



MENDOCINO COUNTY BOARD OF SUPERVISORS

ACTION MINUTES – OCTOBER 18, 2011

MENDOCINO
COUNTY
BOARD OF
SUPERVISORS

CARRE BROWN
FIRST DISTRICT

JOHN McCOWEN
SECOND DISTRICT
VICE-CHAIR

JOHN PINCHES
THIRD DISTRICT

KENDALL SMITH
FOURTH DISTRICT
CHAIR

DAN HAMBURG
FIFTH DISTRICT

CARMEL J. ANGELO
CHIEF EXECUTIVE
OFFICER/
CLERK OF THE
BOARD

JEANINE B. NADEL
COUNTY COUNSEL

BOARD RESOURCE
INFORMATION:

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WWW.CO.MENDOCINO.CA.US/BOS

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BOARD
ACTION MINUTES
(SEE LAST PAGE
FOR MORE INFORMATION)

NEXT MEETING
(AGENDAS ARE POSTED
ON THURSDAYS)
WWW.CO.MENDOCINO.CA.US/BOS

BEFORE THE BOARD OF SUPERVISORS COUNTY OF MENDOCINO • STATE OF CALIFORNIA FAIR STATEMENT OF PROCEEDINGS (PURSUANT TO CALIFORNIA GOVERNMENT CODE §25150)

☒ REGULAR MEETING ☐ SPECIAL SESSION ☐ PLANNING MATTERS

AGENDA ITEM NO. 1 – OPEN SESSION (ROLL CALL AND PLEDGE OF ALLEGIANCE – 9:07 A.M.)

Present: Supervisors Carre Brown, John McCowen, John Pinches, Kendall Smith, and Dan Hamburg. Chair Smith presiding.

Staff Present: Ms. Carmel J. Angelo, Chief Executive Officer/Clerk of the Board; Ms. Jeanine B. Nadel, County Counsel; and Mr. Tim Mitchell, Deputy Clerk of the Board.

Pledge of Allegiance: Ms. Linda Thompson, Public Defender.

AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

Presenter/s: Ms. Victoria Brittain and Ms. Linda Thompson, Public Defender.

Board Action: No action taken.

T1-160

AGENDA ITEM NO. 4 – APPROVAL OF MINUTES

Presenter/s: Chair Smith.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor McCowen, and carried unanimously; IT IS ORDERED that the minutes of the September 27, 2011, Board Meeting; October 4, 2011, Board Meeting; and October 11, 2011, Special Session, are approved as presented.

T1-191

AGENDA ITEM NO. 5 – CONSENT CALENDAR

Presenter/s: Consent Calendar items 5(f, k, and l) removed for separate consideration.

Public Comment: Ms. Anita Toste, Victim Witness Coordinator and Dina Polkinghome, Executive Director, Project Sanctuary.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Pinches, and carried unanimously; IT IS ORDERED that Consent Calendar items 5(a-e and g-j) are approved/denied as follows:

- (a) Claim of David Onstad -- Denied;
- (b) Claim of Macey Nelepovitz -- Denied;
- (c) Adoption of Proclamation in Recognition of Domestic Violence Awareness Month, October 2011 -- Adopted and the Chair is authorized to sign same;
- (d) Adoption of Resolution Declaring Surplus and Authorizing the Acceptance of Oral Bids and/or Sealed Bids For the Sale of Real Property, Generally Described as APNs: 048-230-10-00, 095-100-14-00, 118-500-45-00, 156-040-04-00, and 167-320-18-00 -- Adopted and the Chair is authorized to sign same --

RESOLUTION NO. 11-143

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS DECLARING SURPLUS AND AUTHORIZING THE ACCEPTANCE OF ORAL BIDS AND/OR SEALED BIDS FOR THE SALE OF REAL PROPERTY, GENERALLY DESCRIBED AS APN 048-230-10-00

RESOLUTION NO. 11-144

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS DECLARING SURPLUS AND AUTHORIZING THE ACCEPTANCE OF ORAL BIDS AND/OR SEALED BIDS FOR THE SALE OF REAL PROPERTY, GENERALLY DESCRIBED AS APN 095-100-14-00

RESOLUTION NO. 11-145

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS DECLARING SURPLUS AND AUTHORIZING THE ACCEPTANCE OF ORAL BIDS AND/OR SEALED BIDS FOR THE SALE OF REAL PROPERTY, GENERALLY DESCRIBED AS APN 118-500-45-00

RESOLUTION NO. 11-146

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS DECLARING SURPLUS AND AUTHORIZING THE ACCEPTANCE OF ORAL BIDS AND/OR SEALED BIDS FOR THE SALE OF REAL PROPERTY, GENERALLY DESCRIBED AS APN 156-040-04-00

RESOLUTION NO. 11-147

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS DECLARING SURPLUS AND AUTHORIZING THE ACCEPTANCE OF ORAL BIDS AND/OR SEALED BIDS FOR THE SALE OF REAL PROPERTY, GENERALLY DESCRIBED AS APN 167-320-18-00

- (e) BOS No. 11-127 Approval of Agreement with Children & Family Futures (Irvine, CA) in the Amount of \$60,000 to Provide Comprehensive Evaluation of the Mendocino County Dependency Drug Court Grant as Outlined and Provided for in the Grant in FY 2011/2012 -- Approved and the Chair is authorized to sign same;
- (g) BOS No. 10-205 A1 Approval of Amendment with Ford Street Project to Extend Staffing Hours for the Homelessness Prevention and Rapid Re-Housing Program Grant by Two Months and Add \$16,500 -- Approved and the Chair is authorized to sign same;
- (h) BOS No. 10-198 A3 Approval of Amendment with Ukiah Community Center to Extend Staffing Hours for the Homelessness Prevention and Rapid Re-Housing Program Grant by One Month and Add \$6,000 -- Approved and the Chair is authorized to sign same;
- (i) BOS No. 11-128 Adoption of Resolution Approving Memorandum of Understanding Between the County of Mendocino and the Teamsters Local 856 Representing Mendocino County Probation Employees Association for the Term of March 15, 2011, through June 30, 2012 -- Adopted and the Chair is authorized to sign same --

RESOLUTION NO. 11-148

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF MENDOCINO AND THE TEAMSTERS LOCAL 856 REPRESENTING MENDOCINO COUNTY PROBATION EMPLOYEES ASSOCIATION (MCPEA)

- (j) Authorization of the Issuance of Coastal Development Permit #CDP 4-2011 (Boward) -- Approved.

AGENDA ITEM NO. 5 – CONSENT CALENDAR – REMOVED FOR SEPARATE CONSIDERATION:

- (f) Approval of Agreement with Mendocino County Planning and Building in the Amount of \$97,616 to develop a Sustainable Land Use Code and Storm Water Ordinance in Fiscal Year 2011-2012

Presenter/s: Supervisor Brown.

Public Comment: Ms. Stacey Cryer, Health and Human Services Agency Director and Mr. Nash Gonzalez, Planning and Building Services Director.

Board Directive: GENERAL CONSENSUS OF THE BOARD staff is hereby directed to resubmit this agenda item with additional information for consideration at the next regular meeting of the Board of Supervisors.

Board Action: No action taken.

AGENDA ITEM NO. 5 – CONSENT CALENDAR – REMOVED FOR SEPARATE CONSIDERATION:

- (k) Adoption of Resolution Authorizing Department of Transportation Advertisement for Bids and Award of a Contract to Perform Repairs to a Portion of the Southerly Capping Fill of the Laytonville Landfill (Laytonville Area)

RESOLUTION NO. 11-149

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING DEPARTMENT OF TRANSPORTATION ADVERTISEMENT FOR BIDS AND AWARD OF A CONTRACT TO PERFORM REPAIRS TO A PORTION OF THE SOUTHERLY CAPPING FILL OF THE LAYTONVILLE LANDFILL

Presenter/s: Supervisor Pinches.

Public Comment: Mr. Howard Dashiell, Transportation Director.

Board Action: Foregoing introduced by Supervisor McCowen, seconded by Supervisor Brown, and carried unanimously.

AGENDA ITEM NO. 5 – CONSENT CALENDAR – REMOVED FOR SEPARATE CONSIDERATION:

- (l) BOS No. 11-129 Adoption of Resolution Authorizing Award of Department of Transportation Agreement No. 110062, Professional Services Agreement with Taber Consultants for Geotechnical Services for Various 2011 Storm Damage Projects (County-wide).

RESOLUTION NO. 11-150

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING AWARD OF DEPARTMENT OF TRANSPORTATION AGREEMENT NO. 110062, PROFESSIONAL SERVICES AGREEMENT WITH TABER CONSULTANTS FOR GEOTECHNICAL SERVICES FOR VARIOUS 2011 STORM DAMAGE PROJECTS (COUNTY-WIDE)

Presenter/s: Supervisor Pinches.

Public Comment: Mr. Howard Dashiell, Transportation Director.

Board Action: Foregoing introduced by Supervisor McCowen, seconded by Supervisor Brown, and carried (3/2, with Supervisors Pinches and Hamburg dissenting).

T1-1540

AGENDA ITEM NO. 6A – CHIEF EXECUTIVE OFFICER’S REPORT

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

Board Action: No action taken.

T1-1990

AGENDA ITEM NO. 6B – DISCUSSION AND POSSIBLE ACTION INCLUDING REVIEW, ADOPTION, AMENDMENT, CONSIDERATION OR RATIFICATION OF LEGISLATION PURSUANT TO THE ADOPTED LEGISLATIVE PLATFORM

Presenter/s: Ms. Kristi Furman, Deputy Chief Executive Officer.

Board Action: No action taken.

T1-2355

AGENDA ITEM NO. 8B – INFORMATIONAL UPDATE ON THE MARINE LIFE PROTECTION ACT INITIATIVE (MLPAI) FOR THE NORTH COAST STUDY REGION; CURRENT IMPLICATIONS AND PROPOSED ACTIONS FOR MENDOCINO COUNTY

Presenter/s: Supervisors Smith and Hamburg; Dr. Jeanine Pfeiffer, MLP AI Coordinator for Mendocino County; and Mr. Jim Martin, Chair, Mendocino County Fish and Game Advisory Commission.

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor McCowen, and carried unanimously; IT IS ORDERED that the Board of Supervisors receives the update on the MLP AI for the North Coast Study Region; authorizes a tri-county letter regarding MLP A North Coast CEQA; and furthermore, establishes regular updates on the MLP AI to the Board on an as-needed basis.

RECESS: 10:46 – 10:58 A.M.

T2-335

AGENDA ITEM NO. 8C – PRESENTATION OF THE EFFICIENCY AUDIT OF MENDOCINO COUNTY SHERIFF’S OFFICE PREPARED BY HARRIS AND HARRIS ENTERPRISES; AND POSSIBLE ACTION REGARDING THE MARCH 2011 BOARD AD-HOC COMMITTEE REFERRAL

Presenter/s: Supervisors McCowen and Smith; Sheriff Tom Allman; David Harris, Harris & Harris Consulting; and Steven Reader, Senior Manager and Project Team Leader.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Brown, and carried unanimously; IT IS ORDERED that the Board of Supervisors accepts the presentation by Harris and Harris Enterprises.

T3-440

~~**AGENDA ITEM NO. 7B – DISCUSSION AND POSSIBLE ACTION ON APPEAL OF THE PLANNING COMMISSION’S DECISION TO DENY COASTAL DEVELOPMENT RE-SUBDIVISION # CDRES 1-2006, DENY A REQUEST FOR AN EXCEPTION TO ROADWAY ACCESS WIDTH AND ROADWAY EASEMENT WIDTH REQUIRED UNDER SECTION 17-48.5(A)(1)(E)(i) OF THE MENDOCINO COUNTY CODE (DIVISION OF LAND REGULATIONS) AND DENY COASTAL DEVELOPMENT USE PERMIT MODIFICATION # CDUM 118-75/2008**~~

Presenter/s: Chair Smith announced the cancellation of the Appeal Hearing, to be rescheduled for a future date and time.

Board Action: No action taken.

Board Directive: BY ORDER OF THE CHAIR the Board will adjourn to lunch recess followed immediately by Closed Session at 1:30 p.m.

ADJOURNED TO LUNCH RECESS: 12:29 P.M.

RECONVENED FOR CLOSED SESSION: 1:30 P.M.

AGENDA ITEM NO. 12A – SITTING AS THE IHSS PUBLIC AUTHORITY GOVERNING BOARD: PURSUANT TO GOVERNMENT CODE SECTION 54957.6 - CONFERENCE WITH LABOR NEGOTIATOR - AGENCY NEGOTIATORS: CARMEL J. ANGELO, PAT MEEK, STACEY CRYER, AND MARYLOU LEONARD; EMPLOYEE ORGANIZATION(S): IHSS PROVIDERS

AGENDA ITEM NO. 12B – PURSUANT TO GOVERNMENT CODE SECTION 54957.6 - CONFERENCE WITH LABOR NEGOTIATOR - AGENCY NEGOTIATORS: CARMEL J. ANGELO, PAT MEEK, AND RICK HAEG; EMPLOYEE ORGANIZATION(S): ALL

AGENDA ITEM NO. 12C – PURSUANT TO GOVERNMENT CODE SECTION 54956.9C - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION: ONE CASE (WESTERN SURETY)

RECONVENED IN OPEN SESSION: 2:20 P.M.

AGENDA ITEM NO. 12 – REPORT OUT OF CLOSED SESSION

Presenter: Chair Smith and Jeanine B. Nadel, County Counsel.

Board Action: Counsel Nadel reported that, with respect to labor items, the Board provided direction to staff. In regards to initiation of litigation, the Board authorized litigation against Western Surety – motion by Supervisor Hamburg, seconded by Supervisor McCowen, and carried unanimously.

AGENDA ITEM NO. 7A – DEPARTMENT OF TRANSPORTATION – DIRECTOR’S REPORT

Presenter/s: Chair Smith referenced the written report previously transmitted by Mr. Howard Dashiell, Transportation Director.

Board Action: No action taken.

T1-450

AGENDA ITEM NO. 8A – SUPERVISORS’ REPORTS

Presenter/s: Board members.

Board Action: No action taken.

AGENDA ITEM NO. 14 – COMMUNICATIONS RECEIVED AND FILED

- (a) State of California Fish and Game Commission: Notice of proposed regulatory action relating to Oroville-Thermalito Complex Regulations for take of non-indigenous Coho salmon; Oral or written statements on all options relevant to this action may be presented at a hearing to be held at the Beach Resort Monterey, 2600 Sand Dunes Drive, Monterey, CA, on Thursday, October 20, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard; The same applies to a hearing to be held at the Veteran's Memorial Building, 112 West Cabrillo Boulevard, Santa Barbara, CA, on Thursday, November, 17, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard; Written comments mailed, faxed, or emailed to the Commission office must be received before 5:00 p.m. on November 14, 2011; All comments must be received no later than November 17, 2011, at the hearing in Santa Barbara, CA; Faxes may be sent to (916) 653-5040, emails to FGC@fgc.ca.gov, and mail to 1416 Ninth St., Box 944209, Sacramento, CA 94244-2090
- (b) State of California Fish and Game Commission: Notice of changes to the originally proposed regulatory language regarding south coast marine protection areas; A 15-day written comment period will be open from October 3 - 18, 2011; Comments will also be accepted at the October 19, 2011, hearing to be held in the Beach Resort, 2600 Sand Dunes Drive, Monterey, CA, at 10:00 a.m., or as soon thereafter as the matter may be heard; Written comments may be submitted via fax to (916) 653-5040, via email to FGC@fgc.ca.gov; or via mail to the Fish and Game Commission, 1416 Ninth St., Box 944209, Sacramento, CA 94244-2090
- (c) Protest of Non-Renewal of Agriculture Preserve Contract - Owners: Dean and Suzanne Carrell
- (d) Protest of Non-Renewal of Agriculture Preserve Contract - Owner: Sally Sullivan

- (e) U.S. Fish and Wildlife Service: Notice of Revision of Marbled Murrelet Critical Habitat; The final rule, maps, and descriptions of the areas proposed for critical habitat can be found at www.fws.gov/wafwo/mamu.html

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 2:35 P.M.

(Tape End T3-882)

Attest: TIM MITCHELL
Deputy Clerk of the Board

KENDALL SMITH, Chair

Draft

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 through Mendocino Access Television: www.mendocinoaccess.org Requires Windows Media Player (Version 9+). If technical assistance is needed, please contact Mendocino Access Television at (707) 357-0624
- 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: www.co.mendocino.ca.us/bos

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