

**CARRE BROWN**  
1st District  
Supervisor

**JOHN MCCOWEN**  
2nd District  
Supervisor  
Chair

**GEORGEANNE  
CROSKEY**  
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 – May 16, 2017**

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF MENDOCINO - STATE OF CALIFORNIA  
FAIR STATEMENT OF PROCEEDINGS  
(PURSUANT TO CALIFORNIA GOVERNMENT CODE §25150)**

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#### **AGENDA ITEM NO. 1 – OPEN SESSION (PLEDGE OF ALLEGIANCE AND ROLL CALL 9:04 A.M.)**

**Present:** Supervisor Carre Brown, Chair John McCowen, Supervisor Dan Gjerde, and Supervisor Dan Hamburg. Chair McCowen presiding. Supervisor Georgeanne Croskey absent by pre-arrangement.

**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. Thomas Allman.

#### **AGENDA ITEM NO. 3 – PUBLIC EXPRESSION**

**Presenter/s:** Mr. Thomas Allman, Sheriff; Mr. Ross Liberty; Ms. Natalie Shepard; Ms. Angie Wynthacht; Mr. Ricardo Quintana; Ms. Joy Beeler; Ms. Melissa Morin; Ms. Joan Ross; Mr. Phil Baldwin; Ms. Little Fawn Boland; and Mr. Michael Hunter.

**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 Gjerde, IT IS ORDERED that consent items 4(a) –4(x) and 4(z) - 4(ah); 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.

Absent: 1 – Supervisor Croskey.

**4A) CLAIM OF BRIAN HURT, D.B.A. GRIST CREEK AGGREGATES (SERVED UPON MENDOCINO COUNTY AIR QUALITY MANAGEMENT DISTRICT)**

Rejected;

**4B) APPROVAL OF RECOMMENDED APPOINTMENTS/REAPPOINTMENTS**

Approved;

1. RedHawk Pallesen, Mendocino County Fish and Game Commission, Member at Large (Coastal).

**4C) MAY 2, 2017, REGULAR BOARD MEETING**

Approved;

**4D) APPROVAL OF AGREEMENT WITH DEREK COLE FOR AN AMOUNT NOT TO EXCEED \$50,000 FOR LEGAL REPRESENTATION OF MATTERS RELATED TO THE APPEAL OF PERMITS ISSUED BY THE DISTRICT, IN ADDITION TO OTHER LEGAL ACTIONS RELATED TO ENFORCEMENT - SPONSOR: AIR QUALITY MANAGEMENT DISTRICT**

Approved and Chair is authorized to sign same;

Enactment No: Agreement 17-022

**4E) APPROVAL OF PURCHASE FOR ONE (1) TOYOTA TACOMA SR, 4 WHEEL DRIVE (4 WD) PICKUP IN THE AMOUNT OF \$30,000 FOR THE ASSESSOR CLERK RECORDER ASSESSOR DIVISION; AND APPROVAL OF BUDGET TRANSFER FROM BUDGET UNIT 1122, LINE ITEM 865802 OPERATING TRANSFER OUT TO BUDGET UNIT 1120, LINE ITEM 827802 OPERATING TRANSFER IN AND BUDGET UNIT 1120, LINE ITEM 864370 EQUIPMENT; AND ADDITION OF THE VEHICLE TO THE COUNTY’S LIST OF FIXED ASSETS - SPONSOR: ASSESSOR/CLERK-RECORDER**

Approved;

**4F) APPROVAL OF MENDOCINO COUNTY’S CERTIFICATION OF THE MAY 2, 2017, SPECIAL ALL MAIL ELECTION FOR SOUTHERN HUMBOLDT HEALTHCARE DISTRICT; THIS DISTRICT IS SHARED WITH HUMBOLDT COUNTY - SPONSOR: ASSESSOR/CLERK-RECORDER**

Approved;

**4G) ADOPTION OF PROCLAMATION RECOGNIZING MAY 2017 AS NATIONAL BIKE MONTH; AND MAY 19, 2017, AS BIKE TO WORK DAY IN MENDOCINO COUNTY - SPONSOR: SUPERVISOR GJERDE**

Adopted and Chair is authorized to sign same;

**4H) ADOPTION OF PROCLAMATION RECOGNIZING MAY 2017 AS LYME DISEASE AWARENESS MONTH IN MENDOCINO COUNTY - SPONSORS: SUPERVISORS BROWN AND MCCOWEN**

Adopted and Chair is authorized to sign same;

**4I) ACCEPTANCE OF UPDATE AND RECOMMENDATIONS REGARDING ALLOCATION AND PROGRAMMING OF PUBLIC, EDUCATIONAL AND GOVERNMENTAL (PEG) ACCESS TELEVISION FEES AND SERVICES IN MENDOCINO COUNTY - SPONSOR: SUPERVISOR McCOWEN AND SUPERVISOR GJERDE - PEG Ad Hoc COMMITTEE**

Approved;

**4J) ACCEPTANCE OF REPORT OUT OF COMMITTEE CLEARING REFERRAL REGARDING CALIFORNIA GOVERNMENT CODE SECTION 26909 FOR THE REPLACEMENT OF ANNUAL AUDITS OF SPECIAL DISTRICTS WITH A FINANCIAL REVIEW - SPONSOR: SUPERVISORS GJERDE AND BROWN - GENERAL GOVERNMENT COMMITTEE**

Approved;

**4K) ADOPTION OF RESOLUTION OPPOSING REVIEW OF DESIGNATIONS OF GREATER FARALLONES AND CORDELL BANK NATIONAL MARINE SANCTUARIES - SPONSORS: SUPERVISORS HAMBURG AND GJERDE**

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 17-058

RESOLUTION 17-058

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS OPPOSING REVIEW OF DESIGNATIONS OF GREATER FARALLONES AND CORDELL BANK NATIONAL MARINE SANCTUARIES

**4L) APPROVAL OF LETTER OF SUPPORT TO THE CALIFORNIA COASTAL CONSERVANCY FOR THE PROPOSITION 1 GRANT PROPOSAL TO BE SUBMITTED BY THE EEL RIVER RECOVERY PROJECT - SPONSOR: SUPERVISOR BROWN**

Approved and Chair is authorized to sign same;

**4M) APPROVAL OF A LETTER OF APPRECIATION TO ASSEMBLYMEMBER JIM WOOD REGARDING HIS ADVOCACY EFFORTS FOR STATE FUNDING OF ILLEGAL CANNABIS CULTIVATION SITE CLEANUP - SPONSOR: SUPERVISOR McCOWEN**

Approved and Chair is authorized to sign same;

**4N) APPROVAL OF MENDOCINO COUNTY RESOURCE CONSERVATION DISTRICT'S CONFLICT OF INTEREST CODE - SPONSOR: COUNTY COUNSEL**

Approved;

**4O) APPROVAL OF AMENDMENTS TO CONFLICT OF INTEREST CODE FOR MENDOCINO CITY COMMUNITY SERVICES DISTRICT - SPONSOR: COUNTY COUNSEL**

Approved;

**4P) APPROVAL OF AMENDMENTS TO LEGGETT VALLEY UNIFIED SCHOOL DISTRICT CONFLICT OF INTEREST CODE - SPONSOR: COUNTY COUNSEL**

Approved;

**4Q) APPROVAL OF AMENDMENTS TO CONFLICT OF INTEREST CODE FOR ANDERSON VALLEY UNIFIED SCHOOL DISTRICT - SPONSOR: COUNTY COUNSEL**

Approved;

**4R) APPROVAL OF AMENDMENTS TO CONFLICT OF INTEREST CODE FOR NOYO HARBOR DISTRICT - SPONSOR: COUNTY COUNSEL**

Approved;

**4S) AUTHORIZATION TO ACQUIRE REPLACEMENT DUMP TRUCK FOR THE DEPARTMENT OF TRANSPORTATION (FIXED ASSETS) DUE TO VEHICLE COLLISION, INCLUDING APPROVAL OF INSURANCE REIMBURSABLE APPROPRIATIONS ADJUSTMENTS IN THE AMOUNT OF \$166,223 AS FOLLOWS: APPROPRIATION AND REVENUE INCREASE IN THE TRANSPORTATION BUDGET UNIT 3010, LINE ITEMS 864370 AND 827802 IN THE AMOUNT OF \$166,223; AND ADD VEHICLE TO THE LIST OF FIXED ASSETS - SPONSOR: EXECUTIVE OFFICE**

Approved;

**4T) ADOPTION OF RESOLUTION AWARDING CONTRACT TO DAN GEORGE ROOFING AND APPROVAL OF AGREEMENT IN THE AMOUNT OF \$102,000 FOR ROOF REPAIRS AND ROOF COATING OF BUILDING NUMBER 32 AT 841 LOW GAP ROAD IN UKIAH FOR THE TERM OF FEBRUARY 17, 2017 THROUGH OCTOBER 30, 2017; AND AUTHORIZATION FOR THE FACILITIES AND FLEET DIVISION MANAGER TO ACT AS PROJECT MANAGER AND APPROVE CHANGE ORDERS FOR THE PROJECT, PURSUANT TO PUBLIC CONTRACT CODE SECTION 20142 - SPONSOR: EXECUTIVE OFFICE**

Adopted and Chair is authorized to sign same;

Enactment Nos: Resolution 17-059; Agreement 17-023

RESOLUTION 17-059

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AWARDING CONTRACT TO DAN GEORGE ROOFING FOR ROOF REPAIRS AND ROOF COATING AT BUILDING 32, THE HEALTH & HUMAN SERVICES AGENCY TRAINING CENTER, CENTRAL SERVICES AND WAREHOUSE BUILDING

**4U) ADOPTION OF PROCLAMATION DECLARING MAY 21 27, 2017, AS EMERGENCY MEDICAL SERVICES (EMS) WEEK IN MENDOCINO COUNTY)- SPONSOR: HEALTH AND HUMAN SERVICES AGENCY**

Adopted and Chair is authorized to sign same;

**4V) APPROVAL OF AMENDMENT TO AGREEMENT No. SS S16 051 WITH COMMUNIQUE INTERPRETING IN THE AMOUNT OF \$30,000 (FOR A NEW TOTAL OF \$80,000) TO PROVIDE SIGN LANGUAGE INTERPRETATION SERVICES FOR FAMILY AND CHILDREN'S SERVICES (FCS) CLIENTS IN FISCAL YEAR 2016 17 - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY**

Approved and Chair is authorized to sign same;

Enactment No: Agreement 17-024

**4W) APPROVAL OF PURCHASE OF POLYCOM VIDEO CONFERENCING KIT AND WORK STATION SERVICE AGREEMENT IN THE AMOUNT OF \$8,150.88 FROM BUDGET UNIT 5010 FOR THE FAMILY AND CHILDREN'S SERVICES FORT BRAGG OFFICE; AND ADDITION OF THE EQUIPMENT TO COUNTY'S LIST OF FIXED ASSETS - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY**

Approved;

**4X) APPROVAL OF AMENDMENT TO AGREEMENT No. SS S16 078 PURCHASING AGENT No. 17 41 WITH REDWOOD TOXICOLOGY LABORATORY, INC., IN THE AMOUNT OF \$20,000 (FOR A NEW TOTAL OF \$70,000) TO PROVIDE LABORATORY TESTING AND SUPPLIES FOR 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 17-025

**~~4Y) APPROVAL OF AGREEMENT WITH REDWOOD COMMUNITY SERVICES, INC., DBA ARBOR OUTPATIENT DRUG-FREE CLINIC, IN THE AMOUNT OF \$105,000 TO PROVIDE DRUG MEDICAL SERVICES TO TRANSITIONAL AGE YOUTH POPULATION FOR FISCAL YEARS 2016-17 AND 2017-18 – SPONSOR: HEALTH AND HUMAN SERVICES AGENCY - WITHDRAWN~~**

**4Z) APPROVAL OF INTERGOVERNMENTAL TRANSFER (IGT), TRANSFER OF PUBLIC FUNDS AGREEMENT 16 93687 WITH THE CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES (DHCS), IGT ASSESSMENT FEE AGREEMENT 16 93718 WITH DHCS, AND THE FOURTH AMENDMENT TO THE PARTNERSHIP HEALTHPLAN OF CALIFORNIA (PHC) HEALTH PLAN PROVIDER AGREEMENT - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY**

Approved and Chair is authorized to sign same;

Enactment Nos: Agreements 17-026, 17-027, and 16-035-A1

**4AA) ADOPTION OF RESOLUTION AUTHORIZING CHANGES TO THE POSITION ALLOCATION TABLE AS FOLLOWS: PUBLIC DEFENDER, BUDGET UNIT 2080 - DELETE ONE (1) FULL TIME EQUIVALENT (FTE) LEGAL SECRETARY II AND ADD ONE (1) FTE LEGAL ASSISTANT - SPONSOR: HUMAN RESOURCES**

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 17-060

#### RESOLUTION 17-060

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AMENDING THE POSITION ALLOCATION TABLE PROVIDING FOR THE NUMBER AND COMPENSATION OF OFFICERS, DEPUTIES AND EMPLOYEES IN THE VARIOUS OFFICES OF THE COUNTY OF MENDOCINO

**4AB) ADOPTION OF RESOLUTION APPROVING NOTICE OF COMPLETION AND RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 150114, MENDOCINO VILLAGE AMERICANS WITH DISABILITIES ACT ACCESS AND SIDEWALK SEGMENT ON KASTEN STREET, COUNTY ROAD 407L, MILEPOST 0.00 (MENDOCINO AREA) - SPONSOR: TRANSPORTATION**

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 17-061

#### RESOLUTION 17-061

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING NOTICE OF COMPLETION AND RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 150114, MENDOCINO VILLAGE AMERICANS WITH DISABILITIES ACT ACCESS AND SIDEWALK SEGMENT ON KASTEN STREET, COUNTY ROAD 407L, MILEPOST 0.00 (MENDOCINO AREA)

**4AC) ADOPTION OF RESOLUTION APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 160004, PROFESSIONAL SERVICES AGREEMENT WITH SHN CONSULTING ENGINEERS & GEOLOGISTS, INC., IN THE AMOUNT OF \$131,000 FOR VEGETATION MONITORING AND MAINTENANCE FOR THE SCHOOL WAY BRIDGE OVER THE RUSSIAN RIVER REPLACEMENT PROJECT ON SCHOOL WAY, COUNTY ROAD 236, MILEPOST 0.87, AND AUTHORIZING THE DIRECTOR OF TRANSPORTATION TO SIGN ANY AND ALL AMENDMENTS TO THE AGREEMENT NOT EXCEEDING \$15,000 (REDWOOD VALLEY AREA) - SPONSOR: TRANSPORTATION**

Adopted and Chair is authorized to sign same;

Enactment Nos: Agreement 17-028, Resolution 17-062

RESOLUTION 17-062

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 160004, PROFESSIONAL SERVICES AGREEMENT WITH SHN CONSULTING ENGINEERS & GEOLOGISTS, INC. IN THE AMOUNT OF \$131,000 FOR VEGETATION MONITORING AND MAINTENANCE FOR THE SCHOOL WAY BRIDGE OVER THE RUSSIAN RIVER REPLACEMENT PROJECT ON SCHOOL WAY, COUNTY ROAD 236, MILEPOST 0.87, AND AUTHORIZING THE DIRECTOR OF TRANSPORTATION TO SIGN ANY AND ALL AMENDMENTS TO THE AGREEMENT NOT EXCEEDING \$15,000 (REDWOOD VALLEY AREA)

**4AD) ADOPTION OF RESOLUTION APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 170007, STANDARD SERVICES AGREEMENT WITH DAVID W. THORPE, IN THE AMOUNT OF \$126,648 FOR AIRPORT SUPERVISOR SERVICES AT LITTLE RIVER AIRPORT (LITTLE RIVER AREA) - SPONSOR: TRANSPORTATION**

Adopted and Chair is authorized to sign same;

Enactment Nos: Agreement 17-029, Resolution 17-063

RESOLUTION 17-063

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 170007, STANDARD SERVICES AGREEMENT WITH DAVID W. THORPE, IN THE AMOUNT OF \$126,648, FOR AIRPORT SUPERVISOR SERVICES AT LITTLE RIVER AIRPORT (LITTLE RIVER AREA)

**4AE) ADOPTION OF RESOLUTION AUTHORIZING DEPARTMENT OF TRANSPORTATION TO ADVERTISE FOR BIDS AND AWARD FIVE DEPARTMENT OF TRANSPORTATION CONTRACTS TO CONSTRUCT 2016 AND 2017 STORM DAMAGE PERMANENT REPAIRS ON MOUNTAIN VIEW ROAD, COUNTY ROAD 510, MILEPOST 22.02; BRANSCOMB ROAD, COUNTY ROAD 429, MILEPOST 17.21; COMPTCHE UKIAH ROAD, COUNTY ROAD 223, MILEPOST 17.25; ORR SPRINGS ROAD, COUNTY ROAD 223, MILEPOST 39.20; BELL SPRINGS ROAD, COUNTY ROAD 324, MILEPOST 17.70 (COUNTYWIDE) - SPONSOR: TRANSPORTATION**

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 17-064

RESOLUTION 17-064

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING DEPARTMENT OF TRANSPORTATION TO ADVERTISE FOR BIDS AND AWARD FIVE DEPARTMENT OF TRANSPORTATION CONTRACTS TO CONSTRUCT 2016 AND 2017 STORM DAMAGE PERMANENT REPAIRS ON MOUNTAIN VIEW ROAD, COUNTY ROAD 510, MILEPOST 22.02; BRANSCOMB ROAD, COUNTY ROAD 429, MILEPOST 17.21; COMPTCHE UKIAH ROAD, COUNTY ROAD 223, MILEPOST 17.25; ORR SPRINGS ROAD, COUNTY ROAD 223, MILEPOST 39.20; BELL SPRINGS ROAD, COUNTY ROAD 324, MILEPOST 17.70 (COUNTY WIDE)

**4AF) ADOPTION OF RESOLUTION AUTHORIZING DEPARTMENT OF TRANSPORTATION TO ADVERTISE FOR BIDS AND AWARD TWELVE DEPARTMENT OF TRANSPORTATION CONTRACTS TO CONSTRUCT 2016 AND 2017 STORM DAMAGE PERMANENT REPAIRS ON PEACHLAND ROAD, COUNTY ROAD 128, MILEPOST 0.35, MILEPOST 0.95, AND MILEPOST 1.14; EEL RIVER ROAD, COUNTY ROAD 240B, MILEPOST 7.85 AND MILEPOST 8.10; LAYTONVILLE DOS RIOS ROAD, COUNTY ROAD 322, MILEPOST 3.34, MILEPOST 3.66, AND MILEPOST 4.19; PINE RIDGE ROAD, COUNTY ROAD 220, MILEPOST 4.52 AND MILEPOST 5.30; BLACKHAWK DRIVE, COUNTY ROAD 371, MILEPOST 2.00; LOW GAP ROAD, COUNTY ROAD 212, MILEPOST 19.40 (COUNTYWIDE) - SPONSOR: TRANSPORTATION**

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 17-065

RESOLUTION 17-065

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING DEPARTMENT OF TRANSPORTATION TO ADVERTISE FOR BIDS AND AWARD OF TWELVE DEPARTMENT OF TRANSPORTATION CONTRACTS TO CONSTRUCT 2016 AND 2017 STORM DAMAGE PERMANENT REPAIRS ON PEACHLAND ROAD, COUNTY ROAD 128, MILEPOST 0.35, MILEPOST 0.95, AND MILEPOST 1.14; EEL RIVER ROAD, COUNTY ROAD 240B, MILEPOST 7.85 AND MILEPOST 8.10; LAYTONVILLE DOS RIOS ROAD, COUNTY ROAD 322, MILEPOST 3.34, MILEPOST 3.66, AND MILEPOST 4.19; PINE RIDGE ROAD, COUNTY ROAD 220, MILEPOST 4.52 AND MILEPOST 5.30; BLACKHAWK DRIVE, COUNTY ROAD 371, MILEPOST 2.00; LOW GAP ROAD, COUNTY ROAD 212, MILEPOST 19.40 (COUNTYWIDE)

**4AG) ACCEPTANCE OF THE MARCH 31, 2017 REPORT OF MENDOCINO COUNTY POOLED INVESTMENTS - SPONSOR: TREASURER-TAX COLLECTOR**

Approved;

**4AH) AUTHORIZATION FOR THE CHIEF EXECUTIVE OFFICER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF UKIAH TO PROVIDE IN KIND SERVICES RELATED TO THE PROPOSITION 1 PLANNING GRANT TO DEVELOP A RUSSIAN RIVER WATERSHED STORMWATER RESOURCE PLAN - SPONSOR: WATER AGENCY**

Approved;

*THE BOARD OF SUPERVISORS JOINTLY CONVENED AS THE MENDOCINO COUNTY AIR QUALITY MANAGEMENT IN CONSIDERATION OF AGENDA ITEMS 4(A) AND 4(B); AND AS THE MENDOCINO COUNTY WATER AGENCY IN CONSIDERATION OF ITEM 4(AH)*

**5A) DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF THE MENDOCINO COUNTY LODGING BUSINESS IMPROVEMENT DISTRICT (BID) ANNUAL REPORT; ADOPTION OF RESOLUTION DECLARING THE INTENTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO LEVY AND COLLECT AN ASSESSMENT FROM LODGING BUSINESSES IN THE BID (WITHIN THE BOUNDARIES OF THE UNINCORPORATED PORTION OF THE COUNTY OF MENDOCINO AND THE INCORPORATED AREA OF THE CITY OF FORT BRAGG, THE CITY OF UKIAH, AND THE CITY OF WILLITS); FIXING THE DATE, TIME, AND PLACE OF A PUBLIC HEARING TO BE HELD IN FRONT OF THE BOARD TO LEVY THE PROPOSED ASSESSMENT FOR FISCAL YEAR 2017 2018) - SPONSOR: PLANNING AND BUILDING SERVICES**

**Presenter/s:** Ms. Adrienne Thompson, Administrative Services Manager, Planning and Building Services; Ms. Wendy Roberts; and Mr. Steve Dunncliff, Deputy Chief Executive Officer.

**Public Comment:** None.

**Board Action:** Upon motion by Supervisor Gjerde, seconded by Supervisor Brown, IT IS ORDERED that the Board of Supervisors approves the Mendocino County Lodging Business Improvement District (BID) Annual Report as amended; adopts Resolution declaring the intention of the Mendocino County Board of Supervisors to levy and collect an assessment from lodging businesses in the BID (within the boundaries of the unincorporated portion of the County of Mendocino and the incorporated area of the City of Fort Bragg, the City of Ukiah, and the City of Willits); sets a public hearing on June 20, 2017; and authorizes Chair to sign same.. The motion carried by the following vote. *[Amendment to Section 5.140.210, “Should that organization demonstrate its viability as a representative of lodging, as provided for in its bylaws...”]*

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

No: 0 – None.

Absent: 1 – Supervisor Croskey.

Enactment No: Resolution 17-066

#### RESOLUTION 17-066

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS DECLARING ITS INTENTION TO LEVY AND COLLECT AN ANNUAL ASSESSMENT FROM BUSINESSES IN THE MENDOCINO COUNTY LODGING BUSINESS IMPROVEMENT DISTRICT WITHIN THE BOUNDARIES OF THE UNINCORPORATED PORTION OF THE COUNTY OF MENDOCINO AND THE INCORPORATED AREAS OF THE CITY OF FORT BRAGG, THE CITY OF UKIAH, AND THE CITY OF WILLITS FROM SPECIFIED HOTEL BUSINESSES, AND FIXING THE DATE, TIME AND PLACE OF A PUBLIC HEARING TO BE HELD BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO TO LEVY THE PROPOSED ASSESSMENT FOR FISCAL YEAR 2017-2018

#### **5B) DISCUSSION AND POSSIBLE ACTION INCLUDING INTRODUCTION AND WAIVE READING OF AN ORDINANCE AMENDING CHAPTER 5.140 OF MENDOCINO COUNTY CODE (MENDOCINO COUNTY LODGING BUSINESS IMPROVEMENT DISTRICT) - SPONSOR: PLANNING AND BUILDING SERVICES**

**Presenter/s:** Mr. Steve Dunncliff, Deputy Chief Executive Officer.

**Public Comment:** Ms. Wendy Roberts.

**Board Action:** Upon motion by Supervisor Brown, seconded by Supervisor Gjerde, IT IS ORDERED that the Board of Supervisors introduces and waives reading of an Ordinance amending Chapter 5.140 of Mendocino County Code (Mendocino County Lodging Business Improvement District). The motion carried by the following vote:

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

No: 0 – None.

Absent: 1 – Supervisor Croskey.

#### **5C) NOTICED PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION INCLUDING INTRODUCTION AND WAIVE FIRST READING OF AN ORDINANCE ADOPTING CHAPTER 22.17 - FLOODPLAIN ORDINANCE AND DELETING CHAPTER 20.120 FLOODPLAIN COMBINING DISTRICT - SPONSOR: PLANNING AND BUILDING SERVICES**

**Presenter/s:** Mr. Nash Gonzalez, Interim Director, 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 introduces and waives first reading of an Ordinance adopting Chapter 22.17 - Floodplain Ordinance and deleting Chapter 20.120 - Floodplain Combining District, and provides direction to staff to initiate a Local Coastal Program Amendment which addresses the repeal of Chapter 20.420 (Coastal Floodplain Combining District Ordinance). The motion carried by the following vote:

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

No: 0 – None.

Absent: 1 – Supervisor Croskey.

**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. Nash Gonzalez, Interim Director, Planning and Building Services.

**Public Comment:** None.

**Board Action:** No action taken.

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

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

**Public Comment:** None.

**Board Action:** No action taken.

**5F DISCUSSION AND POSSIBLE ACTION INCLUDING APPROVAL OF WORKFORCE INNOVATION AND OPPORTUNITY ACT REGIONAL AND LOCAL PLANS) - SPONSOR: PLANNING AND BUILDING SERVICES**

**Presenter/s:** Ms. Debra Dockins, Staff Services Administrator, Planning and Building Services.

**Public Comment:** None.

**Board Action:** Upon motion by Supervisor Gjerde, seconded by Supervisor Hamburg, IT IS ORDERED that the Board of Supervisors approves the 2017 2020 Regional Workforce Innovation and Opportunity Act Plan for Sonoma, Lake, Marin, Mendocino, Napa and Solano Counties; approves the 2017 2020 Local Workforce Innovation and Opportunity Act Plan for Sonoma, Lake, Marin, Mendocino, Napa and Solano Counties; and authorizes Chair to sign same. The motion carried by the following vote:

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

No: 0 – None.

Absent: 1 – Supervisor Croskey.

**BOARD RECESS:** 10:33 A.M. - 10:46 A.M.

**5G) DISCUSSION AND POSSIBLE ACTION INCLUDING INTRODUCTION AND WAIVE READING OF ORDINANCE AMENDING SECTION 15.04.030(F) OF THE MENDOCINO COUNTY CODE SPEED ZONING ON COUNTY ROADS, ADDING PARAGRAPH 15.04.030(F) (11), ESTABLISHING A FORTY FIVE MILES PER HOUR PRIMA FACIE SPEED LIMIT ON POINT CABRILLO DRIVE, COUNTY ROAD 564, FROM MILEPOST 0.00 TO MILEPOST 0.75 (CASPAR AREA) AND CLARIFYING AND CORRECTING ROAD NUMBERS AND REPEALING A PREVIOUSLY VACATED ROAD - SPONSOR: TRANSPORTATION**

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

**Public Comment:** None.

**Board Action:** Upon motion by Supervisor Hamburg, seconded by Supervisor Brown to introduce and waive reading of Ordinance amending section 15.04.030(F) of the Mendocino County Code — Speed Zoning on County Roads, adding paragraph 15.04.030(F) (11), establishing a forty five miles per hour (MPH) prima facie speed limit on Point Cabrillo Drive, County Road (CR) 564, from milepost (MP) 0.00 to MP 0.75. (Caspar Area) and clarifying and correcting road numbers and repealing a previously vacated road. Motion withdrawn by Supervisor Hamburg.

**Board Directive:** GENERAL CONSENSUS OF THE BOARD to continue this item. Director Dashiell shall return this item to the Board along with the Traffic Study previously presented to the Board in approximately one month. Director Dashiell will consult with County Counsel regarding proper procedure for return of this item.

**5H) DISCUSSION AND POSSIBLE ACTION REGARDING INFORMATIONAL PRESENTATION FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION REGARDING THE MARCH 2017 AND APRIL 2017 ROCK SLIDES AND CLOSURES ON HIGHWAY 101 NORTH OF LEGGETT - SPONSOR: EXECUTIVE OFFICE**

**Presenter/s:** Ms. Carmel J. Angelo, Chief Executive Officer; Mr. Dan Bornman, Area Construction Engineer, California Department of Transportation.

**Public Comment:** Mr. Howard Dashiell, Director, Transportation.

**Board Action:** No action taken.

*ADJOURNED TO CLOSED SESSION FOLLOWED BY LUNCH RECESS: 11:35 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 54957 — PUBLIC EMPLOYEE PERFORMANCE EVALUATION — INTERIM AGRICULTURAL COMMISSIONER — WITHDRAWN**

**9C) PURSUANT TO GOVERNMENT CODE SECTION 54956.9D(2) – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: SIGNIFICANT EXPOSURE TO LITIGATION – ONE CASE**

*RECONVENED IN OPEN SESSION: 1:38 P.M.*

#### **AGENDA ITEM NO. 9 – REPORT OUT OF CLOSED SESSION**

**Presenter:** Chair McCowen.

**Board Action:** In respect to agenda items 9(a) direction was given to staff; in respect to item 9(c), direction was given to staff and to the Ad Hoc Committee.

**5I) DISCUSSION AND POSSIBLE ACTION REGARDING INFORMATIONAL UPDATE ON STATUS OF THE RECENTLY IMPLEMENTED MENDOCINO COUNTY CANNABIS CULTIVATION PROGRAM IN THE DEPARTMENT OF AGRICULTURE - SPONSOR: AGRICULTURE**

**Presenter/s:** Mr. Arif Kever, Assistant Agricultural Commissioner, Agriculture; and Ms. Mary Lynn Hunt, Senior Planner, Planning and Building Services.

**Public Comment:** Mr. Paul Hansbury.

**Board Action:** No action taken.

**6A) DISCUSSION AND POSSIBLE ACTION REGARDING A PRESENTATION FROM THE MENDOCINO COUNTY FIRE SAFE COUNCIL REGARDING CONSIDERATION OF FUNDING REQUESTS - SPONSOR: SUPERVISOR HAMBURG**

**Presenter/s:** Supervisor Hamburg; and Mr. George Britton.

**Public Comment:** Mr. Marc Komer; Mr. John Andersen; Ms. Lillian Hoika; Mr. Sandy Tanaka; and Mr. Francois Christian.

**Board Action:** Upon motion by Supervisor Gjerde, seconded by Supervisor Hamburg, IT IS ORDERED that the Board of Supervisors include \$24,500 of funding for the Fire Safe Council in the draft 2017 18 budget; postpones Cannabis Tax allocation discussion for at least one year; and defers discussion regarding the addition of a member of the Board of Supervisors to the Fire Safe Council until the new third District Supervisor assignments are discussed. The motion carried by the following vote:

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

No: 0 – None.

Absent: 1 – Supervisor Croskey.

**6B) DISCUSSION AND POSSIBLE ACTION REGARDING A REPORT OUT FROM THE GENERAL GOVERNMENT COMMITTEE IN RESPECT TO REFERRALS ON INCLUSIONARY HOUSING AND ACCESSORY DWELLING UNITS, AND POSSIBLE DIRECTION REGARDING INCLUSIONARY HOUSING, ACCESSORY DWELLING UNITS AND SHORT TERM RENTALS - SPONSOR: SUPERVISORS GJERDE AND BROWN - GENERAL GOVERNMENT COMMITTEE**

**Presenter/s:** Mr. Nash Gonzalez, Interim Director, Planning and Building Services; Mr. Matthew Kiedrowski, Deputy County Counsel; and Mr. Michael Oliphant, Senior Building Inspector, Planning and Building Services.

**Public Comment:** None.

**Board Directive:** GENERAL CONSENSUS OF THE BOARD that the Mendocino Town Plan Ad Hoc Committee continue to work with staff and the Coastal Commission on the Mendocino Town Plan Local Coastal Plan.

**Board Directive:** BY ORDER OF THE CHAIR the Board of Supervisors shall create an Ad Hoc Committee consisting of Supervisor Gjerde and Supervisor Hamburg to work with staff on issues related to Local Coastal Plan Amendments for Flood Plain and Accessory Dwelling Unit issues and to clarify with Coastal Commission staff the requirements deemed necessary to resolve the Flood Plain issue; and allow for the development of accessory units with both issues to be included in a single Local Coastal Plan amendment, if feasible.

**Board Directive:** GENERAL CONSENSUS OF THE BOARD that the County shall limit short term rental business licenses to one per person for properties located in residential zoning districts, and to no more than one short term rental unit per parcel for new short term rentals; require two residential units on the property to allow a short term rental (on parcels that are legally allowed to have a second unit, for properties zoned residential RR 10 or less); existing short term rental business licenses with more than one issued to a person, or more than one to a parcel, or where only one residential unit exists on the property shall be “grandfathered” in as legal non-conforming. These restrictions shall apply in both the inland and coastal zoning districts.

**Board Directive:** GENERAL CONSENSUS OF THE BOARD that Planning and Building staff shall bring forward an agenda item to adopt a moratorium to apply to both the inland and coastal zoning districts to prevent issuing new business licenses on short term rentals, pending the issuance of a new business license Ordinance for short term rentals.

**Board Directive:** GENERAL CONSENSUS OF THE BOARD to accept Planning and Building Services staff recommendation to create four sets of plans for Accessory Dwelling Units to be made available to the public, free of charge.

**Board Directive:** GENERAL CONSENSUS OF THE BOARD to refer to General Government Committee the issue of how to make people aware of a possible alternative of including an accessory dwelling unit in a minor subdivision as a means of complying with the Inclusionary Housing Ordinance and return to the Board with a recommendation to either amend the Ordinance or adopt an alternative method of informing the public.

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

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

**Public Comment:** None.

**Board Action:** No action taken.

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

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

**Presenter/s:** Board of Supervisors.

**Public Comment:** None.

**Board Action:** No action taken.

**AGENDA ITEM NO. 10 – COMMUNICATIONS**

- 10a) Calfire Fire Services 2016 Incident Totals. For more information, please contact Mr. George Gonzalez, Unit Chief at [george.gonzalez@fire.ca.gov](mailto:george.gonzalez@fire.ca.gov).
- 10b) State Water Resources Control Board - Notice of Temporary Urgency Change Petitions for Permits 12947A, 12949, 12950, and 16596 (Applications 12919A, 15736, 15737, and 19351) of Sonoma County Water Agency. For more information, please contact Mr. Don Seymour, Principal Engineer at [dseymour@scwa.ca.gov](mailto:dseymour@scwa.ca.gov).
- 10c) Broadband Alliance of Mendocino County - April Broadband Alliance Monthly Report. For more information, please contact Ms. Trish Steel at (707) 354 3224, or via email at [chairman@mendocinobroadband.org](mailto:chairman@mendocinobroadband.org).
- 10d) California State Board of Equalization - Mendocino County Assessment Practices Survey Report. For more information, please contact Mr. David J. Gau, Executive Director at (916) 327 4975.
- 10e) California Fish and Game Commission - Notice of Central Valley Chinook Salmon Sport Fishing. For more information, please visit <http://www.fgc.ca.gov/regulations/2017/index.aspx#cv>.
- 10f) California Fish and Game Commission - Notice of Proposed Regulatory Action Relative to Amending Sections 29.80 and 122, title 14, California Code of Regulations. For more information, please contact Mr. Tom Mason at (562) 342 7107.
- 10g) California Fish and Game Commission - Notice of Receipt of Petition to List Cascades Frog as Threatened or Endangered. For more information, please contact Ms. Valerie Termini, Executive Director at (916) 653 4899.

- 10h) California Fish and Game Commission - Notice of Proposed Regulatory Action Relative to Amending Section 300, Title 14, California Code of Regulations, Relating to Upland Bird Regulations. For more information, please contact Ms. Valerie Termini, Executive Director at (916) 653 4899.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 4:14 P.M.

Attest: KARLA VAN HAGEN  
Deputy Clerk of the Board II

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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](http://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](http://www.co.mendocino.ca.us/bos)

*Thank you for your interest in the proceedings of the Mendocino County Board of Supervisors*