



MENDOCINO COUNTY BOARD OF SUPERVISORS
ACTION MINUTES – APRIL 28, 2009

MENDOCINO COUNTY BOARD OF SUPERVISORS

CARRE BROWN FIRST DISTRICT VICE-CHAIR

JOHN McCOWEN SECOND DISTRICT

JOHN PINCHES THIRD DISTRICT CHAIR

KENDALL SMITH FOURTH DISTRICT

J. DAVID COLFAX FIFTH DISTRICT

BOARD RESOURCE INFORMATION:

OFFICE: (707) 463-4221 FAX: (707) 463-4245

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

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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 (9:04 A.M.)

Present: Carre Brown, John McCowen (arriving at 9:06 a.m.), John Pinches, Kendall Smith, and J. David Colfax. Chair Pinches presiding.

Staff Present: Mr. Tom Mitchell, Chief Executive Officer; Ms. Jeanine B. Nadel, County Counsel; and Ms. Kristi Furman, Clerk of the Board.

Pledge of Allegiance: Ms. Carmel Angelo, Director, Health and Human Services Agency.

T1-30

PUBLIC EXPRESSION

Presenter/s: Dr. Marvin Trotter, Public Health Officer, and Ms. Carmel Angelo, Director, Health and Human Services Agency.

Board Action: No action taken.

T1-232

AGENDA ITEM NO. 3 – APPROVAL OF MINUTES

Presenter/s: Chair Pinches.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Smith, and carried unanimously; IT IS ORDERED that the minutes of the March 23, 2009, Special Session, are approved as amended.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Smith, and carried unanimously; IT IS ORDERED that the minutes of the April 20, 2009, Special Session, and the April 21, 2009, Joint Meeting, are approved as presented.

Board Member Directive: BY ORDER OF THE CHAIR the minutes of the April 21, 2009, Board meeting, are hereby continued.

T1-290

AGENDA ITEM NO. 4 – CONSENT CALENDAR

Presenter/s: Consent Calendar item no. 4(2) removed for separate consideration.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor McCowen, and carried unanimously; IT IS ORDERED that Consent Calendar item nos. 4(1 and 3-11) are approved as follows:

- (1) Adoption of Resolution Authorizing the Submittal of an Application to the California Department of Insurance for a Program for Investigation and Prosecution of Workers' Compensation Insurance Fraud – District Attorney -- Adopted and the Chair is authorized to sign same --

RESOLUTION NO. 09-081

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF INSURANCE FOR A PROGRAM FOR INVESTIGATION AND PROSECUTION OF WORKERS' COMPENSATION INSURANCE FRAUD

- (3) Acceptance of the General Government Committee's Report Regarding Review of the Howard Hospital Project and Explanation of its Status Relative to Federal Economic Stimulus Funds Thereby Clearing the Item from Committee – General Government Committee -- Approved;
- (4) Acceptance of the General Government Committee's Report Relative to the Issue of Transportation Permit Regulation/Fees Issued by the Department of Transportation Thereby Clearing the Item from Committee (See Companion Consent Calendar item No. 11) – General Government Committee -- Approved;
- (5) Acceptance of the General Government Committee's Report Regarding Sonoma County Land Rights Coalition's Request for the Board of Supervisors to Take a Position of Support Relative to AB 268 Thereby Clearing the Item from Committee – General Government Committee -- Approved;
- (6) BOS 09-061 Approval of Agreement with The Queenstone Group, LLC, for Hospital Preparedness Program/LEMSA (Local Emergency Medical Services Agency) for \$52,650; and Authorize the Health and Human Services Agency Director or Designee to Sign Any Future Amendments to the Agreement That Do Not Affect the Annual Maximum Allowable Amount Authorized by the Board of Supervisors – Health and Human Services Agency/Community Health Services Branch -- Approved and the Chair is authorized to sign same;
- (7) BOS 09-062A BOS 09-063A Approval of Amendments to Expand Funding to Agreements with Ukiah Community Center, Inc., and Willits Community Services, Inc., to Provide Intensive Case Management for Homeless Individuals Identified as Having Substance Abuse and Mental Health Issues; and Authorize the Health and Human Services Agency Director or Designee to Sign Any Future Amendments to the Agreement That Do Not Affect the Annual Maximum Allowable Amount Authorized by the Board of Supervisors – Health and Human Services Agency/Adult and Older Adult System of Care -- Approved and the Chair is authorized to sign same;
- (8) BOS 09-064 Approval of Agreement for \$656,478, with TLC Child and Family Services to Provide Emergency Shelter Care for Children Placed by Health and Human Services Agency (HHSA) - Children and Family System of Care (CFSOC); and Authorize the HHSA Director or Designee to Sign Any Future Amendments to the Agreement That Do Not Affect the Annual Maximum Allowable Amount Authorized by the Board of Supervisors – Health and Human Services Agency/Children and Family System of Care -- Approved and the Chair is authorized to sign same;
- (9) BOS 09-065 Approval of Employment Development Department Agreement for \$61,291 to Provide Job Development Services for CalWORKs Participants; and Authorize the Social Services Branch Director to Sign Any Future Amendments to the Agreement That Do Not Affect the Annual Maximum Allowable Amount Authorized by the Board of Supervisors – Health and Human Services Agency/Social Services Branch -- Approved and the Chair is authorized to sign same;

- (10) Adoption of Resolution for Authorization to Advertise for Bids, Department of Transportation Agreement No. 090075, Solid Waste and Recycling Container Service at the Laytonville Solid Waste Transfer Station (Laytonville Area) – Transportation -- Adopted and the Chair is authorized to sign same --

RESOLUTION NO. 09-082

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS FOR AUTHORIZATION TO ADVERTISE FOR BIDS, DEPARTMENT OF TRANSPORTATION AGREEMENT NO. 090075 SOLID WASTE AND RECYCLING CONTAINER SERVICE AT THE LAYTONVILLE SOLID WASTE TRANSFER STATION (LAYTONVILLE AREA)

- (11) Adoption of Resolution Authorizing the Director of Transportation (County Road Commissioner) to Issue Transportation Permits for Extra Legal (Over Size, Over Weight) Loads Pursuant to Section 35796 of the California Vehicle Code and Post County Structures in Accordance with Caltrans Structural Evaluations – Transportation – Adopted and the Chair is authorized to sign same;

RESOLUTION NO. 09-083

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO, STATE OF CALIFORNIA, AUTHORIZING THE DIRECTOR OF TRANSPORTATION (COUNTY ROAD COMMISSIONER) TO ISSUE TRANSPORTATION PERMITS FOR EXTRA LEGAL (OVER SIZE, OVER WEIGHT) LOADS PURSUANT TO SECTION 35796 OF THE CALIFORNIA VEHICLE CODE AND POST COUNTY STRUCTURES IN ACCORDANCE WITH CALTRANS STRUCTURAL EVALUATIONS

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

- (2) **Approval of Amendment to the Board of Supervisors 2009 Master Meeting Schedule – Clerk of the Board -- Approved as amended;**

**Presenter/s:** Mr. Tom Mitchell, Chief Executive Officer; Ms. Kristi Furman, Clerk of the Board.

**Board Action:** Upon motion by Supervisor Brown, seconded by Supervisor McCowen, and carried unanimously; IT IS ORDERED that the Board of Supervisors approves the amendment of the 2009 Master Meeting Scheduling, rescheduling the August 11, 2009, off-site meeting date to August 18, 2009, and as further amended to add a Board meeting on June 2, 2009, directing staff to proceed with arrangements for the meeting to be held at the Fort Bragg Town Hall, and further directing staff to revise and redistribute the amended schedule.

**AGENDA ITEM NO. 5A – LEGISLATIVE REPORT**

**Presenter/s:** Chair Pinches referenced a written report previously distributed to the Board.

**Board Action:** No action taken.

T1-440

**AGENDA ITEM NO. 5B – BUDGET OFFICER REPORT**

**Presenter/s:** No report presented.

**Board Action:** No action taken.

**AGENDA ITEM NO. 5C – CHIEF EXECUTIVE OFFICER REPORT AND ECONOMIC STIMULUS ACTION PLAN UPDATE**

**Presenter/s:** Mr. Tom Mitchell, Chief Executive Officer, and Ms. Alison Glassey, Assistant Chief Executive Officer.

**Board Action:** No action taken.

T1-650

**AGENDA ITEM NO. 5D – INTRODUCE AND WAIVE THE READING OF AN ORDINANCE AMENDING SECTION 3.04.075 EXPENSE REIMBURSEMENT FOR SUPERVISORS (UNDER MENDOCINO COUNTY CODE TITLE 3 PERSONNEL, CHAPTER 3.04 PERSONNEL AND SALARY); AND REMOVING SECTION 2.04.070 TRAINING AND SUPERVISORS-ELECT (UNDER TITLE 2 ADMINISTRATION, CHAPTER 2.04 IN GENERAL)**

**Presenter/s:** Ms. Alison Glassey, Assistant Chief Executive Officer; Ms. Jeanine B. Nadel, County Counsel; and Mr. Tom Mitchell, Chief Executive Officer.

**Board Action:** Upon motion by Supervisor McCowen, seconded by Supervisor Brown, and carried unanimously; IT IS ORDERED that the Board of Supervisors introduces and waives the reading of an ordinance amending Sections 3.04.075 Expense Reimbursement for Supervisors (under Mendocino County Code Title 3 Personnel, Chapter 3.04 Personnel and Salary) as amended to include language at the end of the last sentence in paragraph no. 2 “, *including for supervisors-elect,*” and removing Section 2.04.070 Training and Supervisors-Elect (under Title 2 Administration, Chapter 2.04 in General).

T1-1090

**BOS 09-066A AGENDA ITEM NO. 7B – DISCUSSION AND POSSIBLE ACTION INCLUDING APPROVAL OF \$15,833 AGREEMENT AMENDMENT WITH ENTRIX (CONCORD, CA) FOR A “CHANNEL CAPACITY ASSESSMENT” OF THE MILL CREEK STREAM CHANNEL SEGMENT WITHIN MILL CREEK PARK, NEAR TALMAGE (CONTINUED FROM APRIL 21, 2009)**

**Presenter/s:** Chair Pinches and Mr. Roland Sanford, General Manager, Mendocino County Water Agency.

**Public Comment:** Mr. John Graff.

**Board Action:** Upon motion by Supervisor Brown, seconded by Supervisor Colfax, and carried (3/2, with Supervisors McCowen and Pinches dissenting); IT IS ORDERED that the Board of Supervisors approves and authorizes the Chair to sign the \$15,833 contract amendment with Entrix for a “Channel Capacity Assessment” of the Mill Creek stream channel segment within Mill Creek Park, near Talmage.

*THE BOARD OF SUPERVISORS WILL NOW CONVENE AS THE MENDOCINO COUNTY WATER AGENCY*

T1-2000

**AGENDA ITEM NO. 9(1A) – WATER AGENCY GENERAL MANAGER’S REPORT – MENDOCINO COUNTY WATER AGENCY**

**Presenter/s:** Mr. Roland Sanford, General Manager, Mendocino County Water Agency.

**Public Comment:** Mr. Sean White, representing the Russian River Flood Control District; Mr. Will Carson, representing Millview County Water District; and Mr. John Graff, representing the Employers Council of Mendocino County.

**Board Member Directive:** BY ORDER OF THE CHAIR staff is hereby directed to follow-up with the Ukiah Valley Sanitation District and City of Ukiah regarding the plant upgrade and connections to facilitate access to treated wastewater.

**Board Member Directive:** GENERAL CONSENSUS OF THE BOARD to support the Board (drought-related) ad-hoc committee’s assistance in: facilitating representation at the May 6, 2009, SWRCB meeting in Sacramento regarding Sonoma County Water Agency’s Petition for Temporary Urgency Change; calling a meeting of water districts to finalize a drought action plan; pursuing the issues regarding the wastewater treatment plant, and gathering detailed information on the County’s regulatory authority with respect to the drought emergency and declaration of state of emergency, directing that the matter be scheduled before the Board on May 12, 2009.

**Board Action:** No action taken.

*THE BOARD OF SUPERVISORS WILL NOW RECONVENE AS THE BOARD OF SUPERVISORS*

*RECESS: 10:52 – 11:03 A.M.*

T2-620

**AGENDA ITEM NO. 5E – NOTICED PUBLIC HEARING – DISCUSSION AND POSSIBLE ACTION INCLUDING ADOPTION OF A RESOLUTION CONFIRMING THE FISCAL YEAR 2009/2010 ANNUAL REPORT OF THE MENDOCINO COUNTY LODGING BUSINESS IMPROVEMENT DISTRICT (BID), THEREBY LEVYING AN ANNUAL ASSESSMENT FOR THE BID IN FISCAL YEAR 2009/2010**

**Presenter/s:** Mr. Steve Dunnicliff, County Executive Office.

**Public Comment:** Ms. Jan Rodriguez, Baechtel Creek Inn, and President, Lodging Association, also reading a statement by Ms. Judy Randall, Randall Travel Marketing; Mr. Jeff Stanford; Ms. Gail Brodkey, Fort Bragg inn owner; and Ms. Jo Bradley, past president, Lodging Association.

**Board Action:** Upon motion by Supervisor Smith, seconded by Supervisor Colfax, and carried unanimously; IT IS ORDERED that the Board of Supervisors adopts a resolution confirming the Fiscal Year 2009-2010 Annual Report of the Mendocino County Lodging Business Improvement District (BID) thereby levying an annual assessment for the BID in Fiscal Year 2009-2010, authorizing the Chair to sign same --

RESOLUTION NO. 09-084

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS CONFIRMING THE 2008-2009 ANNUAL REPORT OF THE MENDOCINO COUNTY LODGING BUSINESS IMPROVEMENT DISTRICT (BID), THEREBY LEVYING AN ANNUAL ASSESSMENT FOR THE MENDOCINO LODGING BID FOR FISCAL YEAR 2009/2010

T2-1140

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

**Presenter/s:** Chair Pinches referenced the written report previously transmitted by Mr. Howard Dashiell, Transportation Director; Mr. Tom Mitchell, Chief Executive Officer.

**Board Action:** No action taken.

T2-1220

**AGENDA ITEM NO. 6B – PRESENTATION, DISCUSSION, AND POSSIBLE ACTION REGARDING PROGRAM AND FISCAL UPDATE ON THE MENDOCINO COUNTY EMPLOYEE HEALTH PLAN – HUMAN RESOURCES/BENEFITS ADMINISTRATION**

**Presenter/s:** Ms. Sue Goodrick, Human Resources Manager, Benefits Administration.

**Board Action:** No action taken.

T2-1630

**AGENDA ITEM NO. 6C – PRESENTATION, DISCUSSION, AND POSSIBLE ACTION INCLUDING ADOPTION OF PROCLAMATION DESIGNATING APRIL 2009 AS “CHILD ABUSE PREVENTION MONTH” IN MENDOCINO COUNTY – SPONSORING DEPARTMENT: HEALTH AND HUMAN SERVICES AGENCY/CHILDREN AND FAMILY SERVICES SYSTEM OF CARE ON BEHALF OF POLICY COUNCIL ON CHILDREN AND YOUTH/CHILD ABUSE PREVENTION COMMISSION**

**Presenter/s:** Ms. Carmel Angelo, Health and Human Services Director; Ms. Camille Schraeder, Redwood Children’s Services; Ms. Laura Welter, Director, Coast Safe Passage Resource Center in Fort Bragg, and guest speakers Ms. Randi Timberlake, and her son, Grey Gherghetta Timberlake.

**Board Action:** Upon motion by Supervisor Brown, seconded by Supervisor Smith, and carried unanimously; IT IS ORDERED that the Board of Supervisors adopts the proclamation as presented, authorizing the Chair to sign same.

T2-2340

**AGENDA ITEM NO. 7A – COMMITTEE REPORTS/SUPERVISORS REPORTS**

**Presenter/s:** Board members.

**Board Action:** No action taken.

**AGENDA ITEM No. 12A – CONTINUATION OF DISCUSSION AND POSSIBLE ACTION/DIRECTION REGARDING A REFERRAL OF THE “MENDOCINO COUNTY TOMORROW” PROPOSED BALLOT INITIATIVE TO COUNTY STAFF OR OTHER AGENCIES FOR A REPORT PURSUANT TO ELECTIONS CODE §9111**

**Presenter/s:** Ms. Jeanine B. Nadel, County Counsel; Mr. Nash Gonzalez, Director, Planning and Building Services.

**Board Action:** Upon motion by Supervisor McCowen, seconded by Supervisor Smith, and carried (4/1, with Supervisor Pinches dissenting); IT IS ORDERED that the Board of Supervisors directs that the matter be continued to May 12, 2009.

**Board Member Directive:** BY ORDER OF THE CHAIR the Board will adjourn for lunch recess and will reconvene at approximately 1:30 p.m., in the Farm Advisor’s Conference Room, for a joint meeting with the Mendocino County Board of Retirement.

*LUNCH RECESS: 12:30 – 1:34 P.M.*

*RECONVENED FOR JOINT MEETING WITH THE MENDOCINO COUNTY BOARD OF RETIREMENT: 1:34 – 4:05 P.M. (SEE SEPARATE MINUTES).*

*RECONVENED IN CLOSED SESSION (CONTINUED FROM APRIL 27, 2009, SPECIAL SESSION): 4:10 P.M.*

**CONTINUED FROM MONDAY, APRIL 27, 2009, SPECIAL CLOSED SESSION:**

**AGENDA ITEM No. 2F – SITTING AS THE MENDOCINO COUNTY WATER AGENCY BOARD OF DIRECTORS: PURSUANT TO GOVERNMENT CODE SECTION 54957 – PUBLIC EMPLOYEE PERFORMANCE EVALUATION – WATER AGENCY GENERAL MANAGER**

*RECONVENED IN OPEN SESSION: 4:52 P.M.*

**REPORT OUT FROM CLOSED SESSION**

**Presenter/s:** Chair Pinches reported that no action was taken in Closed Session.

**Board Action:** No action taken.

**AGENDA ITEM No. 13 – COMMUNICATIONS RECEIVED AND FILED**

- (a) State Water Resources Control Board: Notice of Adoption Hearing, Proposed Amendments to the California Ocean Plan; Hearing to be Held June 16, 2009, at 10:00 a.m., at Cal/EPA Headquarters Building, Coastal Hearing Room, 1001 I Street, 2nd Floor, Sacramento, CA; Contact Emily Siegel at (916) 341-7338 (esiegel@waterboards.ca.gov) or Maria Garcia at (916) 341-5526; Current 2005 Ocean Plan is available at [http://www.waterboards.ca.gov/water\\_issues/programs/ocean/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/ocean/index.shtml)
- (b) Pacific Gas and Electric (PG&E) Company: WaveConnect Project Update and Notice of Community Workshop, May 18, 2009, 6:00 p.m., Dana Gray Elementary School Auditorium, 1197 East Chestnut Street, Fort Bragg, CA 95437
- (c) Pacific Gas and Electric (PG&E) Company Potter Valley Hydroelectric Project, No. 77:
  - Federal Energy Regulatory Commission (FERC): Letter Order Authorizing PG&E to Proceed with Installation of the Potter Valley Powerhouse Flow Bypass System, and File the As-Built Drawings of the System within 60 Days Pursuant to Article 52 Under P-77; View Issuance at [http://elibrary.FERC.gov/idmws/file\\_list.asp?accession\\_num=20090421-0195](http://elibrary.FERC.gov/idmws/file_list.asp?accession_num=20090421-0195)
  - Federal Energy Regulatory Commission (FERC): Letter Order Accepting PG&E April 4, 2009 Filing of the 2008 Fish Screen Operations Report Pursuant to Article 58; View Issuance at [http://elibrary.FERC.gov/idmws/file\\_list.asp?accession\\_num=20090421-0189](http://elibrary.FERC.gov/idmws/file_list.asp?accession_num=20090421-0189)
- (d) California Department of Parks and Recreation: News Release Announcing Second Annual Spring Glass Beach Clean Up, Saturday, May 2, 2009, 10:00 a.m. to 1:00 p.m.; Contact Fred Andrews, State Park Interpreter at (707) 961-0471 for Additional Information

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS CONCLUDED THEIR REGULAR BUSINESS SESSION AT 12:30 P.M.; RECONVENED IN A JOINT SPECIAL SESSION WITH THE MENDOCINO COUNTY BOARD OF RETIREMENT AT 1:34 P.M., AT THE FARM ADVISOR'S CONFERENCE ROOM, 890 NO. BUSH STREET, UKIAH (SEE SEPARATE JOINT SESSION MINUTES); AND FURTHER RECONVENED IN CLOSED SESSION (CONTINUED FROM APRIL 27, 2009, SPECIAL SESSION) FROM 4:10 - 4:52 P.M.

(Tape End T3-655)

Attest: KRISTI FURMAN  
Clerk of the Board

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JOHN PINCHES, Chair

Draft

**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 Ukiah Valley Community Television: [www.uvctv.org/onair](http://www.uvctv.org/onair) (Requires Windows Media Player (Version 9+). If technical assistance is needed, please contact Ukiah Valley Community 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](http://www.co.mendocino.ca.us/bos)
- 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](http://www.co.mendocino.ca.us/bos)

*Thank you for your interest in the proceedings of the Mendocino County Board of Supervisors*