

**MENDOCINO COUNTY CODE**

**Looseleaf Supplement**

This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 4350, passed February 2, 2016.**

See the Code Comparative Table and Disposition List for further information.

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Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.



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## PREFACE

The Mendocino County Code, has been kept current by regular supplementation by Municipal Code Corporation, its successor in interest.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the Title, chapter, and section. Thus, Section 2.12.040 is Section .040, located in Chapter 2.12 of Title 2. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification; and beginning with Supplement No. 22, legislation can be tracked using the "Code Comparative Table and Disposition List."

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

**This supplement brings the Code up to date through Ordinance No. 4350, passed February 2, 2016.**

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## SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Included/ Omitted	Supp. No.
4270	1- 4-2011	Included	29
4271	1-25-2011	Included	29
4272	1-25-2011	Included	29
4274	5- 3-2011	Included	29
4275	5-17-2011	Included	29
4276	5-17-2011	Included	29
4277	6- 7-2011	Included	30
4279	7-12-2011	Included	31
4283	9-13-2011	Included	30
4284	10- 4-2011	Included	30
4285	10- 4-2011	Included	30
4286	12- 6-2011	Included	31
4288	1-24-2012	Included	31
4289	1-31-2012	Included	31
4291	2-14-2012	Included	32
4292	4-10-2012	Included	32
4293	4-10-2012	Included	32
4294	4-10-2012	Included	32
4295	4-10-2012	Included	32
4296	4-10-2012	Omitted	32
4297	6-12-2012	Included	32
4298	7-10-2012	Included	32
4299	8-28-2012	Included	32
4300	9-25-2012	Included	33
4301	11- 6-2012	Included	33
4302	1-22-2013	Included	34
4303	1-22-2013	Included	34
4304	1-22-2013	Included	34
4305	2-12-2013	Included	34
4306	3-26-2013	Included	35
4307	5- 7-2013	Included	35
4308	7-30-2013	Included	35
4309	7-30-2013	Included	35

<b>Ord. No.</b>	<b>Date Adopted</b>	<b>Included/Omitted</b>	<b>Supp. No.</b>
4310	7-30-2013	Included	35
4312	8-13-2013	Included	36
4313	8-27-2013	Included	36
4316	12-10-2013	Included	37
4318	12-16-2013	Omitted	37
4319	1- 7-2014	Included	37
4320	1- 7-2014	Included	37
4206	10-28-2008	Included	38
4321	1-21-2014	Included	38
4323	1-21-2014	Included	38
4324	2-11-2014	Omitted	38
4325	2-25-2014	Included	38
4326	2-25-2014	Omitted	38
4329	7-22-2014	Included	39
4328	7-22-2014	Included	40
Ord. of	11- 4-2014(1)	Included	40
4330	1-20-2015	Included	41
4331	1-20-2015	Included	41
4333	3-17-2015	Included	41
4336	5-19-2015	Included	42
4337	6-16-2015	Omitted	42
4338	6-16-2015	Included	42
4339	6-16-2015	Included	42
4340	7- 7-2015	Included	42
4341	8- 4-2015	Included	42
4342	8-18-2015	Included	43
4344	10- 6-2015	Included	43
4345	10- 6-2015	Included	43
4348	12- 8-2015	Included	44
4349	2- 2-2016	Included	44
4350	2- 2-2016	Included	44

employer under Paragraph (C)(1) of this Section shall be treated for all purposes other than taxation in the same manner and to the same extent as employee contributions made prior to the effective date of the ordinance codified in this Section.

(4) No provision in this Section shall be construed so as to permit or extend an option to affected employees to directly receive the contributions made by the employer pursuant to Paragraph (C)(1) of this Section instead of having them paid to the retirement system.

(D) **Wage Adjustment.** Notwithstanding the provisions of Chapter 3.04 of this Code, the wages of affected employees shall be reduced by the amount of employee contribution made by the employer pursuant to the provisions of this Chapter.

(E) **Limitations to Operability.** This Section shall be operative only as long as the County pickup of employee contributions continues to be excludable from gross income of the employee under provisions of the Internal Revenue Code. (Ord. No. 3633, Sec. 1, adopted 1986.)

#### **Sec. 3.08.070 Sick Leave Credit at Retirement.**

(A) **County Employees.** Any County employee who has accrued sick leave at the time of application for retirement is entitled to have credited one hundred percent (100%) of unused sick leave toward the employee's total County service for the purpose of calculating the retirement benefit. The amount of sick leave accrued as of the day of retirement shall in no case be used in calculating the minimum County service required to be eligible for County retirement.

(B) **Elected Officials.** Elected officials who accrued sick leave during County service, as employees, immediately prior to taking office are entitled to have credited one hundred percent (100%) of unused sick leave toward their retirement benefit. The amount of sick leave accrued as of the day of retirement shall in no case be used in calculating the minimum County service required to be eligible for County retirement.

(C) This Section shall be effective December 31, 1986. (Ord. No. 3637, Sec. 2, adopted 1987.)

#### **Sec. 3.08.080 Applicability of State Law.**

The provisions of Section 31641.04 of the Government Code relating to additional retirement service credit for certain members of the County of Mendocino Employees Retirement Association shall be applicable to such members in accordance with any resolution of the Board of Supervisors adopted pursuant to Government Code Section 31641.04. (Ord. No. 3810, adopted 1992.)

#### **Sec. 3.08.085 Applicability of State Law.**

The provisions of section 31641.05 of the Government Code relating to granting up to four (4) years of additional retirement service credit for certain members of the County of Mendocino Employees Retirement Association who already have ten (10) or more years of service shall be applicable to such members in accordance with any resolution of the Board of Supervisors adopted pursuant to Government Code Section 31641.05. (Ord. No. 4022, Sec. 1, adopted 1998.)

## CHAPTER 3.12

### COUNTY VEHICLE POLICY\*

#### Sec. 3.12.010. Purpose and Intent.

The Board of Supervisors has approved the purchase of motor vehicles for the use of County officers and employees whose duties require frequent trips on County business, it being the judgment of the Board that the purchase and use of such vehicles is in the public interest. This Chapter is enacted pursuant to Government Code section 25305 and its purpose is to govern the responsibilities and rules for the use of County-owned and leased vehicles (hereinafter "County vehicles") and privately owned vehicles used for County business. This Chapter applies to County officers and employees, including elected and appointed department heads and volunteers.

(Ord. No. 4349, 2-2-2016)

#### Sec. 3.12.020. Applicability of Article.

Elected and appointed department heads are responsible for enforcing this Ordinance within their departments.

(Ord. No. 4349, 2-2-2016)

#### Sec. 3.12.030. Limitations on Use of County Vehicles.

(A) County vehicles shall be operated in accordance with established State and local laws and the established policies of the Board of Supervisors, in a safe and courteous manner.

(B) Use of County vehicles for any purpose other than County business is prohibited.

(C) Transportation in a County vehicle of members of any driver's family or of any other person not connected with County business is prohibited, except for members of families and/or professional colleagues or members of the community accompanying employees on officially authorized trips, at no expense to the County. A

\*Editor's note—Ord. No. 4349, adopted February 2, 2016, amended ch. 3.12, §§ 3.12.010—3.12.100, in its entirety, to read as set out herein. Former ch. 3.12 pertained to similar subject matter and was derived from Ord. No. 4236, adopted April 20, 2010.

family member may accompany the driver only with the prior written authorization of the department head.

(D) County vehicles may not be used outside an employee's regular working hours or officially assigned duties except as permitted under Section 3.12.050 of this Chapter.

(E) County vehicles may not be used to travel to and from an employee's home except as permitted in Section 3.12.060 of this Chapter.

(F) County vehicles may not be used for transportation to home, restaurants, or stores, except to attend a business meeting or conduct official business, unless the destination is en route while on duty. Incidental use during out-of-town meetings or conferences is allowed within reason.

(G) With the exception of individuals who are employed in the District Attorney and Sheriff's Offices, no individual shall be authorized to operate a County vehicle or a privately owned vehicle on County business without prior approval from the Chief Executive Officer at the signed request of the employee's department head. Employees of the District Attorney and Sheriff offices shall be authorized to operate a County vehicle upon the approval of the Sheriff or District Attorney.

(H) It is the responsibility of each department head to maintain a current and accurate list of authorized County drivers (hereinafter "drivers") with the Chief Executive Office.

(I) It shall be the responsibility of each department to immediately inform the Chief Executive Office of any change in the status of a driver's license that may adversely affect the driver's driving privilege.

(J) During the first week in January of each year, all departments are required to provide the Chief Executive Officer with an annual updated and accurate list of drivers.

1. This list shall include such information deemed necessary and proper by the Chief Executive Officer, including but not limited to the following:

- a. The name of the driver;



b. The driver's California driver's license number; and

c. The driver's office or primary work location, and telephone number.

2. Consistent with subsection (G) above and California Penal Code Sections 832.7 and 832.8, subsection (J)1.b. above shall not apply to drivers occupying peace officer positions in the Sheriff's Office or District Attorney's Office.

(K) Failure to provide the annual updated list may result in denial or delay in approval or authorization for use of County vehicles by the Chief Executive Officer.

1. The annual list of drivers is only valid for the calendar year submitted and must be re-approved by the Chief Executive Officer annually.

2. Updated lists must be submitted by January 7<sup>th</sup> of each year. The County Auditor will deny mileage reimbursement of any claims filed by an unauthorized driver or a driver whose driving privileges have been suspended.

3. If the department head fails to respond and file the required annual updated list by January 7<sup>th</sup>, the Chief Executive Officer shall send a notice granting an additional seven (7) calendar days to respond.

4. Failure to file or respond with the updated list by January 31<sup>st</sup> shall result in denial of driving privileges, or such other course of action as is deemed necessary by the Chief Executive Officer.

(L) New requests for authorization may be submitted by department heads and approved during the year by the Chief Executive Officer. All requests shall be in accordance with the requirements set forth in Section 3.12.030(J).

(M) It is the responsibility of the department head to ensure that written verification of insurance for use of privately owned vehicles on County business is current and on file in the department in advance of such use.

(N) Each department shall follow the procedure established by the Chief Executive Office for tracking and accounting for the daily use of County vehicles assigned to the department.

1. This procedure shall require that drivers note the vehicle identification number, date, miles driven or hours used, destination(s), and driver name for each daily use of a County vehicle.

2. Recognizing the independent and constitutionally and statutorily designated investigative and prosecutorial functions of the Sheriff and District Attorney, the Chief Executive Officer shall establish separate reporting requirements for tracking and accounting for the daily use of County vehicles assigned to these offices.

3. This information shall be compiled by each department and submitted monthly to the Chief Executive Office for the purpose of periodically evaluating the cost-effectiveness, distribution, and overall size of the County vehicle fleet.  
(Ord. No. 4349, 2-2-2016)

#### **Sec. 3.12.040. Driver Responsibilities.**

(A) Each driver shall drive responsibly, anticipate emergency situations and make every effort to avoid collisions. All drivers operating a vehicle on County business represent the County of Mendocino and shall always project a professional and responsible image to the public.

(B) Each driver is expected to be knowledgeable of, and follow, all applicable Federal, State, and local traffic laws.

(C) Each driver operating vehicles or equipment on County business must have a valid State of California driver's license.

(D) Each driver shall immediately inform his/her supervisor in the event his/her driver's license is suspended, revoked or is otherwise restricted in a way that impacts the driver's ability to perform his/her job.

(E) Each driver, prior to operating a private vehicle on County business, shall provide proof of insurance for the vehicle to his/her supervisor.

Drivers shall immediately notify their supervisor in the event of a change in the status of said vehicle insurance.

(F) Each driver shall comply with his/her department's procedure for tracking and accounting for the daily use of County vehicles assigned to the department.

(G) Except as provided by subsection (g) of the California Vehicle Code section 27315, seat belts shall be used at all times by the driver and all passengers in a County vehicle. (CVC § 27315(d)(1) & (e))

(H) All children riding in a County vehicle shall be properly seat belted. Child safety seats shall be used as required by the California Vehicle Code. (CVC §§ 27360 through 27364)

(I) Drivers shall be familiar with the manner of operation of vehicles that they operate on County business. If a driver is unsure of the operation of a County vehicle, he/she should check the owner's manual in the glove box of the car or contact the County Garage for assistance.

(J) Drivers shall remain attentive to driving at all times. Eating or drinking, dealing with passengers or other distractions while the vehicle is moving should be avoided. Whenever possible, drivers should pull off the road and stop when having to deal with distractions in the vehicle. Except as permitted by California Vehicle Code section 23123, use of a wireless telephone while driving is prohibited.

(K) Smoking is prohibited in all County vehicles.

(L) Consumption of alcohol, drugs or other intoxicants that may interfere with the safe operation of County vehicles and equipment is strictly prohibited.

(M) No County vehicle shall be operated when in a known dangerous or defective condition.

(N) When a County vehicle is found to be in a dangerous or defective condition, it shall be reported to the County Garage as soon as is practical.

(O) Drivers shall conduct a visual inspection of the County-assigned vehicle or pool vehicle for

damage prior to use. Any damage or safety problems observed shall be reported to the County Garage immediately upon discovery.

(P) All County vehicles shall be legally and safely parked and locked when unattended.

(Q) Any driver who receives a traffic citation other than for illegal parking while operating a County vehicle shall report such citation to his/her department head. All traffic or parking citations are the sole responsibility of the driver.

(Ord. No. 4349, 2-2-2016)

**Sec. 3.12.050. Use of County Vehicles Outside Regular Working Hours Without Prior Authorization.**

(A) A County vehicle may only be used outside an employee's regular working hours without prior authorization when the employee is either returning from an officially authorized trip after regular working hours or leaving before regular working hours.

(B) A County vehicle may be parked at the employee's home for travel to or from a pre-authorized meeting or event when such home garaging is deemed necessary or expedient for such travel.

(Ord. No. 4349, 2-2-2016)

**Sec. 3.12.060. Authorization for Work-to-Home/Home-to-Work Use of a County Vehicle.**

(A) Upon the recommendation of the Chief Executive Officer or his/her designee, the Board of Supervisors as set forth herein shall approve an annual list of employees authorized to use a County vehicle for work-to-home/home-to-work use, when such use is determined to be in the best interests of the County. "In the best interests of the County" is defined as "those vehicle assignments that are cost-effective to the County, enhance service to the public and better provide for public safety, and can stand the test of public scrutiny."

(B) On or before January 7<sup>th</sup> of each year, all department heads must file with the Chief Executive Office a Request for Authorization for each

employee certified by the appointing authority to use a County vehicle for work-to-home/home-to-work. The Request for Authorization shall include the following information:

1. The name of the employee;
2. Verification that the employee is authorized to operate a County vehicle, pursuant to Section 3.12.030 of this Chapter;
3. The location where the vehicle will be parked, if other than at the employee's home address on record with Human Resources;
4. The employee's classification or position; and
5. The estimated frequency, reason, and a complete, detailed justification and/or description for which such use is requested.

(C) Examples of approved reasons or circumstances that the department head may submit to the Chief Executive Officer in the Request for Approval include:

1. The employee is on call for service in emergencies related to loss of life or property, and is required to respond directly to a site other than the employee's normal place of employment, and such response is of an emergency nature.
2. The department head certifies that recurring, daily or continual work-to-home/home-to-work use by the identified employee is necessary for the safe and/or efficient conduct of County business.

(D) The Chief Executive Officer shall transmit the requests to the Board of Supervisors via an updated list of "Personnel Authorized to Use County Vehicles for Work-To-Home/Home-To-Work," with his/her recommendations. The Chief Executive Officer shall ensure that the requests transmitted to the Board have been edited to remove information that might compromise the safety or privacy of County employees. Approved requests shall be valid for one (1) year.

(E) Department heads shall keep the Chief Executive Officer current with employee use of vehicles for work-to-home/home-to-work.

1. During the year, department heads may submit to the Chief Executive Officer new individual requests for authorization as circumstances arise.

2. The information, including justification, reason, and circumstances requiring work-to-home/home-to-work use, as set forth in this section, shall be included in the request for the individual employee.

3. Individual requests that are submitted during the year may be approved only until the following January.

(F) The Chief Executive Officer and Board of Supervisors shall be authorized to approve or disapprove requests for a period not to exceed one (1) year.

(G) No employee who receives a vehicle allowance shall be authorized for work-to-home/home-to-work use of a County vehicle.

(H) Employees permitted to take County vehicles home for work-to-home/home-to-work may be subject to IRS-taxable fringe benefit laws.

(I) Employees who temporarily reside at a location other than their home address of record shall notify their department head of the location where their assigned County vehicle will be parked. (Ord. No. 4349, 2-2-2016)

#### **Sec. 3.12.070. Vehicle Collisions, Incidents or Damage.**

(A) It is the responsibility of the driver of a County vehicle to exercise reasonable care to avoid impediments or obstructions in the path of the vehicle which might cause damage to the vehicle, other vehicles or property, or injury to drivers, passengers and pedestrians.

(B) All collisions or vehicle damage in a County vehicle, or piece of equipment, or a privately owned vehicle being used on County business, regardless of severity, shall be reported immediately to the driver's supervisor, to the appropriate law enforcement agency (request an official collision report from the responding officer), the County Garage, and the County Risk Manager. Vehicle collisions involving extensive property damage, personal injury or loss of life, must also be reported to the DMV within ten (10) days of the incident. It is the driver's responsibility to report the incident to the DMV.

(C) Drivers involved in any collision or incident in a County vehicle, or a privately owned vehicle being used on County business, shall make a complete report of such collision or incident to the County Risk Manager within one (1) business day. If the driver is unable to make the report because of injury or other incapacity, the appropriate supervisor or manager shall submit a report.

(D) Collision/incident reports shall contain information on other vehicles, drivers, property involved, witnesses, weather conditions, road conditions, and any other pertinent information regarding such collision. Collision/incident report forms are located in the glove compartment on all County vehicles or at the County Garage.

(Ord. No. 4349, 2-2-2016)

termination. It is up to the discretion of the department head to take appropriate corrective action.

(Ord. No. 4349, 2-2-2016)

**Sec. 3.12.080. State of Emergency.**

When the County has declared a state of emergency, and an employee, at the determination of his/her department head, is likely to be required to respond directly to a site other than the employee's normal place of employment, and such response is of an emergency nature, the department head may authorize County vehicle use outside regular working hours and/or work-to-home/home-to-work use for the employee without prior approval of the Board of Supervisors.

(Ord. No. 4349, 2-2-2016)

**Sec. 3.12.090. Night and Weekend Storage.**

1. Except as permitted under the preceding sections, all County vehicles shall be stored nights and weekends on County premises, at the County Garage, unless otherwise authorized by the County Garage Manager.

2. All County vehicles shall be locked and keys shall not be left in cars under any circumstances.

(Ord. No. 4349, 2-2-2016)

**Sec. 3.12.100. Penalties.**

Failure to comply with this Chapter may result in disciplinary action, up to and including

**CHAPTER 5.130****DELEGATING AUTHORITY TO INVEST TO  
TREASURER-TAX COLLECTOR****Sec. 5.130.010 Delegation of Authority to Invest  
for Calendar Year 2016.**

Pursuant to authority contained in Government Code Section 27000.1 and 53607 the Board of Supervisors hereby delegates to the Treasurer the authority to invest or reinvest the funds of the County and the funds of other depositors in the County Treasury pursuant to Government Code Sections 53600 to 53970 for the 2016 calendar year. Nothing in this section shall limit the Treasurer's authority pursuant to Government Code Sections 53635 or 53684. (Ord. No. 3924, 1996; Ord. No. 4009, 1998; Ord. No. 4034, 1999; Ord. No. 4055, 2000; Ord. No. 4069, 2001; Ord. No. 4085, 2002; Ord. No. 4107, 2003; Ord. No. 4122, 2004; Ord. No. 4142, 2005; Ord. No. 4167, 2006; Ord. No. 4180, 2007; Ord. No. 4198, 2008) (Ord. No. 4216, 1-27-2009; Ord. No. 4232, 1-26-2010; Ord. No. 4271, 1-25-2011; Ord. No. 4288, 1-24-2012; Ord. No. 4303, 1-22-2013; Ord. No. 4321, 1-21-2014; Ord. No. 4331, 1-20-2015; Ord. No. 4350, 2-2-2016)



## CHAPTER 5.140

### MENDOCINO COUNTY LODGING BUSINESS IMPROVEMENT DISTRICT\*

#### Sec. 5.140.020 Authority.

This Chapter is adopted pursuant to the "Parking and Business Improvement Area Law of 1989," being Section 36500 to 36551 of the California Streets and Highways Code and Resolution of Intention No. 06-062 adopted by the Board of Supervisors of the County of Mendocino on April 11, 2006, and entitled "A RESOLUTION OF THE COUNTY OF MENDOCINO DECLARING ITS INTENTION TO ESTABLISH A BUSINESS IMPROVEMENT DISTRICT WITHIN THE BOUNDARIES OF THE UNINCORPORATED PORTION OF THE COUNTY OF MENDOCINO AND THE INCORPORATED AREA OF THE CITY OF FORT BRAGG, THE CITY OF POINT ARENA, THE CITY OF UKIAH, AND THE CITY OF WILLITS TO PROVIDE FOR THE LEVYING OF ASSESSMENTS ON SPECIFIED HOTEL BUSINESSES CONDUCTED WITHIN SUCH DISTRICT, CLASSIFYING HOTELS FOR SUCH PURPOSES, DESCRIBING THE BOUNDARIES OF THE PROPOSED AREA, THE AUTHORIZED USES TO WHICH THE PROPOSED REVENUES SHALL BE PUT, THE RATE OF SUCH ASSESSMENTS, FIXING THE DATE, TIME AND PLACE OF A HEARING TO BE HELD BY THE COUNTY BOARD OF SUPERVISORS TO CONSIDER THE ESTABLISHMENT OF SUCH DISTRICT, AND DIRECTING THE GIVING OF NOTICE OF SUCH HEARING." Such resolution was published and mailed as provided by law, and hearings thereon were held by the Board of Supervisors of the County of Mendocino at its regular meeting on May 9, 2006 at which time all persons desiring to be heard, and all objections made or filed, were fully heard. The

\***Editor's note**—Ord. No. 4336, adopted May 19, 2015, amended ch. 5.140, §§ 5.140.010—5.140.270, in its entirety. Former ch. 5.140 pertain to similar subject matter, and was derived from Ord. No. 4170 (part), adopted 2006.

Board of Supervisors of the County of Mendocino duly concluded the hearing on May 9, 2006, and determined that protests objecting to the formation of the District had not been made by a majority of the operators of Hotels within the District and that such protests are overruled and denied. The Board of Supervisors of the County of Mendocino finds that the operators of hotels in the District, in the opinion of the Board of Supervisors of the County of Mendocino, will be benefited by the expenditure of funds raised by the assessments proposed to be levied.

(Ord. No. 4336, 5-19-2015)

#### Sec. 5.140.030 Definitions.

Except where the context otherwise requires, the definitions given in this section govern the construction of this Chapter:

(a) **ADMINISTRATIVE FEE.** "Administrative fee" means a fee not to exceed three percent, which the County of Mendocino is entitled to retain from the assessments they collect within their respective boundaries to pay for the County's everyday administrative costs of the District.

(b) **ADVISORY BOARD.** "Advisory board" means the advisory board appointed by the Board of Supervisors of the County of Mendocino, and as recommended by the Board of Directors of the Mendocino County Lodging Association pursuant to this Chapter.

(c) **ANNUAL REPORT.** "Annual report" means the annual report as approved by the Board of Supervisors pursuant to the Business and Improvement Area Law of 1989.

(d) **ANNUAL MARKETING PLAN.** "Annual Marketing Plan" means the BID Advisory Board annual report as approved by the Board of Supervisors as it pertains to the improvements and activities to be provided, the estimate revenue, and the estimated costs of the improvements and activities to be provided.

(e) **ASSESSMENT.** "Assessment" means the levy imposed by this Chapter for the purpose of

**Sec. 8.68.070 Bylaws.**

The Commission may adopt and amend by-laws subject to the prior approval of the Board of Supervisors. (Ord. No. 3609, adopted 1986.)

## CHAPTER 8.69

### COUNTY COMMISSION ON MEDICAL CARE

#### Sec. 8.69.000 Findings.

The Board of Supervisors of the County of Mendocino makes the following findings:

1. Pursuant to Welfare and Institutions Code Section 14087.54, any county or counties may establish a special Commission in order to meet the problems of the delivery of publicly assisted medical care in the county or counties and to demonstrate ways of promoting quality care and cost efficiency.

2. Partnership HealthPlan of California Commission ("Commission") is a multi-county Commission currently composed of the counties of Solano, Napa, Yolo and Sonoma that has created a managed health care plan for Medi-Cal recipients.

3. This Board deems it appropriate to join the Commission and the Commission wishes to expand to include Mendocino County. The Commission may expand to other counties in the future. (Ord. No. 4274, 5-3-2011; Ord. No. 4310, 7-30-2013)

#### Sec. 8.69.010 Title.

This ordinance shall be known as the COUNTY COMMISSION ON MEDICAL CARE.

(Ord. No. 4274, 5-3-2011; Ord. No. 4310, 7-30-2013)

#### Sec. 8.69.020 Purpose.

Partnership HealthPlan of California Commission ("Commission") is a multi-county Commission that has created a managed health care plan for Medi-Cal recipients. The purpose of this chapter is to authorize the County of Mendocino to join the existing Commission. This will allow the implementation of a county organized health system in Mendocino County as authorized by Welfare and Institutions Code Section 14087.54.

The purpose of the Commission is to negotiate exclusive contracts with the California Department of Health Care Services and to arrange for the provision of health care services to qualifying individuals, as well as other purposes set forth in the enabling ordinances established by the respective counties.

(Ord. No. 4274, 5-3-2011; Ord. No. 4310, 7-30-2013)

#### Sec. 8.69.030 Designation and Duration of Commission.

Partnership HealthPlan of California Commission ("Commission") is a multi-county commission that has created a managed health care plan for Medi-Cal recipients. The Purpose of this ordinance is to authorize the County of Mendocino to join the existing Commission. This will allow the implementation of a county organized health system in Mendocino County as authorized by Welfare and Institutions Code Section 14087.54. The Mendocino County Board of Supervisors hereby authorizes Mendocino County to join the Commission. The Commission shall continue to represent Mendocino County until the Mendocino County Board of Supervisors terminates the representation. To terminate representation, the Mendocino County Board of Supervisors or its designee shall provide ninety (90) day notice to the other participating counties and will provide notice to the State Department of Health Care Services as set forth in Welfare and Institutions Code Section 14087.54(g).

(Ord. No. 4274, 5-3-2011; Ord. No. 4310, 7-30-2013; Ord. No. 4348, 12-8-2015)

#### Sec. 8.69.040 Membership of Commission.

(a) The Partnership HealthPlan of California (PHC) Commission on medical care shall be comprised of Commissioners appointed by the Board of Supervisors of each member county. Unless and until the Commission amends its By-laws to establish a different formula or system for membership, each County's membership shall be calculated based on the number of Medi-Cal Ben-



eficiaries enrolled in the HealthPlan as follows: zero (0) — twenty-five thousand (25,000) = one (1) seat; twenty-five thousand (25,000) — forty thousand (40,000) = two (2) seats; forty thousand (40,000) — fifty-five thousand (55,000) = three (3) seats; fifty-five thousand (55,000)+ = four (4) seats: Commission Members shall be recommended by the Mendocino County Health and Human Services Agency using the criteria in Section 8.69.040(c)(1—3).

(b) The number of Medi-Cal members for each county shall be determined by PHC as of July 1 of each year beginning in the year 2009. The determination by PHC shall be announced to each county by August 1 of each year. Any additions or deletions of Commissioners shall be implemented effective September 1 of each year.

(c) The members appointed by Mendocino County Board of Supervisors shall be selected as follows:

1. One (1) member shall be the director of the Mendocino County Health and Human Services Agency.

2. One (1) Member from the community ("Public Representatives"). The Mendocino County Health and Human Services Agency may make recommendations based on the following criteria:

(1) Geography;

(2) Knowledge of the healthcare needs of County residents;

(3) Business and Finance experience.

(Ord. No. 4274, 5-3-2011; Ord. No. 4310, 7-30-2013; Ord. No. 4348, 12-8-2015)

**Sec. 8.69.050 Terms of Office for Members and Vacancy in Office.**

The terms of office for each of the members of the Commission appointed by the Mendocino County Board of Supervisors shall be four (4) years. Nothing herein shall prohibit a person from serving more than one (1) term. Each Commission member shall remain in office at the conclusion of that member's term until a successor member has been elected and installed into office. An office shall become vacant if a board member discontin-

ues to function in the area from which appointed, or fails to attend three (3) meetings in a row of the Commission.

(Ord. No. 4274, 5-3-2011; Ord. No. 4310, 7-30-2013)

**Sec. 8.69.060 Powers and Duties of Commission.**

Pursuant to the provisions of Section 14087.54 of the Welfare and Institutions Code, the Commission shall:

(a) Have the power to negotiate the exclusive contract with the California Department of Health Care Services as specified in Section 14087.5 of the Welfare and Institutions Code, and to arrange for the provision of health care services provided under Chapter 7, Part 3, Division 9 of the Welfare and Institutions Code;

(b) Be considered an entity separate from the County;

(c) File the statement required by Section 53051 of the Government Code;

(d) Have the power to acquire, possess, and dispose of real or personal property, as may be necessary for the performance of its functions, to employ personnel and contract for services required to meet its obligations, and to sue or be sued; and

(e) Have all the rights, powers, duties, privileges, and immunities conferred by Article 2.8 of Chapter 7, Part 3, Division 9 of the Welfare and Institutions Code in addition to those previously specified in this section.

(Ord. No. 4274, 5-3-2011; Ord. No. 4310, 7-30-2013)

**Sec. 8.69.070 Obligations.**

Pursuant to the provisions of Section 14087.54(d) of the Welfare and Institutions Code, any obligations of the Commission, statutory, contractual, or otherwise, shall be the obligations solely of the Commission and shall not be the obligations of the County of Mendocino.

(Ord. No. 4274, 5-3-2011; Ord. No. 4310, 7-30-2013)

8.69.080

**Sec. 8.69.080 Effective Date.**

This ordinance shall take effect thirty days (30) after adoption by the Board.

(Ord. No. 4274, 5-3-2011; Ord. No. 4310, 7-30-2013)

## CHAPTER 8.70

### HAZARDOUS MATERIALS RELEASES

#### Sec. 8.70.010 Definitions.

For the purpose of this Chapter, the following definitions shall apply:

(A) "Hazardous material" means any material described in Section 25501(k) of the California Health and Safety Code.

(B) "Unauthorized release of hazardous material" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, unless permitted or authorized by a regulatory agency.

(C) A "threatened release" means a condition creating a substantial probability of harm, when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce or mitigate damages to persons, property or the environment.

(D) "Handler" means any business which handles a hazardous material. (Ord. 3653, adopted 1987; Ord. No. 3909 (part), adopted 1995.)

#### Sec. 8.70.020 Duty to Report Unauthorized Releases and Threatened Releases.

The handler or any employee, authorized representative, agent or designee of a handler of any hazardous material shall, upon discovery immediately report any release or threatened release of a hazardous material to the local Fire Department, the Department of Public Health, Division of Environmental Health (Administering Agency for Chapter 6.95 of the California Health and Safety Code), and the Governor's Office of Emergency Services Warning Center. Compliance with this section does not release handlers from other reports required by State and Federal law.

The County Administrator shall be notified of significant releases which may have a significant effect on County resources. (Ord. No. 3653, adopted 1987; Ord. No. 3909 (part), adopted 1995.)

#### Sec. 8.70.030 County Response to Release of Hazardous Substance.

Pursuant to Section 25507.2 of the California Health and Safety Code, the Department of Public Health, Division of Environmental Health, is hereby authorized to train for, and respond to, the release or threatened release of a hazardous material. The Department may contract with other agencies for hazardous materials emergency response operations. (Ord. No. 3653, adopted 1987; Ord. 3909 (part), adopted 1995.)

#### Sec. 8.70.040 Reimbursement for County Expenses.

The persons or entities described in Section 8.70.020 shall reimburse the County of Mendocino for the full cost of the services provided pursuant to Section 8.70.030. Payment shall be due upon receipt of invoice. (Ord. No. 3653, adopted 1987; Ord. 3909 (part), adopted 1995.)

#### Sec. 8.70.050 Penalties.

Pursuant to the authority of Section 25514.5 of the California Health and Safety Code, the following administrative civil penalties are adopted for each day in which violations of this Title and Chapter 6.95, Article 1 of the California Health and Safety Code occur.

(A) A penalty of Five Hundred Dollars (\$500) for the first violation;

(B) A penalty of One Thousand Dollars (\$1,000) for the second violation within one year;

(C) A penalty of Two Thousand Dollars (\$2,000) for the third and subsequent violations.

This section does not preempt any other applicable criminal or civil penalties. (Ord. No. 3653, adopted 1987; Ord. 3909 (part), adopted 1995.)

**Sec. 8.70.060 Authorized Emergency Vehicles.**

Pursuant to Section 2416(a)(10) of the California Vehicle Code, any vehicle designated by the Director of the Department of Public Health as a hazardous materials response team vehicle, and used for response to hazardous materials emergencies, is an authorized emergency vehicle. (Ord. 3909 (part), adopted 1995.)

## CHAPTER 8.72

### UNLAWFUL PANHANDLING

#### Sec. 8.72.010 Findings and Purpose.

The Board of Supervisors finds that this Chapter is necessary for the following reasons:

(A) Within the past two (2) years, there has been a substantial increase in aggressive panhandling in Mendocino County.

(B) The number of people engaging in this activity has increased in parking lots, at entrances to business establishments such as grocery stores, and on streets and major intersections and freeway on- and off-ramps.

(C) When this activity occurs in such places, it interferes with the safety, privacy, and security of the people who are approached for contributions of money, goods, or services.

(D) Panhandling of operators and other occupants of motor vehicles on public streets and freeway on- and off-ramps impedes traffic and endangers those who may enter the roadway to negotiate or complete an exchange of money, goods, or services.

(E) Panhandling in parking lots or within close proximity to the entrance to financial institutions, supermarkets, or retail stores can be intimidating or can threaten people using such facilities and undermine their sense of safety, privacy, and quality of life.

(F) In February 2005, the City of Ukiah adopted an ordinance imposing restrictions on unlawful panhandling within the city limits. Since the city's ordinance took effect, the County has experienced an increase in aggressive panhandling activities in the commercial areas of the unincorporated area immediately outside the city limits.

(G) Reasonable time, place, and manner restrictions on panhandling will avoid these negative effects, and will not unreasonably restrict the expressive activity of people engaging in panhandling. (Ord. No. 4172 (part), adopted 2006.)

#### Sec. 8.72.020 Definitions.

The following words and phrases, wherever used in this Chapter, shall be construed as defined in this Section, unless it is clear from the context that they have a different meaning.

(A) "Aggressive manner" means:

(1) Approaching or speaking to a person, or following a person before, during, or after panhandling, if that conduct is likely to cause a reasonable person to:

(a) Fear bodily harm to oneself or another person, or damage to or loss of property; or

(b) Otherwise be intimidated into giving money or another thing of value; or if the conduct is intended to have these effects.

(2) Approaching an occupied vehicle by entering into the roadway when traffic is either stopped or moving, before, during, or after panhandling;

(3) Knocking on the window of, or physically reaching toward or into an occupied vehicle, whether that vehicle is on a public street or parked, before, during, or after panhandling;

(4) Continuing to solicit from a person after the person has given a negative response to such panhandling;

(5) Intentionally touching or causing physical contact with another person without that person's consent in the course of panhandling;

(6) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including causing a pedestrian or vehicle operator to take evasive action to avoid physical contact before, during, or after panhandling;

(7) Using violent or threatening gestures toward a person before, during, or after panhandling;

(8) Using profane, offensive, or abusive language toward a person before, during, or after panhandling;

(9) Panhandling while under the influence of alcohol or any illegal narcotic or controlled substance; or

(10) Following a person while panhandling with the intent of asking that person for money, goods, or other things of value.

(B) "Panhandling" means asking for money or objects of value, with the intention that the money or object be transferred at that time and at that place. "Panhandling" shall include using the spoken, written, or printed word, bodily gestures, signs, or other means with the purpose of obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services.

(C) "Public place" means a place where a governmental entity has title to or which the public or a substantial group of persons has access, including, but not limited to, street, highway, parking lot, plaza, transportation facility, shopping center, school, place of amusement, park, or playground.

(D) "Check cashing business" means any person, corporation, partnership or firm duly licensed by the Attorney General to engage in the business of cashing checks, drafts, or money orders for consideration under Section 1789.31 of the California Civil Code.

(E) "Automated teller machine" means a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to, account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments, whether or not that device is affiliated with or owned by a specific financial institution.

(F) "Automated teller machine facility" means the area comprised of one (1) or more automatic teller machines and any adjacent space that is made available to banking customers during or after regular banking hours. (Ord. No. 4172 (part), adopted 2006.)

#### **Sec. 8.72.030 Unlawful Panhandling Prohibited.**

It is unlawful and a public nuisance for any person to:

(A) Panhandle in an aggressive manner in any public place.

(B) Panhandle within twenty (20) feet of any entrance or exit of any check cashing business, supermarket or retail store, or within twenty (20) feet of any automated teller machine without the consent of the owner/agent of the property or another person legally in possession of such facilities; provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the facility.

(C) Panhandle an operator or other occupant of a motor vehicle while such vehicle is located on any street or highway on-ramp or off-ramp, for the purpose of performing or offering to perform a service in connection with such vehicle or otherwise soliciting a donation or the sale of goods or services; provided, however, that this subsection shall not apply to services rendered in connection with emergency repairs requested by the operator or passenger of such vehicle.

(D) Panhandle in any public transportation vehicle, or any public or private parking lot or parking structure. (Ord. No. 4172 (part), adopted 2006.)

#### **Sec. 8.72.040 Penalties.**

A first offense of any violation of this Chapter shall be an infraction punishable as provided in Mendocino County Code Section 1.04.110(B). Any second or subsequent offense of this Chapter shall be a misdemeanor punishable as provided in Mendocino County Code Section 1.04.110(A). (Ord. No. 4172 (part), adopted 2006.)

#### **Sec. 8.72.050 Other Applicable Laws.**

Nothing in this Chapter shall limit or preclude the enforcement of other applicable laws, and to that end, the remedies under this Chapter and the punishments thereunder shall be cumulative and not exclusive. (Ord. No. 4172 (part), adopted 2006.)

#### **Sec. 8.72.060 Severability.**

The provisions of this Chapter are separate and severable. If any provision of this Chapter is for any reason held by a court to be unconstitu-

tional or invalid, the Board declares that it would have passed this Chapter irrespective of the invalidity of the provision held to be unconstitutional or invalid. Such unconstitutionality or invalidity shall therefore not affect the remaining provisions of this Chapter, or the validity of its application to other persons or circumstances. (Ord. No. 4172 (part), adopted 2006.)





CODE COMPARATIVE TABLE

Ordinance Number	Date	Description	Section		Section this Code
4329	7-22-2014	MU-2 general mixed use district		Added	Ch. 20.085, §§ 20.085.005—20.085.060
Ord. of	11- 4-2014(1)	Community Bill of Rights (Measure S)	1—9	Added	Ch. 8.05, §§ 8.05.010—8.05.090
4330	1-20-2015	Fees for probation reports			2.65.010
4331	1-20-2015	Delegating authority to invest to county treasure for calendar year 2015			5.130.010
4333	3-17-2015	Building regulations	1	Rpld	Ch. 18.04, §§ 18.04.010—18.04.095
				Added	Ch. 18.04, §§ 18.04.005—18.04.085
			2		18.08.010
			3		10.08.030
			4	Added	Ch. 18.14, §§ 18.14.010—18.14.090
			5	Added	Ch. 18.70, §§ 18.70.010—18.70.150
4336	5-19-2015	Mendocino County lodging business improvements district			Ch. 5.140, §§ 5.140.010—5.140.270
4338	6-16-2015	Purchasing agent			Ch. 2.32, §§ 2.32.010—2.32.120
4339	6-16-2015	Speed zoning on county roads		Added	15.04.030(B)(37), (38)
4340	7- 7-2015	Personnel and salary			Ch. 3.04, §§ 3.04.010—3.04.220
		Civil service			Ch. 3.16, §§ 3.16.010—3.16.220
4341	8- 4-2015	Wireless communications	1	Added	20.008.020(O)—(R)
			2	Added	20.008.024(N)
			3	Added	20.008.060(B)
			4		20.236.015
			5		20.236.020
			6	Rnbd	20.236.025
				as	20.236.040
			7	Added	20.236.025
			8	Added	20.236.030
			9	Added	20.236.035
4342	8-18-2015	Personnel and salary		Rpld	Ch. 3.04, §§ 3.04.010—3.04.220
				Added	Ch. 3.04, §§ 3.04.010—3.04.220
				Rpld	Ch. 3.16, §§ 3.16.010—3.16.220

CODE COMPARATIVE TABLE

Ordinance Number	Date	Description	Section	Section this Code
				Added Ch. 3.16, §§ 3.16.010—3.16.220
4344	10- 6-2015	Small residential rooftop solar energy system review process	3	Added Ch. 18.40, §§ 18.40.010—18.40.035
4345	10- 6-2015	Resource preserves	1	Rpld Ch. 22.08, §§ 22.08.010—22.08.132
		Agricultural preserves and Williamson Act contracts		Added Ch. 22.08, § 22.08.010
4348	12- 8-2015	County commission on medical care		8.69.030, 8.69.040
4349	2- 2-2016	County vehicle policy		3.12.010—3.12.100
4350	2- 2-2016	Delegation of authority to invest for calendar year 2016		5.130.010