



# MENDOCINO COUNTY BOARD OF SUPERVISORS

## ACTION MINUTES – DECEMBER 6, 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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WATCH LIVE BOARD  
MEETINGS VIA  
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BOARD  
ACTION MINUTES  
(SEE LAST PAGE  
FOR MORE INFORMATION)

NEXT MEETING  
(AGENDAS ARE POSTED  
ON THURSDAYS)  
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### 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 Ms. Kristine Lawler, Deputy Clerk of the Board.

**Pledge of Allegiance:** Sheriff Tom Allman.

T1-45

#### AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

**Presenter/s:** Mr. Jack Cox.

**Board Action:** No action taken.

#### AGENDA ITEM NO. 4 – APPROVAL OF MINUTES

**Presenter/s:** Chair Smith.

**Public Comment:** Mr. Nash Gonzalez, Planning and Building Services Director.

**Board Action:** Upon motion by Supervisor McCowen, seconded by Supervisor Brown, and carried unanimously; IT IS ORDERED that the minutes of the November 8, 2011, Board meeting and November 15, 2011, Board meeting, are approved as amended.

#### AGENDA ITEM NO. 5 – CONSENT CALENDAR

**Presenter/s:** Consent Calendar items 5(d, l, and o) removed for separate consideration.

**Board Action:** Upon motion by Supervisor Hamburg, seconded by Supervisor McCowen, and carried unanimously; IT IS ORDERED that Consent Calendar items 5(a-c, e-k, m, n, and p-r) are approved/denied as follows:

- (a) Claim of Melody D. Smith -- Denied;
- (b) Approval to Conduct a Special All-Mail Election for the City of Fort Bragg on Tuesday, March 6, 2012 – Assessor/Clerk-Recorder -- Approved;
- (c) Certification of the November 8, 2011, Consolidated District Election – Assessor/Clerk-Recorder -- Approved;
- (e) Adoption of an Ordinance Adding Chapter 5.150 to Title 5 of the Mendocino County Code Establishing an Assessment Appeals Board to Replace the Existing Board of Equalization – County Counsel -- Adopted and the Chair is authorized to sign same-

ORDINANCE NO. 4286

ORDINANCE ADDING CHAPTER 5.150 TO THE MENDOCINO COUNTY CODE - ASSESSMENT APPEALS BOARD

- (f) Approval of Waiver of Board Policy Regarding the Registered Voter Requirement for Appointment of Mr. Ron Haugen and Mr. Scott Taylor to the Workforce Investment Board (WIB), as Mandatory Representatives to the Workforce Investment Board – Executive Office -- Approved;
- (g) Ratification of Public Comment Letter Regarding Emergency Regulations Currently Under OAL Review - State Responsibility Area (SRA) Fees Pursuant to ABX1 29 – Executive Office -- Approved;
- (h) BOS 11-148 Approval of Agreement with Victor Treatment Centers, Inc. (Chico, CA) in the Amount of \$300,000 to Provide Mental Health Treatment to Children of Mendocino County in Fiscal-Year 2011/2012 – Health and Human Services Agency/Mental Health -- Approved and the Chair is authorized to sign same;
- (i) BOS 11-070-A1 Approval of Amendment with Ford Street Project, Inc. to Increase the Agreement Amount by \$15,675 to Add the Provision of Drug and Alcohol Services in Fiscal Year 2011/2012 – Health and Human Services Agency/Social Services -- Approved and the Chair is authorized to sign same;
- (j) BOS 11-150 Approval of Memorandum of Understanding Between the County of Mendocino and the Friends of the Coast Community Library; Authorization for Chair to Sign Same – Library -- Approved and the Chair is authorized to sign same;
- (k) Board of Supervisors, Pursuant to Government Code Section 31523, Order that No Election be Held for the 10th Seat of the Board of Retirement and that the County Clerk Cast a Unanimous Ballot in Favor of Mr. Richard Shoemaker, Retiree Member (Alternate), as a Member of the Board of Retirement – Mendocino County Employees' Retirement Association -- Approved;
- (m) Comments to the Environmental Assessment for the Proposed Trust Acquisition of Land by the United States for the Coyote Valley Band of Pomo Indians (Tribe), and Subsequent Development of 3 Tribal Residences and a Gas Station/Mini-Mart – Planning and Building Services -- Approved;
- (n) Approval of the Purchase and Installation of (3) Complete Tsunami Warning Sirens Systems Along the Mendocino County Coast for a Total Project Cost of \$65,000; Approval of Adding the (3) Tsunami Warning Sirens Systems to the County Approved List of Fixed Assets – Sheriff-Coroner -- Approved;
- (p) Adoption of Resolution Supporting the County's Application for Public Lands Highway (PLH) Discretionary Program Funding and Authorizing the Director of Transportation, or His Designee, to Process Said Application (Potter Valley Area) – Transportation -- Adopted and the Chair is authorized to sign same –

RESOLUTION NO. 11-168

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS SUPPORTING THE COUNTY'S APPLICATION FOR PUBLIC LANDS HIGHWAY (PLH) DISCRETIONARY PROGRAM FUNDING AND AUTHORIZING THE DIRECTOR OF TRANSPORTATION, OR HIS DESIGNEE, TO PROCESS SAID APPLICATION (POTTER VALLEY AREA)

- (q) Adoption of Resolution Supporting the County's Applications for Transportation, Community, and System Preservation (TCSP) Program Funding and Authorizing the Director of Transportation, or His Designee, to Process Said Applications (Ukiah Area) – Transportation -- Adopted and the Chair is authorized to sign same –

RESOLUTION NO. 11-169

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS SUPPORTING THE COUNTY'S APPLICATIONS FOR TRANSPORTATION, COMMUNITY, AND SYSTEM PRESERVATION (TCSP) PROGRAM FUNDING AND AUTHORIZING THE DIRECTOR OF TRANSPORTATION, OR HIS DESIGNEE, TO PROCESS SAID APPLICATIONS (UKIAH AREA)

- (r) Approval of Notice of Completion, Department of Transportation Contract No. 100036, Ryan Creek Migration Barrier Removal, Ryan Creek Road, CR 310C, M.P. 0.17 (Willits Area) – Transportation -- Approved and the Chair is authorized to sign same.

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

- (d) Approval of Letter of Support for H.R. 1892 (Intelligence Authorization Act for Fiscal Year 2012) Provision Authored by Congressman Mike Thompson Calling for Intelligence Community Assistance to Counter Drug Trafficking Organizations Using Public Lands – Supervisors Brown and Smith.

**Presenter/s:** Supervisor Hamburg.

**Public Comment:** Ms. Heidi Dickerson; Sheriff Allman; and Mr. Jim Houle.

**Board Action:** ~~Motion by Supervisor Brown, seconded by Supervisor McCowen, to approve a letter of Support for H.R. 1892 (Intelligence Authorization Act for Fiscal Year 2012) provision authored by Congressman Mike Thompson calling for intelligence community assistance to counter drug trafficking organizations using public lands, authorizing the Chair to sign same.~~  
(Upon further consideration motion was amended)

**Board Action:** Upon motion by Supervisor Brown, seconded by Supervisor McCowen, and carried (3/2, with Supervisors Hamburg and Pinches dissenting); IT IS ORDERED that the Board of Supervisors approves, with amendments, a letter of Support for H.R. 1892 (Intelligence Authorization Act for Fiscal Year 2012) provision authored by Congressman Mike Thompson calling for intelligence community assistance to counter drug trafficking organizations using public lands, authorizing the Chair to sign same.

**Board Directive:** GENERAL CONSENSUS OF THE BOARD to hear public comment for Item 7E, *Noticed Public Hearing Regarding Implementation of AB 1265 to Establish Shorter Williamson Act Contracts, Effective in Calendar Year 2012*, at 11:00 a.m. and then continue Item 7E at the scheduled time of 3:00 p.m.

**Board Directive:** BY ORDER OF THE CHAIR the balance of the consent calendar is hereby continued to later in the day.

T1-1965

**AGENDA ITEM NO. 7B – NOTICED PUBLIC HEARING – DISCUSSION AND POSSIBLE ACTION REGARDING RECEIPT OF SEALED AND/OR ORAL BIDS PERTAINING TO THE SALE OF REAL PROPERTY, GENERALLY DESCRIBED AS APN Nos: 048-230-10-00, 095-100-14-00, 118-500-45-00, 156-040-04-00, AND 167-320-18-00 – SPONSORING DEPARTMENT: GENERAL SERVICES AGENCY**

**Presenter/s:** Ms. Janelle Rau, General Services Agency Administrative Services Manager II and Ms. Heather Corell, Risk Management Department Analyst II.

**Board Action:** ~~Motion by Supervisor McCowen, seconded by Supervisor Pinches to continue this item.~~  
(Upon further consideration motion was amended)

**Board Action:** ~~Motion by Supervisor McCowen, seconded by Supervisor Pinches to continue this item to the Board of Supervisor's meeting on Tuesday, December 13, 2011, at 3:00 p.m.~~  
(Motion was subsequently withdrawn)

**Board Directive:** GENERAL CONSENSUS OF THE BOARD hereby directs staff to continue this item to Tuesday, December 13, 2011, at 3 p.m.

T1-2758

**AGENDA ITEM NO. 9A – BROADBAND ALLIANCE OF MENDOCINO COUNTY (BAMC) PROGRESS REPORT  
SPONSORS: SUPERVISORS McCOWEN AND HAMBURG**

**Presenter/s:** Supervisors McCowen and Hamburg; Mr. Greg Jirak, Green Flash Wireless President; and Mr. Jim Moorehead, Broadband Alliance of Mendocino County Chair.

**Public Comment:** Ms. Shirley Freriks; Ms. Chanel Wheeler; and Mr. Greg Nelson.

**Board Action:** No action taken.

T2-298

**AGENDA ITEM NO. 7A – PRESENTATION OF EMPLOYEE SERVICE AWARDS FOR 15-35 YEARS OF SERVICE -  
FOLLOWED BY A RECEPTION WITH THE BOARD – SPONSORING DEPARTMENT: HUMAN RESOURCES**

**Presenter/s:** Chair Smith; Supervisor Brown; and Supervisor Pinches.

**Board Action:** No action taken.

**Board Directive:** BY ORDER OF THE CHAIR the Board will adjourn to the Employee Awards Reception and will reconvene at 11:30 a.m.

*ADJOURNED TO EMPLOYEE RECEPTION IN CONFERENCE ROOM A: 11:16 A.M.*

*RECONVENED IN OPEN SESSION: 11:37 A.M.*

T2-1620

**AGENDA ITEM NO. 7E – NOTICED PUBLIC HEARING REGARDING IMPLEMENTATION OF AB 1265 TO ESTABLISH  
SHORTER WILLIAMSON ACT CONTRACTS, EFFECTIVE IN CALENDAR YEAR 2012 – SPONSORING DEPARTMENT:  
RESOURCE LANDS PROTECTION COMMITTEE**

**Presenter/s:** Ms. Jeanine B. Nadel, County Counsel; Ms. Sue Ranochak, Assessor/Clerk Recorder; and Mr. Anthony Linegar, Agricultural Commissioner.

*SUPERVISORS BROWN AND PINCHES RECUSED THEMSELVES AT 11:39 A.M. DUE TO A  
CONFLICT OF INTEREST.*

**Public Comment:** Ms. Chanel O. Wheeler.

**Board Directive:** BY ORDER OF THE CHAIR this item will be continued at 3:00 p.m.

*SUPERVISORS BROWN AND PINCHES REJOINED THE MEETING AT 11:51 P.M.*

T2-2203

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

- (I) Comments to the Draft Environmental Impact Report (DEIR) for the New Ukiah Courthouse for the Superior Court - Information Only – Planning and Building Services.

**Presenter/s:** Supervisor Brown.

**Public Comment:** Mr. Nash Gonzalez, Planning and Building Services Director; Mr. Howard Dashiell, Department of Transportation Director; Ms. Julia A. Wood; and Mr. Jack Cox.

**Board Action:** Foregoing introduced by Supervisor McCowen, seconded by Supervisor Brown, and carried unanimously, with staff input as discussed.

T3-234

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

- (o) Adoption of Resolution Approving Department of Transportation Agreement No. 110087, Professional Services Agreement with SWT, Inc., for Preparation of Construction Plans, Specifications and Estimates for the Final Closure of South Coast Landfill (Gualala - Point Arena Area) – Transportation.

**RESOLUTION NO. 11-170**

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING DOT AGREEMENT NO. 110087, PROFESSIONAL SERVICES AGREEMENT WITH SWT, INC., FOR PREPARATION OF CONSTRUCTION PLANS, SPECIFICATIONS AND ESTIMATES FOR THE FINAL CLOSURE OF SOUTH COAST LANDFILL (GUALALA – POINT ARENA AREA)

**Presenter/s:** Supervisor Hamburg.

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

**Board Directive:** BY ORDER OF THE CHAIR the Board will adjourn to Closed Session and a working lunch, and will reconvene in Open Session at 1:30 p.m.

*ADJOURNED TO CLOSED SESSION AND WORKING LUNCH: 12:38 P.M.*

**AGENDA ITEM NO. 12A – PURSUANT TO GOVERNMENT CODE SECTION 54957.6 - SITTING AS THE IHSS PUBLIC AUTHORITY GOVERNING BOARD - 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 54956.9B(3)(A) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION - ONE CASE**

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

**AGENDA ITEM NO. 12E – PURSUANT TO GOVERNMENT CODE SECTION 54957 - PUBLIC EMPLOYEE PERFORMANCE EVALUATION - HEALTH AND HUMAN SERVICES AGENCY DIRECTOR (CONTINUED FROM NOVEMBER 8, 2011)**

**AGENDA ITEM NO. 12F – PURSUANT TO GOVERNMENT CODE SECTION 54957 - PUBLIC EMPLOYEE APPOINTMENT - AGRICULTURE COMMISSIONER (CONTINUED FROM NOVEMBER 15, 2011)**

*RECONVENED IN OPEN SESSION: 1.43 P.M.*

**AGENDA ITEM NO. 12 – REPORT OUT OF CLOSED SESSION**

**Presenter:** Chair Smith.

**Board Action:** No action taken.

**Board Directive:** BY ORDER OF THE CHAIR the Board will hereby continue Closed Session at the end of the day.

T3-445

**AGENDA ITEM NO. 7D – NOTICED PUBLIC HEARING – 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; OWNER/APPLICANT: WILLIAM AND TONA MOORES; LOCATION: MANCHESTER AREA – SPONSORING DEPARTMENT: PLANNING AND BUILDING SERVICES**

**Presenter/s:** Mr. Roger Mobley, Planning and Building Services Chief Planner; Mr. Fred Tarr, Planning and Building Services Planner II; Mr. Jared Carter, Attorney for Appellant; and Mr. Bill Moores, Appellant.

**Public Comment:** Mr. Dean Wolfe (Ms. Lu Vickery, Ms. Loretta Thompson, Ms. Vera-Lee Kaiser; Ms. Sharon Robards all gave their time to Mr. Wolfe); Ms. Patty Wolfe; Mr. Gordon Moores; Ms. Suzanne L. Rush; Mr. Alfred Thompson; Mr. Stephen Whitaker; Mr. Gary Palmer; and Mr. Charles Acker, Irish Beach Water District Operations Manager.

**Board Action:** Upon motion by Supervisor Hamburg, seconded by Supervisor Brown, and carried unanimously; IT IS ORDERED that the Board of Supervisors upholds the Planning Commission's decision and denies Coastal Development Re-Subdivision #CDRes 1-2006, denies the exception request to Section 17-48.5(a)(1)(e)(i) of the Mendocino County Code (Division of Land Regulations) and denies Coastal Development Use Permit Modification #CDUM 118-75/08 making the following findings:

Environmental Findings: The proposed development will have a significant adverse impact on the environment within the meaning of the California Environmental Quality Act.

- a) The project as presented represents a substantial alteration of the present or planned land use of the area.
- b) The project as presented will cause an increase in traffic hazards to motor vehicles, bicyclists or pedestrians.

General Plan Consistency Finding: As discussed in pertinent sections of the staff report, the proposed project is inconsistent with applicable goals and policies of the General Plan and Coastal Element as follows:

- a) The proposed development will not be provided with adequate access roads.
- b) The proposed development is not consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code and does not preserve the integrity of the zoning district.

**RECESS:** 3:38 - 3:52 P.M.

T4-1370

**AGENDA ITEM NO. 7E – CONTINUED – NOTICED PUBLIC HEARING REGARDING IMPLEMENTATION OF AB 1265 TO ESTABLISH SHORTER WILLIAMSON ACT CONTRACTS, EFFECTIVE IN CALENDAR YEAR 2012 – SPONSORING DEPARTMENT: RESOURCE LANDS PROTECTION COMMITTEE**

**Presenter/s:** Ms. Jeanine B. Nadel, County Counsel.

*SUPERVISORS BROWN AND PINCHES RECUSED THEMSELVES AT 3:53 P.M. DUE TO A CONFLICT OF INTEREST.*

**Public Comment:** Mr. Bryant Whitaker; Mr. Don Butow; Ms. Marie Hill; and Mr. Cliff Paulin.

**Board Action:** Upon motion by Supervisor McCowen, seconded by Supervisor Hamburg, and carried unanimously (3/0, with Supervisors Brown and Pinches abstaining); IT IS ORDERED that the Board of Supervisors approves implementation of AB 1265, directs staff to notify all affected landowners of the final decision and the right to prevent the reduction in term by serving the notice of non-renewal. Send copies to County Counsel and members of the Resource Lands Protection Committee.

T4-2176

**AGENDA ITEM NO. 8B – DISCUSSION AND POSSIBLE ACTION REGARDING COMMENTS TO THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE WAL-MART EXPANSION PROJECT**

**Presenter/s:** Supervisors Brown and McCowen.

**Board Action:** Upon motion by Supervisor Brown, seconded by Supervisor Hamburg, and carried unanimously; IT IS ORDERED that the Board of Supervisors approves sending the comment letter to the Final EIR for the Wal-Mart expansion project.

**AGENDA ITEM NO. 11 – APPOINTMENTS TO BOARDS AND COMMISSIONS**

**Presenter/s:** Chair Smith.

**Public Comment:** Mr. John Sakowicz.

**Board Action:** Upon motion by Supervisor McCowen, seconded by Supervisor Pinches, and carried unanimously; IT IS ORDERED that the Board of Supervisors appoints/reappoints the following listed applicants with the exception of the Retirement Board.

Board or Commission	Appointee	Category
Air Quality Management District Hearing Board	Robert Calson	Alternate Physician Member
Archaeological Commission	William H. Cull	Archaeologist
Library Advisory Board	Kristin Fraser	City of Willits Representative
Policy Council on Children and Youth	Denise Gorny	Local Child Care Resource & Referral Agency Representative (Seat #17)
Policy Council on Children and Youth	Sheryn Hildebrand	To complete current term as - Non-Profit Corporation Representative (Member #23)
<del>Retirement Board</del>	<del>Bob Mirata</del>	<del>9<sup>th</sup> Member (Not Appointed)</del>
Workforce Investment Board	Joanne Chiles	Business Representative (Member #3)
Workforce Investment Board	Terry Poplawski	Mandatory Representative (Member #20)

**Board Directive:** GENERAL CONSENSUS OF THE BOARD to direct staff to schedule formal interviews for the Retirement Board in January, 2012.

T4-3945

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

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

**Public Comment:** Mr. Steve Dunncliff, Deputy Chief Executive Officer and Ms. Kristi Furman, Deputy Chief Executive Officer.

**Board Directive:** GENERAL CONSENSUS OF THE BOARD to send two Board Members to meet with Senator Noreen Evans on Wednesday, December 28, 2011, at 11:00 a.m.

**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:** Chair Smith referenced a previously written report.

**Board Action:** No action taken.

**AGENDA ITEM NO. 7F – 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.

T5-645

**AGENDA ITEM NO. 7G – PLANNING AND BUILDING SERVICES – DIRECTOR’S REPORT**

**Presenter/s:** Mr. Nash Gonzalez, Planning and Building Services Director.

**Board Action:** No action taken.

T5-912

**AGENDA ITEM NO. 8A – SUPERVISORS’ REPORTS**

**Presenter/s:** Board members.

**Board Action:** No action taken.

**Board Directive:** BY ORDER OF THE CHAIR directs staff to schedule a portion of the Monday, December 12, 2011, meeting for Board agenda overflow.

**Board Directive:** BY ORDER OF THE CHAIR the Board will adjourn to continued Closed Session.

*ADJOURNED TO CONTINUED CLOSED SESSION: 5:24 P.M.*

**AGENDA ITEM NO. 12A – PURSUANT TO GOVERNMENT CODE SECTION 54957.6 - SITTING AS THE IHSS PUBLIC AUTHORITY GOVERNING BOARD - 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 54956.9B(3)(A) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION - ONE CASE**

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

**AGENDA ITEM NO. 12E – PURSUANT TO GOVERNMENT CODE SECTION 54957 - PUBLIC EMPLOYEE PERFORMANCE EVALUATION - HEALTH AND HUMAN SERVICES AGENCY DIRECTOR (CONTINUED FROM NOVEMBER 8, 2011)**

**AGENDA ITEM NO. 12F – PURSUANT TO GOVERNMENT CODE SECTION 54957 - PUBLIC EMPLOYEE APPOINTMENT - AGRICULTURE COMMISSIONER (CONTINUED FROM NOVEMBER 15, 2011)**

*RECONVENED IN OPEN SESSION: 6:40 P.M.*

**AGENDA ITEM NO. 12 – REPORT OUT OF CLOSED SESSION**

**Presenter:** Chair Smith

**Board Action:** In regards to Closed Session Item 12F, the Board has appointed Mr. Charles Morse as the Interim Agricultural Commissioner effective December 11, 2011. Motion by Supervisor McCowen, seconded by Supervisor Pinches, and carried unanimously.

In regards to all other matters on the Closed Session agenda, direction was given to staff.



**AGENDA ITEM NO. 7C – DISCUSSION AND POSSIBLE AWARD OF CONTRACT PERTAINING BIDS RECEIVED FOR THE HEALTH AND HUMAN SERVICES AGENCY'S CONSTRUCTION AND REMODEL OF THE AVILA CENTER, 790 S. FRANKLIN STREET, FORT BRAGG, CA; AUTHORIZATION OF THE GENERAL SERVICES AGENCY DIRECTOR TO EXECUTE THE CONTRACT UPON RECEIPT OF THE BIDDER'S REQUIRED BONDS AND CERTIFICATES OF INSURANCE; AUTHORIZATION OF THE FACILITIES AND FLEET DIVISION MANAGER TO ACT AS PROJECT MANAGER; AND AUTHORIZATION OF THE CHIEF EXECUTIVE OFFICER TO APPROVE CHANGE ORDERS FOR THE PROJECT, PURSUANT TO THE PUBLIC CONTRACT CODE SECTION 20142 – SPONSORING DEPARTMENT: GENERAL SERVICES AGENCY ITEM PULLED AT THE REQUEST OF THE DEPARTMENT**

**Board Action:** No action taken.

**AGENDA ITEM NO. 14 – COMMUNICATIONS RECEIVED AND FILED**

- (a) Notice that the Air Resources Control Board (ARB) filed with the Office of Administrative Law (OAL) final rule-making materials for the following regulations: the In-Use On-Road Diesel Vehicle Regulation (Truck and Bus Regulation), the Greenhouse Gas Emission Reduction Regulation (Tractor-Trailer GHG Regulation), the Off-Road Large Spark Ignition Engine Fleet Requirements (LSI Fleet Regulation) and the Regulation for In-Use Off-Road Diesel Fueled Fleets (Off-Road Regulation); OAL has until December to approve the regulations and file them with the Secretary of State; the rulemaking documents are available for the truck regulations at: [www.arb.ca.gov/regact/2010/truckbus1-/truckbus10.htm](http://www.arb.ca.gov/regact/2010/truckbus1-/truckbus10.htm), and for the off-road regulations at: [www.arb.ca.gov/regact/2010/offroadlsi/offroadlsi10.htm](http://www.arb.ca.gov/regact/2010/offroadlsi/offroadlsi10.htm)
- (b) State of California Fish and Game Commission notice of findings, announcing adoption of amended findings regarding the denied petition to add The Cedars buckwheat to the list of endangered species under the California Endangered Species Act (CESA)
- (c) State of California Fish and Game Commission notice of findings regarding American pika, announcing the aforementioned species is hereby declared a candidate to be listed as a threatened species; written comments or data related to the petitioned action should be directed to the Commission at 1416 Ninth Street, Box 944209, Sacramento, CA 94244-2090; for additional information, contact Sonke Mastrop, Executive Director, Fish and Game Commission at (916) 653-4899
- (d) State Water Resources Control Board re-notice of application no. 31888, to appropriate water by permit (Applicant: Dooley Creek Ranch, LLC)
- (e) Protest of Non-Renewal of Agricultural Preserve - Owners: Brad and Kristen Ingram
- (f) Protest of Non-Renewal of Agricultural Preserve - Owner: Rose Marie Knighten Siemer
- (g) Protest of Non-Renewal of Agricultural Preserve - Owners: Peter and Helen Miller
- (h) Protest of Non-Renewal of Agricultural Preserve - Owner: Andrew Scott Faust
- (i) Protest of Non-Renewal of Agricultural Preserve - Owner: Marianne Campbell
- (j) Protest of Non-Renewal of Agricultural Preserve - Owners: Robert and Nancy Pool
- (k) Protest of Non-Renewal of Agricultural Preserve - Owner: Christopher Hrabak
- (l) Protest of Non-Renewal of Agricultural Preserve - Owner: Lawrence A. Lucier
- (m) Protest of Non-Renewal of Agricultural Preserve - Owners: Robert and Betty Harvey
- (n) Protest of Non-Renewal of Agricultural Preserve - Owners: Stuart Bewley and Donna Motluk
- (o) Protest of Non-Renewal of Agricultural Preserve - Owners: Virginia Matzek and Cedric Puleston
- (p) Protest of Non-Renewal of Agricultural Preserve - Owner: Justin Dorio
- (q) Protest of Non-Renewal of Agricultural Preserve - Owner: Elouise Swope
- (r) Protest of Non-Renewal of Agricultural Preserve - Owner: Stan Witherspoon
- (s) Protest of Non-Renewal of Agricultural Preserve - Owner: Yosepha Rose Zarchin
- (t) Protest of Non-Renewal of Agricultural Preserve - Owners: Mary Anne Larsen and Lawrence A. Kearns
- (u) Protest of Non-Renewal of Agricultural Preserve - Owners: Cypress Abbey Company
- (v) Protest of Non-Renewal of Agricultural Preserve - Owners: Lynn, Joyce, and Wesley Week
- (w) Protest of Non-Renewal of Agricultural Preserve - Owners: Roger and Michele Burch, and Niels Dietzgen Bauer
- (x) Protest of Non-Renewal of Agricultural Preserve - Owner: Alfred S. Ridout
- (y) Protest of Non-Renewal of Agricultural Preserve - Owners: Paul and Christina Lynn Leinwetter
- (z) Protest of Non-Renewal of Agricultural Preserve - Owners: Anthony and Melodie Sorace
- (aa) Protest of Non-Renewal of Agricultural Preserve - Owners: Douglas and Robin McHugh, Jared Boyd, Peter and Sarah Lowe, and Dwight Wolfinger

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 6:41 P.M.

Attest: KRISTINE LAWLER  
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](http://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](http://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](http://www.co.mendocino.ca.us/bos)

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