



MENDOCINO COUNTY BOARD OF SUPERVISORS
ACTION MINUTES – AUGUST 2, 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 (9:05 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: Mr. Carl Stenberg.

PUBLIC EXPRESSION

Presenter/s: Mr. Dan Grebil, Fire Chief, Ukiah Valley Fire District; Mr. Lee Howard; and Mr. Tony Shaw, Executive Director, Employers Council of Mendocino County.

Board Action: No action taken.

AGENDA ITEM No. 3 – APPROVAL OF MINUTES

Presenter/s: Chair Smith.

Board Directive: BY ORDER OF THE CHAIR the minutes of the June 26, 2011, meeting are hereby continued.

Board Action: No action taken.

T1-335

AGENDA ITEM No. 4 – CONSENT CALENDAR

Presenter/s: Consent Calendar item 4(12) removed for presentation.

Public Comment: Ms. Heidi Dickerson, Office of Congressman Mike Thompson; Mr. Bob Canclini, American Legion; Ms. Pat Meek, Assistant Director, Health and Human Resources; Ms. Judith Kayser, Librarian, Fort Bragg Library; Mr. Tom Naylor; and Mr. Chris Mahaffey.

Board Action: Upon motion by Supervisor Pinches, seconded by Supervisor McCowen, and carried unanimously; IT IS ORDERED that Consent Calendar items 4(1-16) are approved as follows:

- (1) Approval of Budget Transfers in the Amount of \$67,958 from Interoperable Emergency Communications Grant (IECGP) Funds, \$11,569 from Asset Forfeiture Funds, and \$11,250 from Public Health Budget Unit 4016, to Assist in the Purchase and Installation of Two (2) Law Enforcement and Three (3) Emergency Medical Service Repeaters/Receivers – Sheriff -- Approved;

- (2) BOS 10-089 A1 Approval of Extension of Agreement with Court Appointed Special Advocate of Mendocino County (CASA) for Advocacy Services – Collections -- Approved and the Chair is authorized to sign same;
- (3) Authorization of the Discharge from Accountability, the Accounts with Debt Over 10 Years Old or Determined Non-Collectible, Comprised of Fines, Penalties, Fees, and Assessments, as the Cost of Recovery Exceeds that of Collection – Collections -- Approved;
- (4) Adoption of Resolution Authorizing Submittal of a \$700,000 Application to the California State Department of Housing and Community Development (HCD) for Funding Under the Home Investment Partnerships (HOME) Program; Further Authorizing the Execution of a Standard Agreement and Other Documents Necessary to Participate in the Program – Executive Office -- Adopted and the Chair is authorized to sign same –

RESOLUTION NO. 11-110

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE HOME INVESTMENT PARTNERSHIPS PROGRAM; AND IF SELECTED, THE EXECUTION OF A STANDARD AGREEMENT, ANY AMENDMENTS THERETO, AND OF ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE HOME INVESTMENT PARTNERSHIPS PROGRAM.

- (5) Approval of Modification to the Board of Supervisors 2011 Master Meeting Schedule, Adding an Additional Board of Equalization Meeting – Executive Office -- Approved;
- (6) Approval of Waiver of Board Policy Regarding the Professional Training Requirement for the Alternate Member Position to the Mendocino County Archaeological Commission, and the Appointment of Ms. Lois Lockart to the Archaeological Commission – Executive Office -- Approved;
- (7) Approval of Waiver of Board Policy Regarding the Registered Voter Requirement for the Appointment to the Workforce Investment Board (WIB), and Appointment of Ms. Ann Everett-Contronco to the Workforce Investment Board – Executive Office -- Approved;
- (8) BOS 11-102 Approval of Agreement with HealthyRoads, Inc. in the Amount Not to Exceed \$137,475 Annually, to Provide Wellness Services in Conjunction with the County’s Current Wellness Program to Employees and Non-Medicare Eligible Retirees; and Establishment of Monitoring/Reporting System of Wellness-Based Incentives to the County’s Health Plans Effective July 1, 2011 – Human Resources -- Approved and the Chair is authorized to sign same;
- (9) Acceptance of the June 30, 2011, Report of Mendocino County Pooled Investments – Treasurer-Tax Collector -- Approved;
- (10) BOS 11-103 Approval of Agreement with Elaine Buxton, FNP, in the Amount of \$120,000, to Provide Medication Monitoring Services in the Ukiah, Willits and Fort Bragg Area for Mental Health Clients in Fiscal Year 2011/2012 – Health and Human Services Agency/Mental Health Services -- Approved and the Chair is authorized to sign same;
- (11) BOS 11-104 Approval of Agreement with John Garratt, MD, in the Amount of \$98,800, to Provide Psychiatric Services in Ukiah and Fort Bragg in Fiscal Year 2011/2012 – Health and Human Services Agency/Mental Health Services -- Approved and the Chair is authorized to sign same;
- (12) Adoption of Proclamation Honoring Carl Stenberg in His Retirement from the Health and Human Services Agency (HHSA) of Mendocino County, Veterans Services – Supervisor Smith -- Adopted and the Chair is authorized to sign same;

- (13) Adoption of Resolution Pursuant to CalTrans/California Highway Patrol’s Joint Policy Guidelines for Special Events on State Conventional Highways in Order to Obtain a Permit from Caltrans for the Elk Volunteer Fire Department’s “Great Day in Elk” Parade, to be Held in Elk, California, on Saturday, August 20, 2011 – Supervisor Hamburg -- Adopted and the Chair is authorized to sign same –

RESOLUTION NO. 11-111

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS PURSUANT TO CALTRANS/CALIFORNIA HIGHWAY PATROL’S JOINT POLICY GUIDELINES FOR SPECIAL EVENTS ON STATE CONVENTIONAL HIGHWAYS IN ORDER TO OBTAIN A PERMIT FROM CALTRANS FOR THE ELK VOLUNTEER FIRE DEPARTMENT’S “GREAT DAY IN ELK” PARADE, TO BE HELD IN ELK, CALIFORNIA, ON SATURDAY, AUGUST 20, 2011

- (14) Approval of Letter of Support Endorsing the Broadband Alliance of Mendocino County (BAMC) Joining Redwood Coast Connect (RCC) – Supervisor Hamburg -- Approved and the Chair is authorized to sign same;
- (15) Approval of Letter of Support for SB 668 (Evans); Creating a Means for Public Agencies and Non-Profit Organizations to Replace State Contributions to Counties Allowing Continuation of the Williamson Act Subvention Program – Supervisor Smith -- Approved and the Chair is authorized to sign same;
- (16) Approval of Letter of Support for the Brooktrails Fire Department’s Grant Application to the Assistance to Firefighters Grant (AFG) Program – Supervisor Pinches -- Approved and the Chair is authorized to sign same.

T1-828

AGENDA ITEM NO. 5 – PRESENTATION ON THE IMPACTS OF ABX1 26 AND ABX1 27, DISCUSSION AND POSSIBLE ACTION TO INTRODUCE AND WAIVE THE READING OF AN ORDINANCE PROVIDING FOR THE REINSTATEMENT AND CONTINUATION OF THE POWERS OF THE REDEVELOPMENT AGENCY OF THE COUNTY OF MENDOCINO

Presenter/s: Ms. Carmel J. Angelo, Chief Executive Officer and Mr. Steve Dunicliff, Economic Development Coordinator.

Public Comment: Mr. J.R. Rose.

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor Brown, and carried unanimously; IT IS ORDERED that the Board of Supervisors Introduces and waives the reading of the Ordinance providing for the reinstatement and continuation of the powers of the Redevelopment Agency of the County of Mendocino.

T1-1616

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

Presenter/s: Chair Smith referenced the written report previously transmitted by Mr. Howard Dashiell, Transportation Director.

Board Action: No action taken.

T1-1741

AGENDA ITEM NO. 6B – GENERAL SERVICES AGENCY – DIRECTOR’S MID-YEAR REPORT

Presenter/s: Chair Smith referenced the written report previously transmitted by Ms. Kristin McMenomey, General Services Agency Director.

Board Action: No action taken.

T1-1856

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: Board members.

Board Action: No action taken.

T1-3136

AGENDA ITEM NO. 5A – CHIEF EXECUTIVE OFFICER’S REPORT

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

Board Action: No action taken.

T2-495

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.

T2-500

AGENDA ITEM NO. 10 – APPOINTMENTS TO BOARDS AND COMMISSIONS

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

Board or Commission	Appointee	Category
County Commission on Medical Care	Raymond T. Hino	Public Representative
In-Home Supportive Services	Maria Brook	Current/Former IHSS Recipient
Archaeological Commission	Allison C. Scott	Native American Representative

Board Directive: BY ORDER OF THE CHAIR the Board will adjourn to Closed Session followed immediately by lunch recess and will reconvene in Open Session at 1:30 p.m.

ADJOURNED TO CLOSED SESSION: 10:51 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. 11C – PURSUANT TO GOVERNMENT CODE SECTION 54956.9C – CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION: TWO CASES

AGENDA ITEM NO. 11D – PURSUANT TO GOVERNMENT CODE SECTION 54957 – PUBLIC EMPLOYEE PERFORMANCE EVALUATION – PUBLIC DEFENDER

RECONVENED IN OPEN SESSION: 1:35 P.M.

T2-520

AGENDA ITEM NO. 11A – REPORT OUT OF CLOSED SESSION

Presenter: County Counsel reported that with respect to initiation of litigation, the Board took action to direct Supervisor McCowen to draft a letter to the Board of Forestry that will be signed by the Chair. The letter will express the concerns of the Board relative to the implementation of the fire suppression fee. Motion by Supervisor Brown, seconded by Supervisor McCowen, approved unanimously.

Board Action: No action taken.

AGENDA ITEM NO. 12 – COUNTY COUNSEL

Presenter/s: No report presented.

Board Action: No action taken.

T2-550

AGENDA ITEM NO. 8A – CONTINUED PUBLIC HEARING – 1:30 P.M.: PUBLIC HEARING TO REVIEW THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) AND UKIAH VALLEY AREA PLAN (UVAP) DOCUMENTS, AND TO CERTIFY THE FEIR AND ADOPT THE UVAP, FINDINGS AND CONSIDERATIONS, AND STATEMENT OF OVERRIDING CONSIDERATIONS BY RESOLUTION – SPONSORING DEPARTMENT: PLANNING AND BUILDING SERVICES (CONTINUED FROM JUNE 21, 2011)

Presenter/s: Mr. Nash Gonzalez, Planning and Building Services, Director; Mr. Roger Mobley, Planning and Building Services, Chief Planner; and Mr. Leonard Charles, Leonard Charles & Associates, Consultant.

Public Comment: Mr. Jared G. Carter; Ms. Susan Knopf; Mr. Tony Shaw, Executive Director, Employers Council of Mendocino County; Mr. Jeffery Hoffman, Attorney, Rural California Legal Assistance; Mr. Jack Cox; Ms. Pinky Kushner; Ms. Mary Anne Miller; Ms. Linda Sanders, Friends of Gibson Creek; Mr. Andrew Nicoll; and Mr. John Mayfield.

RECESS: 3:22 – 3:34 P.M.

Final Public Comment: Mr. Tony Shaw, Executive Director, Employers Council of Mendocino County; Ms. Pinky Kushner; and Ms. Mary Ann Miller.

NOTICED PUBLIC HEARING IS CLOSED AT 3:40 P.M.

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor McCowen, and carried (3/2, with Supervisors Brown and Pinches dissenting); IT IS ORDERED that the Board of Supervisors:

- Certifies the Ukiah Valley Area Plan (UVAP) Environmental Impact Report (EIR), incorporating language changes to the last sentence of the first paragraph of page 16 of the *Ukiah Valley Area Plan Mitigation Monitoring and Reporting Program* so that it reads:

“Allow or consider allowing the following uses within any River Corridor area (as defined in program OC1.1a), but does not apply to existing or historic natural resources including agricultural uses.”

- Adopts the required Findings of Fact pursuant to Public Resources Code Section 21000, et.seq., and Sections 15092, 15093, and 15097 of the CEQA Guidelines, Title 14 California Code of Regulations 15000, et. seq., associated with the adoption of the UVAP as a component of the Mendocino County General Plan, including adoption of the Statement of Overriding Considerations in support of the Final Environmental Impact Report (FEIR) based on the information contained in the FEIR (which includes comments on the Draft EIR, Response to Comments on the Draft EIR, and all other public comments, response to comments, and staff reports included in the public record); and
- Adopts the Mitigation Monitoring and Reporting Plan (MMRP) pursuant to Section 21081.6 of the Public Resources Code.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Hamburg, and carried (4/1, with Supervisor Pinches dissenting); IT IS ORDERED that the Board of Supervisors adopts the Ukiah Valley Area Plan (UVAP) including the recommended land use map changes as stated in the staff report.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor McCowen, and carried unanimously; IT IS ORDERED that the Board of Supervisors authorizes staff to initiate re-zonings for the four UVAP map change areas, 25, 29, 32, and 37, necessary to meet the housing settlement agreement and the re-zonings for the Calpella Sewage Treatment Plant and the Grace Hudson School.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Hamburg, and carried (3/2, with Brown and Pinches dissenting); IT IS ORDERED that the Board of Supervisors authorizes Building and Planning Services staff to accept General Plan amendment applications within the boundaries of the Ukiah Valley Area Plan (UVAP) understanding that the UVAP is a dynamic evolving document that will periodically require revisions and updates.

RECESS: 4:32 – 4:43 P.M.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Hamburg, and carried (3/2, with Supervisors Brown and Pinches dissenting); IT IS ORDERED that the Board of Supervisors directs that the re-zonings, other than the UVAP map changes 25, 29, 32, 37 necessary to meet the housing settlement agreement which includes the Calpella Sewage Treatment Plant site and the Grace Hudson School site, will go through the normal process at the land owners expense.

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

ADJOURNED TO CONTINUED CLOSED SESSION: 4:43 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. 11C – PURSUANT TO GOVERNMENT CODE SECTION 54956.9C – CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION: TWO CASES

AGENDA ITEM NO. 11D – PURSUANT TO GOVERNMENT CODE SECTION 54957 – PUBLIC EMPLOYEE PERFORMANCE EVALUATION – PUBLIC DEFENDER

RECONVENED IN OPEN SESSION: 5:25 P.M.

AGENDA ITEM NO. 11A – REPORT OUT OF CLOSED SESSION

Presenter: Chair Smith reported that in regards to labor negotiations, direction was given to staff.

AGENDA ITEM NO. 13 – COMMUNICATIONS RECEIVED AND FILED

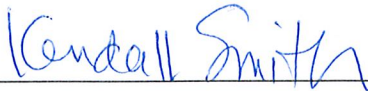
State of California Fish and Game Commission, Notice of Change of Date of Discussion and/or Adoption Hearing for: Sections 300, 311, and 472, Title 14, Re: Resident & Migratory Upland Game Hunting, *Discussion and Possible Adoption of Proposed Changes*; Section 502, Title 14, Re: Migratory Game Bird (Waterfowl) Regulations for 2011-2012, *Discussion and Possible Adoption of Proposed Changes*; Sections 2.10, 7.50(b)(1), 27.65 and 29.80, Title 14, Re: Sport Fishing for 2011-2012, *Discussion and Possible Adoption of Proposed Changes*; Sections 671.1, 671.8 and 703, Title 14, Re: Inspection of Facilities for Restricted Species, *Discussion and Possible Adoption of Proposed Changes*; Sections 163 and 164, Title 14, Re: Harvest of Herring and Herring Eggs, *Discussion of Proposed Changes (Adoption Scheduled for September 15, 2011 Meeting in Redding)*; the Above-Referenced Rulemakings, Originally Scheduled for August 4, 2011, will be Heard on August 3, 2011, at the State of California Resources Agency Building Auditorium, 1416 Ninth Street, Sacramento, California, at 8:30 a.m.; the Public may Present Oral Comments at the Meeting, or may Send Comments by Mail to the Address Above, or by Email to fgc@fgc.ca.gov State of California Fish and Game Commission, Notice of Proposed Regulatory Action Relative to Sections 163 and 164, Title 14, California Code of Regulations, Relating to the Commercial Herring Fishery; Notice is Given that Any Person Interested May Present Statements, Orally or in Writing, at a Hearing to be Held at the State of California Resources Agency Building Auditorium, 1416 Ninth Street, Sacramento, California, on Thursday, August 4, 2011, at 8:30 a.m., or as Soon Thereafter as the Matter may be Heard; Additionally, Any Person Interested may Present Statements, Orally or in Writing, at a Hearing to be Held at the Red Lion Hotel, 830 Hilltop Drive, Redding, California; Written Comments Mailed, Faxed, or Emailed to the Commission Office, Must be Received Before 5:00

AGENDA ITEM NO. 13 – COMMUNICATIONS RECEIVED AND FILED - CONTINUED

p.m. on September 12, 2011; All Comments Must be Received No Later Than September 15, 2011, at the Hearing in Redding; Written Comments may be Sent to Jon K. Fisher, Deputy Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, or by Fax to (916) 653-5040, or by Email to fgc@fgc.ca.gov

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 5:25 P.M.

Attest: KRISTINE LAWLER
Deputy Clerk of the Board


KENDALL SMITH, Chair


KRISTINE LAWLER

NOTICE: PUBLISHED MINUTES OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS MEETINGS

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- 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