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 -May 2, 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 9:01 A.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. Richard Molinari.

2A) ADOPTION OF PROCLAMATION RECOGNIZING MAY 2017 AS MENTAL HEALTH MONTH IN MENDOCINO COUNTY - SPONSOR: SUPERVISOR HAMBURG

Presenter/s: Supervisor Hamburg and Ms. Jan McGourty.

Public Comment: None

Board Action: Adopted and Chair is authorized to sign same.

2B) ADOPTION OF PROCLAMATION AND ACCEPTANCE OF INFORMATIONAL PRESENTATION RECOGNIZING MAY 713, 2017, AS PUBLIC SERVICE RECOGNITION WEEK IN MENDOCINO COUNTY - SPONSOR: HUMAN RESOURCES

Presenter/s: Supervisor Brown; and Ms. Cherie Johnson, Manager, Human Resources.

Public Comment: None.

Board Action: Adopted and Chair is authorized to sign same.

AGENDA ITEM NO. 4 – APPROVAL OF CONSENT CALENDAR

Presenter/s: Supervisor McCowen.

Public Comment: Ms. Sarah Reith; Mr. Lee Welty; and Mr. James Marmon.

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

Board Action: Upon motion by Supercvisor Brown, seconded by Supervisor Gjerde, IT IS ORDERED that consent items 4(a) - 4(0); 4(q) - 4(u); and 4(w) - 4(x); are approved/rejected as follows: The motion carried by the following vote:

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

No: o - None.

4A) CLAIM OF BRIAN HURT (GRIST CREEK)

Rejected;

4B) CLAIM OF MARION PHILLIPS

Rejected;

4C) APPROVAL OF RECOMMENDED APPOINTMENTS/REAPPOINTMENTS

Approved;

- 1. Courtney Smith, Laytonville Municipal Advisory Council, Alternate Member;
- 2. Rickey Iversen, Russian River Cemetery District, Trustee; and
- 3. Kelsey Rivera, Area Agency on Aging Governing Board, Mendocino County Supervisor or Designee (Appointment of Ms. Rivera includes a waiver of residency as she is a resident of Lake County).

4D) APRIL 17, 2017 REGULAR BOARD MEETING

Approved;

4E) APRIL 18, 2017 REGULAR BOARD MEETING

Approved:

4F) APPROVAL OF LETTER TO THE GOVERNOR OF CALIFORNIA IN SUPPORT OF THE VOLUNTARY CONSOLIDATION OF THE UKIAH VALLEY COUNTY WATER DISTRICTS INTO THE UPPER RUSSIAN RIVER WATER AGENCY (URRWA), A JOINT POWERS AUTHORITY (JPA) - SPONSOR: SUPERVISOR BROWN

Approved;

4G) Adoption of Proclamation Recognizing May 2017 as Older Americans Month in Mendocino County - Sponsors: Supervisors Brown and McCowen

Adopted and Chair is authorized to sign same;

4H) ADOPTION OF PROCLAMATION RECOGNIZING THE HUMAN RACE IN MENDOCINO COUNTY ON MAY 6, 2017 - SPONSORS: SUPERVISORS BROWN AND MCCOWEN

Adopted and Chair is authorized to sign same;

41) ADOPTION OF PROCLAMATION RECOGNIZING MAY 2017 AS CHILD CARE PROVIDERS APPRECIATION MONTH IN MENDOCINO COUNTY - SPONSORS: SUPERVISORS BROWN AND MCCOWEN

Adopted and Chair is authorized to sign same;

4J) ADOPTION OF PROCLAMATION RECOGNIZING MAY 2017 AS NATIONAL DRUG COURT MONTH IN MENDOCINO COUNTY – SPONSORS: SUPERVISORS BROWN AND McCOWEN

Adopted and Chair is authorized to sign same;

4K) APPROVAL OF PURCHASE OF THREE (3) TOYOTA TACOMA SR, 4 WHEEL DRIVE PICKUPS IN THE AMOUNT OF \$30,000.00 EACH, FOR A TOTAL OF \$90,000.00, FOR THE AGRICULTURE DEPARTMENT CANNABIS PROGRAM AND APPROVAL OF BUDGET TRANSFER FROM BUDGET UNIT 2710, LINE ITEM 861011 SALARIES TO BUDGET UNIT 2710, LINE ITEM 865802 OPERATING TRANSFER OUT TO FUND 7110 VEHICLE REPLACEMENT FUND, BUDGET UNIT 0711, LINE ITEM 827802, OPERATING TRANSFER IN AND BUDGET UNIT 0711, LINE ITEM 864370 EQUIPMENT; AND, ADDITION OF VEHICLES TO THE COUNTY'S LIST OF FIXED ASSETS - SPONSOR: AGRICULTURE

Approved;

4L) ADOPTION OF ORDINANCE ADDING CHAPTER 9.30 TO THE MENDOCINO COUNTY CODE REGULATING THE CULTIVATION OF RECREATIONAL MARIJUANA PURSUANT TO PROPOSITION 64 AND AMENDING CHAPTER 9.31 REGARDING MEDICAL MARIJUANA CULTIVATION - SPONSOR: COUNTY COUNSEL

Adopted and Chair is authorized to sign same;

ORDINANCE NO. 4383

AN ORDINANCE ADDING CHAPTER 9.30 TO TITLE 9 OF THE MENDOCINO COUNTY CODE – ADULT USE MARIJUANA CULTIVATION REGULATION AND AMENDING CHAPTER 9.31 OF TITLE 9 OF THE MENDOCINO COUNTY CODE – MEDICAL MARIJUANA CULTIVATION REGULATION

4M) APPROVAL OF RENTAL AGREEMENT BETWEEN THE MENDOCINO COUNTY FAIR AND APPLE SHOW (ASSOCIATION) AND SIERRA NEVADA WORLD MUSIC FESTIVAL (RENTER) - SPONSOR: COUNTY COUNSEL

Approved and Chair is authorized to sign same;

Enactment No: Agreement 17-016

4n) Approval of Agreement with FIRST 5 Mendocino in the Amount of \$162;200 to Provide Differential Response Services for the Term of May 2017 through June 2018 - Sponsor: Health and Human Services Agency

Approved and Chair is authorized to sign same;

Enactment No: Agreement 17-017

40) APPROVAL OF AGREEMENT WITH REDWOOD COMMUNITY SERVICES IN THE AMOUNT OF \$292,246 TO PROVIDE DIFFERENTIAL RESPONSE SERVICES FOR THE TERM OF MAY 2017 TO JUNE 2018 - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Approved and Chair is authorized to sign same;

Enactment No: Agreement 17-018

- 4P) Adoption of Resolution Authorizing Salary Grade Adjustments to the Following Classifications: Custodian to S22C; Custodial Supervisor to S25C; Equipment Operator to S27D; Senior Equipment Operator to S29D; Heavy Equipment Service Technician to S24C; and Heavy Equipment Mechanic to S36C; Senior Heavy Equipment Mechanic to S36C-Sponsor; Human Resources Withdrawn
- 4Q) APPROVAL OF AGREEMENT WITH ALLIED UNIVERSAL SECURITY SERVICES IN THE AMOUNT OF \$245,000 TO PROVIDE SECURITY FOR THE COURTHOUSES IN MENDOCINO COUNTY FOR THE TERM OF NOVEMBER 16, 2016 THROUGH NOVEMBER 17, 2017 SPONSOR: SHERIFF-CORONER

Approved;

Enactment No: Agreement 17-019

4R) Approval of Purchase of One Live Scan Machine to be Used in the Men's Booking Section at the Mendocino County Jail in the amount of \$13,773; and Approval of Budget Transfer from 2110 760199 to 2510 864370 in the amount of \$13,773 - Sponsor: Sheriff-Coroner

Approved;

48) APPROVAL OF BUDGET TRANSFER FROM 1100 770068 TO 2310 864370 IN THE AMOUNT OF \$65,540.97 TO PURCHASE VEHICLE EQUIPMENT TO EQUIP VEHICLES FOR PATROL DUTY AND FOR TACTICAL GEAR FOR THE MENDOCINO COUNTY SHERIFF OFFICE (MCSO) SWAT TEAM - SPONSOR: SHERIFF-CORONER

Approved;

4T) Approval of Purchase of Four (4) InFocus J Touch Touchscreen Monitors and InFocus LightCast Keys in the Amount of \$27,791 from Fiscal Year 2016 Emergency Management Performance Grant Program (Budget Unit 2830, Line Item 862239); and Addition of the Monitors to the County's Approved List of Fixed Assets - Sponsor: Sheriff-Coroner

Approved;

4U) Approval of Agreement with Patricia Steel for Professional Services and Deliverables Related to Broadband Alliance Activities and California Advanced Services Fund (CASF) Grant Funds, in an Amount not to Exceed \$57,500 for the term of January 1, 2017 through June 30, 2019 - Sponsor: Planning and Building Services

Approved and Chair is authorized to sign same;

Enactment No: Agreement 17-020

4W) APPROVAL OF PURCHASE ONE (1) TOYOTA TACOMA SR, 4 WHEEL DRIVE PICKUP IN THE AMOUNT OF \$30,000 FOR THE DEPARTMENT OF PLANNING AND BUILDING SERVICES CANNABIS PROGRAM AND APPROVAL OF BUDGET TRANSFER FROM BUDGET UNIT 2851, LINE ITEM 861011 SALARIES TO BUDGET UNIT 2851, LINE ITEM 865802 OPERATING TRANSFER OUT TO FUND 7110 VEHICLE REPLACEMENT FUND, BUDGET UNIT 0711, LINE ITEM 827802 OPERATING TRANSFER IN AND LINE ITEM 864370 EQUIPMENT; AND ADDITION OF THE VEHICLE TO THE COUNTY'S LIST OF FIXED ASSETS SPONSOR: PLANNING AND BUILDING SERVICES

Approved;

4X) ADOPTION OF RESOLUTION AND APPROVAL OF LETTER SUPPORTING THE MENDOCINO COUNTY DEPARTMENT OF TRANSPORTATION'S APPLICATION TO RECEIVE CALIFORNIA FEDERAL LANDS ACCESS PROGRAM GRANT FUNDING TO CONSTRUCT THE EAST SIDE POITER VALLEY ROAD RECONSTRUCTION PROJECT, AUTHORIZING AND DIRECTING THE CHAIR TO SIGN THE SUPPORT LETTER, AND AUTHORIZING THE DIRECTOR OF TRANSPORTATION OR HIS DESIGNEE TO PROCESS SAID APPLICATION (POTTER VALLEY AREA) - SPONSOR: TRANSPORTATION

Adopted and Chair is authorized to sign same;

RESOLUTION NO. 17-057

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS SUPPORTING THE MENDOCINO COUNTY DEPARTMENT OF TRANSPORTATION'S APPLICATION TO RECEIVE CALIFORNIA FEDERAL LANDS ACCESS PROGRAM GRANT FUNDING TO CONSTRUCT THE EAST SIDE POTTER VALLEY ROAD RECONSTRUCTION PROJECT, AUTHORIZING AND DIRECTING THE CHAIR TO SIGN THE SUPPORT LETTER, AND AUTHORIZING THE DIRECTOR OF TRANSPORTATION OR HIS DESIGNEE TO PROCESS SAID APPLICATION (POTTER VALLEY AREA)

THE BOARD OF SUPERVISORS JOINTLY CONVENED AS THE MENDOCINO COUNTY WATER AGENCY IN CONSIDERATION OF AGENDA ITEM 4(Y)

4Y) APPROVAL OF A COOPERATIVE AGREEMENT WITH THE SONOMA COUNTY WATER AGENCY IN THE AMOUNT OF \$100,000 TO PROVIDE FUNDING AND SUPPORT FOR US GEOLOGICAL SURVEY HYDROLOGIC CHARACTERIZATION, AND COUPLED WATERSHED AND GROUNDWATER FLOW MODEL OF THE RUSSIAN RIVER WATERSHED FROM OCTOBER 1, 2016 TO OCTOBER 31, 2020 - SPONSOR: WATER AGENCY

Approved and Chair is authorized to sign same;

Enactment No: Agreement 17-021

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

4V) APPROVAL OF PRIVATE ROAD NAME PETITION RN 2017 0001: FISH EAGLE ROAD; OFFICIALLY CHANGING THE NAME OF CARSON HILL ROAD TO FISH EAGLE ROAD - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Supervisor McCowen; and Mr. Nash Gonzalez, Director, Planning and Building Services.

Public Comment: Mr. Lee Welty.

Board Directive: GENERAL CONSENSUS OF THE BOARD that this item is referred back to Planning and Building Services.

Board Action: No action taken.

AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

Presenter/s: Mr. Alan Humason; Mr. Richard Molinari, Director, Animal Shelter; Ms. Helen Michael; Ms. Ana Lucas; Mr. Patrick Hickey; Ms. Cathy Harpe; Mr. Scott Ward; Ms. Petra Buchanan; Ms. Jan McGourty; Ms. Anne Molgaard, Chief Operating Officer, Health and Human Services Agency; and Ms. Camille Schraeder.

5A) 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.

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

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

Public Comment: None.

Board Action: No action taken.

5C) DISCUSSION AND POSSIBLE ACCEPTANCE OF PRESENTATION OF THE LIBRARY ADVISORY BOARD ANNUAL REPORT - SPONSOR: LIBRARY

Presenter/s: Mr. Marc Komer; Ms. Pearl Watts; Ms. Dolly Riley; and Ms. Liz Zimmermann.

Public Comment: None.

Board Directive: BY ORDER OF THE CHAIR Executive Office staff shall work with the Library Director to include a budget line item for capital improvements/emergencies.

Board Action: No action taken.

5D) DISCUSSION AND POSSIBLE APPROVAL OF THE APPOINTMENT OF MICHAEL HARRIE AS TEMPORARY HELP TO FULFILL CRITICALLY NEEDED DUTIES AFTER HIS RETIREMENT, PURSUANT TO GOVERNMENT CODE (GC) 7522.56 (SPONSOR: AGRICULTURE) - SPONSOR: AGRICULTURE - ITEM WITHDRAWN AT THE REQUEST OF THE SUBMITTING DEPARTMENT

BOARD RECESS: 10:43 A.M. - 10:57 A.M.

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

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

Public Comment: None.

Board Directive: BY ORDER OF THE CHAIR staff shall involve Supervisor Gjerde in the process of development of Coastal Zoning Amendment and Exemption Request For Proposals.

Board Direction: BY ORDER OF THE CHAIR Clerk of the Board staff shall invite CalTrans to make a presentation at a future meeting regarding the status of Mendocino County roads, specifically including the status of Bell Springs Road.

Board Action: No action taken.

5F) Discussion and Possible Action Including Review, Adoption, Amendment, Consideration or Ratification of Legislation Pursuant to the Adopted Legislative Platform Sponsor: Executive Office - Withdrawn

6A) SUPERVISORS REPORTS

Presenter/s: Board of Supervisors.

Public Comment: None.

Board Action: No action taken.

ADJOURNED TO CLOSED SESSION FOLLOWED BY LUNCH RECESS: 11:49 A.M.

9A) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(A) - CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION: JAMES NEUROTH AND JOAN C. NYGREN V. MENDOCINO COUNTY ET. AL, CASE
NO. 15 3226 NJV

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

AGENDA ITEM NO. 9 - REPORT OUT OF CLOSED SESSION

Presenter: Chair McCowen.

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

Supervisor Hamburg stated an economic conflict in respect to Agenda Item 5g) and recused himself.

SUPERVISOR HAMBURG ABSENT: 1:36 P.M.

5G) PUBLIC WORKSHOP DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING A PRESENTATION ON PROPOSED BUSINESS LICENSE ORDINANCE AND ZONING REGULATIONS FOR THE PROCESSING, MANUFACTURING, TESTING, DISPENSING/RETAIL AND DISTRIBUTION OF MEDICAL CANNABIS AND ADULT USE CANNABIS WITHIN THE UNINCORPORATED AREAS OF MENDOCINO COUNTY - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Ms. Mary Lynn Hunt, Interim Director, Planning and Building Services; Ms. Shari Schapmire, Treasurer/Tax Collector; Ms. Sarah Dukett, Administrative Analyst II, Executive Office; and Mr. Dave Jensen, Director, Environmental Health.

Public Comment: Ms. Devon Jones; Ms. Penelope Andrews; Ms. Amanda Reiman; Mr. Russell Green; Mr. Jeff Stewart; Mr. Paul Hansbury; Ms. Penelope Andrews; Ms. Susan Tibbon; Mr. Swami Chaitangna; Ms. Hannah Nelson; Mr. Ron Edwards; Mr. Thomas Szabo; Ms. Jude Thilman; Mr. Jay Brown; Ms. Ashley Oldham; Mr. Mike Adams; and Mr. Tim Blake.

BOARD RECESS: 3:28 P.M. - 3:36 P.M.

Board Directive: GENERAL CONSENSUS OF THE BOARD that staff shall create a permit process in which individuals could apply for a standard business license and would have up to one year to apply for any other necessary permits that subsequent Ordinances may require.

Board Directive: GENERAL CONSENSUS OF THE BOARD that staff shall include language that allows home manufacturing this year for existing cultivators on parcels RR5 conforming and larger; subject to applying for a Minor Use Permit, once those permits become available through 2.243. This would also apply to people who become eligible for overlay zones or the exemption.

Board Directive: GENERAL CONSENSUS OF THE BOARD that the Treasurer/Tax Collector would determine whether to transition a Regular Business License to a Cannabis Facilities License upon renewal, upon availability; and would pro-rate the fee.

Board Directive: GENERAL CONSENSUS OF THE BOARD to allow processing in parcels zoned C1 and C2, subject to a Minor Use Permit.

Board Directive: GENERAL CONSENSUS OF THE BOARD to grandfather current dispensaries into program based on zoning clearance, rather than a use permit.

Board Directive: GENERAL CONSENSUS OF THE BOARD to allow a new dispensary or retail facility in parcels zoned C1 and C2 with a Major Use Permit.

Board Directive: GENERAL CONSENSUS OF THE BOARD to allow manufacturing in commercially-zoned parcels.

Board Directive: GENERAL CONSENSUS OF THE BOARD that Volatile shall be allowed in C1 and C2 parcels with a Major Use Permit. Non-Volatile in C1 parcels would require a Major Use Permit; Non-Volatile in C2 would require a Minor Use Permit.

Board Directive: GENERAL CONSENSUS OF THE BOARD that Manufacturing Level 2 Volatile in Rural Communities could be considered with a Major Use Permit.

Board Directive: GENERAL CONSENSUS OF THE BOARD for Clerk of the Board staff to schedule a Special Meeting of the Board of Supervisors on Tuesday, May 23, 2017, at 10:00 A.M.

AGENDA ITEM NO. 10 - COMMUNICATIONS

- 10a) US Department of Commerce Filing of the Final Coastal Multispecies Recovery Plan of the Administrative Records of Federal Energy Regulatory Commission's Potter Valley Hydroelectric Project and for Consideration as a Comprehensive Plan under Docket ZZ09 5 000.
- 10b) California Department of Water Resources Water Conditions in California, Report 2: March 1, 2017.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 5:05 P.M.

Attest:

Karla Van Hagen

Deputy Clerk of the Board II

JOHN MCCOWEN, 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) 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.co.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: <u>www.co.mendocino.ca.us/bos</u>

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