

CARRE BROWN
First District
Chair
TOM MITCHELL
Chief Executive Officer

JOHN MCCOWEN
Second District

JOHN PINCHES
Third District

KENDALL SMITH
Fourth District

J. DAVID COLFAX
Fifth District
Vice-Chair
JEANINE B. NADEL
County Counsel

KRISTI FURMAN
Clerk of the Board

MENDOCINO COUNTY BOARD OF SUPERVISORS

AGENDA

MARCH 2, 2010 – 9:00 A.M.

THE MENDOCINO COUNTY BOARD OF SUPERVISORS MEETS CONCURRENTLY AS THE BOARD OF DIRECTORS OF THE: MENDOCINO COUNTY AIR QUALITY MANAGEMENT DISTRICT, MENDOCINO COUNTY PUBLIC FACILITIES CORPORATION, MENDOCINO COUNTY WATER AGENCY, MENDOCINO COUNTY LIBRARY DISTRICT, REDEVELOPMENT AGENCY OF THE COUNTY OF MENDOCINO, AND THE IHSS PUBLIC AUTHORITY GOVERNING BOARD

MEETING HIGHLIGHTS

Order of Agenda:

Open Session,
Roll Call &
Pledge of Allegiance

Public Expression

Adoption of
Consent Calendar

Regular
Agenda Items

Closed Session

Selected items have
been assigned an
appointed time for
the convenience
of the Board and
the Public

Online Information
& Web Streaming
(See Page 4)

Televised
Board Meetings
(See Page 4)

Open Session
(9:00 a.m.)

Public Expression
(Approximately 9:05 a.m. - See Page No. 4)

**Presentation of Retirement System Actuarial Study
and Adoption of Retirement System Rates
for Fiscal Year 2010/2011**

(Approximately 9:30 a.m. - See Item No. 8b)

**Discussion and Possible Direction Regarding the
Masonite Site Soil and Groundwater Remediation Issues
and the Oversight Role of the County**

(Approximately 10:30 a.m. - See Item No. 7d)

Informational Presentation by USDA Wildlife Services

(Approximately 11:00 a.m. - See Item No. 8c)

Adjourn to Lunch Recess
(Approximately 12:00 Noon)

Reconvene for Afternoon Session
(Approximately 1:30 p.m.)

**Noticed Public Hearing: Discussion and Possible Action
Regarding an Appeal of the Planning Commission Action
Denying Use Permit No. U 8-2009 that would Authorize
U.S. Cellular to Develop a Wireless Communication Facility
Including the Construction of a 60-Foot Tall Faux Water Tank
on Property Used for Vineyard Production (South of Talmage)**

(1:30 p.m. - See Item No. 6d)

Adjourn to Closed Session
(At the Conclusion of Open Session Business)

Report Out from Closed Session
(Following the Conclusion of Closed Session Business)

Welcome to the
meeting of the
Mendocino County
Board of
Supervisors

Agenda items
generally occur
sequentially,
however, when
circumstances
warrant, the order
of items may be
changed at the
discretion of the
Chair

Please see the end of
the agenda for
additional meeting
information
including ADA
accommodations
and public
expression



ORDER OF AGENDA

ITEM NO. 1 – OPEN SESSION AND ROLL CALL (9:00 A.M.)

- Roll Call will be conducted at the beginning of Open Session

ITEM NO. 2 – PLEDGE OF ALLEGIANCE

- The Pledge of Allegiance will be recited at the beginning of Open Session

ITEM NO. 3 – APPROVAL OF MINUTES

- Approval of Minutes of February 23, 2010

ITEM NO. 4 – CONSENT CALENDAR

- Regular Consent Calendar (*See Attached*)

The Consent Calendar (Agenda) is considered routine and non-controversial and will be acted upon by the Board at one time without discussion. The Consent Calendar is adopted as the first order of business upon the start of the Open Session portion of the meeting. Any Board member may request that any item be removed from the Consent Calendar for individual consideration. Please consult with the Clerk of the Board for additional information.

ITEM NO. 5 – COUNTY EXECUTIVE OFFICE MATTERS

- (a) Chief Executive Officer Reports
- (b) Discussion and Possible Action Including Review, Adoption, Amendment, Consideration or Ratification of Legislation Pursuant to the Adopted Legislative Platform
- (c) ~~Discussion and Possible Action on the Second Quarter Mid-Year Budget Report on the Status of County Departmental Budgets for Fiscal Year 2009-2010; and Further Approve the Report on the Fiscal Year 2010-11 Governor's January State Budget Proposal and Related Impact to Mendocino County~~ (*Continued from February 23, 2010, Pursuant to the Board of Supervisors Rules of Procedure – Rule No. 5; Continued to March 22, 2010, Special Meeting*)

ITEM NO. 6 – DEPARTMENTAL MATTERS AND REPORTS

- (a) Department of Transportation – Director's Report
- (b) Clerk of the Board Report (*Continued from February 23, 2010, Pursuant to the Board of Supervisors Rules of Procedure – Rule No. 5*)
- (c) Discussion and Possible Action Including Authorization to Fill County Staff Positions Submitted on Staffing Request Forms by Various County Departments and as Recommended by the Executive Office and Human Resources – Sponsoring Department: Human Resources
- (d) *Noticed Public Hearing – 1:30 p.m.:* Discussion and Possible Action Regarding an Appeal of the Planning Commission Action of December 17, 2009, Denying Use Permit No. U 8-2009 that Would Authorize U.S. Cellular to Develop a Wireless Communication Facility Including the Construction of a 60-Foot Tall Faux Water Tank on Property Used for Vineyard Production, Located South of Talmage (Case No.: U8-2009; Owner: Ruddick Ranch Inc.-Chris Ruddick; Applicant: California Rural Services-US Cellular; Agent: Eagle Consulting-Allen Potter) – Sponsoring Department: Planning and Building Services

ITEM NO. 7 – COMMITTEE REPORTS/SUPERVISORS REPORTS

- (a) Supervisors Reports – Assigned Boards, Councils & Commissions / Other Meetings Attended
- (b) Standing Committees – Chair Reports
- (c) Ad-Hoc Committee Reports
- (d) *Timed Item – 10:30 a.m.:* Discussion and Possible Direction Regarding the Masonite Site Soil and Groundwater Remediation Issues and the Oversight Role of the County – Sponsor: Supervisor McCowen
- (e) Discussion and Possible Action Regarding Establishing a Board Policy Related to Requests for Letters of Opposition or Support Regarding the Parole of Convicted Criminals – Sponsor: Supervisor Brown



- (f) Discussion and Possible Action Including Approval of a Letter in Opposition to the Parole of Gregory Beck – Sponsor: Supervisor Brown

ITEM NO. 8 – MISCELLANEOUS

- (a) Quarterly Presentation of Informational Report by Mr. Greg Giusti, Forest Advisor, Regarding the Status of Forests in Mendocino County, Emerging Issues, and Projects of Interest
- (b) *Timed Item – 9:30 a.m.:* Presentation of Retirement System Actuarial Study and Adoption of Retirement System Rates for Fiscal Year 2010/11 – Sponsor: Board of Retirement
- (c) *Timed Item – 11:00 a.m.:* Informational Presentation by USDA Wildlife Services – Sponsor: Agriculture Department

ITEM NO. 9 – MENDOCINO COUNTY AIR QUALITY MANAGEMENT DISTRICT, MENDOCINO COUNTY PUBLIC FACILITIES CORPORATION, MENDOCINO COUNTY WATER AGENCY, MENDOCINO COUNTY LIBRARY DISTRICT, REDEVELOPMENT AGENCY OF THE COUNTY OF MENDOCINO, AND THE IHSS PUBLIC AUTHORITY GOVERNING BOARD

ITEM NO. 10 – APPOINTMENTS TO BOARDS AND COMMISSIONS

The Board of Supervisors is actively seeking qualified candidates to fill various vacancies. Please consult with the Clerk of the Board for information on specific categorical areas and District vacancies, or visit our website at: www.co.mendocino.ca.us/bos

- (a) Commission on the Status of Women (Various)
- (b) Building Appeals Board (Various)
- (c) Mental Health Board (Various)
- (d) Workforce Investment Board (Various)
- (e) Air Quality Management District Hearing Board (Various)
- (f) Cemetery District of Fish Rock (Director)
- (g) Mendocino County Forest Council (Public Member)
- (h) Laytonville Area Municipal Advisory Council (Members; Alternate)
- (i) Grievance Appeals Committee (Various)
- (j) In-Home Supportive Services Advisory Committee (Various)
- (k) Cemetery District of Hopland (Director)
- (l) Mendocino County Museum Advisory Board (1st, 4th, 5th Districts)
- (m) Mendocino County Airport Land Use Commission (Commissioner)
- (n) Child Care Planning Council (Various)
- (o) Solid Waste Hearing Panel (Public Member, Technical Expert)
- (p) Area Agency on Aging (AAA) Advisory Council (Member)
- (q) Indian Gaming Local Community Benefit Committee (Local)
- (r) Developmental Disabilities Board – Area I (Member)
- (s) Mendocino County Archaeological Commission (Alternate)
- (t) Library Advisory Board (Various)
- (u) Little River Airport Advisory Committee (Various)
- (v) Cemetery District of Westport-Ten Mile (Director)
- (w) Community Development Commission (Tenant Commissioner/Coastal)
- (x) Policy Council on Children and Youth (Various)
- (y) Law Library Board of Trustees (Trustee)
- (z) Gualala Municipal Advisory Council (Alternate, Member)
- (aa) Cemetery District of Mendocino-Little River (Member)
- (bb) Cemetery District of Potter Valley (Member)
- (cc) FIRST 5 Mendocino (Various)
- (dd) North Coast Railroad Authority (Member)
- (ee) Mendocino Historical Review Board (Member)
- (ff) Health and Human Services Agency Advisory Board (Various)
- (gg) Alcohol and Drug Abuse Advisory Board (Member)



ITEM NO. 11 – CLOSED SESSION (FOLLOWING THE CONCLUSION OF OPEN SESSION BUSINESS)

- (a) Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiator – Agency Negotiators: Carmel Angelo, Teresia Haase, Meredith Ford, and Rick Haeg; Employee Organization(s): All

ITEM NO. 12 – COUNTY COUNSEL

ITEM NO. 13 – COMMUNICATIONS RECEIVED AND FILED

Communications received and filed are retained by the Clerk of the Board throughout the Board proceedings. To review items described in this section, please contact the Clerk of the Board staff in Room 1090.

- (a) Mendocino County Lodging Quarterly Update – BID Year 4 Quarter 3
- (b) Fish and Game Commission Notice of Proposed Regulatory Action Relative to Section 7.50, Title 14, California Code of Regulations, Relating to Central Valley Sport Fishing; Written Comments Must be Submitted on or before April 16, 2010; for More Information E-Mail FGC@fgc.ca.gov

PUBLIC EXPRESSION: (PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA)

- *Members of the public are welcome to address the Board on items not listed on the agenda and within the jurisdiction of the Board of Supervisors. The Board is prohibited by law from taking action on matters not on the agenda, but may ask questions to clarify the speaker's comment and/or briefly answer questions. The Board limits testimony on matters not on the agenda to 3 minutes per person and not more than 10 minutes for a particular subject at the discretion of the Chair of the Board.*
- *Individuals wishing to address the Board under Public Expression are welcome to do so throughout the meeting day. To best facilitate these items, please review and complete the public comment/speaker form available at the back of the Boardroom and present to the Clerk of the Board, the Chair of the Board, or your respective District Supervisor. If you wish to submit written comments, please provide 9 copies to the Clerk of the Board staff, located in the Administration Center, Room 1090. All meetings are tape-recorded and speakers are reminded to announce their names as they approach the podium.*

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE

- The Board of Supervisors complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternative formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Clerk of the Board's Office by calling (707) 463-4221 at least five days prior to the meeting.

ADDITIONAL MEETING INFORMATION FOR INTERESTED PARTIES

- If you wish to address the Board on any matter on the agenda, please review and complete the public comment/speaker form available at the back of the Boardroom. If you wish to submit written comments, please provide 9 copies to the Clerk of the Board staff, located in the Administration Center, Room 1090
- The Board of Supervisors' agenda is posted on the County of Mendocino website at: www.co.mendocino.ca.us/bos
- A copy of the Agenda Packet is available for public review in the Clerk of the Board's Office, Room 1090. Proposed actions and supporting documents are considered draft until acted upon by the Board
- Additional information on specific agenda items may be obtained by contacting the sponsoring departments. Contact information for County departments may be obtained at www.co.mendocino.ca.us/ndx.htm
- Board proceedings are broadcast on the local Public Access Channel to accommodate greater public access; tune in at the corresponding Open Session time as posted on the front page of the Agenda
- 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

ANNOUNCING EXPANDED ONLINE INFORMATION

- **LIVE WEB STREAMING OF BOARD MEETINGS:** www.uvctv.org (Requires Windows Media Player Version 9 – for Technical Assistance Please Contact Ukiah Valley Community Television (707) 357-0624
- Board Meeting Agenda Summary reports and supporting documentation are available online. Please Access the Selected Agenda from the Board's Website to View Additional Information: www.co.mendocino.ca.us/bos

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



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The following items are recommended for denial:

- (1) Claims Against the County
 - (a) Dianna Allison
 - (b) Cody Bass
 - (c) Capital Wellness Collective, Inc.
 - (d) Phillip J. Lopez
 - (e) Sara Madison

The following items are recommended for approval:

CRIMINAL JUSTICE

- (2) Approval of Submission of a Recovery Act Anti-Drug Abuse (ADA) Enforcement Team Program Grant Application to the California Emergency Management Agency (CAL EMA), Due on March 9, 2010; and Approval of District Attorney Signatory Authority for the Grant Application – District Attorney

GENERAL GOVERNMENT

- (3) Approval of Agreement with Ms. Carmel Angelo to Serve as Mendocino County Chief Executive Officer Effective March 10, 2010 – Board of Supervisors
- (4) Approval of Appointment to the Westport County Water District to Establish a Quorum Pursuant to Government Code §1780 – Clerk of the Board
- (5) Approval of Revisions to the County of Mendocino's Owner-Occupied Housing Rehabilitation Program Guidelines, Increasing Maximum Assistance from \$40,000 to \$70,000 – Executive Office
- (6) Approval of Letter to Congressman Mike Thompson, Requesting Continued Federal Funding for the Resource Conservation and Development Council (RC&DC) Program – Executive Office
- (7) Adoption of Resolution Ratifying the Board of Supervisors Review and Determination to Terminate the State of Emergency as Initially Declared March 24, 2009 – Executive Office/Emergency Services

HEALTH AND HUMAN SERVICES

- (8) Approval of Agreement with St. Helena Hospital (St. Helena) for Inpatient Psychiatric Hospitalization (Retroactive to July 1, 2009); and Authorize the Health and Human Services Agency Director to Sign Any Future Amendments to the Agreements that Do Not Affect the Maximum Allowable Amount Authorized by the Board of Supervisors – Health and Human Services/Mental Health Branch
- (9) Approval of Agreement with St. Helena Hospital Center for Behavioral Health (Vallejo) for Inpatient Psychiatric Hospitalization (Retroactive to July 1, 2009); and Authorize the Health and Human Services Agency Director to Sign Any Future Amendments to the Agreement that Do Not Affect the Maximum Allowable Amount Authorized by the Board of Supervisors – Health and Human Services/Mental Health Branch



HEALTH AND HUMAN SERVICES – CONTINUED

- (10) Approval of Agreement with Mendocino Private Industry Council Inc. (MPIC) in the Amount of \$697,500 to Provide Employment Services to 114 Veterans and their Eligible Spouses Beginning February 1, 2010 through June 30, 2011 – Health and Human Services Agency/Community Health Services/Workforce Investment Board

PUBLIC RESOURCES

- (11) Approval of USDA Wildlife Services Annual Work Plan for Fiscal Year 2009/2010 for \$135,000.00 (County Cost) – Department of Agriculture
- (12) Approval of Cooperative Service Agreement between Mendocino County and USDA/APHIS Wildlife Services (WS) – Department of Agriculture

SUPERVISORS

- (13) Adoption of Proclamation Recognizing March 2010, as Women’s History Month in Mendocino County – Supervisor Brown
- (14) Approval of Letter of Support for The Community Forestry Conservation Act of 2009, as Currently Submitted in Both the U.S. House of Representatives (H.R. 3302) and U.S. Senate (S. 1501); and Approval for Said Letter to be Sent to Federal Representatives – Supervisor Smith