended, adopting by reference the 2016 California Building Standards Code with proposed local amendments to Title 18 of the Mendocino County Code, adopting local findings, and making other technical and administrative revisions to Title 18; and authorizes Chair to sign same. The motion carried by the following vote:

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

No: 0 - None

Enactment No: Ordinance 4380

5B) 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. Steve Dunncliff, Director, Planning and Building Services; Mr. Bill Kinser, Senior Planner, Planning and Building Services; Supervisor Hamburg; and Supervisor Brown.

Public Comment: None.

Board Action: None.

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

Presenter/s: Ms. Carmel J. Angelo, Chief Executive Officer.

Public Comment: None.

Board Action: None.

5C) TRANSPORTATION DIRECTOR'S REPORT - SPONSOR: TRANSPORTATION

Presenter/s: Mr. Howard Dashiell, Director, Transportation.

Public Comment: None.

Board Action: None.

5D) DISCUSSION AND POSSIBLE ACTION REGARDING MENDOCINO COUNTY CODE SECTION 15.20 "ENCROACHMENT UPON COUNTY HIGHWAYS" AND POSSIBLE ENCROACHMENT PERMIT POLICY CONSIDERATIONS - SPONSOR: TRANSPORTATION

Presenter/s: Mr. Howard Dashiell, Director, Transportation.

Public Comment: Mr. Lee Howard.

Board Directive: BY ORDER OF THE CHAIR this matter is hereby referred to the Public Health, Safety, and Resources Committee.

BOARD RECESS: 10:40 A.M. – 10:50 A.M.

5E) PRESENTATION OF FY 2016 17 2ND QUARTER MID YEAR 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 D. Flora, Assistant Chief Executive Officer; Ms. Jill Martin, Deputy Chief Executive Officer; Ms. Sarah Dukett, Administrative Analyst, Executive Office; Mr. Lloyd Weer, Auditor-Controller; Ms. Tammy Moss Chandler, Director, Health and Human Services Agency; Mr. David Eyster, District Attorney; Mr. Randy Johnson, Undersheriff, Sheriff-Coroner; Mr. Steve Dunnichliff, Director, Planning and Building Services; Ms. Adrienne Thompson, Administrative Services Manager, Planning and Building Services; and Mr. Howard Dashiell, Director, Transportation.

Public Comment: None.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Hamburg, IT IS ORDERED that the Board of Supervisors accepts the FY 2016 17 2nd 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, Chair McCowen, Supervisor Gjerde, and Supervisor Hamburg

No: 0 - None

Enactment No: Resolution 17-033

LUNCH RECESS: 12:19 P.M. - 1:33 P.M.

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

Presenter/s: Ms. Carmel J. Angelo, Chief Executive Officer.

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 Action: None.

ADJOURNED TO CLOSED SESSION: 1:57 P.M.

THE BOARD OF SUPERVISORS JOINTLY CONVENED AS THE MENDOCINO COUNTY AIR QUALITY MANAGEMENT DISTRICT IN CONSIDERATION OF ITEMS 9(A)-9(D)

9A) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(A) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: GRIST CREEK AGGREGATES, LLC V. MENDOCINO COUNTY AIR QUALITY MANAGEMENT DISTRICT. MENDOCINO COUNTY SUPERIOR COURT CASE No. SCUK CVPT 15 66620

9B) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(A) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: PEOPLE OF THE STATE OF CALIFORNIA, ET AL. V. GRIST CREEK AGGREGATES, LLC. MENDOCINO COUNTY SUPERIOR COURT CASE No. SCUK CVG 16 67314

9C) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(A) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: FRIENDS OF OUTLOOK CREEK V. MENDOCINO COUNTY AIR QUALITY MANAGEMENT DISTRICT. MENDOCINO COUNTY SUPERIOR COURT CASE No. SCUK CVG 16 67449

9D) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(A) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: FRIENDS OF OUTLOOK CREEK V. MENDOCINO COUNTY AIR QUALITY MANAGEMENT DISTRICT. MENDOCINO COUNTY SUPERIOR COURT CASE NO. A148508

9E) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(A) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: FRIENDS OF OUTLOOK CREEK V. COUNTY OF MENDOCINO. MENDOCINO COUNTY SUPERIOR COURT CASE NO. A147499

9F) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(C) – CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION: ONE CASE

RECONVENED IN OPEN SESSION: 3:17 P.M.

AGENDA ITEM NO. 9 – REPORT OUT OF CLOSED SESSION

Presenter: Chair McCowen.

Board Action: Direction was given to staff in the matter of agenda items 9(a), 9(b), 9(c), 9(d), and 9(e). No action was taken in the matter of agenda item 9(f).

AGENDA ITEM NO. 10 – COMMUNICATIONS

- (a) Department of California Highway Patrol Pursuant to Health and Safety Code Section 25180.7 (Proposition 65) a Report Documenting Information Regarding Illegal Discharge (or Threatened Illegal Discharge) of Hazardous Waste (for more information please contact Sergeant Tamera McCanless at 707 923 2155).

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 3:18 P.M.

Attest: Nicole French
Deputy Clerk of the Board II

JOHN MCCOWEN, 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