



MENDOCINO COUNTY BOARD OF SUPERVISORS
ACTION MINUTES – SEPTEMBER 20, 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)

REGULAR MEETING SPECIAL SESSION PLANNING MATTERS

AGENDA ITEM No. 1 – OPEN SESSION (9:04 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 Mr. Tim Mitchell, Deputy Clerk of the Board.

Pledge of Allegiance: Ms. Beverly Dutra.

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

ADJOURNED TO CLOSED SESSION: 9:05 A.M.

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

AGENDA ITEM No. 12B – PURSUANT TO GOVERNMENT CODE SECTION 54957.6 - CONFERENCE WITH LABOR NEGOTIATOR - AGENCY NEGOTIATORS: CARMEL J. ANGELO, PAT MEEK, MEREDITH FORD, AND RICK HAEG; EMPLOYEE ORGANIZATION(S): ALL

AGENDA ITEM No. 12C – PURSUANT TO GOVERNMENT CODE SECTION 54956.9(A) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: TANNA SLAVEN V. COUNTY OF MENDOCINO, MENDOCINO COUNTY SUPERIOR COURT CASE No. SCUK CVPO 10-56797

RECONVENED IN OPEN SESSION: 10:08 A.M.
 T1-38

AGENDA ITEM No. 12 – REPORT OUT OF CLOSED SESSION

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

Board Action: Counsel Nadel reported that no action was taken in regards to labor. With respect to item no. 12(c), the Board approved a settlement in the case of SLAVEN v. COUNTY OF MENDOCINO - motion by Supervisor Pinches, seconded by Supervisor Hamburg, and carried unanimously.

AGENDA ITEM No. 3 – PUBLIC EXPRESSION

Presenter/s: None.

Board Action: No action taken.

AGENDA ITEM NO. 5 – CONSENT CALENDAR

Presenter/s: Chair Smith.

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

- a) Certification of the August 30, 2011, City of Point Arena Recall Election – Assessor/Clerk-Recorder -- Approved;
- b) Adoption of Proclamation in Memory of U.S. Navy Seal and Mendocino County Resident, Jesse Pittman, Who Lost His Life While Fighting for His Country in Afghanistan – Supervisor Pinches -- Adopted and the Chair is authorized to sign same;
- c) Adoption of Resolution Accepting and Approving the Amendment to the Cooperation and Repayment Agreement between the County and the Redevelopment Agency of the County of Mendocino (Agency), and Taking Related Actions – Executive Office -- Adopted and the Chair is authorized to sign same;

RESOLUTION NO. 11-131

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ACCEPTING AND APPROVING THE SECOND AMENDMENT TO THE COOPERATION AND REPAYMENT AGREEMENT BETWEEN THE COUNTY AND THE REDEVELOPMENT AGENCY OF THE COUNTY OF MENDOCINO AND TAKING RELATED ACTIONS

- d) Adoption of Resolution Authorizing the Extension of the Mendocino County Abandoned Vehicle Abatement Program for an Additional Ten (10) Years – Planning and Building Services -- Adopted and the Chair is authorized to sign same;

RESOLUTION NO. 11-132

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE EXTENSION OF THE ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY UNTIL APRIL 30, 2022

- e) Approval of the Home Detention Policy as Per Penal Code Section 1203.016 – Sheriff-Coroner -- Approved;
- f) Authorization for the APCO to Sign the Memorandum of Understanding with the California Air Resources Board Regarding Implementation and Enforcement of the State Green House Gas Regulation Affecting Municipal Solid Waste Landfills in Mendocino County – Air Quality Management District -- Approved;
- g) BOS No. 99-289 A2 Adoption of Resolution Accepting and Approving the Work Plan for Fiscal Year 2011-2012, and the Second Amendment to the Cooperation and Repayment Agreement Between the County of Mendocino and the Redevelopment Agency of the County of Mendocino (Agency) – Redevelopment Agency of the County of Mendocino -- Adopted and the Chair is authorized to sign same.

RESOLUTION NO. 11-133

RESOLUTION OF THE AGENCY BOARD FOR THE REDEVELOPMENT AGENCY OF THE COUNTY OF MENDOCINO ACCEPTING AND APPROVING THE WORK PLAN FOR FISCAL YEAR 2011-12 AND THE SECOND AMENDMENT TO THE COOPERATION AND REPAYMENT AGREEMENT BETWEEN THE COUNTY OF MENDOCINO AND THE AGENCY AND TAKING RELATED ACTIONS

T1-130

AGENDA ITEM No. 7A – DISCUSSION AND POSSIBLE ACTION REGARDING ADOPTION OF RESOLUTION DIRECTING COUNTY COUNSEL TO DRAFT AN ORDINANCE PROHIBITING THE ESTABLISHMENT AND OPERATION OF NEW MEDICAL MARIJUANA DISPENSARIES WITHIN THE UNINCORPORATED AREAS OF THE COUNTY

Presenter/s: Ms. Jeanine B. Nadel, County Counsel.

SUPERVISOR HAMBURG RECUSED HIMSELF AT 10:10 A.M. DUE TO A POTENTIAL CONFLICT OF INTEREST

Public Comment: Ms. Terry Ryder McSweeney; Mr. Dave Dick; Mr. Tony Arnds; Mr. Earl Peterman; Ms. Colleen Schenck; Ms. Beverly Dutra; Ms. Joy Frazer; Mr. Eric Peterman; Ms. Susan Bridge-Mount; Ms. Victoria Center; Ms. Agnes Gamble; Ms. Donna Reilly; Ms. Shauna Espinoza; Ms. Laura Hamburg; Mr. Dave Kooyers; Mr. Neil Darling; Ms. Ellen Ingram Fontaine; Mr. Keith Gamble; Mr. Bill McEwen; Mr. Verge Belanger; Mr. Paul Hansbury; Mr. Mike Johnson; Ms. Pebbles Trippett; and Ms. Lynda McClure.

SUPERVISOR SMITH PASSED THE GAVEL TO SUPERVISOR MCCOWEN AT 10:54 A.M.

VICE-CHAIR MCCOWEN PRESIDING

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Smith, and carried (3/1, with Supervisor Pinches dissenting); IT IS ORDERED that the Board of Supervisors adopts the resolution directing County Counsel to draft an urgency ordinance prohibiting the establishment and operation of new medical marijuana dispensaries within the unincorporated areas of the County, and authorize the Chair to sign same.

SUPERVISOR MCCOWEN RETURNED THE GAVEL TO SUPERVISOR SMITH AT 11:13 A.M.

CHAIR SMITH PRESIDING

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Pinches, and carried (3/1, with Supervisor Brown dissenting); IT IS ORDERED that the Board action approving item 7(a) be reconsidered.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Smith, that the Board of Supervisors adopts the resolution directing County Counsel to draft an urgency ordinance prohibiting the establishment and operation of new medical marijuana dispensaries within the unincorporated areas of the County, and authorize the Chair to sign same.
(Second withdrawn; motion fails for lack of a second)

RECESS: 11:18 – 11:31 A.M.

SUPERVISOR HAMBURG RETURNED AT 11:31 A.M.

T1-2706

AGENDA ITEM No. 7B – DISCUSSION AND POSSIBLE ACTION REGARDING ADOPTION OF SUPERVISORIAL DISTRICT BOUNDARIES

Presenter/s: Ms. Jeanine B. Nadel, County Counsel; Ms. Sue Ranochak, Assessor/Clerk-Recorder; and Mr. Leif Farr, GIS Administrator.

Public Comment: Mr. Lee Edmondson and Ms. Lauren Sinnott.

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 adopts Supervisorial District Boundaries as identified in map “Modified A,” and directs Staff to prepare the appropriate ordinance.

Board Directive: BY ORDER OF THE CHAIR the Board will adjourn to a working lunch and continued Closed Session.

ADJOURNED TO CLOSED SESSION: 12:00 P.M.

AGENDA ITEM NO. 12D – PURSUANT TO GOVERNMENT CODE SECTION 54956.9C - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION: ONE CASE

RECONVENED IN OPEN SESSION: 1:33 P.M.

AGENDA ITEM NO. 12 – REPORT OUT OF CLOSED SESSION

Presenter: Chair Smith.

Board Action: Direction given to staff.

T2-410

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

Presenter/s: Ms. Carmel J. Angelo, Chief Executive Officer; Ms. Pauline Rantala, Administrative Analyst II; and Mr. Bob Beltrami, Department Information Technology Supervisor.

Board Action: No action taken.

T2-1155

AGENDA ITEM NO. 6B – DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING DEVELOPMENT OF THE 2012 LEGISLATIVE PLATFORM

Presenter/s: Ms. Carmel J. Angelo, Chief Executive Officer and Ms. Kristi Furman, Deputy Chief Executive Officer.

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor McCowen, and carried unanimously; IT IS ORDERED that the Board of Supervisors appoints Supervisors Brown and Hamburg to an ad-hoc committee to discuss the County of Mendocino's 2012 Legislative Platform, with recommendations to be submitted to the full Board for action within the next 90 days. Additionally, the Board requests that an update be presented approximately 45 days into the process.

T2-2555

AGENDA ITEM NO. 8A – SUPERVISORS' REPORTS

Presenter/s: Board members.

Board Action: No action taken.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 2:45 P.M.

Attest: TIM MITCHELL
Deputy Clerk of the Board


KENDALL SMITH, Chair



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