

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 21, 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 9:01 A.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. Karla Van Hagen, Deputy Clerk of the Board II.

The Pledge of Allegiance was led by: Mr. George Gonzalez.

AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

Presenter/s: Mr. Joey Gothelf; Mr. Gabriel Ferreira; and Mr. Louis Bigfoot.

AGENDA ITEM NO. 4 – APPROVAL OF CONSENT CALENDAR

Presenter/s: Chair McCowen.

Public Comment: None.

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor Brown, IT IS ORDERED that consent items 4(a) – 4(p); are approved/rejected as follows: The motion carried by the following vote:

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

No: 0 – None.

4A) CLAIM OF HOPLAND BAND OF POMO INDIANS

Rejected;

4B) CLAIM OF THERAFIELDS, INC.

Rejected;

4C) CLAIM OF WILLITS ONLINE, LLC.

Rejected;

4D) CLAIM OF COREY O'CONNOR

Rejected;

4E) APPROVAL OF AMENDMENT TO AGREEMENT 15 056 WITH THOMSON REUTERS/AUMENTUM IN THE AMOUNT OF \$83,240 FOR THE ACQUISITION OF COUNTY WIDE PROPERTY TAX SOFTWARE SYSTEM ADDITION OF THE CANNABIS RELATED TAX AND LICENSING COLLECTION PROGRAM; AUTHORIZE THE CHIEF EXECUTIVE OFFICER OR HER/HIS DESIGNEE TO EXECUTE ANY AND ALL DOCUMENTS IN RELATION TO THE TRANSACTION; AND AUTHORIZE THE CHIEF EXECUTIVE OFFICER OR HER/HIS DESIGNEE TO SIGN ANY FUTURE AMENDMENTS TO THE AGREEMENT THAT DO NOT ALTER THE FISCAL ASPECT OF THE THOMSON REUTERS/AUMENTUM MASTER AGREEMENT FOR LICENSED SOFTWARE, HARDWARE, AND SERVICES - SPONSOR -: EXECUTIVE OFFICE

Approved;

Enactment No: Agreement 15-056-A1

4F) APPROVAL OF AMENDMENT TO BOARD OF SUPERVISORS AGREEMENT 15 105 WITH LACO ASSOCIATES, EXTENDING THE EXPIRATION DATE FROM DECEMBER 31, 2016 TO JUNE 30, 2017, FOR COMPLETION OF REPORTING RELATED TO INVESTIGATIVE AND REMEDIAL WORK AT FORMER UNDERGROUND STORAGE TANKS (UST) FOR THE 2016 REPORTING YEAR - SPONSOR: EXECUTIVE OFFICE

Approved and Chair is authorized to sign same;

Enactment No: Agreement 15-105-A1

THE BOARD OF SUPERVISORS JOINTLY CONVENED AS THE MENDOCINO COUNTY AIR QUALITY MANAGEMENT DISTRICT IN CONSIDERATION OF AGENDA ITEM 4(G)

4G) AUTHORIZATION FOR THE AIR QUALITY MANAGEMENT DISTRICT TO PARTICIPATE IN THE STATE CARL MOYER PROGRAM AND ACCEPTANCE OF STATE PROGRAM FUNDS IN THE AMOUNT OF \$245,569; AUTHORIZATION TO FOLLOW THE REQUIREMENTS OF THE STATE PROGRAM FOR FISCAL YEAR 2016 17 (FUNDING YEAR 19); 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;

4H) ADOPTION OF RESOLUTION AUTHORIZING THE CONSOLIDATION OF ELECTION OF THE GOVERNING BOARD OF THE ANDERSON VALLEY 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 17-037

4I) ADOPTION OF RESOLUTION AUTHORIZING THE CONSOLIDATION OF ELECTION OF THE GOVERNING BOARD OF THE ROUND VALLEY 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 17-038

4J) ADOPTION OF RESOLUTION AUTHORIZING THE CONSOLIDATION OF ELECTION OF THE GOVERNING BOARD OF THE POINT ARENA JOINT UNION HIGH 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 17-039

4K) ADOPTION OF RESOLUTION AUTHORIZING THE CONSOLIDATION OF ELECTION OF THE GOVERNING BOARD OF THE ARENA 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 17-040

4L) APPROVAL OF AMENDMENT TO AGREEMENT NO. 16 095 WITH FAMILY RESOURCE CENTER (FRC) NETWORK OF MENDOCINO COUNTY IN THE AMOUNT OF \$155,818 TO PROVIDE PROGRAMS FOR CHILD ABUSE PREVENTION AND INTERVENTION IN FISCAL YEAR 2016 17 - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Approved and Chair is authorized to sign same;

Enactment No: Agreement 16-095-A1

4M) APPROVAL OF AGREEMENT WITH REDWOOD COMMUNITY SERVICES, INC. (RCS) IN THE AMOUNT OF \$255,360 TO CONTINUE IMPLEMENTATION OF CAM'S PLACE, A RESIDENTIALLY BASED SERVICES PILOT DEMONSTRATION PROJECT, FOR THE TERM OF DECEMBER 1, 2016 THROUGH JUNE 30, 2017 - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Approved and Chair is authorized to sign same;

Enactment No: Agreement 17-011

4N) APPROVAL OF AGREEMENT WITH COMMUNITY DEVELOPMENT COMMISSION OF MENDOCINO COUNTY (CDC) IN THE AMOUNT OF \$86,000 TO PROVIDE OVERSIGHT FOR COORDINATED ENTRY SERVICES FOR MENDOCINO COUNTY FOR FISCAL YEAR 2016-17 - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Approved and Chair is authorized to sign same;

Enactment No: Agreement 17-012

40) APPROVAL OF AGREEMENT WITH ACDR CONSERVATION LLC IN THE AMOUNT OF \$170,000 FOR CONSERVATION CONSULTATION AND TREATMENT SERVICES FOR THE TERM OF MARCH 10, 2017 THROUGH JUNE 30, 2018- SPONSOR: MUSEUM

Approved and Chair is authorized to sign same;

Enactment No: Agreement 17-013

4P) APPROVAL OF EXEMPTION TO THE MENDOCINO COUNTY SHERIFF-CORONER OFFICE FROM MENDOCINO COUNTY CODE 6.0 "BUSINESS LICENSES AND REGULATIONS" AND ORDINANCE NO. 4200, WHICH REQUIRES ALL PERSONS WHO ARE TRANSACTING AND CARRYING ON BUSINESS IN THE UNINCORPORATED TERRITORY OF MENDOCINO COUNTY TO OBTAIN A MENDOCINO COUNTY BUSINESS LICENSE - SPONSOR: SHERIFF-CORONER

Approved.

ADJOURNED TO CLOSED SESSION: 9:15 A.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 54956.8 - ACQUISITION AND SALE OF REAL PROPERTY INTEREST(S), PHYSICAL ADDRESS: 125 E. COMMERCIAL STREET - APN'S 005-212-04, 005-212-05, 005-212-18; PARTIES: COUNTY OF MENDOCINO: CARMEL J. ANGELO, CHIEF EXECUTIVE OFFICER; ALAN D. FLORA, ASSISTANT CHIEF EXECUTIVE OFFICER; AND JANELLE RAU, DEPUTY CHIEF EXECUTIVE OFFICER; NEGOTIATORS FOR THE COUNTY; ADMINISTRATIVE OFFICE OF THE COURTS, OWNER**

RECONVENED IN OPEN SESSION: 10:19 A.M.

AGENDA ITEM NO. 9 – REPORT OUT OF CLOSED SESSION

Presenter: Chair McCowen.

Board Action: In respect to items 9(a) and 9(b), direction was given to staff.

5A) 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: TRANSPORTATION

Presenter/s: Mr. Bill Kinser, Senior Planner, Planning and Building Services; and Mr. Nash Gonzalez, Interim Director, Planning and Building Services.

Public Comment: None.

Board Action: No action taken.

5B) DISCUSSION AND POSSIBLE ACTION REGARDING PRESENTATION OF THE DEPARTMENT OF PLANNING AND BUILDING SERVICES DEVELOPMENT ACTIVITY REPORT FOR THE MONTH OF FEBRUARY, 2017 - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Ms. Adrienne Thompson, Administrative Services Manager, Planning and Building Services.

Public Comment: None.

Board Directive: No action taken.

5C) ~~CHIEF EXECUTIVE OFFICER'S REPORT~~ - SPONSOR: ~~EXECUTIVE OFFICE~~ – ITEM WITHDRAWN

5C) ~~DISCUSSION AND POSSIBLE ACTION INCLUDING REVIEW, ADOPTION, AMENDMENT, CONSIDERATION OR RATIFICATION OF LEGISLATION PURSUANT TO THE ADOPTED LEGISLATIVE PLATFORM – SPONSOR: EXECUTIVE OFFICE – ITEM WITHDRAWN~~

BOARD RECESS: 10:59 A.M. – 11:08 A.M.

5E) DISCUSSION AND POSSIBLE ACTION RELATED TO AN UPDATE FROM THE COUNTY’S COMMUNITY CHOICE AGGREGATION ENERGY PROVIDER, SONOMA CLEAN POWER - SPONSOR: SUPERVISOR HAMBURG

Presenter/s: Supervisor Hamburg; Ms. Kate Kelly, Public Affairs Director, Sonoma Clean Power; Ms. Erica Torgerson, Customer Service Director, Sonoma Clean Power; and Ms. Danielle Baker, Customer Care Specialist, Sonoma Clean Power.

Public Comment: None.

Board Action: No action taken.

LUNCH RECESS: 11:59 A.M. – 1:30 P.M.

Supervisor Hamburg stated a conflict with respect to item 5(f) and recused himself.

SUPERVISOR HAMBURG ABSENT: 1:32 P.M.

Announcement: Supervisor Brown stated that she did not have an economic conflict in respect to the Williamson Act aspects of item 5(f); and therefore she need not recuse herself from consideration of this item.

5F) NOTICED PUBLIC HEARING DISCUSSION AND POSSIBLE ACTION TO (1) ADOPT RESOLUTION ADOPTING AMENDMENTS TO THE MENDOCINO COUNTY POLICIES AND PROCEDURES FOR AGRICULTURAL PRESERVES AND WILLIAMSON ACT CONTRACTS RELATED TO THE CULTIVATION OF CANNABIS; (2) ADOPT RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE MEDICAL CANNABIS CULTIVATION REGULATION; AND (3) INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE ADOPTING CHAPTER 10A.17 - MEDICAL CANNABIS CULTIVATION ORDINANCE AND CHAPTER 20.242 - MEDICAL CANNABIS CULTIVATION SITE – SPONSORS: AGRICULTURE, PLANNING AND BUILDING SERVICES AND COUNTY COUNSEL

Presenter/s: Ms. Dianne Curry, Interim Agricultural Commissioner; Mr. Samuel Vandewater, Planner I, Planning and Building Services; Ms. Beth Burks, Planning Manager, LACO Associates; and Mr. Matthew Kiedrowski, Deputy County Counsel.

Public Comment: Ms. Susan Tibbon; Mr. Paul Hansbury; Mr. David Ayster; Ms. Marita McDonough; Mr. Ron Edwards; Ms. Linda Gray; Mr. Steve Antler; Ms. Barbara McLean; Ms. Carol Hester; Ms. Kelly Barnes; Ms. Deb Attaway; Ms. Marsha Little; Ms. Blair Gue; Ms. Erin Carlstrom; Mr. Gabriel Martin; Ms. Danielle Hansbusy; Mr. David Drell; Ms. Mona Brahmabhatt; Mr. Leon Bell; Ms. Julie Mercer Ingram; Mr. Petra Buchanan; Mr. Jason Hallace; Mr. Casey O'Neill; Mr. Jed Davis; Mr. Simon Evers; Ms. Hannah Nelson; Mr. Flynn O'Donnell; Ms. Ashley Oldham; Ms. Corinne Powell; Dr. Robert Werra; Ms. Marie Myers; Mr. Hal Wagenet; Ms. Nicole Terle; Mr. John Dizoe; Ms. Johanna Mortz; Ms. Monique Ramirez; Ms. Ann O'Neill; Ms. N. Salmen; Mr. Tom Rodrigues; Ms. Chantal Simonpietri; and Mr. Peter Kafin.

COUNTY COUNSEL ABSENT: 3:29 P.M.

Board Directive: Executive Office staff shall bring potential Track and Trace program to the Board for a presentation and potential approval.

Board Directive: Planning and Building Staff shall create a standing agenda item on the status of the development of overlay zone Ordinance to be heard every month, or sooner should there be new information to report.

Board Directive: Executive Office staff shall bring the Agreement for a consultant to develop an overlay district to the Board of Supervisors for approval.

BOARD RECESS: 3:40 P.M. - 3:52 P.M.

COUNTY COUNSEL PRESENT: 3:52 P.M.

BOARD RECESS: 5:39 P.M. - 6:00 P.M.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Gjerde, IT IS ORDERED that the Board of Supervisors adopts Resolution adopting amendments to the Mendocino County Policies and Procedures for Agricultural Preserves and Williamson Act contracts related to the cultivation of cannabis; adopts Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, as amended for the Medical Cannabis Cultivation Regulation and authorizes Chair to sign same; and further, introduces and waives first reading of an Ordinance adopting Chapter 10A.17 - Medical Cannabis Cultivation Ordinance, as amended, and Chapter 20.242 Medical Cannabis Cultivation Site, as amended:

- Section 10A.17.60 – Permit Types - Add "onsite" to sales; Page 11, Section D. The same condition shall apply not only to Rangeland, but also Forestland and TPZ. Second sentence shall now read: "within Timberland production, Rangeland or Forestland zoning districts...";
- Section 10A.17.020 - Definitions - Change definition of Legal Parcel in definitions, last paragraph, Page 3 to: "provided, however for real property located within industrial zoning districts, subdivisions or certificates of compliance may be recognized and recorded after January 1, 2016";
- Section 10A.17.080 – Permit Phases and Requirements Specific to each Phase - Page 14, Section B. Revise Clause C to add, "which evidence may be used to substitute for evidence pursuant to clause (a)";
- Section 10A.17.080 – Permit Phases and Requirements Specific to each Phase - Page 14. Add Section E: "Persons who participated in a program pursuant to the County's Chapter 9.31 in previous years may present evidence of such participation and payment of all required fees in order to provide proof of prior cultivation.";
- Section 10A.17.080 – Permit Phases and Requirements Specific to each Phase - Page 15. Change term in Section B, subsection 2b(ii) regarding Sunset Period from 2 years to 3 years; and same change to subsection 3(a);
- Section 10A.17.080 – Permit Phases and Requirements Specific to each Phase - Page 16. Delete subsection (iii), deleting the reference in (ii) to "in the Rangeland zoning district";
- Section 10A.17.090 – Cultivation Permit Application and Zoning Review - Page 20, Section (O). Delete the term "and when it was formed" from the last sentence; and
- Section 10A.17.110 – Performance Standards - Page 23, Section 110, subsection (C). Change period of time from 48 to 72; and change Track and Trace timing from 24 to 72 hours of the reportable activity occurring.

Aye: 3 - Supervisor Brown, Supervisor McCowen, and Supervisor Gjerde

Recused: 1 – Supervisor Hamburg

Enactment Nos: Resolution 17-041; and Resolution 17-042

AGENDA ITEM NO. 10 – COMMUNICATIONS

- (10a) State of California Department of Water Resources - Water Conditions in California Report 1, February 1, 2017. For more information, please contact Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.
- 10b) Department of California Highway Patrol - Health and Safety Code Section 251803.7 Report. For more information, please contact Sergeant Timothy Willock at (707) 923 2155.
- 10c) California Fish and Game Commission - Notice of Use of Dogs for Pursuit/Take of Mammals. For more information, please contact Ms. Valerie Termini at (916) 653 4899.
- 10d) State Water Resources Control Board - Notice of Application 31887 regarding Russian River Stream System. For more information, please contact Ms. Lisseth Anaya at (916) 322 9632.
- 10e) Cal OES - U.S. Small Business Administration Private Nonprofit Organizations Physical Disaster Declaration. For more information, please contact Ms. Karma Hackney at (916) 845 8149.
- 10f) Cal OES - Notice regarding U.S. Department of Agriculture Farm Service Agency Emergency Loan Program. For more information, please contact Ms. Karma Hackney at (916) 845 8149.
- 10g) California Fish and Game Commission - Notice of Proposed Emergency Action Incidental to Take of Tricolored Blackbird (*Agelaius tricolor*) During Candidacy Period. For more information, please contact Ms. Sheri Tiemann via email at fgc@fgc.ca.gov.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 6:37 P.M.

Attest: Karla Van Hagen
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) 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