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

COUNTY ADMINISTRATION CENTER
501 Low Gap Road, Room 1070
Ukiah, CA 95482
(707) 463-4441 (t)
(707) 463-5649 (f)
cob@co.mendocino.ca.us

MENDOCINO COUNTY BOARD OF SUPERVISORS ACTION MINUTES -April 4, 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. Karla Van Hagen, Deputy Clerk of the Board II.

The Pledge of Allegiance was led by: Mr. Andrew Alvarado.

2A) ADOPTION OF PROCLAMATION RECOGNIZING THE WEEK OF APRIL 2-8, 2017, AS CRIME VICTIMS' RIGHTS WEEK IN MENDOCINO COUNTY - SPONSOR: DISTRICT ATTORNEY

Presenter/s: Supervisor Hamburg.

Public Comment: Mr. Andrew Alvarado, Supervising Investigator, District Attorney.

Board Action: Approved without objection.

AGENDA ITEM NO. 3 - PUBLIC EXPRESSION

Presenter/s: Mr. Thomas Allman, Sheriff; and Mr. Richard Molinari, Animal Shelter Manager.

AGENDA ITEM NO. 4 - APPROVAL OF CONSENT CALENDAR

Presenter/s: Supervisor McCowen.

Announcement: Supervisor Hamburg announced that he had a financial conflict in respect to Agenda item 4(l) and would recuse himself from consideration of that item.

Board Directive: Consent Calendar item 4(l) removed for separate consideration.

Public Comment: Ms. Mary Anne Petrillo; and Ms. Karen Horner, Director, Library.

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor Gjerde, IT IS ORDERED that consent items 4(a) - 4(k) and 4(m) - 4(y); are approved as follows: The motion carried by the following vote:

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

No: o - None.

4A) FEBRUARY 7, 2017 REGULAR BOARD MEETING

Approved;

4B) FEBRUARY 14, 2017 REGULAR BOARD MEETING

Approved;

4C) MARCH 7, 2017 REGULAR BOARD MEETING

Approved;

4D) MARCH 20, 2017 REGULAR BOARD MEETING

Approved;

4E) MARCH 21, 2017 REGULAR BOARD MEETING

Approved;

4F)MARCH 28, 2017 SPECIAL BOARD MEETING

Approved;

4G) APPOINTMENTS

- 1. Karen Riordan, Potter Valley Cemetery District, Trustee;
- 2. Jerry Chaney, Area Agency on Aging Governing Board, At-Large Member;
- 3. Carolina Robb, Mendocino Historical Review Board, Member;
- 4. Katie Pence, Gualala Municipal Advisory Council, Member; and
- 5. Patrick Ford, Mendocino County Fish and Game Commission, 1st District Representative.

Approved;

4H) ADOPTION OF RESOLUTION REQUESTING PERMISSION FROM CALIFORNIA HIGHWAY PATROL (CHP) FOR THE "COVELO FUTURE FARMERS OF AMERICA (FFA) FIELD DAY PARADE" TO BE HELD IN COVELO, CALIFORNIA, ON SATURDAY, MAY 13, 2017, ON STATE ROUTE 162 - SPONSOR: SUPERVISOR MCCOWEN

Adopted and Chair is authorized to sign same;

RESOLUTION NO. 17-043

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS REQUESTING PERMISSION FROM CALIFORNIA HIGHWAY PATROL (CHP) FOR THE "COVELO FUTURE FARMERS OF AMERICA FIELD DAY PARADE" TO BE HELD IN COVELO, CALIFORNIA, ON SATURDAY, MAY 13, 2017, ON STATE ROUTE 162

41) APPROVAL TO REJECT ALL BIDS RECEIVED FOR THE PUBLIC HEALTH BUILDING REPOOF AND HVAC REPLACEMENT PROJECT AND AUTHORIZATION FOR THE EXECUTIVE OFFICE TO RE BID THE PROJECT WITH A REVISED SCOPE OF WORK - SPONSOR: EXECUTIVE OFFICE

Approved;

4J) Adoption of Resolution Authorizing the Mendocino County Water Agency General Manager to Receive, Sign and Execute a Proposition 1 Storm Water Grant in the Amount of \$242,990 from the California Department of Water Resources Control Board and Authorize the Water Agency General Manager to Sign Any Amendments Thereto That Do Not Increase the Maximum Total Amount of the Agreement; and Be Designated to Represent the Agency in Carrying out the Agency's Responsibilities Under the Financial Assistance Agreement - Sponsor: Executive Office

Adopted and Chair is authorized to sign same;

RESOLUTION NO. 17-044

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MENDOCINO COUNTY WATER AGENCY AUTHORIZING THE EXECUTION OF AN AGREEMENT TO RECEIVE A PROPOSTION 1 STORM WATER GRANT FROM THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

4K) APPROVAL OF AUTOMOBILE ALLOWANCE FOR DEPUTY CHIEF EXECUTIVE OFFICER (FACILITIES AND FLEET DIVISION) - SPONSOR: EXECUTIVE OFFICE

Approved;

4m) Approval of Mendocino Council of Governments' Biennial Review of Conflict of Interest Code - Sponsor: County Counsel

Approved;

4n) Approval of California Children's Services (CCS) and California Health and Disability Prevention (CHDP) Certification Statements for Children's Medical Services (CMS) for Fiscal Year 2016 17 - Sponsor: Health and HUman Services Agency

Approved;

40) ADOPTION OF RESOLUTION AUTHORIZING ANNUAL APPLICATION FROM MENDOCINO COUNTY HEALTH AND HUMAN SERVICES AGENCY, ENVIRONMENTAL HEALTH (LOCAL ENFORCEMENT AGENCY) FOR ENFORCEMENT ASSISTANCE GRANTS FOR SOLID WASTE FACILITY PERMITTING AND INSPECTIONS FOR FISCAL YEARS 2017 18 THROUGH 2021 22 - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Adopted and Chair is authorized to sign same;

RESOLUTION NO. 17-045

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE MENDOCINO COUNTY HEALTH & HUMAN SERVICES AGENCY - ENVIRONMENTAL HEALTH (LOCAL ENFORCEMENT AGENCY) TO APPLY FOR ENFORCEMENT ASSISTANCE GRANTS ANNUALLY FOR THE NEXT FIVE YEARS

4P) APPROVAL OF PURCHASE OF TROPE WORKSTATIONS IN THE AMOUNT OF \$39,399.31; HIRSCH SECURITY READER AND INSTALLATION IN THE AMOUNT OF \$43,069.91; AND POLYCOM VIDEO CONFERENCE KITS WITH LICENSES AND SERVICE AGREEMENTS IN THE AMOUNT OF \$21,319.58 FROM BUDGET UNIT 5010, LINE ITEM 864370; FOR HEALTH AND HUMAN SERVICES AGENCY TRAINING CENTER AT THE ADMINISTRATION COMPLEX IN UKIAH; AND ADDITION OF THE EQUIPMENT TO COUNTY'S LIST OF FIXED ASSETS - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Approved;

4Q) ADOPTION OF PROCLAMATION RECOGNIZING THE WEEK OF APRIL 9 15, 2017, AS NATIONAL LIBRARY WEEK IN MENDOCINO COUNTY - SPONSOR: LIBRARY

Adopted and Chair is authorized to sign same;

4R) APPROVAL OF BUDGET TRANSFER OF \$74,000 FROM SERIES 1000, LINE ITEMS 861011 861030 (SALARIES & BENEFITS) TO LINE ITEM 862189 (PROFESSIONAL SERVICES) TO FUND AN AGREEMENT FOR CONSERVATION CONSULTATION AND TREATMENT SERVICES - SPONSOR: MUSEUM

Approved;

4S) AUTHORIZATION OF THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT, CDP_2016 0032 (JENKINS), FOR A SINGLE FAMILY RESIDENCE NEAR THE TOWN OF LITTLE RIVER - SPONSOR: PLANNING AND BUILDING SERVICES

Approved;

4T) APPROVAL OF AMENDMENT TO AGREEMENT NO. 14:037 WITH WEST COMPANY (WEST CO.) IN THE AMOUNT OF \$83,320, FROM A "NOT TO EXCEED VALUE" OF \$340,500 TO A TOTAL OF \$423,820 TO CONTINUE OPERATING THE COUNTY'S MICROENTERPRISE TECHNICAL ASSISTANCE SERVICES PROGRAM FUNDED BY THE COUNTY'S 2012 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM SPONSOR: PLANNING AND BUILDING SERVICES

Approved and Chair is authorized to sign same;

Enactment No: Agreement 14-037 A-1

4U) APPROVAL OF PURCHASE OF EIGHTY MOTOROLA PORTABLE COMMUNICATION RADIOS AND HARDWARE IN THE AMOUNT OF \$153,000 AND APPROVAL OF RELATED BUDGET TRANSFER FROM DESIGNATED RESERVE 1100 770068 TO SO EQUIPMENT 864370 - SPONSOR: SHERIFF-CORONER

Approved;

4v) Adoption of Resolution Designating the County's Authorized Agents to Execute State Office of Emergency Services and or/Federal Emergency Management Agency Documents and Relevant Permit Applications for Present and Future Disaster Relief Applications (Countywide) - Sponsor: Transportation

Adopted and Chair is authorized to sign same;

RESOLUTION NO. 17-046

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS DESIGNATING THE COUNTY'S AUTHORIZED AGENTS TO EXECUTE STATE OFFICE OF EMERGENCY SERVICES AND/OR FEDERAL EMERGENCY MANAGEMENT AGENCY DOCUMENTS AND RELEVANT PERMIT APPLICATIONS FOR PRESENT AND FUTURE DISASTER RELIEF APPLICATIONS (COUNTYWIDE)

4w) Adoption of Resolution Accepting the Findings and Recommendations of Traffic Study Number 16 02 and Declaring Intent to Establish a Prima Facie Speed Limit of 45 miles per hour on Point Cabrillo Drive, County Road 564, Mile Post 0.00 to Mile Post 0.75 (Caspar Area) - Sponsor: Transportation

Adopted and Chair is authorized to sign same;

RESOLUTION NO. 17-047

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ACCEPTING THE FINDINGS AND RECOMMENDATIONS OF TRAFFIC STUDY NUMBER 16-02 AND DECLARING INTENT TO ESTABLISH A PRIMA FACIE SPEED LIMIT OF 45 MPH ON POINT CABRILLO DRIVE, COUNTY ROAD 564, MILE POST 0.00 TO MILE POST 0.75 (CASPAR AREA)

4X) ADOPTION OF RESOLUTION AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO ADVERTISE FOR BIDS AND AWARD DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 160089 FOR AN ESTIMATED AMOUNT OF \$193,000, FOR THE CONSTRUCTION OF THE HEARST WILLITS ROAD CULVERT REPLACEMENT ON HEARST WILLITS ROAD, COUNTY ROAD 306, MILE POST 1:68, AND AUTHORIZE A TEMPORARY ROAD CLOSURE WITH DETOUR AROUND THE PROJECT FOR A PERIOD NOT TO EXCEED TWO WEEKS (WILLITS AREA) - SPONSOR: TRANSPORTATION

Adopted and Chair is authorized to sign same;

RESOLUTION NO. 17-048

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO ADVERTISE FOR BIDS AND AWARD DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 160089 IN THE AMOUNT OF \$193,000, FOR THE CONSTRUCTION OF THE HEARST WILLITS ROAD CULVERT REPLACEMENT ON HEARST WILLITS ROAD, COUNTY ROAD 306, MILE POST 1.68, AND AUTHORIZE A TEMPORARY ROAD CLOSURE WITH DETOUR AROUND THE PROJECT FOR A PERIOD NOT TO EXCEED TWO WEEKS (WILLITS AREA)

4y) Adoption of Resolution Authorizing the Department of Transportation to Advertise for Bids and Award Department of Transportation Contract Number 170002 in the Estimated Amount of \$40,000, for the Pavement Reconstruction of the Emergency Vehicle Parking Area at the Round Valley Airport (Covelo Area) - Sponsor: Transportation

Adopted and Chair is authorized to sign same.

RESOLUTION NO. 17-049

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO ADVERTISE FOR BIDS AND AWARD DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 170002 IN THE ESTIMATED AMOUNT OF \$40,000, FOR THE PAVEMENT RECONSTRUCTION OF THE EMERGENCY VEHICLE PARKING AREA AT THE ROUND VALLEY AIRPORT (COVELO AREA)

AGENDA ITEM No. 4 - CONSENT CALENDAR - REMOVED FOR SEPARATE CONSIDERATION:

4L) ADOPTION OF ORDINANCE ADOPTING CHAPTER 10A.17 MEDICAL CANNABIS CULTIVATION ORDINANCE AND CHAPTER 20.242 MEDICAL CANNABIS CULTIVATION SITE - SPONSOR: BOARD OF SUPERVISORS

Presenter/s: Supervisor McCowen.

Public Comment: Ms. Hannah Nelson; and Mr. Casey O'Neill.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Gjerde, IT IS ORDERED that the Board of Supervisors adopts Ordinance adopting Chapter 10A.17 Medical Cannabis Cultivation Ordinance and Chapter 20.242. Medical Cannabis Cultivation Site, and authorizes Chair to sign same. The motion carried by the following vote:

Aye: 3 - Supervisor Brown, Supervisor McCowen, and Supervisor Gjerde.

Recused: 1 – Supervisor Hamburg.

ORDINANCE NO. 4381

ORDINANCE ADOPTING CHAPTER 10A.17 – MEDICAL CANNABIS CULTIVATION ORDINANCE AND CHAPTER 20.242 – MEDICAL CANNABIS CULTIVATION SITE

5a) DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING THE PREPARATION OF MENDOCINO COUNTY'S FISCAL YEAR 2017 18 BUDGET - SPONSOR: EXECUTIVE OFFICE

Presenter/s: Ms. Carmel J. Angelo, Chief Executive Officer; Mr. Alan D. Flora, Assistant Chief Executive Officer; Ms. Heather Correll, Risk Analyst; Ms. Katharine L. Elliott, County Counsel; Mr. Howard Dashiell, Director, Transportation; Ms. Chamise Cubbison, Deputy Director, Transportation; and Ms. Anne Molgaard, Chief Operational Officer, Health and Human Services Agency.

Public Comment: None.

Board Directive: Executive Office staff shall schedule an agenda item for a May, 2017 Board of Supervisors meeting to discuss appropriation of potential cannabis business tax revenue.

Board Directive: Referral to General Government Committee: Planning and Building staff shall prepare an agenda item for the next General Government Committee meeting to discuss second units potentially becoming Airbnb units and related potential restrictions.

BOARD RECESS: 10:16 AM - 10: 28 AM

Board Directive: Department of Transportation staff shall refine their presented list of "Potential New Funding Sources for Roads" and present revised list to the Board of Supervisors during their final budget presentation.

Board Action: No action taken.

5c) Transportation Director's Report - Sponsor: Transportation

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

Public Comment: None.

Board Action: No action taken.

5B) 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.

5D) CHIEF EXECUTIVE OFFICE'S REPORT - SPONSOR: EXECUTIVE OFFICE

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

Public Comment: None.

Board Directive: Executive Office staff shall reach out to Ukiah Valley Sanitation District regarding the District potentially holding their meetings in Board of Supervisors chambers.

Board Action: No action taken.

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

LUNCH RECESS: 11: 59 A.M. - 1:31 P.M.

Supervisor Hamburg recused himself from consideration of agenda item 5(f) due to a possible economic conflict.

SUPERVISOR HAMBURG ABSENT: 1:32 P.M.

5F) DISCUSSION AND POSSIBLE ACTION REGARDING PRESENTATION ON CANNABIS CULTIVATION PROGRAM OPERATIONAL READINESS AND ENFORCEMENT PLANNING - SPONSOR: EXECUTIVE OFFICE

Presenter/s: Ms. Diane Curry, Interim Agricultural Commissioner; Ms. Mary Lynn Hunt, Senior Planner, Planning and Building Services; Ms. Sarah Dukett, Administrative Analyst II, Executive Office; Ms. Shari Schapmire, Treasurer-Tax Collector, Mr. Randy Johnson, Undersheriff; and Mr. Michael Makdisi, Deputy County Counsel.

Public Comment: Ms. Susan Tibbon; Mr. Paul Hansbury; Ms. Cynthia Cole; Mr. Joe Gothelf; Mr. Chris Brennan; Mr. Paul Trouette; Mr. Ron Edwards; Ms. Kelly Barnes; Mr. Casey O'Neill; Mr. Roger Wheeler; Ms. Ashley Oldham; Mr. Louis Dillon; Ms. Hannah Nelson; Mr. Peter Kafin; and Ms. Sandra Berman.

Board Action: No action taken.

BOARD RECESS: 3:24 P.M. - 3:34 P.M.

SUPERVISOR HAMBURG PRESENT: 3:34 P.M.

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

Presenters: Board of Supervisors.

Board Directive: Executive Office staff shall prepare a letter to State legislators for Supervisor McCowen's signature regarding discrepancy in State Government Code and and seeking clarification in respect to Library Director's salary.

Board Action: No action taken.

6B) DISCUSSION AND POSSIBLE RECONSIDERATION OF THE BOARD OF SUPERVISOR'S ACTION ON MARCH 20, 2017 ADOPTING A RESOLUTION AMENDING THE MASTER FEE SCHEDULE FOR PLANNING AND BUILDING SERVICES AND HEALTH AND HUMAN SERVICES AGENCY EFFECTIVE JULY 1, 2017 (SPONSOR: SUPERVISOR HAMBURG) – ITEM WITHDRAWN

ADJOURNED TO CLOSED SESSION: 3:56 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 54956.9(a) Conference with Legal Counsel Existing Litigation: James Neuroth and Joan C. Nygren v. County of Mendocino, et. al. Mendocino County Superior Court Case No. 15-3226-NJV

RECONVENED IN OPEN SESSION: 4:48 P.M.

AGENDA ITEM NO. 9 – REPORT OUT OF CLOSED SESSION

Presenter: Chair McCowen.

Board Action: In respect to items 9(a) and 9(b), direction was given to staff.

AGENDA ITEM NO. 10 - COMMUNICATIONS

10a) Federal Emergency Management Agency - Copy of Flood Insurance Study (FIS) Materials for Mendocino County. For more information, please contact Luis Rodriguez.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 4:49 P.M.

Attest: Karla Van Hagen

Deputy Clerk of the Board II

JOHN MCCOWEN, Chair

NOTIGE: 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.so.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

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