



MENDOCINO COUNTY BOARD OF SUPERVISORS

ACTION MINUTES – JANUARY 23, 2012

MENDOCINO
COUNTY
BOARD OF
SUPERVISORS

CARRE BROWN
FIRST DISTRICT

JOHN McCOWEN
SECOND DISTRICT
CHAIR

JOHN PINCHES
THIRD DISTRICT

KENDALL SMITH
FOURTH DISTRICT

DAN HAMBURG
FIFTH DISTRICT
VICE-CHAIR

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
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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 – 11:02 A.M.)

Present: Supervisors Carre Brown, John McCowen, John Pinches, Kendall Smith, and Dan Hamburg. Chair McCowen 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: Mr. J.R. Rose.

AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

Presenter/s: None presented.

Board Action: No action taken.

AGENDA ITEM NO. 5B – INFORMATION RELATED TO A RECENT SUPREME COURT DECISION DISSOLVING ALL REDEVELOPMENT AGENCIES IN THE STATE OF CALIFORNIA, AND ADOPTION OF RESOLUTION TO EXPRESS INTENT REGARDING THE HOUSING ASSETS, OBLIGATIONS, AND FUNCTIONS PREVIOUSLY HELD AND PERFORMED BY THE REDEVELOPMENT AGENCY OF THE COUNTY OF MENDOCINO – SPONSORING DEPARTMENT: EXECUTIVE OFFICE

Presenter/s: Mr. Steve Dunncliff, Deputy Chief Executive Officer.

Board Directive: BY ORDER OF THE CHAIR this item will be continued after item 2a.

AGENDA ITEM NO. 2A – ADOPTION OF PROCLAMATION RECOGNIZING THE MONTH OF FEBRUARY 2012 AS SPAY AND NEUTER MONTH IN MENDOCINO COUNTY – SPONSORING DEPARTMENT: EXECUTIVE OFFICE

Presenter/s: Chair McCowen and Supervisor Smith.

Public Comment: Mr. Dick Winkler, representing the Spay Neuter Assistance Program (SNAP) and Ms. Stacey Cryer, Health and Human Services Agency Director.

Board Action: Approved without objection.

T1-334

AGENDA ITEM NO. 5B (CONTINUED) – INFORMATION RELATED TO A RECENT SUPREME COURT DECISION DISSOLVING ALL REDEVELOPMENT AGENCIES IN THE STATE OF CALIFORNIA, AND ADOPTION OF RESOLUTION TO EXPRESS INTENT REGARDING THE HOUSING ASSETS, OBLIGATIONS, AND FUNCTIONS PREVIOUSLY HELD AND PERFORMED BY THE REDEVELOPMENT AGENCY OF THE COUNTY OF MENDOCINO – SPONSORING DEPARTMENT: EXECUTIVE OFFICE

Presenter/s: Mr. Steve Dunncliff, Deputy Chief Executive Officer.

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor Pinches, and carried unanimously; IT IS ORDERED that the Board of Supervisors adopts the Resolution expressing intent to transfer the housing assets, obligations, and functions previously held and performed by the Redevelopment Agency of the County of Mendocino to the Community Development Commission of Mendocino County, provided a related letter agreement is in place between CDC and the County prior to January 31, 2012. If the prescribed deadline is missed, the County would serve as the Successor Housing Agency to the Redevelopment Agency of the County of Mendocino.

RECESS: 11:22 – 11:31 A.M.

T1-665

AGENDA ITEM NO. 6A – PRESENTATION REGARDING BROADBAND CONNECTIVITY IN RURAL AREAS BY DR. GLENDA HUMISTON, STATE DIRECTOR, CALIFORNIA RURAL DEVELOPMENT, U.S. DEPARTMENT OF AGRICULTURE (USDA) – SPONSORS: SUPERVISORS McCOWEN AND HAMBURG

Presenter/s: Chair McCowen and Supervisor Hamburg

Public Comment: Mr. Jim Roth; Mr. Jim Moorhead, Broadband Alliance of Mendocino County Chair; Mr. Bob Perkowski; and Mr. John Gomez.

Board Action: No action taken.

ADJOURN TO LUNCH RECESS: 12:08 P.M.

RECONVENED IN OPEN SESSION: 1:32 P.M.

T1-2090

AGENDA ITEM NO. 5A – DISCUSSION AND POSSIBLE ACTION INCLUDING INTERVIEWS WITH APPLICANTS AND POSSIBLE APPOINTMENT/REAPPOINTMENT OF THE 4TH AND 9TH MEMBERS TO THE MENDOCINO COUNTY BOARD OF RETIREMENT – SPONSORING DEPARTMENT: EXECUTIVE OFFICE

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

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Pinches, and carried (3/2, with Supervisors Smith and Hamburg dissenting); IT IS ORDERED that the Board of Supervisors appoints Mr. John Sakowicz as the 4th member to the Retirement Board and reappoints Mr. Bob Mirata as the 9th member to the Retirement Board, pursuant to Government Code §31520.1.

Board Directive: BY ORDER OF THE CHAIR directs staff to notify previous applicants if any future positions become vacant on the Retirement Board.

T2-1679

AGENDA ITEM NO. 6B – PRESENTATION REGARDING THE FEBRUARY 4TH CONFERENCE ON SEXUAL ORIENTATION AND GENDER IDENTITY, “COMING TOGETHER TO MAKE IT BETTER”- CREATING SAFETY AND WELL-BEING FOR OUR LGBTQ YOUTH IN OUR SCHOOLS, FAMILIES, AND COMMUNITIES – SPONSOR: SUPERVISORS SMITH

Presenter/s: Supervisor Smith; Ms. Delynn Rogers, Representing Parent, Families, Friends of Lesbians and Gays (PFLAG); and Ms. Eli Erlick.

Board Action: No action taken.

ADJOURNED TO CLOSED SESSION: 3:03 P.M.

AGENDA ITEM NO. 9A – 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. 9B – PURSUANT TO GOVERNMENT CODE SECTION 54956.9A – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Item pulled due to noticing requirements.

RECONVENED IN OPEN SESSION: 3:16 P.M.

AGENDA ITEM NO. 9 – REPORT OUT OF CLOSED SESSION

Presenter: County Counsel, Jeanine B. Nadel announced that the Board of Supervisors reports that in regards to Item 9a, SEIU has voted in favor of the proposed Tentative Agreement, which includes:

- A 10% permanent general wage reduction effective the first full pay period after formal approval by the Board
- A labor management committee which will meet the second Thursday of every month
- The term of the agreement will be until June 30, 2013
- There will be an increase in annual Personal Leave hours from 24 to 30
- All previously signed Tentative Agreements (TA's) will be adopted
- All PERB charges will be withdrawn with prejudice
- The Union agrees to the County's new tier of retirement for new hires whenever this is adopted in the future

Board Action: Upon motion by Supervisor Smith, seconded by Supervisor Brown, and carried unanimously, the Board of Supervisors hereby approves the Tentative Agreement as stated above; directs staff to update the MOU and present to the Board in Open Session once the update and review process is completed with SEIU, which is expected to be on February 14, 2012. The salary provision will be effective the first full pay period after today, which is pay period number four (4). The increase in Personal Leave hours is effective pay period three (3).

AGENDA ITEM NO. 10 – COMMUNICATIONS RECEIVED AND FILED

- (a) State Water Resources Control Board - Notice that the Russian River Frost Protection Regulation is now effective, as it was approved by the Office of Administrative Law on December 29, 2011, and was then filed with the Secretary of State on the same date
- (b) U.S. Fish and Wildlife Service - Notice of availability of draft Economic Analysis of the March 22, 2011, proposed revision of critical habitat for the Pacific Coast population of the western snowy plover; public comments and information on all aspects of the proposed rule will be accepted until Friday, February 17, 2012; information is available online at www.fws.gov/arcata
- (c) U.S. Fish and Wildlife Service - Notice of comment period reopening for western snowy plover critical habitat proposal; the proposed rule is available for review at www.federalregister.gov; comments and information will be accepted until Friday, February 17, 2012, and can be submitted electronically to www.regulations.gov, Docket No. (keyword) FWS-R8-ES-2010-0070, or by mail to Public Comments Processing, Attn: Docket No. FWS-R8-ES-2010-0070, Division of Policy and Directives Management, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Suite 222, Arlington, VA 22203
- (d) U.S. Fish and Wildlife Service - Notice of consideration of the Humboldt marten for protection under the Endangered Species Act; comments will be received until March 11, 2012; information regarding the Humboldt marten may be submitted via www.regulations.gov or via mail to: Public Comments Processing, Attn: Docket No. FWS-R8-ES-2011-0105, Division of Policy and Directives Management, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, MS 2042-PDM, Arlington, VA 22203; all information submitted will be posted to www.regulations.gov; additional information available at www.gpo.gov/fdsys/search/getftoc.action and www.fws.gov/arcata/es/mammals/HumboldtMarten/humbMarten.html
- (e) State of California Fish and Game Commission - Notice of proposed regulatory action relating to Greenling Total Allowable Catch, Recreational Sub-bag Limits, and Cumulative Trip Limits; statements may be presented, orally or in writing, relevant to this action at a hearing to be held at the Natural Resources Building Auditorium, 1416 Ninth Street, Sacramento, CA, on Thursday, February 2, 2012, 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 Mission Inn, 3649 Mission Inn Avenue, Riverside, CA, on Wednesday, March 7, 2012, at 8:30 a.m., or as soon thereafter as the matter may be heard; written comments may be submitted by fax to (916) 653-5040, by email to FGC@fgc.ca.gov, or by mail to Sonke Mastrup, Executive Director, Fish and Game, Commission, 1416 Ninth Street, Box 944209, Sacramento, CA 94244-2090; written comments faxed, emailed, or mailed to the Commission office

AGENDA ITEM NO. 10 – COMMUNICATIONS RECEIVED AND FILED (CONTINUED)

must be received before 5:00 p.m. on March 5, 2012; all comments must be received no later than March 7, 2012 at the hearing in Riverside, CA

- (f) State of California Fish and Game Commission - Notice of proposed regulatory action relating to Mammal Hunting Regulations; statements may be presented, orally or in writing, relevant to this action at a hearing to be held at the Mission Inn, 3649 Mission Avenue, Riverside, CA, on Wednesday, March 7, 2012, at 8:30 a.m., or as soon thereafter as the matter may be heard; the same applies to a hearing that is to be held in the Redwood Ballroom, Red Lion Hotel, 1929 4th Street, Eureka, CA, on Wednesday, April 11, 2012, at 8:30 a.m., or as soon thereafter as the matter may be heard; written comments may be submitted by fax to (916) 653-5040, by email to FGC@fgc.ca.gov, or by mail to Sonke Mastrup, Executive Director, Fish and Game, Commission, 1416 Ninth Street, Box 944209, Sacramento, CA 94244-2090; written comments faxed, emailed, or mailed to the Commission office must be received before 5:00 p.m. on April 10, 2012; all comments must be received no later than April 11, 2012 at the hearing in Eureka, CA; additional information is available online at www.fgc.ca.gov
- (g) State of California Fish and Game Commission - Notice of proposed regulatory action relating to ocean salmon sport fishing (pertaining only to the April 2012 regulations); statements may be presented, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, CA, on Thursday, February 2, 2012, 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 Mission Inn Hotel, 3649 Mission Inn Avenue, Riverside, CA, on Wednesday, March 7, 2012, at 8:30 a.m., or as soon thereafter as the matter may be heard; written comments may be submitted by fax to (916) 653-5040, by email to FGC@fgc.ca.gov, or by mail to Sonke Mastrup, Executive Director, Fish and Game, Commission, 1416 Ninth Street, Box 944209, Sacramento, CA 94244-2090; written comments faxed, emailed, or mailed to the Commission office must be received before 5:00 p.m. on March 5, 2012; all comments must be received no later than March 7, 2012 at the hearing in Riverside, CA; additional information is available online at www.fgc.ca.gov
- (h) California Fish and Game Commission - Notice that on October 21, 2011, the Commission accepted for consideration the petition submitted to list the American pika as threatened; the Commission issued the species a designation of "candidate for listing" on October 26, 2011, under the CA Endangered Species Act; anyone with data or comments is asked to submit them to the California Department of Fish and Game, Nongame Wildlife Program, Attn: Dr. Scott D. Osborn, 1812 9th Street, Sacramento, CA 95811 (please provide two hard copies and a digital copy); email may be sent to pika@dfg.ca.gov; please submit responses by March 15, 2012; questions may be directed to Dr. Scott Osborn (916) 324-3564, or by email at sosborn@dfg.ca.gov

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 3:19 P.M.

(Tape End T2-2425)

Attest: KRISTINE LAWLER
Deputy Clerk of the Board

JOHN McCOWEN, 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