

CARRE BROWN  
First District

JOHN MCCOWEN  
Second District  
Vice-Chair

JOHN PINCHES  
Third District

KENDALL SMITH  
Fourth District  
Chair

DAN HAMBURG  
Fifth District

CARMEL J. ANGELO  
Chief Executive Officer/Clerk of the Board

JEANINE B. NADEL  
County Counsel

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# MENDOCINO COUNTY BOARD OF SUPERVISORS

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## AGENDA

### APRIL 5, 2011 – 9:00 A.M.

#### BOARD WORKSHOP (SEE SEPARATE AGENDA)

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 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 5)

Televised  
Board Meetings  
(See Page 5)

#### *Open Session*

(9:00 a.m.)

#### *Public Expression*

(Approximately 9:05 a.m. - See Page No. 5)

***Discussion and Direction to Staff Regarding Preparation of an Ordinance Regulating Single Use Carry Out Bags by Retail Establishments, and Request the Mendocino Solid Waste Management Authority (MSWMA) to Authorize the MSWMA General Manager to Assist in Preparing the Appropriate Environmental Documentation***

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

***Discussion and Possible Action Regarding Appointments to an Advisory Committee to Adjust Supervisorial District Boundaries for the County of Mendocino***

(Approximately 10:00 a.m. - See Item No. 10b)

#### *Adjourn to Closed Session*

(Approximately 11:30 a.m. - Followed by Lunch Recess)

***Reconvene for Afternoon Session & Report Out from Closed Session***

(Approximately 1:30 p.m.)

***Discussion and Possible Action Regarding Recommendations from the Mendocino County Fish and Game Commission, Related to the Recommended Disbursement of Funds from the Fish and Wildlife Propagation Fund for the 2010/2011 Project Cycle***

(Approximately 1:30 p.m. - See Item No. 8b)

***Informational Update from the Sheriff on the Sheriff's Office Deficit as Requested by the Board of Supervisors***

(Approximately 2:00 p.m. - See Item No. 6b)

***Convene Board Workshop - Conference Room C***

(Approximately 2:30 p.m. - See Separate Workshop Agenda)

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 15, 2011 – Board Meeting
- Approval of Minutes of March 15, 2011 – Board Workshop
- Approval of Minutes of March 22, 2011 – Board Meeting

### 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 Regarding Board of Supervisors Compensation in Accordance with County Ordinance Section 3.04.071

### ITEM NO. 6 – DEPARTMENTAL MATTERS AND REPORTS

- (a) Director's Report and Countywide Storm Damage Update – Transportation
- (b) Informational Update from the Sheriff on the Sheriff's Office Deficit as Requested by the Board of Supervisors – Sheriff-Coroner

### 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

### ITEM NO. 8 – MISCELLANEOUS

- (a) Discussion and Direction to Staff Regarding Preparation of an Ordinance Regulating Single Use Carry Out Bags by Retail Establishments, and Request the Mendocino Solid Waste Management Authority (MSWMA) to Authorize the MSWMA General Manager to Assist in Preparing the Appropriate Environmental Documentation – Sponsors: Supervisors McCowen and Hamburg
- (b) Discussion and Possible Action Regarding Recommendations from the Mendocino County Fish and Game Commission, Related to the Recommended Disbursement of Funds from the Fish and Wildlife Propagation Fund for the 2010/2011 Project Cycle – Sponsored by Planning and Building Services



**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](http://www.co.mendocino.ca.us/bos)

- (a)
  - (a) Commission on the Status of Women (Various) (12)
  - (b) Building Appeals Board (Various) (7)
  - (c) Mental Health Board (Various) (4)
  - (d) Workforce Investment Board (Various) (8)
  - (e) Air Quality Management District Hearing Board (Various) (8)
  - (f) Cemetery District of Fish Rock (Director) (3)
  - (g) Mendocino County Forest Council (Public Member) (4)
  - (h) Laytonville Area Municipal Advisory Council (Member and Alternate) (4)
  - (i) Grievance Appeals Committee (Various) (3)
  - (j) In-Home Supportive Services Advisory Committee (Various) (2)
  - (k) Cemetery District of Hopland (Director) (1)
  - (l) Mendocino County Museum Advisory Board (Various) (4)
  - (m) Child Care Planning Council (Parent/Consumer Rep.) (1)
  - (n) Solid Waste Hearing Panel (Public Member, Technical Expert) (2)
  - (o) Indian Gaming Local Community Benefit Comm. (Various) (3)
  - (p) Developmental Disabilities Board – Area I (Member) (1)
  - (q) Mendocino County Archaeological Commission (Various) (3)
  - (r) Little River Airport Advisory Committee (Pilot) (1)
  - (s) Cemetery District of Westport-Ten Mile (Director) (1)
  - (t) Policy Council on Children and Youth (Various) (15)
  - (u) Gualala Municipal Advisory Council (Alternate, Public Member) (1)
  - (v) Health and Human Services Agency Advisory Board (Various) (3)
  - (w) Alcohol and Drug Abuse Advisory Board (Member) (1)
  - (x) Mendocino County Planning Commission (3<sup>rd</sup> District) (1)
  
- (b) Discussion and Possible Action Regarding Appointments to an Advisory Committee to Adjust Supervisorial District Boundaries for the County of Mendocino – Sponsor: County Counsel

**ITEM NO. 11 – CLOSED SESSION**

- (a) Sitting as the IHSS Public Authority Governing Board: Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiator – Agency Negotiators: Carmel J. Angelo, Teresa Haase, Stacey Cryer, MaryLou Leonard, Susan Era, and Fran Buchanan; Employee Organization(s): IHSS Providers
- (b) Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiator – Agency Negotiators: Carmel J. Angelo, Teresa 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 1010.*

- (a) State of California Fish and Game Commission Notice of Availability of Emergency Regulations Concerning Ocean Salmon Sport Fishing Adopted by the Commission on March 14, 2011; The Office of Administrative Law (OAL) Shall Allow Interested Persons Five Calendar Days to Submit Comments on the Proposed Emergency Regulations as Set Forth in Government Code Section 113449.6; In Order to be Considered, Public Comments on Proposed Emergency Regulations Must be Submitted in Writing to the Office of Administrative Law, 300 Capitol Mall, Room 1250, Sacramento, CA 95814; AND to the Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814, or Via Fax to (916) 653-5040, or Via E-Mail to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov); Comments Must Identify the Emergency Topic and May Address the Finding of Emergency, the Standards Set Forth in Sections 11346.1 and 11349.1 of the Government Code and Section 240 of the Fish and Game Code; Comments Must be Received Within Five Calendar Days of Filing of the Emergency Regulations; The Commission Anticipates Filing the Emergency Regulations with OAL on March 21, 2011; Please Refer to the OAL's Website ([www.oal.ca.gov](http://www.oal.ca.gov)) to Determine the Date on Which the Regulations are Filed with OAL
- (b) State of California Fish and Game Commission Notice of Proposed Emergency Regulatory Action Relating to Incidental Take ("Take" Being Defined as to Hunt, Pursue, Catch, Capture, or Kill, or Attempt to Hunt, Pursue, Catch, Capture, or Kill) of Mountain Yellow-Legged Frog; It is Anticipated that the Emergency Regulation will be Filed with the Office of Administrative Law (OAL) On or About March 28, 2011, After Which, the OAL Shall Allow Interested Persons Five Calendar Days to Submit Comments on the Proposed Emergency Regulations as Set Forth in Government Code Section 113449.6; In Order to be Considered, Public Comments on Proposed Emergency Regulations Must be Submitted in Writing to the Office of Administrative Law, 300 Capitol Mall, Room 1250, Sacramento, CA 95814; AND to the Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814, or Via Fax to (916) 653-5040, or Via E-Mail to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov); Comments Must Identify the Emergency Topic and May Address the Finding of Emergency, the Standards Set Forth in Sections 11346.1 and 11349.1 of the Government Code and Section 240 of the Fish and Game Code; Comments Must be Received Within Five Calendar Days of Filing of the Emergency Regulations; Please Refer to the OAL's Website ([www.oal.ca.gov](http://www.oal.ca.gov)) to Determine the Date on Which the Regulations are Filed with OAL
- (c) United States Department of the Interior Fish and Wildlife Service (Service) Notice of Publication of Proposed Rule Designating 28,261 Acres of Critical Habitat for the Pacific Coast Population of the Western Snowy Plover, Along the Shoreline of Washington, Oregon, and California; To View the Federal Register Rule, Visit [www.fws.gov/arcata/](http://www.fws.gov/arcata/); The Service is Seeking Comments and Information on All Aspects of this Proposed Rule, and will Accept Comments and Information Until May 23, 2011; Comments and Information can be Submitted Electronically to [www.regulations.gov](http://www.regulations.gov) (In the Box that Reads "Enter Keyword or ID," Enter the Docket Number FWS-R8-ES-2010-0070. Check the Box that Reads "Open for Comment/Submission," and then Click the Search Button. Look for an Icon that Reads "Submit a Comment."); If Submitting Comments by Hard Copy or Hand Delivery, Please Send them to: Public Comments Processing, Attn: Docket No. FWS-R8-ES-2010-0070, Division of Policy and Directives Management, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Suite 222, Arlington, VA 22203; The Deadline for Submission of a Final Revised Critical Habitat Designation to the Federal Register is June 5, 2012



**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 1010. 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 1010
- The Board of Supervisors' agenda is posted on the County of Mendocino website at: [www.co.mendocino.ca.us/bos](http://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 1010. 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](http://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](http://www.co.mendocino.ca.us/bos)

**ANNOUNCING EXPANDED ONLINE INFORMATION**

- **LIVE WEB STREAMING OF BOARD MEETINGS:** [www.uvctv.org](http://www.uvctv.org) (Requires Windows Media Player Version 9 – for Technical Assistance Please Contact Mendocino Access 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](http://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) Claim of Rachel Henderson
  - (b) Claim of Jamey Breinberg and Hooma Multani

The following items are recommended for approval:

**GENERAL GOVERNMENT**

- (2) Approval of Memorandum of Understanding Between the Superior Court of Mendocino County and the County of Mendocino for Fiscal Year 2010/2011 – Auditor/Controller
- (3) Adoption of Resolution Approving Adoption of Policy No. 48, Acceptance of Gifts – County Counsel
- (4) Authorization of the Formation of an Ad Hoc Committee to Negotiate Terms of a Memorandum of Understanding with the Pinoleville Pomo Nation Relating to Their Proposed Casino Development and Gaming Venture – County Counsel
- (5) Adoption of Proclamation in Recognition of Carl Purdy's 150<sup>th</sup> Birth Year in 2011 – Museum

**HEALTH AND HUMAN SERVICES**

- (6) Adoption of Proclamation for Susan Era's Retirement from the Health and Human Services Agency of Mendocino County After 26 Years of Service – Health and Human Services Agency
- (7) Approval of Amendment to Agreement #SS-S10-049 with Mendocino Coast Hospitality Center, Inc. to Increase Funding by \$21,870 to Provide Homeless Resource Services and Extreme Weather Shelter Management in Fiscal Year 2010/2011 – Health and Human Services Agency/Adult and Older Adult System of Care
- (8) Approval of Agreement with Chabot-Las Positas Community College District (Pleasanton, CA) in the Amount of \$315,219 to Provide Evidence Based Training for Foster Care Providers, Group Home Staff, and County Staff Serving Mendocino County's Federally IV-E Eligible Children for Fiscal Year 2010/2011 – Health and Human Services Agency/Children and Family System of Care
- (9) Approval of Certification Statement for Children's Medical Services (CMS) Programs for Fiscal Year 2010/2011, Child Health and Disability Prevention (CHDP) Program; and California Children's Services (CCS) – Health and Human Services Agency/Community Health Services
- (10) Approval of Revenue Agreement with Anderson Valley Unified School District for Mendocino County Alcohol and Other Drug Programs (AODP) in the Amount of \$99,972.78 to Provide On-Site Services at Anderson Valley Middle and High Schools – Health and Human Services Agency/Community Health Services

**PUBLIC RESOURCES**

- (11) Adoption of Resolution Accepting an Irrevocable Offer of Dedication for a 60 Foot Wide Strip of Land for Roadway and Public Utility Easement Purposes Along the Westerly Boundary of the Property Subject to Minor Subdivision No. CDMS 12-04 (Mendocino Area) – Transportation



**PUBLIC RESOURCES – CONTINUED**

- (12) Adoption of Resolution Approving Department of Transportation Agreement No. 110025 with the Federal Aviation Administration (FAA) for Operation and Maintenance of an Automated Weather Observation System (AWOS A/V) at Little River Airport (Little River Area) – Transportation
- (13) Adoption of Resolution Authorizing Department of Transportation to Agree to Designation of Various County Maintained Roads as Indian Reservation Roads in Conjunction with the United States Department of Interior, Bureau of Indian Affairs (BIA) for Potter Valley Tribe Projects (Potter Valley Area) – Transportation
- (14) Approval of Correspondence to State Organizations and Government Officials Opposing AB 720 (Hall) – Transportation

**SUPERVISORS**

- (15) Approval of Letter of Support for Senate Bill 726 (Berryhill/La Malfa) Fire Suppression: Fire Sprinkler System – Supervisors Hamburg and McCowen



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The following items are recommended for approval:

- (1) Approval of the Design of the Air Quality Management District's Proposed New Seal (Logo) and Authorization for the District to Incorporate the New Seal on All Appropriate District Documents