



MENDOCINO COUNTY BOARD OF SUPERVISORS
ACTION MINUTES – JULY 12, 2011

MENDOCINO COUNTY BOARD OF SUPERVISORS

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

BOARD RESOURCE INFORMATION:

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

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

WEBSITE: WWW.CO.MENDOCINO.CA.US/BOS

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BOARD ACTION MINUTES (SEE LAST PAGE FOR MORE INFORMATION)

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

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

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

AGENDA ITEM NOS. 1 & 2 – OPEN SESSION, ROLL CALL, AND PLEDGE OF ALLEGIANCE (9:02 A.M.)

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

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

Pledge of Allegiance: Ms. Jacqueline Carvallo, SEIU. T1-37

PUBLIC EXPRESSION

Presenter/s: Ms. Dorothy Wheeler; Ms. Susan Everett; Mr. Walter H. Waterbury; Mr. Donald Howard; Ms. Joan M. Kostove; Mr. Dan Johnson; Mr. J.R. Rose; and Ms. Jacqueline Carvallo, SEIU.

Board Directive: GENERAL CONSENSUS OF THE BOARD hereby directs staff to agendize a discussion and possible action regarding a mobile home rent control ordinance. T1-659

AGENDA ITEM No. 3 – APPROVAL OF MINUTES

Presenter/s: Chair Smith.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Brown, and carried unanimously; IT IS ORDERED that the minutes of the June 14, 2011, Special Board Meeting, and June 21, 2011, Board Meeting, are approved as amended.

AGENDA ITEM No. 4 – CONSENT CALENDAR

Presenter/s: Consent Calendar item 4(9) removed for separate consideration.

Public Comment: Mr. Scott Schneider.

Board Action: Upon motion by Supervisor Pinches, seconded by Supervisor McCowen, and carried unanimously; IT IS ORDERED that Consent Calendar items 4(1-8 and 10-20) are approved/denied as follows:

- (1) Claims Against the County (a) Claim of Progressive Choice Insurance ASO Linda Lukas -- Denied; (b) Claim of Heidi Dewey-McKeown -- Denied;

AGENDA ITEM NO. 4 – CONSENT CALENDAR - CONTINUED

- (2) BOS 11-072 Adoption of Resolution Authorizing the Victim Witness Assistance Program and Approval of the Grant Application for Grant Period July 1, 2011 - June 30, 2012 – District Attorney -- Adopted and the Chair is authorized to sign same –

RESOLUTION NO. 11-100

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING VICTIM WITNESS ASSISTANCE PROGRAM

- (3) BOS 11-073 Approval of “Memorandum of Understanding for Security Services” Between the Superior Court of California, County of Mendocino and the County of Mendocino for the Mendocino County Sheriff’s Office to Provide Bailiff Services and Court Security to the Mendocino County Courthouse; Changing from Sheriff’s Lieutenant in Previous MOU to Sheriff or Sheriff’s Designee – Sheriff -- Approved and the Chair is authorized to sign same;
- (4) BOS 11-074 Approval of Memorandum of Understanding Between the Superior Court of Mendocino County and the County of Mendocino for Fiscal Year 2011-12 – Auditor-Controller -- Approved and the Chair is authorized to sign same;
- (5) Adoption of an Ordinance Repealing Mendocino County Code Sections 5.120.010-5.120.090, Pertaining to Jail Booking Fees on Local Public Agencies – Executive Office -- Adopted and the Chair is authorized to sign same –

ORDINANCE NO. 4279

ORDINANCE REPEALING MENDOCINO COUNTY CODE SECTIONS 5.120.010 THROUGH 5.120.090 (JAIL BOOKING FEES ON LOCAL PUBLIC AGENCIES) IN ITS ENTIRETY

- (6) BOS 11-075 Approval of Agreement with the Mendocino County Lodging Association for the Services, Activities, and Programs of the Mendocino County Lodging Business Improvement District (BID) – Executive Office -- Approved and the Chair is authorized to sign same;
- (7) BOS 11-076 Approval of Agreement with the Mendocino County Promotional Alliance (MCPA) for the Promotion and Marketing of Mendocino County, in an Amount Estimated at \$300,000 – Executive Office -- Approved and the Chair is authorized to sign same;
- (8) Approval of Letter in Opposition of SB 931 (Vargas) Relating to Public Employee Organizations, Which Would Limit Legal Counsel for Public Employers – Executive Office -- Approved;
- (10) BOS 11-077 Approval of Amendment to Agreement with Medco Health Solutions, Inc. in the Amount of Approximately \$7,000 (for Total Contract Amount of Approximately \$1,996,803) to Provide Prescription Claims Data to the County’s Health Plan Consultant for the Non-Medicare Eligible Retiree Health Plan as required by HHS for reimbursement through the Early Retiree Reinsurance Program (ERRP) – Human Resources -- Approved and the Chair is authorized to sign same;
- (11) Approval of Application for Camping for the Reggae on the River Outdoor Festival to be Held on July 17 and 18, 2011– Treasurer-Tax Collector -- Approved;
- (12) Approval of Application for Outdoor Festival Permit for the Art in the Redwoods/Gualala Arts, to be Located at 46501 Old State Highway, Gualala, to be Held on August 18 - 21, 2011 – Treasurer-Tax Collector -- Approved;
- (13) Approval of Application for Outdoor Festival Permit for the Mendocino Music Festival for July 2011, to be Held on July 9 - 23, 2011 – Treasurer-Tax Collector -- Approved;
- (14) BOS 11-078 Approval of USDA Wildlife Services Annual Work Plan for Fiscal Year 2011-2012 for \$113,292.00 – Agriculture -- Approved and the Chair is authorized to sign same;

- (15) Acceptance of Annual Report on the Implementation of the Housing Element of the General Plan in Compliance with Government Code 65400 – Planning and Building Services -- Approved;
- (16) Approval of Corrective Grant Deed, Certificate of Acceptance and Declaration of Restrictions per Coastal Commission Request to Comply with Condition 20 of Appeal No. A-1-MEN-07-028 (Jackson-Grube Family, Inc.) – Planning and Building Services -- Approved;
- (17) BOS 11-079 through 11-093; Adoption of Resolution Approving Agreements for the Acquisition of Easements for Utilities Needed in Conjunction with Gualala Underground Utility District No. 10, Project No. UG06G01 (Gualala Area) – Transportation -- Adopted and the Chair is authorized to sign same –

RESOLUTION NO. 11-101

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING AGREEMENTS FOR THE ACQUISITION OF EASEMENTS FOR UTILITIES NEEDED IN CONJUNCTION WITH GUALALA UNDERGROUND UTILITY DISTRICT NO. 10, PROJECT NO. UG06G01 (GUALALA AREA)

- (18) BOS 11-094 Adoption of Resolution Approving Department of Transportation Agreement No. 110056, Allowing for Continued Groundwater Investigation and Monitoring Services with Shaw Environmental & Infrastructure, Inc. for Investigation and Remediation Work at the Covelo Corporation Yard, Former Underground Storage Tank (UST) Site (Round Valley Area) – Transportation -- Adopted and the Chair is authorized to sign same --

RESOLUTION NO. 11-102

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NO. 110056, ALLOWING FOR CONTINUED GROUNDWATER INVESTIGATION AND MONITORING SERVICES WITH SHAW ENVIRONMENTAL & INFRASTRUCTURE, INC. FOR INVESTIGATION AND REMEDIATION WORK AT THE COVELO CORPORATION YARD, FORMER UNDERGROUND STORAGE TANK (UST) SITE (ROUND VALLEY AREA)

- (19) Approval of Transmittal of a Letter to Mendocino County’s Legislative Representatives Requesting Reconsideration of the Federal Emergency Management Authority’s (FEMA) Denial of a Federal Declaration of Disaster Associated with the March 2011 Tsunami Incidents – Supervisor Smith -- Approved and the Chair is authorized to sign same;
- (20) Approval of Letter of Support of the Mendocino Land Trust’s Grant Application to the California Farmland Conservancy Program to Develop a Mendocino County Farmland Conservation Plan – Supervisor Smith – Approved and the Chair is authorized to sign same.

AGENDA ITEM NO. 4 – CONSENT CALENDAR – REMOVED FOR SEPARATE CONSIDERATION:

- 4(9) Ratification of Letter to Governor Brown in Support of AB 1265 (Nielsen) Reinstating the Williamson Act Alternative Funding Mechanism Previously Implemented by the Mendocino County Board of Supervisors Under the Provisions of SB 863 – Executive Office

Presenter/s: Supervisor McCowen.

Public Comment: Ms. Sue Ranochak, Assessor/Clerk Recorder.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Hamburg, and carried unanimously; IT IS ORDERED that the Board of Supervisors ratify the letter of support to Governor Brown, as executed by the Chair with direction given to staff to draft and send a follow-up letter with stronger language for either the signature of the Chair, or the signature of the Assessor and Ag Commissioner.

**AGENDA ITEM NO. 6E – OFF AGENDA ITEM – HEALTH AND HUMAN SERVICES AGENCY/MENTAL HEALTH PURSUANT TO GOVERNMENT CODE SECTION 54954.2
REQUESTING BOARD OF SUPERVISORS’ APPROVAL TO PURCHASE TWO (2) USED LEKTRIEVER AUTOMATED FILING SYSTEMS**

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

Board Action: Upon motion by Supervisor Pinches, 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 Action: Upon motion by Supervisor Pinches, seconded by Supervisor McCowen, and carried unanimously; IT IS ORDERED the Board of Supervisors hereby authorizes the purchase of the two (2) 8 ft. Lektriers to maintain efficiency in managing Mental Health client charts in a limited space.

T1-1307

AGENDA ITEM NO. 8A – ADOPTION OF PROCLAMATION RECOGNIZING INVASIVE WEED AWARENESS WEEK JULY 18 - JULY 22, 2011 – SPONSORS: SUPERVISORS SMITH AND HAMBURG

Presenter/s: Supervisors Smith and Hamburg.

Public Comment: Mr. Tony Linegar, Agricultural Commissioner, and Mr. Louis Bigfoot.

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor Brown, and carried unanimously; IT IS ORDERED that the Board of Supervisors adopts the proclamation recognizing Invasive Weed Awareness Week as July 18 through July 22, 2011, and authorize Chair to sign same.

T1-2108

AGENDA ITEM NO. 6D – PRESENTATION OF 2010 CROP REPORT – SPONSORING DEPARTMENT: AGRICULTURE

Presenter/s: Mr. Tony Linegar, Agricultural Commissioner.

Public Comment: Mr. Louis Bigfoot.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Brown, and carried unanimously; IT IS ORDERED that the Board of Supervisors receives the 2010 Crop Report Presentation.

T1-2715

AGENDA ITEM NO. 8B – DISCUSSION AND POSSIBLE ACTION ON A REPORT FROM GREG GIUSTI, UC COOPERATIVE EXTENSION FOREST ADVISOR, RELATED TO MARKET CONDITIONS IMPACTING THE COUNTY’S PLANNED FY 2011-12 TIMBER HARVEST AT THE LITTLE RIVER AIRPORT TIMBERLAND TRACT (LRA) – SPONSORING DEPARTMENT: EXECUTIVE OFFICE

Presenter/s: Mr. Greg Giusti, UC Cooperative Extension Forest Advisor.

Public Comment: Mr. John Sakowicz.

Board Action: Upon motion by Supervisor Pinches, seconded by Supervisor Hamburg, and carried unanimously; IT IS ORDERED that the Board of Supervisors directs staff to put the timber harvest on hold.

T2-990

AGENDA ITEM NO. 5A – CHIEF EXECUTIVE OFFICER REPORTS

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

Public Comment: Mr. John Sakowicz.

Board Action: No action taken.

Board Directive: BY ORDER OF THE CHAIR the Board will adjourn to lunch recess and reconvene in Open Session at approximately 1:30 P.M.

LUNCH RECESS: 11:25-1:36 P.M.

T2-1969

AGENDA ITEM NO. 8C – INFORMATIONAL PRESENTATION BY THE RENEWABLE ENERGY DEVELOPMENT INSTITUTE (REDI) ON THE NEW, STATEWIDE, “ENERGY UPGRADE CALIFORNIA” PROGRAM – SPONSORS: SUPERVISORS SMITH AND HAMBURG

Presenter/s: Supervisors Smith and Hamburg; and Mr. Keith Rutledge, REDI Programs Director.

Board Action: No action taken.

T3-99

AGENDA ITEM NO. 6A – DEPARTMENT OF TRANSPORTATION – DIRECTOR’S REPORT

Presenter/s: Mr. Howard Dashiell, Department of Transportation Director.

Board Action: No action taken.

T2-213

AGENDA ITEM NO. 6B – INFORMATIONAL PRESENTATION REGARDING THE CALPELLA COMMUNITY “MASTER PLAN” PREPARED BY DESIGN COMMUNITY AND ENVIRONMENTAL, INC. (CALPELLA AREA) – SPONSORING DEPARTMENT: TRANSPORTATION

Presenter/s: Mr. Howard Dashiell, Department of Transportation Director and Mr. John Hykes, Design Community & Environmental, Inc., Program Manager.

Public Comment: Ms. Lois Lockart and Ms. Kate Testa.

T3-1504

AGENDA ITEM NO. 10 – APPOINTMENTS TO BOARDS AND COMMISSIONS

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

Board or Commission	Appointee	Category
Cemetery District of Fish Rock	Patty Ferreira	Director
Cemetery District of Fish Rock	Molly Smith	Director
Child Care Planning Council	Bessie Glossenger	Parent/Consumer Representative
Community Development Commission	Les Tarr	Tenant Commissioner
In Home Supportive Services (IHSS) Advisory Committee	Eric L. George	Current or Former HHSA Recipient
In Home Supportive Services (IHSS) Advisory Committee	Jane Kardas	Current or Former HHSA Recipient
In Home Supportive Services (IHSS) Advisory Committee	Roberta King	Older Adult/Dependent Adult Advocate
Little River Airport Advisory Committee	Joseph W. Dalton	Pilot Representative
Mendocino Transit Authority	Jim Mastin	County B Representative
Policy Council on Children and Youth	Jim O. Brown	Probation Management
Potter Valley Cemetery District Board	Paige M. Poulos	Director

T3-1574

AGENDA ITEM NO. 6C – INFORMATIONAL PRESENTATION REGARDING UKIAH CROSSROADS “MASTER PLANNING” IN CONNECTION WITH 2010/2011 REDEVELOPMENT AGENCY WORK PLAN (UKIAH AREA) – SPONSORING DEPARTMENT: TRANSPORTATION

Presenter/s: Mr. Howard Dashiell, Department of Transportation Director; Mr. H. Ross Ainsworth, P.E., Omni-Means, Ltd., President; and Mr. Kamesh Vedula, Omni-Means, Ltd., Traffic Engineer 3.

Public Comment: Ms. Lois Lockart.

Board Action: No action taken.

T3-3397

AGENDA ITEM NO. 7A – SUPERVISORS REPORTS – ASSIGNED BOARDS, COUNCILS & COMMISSIONS / OTHER MEETINGS ATTENDED

AGENDA ITEM NO. 7B – SUPERVISORS REPORTS – STANDING COMMITTEES – CHAIR REPORTS

AGENDA ITEM NO. 7C – SUPERVISORS REPORTS – AD-HOC COMMITTEE REPORTS

Presenter/s: Chair Smith and fellow Board members.

Board Directive: BY ORDER OF THE CHAIR Supervisors Reports are hereby continued until after Closed Session.

Board Action: No action taken.

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

ADJOURNED TO CLOSED SESSION: 3:48 – 4:55 P.M.

AGENDA ITEM NO. 11A – SITTING AS THE IHSS PUBLIC AUTHORITY GOVERNING BOARD: PURSUANT TO GOVERNMENT CODE SECTION 54957.6 – CONFERENCE WITH LABOR NEGOTIATOR – AGENCY NEGOTIATORS: CARMEL J. ANGELO, STACEY CRYER, MARYLOU LEONARD, AND FRAN BUCHANAN; EMPLOYEE ORGANIZATION(S): IHSS PROVIDERS

AGENDA ITEM NO. 11B – PURSUANT TO GOVERNMENT CODE SECTION 54957.6 – CONFERENCE WITH LABOR NEGOTIATOR – AGENCY NEGOTIATORS: CARMEL J. ANGELO, MEREDITH FORD, AND RICK HAEG; EMPLOYEE ORGANIZATION(S): ALL

AGENDA ITEM NO. 11 – REPORT OUT OF CLOSED SESSION

Presenter: Chair Smith reported that the Board gave direction to staff.

Board Action: No action taken.

T4-400

AGENDA ITEM NO. 7A – CONTINUED - SUPERVISORS REPORTS – ASSIGNED BOARDS, COUNCILS & COMMISSIONS / OTHER MEETINGS ATTENDED

AGENDA ITEM NO. 7B – CONTINUED – SUPERVISORS REPORTS – STANDING COMMITTEES – CHAIR REPORTS

AGENDA ITEM NO. 7C – CONTINUED – SUPERVISORS REPORTS – AD-HOC COMMITTEE REPORTS

Presenter/s: Chair Smith and fellow Board members.

Public Comment: Ms. Terry Gross, Deputy County Counsel.

Board Directive: BY ORDER OF THE CHAIR staff is hereby directed to research, and provide to Supervisor Brown, the policy that the Board adopted regarding legislative advocacy platforms.

Board Action: No action taken.

AGENDA ITEM NO. 5B – DISCUSSION AND POSSIBLE ACTION INCLUDING REVIEW, ADOPTION, AMENDMENT, CONSIDERATION OR RATIFICATION OF LEGISLATION PURSUANT TO THE ADOPTED LEGISLATIVE PLATFORM

Presenter/s: No report presented.

Board Action: No action taken.

AGENDA ITEM NO. 12 – COUNTY COUNSEL

Presenter/s: No report presented.

Board Action: No action taken.

AGENDA ITEM NO. 13 – COMMUNICATIONS RECEIVED AND FILED

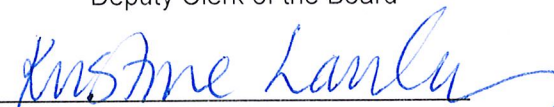
- (a) CalRecycle: Notice of Workshop Regarding Proposed AB 32 Mandatory Commercial Recycling Regulation; Workshop to be Held on Tuesday, July 19, 2011, from 1:30 P.M. Until 4:30 P.M. in the Byron Sher Auditorium Located at CalEPA, 1001 I Street, Sacramento, CA 95814 – Participation Via Webcast will be Available; Information is Available Online at: <http://calrecycle.ca.gov/Climate/Recycling/default.htm>
- (b) State of California Fish and Game Commission: Notice of Proposed Emergency Changes in Regulations; Readopted Section 749.6, Title 14, California Code of Regulations (CCR), Relating to Incidental Take of Mountain Yellow-Legged Frog During Candidacy Period; Contact State of California Fish and Game Commission for More Information: 1416 Ninth Street, Box 944209, Sacramento, CA 94244-2090; Telephone (916) 653-4899; Fax (916) 653-5040; Email: fgc@fgc.ca.gov
- (c) State of California Fish and Game Commission: Notice of Correction Regarding May 27, 2011, Notice of Proposed Regulatory Action Relating to Inspection of Facilities for Restricted Species; Updated and Associated Documents May be Found at: www.fgc.ca.gov/regulations/new/2011/proposedregs11.asp; The Location of the June 30, 2011, Meeting has been Changed to 110 W. Fremont Steet, Stockton, CA; The Proposed Adoption Hearing will be Held in Sacramento, CA; Contacts Regarding the Substance of the Proposed Regulations Include Jon Snellstrom, (916)653-4899 Re: Administrative Procedure Act, Lori Heier, (916)928-4665, Re: License and Permit Process, and Nicole Carion, (530)357-3986, Re: Substance/Funding of the Proposed Regulations

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 5:14 P.M.

(Tape End T4 -994)

Attest: KRISTINE LAWLER
Deputy Clerk of the Board


KENDALL SMITH, Chair



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- 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
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- To request an official record of a meeting of the Mendocino County Board of Supervisors, please contact the Clerk of the Board at (707) 463-4221
- 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

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