

CARMEL J. ANGELO Chief Executive Officer/ Clerk of the Board CHRISTIAN M. CURTIS Acting County Counsel

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MENDOCINO COUNTY BOARD OF SUPERVISORS ACTION MINUTES –November 5, 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 9:03 A.M.)

Present: Supervisor Carre Brown, Supervisor John Haschak, Supervisor Dan Gjerde, and Supervisor Ted Williams. Chair Brown presiding.

Absent: Supervisor McCowen.

Staff Present: Ms. Carmel J. Angelo, Chief Executive Officer; Mr. Christian M. Curtis, Acting County Counsel; Ms. Karla Van Hagen, Senior Deputy Clerk of the Board; and Ms. Lindsey Dunham, Deputy Clerk of the Board.

The Pledge of Allegiance was led by: Ms. Amy Wynn.

AGENDA ITEM NO. 3 - PUBLIC EXPRESSION

Presenter/s: Ms. Anna Maria Stenburg; Mr. Raul Gardea; Ms. Amy Wynn; Ms. Jude Thilman; Ms. Rebecca Oestler; Ms. Sheila Dawn Tracy; Ms. Beth Bosk; Ms. Hannah Nelson; Ms. Ann Marie Weibel; Mr. Rex Gressett; Ms. Anna Stockell; and Ms. Ali Goeker.

AGENDA ITEM NO. 4 - APPROVAL OF CONSENT CALENDAR

Presenter/s: Chair Brown.

Public Comment: Mr. Rex Gressett; and Mr. Thomas Allman.

Board Action: Upon motion by Supervisor Haschak, seconded by Supervisor Gjerde, IT IS ORDERED that consent calendar items 4a) through 4e) are hereby approved as follows:

Aye: 4 - Supervisor Brown, Supervisor Haschak, Supervisor Gjerde, and Supervisor Williams

No: o - None

Absent: 1 - Supervisor McCowen

4A) APPROVAL OF RECOMMENDED APPOINTMENTS/REAPPOINTMENTS

Approved;

1. Mr. George Provenscher, Member, Gualala Municipal Advisory Council; and

- 2. Ms. Jill Warner Carey, Public Agency Representative, Child Care Planning Council.
- 4B) APPROVAL OF 2019-20 ANNUAL UPDATE TO THE MENTAL HEALTH SERVICES ACT THREE YEAR PROGRAM AND EXPENDITURE PLAN, AND AUTHORIZATION FOR THE HEALTH AND HUMAN SERVICES AGENCY BEHAVIORAL HEALTH AND RECOVERY SERVICES DIRECTOR TO SIGN AND SUBMIT THE PLAN TO THE DEPARTMENT OF HEALTH CARE SERVICES SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Approved;

4C) APPROVAL OF RETROACTIVE AGREEMENT WITH NORTH COAST OPPORTUNITIES, INC. IN THE AMOUNT OF \$100,000 TO COMPLETE AND SUPPORT THE 2020 COMMUNITY HEALTHY IMPROVEMENT PLAN, EFFECTIVE NOVEMBER 1, 2019 THROUGH JUNE 30, 2020 - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Approved and Chair is authorized to sign same;

Enactment No: Agreement 19-252

4D) RATIFICATION OF SUBMISSION OF GRANT APPLICATION TO THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH FOR UP TO \$255,000 THROUGH THE CALIFORNIA OPIOID SAFETY COALITIONS (OVERDOSE DATA TO ACTION INITIATIVE) PROGRAM TO SUPPORT THE SAFERX MENDOCINO OPIOID SAFETY COALITION FOR THE ANTICIPATED PERIOD OF JANUARY 1, 2020 THROUGH AUGUST 31, 2022; AND AUTHORIZATION FOR THE HEALTH AND HUMAN SERVICES AGENCY DIRECTOR OR DESIGNEE TO SIGN AGREEMENT, IF AWARDED, AND ANY RENEWALS OR AMENDMENTS THAT DO NOT EXCEED THE MAXIMUM AMOUNT - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Approved;

4E) APPROVAL OF INCREASE OF APPROPRIATIONS FOR SUPPLEMENTAL LAW ENFORCEMENT FUND NUMBER 1210, BUDGET UNIT 2313 IN THE AMOUNT OF \$420,319, AND AUTHORIZATION FOR ASSOCIATED EXPENDITURES FOR SALARY RELATED EXPENSES, INFORMATION TECHNOLOGY INFRASTRUCTURE EQUIPMENT FOR THE REDWOOD VALLEY FIELD PATROL OFFICE, AND THE REPLACEMENT OF THE SHERIFF OFFICE'S AGED FIREARMS - SPONSOR: SHERIFF - CORONER

Approved.

5A) DISCUSSION AND POSSIBLE ACTION INCLUDING APPROVAL OF AMENDMENT OF THE BOARD OF SUPERVISORS 2019 MASTER MEETING SCHEDULE ADDING A POTENTIAL REGULAR MEETING ON DECEMBER 16, 2019, AND A BOARD OF SUPERVISORS GENERAL GOVERNMENT STANDING COMMITTEE MEETING ON DECEMBER 9, 2019, AND CANCELLING A GENERAL GOVERNMENT STANDING COMMITTEE

MEETING ON DECEMBER 16, 2019, AND/OR OTHER DATES AS DIRECTED BY THE BOARD - SPONSOR: EXECUTIVE OFFICE

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

Public Comment: None.

Board Action: Upon motion by Supervisor Gjerde, seconded by Supervisor Williams, IT IS ORDERED that the Board of Supervisors approves amendments to the Master Meeting Schedule adding a Regular Meeting on December 16, 2019, and a Board of Supervisors General Government Standing Committee meeting on December 9, 2019, and cancelling a General Government Standing Committee meeting on December 16, 2019. The motion carried by the following vote:

Aye: 4 - Supervisor Brown, Supervisor Haschak, Supervisor Gjerde, and Supervisor Williams

No: o - None

Absent: 1 - Supervisor McCowen

5B) DISCUSSION AND POSSIBLE ACTION INCLUDING ADOPTION OF RESOLUTION RATIFYING DECLARATION OF A LOCAL EMERGENCY RELATED TO THE OCTOBER WIND EVENTS AND CORRESPONDING PACIFIC GAS AND ELECTRIC PUBLIC SAFETY POWER SHUTOFF EVENTS ON OCTOBER 23, 2019, OCTOBER 26, 2019 AND OCTOBER 29, 2019, IN MENDOCINO COUNTY AS PROCLAIMED BY THE CHIEF EXECUTIVE OFFICER/DIRECTOR OF EMERGENCY SERVICES - SPONSOR: EXECUTIVE OFFICE

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

Public Comment: Mr. Rex Gressett.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor Haschak, IT IS ORDERED that the Board of Supervisors adopts Resolution ratifying Declaration of Local Emergency related to the October wind events and corresponding California Public Utility Corporation approved Pacific Gas and Electric Power Shutoff events on October 23, 2019, October 26, 2019, and October 29, 2019, in Mendocino County as declared by the Chief Executive Officer/Director of Emergency Services; and authorizes Chair to sign same. The motion carried by the following vote:

Ave: 4 - Supervisor Brown, Supervisor Haschak, Supervisor Gjerde, and Supervisor Williams

No: o - None

Absent: 1 – Supervisor McCowen

Enactment No: Resolution 19-376

RESOLUTION 19-376

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS RATIFYING THE DIRECTOR OF EMERGENCY SERVICES' PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY RELATED TO THE OCTOBER 2019 WIND EVENTS

6A) DISCUSSION AND POSSIBLE ADOPTION OF AN URGENCY ORDINANCE PROHIBITING PRICE GOUGING FOLLOWING THE OCTOBER 2019, PUBLIC SAFETY POWER SHUTOFF EVENTS - SPONSOR: COUNTY COUNSEL AND SUPERVISORS MCCOWEN AND WILLIAMS

Presenter/s: Supervisor Williams.

Public Comment: Ms. Hannah Nelson; Ms. Ann Rennaker; and Ms. Beth Bosk.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor Haschak, IT IS ORDERED that the Board of Supervisors adopts Urgency Ordinance prohibiting proce gouging following the October 2019, Public Safety Power Shutoff Events; and authorizes Chair to sign same. The motion carried by the following vote:

Aye: 4 - Supervisor Brown, Supervisor Haschak, Supervisor Gjerde, and Supervisor Williams

No: o - None

Absent: 1 - Supervisor McCowen

Enactment No: Ordinance 4441

ORDINANCE 4441

AN URGENCY ORDINANCE OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS PROHIBITING PRICE GOUGING FOLLOWING THE OCTOBER, 2019 WIND EVENT

BOARD RECESS: 11:06 A.M. - 11:17 A.M.

5C) NOTICED PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION INCLUDING (1) ADOPTION OF RESOLUTION AUTHORIZING SUBMITTAL OF A LOCAL COASTAL PROGRAM AMENDMENT TO THE CALIFORNIA COASTAL COMMISSION, CONSISTING OF AN AMENDMENT OF THE MENDOCINO COUNTY COASTAL ZONING CODE (TITLE 20 DIVISION II OF MENDOCINO COUNTY CODE) (OA_2019 0001) TO ESTABLISH A COASTAL CANNABIS CULTIVATION ORDINANCE (CHAPTER 20.537) TO GOVERN THE CULTIVATION OF CANNABIS AND A COASTAL CANNABIS FACILITIES ORDINANCE (CHAPTER 20.538) TO GOVERN THE COMMERCIAL PROCESSING, MANUFACTURING, TESTING, DISPENSING, RETAILING, AND DISTRIBUTING OF CANNABIS IN THE UNINCORPORATED AREAS OF THE COASTAL ZONE OF MENDOCINO COUNTY AND (2) REVIEW OF PROPOSED CORRESPONDING CHANGES TO MENDOCINO COUNTY CODE CHAPTERS 10A.17 AND 6.36 TO ADD REFERENCES TO THE PROPOSED NEW CHAPTERS 20.537 AND 20.538 - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Brent Schultz, Director, Planning and Building Services; Ms. Rebecca Dalski, LACO Associates; and Ms. Julia Acker Krog, Chief Planner, Planning and Building Services.

Public Comment: Mr. Nate Buttrick; Ms. Jude Tillman; Ms. Beth Borkman; Ms. Amy Wynn; Mr. Michael Strep; Mr. Merle Harrick; Mr. Gabriel Martin; Ms. Hannah Nelson; and Mr. John McCaully.

Board Action: Upon motion by Supervisor Gjerde, seconded by Supervisor Williams, IT IS ORDERED that the Board of Supervisors adopts Resolution, as amended, authorizing submittal of a Local Coastal Program amendment to the California Coastal Commission, consisting of an amendment of the Mendocino County Coastal Zoning Code (Title20-Division II of Mendocino County Code)(OA_2019-0001) to establish a Coastal Cannabis Cultivation Ordinance to govern the cultivation of cannabis, and a Coastal Cannabis Facilites Ordinance to govern the commercial processing, manufacturing, testing, dispensing, retailing, and distributing of cannabis in the unincorporated areas of the Coastal Zone of Mendocino County; and authorizes Chair to sign same. The motion carried by the following vote:

Aye: 4 - Supervisor Brown, Supervisor Haschak, Supervisor Gjerde, and Supervisor Williams

No: o - None

Absent: 1 - Supervisor McCowen

Enactment No: Resolution 19-377

RESOLUTION 19-377

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING SUBMITTAL OF A LOCAL COASTAL PROGRAM AMENDMENT TO THE CALIFORNIA COASTAL COMMISSION, CONSISTING OF AN AMENDMENT OF THE MENDOCINO COUNTY COASTAL ZONING CODE (TITLE 20-DIVISION II OF THE MENDOCINO COUNTY CODE)(OA_2019-0001) TO ESTABLISH REGULATIONS FOR CANNABIS CULTIVATION AND CANNABIS FACILITIES IN THE COASTAL ZONE OF MENDOCINO COUNTY

ADJOURNED TO CLOSED SESSION FOLLOWED BY LUNCH RECESS: 12:06 P.M.

THE BOARD OF SUPERVISORS JOINTLY CONVENED AS THE IN HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY GOVERNING BOARD IN CONSIDERATION OF AGENDA ITEM 9A)

- 9A) PURSUANT TO GOVERNMENT CODE SECTION 54957.6 CONFERENCE WITH LABOR NEGOTIATOR AGENCY NEGOTIATORS: CARMEL J. ANGELO, CHERIE JOHNSON, DONNA WILLIAMSON, AND LISA CHARBONNEAU; EMPLOYEE ORGANIZATION(S): ALL
- 9B) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(D)(1) CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION: COUNTY OF MENDOCINO, ET AL. V. AMERISOURCEBERGEN DRUG CORPORATION, ET AL., CASE NO. 1:18-CV-02712
- 9C) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(D)(1) CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION: PG&E CORPORATION (BANKRUPTCY CASE) CASE NO. 19-30088 (DM)
- 9D) PURSUANT TO GOVERNMENT CODE SECTION 54956.9D(2) CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION: SIGNIFICANT EXPOSURE TO LITIGATION ONE CASE

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

AGENDA ITEM NO. 9 - REPORT OUT OF CLOSED SESSION

Presenter: Chair Brown.

Board Action: With respect to agenda items 9a) – 9d), direction was given to staff.

6B) DISCUSSION AND POSSIBLE ACTION REGARDING RECOMMENDATIONS OF THE CANNABIS ECONOMIC DEVELOPMENT AD HOC COMMITTEE - SPONSOR: CANNABIS ECONOMIC DEVELOPMENT AD HOC COMMITTEE (SUPERVISORS GJERDE AND WILLIAMS)

Presenter/s: Supervisor Gjerde.

Public Comment: Ms. Genine Coleman; and Ms. Jude Thilman.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor Haschak, IT IS ORDERED that the Board of Supervisors directs staff to continue pursuing the opportunities presented by the Cannabis Economic Development Ad Hoc Committee, following strategic plan addendum provided by Mendocino Cannabis Alliance, with an added focus of facilitating collectives. The motion carried by the following vote:

Aye: 4 - Supervisor Brown, Supervisor Haschak, Supervisor Gjerde, and Supervisor Williams

No: o - None

Absent: 1 - Supervisor McCowen

5D) NOTICED PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION INCLUDING ADOPTION OF RESOLUTION AUTHORIZING SUBMITTAL OF A LOCAL COASTAL PROGRAM AMENDMENT TO THE CALIFORNIA COASTAL COMMISSION, CONSISTING OF AN AMENDMENT OF THE COASTAL ELEMENT OF THE MENDOCINO COUNTY GENERAL PLAN (GP_2018-0003) AND AN AMENDMENT OF THE MENDOCINO COUNTY COASTAL ZONING CODE (TITLE 20 DIVISION II OF MENDOCINO COUNTY CODE) (OA_2018-0009) TO ESTABLISH REGULATIONS FOR ACCESSORY DWELLING UNITS IN THE COASTAL ZONE OF MENDOCINO COUNTY - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Brent Schultz, Director, Planning and Building Services; Ms. Linda Ruffing, North Coast Community Planning; Ms. Julia Acker Krog, Chief Planner, Planning and Building Services; and Mr. Matthew Kiedrowski, Deputy County Counsel.

Public Comment: Mr. Thad Van Buren; Mr. Asa Spade; Ms. Maggie O'Rourke; Ms. Rosie Ecker; Ms. Wendy Babbe; Ms. Deirdre Lamb; Ms. Amy Wynn; Ms. Blair Foster; Ms. Tara Jackson; Ms. Susie Woolhouse; Ms. Tigerlily Jones; Ms. Lesli Langslet; and Mr. Jacob Henderson.

Board Action: Upon motion by Supervisor Gjerde, seconded by Supervisor Williams, IT IS ORDERED that the Board of Supervisors adopts Resolution authorizing submittal of a Local Coastal Program amendment to the California Coastal Commission, consisting of an amendment of the Coastal Element of the Mendocino County General Plan (GP_2018-0003) and an amendment of the Mendocino County Coastal Zoning Code (Title 20-Division II of Mendocino County Code) (OA_2018-0009) to establish regulations for accessory dwelling units in the coastal zone of Mendocino County; and authorizes Chair to sign same. The motion carried by the following vote:

Aye: 4 - Supervisor Brown, Supervisor Haschak, Supervisor Gjerde, and Supervisor Williams

No: o - None

Absent: 1 - Supervisor McCowen

Enactment No: Resolution 19-378

RESOLUTION 19-378

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING SUBMITTAL OF A LOCAL COASTAL PROGRAM AMENDMENT TO THE CALIFORNIA COASTAL COMMISSION, CONSISTING OF AN AMENDMENT OF THE COASTAL ELEMENT OF THE MENDOCINO COUNTY GENERAL PLAN (GP_2018-0003) AND AN AMENDMENT OF THE MENDOCINO COUNTY COASTAL ZONING CODE (TITLE 20-DIVISION II OF THE MENDOCINO COUNTY CODE)(OA_2018-0009) TO ESTABLISH REGULATIONS FOR ACCESSORY DWELLING UNITS IN THE COASTAL ZONE OF MENDOCINO COUNTY

BOARD RECESS: 3:30 P.M. - 3:40 P.M.

5F) DISCUSSION AND POSSIBLE ACTION INCLUDING AN UPDATE REGARDING THE COUNTY'S RESPONSE TO THE OCTOBER 9, 23, 26, AND 29, 2019 PUBLIC SAFETY POWER SHUT OFF EVENTS AND APPROVAL OF TRANSMISSION OF LETTER TO PACIFIC GAS AND ELECTRIC - SPONSOR: EXECUTIVE OFFICE

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

Public Comment: Mr. Dennick Murphy; Ms. Mary Ann Petrillo; Ms. Karen Bowers; Ms. Annmarie Weibel; Mr. Joe Ayers; Ms. Beth Bosk; Ms. Amy Wynn; Mr. Leonardo Bowers; and Ms. Tammy Moss Chandler.

Board Action: Upon motion by Supervisor Haschak, seconded by Supervisor Gjerde, IT IS ORDERED that the Board of Supervisors accepts update regarding the County's response to the October 9, 23, 26, and 29, 2019 public safety shut off events; approves transmission of letter to Pacific Gas and Electric; and authorizes Chair to sign same. The motion carried by the following vote:

Aye: 4 - Supervisor Brown, Supervisor Haschak, Supervisor Gjerde, and Supervisor Williams

No: o - None

Absent: 1 - Supervisor McCowen

5E) DISCUSSION AND POSSIBLE ACTION INCLUDING DIRECTION TO STAFF REGARDING BOARD OF SUPERVISORS GENERAL GOVERNMENT STANDING COMMITTEE REFERRAL OF ADOPTION OF ANY NEW TAXES IN TIME FOR THE MARCH 2020 ELECTION - SPONSOR: COUNTY COUNSEL AND GENERAL GOVERNMENT COMMITTEE

Presenter/s: Supervisor Haschak.

Public Comment: Mr. Thomas Allman.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor Haschak, IT IS ORDERED that the Board of Supervisors directs County Counsel to prepare an Ordinance to apply the Transient Occupancy Tax towards private campgrounds, with 75% revenue directed at local fire agencies, and 25% at the discretion of the Mendocino County Fire Cheifs Association recommendation annually on a general tax in unicorporated areas. The motion carried by the following vote:

Aye: 4 - Supervisor Brown, Supervisor Haschak, Supervisor Gjerde, and Supervisor Williams

No: o - None

Absent: 1 - Supervisor McCowen

6D) DISCUSSION AND POSSIBLE ACTION INCLUDING DIRECTION TO STAFF TO ESTABLISH DATA REPORTING AND CHARTING WEBSITE - SPONSOR: IT AD HOC COMMITTEE: SUPERVISORS WILLIAMS AND GJERDE

Presenter/s: Supervisor Williams.

Public Comment: Ms. Beth Bosk.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor Haschak, IT IS ORDERED that the Board of Supervisors directs staff to continue collaboration with IT Ad Hoc Committee to establish a data reporting and charting website with automated publication of key data, taking requests from department heads, Supervisors and the Executive Office. The motion carried by the following vote:

Aye: 4 - Supervisor Brown, Supervisor Haschak, Supervisor Gjerde, and Supervisor Williams

No: o - None

Absent: 1 - Supervisor McCowen

- 6c) Supervisors' Reports Regarding Board Special Assignments, Standing and Ad Hoc Committee Meetings, and Other Items of General Interest Withdrawn
- 5G) CHIEF EXECUTIVE OFFICER'S REPORT WITHDRAWN
- 5H) 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 4:57 P.M.

Attest:

LINDSEY DUNHAM

Deputy Clerk of the Board

CARRE BROWN, Chair

Attest:

KARLA VAN HAGEN

Senior Deputy Clerk of the Board

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