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 –February 14, 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 9:01A.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. Nicole French, Deputy Clerk of the Board.

The Pledge of Allegiance was led by: Mr. Mike Pallesen.

AGENDA ITEM NO. 8 – MODIFICATIONS TO THE AGENDA

Presenter/s: Chair McCowen announced the following modification to the agenda:

8a) Clarification and Confirmation of Board of Supervisors Direction to Staff Regarding Draft Medical Cannabis Cultivation Ordinance Chapter 10A.17; Zoning Ordinance Chapter 20.242; California Environmental Quality Act (CEQA) Initial Study; and Williamson Act Policies and Procedures

2A) ADOPTION OF PROCLAMATION RECOGNIZING THE CENTENNIAL ANNIVERSARY OF THE GREENWOOD CIVIC CLUB - SPONSOR: SUPERVISOR HAMBURG

Presenter/s: Supervisor Hamburg.

Public Comment: Ms. Jane Sinclair.

Board Action: Adopted without objection.

2B) ADOPTION OF PROCLAMATION RECOGNIZING THE MONTH OF FEBRUARY 2017 AS SPAY AND NEUTER MONTH IN MENDOCINO COUNTY - SPONSOR: SUPERVISORS BROWN AND MCCOWEN

Presenter/s: Supervisor Gjerde.

Public Comment: Ms. Julie Knudsen.

Board Directive: BY ORDER OF THE CHAIR direction to Chief Executive Officer to convene with appropriate staff to evaluate the issues regarding veterinarian recruitment and retention on the coast and report back to the Board of Supervisors within 30 days.

Board Action: Adopted without objection.

2C) ADOPTION OF PROCLAMATION RECOGNIZING MARCH 2017 AS WOMEN'S HISTORY MONTH IN MENDOCINO COUNTY - SPONSOR: SUPERVISORS BROWN AND MCCOWEN

Presenter/s: Supervisor Brown.

Public Comment: Ms. Katarzyna Rolzinski.

Board Action: Adopted without objection.

AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

Presenter/s: None.

AGENDA ITEM NO. 4 – APPROVAL OF CONSENT CALENDAR

Presenter/s: Chair McCowen.

Public Comment: None.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Hamburg, IT IS ORDERED THAT CONSENT ITEMS 4(a) - 4(k); are approved as follows:

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

No: o - None

4A) CLAIM OF AMANDA CARLEY

Rejected;

4B) JANUARY 10, 2017 REGULAR BOARD MEETING

Approved;

4C) APPROVAL OF RECOMMENDED APPOINTMENTS/REAPPOINTMENTS

Approve the following appointments/reappointments:

1. Joan Rose, Anderson Valley Cemetery District, Trustee;

4D) APPROVAL OF AGREEMENT WITH RURAL COMMUNITIES HOUSING DEVELOPMENT CORPORATION IN THE AMOUNT OF \$1,336,000 TO PROVIDE MENTAL HEALTH SERVICES ACT (MHSA) RENTAL HOUSING TO MENDOCINO COUNTY RESIDENTS AND CLIENTS FOR HEALTH AND HUMAN SERVICES AGENCY (HHSA) BEHAVIORAL HEALTH AND RECOVERY SERVICES (BHRS) THROUGH DECEMBER 2038 - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Approved and Chair is authorized to sign same;

Enactment No: Agreement 17-006

4E) ADOPTION OF RESOLUTION AUTHORIZING HEALTH AND HUMAN SERVICES AGENCY TO ENTER INTO GRANT AGREEMENT D1614106 WITH THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD IN THE AMOUNT OF \$30,000 FOR A TERM ENDING JUNE 30, 2017 - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 17-021

4F) APPROVAL OF AMENDMENT TO AGREEMENT NO. MH 16 022 WITH CANYON MANOR IN THE AMOUNT OF \$285,000 FOR A NEW TOTAL OF \$335,000 FOR SERVICES PROVIDING LICENSED RESIDENTIAL TREATMENT FOR ADULT BEHAVIORAL HEALTH AND RECOVERY SERVICES, ALL OTHER TERMS AND CONDITIONS OF AGREEMENT NO. MH 16:022, PURCHASING AGENT NO. 17 59 SHALL REMAIN IN FULL FORCE AND EFFECT FOR A TERM OF JULY 1, 2016 TO JUNE 30, 2017 - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Approved and Chair is authorized to sign same;

Enactment No: Agreement 17-007

4G) ADOPTION OF RESOLUTION AUTHORIZING ADOPTION OF THE CLASSIFICATIONS OF SUPERVISING DEPUTY PROBATION. OFFICER AND ASSISTANT CHIEF PROBATION OFFICER; APPROVAL OF CHANGES IN CLASSIFICATION TITLE FROM CORRECTIONS COUNSELOR TO JUVENILE CORRECTIONS OFFICER, AND APPROVAL OF CHANGES TO THE POSITION ALLOCATION TABLE AS FOLLOWS; PROBATION, BUDGET UNIT 2560 DELETE TWO (2) FULL TIME EQUIVALENT: (FTE) DEPUTY PROBATION OFFICER III; ADD TWO (2) FTE SUPERVISING DEPUTY PROBATION OFFICER III; AND TWO (2) FTE ASSISTANT; AND ADD ONE (1) FTE ASSISTANT CHIEF PROBATION OFFICER - SPONSOR; HUMAN RESOURCES

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 17-022

- 4H) APPROVAL OF DISBURSEMENT OF \$25;000 OF MENDOCINO COUNTY FISH AND GAME PROPAGATION FUNDS FOR ROUND LOFTHE 2016/2017 PROJECT CYCLE AS FOLLOWS:
 - \$10;000 Mill Creek Stream Bank Stabilization and Riparian Corridor Development Project by Round Valley Indian Tribes
 - \$2,500 Education/and Wildfire Rescue Programs by Woodfands Wildfire
 - \$8,500 Subtedal Marine Protected Area Monitoring of Mendocino County's Rocky Reefs by Reef Check (California
 - -\$4,000 Town Creek Restoration Planning and Education Project by Eel River-Recovery Project-
 - SPONSOR: PLANNING AND BUILDING SERVICES

Approved;

41) AUTHORIZE THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT, CDP_2016 0034 (LEWIS), TO CONSTRUCT A 650 SQUARE FOOT SINGLE FAMILY RESIDENCE IN THE TOWN OF MENDOCING - SPONSOR: PLANNING AND BUILDING SERVICES

Approved;

4K) AUTHORIZE THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT, CDP_2016 0034 (LEWIS), TO CONSTRUCT A 650 SQUARE FOOT SINGLE FAMILY RESIDENCE IN THE TOWN OF MENDOCINO - SPONSOR: TRANSPORTATION

Approved;

5a) DISCUSSION AND POSSIBLE ACTION INCLUDING APPROVAL OF REQUEST TO CONTRACT WITH MS. TERRY N. GROSS FOR LEGAL SERVICES WITHIN 180 DAYS AFTER HER RETIREMENT PURSUANT TO GOVERNMENT CODE SECTION 7522.56 FOR AN AMOUNT NOT TO EXCEED \$25,000 FOR A TERM OF JANUARY 10, 2017 TO JANUARY 9, 2018 - SPONSOR: COUNTY COUNSEL

Presenter/s: Mr. Michael Makdisi, Deputy County Counsel.

Public Comment: None.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Gjerde, IT IS ORDERED that the Board of Supervisors approves County Counsel's request to contract with Ms. Terry N. Gross for legal services within 180 after her retirement pursuant to Government Code section 7522.56 for an amount not to exceed \$25,000 for a term of January 10, 2017 to January 9, 2018. The motion carried by the following vote:

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

No: o - None

THE BOARD OF SUPERVISORS JOINTLY CONVENED AS THE MENDOCINO COUNTY WATER AGENCY IN CONSIDERATION OF AGENDA ITEM 7(a)

7A) UPDATE AND DISCUSSION REGARDING THE DEVELOPMENT AND STRUCTURE OF AN UKIAH VALLEY GROUNDWATER SUSTAINABILITY AGENCY AND TENTATIVE APPROVAL OF THE ORGANIZATIONAL CHART - SPONSOR: SGMA AD HOC COMMITTEE

Presenter/s: Supervisor Brown; Ms. Sarah Dukett, Administrative Analyst; and Supervisor Hamburg.

Public Comment: None.

Board Directive: BY ORDER OF THE CHAIR direction to staff to place a recurring item on the agenda updating the Board of Supervisors on the development and structure of an Ukiah Valley Groundwater Sustainability Agency.

Board Directive: BY ORDER OF THE CHAIR to the SGMA Ad Hoc Committee to continue working on issues regarding the development and structure of an Ukiah Valley Groundwater Sustainability Agency and tentative approval of the organizational chart.

5B) INTRODUCTION AND WAIVE READING OF ORDINANCE AMENDING CHAPTER 9.05 OF MENDOCINO COUNTY CODE TITLED, "EMERGENCY MEDICAL RESPONSE" - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Presenter/s: Ms. Tammy Moss Chandler, Director, Health and Human Services Agency; Ms. Jen Banks, EMS Coordinator, Coastal Valley EMS Agency; Mr. Bill Bullard, Senior Vice President, The Abaris Group; and Mr. Brian Cleaver, Regional EMS Administrator, Coastal Valley EMS Agency.

Public Comment: Mr. Leonard Winter.

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor Gjerde, IT IS ORDERED that the Board of Supervisors introduces and waives reading of Ordinance amending Mendocino County Code Section 9.05 titled, "Emergency Medical Response" as amended, changing the word "designated" to "directed" in section 14 of the Ordinance. The motion carried by the following vote:

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

No: o - None

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. Steve Dunnicliff, Director, Planning and Building Services.

Public Comment: None.

Board Action: None.

5E) DISCUSSION/PRESENTATION OF THE DEPARTMENT OF PLANNING AND BUILDING SERVICES

DEVELOPMENT ACTIVITY REPORT FOR THE MONTH OF JANUARY, 2017 - SPONSOR: PLANNING AND
BUILDING SERVICES

Presenter/s: Mr. Steve Dunnicliff, Director, Planning and Building Services.

Public Comment: None.

Board Action: None.

5F) TRANSPORTATION DIRECTOR'S REPORT - SPONSOR: TRANSPORTATION

Presenter/s: Chair McCowen.

Public Comment: None.

Board Directive: BY ORDER OF THE CHAIR direction to the Chief Executive Officer requesting that she notify the Transportation Director that the Board of Supervisors would like to receive a report regarding encroachment permits in the county right of way as it relates to insurance and licenced contractors in the next Transportation Director's report.

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

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

Public Comment: None.

Board Action: None.

511) 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: 11:01 A.M. - 11:11 A.M.

5C) DISCUSSION AND POSSIBLE ACTION INCLUDING INTERVIEWS WITH APPLICANTS AND POSSIBLE APPOINTMENTS TO THE 4TH AND 6TH MEMBER SEATS TO THE MENDOCINO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION BOARD - SPONSOR: EXECUTIVE OFFICE

Presenter/s: Chair McCowen.

Public Comment: Mr. Stan Anderson; Mr. John Sakowicz; Mr. Ted Stephens; Mr. Richard Weinkle; and Mr. Leland Parker.

Board Action: Upon motion by Supervisor Gjerde, seconded by Supervisor Brown, IT IS ORDERED that the Board of Supervisors appoints Lee Parker to the 4th Member seat and reappoints Ted Stephens to the 6th Member seat to the Mendocino County Employees' Retirement Association Board. The motion carried by the following vote:

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

No: o - None

ADJOURNED TO WORKING LUNCH CLOSED SESSION: 12:07 P.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 -County Librarian

RECONVENED IN OPEN SESSION: 1:34 P.M.

AGENDA ITEM NO. 9 – REPORT OUT OF CLOSED SESSION

Presenter: Chair McCowen.

Board Action: Direction was given to staff in the matter of agenda items 9(a) and 9(b).

SUPERVISOR HAMBURG RECUSED HIMSELF WITH RESPECT TO ITEMS 5(1) AND 8(A)

SUPERVISOR HAMBURG ABSENT AT 1:35 P.M.

51) DISCUSSION AND POSSIBLE DIRECTION TO STAFF ON DEVELOPMENT AND ADOPTION OF AN ORDINANCE ESTABLISHING A CHAPTER 9.30 REGULATING THE CULTIVATION OF RECREATIONAL CANNABIS PURSUANT TO PROPOSITION 64 AND POSSIBLE CORRESPONDING CHANGES TO COUNTY CODE CHAPTER 9.31 - SPONSOR: COUNTY COUNSEL

Presenter/s: Mr. Matthew Kiedrowski, Deputy County Counsel; Ms. Brina Blanton, Deputy County Counsel; and Mr. Steve Dunnicliff, Director, Planning and Building Services.

Public Comment: Mr. Ron Edwards; Ms. Donna Mecca; Mr. Casey O'Neill; Mr. David Drell; Ms. Hannah Nelson; Ms. Jerilynn Harris; Mr. Randy Johnson, Undersheriff, Sheriff's Office; and Mr. Tracy Page.

Board Directive: The Board of Supervisors provided the following direction to staff:

- Support to limit plant size to 100 square feet;
- Do not allow cannabis to be grown indoors in livable space;
- Clarification that six plants grown under Proposition 64 does not increase the 25 plant count for medicinal use;
- Require that all cannabis under Proposition 64 must be grown indoors on parcels less than 10 acres;
- Require that cannabis grown under Proposition 64 must meet the setbacks outlined in other cannabis regulation sections of the Mendocino County Code;
- Staff will compare limitations in 9.31 that are similar to those in the proposed rules such as: lighting, erosion, noise, and notice to landlord, for consideration in 9.30;
- Support to include applicable restrictions from 9.31 in 9.30;
- Enforce cannabis grown under Proposition 64 in a manner consistent with existing sections of Mendocino County Code related to cannabis enforcement.
- 8a) Clarification and Confirmation of Board of Supervisors Direction to Staff Regarding Draft Medical Cannabis Cultivation Ordinance Chapter 10A.17; Zoning Ordinance Chapter 20,242; California Environmental Quality Act (CEQA) Initial Study; and Williamson Act Policies and Procedures Sponsor; Supervisor McGowen

Presenter/s: Supervisor McCowen; Mr. Matthew Kiedrowski, Deputy County Counsel; Mr. Randy Johnson, Undersheriff; and Ms. Katharine Elliott, County Counsel.

Public Comment: Mr. Ron Edwards; Ms. Linda Gray; Mr. Casey O'Neill; Ms. Hannah Nelson; Ms. Carole Hester; Mr. Don Bua; Mr. David Drell; Mr. Allan Harris; Ms. Corinne Powell; Ms. Cynthia Coale; Mr. Tracy Page; Mr. Hal Wagenet; and Mr. Simon Evers.

Board Directive: The Board of Supervisors provided the following direction to staff:

- Clarification that canopy is to be defined as the area in which the plant grows:
- Support to allocate funding dedicated to creating overlay zones in the most expeditious manner possible;

BOARD RECESS: 3:54 P.M. - 4:03 P.M.

Board Directive: The Board of Supervisors provided the following direction to staff:

- Staff will bring back options related to the proposed 90 day application period;
- Allow owners of multiple parcels to lease the parcels provided proof of cultivation prior to January 1, 2016 can be established.
- Clarification on the following items outlined on page 5 of the memorandum provided by Chair McCowen:
 - A) Support of the item as listed;
 - o B) Staff will develop standards for an inspector to evaluate the issues detailed in the item;
 - C) Support of the item as listed;
 - o D) No directive given;
 - o E) Do not require tenants in common to notice land partners of intention to apply for permits;
 - 5) Staff will present recommendations to the Board of Supervisors regarding this item;
 - o G) Staff will develop criteria for this item as part of developing an overlay zone process;
- Staff will add language to clarify that cannabis is not a row and field crop;
- Clarification that individuals will need to apply for a permit within the initial application time frame; however, creation of an overlay zone will create a new opportunity to apply for a permit.

SUPERVISOR HAMBURG PRESENT AT 4:59 P.M.

6B) INFORMATIONAL UPDATE, DISCUSSION AND POSSIBLE ACTION INCLUDING POSSIBLE AMENDMENTS TO THE SOLID WASTE OF WILLITS (SWOW) MENDOCINO SOLID WASTE FRANCHISE AGREEMENTS RELATED TO POSSIBLE CLOSURES OF BUY BACK CENTERS AND TRANSFER STATIONS AS DIRECTED BY THE BOARD OF SUPERVISORS ON FEBRUARY 7, 2017 - SPONSOR: SUPERVISOR HAMBURG

Presenter/s: Ms. Loisa Morris, General Manager, Mendocino Solid Waste Management Authority.

Public Comment: Mr. Jerry Ward.

Board Action: None.

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

Presenter/s: Board of Supervisors

Board Action: None.

SUPERVISOR BROWN ABSENT AT 5:30 P.M.

ADJOURNED TO CLOSED SESSION: 5:30 P.M.

- 9C) Pursuant to Government Code Section 54956.9(a) Conference with Legal Counsel Existing Litigation: Grist Creek v. MAMQD. Mendocino County Superior Court Case No. SCUK CVPT 15 66620
- 9D) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(A) CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION: THE PEOPLE V. GRIST CREEK, MENDOCINO COUNTY SUPERIOR COURT CASE NO. SCUK CVG 16 67314
- 9E) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(A) CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION: FRIENDS OF OUTLOOK CREEK V. MAMQD. MENDOCINO COUNTY SUPERIOR COURT CASE NO. SCUK CVG 16 67449
- 9F) Pursuant to Government Code Section 54956.9(a) Conference with Legal Counsel Existing Litigation: Friends of Outlook Creek v. MAMQD, Mendocino County Superior Court Case No. A148508
- 9G) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(A) CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION: MICHAEL JOHNSON, ET AL. V. COUNTY OF MENDOCINO. MENDOCINO COUNTY SUPERIOR COURT CASE NO. SCUK CVG 17 68711

RECONVENED IN OPEN SESSION: 5:59 P.M.

AGENDA ITEM NO. 9 – REPORT OUT OF CLOSED SESSION

Presenter: Chair McCowen.

Board Action: Direction was given to staff in the matter of agenda items 9(c), 9(d), 9(e), 9(f), and 9(g).

AGENDA ITEM NO. 10 – COMMUNICATIONS

- (a) Department of California Highway Patrol Pursuant to Health and Safety Code Section 25180.7 Report of Hazardous Waste (for more information please contact Sergeant Timothy Willock 707 923 2155).
- (b) Sonoma County Water Agency Fish Habitat Flows and Water Rights Project Draft Environmental Impact Report (for more information please go to www.scwa.ca.gov/fish.flow/).
- (c) Rural County Representatives of California 2016 Annual Report (for more information please go to www.rcrcnet.org).

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 6:00 P.M.

Attest:

Nicole French

Deputy Clerk of the Board II

JQHN MCCOWEN, Chair

NOTICE: PUBLISHED MINUTES OF THE MENDOGINO 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.comendocino.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 Glerk of the Board www.co.mendocino.ca.us/bos

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