

CARRE BROWN
1st District
Supervisor

JOHN MCCOWEN
2nd District
Supervisor

JOHN HASCHAK
3rd District
Supervisor
Chair

DAN GJERDE
4th District
Supervisor
Vice-Chair

TED WILLIAMS
5th District
Supervisor



CARMEL J. ANGELO
Chief Executive Officer/
Clerk of the Board

CHRISTIAN M. CURTIS
County Counsel

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MENDOCINO COUNTY BOARD OF SUPERVISORS

ACTION MINUTES –November 3, 2020

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 9:04 A.M.)

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

Staff Present: Ms. Carmel J. Angelo, Chief Executive Officer; Mr. Christian M. Curtis, County Counsel; and Ms. Lindsey Daugherty, Deputy Clerk of the Board.

The Pledge of Allegiance was led by: Chair Haschak.

AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

Presenter/s: Ms. Annemarie Weibel; Mr. Neil Altimari; and Ms. Meeka Feretta.

AGENDA ITEM NO. 4 – APPROVAL OF CONSENT CALENDAR

Presenter/s: Chair Haschak.

Public Comment: None.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Williams, IT IS ORDERED that Consent Calendar items 4a) – 4k) are hereby 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. Joel Soinila, Community Representative, Health and Human Services Agency; and
2. Ms. Cindi Wagner, At-Large Member, Mendocino County Business Improvement District

4B) DISBAND THE VICHY SPRINGS LITIGATION AD HOC COMMITTEE CONSISTING OF SUPERVISORS BROWN AND MCCOWEN - SPONSORS: SUPERVISORS BROWN AND MCCOWEN

Approved;

4C) ADOPTION OF PROCLAMATION RECOGNIZING NOVEMBER 11, 2020, AS VETERANS APPRECIATION DAY IN MENDOCINO COUNTY - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Adopted and Chair is authorized to sign same;

4D) APPROVAL OF SUBMISSION OF ROUND TWO ALLOCATION ACCEPTANCE DOCUMENTATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR \$24,000 THROUGH THE TRANSITIONAL HOUSING PROGRAM; AND ADOPTION OF RESOLUTION AUTHORIZING APPLICATION FOR, AND ACCEPTANCE OF, MENDOCINO COUNTY'S ALLOCATION AWARD THROUGH THE TRANSITIONAL HOUSING PROGRAM AND AUTHORIZING THE HEALTH AND HUMAN SERVICES AGENCY'S SOCIAL SERVICES DIRECTOR TO SIGN NECESSARY DOCUMENTS TO BE AWARDED THE ALLOCATION - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 20-151

RESOLUTION 20-151

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF THE COUNTY ALLOCATION AWARD UNDER THE TRANSITIONAL HOUSING PROGRAM

4E) APPROVAL OF RETROACTIVE AGREEMENT WITH BAILEY DATA MANAGEMENT IN THE AMOUNT OF \$19,000 TO PROVIDE MAINTENANCE AND SUPPORT FOR THE MENDOFRM DATABASE USED BY FAMILY RESOURCE CENTERS WITHIN MENDOCINO COUNTY, EFFECTIVE JULY 1, 2020 THROUGH JUNE 30, 2021 - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Approved and Chair is authorized to sign same;

Enactment No: Agreement 20-147

4F) APPROVAL OF RETROACTIVE AGREEMENT WITH LONG VALLEY FIRE PROTECTION DISTRICT IN THE AMOUNT OF \$66,000 FOR ADVANCED LIFE SUPPORT SERVICES TO ENHANCE EXISTING GROUND AMBULANCE SERVICES FOR THE TERM OF JULY 1, 2020 THROUGH JUNE 30, 2021 - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Approved and Chair is authorized to sign same;

Enactment No: Agreement 20-148

4G) APPROVAL OF CERTIFICATION OF THE OCTOBER 13, 2020 BOARD OF RETIREMENT ELECTION RESULTS ELECTING JAMES ANDERSEN AS THE ALTERNATE RETIRED MEMBER, 10TH SEAT, TO A THREE YEAR TERM BEGINNING DECEMBER 1, 2020; AND APPROVAL OF ORDER THAT NO ELECTION BE HELD PURSUANT TO GOVERNMENT CODE SECTION 31523 AND DIRECTION TO THE RETIREMENT ADMINISTRATOR TO CAST UNANIMOUS BALLOTS FOR INCUMBENT AND UNOPPOSED CANDIDATE KATHRYN CAVNESS, GENERAL MEMBER, 3RD SEAT, AND UNOPPOSED CANDIDATE RICHARD SHOEMAKER, RETIRED MEMBER, 8TH SEAT, TO THREE YEAR TERMS BEGINNING DECEMBER 1, 2020 - SPONSOR: MENDOCINO COUNTY RETIREMENT ASSOCIATION

Approved;

4H) APPROVAL OF AGREEMENT WITH UNIVERSAL PROTECTION SERVICE, LP DBA ALLIED UNIVERSAL SECURITY SERVICES IN THE AMOUNT OF \$1,001,520 TO PROVIDE SECURITY GUARD SERVICES FOR THE MENDOCINO COUNTY SHERIFF'S OFFICE AT THE MENDOCINO COUNTY COURTHOUSES FOR THE TERM OF NOVEMBER 13, 2020 THROUGH NOVEMBER 14, 2023, WITH THE OPTION TO EXTEND THE AGREEMENT FOR UP TO THREE ADDITIONAL ONE YEAR PERIODS - SPONSOR: SHERIFF-CORONER

Approved and Chair is authorized to sign same;

Enactment No: Agreement 20-149

4I) ADOPTION OF RESOLUTION APPROVING NOTICE OF COMPLETION AND RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 180045, 2017 STORM DAMAGE REPAIRS ON MALLARD STREET, COUNTY ROAD 621, MILEPOST 0.10 (WILLITS AREA) - SPONSOR: TRANSPORTATION

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 20-152

RESOLUTION 20-152

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING NOTICE OF COMPLETION AND RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 180045, 2017 STORM DAMAGE REPAIRS ON MALLARD STREET, COUNTY ROAD 621, MILEPOST 0.10 (WILLITS AREA)

4J) ADOPTION OF RESOLUTION APPROVING NOTICE OF COMPLETION AND RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 200006, 2017 STORM DAMAGE REPAIRS ON PEACOCK DRIVE, COUNTY ROAD 619, MILEPOST 0.45 (WILLITS AREA) - SPONSOR: TRANSPORTATION

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 20-153

RESOLUTION 20-153

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING NOTICE OF COMPLETION AND RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 200006, 2017 STORM DAMAGE REPAIRS ON PEACOCK DRIVE, COUNTY ROAD 619, MILEPOST 0.45 (WILLITS AREA)

4K) APPROVAL OF THE SECOND AMENDED PLANNING AGREEMENT FOR THE POTTER VALLEY PROJECT PLANNING - SPONSOR: WATER AGENCY

Approved.

6A) DISCUSSION AND POSSIBLE ACTION INCLUDING APPROVAL OF APPOINTMENT OF SUPERVISOR HASCHAK AS DIRECTOR/BOARD MEMBER REPRESENTATIVE TO THE CALIFORNIA STATE ASSOCIATION OF COUNTIES (CSAC) BOARD OF DIRECTORS FOR THE 2020-21 TERM; AND DISCUSSION SURROUNDING APPOINTMENT OF AN ALTERNATE REPRESENTATIVE - SPONSOR: SUPERVISOR BROWN

Presenter/s: Supervisor Brown.

Public Comment: None.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor McCowen, IT IS ORDERED that the Board of Supervisors approves appointment of Supervisor Haschak as Board Member Representative to the California State Association of Counties (CSAC) Board of Directors for the 2020-21 term; appointing Supervisor Williams as Alternate. 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 AN UPDATE ASSOCIATED WITH THE NOVEL CORONAVIRUS (COVID-19); AND PROVIDE POSSIBLE DIRECTION REGARDING ESSENTIAL SERVICES IN MENDOCINO COUNTY, OPERATIONAL PREPARATION AND RESPONSE, AND ASSOCIATED COUNTYWIDE ECONOMIC IMPACTS - SPONSOR: EXECUTIVE OFFICE

Presenter/s: Mr. Andrew Coren, County Health Officer; Mr. Matt Kendall, Sheriff Coroner; Ms. Bekkie Emery, Assistant Director, Health and Human Services Agency; and Ms. Darcie Antle, Deputy Chief Executive Officer.

Public Comment: None.

Board Directive:

Board Action: No action taken.

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

BOARD RECESS: 10:12 A.M. – 10:19 A.M.

GAVEL PASSED TO VICE-CHAIR GJERDE AT 10:19 A.M.

5B) DISCUSSION AND POSSIBLE ACTION INCLUDING INTRODUCTION AND WAIVE FIRST READING OF ORDINANCE TO REPEAL AND REPLACE CHAPTER 6.20 OF THE MENDOCINO COUNTY CODE REGARDING LICENSURE OF TOBACCO RETAILERS - SPONSORS: COUNTY COUNSEL AND HEALTH AND HUMAN SERVICES AGENCY

Presenter/s: Supervisor Haschak; Ms. Charlotte Scott, Assistant County Counsel; and Ms. Tina Tyler O'Shea, Program Administrator, Community Wellness.

Public Comment: Ms. Karen Oslund.

Board Action: Upon motion by Supervisor Haschak, seconded by Supervisor Williams, IT IS ORDERED that the Board of Supervisors introduces and waives first reading of Ordinance to repeal and replace Chapter 6.20 of the Mendocino County Code regarding Licensure of Tobacco Retailers. 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

5C) DISCUSSION AND POSSIBLE ACTION REGARDING PRESENTATION TO THE BOARD OF SUPERVISORS FROM THE MENTAL HEALTH TREATMENT ACT CITIZEN'S OVERSIGHT COMMITTEE ON PROGRESS SINCE THE UPDATE ON OCTOBER 5, 2020 - SPONSOR: MENTAL HEALTH TREATMENT ACT CITIZEN'S OVERSIGHT COMMITTEE

Presenter/s: Ms. Alyson Bailey, Project Manager, Mental Health Treatment Act Citizen's Oversight Committee.

Public Comment: Ms. Jan McGourty.

Board Action: No action taken.

5D) DISCUSSION AND POSSIBLE ACTION REGARDING THE MENTAL HEALTH TREATMENT ACT CITIZEN'S OVERSIGHT COMMITTEE DRAFT STRATEGIC PLAN AND MEASURE B PROJECTS - SPONSOR: MENTAL HEALTH TREATMENT ACT CITIZEN'S OVERSIGHT COMMITTEE

Presenter/s: Ms. Alyson Bailey, Project Manager, Mental Health Treatment Act Citizen's Oversight Committee.

Public Comment: Ms. Jan McGourty.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Brown, IT IS ORDERED that the Board of Supervisors continues further discussion at the first meeting in December, requesting that staff bring back additional information relevant to the construction and operation of psychiatric health facility, crisis residential treatment center, and training center, and any additional financial information that is available related to the ongoing construction and operation of the facility. 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

ADJOURNED TO CLOSED SESSION: 11:43 A.M.

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

9B) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(D)(1) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: VICHY SPRINGS RESORT V. CITY OF UKIAH, ET AL. – CASE No. SCU-KCVPT-2018-70200-1

9C) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(D)(1) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: ANN MARIE BORGES & CHRIS GURR V. COUNTY OF MENDOCINO ET AL. – U.S. NORTHERN DISTRICT COURT CASE No. 3:20-CV-04537-SI

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

AGENDA ITEM NO. 9 – REPORT OUT OF CLOSED SESSION

Presenter: Chair Haschak.

Board Action: With respect to Agenda Items 9a), 9b) and 9c), direction was given to staff.

5E) DISCUSSION AND POSSIBLE ACTION INCLUDING ADOPTION OF RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS RATIFYING REDWOOD VALLEY CALPELLA FIRE PROTECTION DISTRICT’S ORDINANCE NO. 20-1, AMENDING “FIRE SAFETY ORDINANCE” TO ADOPT, BY REFERENCE, AND AMEND SELECTED PROVISIONS, CHAPTERS, AND APPENDICES OF THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, 2019 EDITION OF THE CALIFORNIA FIRE CODE, TO ADOPT LOCAL FINDINGS, AND TO MAKE TECHNICAL AND ADMINISTRATIVE REVISIONS TO THE FIRE SAFETY ORDINANCE - SPONSOR: COUNTY COUNSEL

Presenter/s: Mr. Christian M. Curtis, County Counsel; and Mr. Matthew Kiedrowski, Deputy County Counsel.

Public Comment: None.

Board Directive: GENERAL CONSENSUS OF THE BOARD to provide direction to staff and to the Districts to respond to concerns raised in public comment, to work on changes to District Ordinances and bring those back to the board in the future so that the Districts may take an action upon them.

Board Action: No action taken.

5F) DISCUSSION AND POSSIBLE ACTION INCLUDING ADOPTION OF RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS RATIFYING HOPLAND FIRE PROTECTION DISTRICT’S ORDINANCE NO. 20-1, AMENDING “FIRE SAFETY ORDINANCE” TO ADOPT, BY REFERENCE, AND AMEND SELECTED PROVISIONS, CHAPTERS, AND APPENDICES OF THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, 2019 EDITION OF THE CALIFORNIA FIRE CODE, TO ADOPT LOCAL FINDINGS, AND TO MAKE TECHNICAL AND ADMINISTRATIVE REVISIONS TO THE FIRE SAFETY ORDINANCE - SPONSOR: COUNTY COUNSEL

Presenter/s: Mr. Christian M. Curtis, County Counsel; and Mr. Matthew Kiedrowski, Deputy County Counsel.

Public Comment: None.

Board Directive: GENERAL CONSENSUS OF THE BOARD to provide direction to staff and to the Districts to respond to concerns raised in public comment, to work on changes to District Ordinances and bring those back to the board in the future so that the Districts may take an action upon them.

Board Action: No action taken.

5G) DISCUSSION AND POSSIBLE ACTION INCLUDING ADOPTION OF RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS RATIFYING THE ORDINANCE OF THE UKIAH VALLEY FIRE DISTRICT ADOPTING THE 2019 EDITION OF THE CALIFORNIA FIRE CODE WITH AMENDMENTS, REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION AND FOR PROVIDING FOR THE ISSUANCE OF PERMITS, REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES OF THE UKIAH VALLEY FIRE DISTRICT IN CONFLICT HEREWITH - SPONSOR: COUNTY COUNSEL

Presenter/s: Mr. Christian M. Curtis, County Counsel; Mr. Matthew Kiedrowski, Deputy County Counsel.

Public Comment: None.

Board Directive: BY ORDER OF THE CHAIR this item is tabled to a later date.

Board Action: No action taken.

BOARD RECESS: 3:32 P.M. – 3:49 P.M.

5H) NOTICED PUBLIC HEARING – DISCUSSION AND POSSIBLE ACTION INCLUDING (1) ADOPTION OF A RESOLUTION APPROVING AND ADOPTING AN ADDENDUM TO THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION FOR REZONING (R_2019-0009), IN COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS; AND (2) ADOPTION OF AN ORDINANCE REZONING (R_2019-0009 – REDWOOD VALLEY/WEST ROAD DISTRICT) FOURTEEN (14) LEGAL PARCELS, TOTALING 27.03± ACRES, ADDING A CANNABIS ACCOMMODATION (CA) COMBINING DISTRICT TO THE CURRENT ZONING DESIGNATION OF RURAL RESIDENTIAL (RR) DISTRICT - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Ms. Chevon Holmes, Planner II, Planning and Building Services; and Ms. Julia Acker, Chief Planner, Planning and Building Services.

Public Comment: Ms. Jane Huene; Ms. Charlene Zanella; and Mr. Dylan McGinty.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Gjerde, IT IS ORDERED that the Board of Supervisors intends to deny Ordinance rezoning (R_2019 0009 – Redwood Valley/West Road District) fourteen (14) legal parcels, totaling 27.03± acres, to add a Cannabis Accommodation (CA) Combining District to parcels currently zoned Rural Residential (RR) . 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

5I) NOTICED PUBLIC HEARING – DISCUSSION AND POSSIBLE ACTION INCLUDING (1) ADOPTION OF A RESOLUTION APPROVING AND ADOPTING AN ADDENDUM TO THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION FOR REZONING (R_2019-0011), IN COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS; AND (2) ADOPTION OF AN ORDINANCE REZONING (R_2019-0011 – CALPELLA/MILANI DRIVE DISTRICT) TWELVE (12) LEGAL PARCELS, TOTALING 8.96+/ ACRES, ADDING A CANNABIS ACCOMMODATION (CA) COMBINING DISTRICT TO THE CURRENT ZONING DESIGNATIONS OF SUBURBAN RESIDENTIAL DISTRICT - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Ms. Julia Acker, Chief Planner, Planning and Building Services.

Public Comment: None.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Williams, IT IS ORDERED that the Board of Supervisors moves to continue this item to December 15, 2020. The motion carried by the following vote:

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

No: 0 – None

Absent: 0 – None

Recused: 1 – Supervisor McCowen

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 5:42 P.M.

Attest: LINDSEY DAUGHERTY
Deputy Clerk of the Board

JOHN HASCHAK, 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