



Westport Municipal Advisory Council

P. O. Box 307, Westport, CA 95488

www.westportmac.org

Email:

WMAC95488@gmail.com

DRAFT MINUTES WMAC MEETING

Date MAY 10th, 2021

Held by Zoom at 7 pm – Meeting was recorded with Board Consent

Roll Call: At approximately 7:00 p.m., Mr. Scott (Chairman) called the Meeting to order. Notice and Preliminary Agenda confirmed as timely posted and published. Chairman Scott conducted a verbal roll call of all Directors.

Directors in attendance: Mr. Robert Scott, Mr. Thad Van Bueren, Mr. Bill Knapp, Ms. Sally Grigg, Mr. Gary Quinton.

All five Directors confirmed they could be heard and hear the other Directors. At approximately 7:10 p.m. (after resolving several audio difficulties) Chairman Scott then requested the introduction of members of the public and welcomed all attendees:

Members of Public: Ms. Sally Ottoson, Mr. Marcus Strutz, Ms. Dorine Real, Mr. Chris LuVogt and Ms. Victoria Patterson.

Chairman Scott called for approval of the Meeting Agenda. Mr. Van Bueren requested a change to the previously published agenda. Mr. Van Bueren's suggestion was that the issue of an actual or potential conflict of interest should be discussed and debated by the Board before any discussion of Agenda item # 4a, Senate Bill 231 ("SB-231"). The Board undertook to lead the discussion with debate and questions asked and answered. Mr. Van Bueren then motioned to have the potential or actual conflict of interest discussion precede Agenda item #4a. Upon a voice vote by each of the Directors, two directors voted aye to support the motion and three directors voted no. Accordingly, Mr. Scott reported that Director Van Bueren's motion did not carry a majority of the Board's vote.

The Board then directed its attention to review and possible approval of the WMAC's draft meeting minutes of April 6, 2021 and April 29, 2021. A motion was made by Director Quinton to approve the April 6th draft minutes as presented. The motion did not achieve a second. Mr. Knapp indicated he could not locate the final copy of the draft April 6, 2021 draft minutes and therefore could not respond. The Board vote was then called to approve the draft April 6, 2021 WMAC Board minutes and there was no response to approve. Accordingly, the motion to approve the draft April 6, 2021 minutes was not approved at this Meeting.

April 29, 2021 draft WMAC Board minutes – The Directors discussed the draft April 29, 2021 WMAC Board minutes for review and possible approval. A motion was duly issued (Quinton), and seconded (Knapp), to consider approval of the draft minutes of the April 29, 2021 WMAC Board Meeting. Mr. Van Bueren then noted that he wanted the names of the people from State

Senator McGuire's office to be included the minutes as Meeting attendees. The discussion then centered around the fact that there was speaker phone attendance on which several people were talking off and on which not all were recognized or identified. Director Quinton (Secretary) noted that the draft minutes as presented at this Meeting reflected that the Senator's office was attending by teleconference but did not list all the specific names of such attendees. As such the Director Quinton noted he did not have the facts to list the names of non-identified attendees. Mr. Van Bueren insisted, and it was agreed by Board consensus to endeavor to include those unidentified attendees names within in the draft May 10, 2021 WMAC Board minutes as given to Mr. Van Bueren. The names are: Taylor Morrison, Chris Nielsen, Kerrie Lindecker, and Emily Cornett. The Board vote was taken and passed by a vote of 4-1 and the draft April 29, 2021 minutes were approved as presented subject to the amendment to the endeavor to identify and disclose the Senator's office attendees in the draft May 10, 2021 WMAC Board Meeting minutes.

3) **Public Expression** - (Discussion Only) The subject was not brought up.

4) **Old Business** - (discussion and possible action SB-231)

Chairman Scott led the discussion for the next subject, which is SB-231. Chairman Scott recommended that he read of the Legislative Digest first before endeavoring to address the various written questions. Mr. Van Bueren referenced the prior opinion of County Counsel's office on actual or potential conflicts of interest on the part of Mr. Van Bueren and Mr. Quinton. Chairman Scott then read the California Senate legislative digest details of SB-231. At approximately 7:27 p.m., Chairman Scott completed the recitation and opened up for discussion by the Directors. Mr. Quinton provided his input and opinion on the competency of CalTrans to best manage the Blues Beach Property and could not understand why it is necessary to transfer the Blues Beach Property to the yet to be formed 501(c)(3) non-profit. Mr. Van Bueren wanted to discuss the conflict of interest issue that was previously not approved as a discussion topic. Mr. Van Bueren discussed the letter he had received from a member of the County Counsel's office. Mr. Knapp stated he believed that the County Counsel associate's letter on the subject was non-conclusive at best.

The Chairperson then called for discussion. Several of the Board members provided their perspective on the SB-231. Mr. Van Bueren insisted that no discussion be had without resolving the conflict issue. The discussion was then led by Chairman Scott on the conflict issue and it was decided that a higher authority was needed for a determination. Chairman Scott then requested of the potential conflict parties, Mr. Van Bueren and Mr. Quinton, to submit to him their written position on the issue and then Chairman Scott would submit a written request under WMAC name as Chair to be submitted to County Counsel. Mr. Knapp stated he believed that discussion could occur on SB-231, but any action or vote at this current Meeting seemed premature.

It was agreed by the Board that no action by the WMAC would take place regarding SB-231 until the conflict of interest issue is settled. The discussion resumed with continued Director perspectives. The questions that had come up regarding SB-231 were discussed, but as agreed no Board action was taken.

Mr. Van Bueren then agreed to read his full letter (previously delivered by him to the Board) into the record. Mr. Van Bueren questioned why the WMAC was not in favor of the proposed Blue Beach Property land transfer, particularly since various county and state ordinances were being violated. Mr. Van Bueren provided an extensive statement in favor of the proposed land transfer.

Mr. Knapp noted that only at 7:23 p.m. this evening did he receive the answers to the eight questions from Ms. Taylor Morrison (Senator McGuire's office). Mr. Knapp noted he did not believe that it was in the WMAC charter to have Directors debate the merits and failings of SB-231 amongst themselves.

[At approximately 7:42 p.m., several members of the public we released from the Zoom Waiting Room into the live meeting. (Mr. Robert Finnell and Ms. Kerry Lindecker, Mr. Chris Nielsen, Ms. Taylor Morrison, Ms. Emily Cornett, (all four of Senator McGuire's office). Ms. Kate Leach.]

Marcus Strutz (Pacific Star Winery) spoke to various concerns of a proposed transfer to the proposed unknown charity.

Chairman Scott then provided an extended view of protocols for proper processes to be managed by WMAC. Questions were asked and answered regarding the overview of the WMAC and other County Municipal Advisory Committees. Questions were asked and answered between Mr. Van Bueren and Mr. Knapp.

At approximately 7:52 p.m., at Chairman Scott's direction, the Board posted the list of eight questions and eight answers from Ms. Taylor Morrison (Senator McGuire's office) that arrived earlier in the evening to Mr. Knapp's electronic mailbox. The document was then posted in Screen Share on the Zoom Meeting for all to view (with some members of the public expressing difficulty viewing the letter). Questions were asked and answered by Mr. Van Bueren as to the proposed land transfer and confidentiality of the specific location of burial grounds. Mr. Knapp then asked the Chairman to consider recognizing the members of Senator McGuire's office to provide additional input as to their eight answers in the document.

Chairman Scott then recognized Mr. Quinton, who indicated he had nineteen questions (that he noted had previously been provided to the WMAC Board) and would read them into the record for the public. At approximately 8:11 p.m., Mr. Quinton then read the nineteen questions document into the record regarding SB-231. Mr. Quinton noted he had over 200 people sign a petition that had similar concerns and questions. Chairman Scott then asked for other Director comments. Mr. Van Bueren reserved his time. Mr. Knapp noted that the nineteen questions were not answered by the Board in advance of the Meeting or otherwise due to possible Brown Act concerns. Mr. Knapp stated he did not believe the WMAC's role was to debate amongst themselves, but rather to be a constructive link to all stakeholders to receive information and WMAC should act as a service or a hub of information.

Chairman Scott then asked for input from Senator McGuire's office to speak. At approximately 8:15, Ms. Kerrie Lindecker spoke, noting first that they were left in the Zoom

Waiting room for approximately 45 minutes. Ms. Lindecker then noted that they are interested in providing feedback and information to the WMAC and that they had not yet heard the nineteen questions until moments ago. Chairman Scott then asked Ms. Lindecker for the genesis of the SB-231 legislations. Ms. Lindecker noted that Senator McGuire's office was originally approached by the constituent request (various Tribal Nations). Mr. Finnell was recognized by Chairman Scott and spoke that he was also in the Zoom Waiting Room and that his interest as a member of the public was to achieve clarity (and answers to Mr. Quinton's 19 questions) and referenced his prior redline letter regarding the first draft of SB-231 to Senator McGuire. Mr. Finnell noted that he had recently had a teleconference with members of Senator McGuire's staff and that they were taking his redline comments under advisement. Ms. Dorine Real noted that the WMAC should be aware of and careful with internal communications regarding the Brown Act. Mr. Chris LuVogt raised his concerns and that answers to the 19 Questions be undertaken.

At approximately 8:24 p.m., Chairman Scott then spoke to the prior discussion item on actual or potential conflict of interest issues and that he would issue a draft letter to the WMAC, seek input and then send off to Supervisor Dan Gjerde for assistance and resolution. Until then there would be a no action decision on the conflict of interest topic until County Counsel opines. Mr. Van Bueren referenced his prior communication from Charlotte Scott of the Mendocino County Counsel's office. Chairman Scott noted he had not seen that communication.

Upon motion duly made and seconded, the Board approved the process as outlined by Chairman Scott to endeavor to resolve the potential or actual conflict of interest issues.

New Business -

- a) **New WMAC formal email:** Mr. Quinton (Secretary) then provided the update to the WMAC that the new email address formal contact to the WMAC is:

WMAC95488@gmail.com

b) **Discussion regarding the administrative procedure for correspondence protocols to the WMAC:** The Board discussed the process for communications come into the Secretary also are copied to the Chair. Questions were asked and answered. The old email address will forward all communications to the new email address. Mr. Van Bueren noted he supported the new communication protocols but also noted his believe that issues of interest to the WMAC community should also be transparently shared amongst the Directors. Questions were asked answered.

- c) **Mendocino County's proposed cannabis regulations.**

At approximately 8:40 p.m., Chairman Scott directed attention to this matter. Mr. Van Bueren noted he had recently forwarded the information to the Board. Mr. Knapp noted there is no requirement or necessarily benefit of supporting other MAC proposals. Mr. Quinton agreed that each area represent their own area. Chairman Scott noted that WMAC would acknowledge receipt only.

d) CalFire Road Rules

At approximately 8:47 p.m., Chairman Scott directed attention to this topic. Chairman Scott provided the update on the regulations and its evolution and possible impact. He noted the Rules had been pared back. Mr. Van Bueren clarified that the WMAC still had time to comment if the WMAC so desired and he would provide a link and also the California Board of Realtors letter. Questions were asked and answered regarding the realities and difficulties of local roads achieving compliance and essentially a property taking. The terrain is too steep. Mr. Quinton suggested simplifying to a statement that existing parcels that are severed by local roads are “grandfathered”, but new development would be subject to the new rules. Ms. Real commented that the purpose of the new rules is to save peoples lives. Upon motion duly made and seconded, the motion to have Mr. Quinton draft the proposed letter (circulate for Board input) and then Chairman Scott would issue to the relevant authority.

e) Ocean Meadows coastal development permit

At 8:54 p.m., Chairman Scott noted a recent disclosure item from the County Planning Board that was released for public comment on development of a few lots in Ocean Meadows. Mr. Van Bueren suggested these are circulated quickly to the Board when they come in and seek extended time to respond. This one was due by May 19th. Chairman Scott will issue a letter requesting future additional lead time to respond.

f) Possible WMAC response to DeHaven valley road grower request

Ms. Grigg prefers that WMAC not comment until input from County Counsel. There was a discussion about WMAC staying neutral on this matter. Mr. Van Bueren reminded the Board that all WMAC meeting minutes are public record. Mr. Van Bueren noted that this leads to the case for summary meeting minutes rather than detailed meeting minutes. Ms. Griggs recommends no action or response until County Counsel is involved. Mr. Quinn stated the position of Secretary is to record the minutes in the Secretary’s domain. Mr. Van Bueren disagreed. Ms. Grigg motioned (and seconded) to take no action until County Counsel is involved. The motion was approved.

7) Announcements / Correspondence - (Discussion only).

Mr. Quinton (Secretary) shared telephone conversation with the County Auditor regarding the position of a WMAC Treasurer. It was stated by the County Auditor that there was no need for the WMAC treasurer position at this time because the WMAC does not manage funds or any bank account. Chairman Scott, at approximately 9:05 p.m. recognized Mr. Knapp. Mr. Knapp provided input on past practices regarding the Treasurer and how the County would send the rent check to the Westport Church. The Board agreed to pay rent to the Westport Church when the WMAC uses the space.

8) Set preliminary agenda for next Meeting.

Chairman Scott noted MCOG desired to attend the June WMAC Board Meeting to discuss transportation plans for the County. Mr. Van Bueren noted they requested approximately

fifteen minutes and Mr. Scott recommended place the MCOGs presentation at the beginning of the Agenda.

Mr. Finnell was recognized by the Chair. Since he stated he also was in the Zoom Waiting Room for approximately 41 minutes and since he was not afforded opportunity for public comment, there were five questions he had for the Board. Chairman Scott led the discussion in response to the five questions. Chairman Scott noted that the Highway 1 tree branch removal at Mile Marker 735, previously raised by Director Grigg, that he had contacted CalTrans for removal and it was closed. Chairman Scott described the process for any member of the local public to apply for any open position on the WMAC and the process flows through Supervisor Dan Gjerde. Chairman Scott deferred to Mr. Quinton on the minutes question. Mr. Quinton noted April 6 2021 minutes were not approved, but the April 29, 2021 minutes were approved. Mr. Knapp noted that the WMAC website is down due to a software incompatibility and noted the process was going slowly. Mr. Van Bueren noted the County website has lists of Boards and one can apply directly online, but also a good idea to follow-up with Supervisor Gjerde. Mr. Quinton supported going through Supervisor Gjerde. Ms. Grigg noted the open position is that of an Alternate Director.

On the process for the Zoom recording, Chairman Scott noted that Mr. Van Bueren recorded the Meeting, and he will send it out to the Board and email to those requesting, including Mr. Finnell. Mr. Finnell indicated he appreciated that process and in the future it could be posted to the WMAC website for a period of time for public viewing.

9) **Adjournment.** Upon motion duly made and seconded, the Board resolved to adjourn the Meeting at approximately 9:15 p.m.

Respectfully submitted,

Gary Quinton, Director and WMAC Secretary