

CARRE BROWN
1st District
Supervisor
Chair

JOHN MCCOWEN
2nd District
Supervisor

JOHN HASCHAK
3rd District
Supervisor
Vice-Chair

DAN GJERDE
4th District
Supervisor

TED WILLIAMS
5th District
Supervisor



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 19, 2019

**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, Supervisor John Haschak, Supervisor Dan Gjerde, and Supervisor Ted Williams. Chair Brown presiding.

Staff Present: Ms. Carmel J. Angelo, Chief Executive Officer; Ms. Katharine L. Elliott, County Counsel; and Ms. Karla Van Hagen, Senior Deputy Clerk of the Board.

The Pledge of Allegiance was led by: Mr. Jerry Ward.

AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

Presenter/s: Mr. Bill Gross.

AGENDA ITEM NO. 4 – APPROVAL OF CONSENT CALENDAR

Presenter/s: Chair Brown.

Public Comment: None.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Williams IT IS ORDERED that consent calendar items 4a) – 4d) are approved as follows. The motion carried by the following vote:

Aye: 5 – Supervisor Brown, Supervisor McCowen, Supervisor Haschak, Supervisor Gjerde and Supervisor Williams

No: 0 – None

Absent: 0 – None

4A) APPROVAL OF RECOMMENDED APPOINTMENTS/REAPPOINTMENTS

Approved;

1. Mr. Robert Juengling, Member, Gualala Municipal Advisory Council; and
2. Ms. Christa Roderick, Member, Hopland Municipal Advisory Council.

4B) APPROVAL OF MINUTES OF MARCH 12, 2019, REGULAR MEETING

Approved;

4C) AUTHORIZATION TO PURCHASE AND ADD PUBLIC SAFETY RADIO VOTING COMPARATORS IN THE AMOUNT OF \$52,521 TO THE COUNTY'S FIXED ASSET LIST - SPONSOR: EXECUTIVE OFFICE

Approved;

4D) AUTHORIZATION TO PURCHASE AND ADD THE DISTRICT ATTORNEY/MENDOCINO COUNTY SHERIFF'S OFFICE FIREWALLS IN THE AMOUNT OF \$20,847 FOR CRIMINAL JUSTICE INFORMATION SERVICES (CJIS) COMPLIANCE TO THE COUNTY'S FIXED ASSET LIST - SPONSOR: EXECUTIVE OFFICE

Approved.

6A) DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF INFORMATION SERVICES EFFICIENCY AND MODERNIZATION ITEMS - SPONSOR: SUPERVISOR WILLIAMS

Presenter/s: Supervisor Williams.

Public Comment: None.

Board Directive: BY ORDER OF THE CHAIR formation of an IT Ad Hoc Committee consisting of Supervisor Gjerde and Williams.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor McCowen, IT IS ORDERED that the Board of Supervisors directs staff to collaborate with newly formed Information Technology (IT) Ad Hoc Committee on the prioritization of the County's IT Master Plan initiatives and business process improvements, consider the feasibility of incorporating potential new efficiency and modernization items, and return to the Board of Supervisors with an updated IT Master Plan implementation strategy and cost analysis. The motion carried by the following vote:

Aye: 5 – Supervisor Brown, Supervisor McCowen, Supervisor Haschak, Supervisor Gjerde and Supervisor Williams

No: 0 – None

Absent: 0 – None

6E) DISCUSSION AND POSSIBLE ACTION REGARDING DIRECTION TO CHIEF EXECUTIVE OFFICER ABOUT HIRING PRACTICES - SPONSOR: SUPERVISOR WILLIAMS

Presenter/s: Supervisor Williams; and Ms. Heidi Dunham, Director, Human Resources.

Public Comment: None.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Williams, IT IS ORDERED that the Board of Supervisors Directs the Chief Executive Officer to produce monthly hiring reports, document the necessity of every open position prior to upcoming budget decisions, and provide a realistic projection of which positions will actually be filled in the coming fiscal year. The motion carried by the following vote:

Aye: 5 – Supervisor Brown, Supervisor McCowen, Supervisor Haschak, Supervisor Gjerde and Supervisor Williams

No: 0 – None

Absent: 0 – None

5A) DISCUSSION AND POSSIBLE ACTION INCLUDING APPROVAL OF FIRST AMENDMENT TO BOARD OF SUPERVISORS AGREEMENT 15-071 WITH COLD CREEK COMPOST INCREASING TIPPING FEES FOR COMPOSTING SERVICES, EFFECTIVE MARCH 19, 2019, THROUGH DECEMBER 31, 2022; AND APPROVAL OF PASS THROUGH RATE ADJUSTMENT WITH SOLID WASTES OF WILLITS (SWOW) - SPONSOR: EXECUTIVE OFFICE

Presenter/s: Mr. Steve Dunncliff, Deputy Chief Executive Officer; Mr. Martin Mileck, Owner, Cold Creek Compost.

Public Comment: Mr. Jerry Ward.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Williams, IT IS ORDERED that the Board of Supervisors Approves first amendment to BOS Agreement No. 15-071 with Cold Creek Compost to increase tipping fees for composting services, effective March 19, 2019, through December 31, 2022; and approves pass-through rate adjustment with SWOW. The motion carried by the following vote:

Aye: 5 – Supervisor Brown, Supervisor McCowen, Supervisor Haschak, Supervisor Gjerde and Supervisor Williams

No: 0 – None

Absent: 0 – None

Enactment No: Agreement 15-071 A1

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

ADJOURNED TO CLOSED SESSION: 9:53 A.M.

9B) PURSUANT TO GOVERNMENT CODE SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR; PROPERTY/PHYSICAL ADDRESS: RIVINO RANCH ROAD, (FRONTAGE ROAD E) UKIAH, CA (APN 184 210 RW); PARTIES: COUNTY OF MENDOCINO; AGENCY NEGOTIATORS: CARMEL J. ANGELO AND JANELLE RAU; UNDER NEGOTIATION: SURPLUS/SALE OF REAL PROPERTY

RECONVENED IN OPEN SESSION 10:32 A.M.

AGENDA ITEM NO. 9 – REPORT OUT OF CLOSED SESSION

Presenter: Chair Brown.

Board Action: In respect to agenda item 9b), The County of Mendocino has agreed to sell County owned property located at Frontage Road E, Ukiah, CA (APN 184-210-RW) to Rivino Winery/Jason McConnell. The selling price is \$11,500 and escrow will be opened by the buyer. Staff will present the Board of Supervisors with a future open session item including declaring the property as surplus and consideration of a final sales agreement incorporating all conditions agreed upon and escrow instructions.

6C) DISCUSSION AND POSSIBLE ACTION REGARDING A PRESENTATION ON “THE CLIMATE REALITY PROJECT” SLIDE SHOW - SPONSORS: SUPERVISORS WILLIAMS AND HASCHAK

Presenter/s: Supervisor Williams; and Mr. Doug Nunn

Public Comment: Mr. Ike Heinz; Mr. Thad Van Bueren; and Mr. Tony Orth.

Board Action: No action taken.

6D) PRESENTATION, DISCUSSION AND POSSIBLE ACTION REGARDING MENDOCINO COUNTY’S COMMITMENT TO FIGHT CLIMATE CHANGE, THE FORMATION OF A CLIMATE ACTION ADVISORY COMMITTEE TO ENGAGE PUBLIC PARTICIPATION AND SUPPORT COMMUNITY CLIMATE CHANGE PREPAREDNESS, ASSESS GREEN HOUSE GAS EMISSIONS AND CARBON STORAGE BASELINE CONDITIONS, EXPLORE AND RECOMMEND SHORT AND LONG TERM PRIORITIES FOR GREEN HOUSE GAS EMISSIONS REDUCTIONS AND CARBON STORAGE PROJECTS, AND EXPLORE POTENTIAL FUNDING SOURCES - SPONSOR: SUPERVISOR MCCOWEN

Presenter/s: Ms. Alicia Bales; Ms. Kirsten Johnson; and Ms. Deborah Edelmann.

Public Comment: Ms. Jessica Thompson; Mr. Louis Bigfoot; Ms. Priscilla Tarner; Mr. Raul Gardea; Ms. Karen Bowers; Mr. Denmark Murphy; Ms. Polly Gervin; Ms. Janet Orth; Ms. Lisa Fredrickson; Ms. Margo Frank; Mr. Patrick Hentschel; Ms. Ellen Faulkner; Ms. Naomi Wagner; Ms. Marggie Chandler; Ms. Ellen Drell; Mr. David Drell; Ms. Kate Marianchild; Ms. Robin Sunbeam; Mr. Casey O'Neill; and Ms. Marita McDonough.

ADJOURNED TO CLOSED SESSION FOLLOWED BY LUNCH RECESS: 12:01 P.M.

9A) PURSUANT TO GOVERNMENT CODE SECTION 54957.6 - CONFERENCE WITH LABOR NEGOTIATOR - AGENCY NEGOTIATORS: CARMEL J. ANGELO, HEIDI DUNHAM, CHERIE JOHNSON AND DONNA WILLIAMSON; EMPLOYEE ORGANIZATION(S): ALL**9C) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(B) – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: SIGNIFICANT EXPOSURE TO LITIGATION – 1 CASE – WITHDRAWN****9D) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(A) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – JESSICA MCCALL V. MENDOCINO COUNTY, DISTRICT ATTORNEY’S OFFICE ET AL., CASE NO. SCUJ CVG 18 70457 - WITHDRAWN**

RECONVENED IN OPEN SESSION: 1:31 P.M.

AGENDA ITEM NO. 9 – REPORT OUT OF CLOSED SESSION

Presenter: Chair Brown.

Board Action: In respect to agenda item 9a), direction was given to staff.

6D) PRESENTATION, DISCUSSION AND POSSIBLE ACTION REGARDING MENDOCINO COUNTY'S COMMITMENT TO FIGHT CLIMATE CHANGE, THE FORMATION OF A CLIMATE ACTION ADVISORY COMMITTEE TO ENGAGE PUBLIC PARTICIPATION AND SUPPORT COMMUNITY CLIMATE CHANGE PREPAREDNESS, ASSESS GREEN HOUSE GAS EMISSIONS AND CARBON STORAGE BASELINE CONDITIONS, EXPLORE AND RECOMMEND SHORT AND LONG TERM PRIORITIES FOR GREEN HOUSE GAS EMISSIONS REDUCTIONS AND CARBON STORAGE PROJECTS, AND EXPLORE POTENTIAL FUNDING SOURCES - SPONSOR: SUPERVISOR MCCOWEN (CONTINUED)

Public Comment: Ms. Jessica Thompson; Mr. Louis Bigfoot; Ms. Priscilla Tarner; Mr. Raul Gardea; Ms. Karen Bowers; Mr. Denmark Murphy; Ms. Polly Garvin; Ms. Janet Orth; Ms. Lisa Fredrickson; Ms. Margo Frank; Mr. Patrick Hentschel; Ms. Ellen Faulkner; Ms. Naomi Wagner; Ms. Marggie Chandler; Ms. Ellen Drell; Mr. David Drell; Ms. Kate Marianchild; Ms. Robin Sunbeam; Mr. Casey O'Neill; and Ms. Marita McDonough.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor Gjerde, IT IS ORDERED that the Board of Supervisors Accepts the presentation of the Climate Action Start-up Group; endorses in principle the proposal presented; directs staff to schedule a subsequent workshop/presentation on April 2, 2019, on the formation and structure of the Climate Action Advisory Committee and to explore funding sources and initiate discussions with the Mendocino County Resource Conservation District regarding a contract for services to staff the Committee. The motion carried by the following vote:

Aye: 5 – Supervisor Brown, Supervisor McCowen, Supervisor Haschak, Supervisor Gjerde and Supervisor Williams

No: 0 – None

Absent: 0 – None

5B) NOTICED PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION INCLUDING ADOPTION OF ORDINANCES AND RESOLUTIONS ON GENERAL PLAN AMENDMENT INCLUDING THE FOLLOWING SUB ITEMS: (1) GENERAL PLAN AMENDMENT AND REZONING WITH A CONTRACT REZONE (GP_2014-0002/R_2014-0003-ADKINSON), LOCATED AT 8800 HIGHWAY 128, PHILO (APNS: 046-070-26, 046-070-27, & 046-070-28) AND (2) GENERAL PLAN AMENDMENT AND REZONING (GP_2006-0008/R_2006-0012-MOORES), LOCATED WITHIN THE GENERAL REGION OF THE IRISH BEACH SUBDIVISION (APNS: 131-110-04, 07, 16, 17, AND 36, 132-210-37, 38, 39, 40, AND 41, AND 132-320-06, 07, 24, 26, 27, 42, 43, & 45) - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Ms. Julia Acker Krog, Senior Planner, Planning and Building Services; and Mr. Matthew Kiedrowski, Deputy County Counsel.

Public Comment: Mr. Bill Moores.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor McCowen, IT IS ORDERED that the Board of Supervisors (1) Adopts a Resolution Adopting a Mitigated Negative Declaration for a General Plan Amendment and Rezone (GP_2014-0002/R_2014-0003 - Adkinson), Located at 8800 Highway 128, Philo (APNs: 046-070-26, 046-070-27, & 046-070-28) and authorizes Chair to sign same; (2) Adopts a Resolution approving General Plan Amendment GP_2014-0002 (Adkinson) and denying General Plan Amendment GP_2006-0008 and authorizes Chair to sign same; (3) adopts Ordinance changing the zoning of 12.01± acres (APNs: 046-070-26, -27, -28) from Rural Residential - 5 acre minimum with a Flood Plain combining district (RR-5:FP) and Rural Community with a Flood Plain combining district (RC:FP) to General Commercial - with a Contract Rezone and Flood Plain combining district (C-2:CR[FP]) and authorizes Chair to sign same; (4) Adopts Ordinance changing the Inland Zoning of portions of APNs 131-110-16 and 17 from Range Land to Timberland Production and authorizes Chair to sign same; (5) Adopts Ordinance changing the Coastal Zoning of APN 131-110-07 from Forest Lands to Timberland Production Zoning District and changing the zoning on a portion of APNs 132-210-37, 38, 39, 40, and 41 from Range Lands to Timberland Production and authorizes Chair to sign same; and (6) Adopts Resolution authorizing Planning and Building Services to submit a Local Coastal Program Amendment Application to the California Coastal Commission for GP_2006-0008/R_2006-0012 and authorizes Chair to sign same. The motion carried by the following vote:

Aye: 5 – Supervisor Brown, Supervisor McCowen, Supervisor Haschak, Supervisor Gjerde and Supervisor Williams

No: 0 – None

Absent: 0 – None

Enactment Nos: Resolution 19-142, Resolution 19-143, Ordinance 4427, Ordinance 4428, Ordinance 4429 and Resolution 19-144

RESOLUTION 19-142

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE GENERAL PLAN AMENDMENT AND REZONE (GP_2014-0002/R_2014-0003) OF THE PROPERTY LOCATED AT 8800 HIGHWAY 128, PHILO (APNS: 046-070-26, 046-070-27, & 046-070-28)

RESOLUTION 19-143

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING A GENERAL PLAN AMENDMENT (GP_2014-0002) TO RECLASSIFY 8.33± ACRES (PORTION OF APNS: 046-070-26, 046-070-27, 046-070-28) FROM RURAL RESIDENTIAL – 5 ACRE MINIMUM WITH A FLOOD PLAIN COMBINING DISTRICT (RR-5:FP) TO RURAL COMMUNITY WITH A FLOOD PLAIN COMBINING DISTRICT (RC:FP) AND DENYING GENERAL PLAN AMENDMENT (GP_2006-0008) FOR APNS 131-110-04 AND 36, APNS 132-320-06, 07, 24, 26, 27, 42, 43, AND 45 AND FOR PORTIONS OF APNS 132-210-37, 38, 39, 40, AND 41

ORDINANCE 4427

AN ORDINANCE CHANGING THE ZONING OF REAL PROPERTY WITHIN MENDOCINO COUNTY

ORDINANCE 4428

AN ORDINANCE CHANGING THE ZONING OF REAL PROPERTY WITHIN MENDOCINO COUNTY

ORDINANCE 4429

AN ORDINANCE CHANGING THE ZONING OF REAL PROPERTY WITHIN MENDOCINO COUNTY

RESOLUTION 19-144

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING SUBMITTAL OF A LOCAL COASTAL PROGRAM AMENDMENT APPLICATION TO THE CALIFORNIA COASTAL COMMISSION

6E) DISCUSSION AND POSSIBLE ACTION INCLUDING DIRECTION TO STAFF REGARDING DEVELOPMENT OF AN INDOOR CANNABIS CULTIVATION USE PERMIT PROCESS FOR PHASE ONE APPLICANTS SUBJECT TO SUNSET PROVISION IN SECTION 10A.17.080(2)(B) OF THE MENDOCINO CANNABIS CULTIVATION ORDINANCE - SPONSOR: SUPERVISOR WILLIAMS

Presenter/s: Supervisor Williams.

Public Comment: Ms. Jerilyn Harris; Mr. Will Carson; Ms. Sally Palmer; Mr. Williams Hayes; Ms. Barbara McLean; Mr. Russell Woodward; Ms. Kyla Miller; Mr. Cody Dudley; Ms. Pandora Zurreal; Ms. Christine Andretta; Mr. Simeon Evans; Ms. Valerie Edwards; Ms. Misty Allenbaugh; Mr. Joshua Kepler; and Mr. Ted Hester.

Board Action: No action taken.

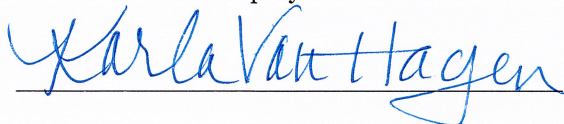
5C) CHIEF EXECUTIVE OFFICER'S REPORT - WITHDRAWN

5D) DISCUSSION AND POSSIBLE ACTION INCLUDING REVIEW, ADOPTION, AMENDMENT, CONSIDERATION OR RATIFICATION OF LEGISLATION PURSUANT TO THE ADOPTED LEGISLATIVE PLATFORM - WITHDRAWN

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
Senior Deputy Clerk of the Board


CARRE BROWN, 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.mendocinocounty.org/government/board-of-supervisors
- 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.mendocinocounty.org/government/board-of-supervisors

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