



MENDOCINO COUNTY BOARD OF SUPERVISORS
ACTION MINUTES – NOVEMBER 1, 2011

MENDOCINO COUNTY BOARD OF SUPERVISORS

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF MENDOCINO • STATE OF CALIFORNIA
FAIR STATEMENT OF PROCEEDINGS
(PURSUANT TO CALIFORNIA GOVERNMENT CODE §25150)

CARRE BROWN
FIRST DISTRICT

[X] REGULAR MEETING [] SPECIAL SESSION [] PLANNING MATTERS

JOHN McCOWEN
SECOND DISTRICT
VICE-CHAIR

AGENDA ITEM No. 1 – OPEN SESSION (ROLL CALL AND PLEDGE OF ALLEGIANCE – 9:07 A.M.)

Present: Supervisors Carre Brown, John McCowen, John Pinches, Kendall Smith, and Dan Hamburg. Chair Smith presiding.

JOHN PINCHES
THIRD DISTRICT

Staff Present: Ms. Carmel J. Angelo, Chief Executive Officer/Clerk of the Board; Ms. Jeanine B. Nadel, County Counsel; and Mr. Tim Mitchell, Deputy Clerk of the Board.

KENDALL SMITH
FOURTH DISTRICT
CHAIR

Pledge of Allegiance: Ms. Ana Mahoney.

T1-25

DAN HAMBURG
FIFTH DISTRICT

AGENDA ITEM No. 12D – PURSUANT TO GOVERNMENT CODE SECTION 54954.2 – OFF-AGENDA ITEM – COUNTY COUNSEL

PURSUANT TO GOVERNMENT CODE SECTION 54956.9 – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: SEIU v. COUNTY OF MENDOCINO, MENDOCINO COUNTY SUPERIOR COURT CASE No. SF-CE-834-M

CARMEL J. ANGELO
CHIEF EXECUTIVE OFFICER/ CLERK OF THE BOARD

Presenter/s: Jeanine B. Nadel, County Counsel, reported that urgent Board consideration of this matter is necessary due to timelines.

JEANINE B. NADEL
COUNTY COUNSEL

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Brown, and carried unanimously; IT IS ORDERED that this matter arose subsequent to the agenda being published pursuant to Government Code Section 54954.2.

Board Directive: BY ORDER OF THE CHAIR the Board will adjourn to Closed Session.

BOARD RESOURCE INFORMATION:

ADJOURNED TO CLOSED SESSION: 9:09 A.M.

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

AGENDA ITEM No. 12A – SITTING AS THE IHSS PUBLIC AUTHORITY GOVERNING BOARD: PURSUANT TO GOVERNMENT CODE SECTION 54957.6 - CONFERENCE WITH LABOR NEGOTIATOR - AGENCY NEGOTIATORS: CARMEL J. ANGELO, PAT MEEK, STACEY CRYER, AND MARYLOU LEONARD; EMPLOYEE ORGANIZATION(S): IHSS PROVIDERS

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

AGENDA ITEM No. 12B – 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

WEBSITE:

WWW.CO.MENDOCINO.CA.US/BOS

AGENDA ITEM No. 12C – PURSUANT TO GOVERNMENT CODE SECTION 54956.9B(3)(A) - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: SIGNIFICANT EXPOSURE TO LITIGATION - ONE CASE

WATCH LIVE BOARD MEETINGS VIA WEB STREAMING
WWW.MENDOCINOACCESS.ORG

AGENDA ITEM No. 12D – PURSUANT TO GOVERNMENT CODE SECTION 54956.9 – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: SEIU v. COUNTY OF MENDOCINO, MENDOCINO COUNTY SUPERIOR COURT CASE No. SF-CE-834-M

BOARD ACTION MINUTES (SEE LAST PAGE FOR MORE INFORMATION)

RECONVENED IN OPEN SESSION: 9:48 A.M.

T1-53

NEXT MEETING (AGENDAS ARE POSTED ON THURSDAYS)
WWW.CO.MENDOCINO.CA.US/BOS

AGENDA ITEM No. 12 – REPORT OUT OF CLOSED SESSION

Presenter: Chair Smith and Jeanine B. Nadel, County Counsel.

Board Action: Counsel Nadel reported that in regards to labor negotiations, the Board of Supervisors unanimously agreed to reject SEIU’s response to the County’s last, best, and final offer. Motion by Supervisor Pinches, seconded by Supervisor Hamburg, and carried unanimously.

T1-86

AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

Presenter/s: Mr. J.R. Rose.

Board Action: No action taken.

AGENDA ITEM NO. 6E – DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION IMPLEMENTING TERMS AND CONDITIONS FOR THE EMPLOYEES IN THE JOB CLASSIFICATIONS IN THE BARGAINING UNIT REPRESENTED BY THE SERVICE EMPLOYEES’ INTERNATIONAL UNION (SEIU), LOCAL 1021

Presenter/s: Ms. Carmel J. Angelo, Chief Executive Officer; Ms. Pat Meek, Human Resources Director; and Mr. Rick Haeg, County Negotiator.

Public Comment: Ms. Dolly Riley; Ms. Linda Collier; and Ms. Andrea Longoria.

RECESS: 10:05 – 10:37 A.M.

Public Comment: Mr. Lief Farr; Ms. Helen Michael; Ms. Raylene Schafer; Ms. Laura Anderson; Ms. Valerie Lawe; Ms. Jill Bradley; Ms. Jennifer Sookne; Mr. Alexander Bricken; and Ms. Sue Glass-Blakenship.

Board Action: Upon motion by Supervisor Pinches, seconded by Supervisor McCowen, and carried unanimously; IT IS ORDERED that the Board of Supervisors adopts a Resolution to implement terms and conditions for employees in the job classifications in the bargaining unit represented by the Service Employees’ International Union (SEIU), Local 1021.

RESOLUTION NO. 11-153

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS IMPLEMENTING TERMS AND CONDITIONS FOR THE EMPLOYEES IN THE JOB CLASSIFICATOINS IN THE BARGAINING UNIT REPRESENTED BY THE SERVICE EMPLOYEES’ INTERNATIONAL UNION, LOCAL 1021, EFFECTIVE NOVEMBER 1, 2011

RECESS: 10:55 – 11:05 A.M.

T1-1260

AGENDA ITEM NO. 5 – CONSENT CALENDAR

Presenter/s: Consent Calendar item 5(n) removed for separate consideration.

Public Comment: Mr. Dave Kelley, Project Manager, Caltrans.

Board Action: Upon motion by Supervisor Pinches, seconded by Supervisor Hamburg, and carried unanimously; IT IS ORDERED that Consent Calendar items 5(a-m) are approved as follows:

- (a) Approval of Disbandment of the Board Ad-hoc Committee Initiated to Work with USA Waste of California dba Empire Waste Management on a Franchise Agreement -- Approved;
- (b) Approval of Waiver of Board Policy Regarding the Registered Voter Requirement for Reappointment of Ms. Candy De Los Santos to the Workforce Investment Board (WIB), as a Business Representative to the Workforce Investment Board -- Approved;
- (c) BOS No. 11-138 Approval of Agreement with Decade Software Company (Fresno, CA) in the Amount of \$71,105 to Provide One Time Professional Services for Data Base Conversion (\$45,968) and Annual License and Support Fee (\$25,137) in Fiscal Year 2011-2012 -- Approved and the Chair is authorized to sign same;

- (d) BOS No. 10-039 A3 Approval of Amendment Three to BOS No. 10-039 Agreement with Ford Street Project, Inc., Increasing the Amount by \$100,000 to Disburse Financial Assistance to Homeless Prevention and Rapid Re-Housing Program (HPRP) Grant Participants in Fiscal Year 2011/2012 -- Approved and the Chair is authorized to sign same;
- (e) BOS No. 10-030 A1 Approval of Amendment to Agreement No. PH-10-023 with Mendocino Coast Clinics, Inc., Increasing the Wraparound Services Allocation by \$5,556 -- Approved and the Chair is authorized to sign same;
- (f) Adoption of Resolution Adopting Classification and Establishing Salary Range - Senior Veteran's Service Representative S32B -- Adopted and the Chair is authorized to sign same;

RESOLUTION NO. 11-154

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AMENDING THE POSITION ALLOCATION TABLE PROVIDING FOR THE NUMBER AND COMPENSATION OF OFFICERS, DEPUTIES AND EMPLOYEES IN THE VARIOUS OFFICES OF THE COUNTY OF MENDOCINO

- (g) Adoption of Resolution Amending Position Allocation Table as follows: Budget Unit 1920, Delete Position Number 3381 and Abolish Classification - Retirement Coordinator C35D (1 FTE); Adopt Classification and Add Position - Senior Retirement Specialist C31C (1 FTE) -- Adopted and the Chair is authorized to sign same;

RESOLUTION NO. 11-155

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AMENDING THE POSITION ALLOCATION TABLE PROVIDING FOR THE NUMBER AND COMPENSATION OF OFFICERS, DEPUTIES AND EMPLOYEES IN THE VARIOUS OFFICES OF THE COUNTY OF MENDOCINO

- (h) Approval of Private Road Name Petition #RN 2-2011 - Solace Springs Road, Hopland -- Approved;
- (i) Approval of Private Road Name Petition #RN 3-2011 - Lone Tree Ridge Road and Black Oak Ridge Road, Anderson Valley -- Approved;
- (j) Approval of Private Road Name Petition #RN 4-2011 - Vista Ranch Road, Anderson Valley -- Approved;
- (k) BOS No. 11-139 Adoption of Resolution Approving and Executing Caltrans Relinquishment Agreement with the County for a Short Segment of U.S. 101 at Post Mile (PM) 47.522 to PM 48.721 (Willits Area) -- Adopted and the Chair is authorized to sign same;

RESOLUTION NO. 11-156

ADOPTION OF RESOLUTION APPROVING AND EXECUTING CALTRANS RELINQUISHMENT AGREEMENT WITH THE COUNTY FOR A SHORT SEGMENT OF U.S. 101 AT POST MILE (PM) 47.522 TO PM 48.721 (WILLITS AREA)

- (l) BOS No. 11-140 Adoption of Resolution Approving DOT Agreement No. 110022, Memorandum of Understanding (MOU) with Mendocino County Resource Conservation District (MCRCD) for 2011-15 Mill Creek Bridge on Reeves Canyon Road (CR 219) at M.P. 2.52 (Ridgewood Grade Area) -- Adopted and the Chair is authorized to sign same;

RESOLUTION NO. 11-157

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING DOT AGREEMENT NO. 110022, MEMORANDUM OF UNDERSTANDING (MOU) WITH MENDOCINO COUNTY RESOURCE CONSERVATION DISTRICT (MCRCD) FOR 2011-15 MILL CREEK BRIDGE ON REEVES CANYON ROAD (CR 219) AT M.P. 2.52 (RIDGEWOOD GRADE AREA)

- (m) BOS No. 11-141 Adoption of Resolution Approving and Executing DOT Agreement No. 110075, Professional Services Agreement with SHN Consulting Engineers and Geologists, Inc. for Semi-Annual Professional Surveying Services for Various County Projects (County-wide) -- Adopted and the Chair is authorized to sign same.

RESOLUTION NO. 11-158

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING AND EXECUTING DOT AGREEMENT NO. 110075, PROFESSIONAL SERVICES AGREEMENT WITH SHN CONSULTING ENGINEERS AND GEOLOGISTS, INC. FOR SEMI-ANNUAL PROFESSIONAL SURVEYING SERVICES FOR VARIOUS COUNTY PROJECTS (COUNTY-WIDE)

T1-1365

AGENDA ITEM NO. 6C – PRESENTATION OF THE COMMUNITY DEVELOPMENT COMMISSION OF MENDOCINO COUNTY’S 2010 ANNUAL REPORT

Presenter/s: Mr. Steve Dunicliff, Deputy Chief Executive Officer; Mr. Todd Crabtree, Executive Director, Community Development Commission; and Mr. Craig Schlatter, Community Development Manager, Community Development Commission.

Public Comment: Ms. Karen Ann.

Board Directive: GENERAL CONSENSUS OF THE BOARD that Ms. Kristi Furman, Deputy Chief Executive Officer, is hereby directed to work with Mr. Crabtree regarding affordable housing issues relative to Federal Funding, particularly related to the development of language for the proposed Mendocino County Final Legislative Platform.

Board Directive: BY ORDER OF THE CHAIR the Board of Supervisors hereby receives the Community Development Commission of Mendocino County's 2010 Annual Report.

Board Action: No action taken.

T1-2488

AGENDA ITEM NO. 6D – PUBLIC HEARING AND POSSIBLE ADOPTION OF RESOLUTION TO CLOSEOUT COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AWARD 08-PTAG-5361

Presenter/s: Mr. Steve Dunicliff, Deputy Chief Executive Officer and Mr. Craig Schlatter, Community Development Manager, Community Development Commission.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Brown, and carried unanimously; IT IS ORDERED that the Board of Supervisors hold the public hearing, and adopt the Resolution to approve of final products under CDBG award 08-PTAG-5361.

RESOLUTION NO. 11-159

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING OF GRANT FINAL PRODUCTS FUNDED BY COUNTY OF MENDOCINO STATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PLANNING AND TECHNICAL ASSISTANCE ALLOCATION, STANDARD AGREEMENT NUMBER 08-PTAG-5361

T1-2885

AGENDA ITEM NO. 5 – CONSENT CALENDAR – REMOVED FOR SEPARATE CONSIDERATION:

(n) Adoption of Resolution Approving Payment of a Portion of Repair Costs to the City of Willits for Emergency Repairs to Sherwood Road (Fiscal Year 2011/12) (Brooktrails Area) -- Adopted and the Chair is authorized to sign same.

Presenter/s: Supervisor McCowen.

Public Comment: Mr. Howard Dashiell, Transportation Director; Mr. Paul Cayler, Willits City Manager; Ms. Carmel Angelo, Chief Executive Officer; and Mr. Louis Bigfoot.

Board Action: Foregoing introduced by Supervisor Pinches, seconded by Supervisor Brown, and carried (4/1, with Supervisor McCowen dissenting).

RESOLUTION NO. 11-160

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING PAYMENT OF A PORTION OF REPAIR COSTS TO THE CITY OF WILLITS FOR EMERGENCY REPAIRS TO SHERWOOD ROAD (FISCAL YEAR 2011/12) (BROOKTRAILS AREA)

LUNCH RECESS: 12:07 – 1:33 P.M.

T2-289

AGENDA ITEM NO. 7A – RECEIVE PRESENTATION ON RESULTS OF SUPPLEMENTAL FEASIBILITY STUDY (PROJECT PHASE 1) AND POSSIBLE ADOPTION OF RESOLUTION DESIGNATING APPLICABLE ROUTES FOR FURTHER STUDY, DEPARTMENT OF TRANSPORTATION AGREEMENT NO. 100086, BROOKTRAILS SECOND ACCESS - PRELIMINARY ENGINEERING, PHASE 1 (BROOKTRAILS AREA)

Presenter/s: Mr. Howard Dashiell, Transportation Director; Mr. Bob Parker, Assistant Transportation Director; and Mr. Craig Drake, Consulting Engineer, Drake Haglan & Associates, Inc..

Public Comment: Mr. Tony Orth; Mr. Mark Edwards; Mr. Hal Wagenet; Mr. Mike Chapman, Brooktrails General Manager; Mr. Bob Whitney; and Mr. Phil Dow.

Board Action: Upon motion by Supervisor Pinches, seconded by Supervisor Hamburg, and carried unanimously; IT IS ORDERED that the Board of Supervisors, by Resolution (1) Accepts the Supplemental Feasibility Study for the Brooktrails Second Access project prepared by Drake, Haglan and Associates; (2) approves designation of the Alternate H-I route, the Alternate A route, the FirCo Haul Road route (Alternate E connection) and the "no build" alternative for further development and study under Phase 2 of DOT Agreement No. 100086 - Project Approval and Documentation; (3) authorizes and directs County staff to effect discussions and negotiations with Drake, Haglan and Associates to determine a fair and reasonable cost and timeframe for completion of Phase 2, DOT Agreement No. 100086; and (4) directs County staff to bring back to the Board as soon as is practicable the relevant Amendment No. 1 to DOT Agreement No. 100086, including the provisions for approval and award to Drake, Haglan and Associates for performing the work under Phase 2 of said Agreement - Project Approval and Documentation.

RESOLUTION NO. 11-161

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS DESIGNATING APPLICABLE ROUTES FOR FURTHER STUDY, DEPARTMENT OF TRANSPORTATION AGREEMENT NO. 100086, BROOKTRAILS SECOND ACCESS — PRELIMINARY ENGINEERING, PHASE 1 (BROOKTRAILS AREA)

RECESS: 3:20 – 3:39 P.M.

T3-955

AGENDA ITEM NO. 4 – APPROVAL OF MINUTES

Presenter/s: Chair Smith.

Board Directive: BY ORDER OF THE CHAIR the minutes of the October 18, 2011, meeting are hereby continued.

Board Action: No action taken.

AGENDA ITEM NO. 11 – APPOINTMENTS TO BOARDS AND COMMISSIONS

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Pinches, and carried unanimously; IT IS ORDERED that the Board of Supervisors appoints/reappoints the following listed applicants:

Board or Commission	Appointee	Category
Health and Human Services Agency Advisory Board (HHSAB)	Karin Wandrei	Community Representative (Member #6)
In-Home Support Services (IHSS) Advisory Committee	Beth Szychowski	Current or Former IHSS Provider
Mental Health Board (MHB)	Morris Kaplan	Consumer-Family, 3 rd District
Mental Health Board (MHB)	James N. Bassler	Consumer-Family, 4 th District
Mental Health Board (MHB)	Guy Grenny	Public Interest, 4 th District
Workforce Investment Board (WIB)	Leland S. Kraemer	Business Representative (Member #7)
Workforce Investment Board (WIB)	Dennis Aseltyn	Mandatory Representative (Member #23)

IN LIEU OF ELECTION:

Board or Commission	Appointee	Category
Covelo Community Services District	Paula Kraegel	Short-Term Director
Mendocino City Community Services District	Harold Hauck	Short-Term Director
Mendocino City Community Services District	Sam Waldman	Long-Term Director
Mendocino Coast Recreation and Park District	Maryellen Sheppard	Long-Term Director
Mendocino Coast Recreation and Park District	Mary Cesario Weaver	Long-Term Director

T3-975

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

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

Board Directive: GENERAL CONSENSUS OF THE BOARD that staff is hereby directed to agendize a discussion regarding employee overpayment/underpayment contributions to the retirement plan, to be addressed during the joint meeting with the Retirement Board, scheduled for December 13, 2011.

Board Action: No action taken.

T1-2354

AGENDA ITEM NO. 6B – DISCUSSION AND POSSIBLE ACTION INCLUDING REVIEW, ADOPTION, AMENDMENT, CONSIDERATION OR RATIFICATION OF LEGISLATION PURSUANT TO THE ADOPTED LEGISLATIVE PLATFORM

Presenter/s: Ms. Kristi Furman, Deputy Chief Executive Officer.

Board Action: No action taken.

AGENDA ITEM NO. 8A – SUPERVISORS’ REPORTS

Presenter/s: Board members.

Board Directive: GENERAL CONSENSUS OF THE BOARD that staff is hereby directed to investigate the possibility of expanding the active employee health plan to include County retirees, with a report back to the Board of Supervisors at a future date to review the results of this inquiry.

Board Action: No action taken.

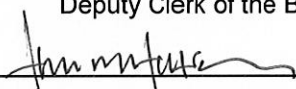
AGENDA ITEM NO. 14 – COMMUNICATIONS RECEIVED AND FILED

- (a) U.S. Fish and Wildlife Service: Notice of proposal to designate approx. 12,157 acres of revised critical habitat for the federally endangered tidewater goby; Public comment on the proposed rule will be accepted until December 19, 2011; Requests for a public hearing must be made in writing and submitted to Public Comments Processing, Attn: FWS-R8-ES-2011-0085, Division of Policy and Directives Management, U.S. Wildlife Service, 4401 N. Fairfax Dr., Suite 222, Arlington, VA 22203, by December 5, 2011; Comments may also be submitted via email at www.regulations.gov (when prompted for keyword or ID, enter: FWS-R8-ES-2011-0085); Questions may be directed to: (805) 644-1766, ext. 372 or ext. 332
- (b) Protest of Non-Renewal of Agriculture Preserve Contract - Owners: Rodney and Brenda Carley
- (c) Protest of Non-Renewal of Agriculture Preserve Contract - Owner: Jacob Christfort
- (d) Protest of Non-Renewal of Agriculture Preserve Contract - Owners: Danny and Mary Sommers
- (e) Protest of Non-Renewal of Agriculture Preserve Contract - Owner: Mara Welker
- (f) Protest of Non-Renewal of Agriculture Preserve Contract - Owners: Nicola Miner and Robert Mailer Anderson
- (g) Protest of Non-Renewal of Agriculture Preserve Contract - Owners: Cloud Mountain Association
- (h) Protest of Non-Renewal of Agriculture Preserve Contract - Owners: Sally Jean Underwood and Philip Neil Grasso

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 4:41 P.M.

Attest: TIM MITCHELL
Deputy Clerk of the Board


KENDALL SMITH, Chair


TIM MITCHELL, Deputy Clerk of the Board

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