



**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:**

**OFFICE: (707) 463-4221
FAX: (707) 463-7237**

**EMAIL THE BOARD:
BOS@CO.MENDOCINO.CA.US**

**WEBSITE:
WWW.CO.MENDOCINO.CA.US/BOS**

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**BOARD
ACTION MINUTES
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**NEXT MEETING
(AGENDAS ARE POSTED
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MENDOCINO COUNTY BOARD OF SUPERVISORS ACTION MINUTES – DECEMBER 13, 2011

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 – 9:05 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: Mr. Jim Anderson, Retirement Administrator.

AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

Presenter/s: Ms. Bliss Fisher, Animal Control Program Administrator; Mr. J.R. Rose; Ms. Lucy Simonson; and Mr. Jim Bassler.

Board Action: No action taken.

T1-475

AGENDA ITEM NO. 5 – CONSENT CALENDAR

Presenter/s: Chair Smith.

Public Comment: Ms. Stacey Cryer, Health and Human Services Agency Director; Ms. Kristin McMenomey, General Services Agency Director; and Mr. Patrick Webb.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor McCowen, and carried unanimously; IT IS ORDERED that Consent Calendar items 5(a through s), with amendments to the Recommended Action/Motion of item 5(g), are approved/denied as follows:

- (a) Claims of Scott Merriman (3 Total) -- Denied;
- (b) Approval of Consolidating a Special Municipal Election for the City of Fort Bragg with the April 10, 2012 Election – Assessor/Clerk-Recorder -- Approved;
- (c) Adoption of Proclamation Recognizing Patrick Dale Webb on Achieving the Rank of Eagle Scout in Mendocino County – Supervisors Brown and McCowen -- Adopted and the Chair is authorized to sign same;
- (d) Adoption of Resolution Authorizing the County Counsel to Execute Agreements with the State Board of Equalization for Implementation of a Local Transactions and Use Tax – County Counsel -- Adopted and the Chair is authorized to sign same;

RESOLUTION NO. 11-171

**RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS
AUTHORIZING THE COUNTY COUNSEL TO EXECUTE AGREEMENTS WITH
THE STATE BOARD OF EQUALIZATION FOR IMPLEMENTATION OF A LOCAL
TRANSACTIONS AND USE TAX**

- (e) Approval of Mendocino County Fair and Apple Show's 2012 Budget – Executive Office -- Approved and the Chair is authorized to sign same;
- (f) BOS 96-176-A4 Approval of an Amendment to BOS Agreement No. 96-176, Lease Agreement for 631 South Orchard Avenue, Ukiah with Les Ryan to Extend the Term of the Lease on a Month-to-Month Basis – General Services Agency -- Approved and the Chair is authorized to sign same;
- (g) BOS 11-152 Award Contract to FRC, Inc. for the Health and Human Services Agency's Construction and Remodel of the Avila Center, 790 S. Franklin Street, Fort Bragg, CA and Authorize the General Services Agency Director to Sign the Contract Upon Receipt of the Bidder's Required Bonds and Certificates of Insurance; and Authorize the Facilities and Fleet Division Manager to Act as Project Manager and Approve Change Orders for the Project, Pursuant to Public Contract Code Section 20142 – General Services Agency -- Approved as amended, and the Chair is authorized to sign same;
- (h) Approval of Appropriation Change to Add \$6,800 to the Division of Environmental Health (EH) 2011/2012 Fixed Asset Schedule to Allow for the Purchase of In-Cab Communications Equipment for the Redwood Empire Hazardous Incident Team (REHIT) Emergency Response Truck – Health and Human Services Agency/Community Health Services -- Approved;
- (i) Approval for Mendocino County Health and Human Services Agency (HHSA), Community Health Services (CHS) to Accept a United States Department of Agriculture Supplemental Nutrition Assistance Program Education (SNAP-Ed) Grant in the Amount of \$150,000 for Nutrition Education and Obesity Prevention for Fiscal Year 2011/2012 – Health and Human Services Agency/Community Health Services -- Approved;
- (j) BOS 11-153 Approval of Agreement with California Department of Public Health in the Amount of \$11,578 to Provide Sexually Transmitted Disease (STD) Prevention Services in Fiscal Years 2011/12 Through 2012/13 – Health and Human Services Agency/Community Health Services -- Approved and the Chair is authorized to sign same;
- (k) BOS 11-154 Approval of Agreement with Mendocino County Special Education Local Plan Agencies in the Amount of \$694,000 for Educationally Based Mental Health Services in Fiscal Year 2011-2012 – Health and Human Services Agency/Mental Health Services -- Approved and the Chair is authorized to sign same;
- (l) BOS 10-039-A4 Approval of Fourth Amendment to BOS Agreement No. 10-039 with Ford Street Project, Inc. Increasing the Amount by \$120,000 to Disburse Financial Assistance to Homeless Prevention and Rapid Re-Housing Program (HPRP) Grant Participants in Fiscal Year 2011/2012 – Health and Human Services Agency/Social Services -- Approved and the Chair is authorized to sign same;
- (m) Adoption of Corrected Employer and Employee Retirement Contribution Rates for Fiscal Year 2011/12, Effective January 8, 2012 – Retirement Board -- Adopted;
- (n) Adoption of Ordinance Rezoning a 2+/- Acre Parcel in the Philo Community From I-1 (Limited Industrial) to C-2 (General Commercial) (AP# 046-080-14) – Planning and Building Services -- Adopted and the Chair is authorized to sign same;

ORDINANCE NO. 4287

AN ORDINANCE CHANGING THE ZONING OF REAL PROPERTY WITHIN MENDOCINO COUNTY

- (o) Approval of Extension of Time of Pending Building Permits for the RCHDC Lakewood Homes Self-Help Subdivision Project – Planning and Building Services -- Approved;

- (p) BOS 11-045-A1 Adoption of Resolution Approving and Executing Department of Transportation Agreement No. 110113, Amendment No. 1 to Department of Transportation Agreement No. 100086, Brooktrails Second Access - Preliminary Engineering, Phase 1 (Brooktrails Area) – Transportation -- Adopted and the Chair is authorized to sign same;

RESOLUTION NO. 11-172

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING AND EXECUTING DEPARTMENT OF TRANSPORTATION AGREEMENT NO. 110113, AMENDMENT NO. 1 TO DEPARTMENT OF TRANSPORTATION AGREEMENT NO. 100086, BROOKTRAILS SECOND ACCESS — PRELIMINARY ENGINEERING, PHASE 1 (BROOKTRAILS AREA)

- (q) Adoption of Resolution Authorizing Submittal of Application(s) for All CalRecycle Grants for Which Mendocino County is Eligible (County-wide) – Transportation -- Adopted and the Chair is authorized to sign same;

RESOLUTION NO. 11-173

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING SUBMITTAL OF APPLICATION(S) FOR ALL CALRECYCLE GRANTS FOR WHICH MENDOCINO COUNTY IS ELIGIBLE (COUNTY-WIDE)

- (r) Approval of Request to have Caltrans Conduct a Speed Zone Study on State Route 1 Between Approximately Post Mile (PM) 59 to PM 59.5, and Approve Correspondence to State Organizations and Government Officials to that Effect (Fort Bragg Area) -- Approved and the Chair is authorized to sign same;
- (s) Approval of the Air Quality Management District's Participation in the Carl Moyer Program for Fiscal Year 2011/2012 (Year 14) – Air Quality Management District -- Approved.

T1-1355

AGENDA ITEM NO. 9A – DISCUSSION AND POSSIBLE ACTION REGARDING ADOPTION OF PROCLAMATION RECOGNIZING THE SKUNK TRAIN'S 100TH ANNIVERSARY, CONNECTING FORT BRAGG AND WILLITS WITH BANDS OF STEEL AND FRIENDSHIP – SUPERVISORS PINCHES AND SMITH

Presenter/s: Supervisors Pinches and Smith.

Public Comment: Ms. Alison Glassey, Museum Director; Mr. Richard Strom, Visit Mendocino; and Mr. Robert Pinoli, Skunk Train Vice President and General Manager.

Board Action: Upon motion by Supervisor Pinches, seconded by Supervisor McCowen, and carried unanimously; IT IS ORDERED that the Board of Supervisors adopts a proclamation recognizing the Skunk Train on its 100th anniversary of connecting Willits and Fort Bragg, authorizing the Chair to sign same.

AGENDA ITEM NO. 6C – DISCUSSION AND POSSIBLE ACTION INCLUDING ADOPTION OF MENDOCINO COUNTY'S 2012 LEGISLATIVE PLATFORM – EXECUTIVE OFFICE AND BOARD AD HOC COMMITTEE (CONTINUED FROM DECEMBER 12, 2011)

Presenter/s: Supervisor Brown; Supervisor Hamburg; and Ms. Kristi Furman, Deputy Chief Executive Officer.

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor McCowen, and carried unanimously; IT IS ORDERED that the Board of Supervisors adopts the 2012 Legislative Platform for Mendocino County as amended, directing staff to forward the adopted platform to our State and Congressional representatives.

Board Directive: GENERAL CONSENSUS OF THE BOARD to direct staff to coordinate with Mr. Jim Brown, Boonville Fairgrounds Manager, to provide a report to the Board in January regarding the status of funding from the State.

T1-3005

AGENDA ITEM NO. 7B – DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF PAYMENT OF ONE INVOICE FROM THE CITY OF FORT BRAGG FOR LEACHATE DISPOSAL FEES FOR THE CASPAR LANDFILL, FOR THE PERIOD OF JANUARY 1, 2011, THROUGH JUNE 30, 2011 (FISCAL YEAR 2010/11)

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

Board Action: Motion by Sup McCowen that this item be continued to a future date to allow for an opinion from County Counsel regarding the process by which the Fort Bragg Municipal Improvement District adopted their fees.

(Motion fails for lack of a second)

Board Action: Motion by Supervisor Hamburg, seconded by Supervisor Pinches, that the Board of Supervisors (1) approves payment of one invoice for leachate disposal fees to the City of Fort Bragg on behalf of Caspar Landfill; (2) authorizes/directs the Director of Transportation to submit the invoice for leachate disposal fees to the Auditor/Controller for payment; and (3) directs the Director of Transportation to test the composition of the liquid coming from the Caspar landfill, and that he be directed to examine alternatives for its disposal.

(Motion fails with Supervisor McCowen invoking Rule 22, thereby continuing this item to the next regularly scheduled Board meeting)

Board Action: No action taken.

T2-740

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

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

Board Action: No action taken.

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

ADJOURNED TO CLOSED SESSION: 11:05 A.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. 12A – 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

RECONVENED IN OPEN SESSION: 1:37 P.M.

AGENDA ITEM NO. 12 – REPORT OUT OF CLOSED SESSION

Presenter: Chair Smith.

Board Action: No action taken other than direction given to staff.

T2-1057

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

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

Board Action: No action taken.

T2-2160

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.

T2-2720

AGENDA ITEM NO. 8A – SUPERVISORS' REPORTS

Presenter/s: Board members.

Board Action: No action taken.

SUPERVISOR BROWN EXCUSED HERSELF FOR THE REMAINDER OF THE MEETING AT 2:52

RECESS: 2:52 – 3:05 P.M.

T3-637

AGENDA ITEM NO. 7C – 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 APNs: 048-230-10-00, 095-100-14-00, 118-500-45-00, 156-040-04-00, AND 167-320-18-00 – GENERAL SERVICES AGENCY (CONTINUED FROM DECEMBER 6, 2011)

Presenter/s: Ms. Kristin McMenomey, General Services Agency Director and Ms. Janelle Rau, General Services Agency Administrative Services Manager II.

Public Comment: Mr. Tom Madden and Mr. Dave Flum.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Pinches, and carried (4/0, with Supervisor Brown absent by prearrangement); IT IS ORDERED that the Board of Supervisors accepts the highest oral bid for the property described as (APN 156-040-04-00), located at 3001 Orr Springs Road, Ukiah, CA 95482. Further, the Board of Supervisors directs staff to proceed with all necessary documents and processes and return to the Board with the final purchasing documentations at a later date.

Board Directive: GENERAL CONSENSUS OF THE BOARD that for the properties that received no bids, staff is hereby directed to conduct research regarding other marketing options for the real properties, and further directed to return to the Board with an update early in 2012.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 3:18 P.M.

(Tape End T3-1099)

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