

## Minutes for 1 October 2020

The Regular Monthly meeting of the Gualala Municipal Advisory Council (GMAC) was held on Thursday, 1 October 2020 via Zoom.us. Council Members present were: Melissa Finley, Donald Hess, Robert Juengling, and Tom Murphy. Guests Sheriff Matt Kendall; CHP Coast Commander Sergeant Aaron Finnegan, and; Administrator Mary Mober and four members of the public were also present. **Council Chair Juengling** convened the meeting at 18:01.

1. **Introductions and Announcements:** Council Members introduced themselves.

2. **Consent Agenda:**

i. **Minutes: 3 September 2020**

It was moved by Murphy, seconded by Hess, and unanimously carried that the Minutes be approved as amended by respelling *Tree Wire* to *Free Wire* on page 5, Item 7.e., paragraph 1, line 5.

ii. **Correspondence:** All acknowledged as received.

A. **CalFire Weekly THP Notice:** THP 1-20-00150-MEN Little No. Fork 4 Miles No. of Gualala.

iii. **Approval of Agenda:**

It was moved by Murphy, seconded by Hess, and unanimously carried that the Correspondence and Agenda be approved as presented.

3. **Public Input on Non-agenda Items:** None.

4. **Report: Mendocino County Law/Code Enforcement, Sheriff's Forum:**

**Sheriff Matt Kendall** announced Sergeant Joseph Comer, who goes by JD, will become the Lieutenant Coast Commander on 18 October. He was reared in Point Arena and knows the area very well.

The mail thefts mentioned 3 September are becoming fewer and arrests have been made. He is working with the Cloverdale Post master to have metal mail volts installed at Irish Beach.

The *August Complex* fires have taken much of his department's time and resources. Their rapid rates of spread due to off-shore winds have never been seen before in places where, twenty years ago, fire would be unable to burn. The Coast is very susceptible to fire now, right down to the beach. He wants property owners to harden the space around their homes, be educated about the hazard, and practice evacuation so, if needed, it will go smoothly. He will work on the problems he has seen to try to make a peaceful transition for all in a crisis situation.

**Murphy** asked about mailbox thefts, citing Marin County where ballots were being taken. **Kendall** said the security of polling stations and ballots has been discussed with Katrina Bartolomai, Mendocino County Head Elections Officer. He will have deputies available to poll worker's 3 November if they encounter any problems.

**Mary Mober**, Gualala-area resident, stated she was Judge for the two Gualala precincts and was glad to hear a deputy would be available if her polling place was disrupted. She asked about the robbery and SWAT Team incident in Ukiah. She had forwarded his letter to the District's Federal and State Representatives so that they could be aware of the incident (see attached).

**Kendall** said in the last 12 days, there were 10 arrests for robbery, 2 for kidnapping, 1 for murder, and 1 for attempted murder. He hasn't the funding to deal with so much crime in such a rural county. Part of this is because of the Mexican cartel. His men look for out-of-county and/or out-of-state license plates. Citizens should report anything untoward, but he doesn't want County or State vigilantism; let law enforcement function or it will cost lives.

The State is sending millions to house the homeless in Mendocino County, and has released 17,000 "non-violent" inmates into our communities; many are violent criminals, but are released because their last crime was nonviolent. The State has to help enforce law-enforcement activities and their related expenses.

**Hess** asked if he had testified on the State level about the needed financial support for rural counties. **Kendall** said, no. but, with community support, he will keep pushing for it. His office represents one-third of the County's budget, for his department has to pay well to attract qualified people.

5. **CDP 2019-0022 (Stez);** 44035 Iversen Road; APN 142-190-27; Standard Coastal Development Permit to construct a single-family residence with covered entry and concrete patio, workshop, guest cottage, greenhouse, 8,000 gallon water tank, and 120 sq. ft. pump house including the establishment of a gravel driveway, well, septic system, and

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connections to utilities. Juengling and Murphy walked the property. Neither the owner nor his representative were present.

**Juengling** read the CDP proposal, which is in an exclusionary zone; photos of the property were shown on screen. The owner will build the home first, then a septic system for three bedrooms. A trailer is on property now; a well and small septic system are installed. All the survey's recommendations should be followed. A large amount of vegetation has been removed so, erosion measures should also be followed.

**Murphy** stated it was a fairly straight forward project. He had concerns about runoff far down the hill but no concerns with approval.

**Hess** asked about a large stand of trees and their possible removal. **Murphy** stated the owner would need his neighbor's consent to cut the trees, most of the stand is on the neighbor's property. Trees have been re-moved in the past.

**It was moved by Juengling, seconded by Murphy, and unanimously carried to recommend approve of the project provided the owner follow the Biological and Botanical Reports, and place erosion measures in runoff areas. Juengling will write the letter to the County.**

**6. CDP #2020-0015 (Graffin);** Location: 34550 South Highway One; APN 14.-161-09: Standard Coastal Development Permit for three (3) test wells on an undeveloped parcel. Hess & Juengling walked the property. Juengling will comment on what he saw but recuse himself from voting.

Since the Graffins believed Members Chasey and Maier walked, and the Council discussed the wrong parcel last month, it was decided to rewalk and readdress the project this month (see Archives; 3 September Minutes and Correspondence). Mr. and Mrs. Graffin were present.

**Mr. Graffin** noted there will be only one final well drilled, the best of the three test wells. The two, unusable test wells will be capped.

**Hess** showed photos of property where he found the three test-well locations.

**Mrs. Graffin** said the planner had seen the property and asked one of the test sites be moved back further from the road, which was done. This will probably be the one chosen since it has proven to deliver the most water.

**Juengling** described the property. The PG&E easement runs 150 feet into it. The *Environmental Health Department of Mendocino* may question the 100 foot distance from well site number 3 to the septic system. A minimum of 1 gallon a minute is mandatory in order to build a house. He felt well sites 1 or 2 would prove best, then recused himself from other comments and voting.

**It was moved by Hess, seconded by Murphy, and unanimously carried 3 YES (Finley, Hess, and Murphy); 0 NO, and; 1 ACCUSAL (Juengling) that the project be recommended for approval. Hess will write the letter to the County.**

## **7. Council Matters:**

### **a. Old Business:**

**CDP # 2020-0017 (Chasey):** Questioning if a letter was sent to the County about erecting a gate at the junction of the property's driveway and Highway One was discussed. It was determined the letter was sent.

**b. Report: GCAP Ad Hoc Committee:** Town Hall Notifications and GCAP Delay (Juengling & Murphy) **Murphy** reported that Frank Demling, *CalTrans'* Project Manager for the *Gualala Community Action Plan* (GCAP) project and Nephele Barrett, *Mendocino Council of Governments* (MCOG) were invited to attend to give an update but they declined.

He showed the Survey created by Mendocino County 5<sup>th</sup> District Supervisor Williams on screen and discussed the results (see attached). Only 65 people completed the survey. Around 68% were from Gualala, 9% from Sonoma County, and 8% from else-where. For Question 3. "Are you informed about the GCAP?," 89% felt they were informed; but for Question 4. "Do you support the GCAP as presently specified?," 60% didn't know what "presently specified" was.

**Murphy** explained what the GCAP plan was, and gave history of Town Hall meetings, dates, and outcomes. (see meeting. notes attached). CalTrans will hold another Town Hall meeting in late October. Barrett stated the new plan will use "less paving." The mailing will be sent only to people within 100 feet of highway project. There will be posters hung, an ICO article, and radio ads but no "affirmative" outreach.

In spring 2021 a new report may be issued as a follow-up on the new plan, then more public hearings. If the 2021 report conforms to the Gualala Town Plan (GTP), GCAP will go forward. if not, the GTP will have to be amended and approved by the County's *Planning and Building Department* and *Board of Supervisors (BOS)*, and the *California Coastal Commission (CCC)*.

**Hess** said the October Town Hall meeting was very important, especially hearing Gualala resident's input.

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**Mobert** was disappointed that CalTrans and MCOG left out everyone from their mailed notice but those very close to the highway. It seemed but a few residences in Gualala and none north of town or in Sonoma County would hear of the meeting except through word-of-mouth. It discriminated against those who would use the GCAP the most.

**Stephanie Dall, Dall and Associates**, stated CalTrans and MCOG are mandated to provide adequate public notice. People want to be and stay informed, and participate. Stakeholders in the project should receive notice because input at Town Hall meetings leads to planning decisions. She explained what the County, CalTrans, and MCOG needed to do and how long it would take. On-highway parking is a public safety and access issue. She suggested GMAC contact CalTrans/ MCOG about the notice. If GCAP is non-controversial, it may take one to two years to complete. If it's delayed by having to consider varying faction's viewpoints, then has to go through the County and CCC process, it may take as long as ten to twenty years. She said CCC staff member Bob Merrill was presently aware of the GCAP situation.

**c. Report: PSPS and Emergency Preparations Ad Hoc Committee:** (Hess)

**Hess** said *Action Network Family Resource Center* is using the *Gualala Disaster Preparedness Guide* (GDPG) in their emergency evacuation backpacks being distributed through their office. Whether and/or how to make the GDPG available to the hospitality industry in the area was discussed. A flyer with information on the guide will be printed and distributed so owners can download the guide and use it as they choose.

**Murphy** will send information to other County MACs.

**d. Report: Housing & Economic Development Standing Committee:** Homelessness (Murphy)

No Committee meeting was held this month but there were many phone calls. **Murphy** is writing a Business Plan to implement the "Incubator" idea to help people start small businesses; it will be submitted to *Move2030* in November. Ten people would be trained over three months, then they will be up and running.

Mendocino, Humboldt, Del Norte counties are working together in creating a campaign to attract Bay Area workers to their communities and have created a group to discuss it. They are determining how to help people find the right environment for their needs. This will ensure a permanent residency and satisfaction in their choice of community.

"Big Mac" is a countywide business development group of twelve economically-focused MAC members and other officials who discuss how to spur economic growth throughout the County. If an area lacks a service, business or certified worker, such as an electrician, there may be training available.

**e. Report: Public Electric Vehicle Charging Station in Gualala Report:** (Hess)

**Hess** reported the *Free Wire* charging station opportunity depends on PG&E funding, but funds were already allocated. Gualala may get a charging station if a land owner can be found. By 2035, the State will ban gasoline and gas-burning vehicles so, electric vehicles are the future. Battery technology is the present problem.

**Murphy** felt banning combustion engines in fifteen years is very viable. Volvo is now going all electric. Wind is the cheapest form of power in the U.S. now, with solar being third.

**f. Telecommunications Committee:** Website Design, Meeting Moderation, Views, Town Hall and CalNeva Internet Service (Hess & Murphy)

**Murphy** noted CalNeva will transfer their service in the area to another provider. No customer will be disconnected 30 September. The YouTube recording of 3 September had 135 viewers, the largest to date. The 6 August meeting had 115, and the 2 July meeting had 122. The COVID Town Hall meeting had only 25 live attendees but 75 have watched since the meeting took place.

The new web design is going forward. He has reviewed six designs; he and Hess are still trying to pick one. He will post tonight's meeting tomorrow night on YouTube and other venues.

**g. Discussion: Water Ad Hoc Committee.** (Juengling)

**Juengling** noted the Gualala River's current bypass flow at the *US Geological Survey* gage is again at an historic low. This month, the gage reported 2.01 Cubic Feet per Second (CFS); last month was 1.94 CFS. This situation may become normal due to climate change. Water has never been this low in fifteen years of reporting. At the last *Gualala Community Service District* meeting, the idea of building a reservoir for the *North Gualala Water Company* (NGWC) was discussed.

**Murphy** asked if the reservoir would be approved quickly. **Juengling** This wasn't a new idea but the GCSD building it is. Ways of capturing water during the rains to reserve it for dry, summer usage needs to be discussed. Everything needing to be addressed indicates this won't happen quickly. GMAC could invite speakers to present ideas to the public.

**h. Discussion: Time Limits for Public/Council Discussion:** (Bylaws 5.01-b and 6.01) (Finley)

**NOTE:** Boldface indicates discussion points and is not within the approved Bylaws text. Items discussed were:

**Article IV; Officers: Section 4.01:** The Chair shall be the presiding officer at all meetings of the Council.

and;

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**Article V; Conduct at Meetings; Section 5.01-b: Public Input -- Non-agenda Items:** Every agenda for a regular meeting of the Council shall provide an opportunity for members of the public to directly address the Council on items of interest to the public that are within the subject-matter jurisdiction of the Council. No substantive discussion shall be allowed and no action shall be taken on any item not appearing on the agenda. and;

**Article VI; Procedures for Public Hearings: Section 6.01: Public Hearings --** At the Review Hearings, the applicant and/or their representative will be identified by the Chair and asked to sit in the front of the room before the Council to facilitate communication. The **applicant and/or their representative will then have no more than 30 minutes** to speak in favor of their application or notify the Council of any updates. **The Council Members who investigated the project will then make a succinct presentation.** If the applicant and/or their representative is absent, the Council will proceed without them. Following these presentations, **members of the public shall have up to three minutes each to address the application**, directing their comments to the full Council. Council Members should allow the members of the public to complete their statements. **Public statements may continue for up to 60 minutes unless the period is extended by the Chair.**

After public comments are heard, the Council will initiate its own discussion, including the ability to direct questions to the applicant, and/or their representative, and/or members of the public who spoke to the issue. Council Members will restrict their attention to the circumstances of the permit under consideration. **The Council discussion may continue for up to 30 minutes and may be extended by the Chair if warranted.** (NOTE: First draft had no time limit here. It was added at council majority request in March)

When the Council Members complete their questioning, the public hearing on that matter will be closed by the Chair. At that point, Council Members may further deliberate on the matter among themselves until a Member makes a motion for action. Council Members also may make a motion to re-open the public hearing for the purpose of clarifying specific questions.

Once a motion is pending, Council discussion must stop immediately and the Chair will call for a second. If there is no second, the motion will die and the Council discussion will resume.

When a motion is made and seconded, and a vote is conducted, the Administrator shall record the tally and, subsequently, report the action in the Council Minutes. The Council Member(s) who initially reviewed the project will then notify the relevant agency of the Council's action on the matter. A copy of that notification shall be sent to the Administrator and recorded in the Council archives.

The various Bylaws sections were displayed on screen.

**Finley** read Sections 5.01-b and 6.01. The Bylaws don't mention Public input being limited to three minutes. They state all wanting to speak can do so but public input is limited to one hour per item. The hour would be divided by those wanting to speak so, two people would have thirty minutes each. If an item brought 30-40 interested parties, none could truly express what they want to say.

Now, time limits are governed by the chair, not set by rules attendees understand before the meeting. Neither the public nor Members come into a meeting knowing how long they will be allowed to speak, or if they will be muted mid-sentence when their arbitrary time is up, leaving no prospects to finish conveying their point.

Preapproved rules should be voted, i.e., each speaker be allowed five minutes per item and, if there are few speakers to an issue, those wanting to add more may do so. With rules in place, all speakers and Members can plan their input and feel comfortable they have been heard. Otherwise, the Bylaws have been and remain ripe for abuse.

**Juengling**, as presiding officer, wants to hear all needing to be said by those wanting to speak but meetings are becoming too long so, time restraints should be kept.

**Murphy** noted that, as presiding officer, Juengling has the discretion to decide who speaks and for how long. He gave a history of how the Bylaws were discussed and voted.

i. **Discussion:** GMAC Mission, Mendocino County Policy 51 (Finley and Murphy)

**Finley** felt GMAC needed to publish the new boundary map in the *Independent Coast Observer* (ICO), then ask people within the district to apply for GMAC Membership.

**Administrative Secretary Mober** noted GMAC's boundary lines are identical to those of *South Coast Volunteer Fire Department* (SCVFD). Several years ago, SCVFD Fire Chief Greg Warren stated a new boundary map for the Fire District was being drawn by the State and he would send a copy to GMAC when it was approved. That hadn't happened. **Hess** will put it on the website when available. **Murphy** didn't find a new one during a Google search. **Juengling** will contact Fire Chief Warner to ask about the map.

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**Murphy** cited part of the actual duties of GMAC from County website as: to update the Coastal Plan, hold Community Forums on local and County-wide topics, and hold forums with County officials. GMAC's mission as outlined by the BOS is:

**Excerpt from Mendocino County Board of Supervisors Policy 51; MAC Purpose:**

*Approved by BOS, September 20, 2016:*

Municipal Advisory Council (MAC) is comprised of citizens, appointed by the Board of Supervisors (BOS or Board), who volunteer their time to review proposed projects located within the county and related topics of interest in their community. MACs are created to provide a consistent and inviting community forum, for the public to hear about and give comments on a number of local and countywide topics. County officials, staff, and other non- county agency staff continually use MAC meetings as an opportunity to provide the public with information or updates.

MACs can provide recommendations on a variety of topics. Members are tasked with gathering input, making recommendations based on that information and relaying it to the appropriate decision-making body, such as the BOS. Advisory councils can advise or make recommendations to the Board regarding policies, ordinances, zoning code, general plan or local community plan. While the concerns, insight, and discussions relayed by the MAC are key components in the deliberative process regarding the county zoning ordinance, the county general plan or local community plan, Members do not make or set County policies, ordinances or laws.

**Juengling** stated GMAC has always been an advisory council and can only recommend.

**8. Administrator Mober's Report:** Administrator Mober reported working 24 hours; materials were \$6.40, for a total of \$366.40.

**9. Vice-Chairman Murphy's Report:** None

**10. Chairman Juengling's Report:**

**Juengling:** looked back at the history of GMAC's last fifteen years. He mentioned the Gualala School Forums; PG&E undergrounding; sewer project; new Post Office, and; paved parking behind the Gualala Hotel. The present paving project is the first done on Highway 1 in 35 years. The *Redwood Coast Land Conservancy's Mill Bend* acquisition and the promise of a future *Gualala River Park* and *Redwood Coast Recreation Center* all offer a bright and promising future for the area.

Gualala is the gateway to the Beautiful Mendocino and Sonoma Coasts, and needs to look welcoming to those traveling both to the north and the south. Adding parking on both sides of the highway is not the way to go.

**11. Agenda: 5 November 2020:**

- a. **THP 1-20-00 150-MEN: Administrative Secretary Mober** will e-mail a copy to Members. **Hess** stated it is directly in the area where NGWC gets its water and affects water quality of everyone. The river becomes very dry, threatening habitat, the creatures living there, and Gualala's water. Hess and Juengling will study the THP.

**12. Adjournment:**

It was moved by Hess, seconded by Finley, and unanimously carried to adjourn at 21:10.

DRAFT Minutes prepared by Administrative Secretary Mober