

CARRE BROWN
First District
Chair
CARMEL ANGELO
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 16, 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

Open Session
(9:00 a.m.)

Public Expression

(Approximately 9:05 a.m. – See Page No. 4)

Presentation on 2010 Census Outreach in Mendocino County
(Approximately 9:15 a.m. – See Item No. 6a)

*Presentation of the Mendocino County Lodging
Business Improvement District (BID) Annual Report*
(Approximately 10:00 a.m. – See Item No. 5d)

*Informational Presentation by the Mendocino County
Resource Conservation District (MCRCD)*
(Approximately 10:30 a.m. – See Item No. 8a)

Adjourn to Closed Session
(Approximately 11:00 a.m. – Followed by Lunch Recess)

Adjourn to Lunch Recess
(Approximately 12:00 Noon)

*Reconvene for Afternoon Session
& Report Out from Closed Session*
(Approximately 1:30 p.m.)

Convene as the Mendocino County Water Agency
(Approximately 1:30 p.m. – See Page No. 8)

Reconvene as the Board of Supervisors
(Approximately 1:45 p.m.)

*Disbursement of Mendocino County Fish and Game
Advisory Commission Funds for the 2009/2010 Project Cycle*
(Approximately 1:45 p.m. – See Item No. 8b)

*Discussion and Possible Action Regarding Appropriation
of the Fiscal Year 2009/2010 Proposition 1B Distribution*
(Approximately 2:00 p.m. – See Item No. 6c)

Order of Agenda:
Open Session,
Roll Call &
Pledge of Allegiance

Public Expression

Adoption of
Consent Calendars

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)

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 March 2, 2010

ITEM NO. 4 – CONSENT CALENDARS

- Regular Consent Calendar (*See Attached*)
- Air Quality Management District 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 Including Approval to Pursue a Agreement with a Professional Consultant to Conduct a Public Opinion Poll of Future Consideration of Possible Ballot Measure(s) for the November 2, 2010, General Election
- (d) *Timed Item – 10:00 a.m.:* Presentation, Discussion, and Approval of the Mendocino County Lodging Business Improvement District (BID) Annual Report; Adoption of Resolution Declaring the Intention of the Mendocino County Board of Supervisors to Levy and Collect an Assessment from Lodging Businesses in the BID (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); Fixing the Date, Time, and Place of a Public Hearing to be Held in Front of the Board to Levy the Proposed Assessment for Fiscal Year 2010/2011

ITEM NO. 6 – DEPARTMENTAL MATTERS AND REPORTS

- (a) *Timed Item – 9:15 a.m.:* Informational Presentation on 2010 Census Outreach in Mendocino County – Sponsoring Department: Health and Human Services Agency/Adult and Older Adult System of Care
- (b) Department of Transportation – Director's Report
- (c) *Timed Item – 2:00 p.m.:* Discussion and Possible Action Including Adoption of Resolution Authorizing the Director of Transportation (County Road Commissioner) to Appropriate the Fiscal Year 2009/2010 Proposition 1B Distribution (County-wide) – Transportation

ITEM NO. 7 – COMMITTEE REPORTS/SUPERVISORS REPORTS

- (a) Supervisors Reports – Assigned Boards, Councils and Commissions / Other Meetings Attended
- (b) Standing Committees – Chair Reports
- (c) Ad-Hoc Committee Reports



ITEM NO. 8 – MISCELLANEOUS

- (a) *Timed Item – 10:30 a.m.:* Informational Presentation by the Mendocino County Resource Conservation District (MCRCD), Providing an Update on Program Accomplishments and Benefits Provided to Mendocino County Constituents – Sponsor: Supervisor Brown
- (b) *Timed Item – 1:45 p.m.:* Discussion and Possible Action Including Approval of Disbursement of Mendocino County Fish and Game Advisory Commission Funds for the 2009/10 Project Cycle – Sponsor: Mendocino County Fish and Game Advisory Commission

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

- (a) Mendocino County Water Agency (*See Page 8 for Separate Agenda*)

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

ITEM NO. 11 – CLOSED SESSION (TIMED ITEM: 11:00 A.M.)

- (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
- (b) Pursuant to Government Code Section 54956.9 – Conference with Legal Counsel – Existing Litigation: Doty Coplen, et al. v. County of Mendocino; Superior Court of Mendocino County Case No.: SCUJ-CVPT 08-52268
- (c) Pursuant to Government Code Section 54956.9 – Conference with Legal Counsel – Existing Litigation: Kevin Dale Marsh v. County of Mendocino, Mendocino County Sheriff's Office, and Richard Munoz; Superior Court of Mendocino County Case No.: SCUJ-CVPM 07-50225
- (d) Pursuant to Government Code Section 54957 – Public Employee Performance Evaluation – Interim Museum Director

ITEM NO. 12 – COUNTY COUNSEL

- (a) Introduction and Waive the Reading of an Ordinance Amending Mendocino County Code Section 3.12 – The County Vehicle Policy

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) Anderson Valley Unified School District: Filing of Tax Rate Statement in Connection with Anderson Valley Unified School District for June 8, 2010, Election to Authorize Issuance of School Bonds in Compliance with §9400-9404 of the Elections Code of the State of California
- (b) California Department of Mental Health: Notice of Public Hearing on Notice of Proposed Rulemaking, Title 9, California Code of Regulations, Amending Section 1810.203.5 and Adoption of Section 1850.350, Regarding Early and Periodic Screening, Diagnosis, and Treatment Appeal Process; Submit Comments by 5:00 p.m., April 21, 2010, to Steve Appel, Department of Mental Health, 1600 9th Street, Room 435, Sacramento, CA 95814; by Fax to (916) 651-3852, or Email to regulations@dmh.ca.gov
- (c) State of California, Fish and Game Commission: Notice of Receipt of Petition to List the Mountain Yellow-Legged Frog as an Endangered Species; Interested Parties May Contact Dr. Eric Loft, Chief, Wildlife Branch, Department of Fish and Game, 1812 Ninth Street, Sacramento, CA 95811; For More Information Call (916) 445-3555



- (d) State of California, Fish and Game Commission: Notice of Proposed Changes in Regulations Relating to Mammal Hunting – For More Information, Call (916) 445-3555 or go to <http://www.fgc.ca.gov/regulations/new/2010/proposedregs10.asp>
- (e) State of California, Department of Water Resources: Water Conditions in California, Report 1, February 1, 2010
- (f) Pacific Gas and Electric (PG&E) Company Potter Valley Hydroelectric Project, No. 77-000:
 - Letter Order Accepting PG&E Company's January 10, 2010, Filing of the Dam Safety Surveillance and Monitoring Plan for the Scott Dam Project
 - Letter Order Accepting PG&E Company's January 24, 2010, Submission of the Dam Safety Surveillance and Monitoring Plan for the Cape Horn Dam Project
 - Letter Order Accepting PG&E Company's December 31, 2009, Submission of Annual Spillway Gate Operation Certificate for the Potter Valley Project

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) Natalia Broulliette
 - (b) Wesley Canby
 - (c) Larry R. Thornton

The following items are recommended for approval:

CRIMINAL JUSTICE

- (2) Approval of Purchase of a Digital Body Wire, Including the Required Budget Transfers in the Amount of \$4,567, and Add to the County's Approved List of Fixed Assets – Sheriff
- (3) Adoption of Proclamation Recognizing Tsunami Awareness Week as March 21, Through March 27, 2010 as Well as Increasing Public Awareness of Mendocino County's Participation in the "Live Code Tsunami Warning Test" to be Held on March 24, 2010 Between 10:15 and 11:45 a.m. – Sheriff/Office of Emergency Services

GENERAL GOVERNMENT

- (4) Approval of Consolidation of Anderson Valley Unified School District and Willits Unified School District Elections with the Statewide Direct Primary Election on June 8, 2010 – Assessor/Clerk/Recorder
- (5) Adoption of Resolution Amending Position Allocation Table as follows: Move Position Number 3770 Health Program Eligibility Worker (1 FTE) from Budget Unit 4080 to Budget Unit 0418 – Human Resources

HEALTH AND HUMAN SERVICES

- (6) Approval of Agreement Amendment in the Amount of \$21,319.75 with Safe Passage Family Resource Center (Fort Bragg) to Provide Funding for the "Promoting Safe and Stable Families" (PSSF) Program; and Authorization for the Health and Human Services Agency Director to Sign any Future Amendments to the Agreement that Do Not Affect the Annual Maximum Allowable Amount Authorized – Health and Human Services Agency/Children and Family Services System of Care
- (7) Approval of Agreement Amendment for a \$21,319.75 Increase with Anderson Valley Unified School District to Provide Funding for the "Promoting Safe and Stable Families" (PSSF) Program; and Authorize the Health and Human Services Agency Director to Sign any Future Amendments to the Agreement that Do Not Affect the Annual Maximum Allowable Amount Authorized – Health and Human Services Agency/Children and Family Services System of Care
- (8) Approval of Amendment No. 2 of the California Statewide Automated Welfare System Consortium IV Joint Exercise of Powers of Agreement for Mendocino County Health and Human Services Agency – Health and Human Services Agency/Community Health Services
- (9) Adoption of Resolution Authorizing Amendment No. 2 of the California Statewide Automated Welfare System Consortium IV Joint Exercise of Powers Agreement for the Health and Human Services Agency – Health and Human Services Agency/Community Health Services



HEALTH AND HUMAN SERVICES – CONTINUED

- (10) Approval of the California Statewide Automated Welfare System Consortium IV Memorandum of Understanding for Mendocino County Health and Human Services Agency – Health and Human Services Agency/Community Health Services

PUBLIC RESOURCES

- (11) Adoption of Resolution Approving Release of Contract Surety, Department of Transportation Contract No. 090014, 2006 Storm Damage Repairs on Low Gap Road, CR 212, M.P. 17.08, M.P. 17.15 and M.P. 18.74 (Ukiah Area) – Transportation
- (12) Adoption of Resolution Approving Release of Contract Surety, Department of Transportation Contract No. 090011, 2006 Storm Damage Repairs on Linda Vista Drive, CR 204B, M.P. 0.09 (Ukiah Area) – Transportation
- (13) Approval of Notice of Completion, Department of Transportation Contract No. 090017, 2006 Storm Damage Repairs on Omega Drive, CR 428E, M.P. 0.13 (Westport Area) – Transportation
- (14) Adoption of Resolution Approving Department of Transportation Agreement No. 100001 Subdivision Road Maintenance Agreement for Tract 258 Lakewood Homes Subdivision and Releasing Subdivision Improvement Agreement Surety and Subdivision Monumentation Agreement Surety (Forks Area) – Transportation
- (15) Adoption of Resolution Authorizing Advertisement for Bids, Department of Transportation Contract No. 100008, 2010 Chip Seal Program, STIM-2, on Various County Maintained Roads (County-wide) – Transportation
- (16) Adoption of Resolution Authorizing Advertisement for Bids, Department of Transportation Contract No. 100009, 2010 Asphalt Concrete Overlay Program, STIM-2, on Various County Maintained Roads (County-wide) – Transportation

SUPERVISORS

- (17) Discussion and Possible Action Regarding Establishing a Board Policy Related to Requests for Letters of Opposition or Support Regarding the Parole of Convicted Criminals – Supervisor Brown
- (18) Adoption of Proclamation in Support of the 72nd Annual Redwood Region Logging Conference, to be Held March 25-27, 2010 – “Achieving Success in the Redwood Region” – Supervisors Brown and McCowen
- (19) Approval of Letter of Support for Section 401, Related to Incentives for Biodiesel and Renewable Diesel, of HR 4213, or The Tax Extenders Act of 2009; Authorization for Chair to Sign, and Send Letter to U.S. Senators Representing California – Supervisor McCowen



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The following item is recommended for approval:

- (1) Authorization for the Air Quality Management District to Accept State Carl Moyer Program Pass-Through Funds for a Project in Mendocino County, Enter Into an Agreement with the Applicant (MBC Construction, Inc.) and Reimburse the Applicant with Those Funds Upon Completion of the Projects



SITTING AS THE
MENDOCINO COUNTY WATER AGENCY
MARCH 16, 2010 – 1:30 P.M.

BOARD CHAMBERS • COUNTY ADMINISTRATION CENTER • 501 LOW GAP ROAD • UKIAH, CALIFORNIA

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, THE MENDOCINO COUNTY LIBRARY DISTRICT, THE REDEVELOPMENT AGENCY OF THE COUNTY OF MENDOCINO, AND THE IHSS PUBLIC AUTHORITY GOVERNING BOARD

ORDER OF AGENDA

ALL ITEMS ARE PRESENTED FOR DISCUSSION AND POSSIBLE ACTION

1. **DISCUSSION AND POSSIBLE ACTION:**
 - Water Agency General Manager's Report and Update Regarding Completion of the SB610 Water Supply Assessment for the Ukiah Valley

2. **OTHER BUSINESS:**
 - Public Expression
 - Additional Discussion Topics as Identified by Board Members
 - Additional Discussion Topics as Identified by Staff
 - Matters from Staff
 - Other Business

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

The Board welcomes participation in the Board meetings. Comments shall be limited so that everyone may be heard. This item is limited to matters under the jurisdiction of the Board which are not on the posted agenda and items which have not already been considered by the Board. 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. No action will be taken.