

CARRE BROWN
1st District Supervisor
Chair

JOHN MCCOWEN
2nd District Supervisor

TOM WOODHOUSE
3rd District Supervisor

DAN GJERDE
4th District Supervisor
Vice-Chair

DAN HAMBURG
5th District Supervisor

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



DOUGLAS L. LOSAK
Interim County Counsel

COUNTY ADMINISTRATION CENTER
501 Low Gap Road, Room 1010
Ukiah, CA 95482
(707) 463-4441
Fax (707) 463-5649
cob@co.mendocino.ca.us

MENDOCINO COUNTY BOARD OF SUPERVISORS

AGENDA

REGULAR MEETING
APRIL 21, 2015 – 9:00 AM

BOARD CHAMBERS, ROOM 1070, COUNTY ADMINISTRATION CENTER

Following the posting of the Agenda, all agenda item supporting documentation, including any material submitted to the Clerk after distribution of the Agenda packet, is available for public review through the Executive Office, 501 Low Gap Road, Room 1010, Ukiah, CA 95482 during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday.

Persons wishing to file documentation on any agenda item for the official record must submit ten (10) copies of each document to the Executive Office.

Members of the public are advised that all cell phones or electronic devices are to be silenced upon entering the Board Chambers.

TIMED ITEMS

Please note that all times provided are considered approximate.

- 9:30 a.m.:** Approval of Letter to the State Water Resources Control Board Urging the Application of Directive 26 in the Governor's Executive Order B-29-15 in Order to Preserve Water Storage in Lake Mendocino (See Item No. 7a)
- 10:30 a.m.:** Noticed Public Hearing - Discussion and Possible Adoption of Resolution Approving A_2014-0010 (Rosati) for the Rescission and Simultaneous Reentry of Agricultural Preserve #407 to be Replaced by a Newly Reconfigured Preserve and Contracts of Like Acreage; Assessor Parcel Number's 049-330-22, 049-350-33, -35, and -39, Located in the Yorkville Area (See Item No. 5d)
- 11:00 a.m.:** Noticed Public Hearing - Adoption of a Resolution Adopting an Initial Study/ Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program in Compliance with California Environmental Quality Act Requirements for the Replacement of Bridge No. 10C0123 on Sherwood Road, CR 311, M.P. 5.52 over Rowes Creek (Willits Area) (See Item No. 5f)
- 1:30 p.m.:** Discussion and Possible Action Regarding Fire Safety in Mendocino County (Including Presentations from County Fire Chiefs) (Sponsors: Supervisors Hamburg and Woodhouse) (See Item No. 6b)

1. OPEN SESSION

- (a) Roll Call
- (b) Pledge of Allegiance

2. PROCLAMATIONS

Items in this section are automatically adopted unless specifically pulled by a Supervisor. Proclamations may be presented or commented on as needed.

- (a) [Adoption of Proclamation Recognizing May 2015 as Mental Health Month in Mendocino County \(Sponsor: Health and Human Services Agency\)](#)
- (b) [Adoption of Proclamation Recognizing April 21, 2015 as National Service Recognition Day in Mendocino County \(Sponsor: Health and Human Services Agency\)](#)
- (c) [Adoption of Proclamation Designating May 3-10, 2015 as National Correctional Officers' and Employees Week Honoring the Correctional Staff of the Mendocino County Sheriff's Office \(Sponsor: Sheriff's Office\)](#)
- (d) [Adoption of the Proclamation Recognizing April 19-25, 2015 as Victims' Rights Week in Mendocino County \(Sponsor: District Attorney\)](#)
- (e) [Adoption of Proclamation Recognizing April 28, 2015, as Workers' Memorial Day in Mendocino County \(Sponsors: Supervisors McCowen and Brown\)](#)

3. PUBLIC EXPRESSION

Members of the public are welcome to address the Board on items not listed on the agenda, but 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. 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. 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. If you wish to submit written comments, please provide 10 copies to the Executive Office staff, located in the County Administration Center, Room 1010. All meetings are tape-recorded, so speakers are reminded to announce their names as they approach the podium.

4. CONSENT CALENDAR

The Consent Calendar is considered routine and non-controversial and will be acted upon by the Board at one time without discussion. Any Board member may request that any item be removed from the Consent Calendar for individual consideration.

See section at the end of this document for the full listing of Consent items

5. COUNTY EXECUTIVE OFFICE AND DEPARTMENTAL MATTERS

EXECUTIVE OFFICE

- (a) **Chief Executive Officer's Report**

(Available Online at: <http://www.co.mendocino.ca.us/administration/CEORReports.htm>)

Recommended Action/Motion: Accept the report of the Chief Executive Officer.

- (b) **Discussion and Possible Action Including Review, Adoption, Amendment, Consideration or Ratification of Legislation Pursuant to the Adopted Legislative Platform**

Recommended Action/Motion: Provide directions to staff on matters of legislation.

HUMAN RESOURCES

- (c) **Adoption of Resolution Approving the Memorandum of Understanding Between the County of Mendocino and the Mendocino County Law Enforcement Management Association for the Term of July 1, 2014 through June 30, 2017; and Approval of Associated Sideletter of Agreement (Sponsors: Human Resources and Executive Office)**

Recommended Action/Motion: Adopt the Resolution and approve Memorandum of Understanding between the County of Mendocino and the Mendocino County Law Enforcement Management Association for the term of July 1, 2014 through June 30, 2017; approve associated Sideletter of Agreement and authorize Chair to sign same..

PLANNING AND BUILDING SERVICES

- (d) **Noticed Public Hearing - Discussion and Possible Adoption of Resolution Approving A 2014-0010 (Rosati) for the Rescission and Simultaneous Reentry of Agricultural Preserve #407 to be Replaced by a Newly Reconfigured Preserve and Contracts of Like Acreage; Assessor Parcel Number's 049-330-22, 049-350-33, -35, and -39, Located in the Yorkville Area**

Recommended Action/Motion: Adopt Resolution approving A_2014-0010 (Rosati) for the rescission and simultaneous reentry of Agricultural Preserve #407 to be replaced by a newly reconfigured preserve and contracts of like acreage, Assessor Parcel Number's 049-330-22, 049-350-33, -35, and -39, finding the request to be consistent with the General Plan and Mendocino County Code Sections 22.08.020, and authorize the Chair to sign same.

- (e) **Informational Update on the Status of the Mendocino Town Local Coastal Plan Amendment (LCPA) and Possible Direction or Consideration of Coastal Commission Comments Regarding the Submitted Mendocino Town LCPA**

Recommended Action/Motion: Accept the Mendocino Town LCPA status report and, as necessary, direct Planning and Building Services to respond to Coastal Commission comments regarding the LCPA.

TRANSPORTATION

- (f) **Noticed Public Hearing - Possible Adoption of a Resolution Adopting an Initial Study/ Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program in Compliance with California Environmental Quality Act Requirements for the Replacement of Bridge No. 10C0123 on Sherwood Road, CR 311, M.P. 5.52 over Rowes Creek (Willits Area)**

Recommended Action/Motion: Conduct public hearing, adopt Resolution adopting a Mitigated Negative Declaration for the replacement of Bridge No. 10C0123 on Sherwood Road, CR 311, M.P. 5.52 over Rowes Creek, authorize the Director of Transportation to file the Notice of Determination, and authorize Chair to sign the Resolution.

- (g) **Transportation Director's Report**

Recommended Action/Motion: Accept the report of the Transportation Director.

6. BOARD OF SUPERVISORS AND MISCELLANEOUS

- (a) **Supervisors' Reports Regarding Board Special Assignments, Standing and Ad Hoc Committee Meetings, and Other Items of General Interest**

- (b) **Discussion and Possible Action Regarding Fire Safety in Mendocino County (Including Presentations from County Fire Chiefs) (Sponsors: Supervisors Hamburg and Woodhouse)**

Recommended Action/Motion: Discuss and receive comments regarding fire safety in Mendocino County and provide direction as necessary.

- (c) **Discussion and Possible Adoption of a Resolution Regarding Fire Danger Presented by Dead Standing Timber on Forest Lands and to Request Commercial Timber Companies to Voluntarily Cease the Practice of Leaving Dead Standing Trees (Sponsor: Supervisor Hamburg)**

Recommended Action/Motion: Adopt Resolution requesting commercial timber companies, on a voluntary basis, to cease the practice of leaving dead standing trees on their property pending the completion of an independent fire danger analysis, and authorize the Chair to sign the same.

7. BOARD OF DIRECTORS MATTERS

The Mendocino County Board of Supervisors meets concurrently as the Board of Directors of the: In-Home Supportive Services Public Authority Governing Board; Mendocino County Air Quality Management District; Mendocino County Public Facilities Corporation; and the Mendocino County Water Agency.

- (a) **Approval of Letter to the State Water Resources Control Board Urging the Application of Directive 26 in the Governor's Executive Order B-29-15 in Order to Preserve Water Storage in Lake Mendocino (Sponsor: Water Agency)**

Recommended Action/Motion: Approve letter to the State Water Resources Control Board urging the application of Directive 26 in the Governor's Executive Order B-29-15 in order to preserve water storage in Lake Mendocino, and authorize the Chair to sign same.

8. MODIFICATIONS TO AGENDA

Items added to the agenda subsequent to agenda publication, up to 72 hours in advance of the meeting, pursuant to Government Code section 54954.

9. CLOSED SESSION

Notice to the public regarding closed session: As provided in the Ralph M. Brown Act, Government Code sections 54950 et seq., the Board of Supervisors may meet in closed session with members of its staff, County employees, and its attorneys. These sessions are not open to the public and may not be attended by members of the public. The matters the Board will meet on in closed session are identified below or are those matters appropriately identified in open session as requiring immediate attention and arising after the posting of the agenda. Any public reports of action taken in the closed session will be made in accordance with Government Code sections 54957.1.

- (a) **Pursuant to Government Code Section 54957.6 - Conference with Labor Negotiator - Agency Negotiators: Carmel J. Angelo, Randy Parent, Heidi Dunham, Alan Flora, Cherie Johnson, and Donna Williamson; Employee Organization(s): All**

- (b) Pursuant to Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Tergis and Ninaud v. County of Mendocino. Mendocino County Superior Court Case No. SCUk CVPT 15-65536
- (c) Pursuant to Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: Jana Miller, Individually and as Successor in Interest to David K. Miller, Deceased v. County of Mendocino, Leila Lamun; and Does One through Thirty, Inclusive. Mendocino County Superior Court Case No. SCUk CVPT 13-62425

10. COMMUNICATIONS RECEIVED AND FILED

Communications received and filed are retained by the Clerk throughout the Board proceedings. To review items described in this section, please contact the Executive Office staff in Room 1010.

- (a) State Water Resource Control Board - Notice of New 2015 Informational Order Demand Database related to new data on 2014 water right demands; for more information please refer to http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/analysis/.
- (b) State Fish and Game Commission - Notice of Proposed Emergency Action to Close all Fishing in the Sacramento River from 650 feet below Keswick Dam to the Highway 44 Bridge to Protect Endangered Winter-Run Chinook Salmon dated April 10, 2015; for more information please contact Sheri Tiemann at (916) 653-5040 or via email at fgc@fgc.ca.gov.
- (c) State Water Resource Control Board – Notice of Development of New Water Conservation Regulations Email Subscription List; for additional information please or refer to http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/emergency_mandatory_regulations.shtml or contact Jessica Bean via email at Jessica.bean@waterboards.ca.gov.
- (d) State Water Resource Control Board - Notice of order modifying a March 5, 2015 order regarding a petition for temporary urgency change filed by the California Department of Water Resources (DWR) and the United States Bureau of Reclamation requesting changes in the permit and license conditions of the State Water Project and the Federal Central Valley Project requiring compliance with Delta water quality objectives; for more information please contact Diane Riddle at (916) 341-5297 or via email at diane.riddle@waterboards.ca.gov.
- (e) California Department of Water Resources – March 1, 2015 Report regarding Water Conditions in California; for additional information please visit www.water.ca.gov.

4. CONSENT CALENDAR - CONTINUED

The Consent Calendar is considered routine and non-controversial and will be acted upon by the Board at one time without discussion. Any Board member may request that any item be removed from the Consent Calendar for individual consideration.

ITEMS RECOMMENDED FOR DENIAL/REJECTION:

CLAIMS AGAINST THE COUNTY

- (a) [Claim of Sue Knight](#)
- (b) [Claim of Julian Murphy](#)
- (c) [Claim of Dylan Swartout](#)

ITEMS RECOMMENDED FOR APPROVAL:

MINUTES

(d) [April 7, 2015 Regular Board Meeting](#)

BOARD OF SUPERVISORS

(e) [Approval of Letter of Support for Assembly Bill 1262 \(Wood\) – Telecommunications: Universal Service: California Advance Services Fund \(Sponsors: Supervisor Hamburg and Executive Office\)](#)

Recommended Action/Motion: Approve letter of support for AB 1262 and transmittal of letter to Government Officials concerning AB 1262. Authorize and direct the Chair to sign appropriate correspondence.

HEALTH AND HUMAN SERVICES AGENCY

(f) [Approval of Letter of Support to Congressman Huffman to Support Community Health Center Programs' Federal Funding](#)

Recommended Action/Motion: Approve the letter of support as presented; authorize the chair to sign same and execute letter on Board of Supervisors' letterhead. Return one (1) original and one (1) copy of signed letter to the Health and Human Services Agency.

(g) [Approval of Support Letter to Assembly Member Cheryl R. Brown, Chair, Assembly Committee on Aging and Long-Term Care for Funding for Aging and Long Term Care Programs](#)

Recommended Action/Motion: Approve the letter of support as presented; authorize the chair to sign same and execute letter on Board of Supervisors' letterhead. Return one (1) original and one (1) copy of signed letter to the Health and Human Services Agency.

HUMAN RESOURCES

(h) [Adoption of Resolution Authorizing Changes to the Position Allocation Table as Follows: Health and Human Services Agency, Budget Unit 5010; Delete One \(1\) FTE Office Assistant III; Add One \(1\) FTE Staff Services Analyst II](#)

Recommended Action/Motion: Adopt Resolution authorizing changes to the Position Allocation Table as follows: Budget Unit 5010; delete one (1) FTE Office Assistant III, add one (1) FTE Staff Services Analyst II, and authorize Chair to sign same.

TRANSPORTATION

(i) [Adoption of Resolution Approving Department of Transportation \(DOT\) Agreements \(for a Total Amount of \\$22,438.50\) with and Accepting Grant Deeds Conveying Real Property from Certain Landowners for the Acquisition of Rights of Way Needed for the Reconstruction and Widening Project of East Side Potter Valley Road, CR 240, from M.P. 2.46 to M.P. 6.42 \(Potter Valley Area\)](#)

Recommended Action/Motion: Adopt Resolution approving DOT Agreements (for a total amount of \$22,438.50) with and accepting Grant Deeds conveying Real Property from certain landowners for the acquisition of Rights of Way needed for the Reconstruction and Widening Project of East Side Potter Valley Road, CR 240, from M.P. 2.46 to M.P. 6.42, and authorize Chair to sign same.

(j) [Adoption of Resolution Approving Release of Contract Surety, Department of Transportation \(DOT\) Contract No. 130034, South State Street Bulb Outs on South State Street, CR 104A, M.P. 0.90 & M.P. 1.02 \(Ukiah Area\)](#)

Recommended Action/Motion: Adopt Resolution approving release of Contract Surety, Department of Transportation Contract No. 130034, South State Street Bulb Outs on South State Street, CR 104A, M.P. 0.90 & M.P. 1.02, and authorize Chair to sign same.

- (k) **Adoption of Resolution Approving Amendment No. 1 to Board of Supervisors (BOS) Agreement No. 14-107/Department of Transportation (DOT) Agreement No. 140006, Professional Services Agreement with SHN Consulting Engineers & Geologists, Inc., in the Amount of \$14,000, to Assist the County in Conforming with the New Stormwater Industrial General Permit (Laytonville and Gualala Areas)**

Recommended Action/Motion: Adopt Resolution approving Amendment No. 1 to BOS Agreement No. 14-107/DOT Agreement No. 140006, Professional Services Agreement with SHN Consulting Engineers & Geologists, Inc., in the amount of \$14,000, to assist the County in conforming with the new stormwater Industrial General Permit (Laytonville and Gualala Areas), and authorize Chair to sign same.

- (l) **Adoption of Resolution Approving Amendment No. 1 to Board of Supervisors (BOS) Agreement No. 14-108/Department of Transportation (DOT) Agreement No. 140071, Professional Services Agreement with SHN Consulting Engineers & Geologists, Inc., in the Amount of \$7,000, to Assist the County in Conforming with the New Stormwater Industrial General Permit (Caspar Area)**

Recommended Action/Motion: Adopt Resolution approving Amendment No. 1 to BOS Agreement No. 14-108/DOT Agreement No. 140071, Professional Services Agreement with SHN Consulting Engineers & Geologists, Inc., in the amount of \$7,000, to assist the County in conforming with the new stormwater Industrial General Permit (Caspar Area), and authorize Chair to sign same.

Additional Meeting Information for Interested Parties

- *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 Executive Office by calling (707) 463-4441 at least five days prior to the meeting*
- *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 Board Chambers. If you wish to submit documentation, please provide 10 copies to Executive Office staff, located in the Administration Center, Room 1010*
- *A copy of the Agenda Packet is available for public review in the Executive 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/departments.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*
- *LIVE WEB STREAMING OF BOARD MEETINGS: www.mendocinoaccess.org. For technical assistance, please contact Mendocino Access Television*
- *Please reference the departmental website to obtain additional resource information for the Board of Supervisors: www.co.mendocino.ca.us/bos*

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



**MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY**

BOARD AGENDA # 2(a)

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
- Agenda Summaries must be submitted no later than *noon* Monday, 15 days prior to the meeting date (along with electronic submittals)
- Send 1 complete original single-sided set and 1 photocopy set – Items must be signed-off by appropriate departments and/or Co. Co.
Note: If individual supporting document(s) exceed 25 pages each, or are not easily duplicated, please provide 10 hard-copy sets
- Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: bosagenda@co.mendocino.ca.us
- Electronic Transmission Checklist: Agenda Summary Records Supp. Doc. If applicable, list other online information below
- Executed records will be returned to the department within one week. *Arrangements for expedited processing must be made in advance*

TO: Board of Supervisors **DATE:** January 26, 2015

FROM: HHSa - BHRS MH **MEETING DATE:** April 21, 2015

DEPARTMENT RESOURCE/CONTACT: Stacey Cryer **PHONE:** 463-7774 Present On Call
Tom Pinizzotto **PHONE:** 472-2354 Present On Call

Consent Agenda Regular Agenda Noticed Public Hearing Time Allocated for Item: 10 min

■ **AGENDA TITLE: Adoption of Proclamation Recognizing May 2015 as Mental Health Month in Mendocino County**

■ **PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** The Board annually adopts a proclamation recognizing May as Mental Health Month. Previous Board Action April 23, 2013 Item 2d, May 6, 2014 Item 2g

■ **SUMMARY OF REQUEST:** May is recognized by the National Mental Health Association and the National Council for Community Behavioral Healthcare as Mental Health Month. Knowledge and education about mental illness and mental health concerns are the main focus of mental health professionals and advocates alike. Local proclamations assist in promoting the goal of awareness. Health and Human Services Agency (HHSa) Behavioral Health and Recovery Services (BHRS) requests that the Mendocino County Board of Supervisors proclaims May as Mental Health Month and support public outreach and education activities of HHSa BHRS during this period.

■ **SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:** N/A

■ **ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):**

FISCAL IMPACT:

Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
n/a	n/a	n/a	Yes <input type="checkbox"/> No <input type="checkbox"/>

■ **Grant Related:** yes no **If yes, is there a County match?** yes no **Amount:** n/a

■ **SUPERVISORIAL DISTRICT:** 1 2 3 4 5 All **VOTE REQUIREMENT:** Majority 4/5ths

■ **RECOMMENDED ACTION/MOTION:** Adopt and approve the Board Chair to sign proclamation recognizing May 2015 as Mental Health Month in Mendocino County.

■ **ALTERNATIVES:** Return to staff for alternative handling.

■ **CEO REVIEW (NAME):** Jill Martin, DCEO **PHONE:** 463-4441

RECOMMENDATION: Agree Disagree No Opinion Alternate Staff Report Attached

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____

RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____

PROCLAMATION
OF THE
MENDOCINO COUNTY BOARD OF SUPERVISORS
“RECOGNIZING MAY 2015 AS MENTAL HEALTH MONTH
IN MENDOCINO COUNTY”

WHEREAS, since 1949, Congress has officially recognized May as “Mental Health Month”; and

WHEREAS, serious mental illnesses such as major depression, bipolar disorder, schizophrenia, obsessive-compulsive disorder, severe anxiety disorders, borderline personality disorder, and post-traumatic stress disorder affects one in every four people annually, and touches almost every family in Mendocino County; and

WHEREAS, there is no health without mental health; and

WHEREAS, mental health is the underlying base for cognitive and communication skills, learning, emotional growth, resilience and self-esteem; and

WHEREAS, untreated mental illness is the leading cause of disability and suicide and imposes high costs on government in emergency medical care, long-term nursing home care, unemployment, housing and law enforcement, including juvenile justice, jail, prison and court costs; and

WHEREAS, mental health is critical for our personal vitality as well as that of our families, businesses, and communities; and

WHEREAS, the Mendocino County Health and Human Services Agency is committed to transforming the way mental health services are provided to include: evidenced based treatment, support, integration of mental health, substance use disorders and primary care services, early intervention with a help-first rather than fail-first approach and Community Wellness and Recovery Centers where clients can find hope, empowerment, personal responsibility, and a meaningful role in life; and

WHEREAS, Mendocino County individuals, non-profit and public agencies, and other organizations and entities will make continuing commitments to increase funding and help those suffering from mental illness; and

WHEREAS, proper treatment including integrated care management and peer services is a priority in Mendocino County to prevent unnecessary incarceration, hospitalizations and out of county placement, and to promote wellness and recovery; and

WHEREAS, it is imperative that we work to eradicate the stigma and discrimination associated with mental illness and work together with compassion to create a mental health system where access is easier, and services are more effective.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Mendocino, hereby proclaims May 2015, as:

“Mental Health Month in Mendocino County”

Dated: April 21, 2015

Carre Brown, Chair



MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA # 2(b)

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
- Agenda Summaries must be submitted no later than noon Monday, 15 days prior to the meeting date (along with electronic submittals)
- Send 1 complete original single-sided set and 1 photocopy set – Items must be signed-off by appropriate departments and/or Co. Co.
Note: If individual supporting document(s) exceed 25 pages each, or are not easily duplicated, please provide 10 hard-copy sets)
- Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: bosagenda@co.mendocino.ca.us
- Electronic Transmission Checklist: Agenda Summary Records Supp. Doc. If applicable, list other online information below
- Executed records will be returned to the department within one week. *Arrangements for expedited processing must be made in advance*

TO: Board of Supervisors DATE: April 7, 2015
 FROM: Health and Human Services Agency MEETING DATE: April 21, 2015
 DEPARTMENT RESOURCE/CONTACT: Stacey Cryer PHONE: 463-7774 Present On Call
 Consent Agenda Regular Agenda Noticed Public Hearing Time Allocated for Item: _____

■ AGENDA TITLE: Adoption of Proclamation Recognizing April 21, 2015 as National Service Recognition Day in Mendocino County

■ PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: None

■ SUMMARY OF REQUEST: The U.S. Conference of Mayors and the Corporation for National and Community Service celebrated its third annual National Service Recognition Day on Tuesday, April 7, 2015. Mendocino County will celebrate the day on April 21, 2015. The goals of the day are to highlight the impact of national service and thank individuals in AmeriCorps, VISTA, and SeniorCorps programs across the country.

In Mendocino County, we actively engage national service members and volunteers in efforts to address important community needs. Notable contributions made by national service volunteers and members in Mendocino County include:

- 12 Community HealthCorps members educating and encouraging healthy habits: Allison Greene, Simrun Bal, Brenda Mbaabu, Jessica Ruff, Diane Ruben, Allexandra Cislo, Jameson Laub, Alyssa Grams, Brooke Angel, Matthew Tunzi, Nazanin Sedehi, and Clay Ellenwood
- 3 AmeriCorps members providing school readiness activities: Tanya Ayala, Yasmin Acevedo, and Stephanie Zazueta
- 12 partner agencies supporting service member activities

MaryLou Leonard, Community HealthCorps Coordinator, will be present to accept the Proclamation along with some, if not all of the Community Health Corps and AmeriCorps members.

■ SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: n/a

■ ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):

FISCAL IMPACT:			
Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
n/a	n/a	n/a	Yes <input type="checkbox"/> No <input type="checkbox"/>

■ Grant Related: yes no If yes, is there a County match? yes no Amount: _____

■ SUPERVISORIAL DISTRICT: 1 2 3 4 5 All **VOTE REQUIREMENT:** Majority 4/5ths

■ RECOMMENDED ACTION/MOTION: Adopt and authorize the chair to sign Proclamation recognizing April 21, 2015 as National Service Recognition Day.

■ ALTERNATIVES: Return to staff for alternative handling.

■ CEO REVIEW (NAME): Jill Martin, DCEO PHONE: 463-4441

RECOMMENDATION: Agree Disagree No Opinion Alternate Staff Report Attached

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____

RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____

PROCLAMATION

OF THE

MENDOCINO COUNTY BOARD OF SUPERVISORS

RECOGNITION OF NATIONAL SERVICE DAY APRIL 21, 2015

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's cities and counties are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city and county needs; and

WHEREAS, AmeriCorps and Community HealthCorps address the most pressing challenges facing our cities, counties, and nation, from supporting parents in raising healthy children and educating students for the jobs of the 21st century to preserving the environment and improving the health of its citizens; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, national service participants serve in more than 70,000 locations across the country through a unique public-private partnership to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, FIRST 5 Mendocino and Alliance for Rural Community Health are deeply committed to the health and well-being of our community by using resources wisely through national service participants; and

WHEREAS, Community HealthCorps, and AmeriCorps volunteers demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with mayors and counties nationwide to engage citizens, improve lives, and strengthen communities; and is joining with mayors and boards of supervisors across the country to support the Mayors and Counties National Service Recognition Day on April 21, 2015.

THEREFORE, BE IT RESOLVED that the Board of Supervisors of Mendocino County does hereby proclaim April 21, 2015, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our county, to thank those who serve; and to find ways to give back to our community.

Dated: April 21, 2015

Carre Brown, Chair
Board of Supervisors



MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA # 2(c)

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
- Agenda Summaries must be submitted no later than *noon* Monday, 15 days prior to the meeting date (along with electronic submittals)
- Send 1 complete original single-sided set and 1 photocopy set – Items must be signed-off by appropriate departments and/or Co. Co.
Note: If individual supporting document(s) exceed 25 pages each, or are not easily duplicated, please provide 7 hard-copy sets)
- Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: bosagenda@co.mendocino.ca.us
- Electronic Transmission Checklist: Agenda Summary Records Supp. Doc. If applicable, list other online information below

TO: Board of Supervisors **DATE:** April 6, 2015

FROM: Thomas D. Allman, Sheriff-Coroner **MEETING DATE:** April 21, 2015

DEPARTMENT RESOURCE/CONTACT: Liz Evangelatos **PHONE:** 463-4085 Present On Call

Consent Agenda Regular Agenda Noticed Public Hearing Time Allocated for Item: 5 min

■ **AGENDA TITLE:** **Adoption of Proclamation Designating May 3-10, 2015 as National Correctional Officers' and Employees Week Honoring the Correctional Staff of the Mendocino County Sheriff's Office**

■ **PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** The Mendocino County Board of Supervisors has adopted a Proclamation for the Mendocino County Sheriff's Office many times since President Ronald Reagan dedicated the first full week of May in 1984 to this dedicated group of individuals.

■ **SUMMARY OF REQUEST:** First proclaimed by President Ronald Reagan in 1984, National Correctional Officers' and Employees Week in the first full week of May of each year. The week is observed in order to recognize the vital public service of correctional personnel, whose daily management of inmates requires special training, sound judgment, and courage; these Correctional Staff, with little thought to their own personal safety, serve valiantly to provide humane conditions of confinement while ensuring security and contributing to inmate rehabilitation; the Correctional Staff keep the institution secure so as to safeguard the community and the lives of the staff, inmates, and visitors of the correctional institute. This proclamation would be in recognition of the outstanding achievements and dedicated service of the Correctional Staff of the Mendocino County Jail.

■ **SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:**

■ **ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):**

FISCAL IMPACT:			
Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
N/A	N/A	N/A	Yes <input type="checkbox"/> No <input type="checkbox"/>

■ **SUPERVISORIAL DISTRICT:** 1 2 3 4 5 All ■ **VOTE REQUIREMENT:** Majority 4/5ths

■ **RECOMMENDED ACTION/MOTION:** Adopt and authorize Chair to sign Proclamation Recognizing May 3-10, 2015, "National Correctional Officers and Employees Week" honoring the Correctional staff of the Mendocino County Sheriff's Office.

■ **ALTERNATIVES:** Do not approve the proposed proclamation.

■ **CEO REVIEW (NAME):** Jason Claunch, Admin Analyst **PHONE:** 463-4441

RECOMMENDATION: Agree Disagree No Opinion Alternate Staff Report Attached

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____

RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____

PROCLAMATION
OF THE
MENDOCINO COUNTY BOARD OF SUPERVISORS

“RECOGNITION OF MAY 3 – 10, 2015 AS NATIONAL
CORRECTIONAL OFFICERS AND EMPLOYEES WEEK”

WHEREAS, Mendocino County is privileged to have a group of men and women who are trained professionals and who serve on a daily basis, unarmed, in the Mendocino County Jail; and

WHEREAS, the daily management of inmates requires special training, sound judgement and courage; and

WHEREAS, these professionals, with little thought to their own personal safety, serve valiantly to provide humane conditions of confinement while ensuring security and contributing to inmate rehabilitation; and

WHEREAS, the Corrections staff keep the institution secure so as to safeguard the community and the lives of the staff, inmates and visitors of the Mendocino County Jail; and

WHEREAS, even when faced with adverse circumstances, each Corrections Deputy has consistently exhibited compassion, understanding, and professionalism during the performance of their duties

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Mendocino, hereby proclaims May 3-10, 2015, as:

“National Correctional Officers and Employees Week”

Dated: April 21, 2015

Carre Brown, Chair



MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA # 2 (d)

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
- Agenda Summaries must be submitted no later than *noon* Monday, 15 days prior to the meeting date (along with electronic submittals)
- Send 1 complete original single-sided set and 1 photocopy set – Items must be signed-off by appropriate departments and/or Co. Co.
Note: If individual supporting document(s) exceed 25 pages each, or are not easily duplicated, please provide 7 hard-copy sets)
- Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: bosagenda@co.mendocino.ca.us
- Electronic Transmission Checklist: Agenda Summary Records Supp. Doc. If applicable, list other online information below
- Executed records will be returned to the department within one week. *Arrangements for expedited processing must be made in advance*

TO: Board of Supervisors **DATE:** March 17, 2015

FROM: District Attorney of Mendocino County **MEETING DATE:** April 21, 2015

DEPARTMENT RESOURCE/CONTACT: DA David Eyster **PHONE:** 463-4211 Present On Call

Consent Agenda Regular Agenda Noticed Public Hearing Time Allocated for Item 10 min

■ AGENDA TITLE: Adoption of the Proclamation Recognizing April 19-25, 2015 as Victims’ Rights Week in Mendocino County

■ PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: The Board of Supervisors has approved this proclamation annually for the past 23 years.

■ SUMMARY OF REQUEST: The Mendocino County Board of Supervisors, at the request of the District Attorney and the Victim Witness Assistance Program, has joined together for a Proclamation designating a week during April as Victims’ Rights Week. This year, the Victims’ Rights Week is from April 19 through April 25, 2015. The Proclamation recognizes the traumatic intrusion of crime on crime victims’ lives and the need to protect the rights of crime victims. The Proclamation acknowledges the necessity for the existence of Victims’ Assistance Programs. The Mendocino County District Attorney’s Victim Witness Assistance Program provides victims’ services to crime victims throughout the County of Mendocino.

■ SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:

■ ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):

FISCAL IMPACT:			
Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
N/A	N/A	N/A	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

■ SUPERVISORIAL DISTRICT: 1 2 3 4 5 All **■ VOTE REQUIREMENT:** Majority 4/5ths

■ RECOMMENDED ACTION/MOTION: Adopt and authorize the Chair to sign the Proclamation, recognizing April 19-25, 2015 Victims’ Rights Week in Mendocino County.

■ ALTERNATIVES: Return the proclamation to staff and provide additional direction.

■ CEO REVIEW (NAME): Jason Claunch, Administrative Analyst **PHONE:** 463-4441

RECOMMENDATION: Agree Disagree No Opinion Alternate Staff Report Attached

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____

RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____

PROCLAMATION

OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS

RECOGNIZING APRIL 19-25, 2015 AS VICTIMS' RIGHTS WEEK IN MENDOCINO COUNTY

WHEREAS, Americans are the victims of more than 26 million crimes each year, and crime can touch the lives of anyone regardless of age, national origin, race, creed, religion, gender, sexual orientation, immigration, or economic status; and

WHEREAS, the entire community has a role to play; and

WHEREAS, many victims face challenges in finding appropriate services including victims with disabilities, victims of color, Deaf and hard of hearing victims, LGBTQ victims, tribal victims, elder victims, victims with mental illness, immigrant victims, teen victims, victims with limited English proficiency, and others; and

WHEREAS, engaging victims' communities and learning about their unique needs helps service providers foster a supportive and culturally relevant atmosphere in which victims seek help and healing; and

WHEREAS, victims know best how to direct and manage their own lives, and true recovery from crime will incorporate a victim's cultural, religious, economic, social, and personal interests; and

WHEREAS, with the full weight of their community and victim service providers behind them, survivors will feel empowered to face their grief, loss, fear, anger, and shame, without fear of judgment and will feel understood and worthy of support; and

WHEREAS, the Mendocino County District Attorney's Victim Witness Assistance is hereby dedicated to building partnerships with trusted sources of support, including community leaders, religious groups, schools and other agencies to better reach and serve all victims of crime, no matter their community.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Mendocino, hereby proclaims April 19-25, 2015, as:

“Victims' Rights Week”

Dated: April 21, 2015

Carrie Brown, Chair



MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA # 2(e)

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
- Agenda Summaries must be submitted no later than *noon* Monday, 15 days prior to the meeting date (along with electronic submittals)
- Send 14 complete sets (original, single-sided+13 copies) – Items must be signed-off by appropriate departments and/or County Counsel
- Transmittal of electronic Agenda Summaries and associated records must be emailed to: bosagenda@co.mendocino.ca.us
- Electronic Agenda Transmission Checklist: Agenda Summary Records If applicable, list other online information below
- Executed records will be returned to the department within one week. Arrangements for expedited processing must be made in advance

TO: Board of Supervisors **DATE:** April 14, 2015

FROM: Supervisors McCowen and Brown **MEETING DATE:** April 21, 2015

DEPARTMENT RESOURCE/CONTACT: Supervisor McCowen **PHONE:** 463-4441 Present On Call

Consent Agenda Regular Agenda Noticed Public Hearing Time Allocated for Item: 5 min.

■ AGENDA TITLE: Adoption of Proclamation Recognizing April 28, 2015, as Workers’ Memorial Day in Mendocino County

■ PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: The Board of Supervisors routinely adopts proclamations recognizing special events and meritorious achievements.

■ SUMMARY OF REQUEST: Supervisors Brown and McCowen are requesting adoption of the Proclamation recognizing April 28, 2015, as Workers’ Memorial Day in Mendocino County. The first Worker’s Memorial Day was observed in 1989, with April 28th being chosen in recognition of the anniversary of adoption of the Occupational Safety and Health Administration and in accordance with a similar remembrance day in Canada.

Every year on April 28th people in communities and at worksites recognize workers who have been killed, injured, or permanently disabled in the line of duty due to workplace injuries and occupational disease.

Locally, Workers’ Memorial Day is being sponsored by the North Bay Central Labor Council and the AFL-CIO. A post-workday observatory event will be held at the Saturday Afternoon Clubhouse on Tuesday, April 28, 2015 at 5:30 p.m. This event will honor workers in and from Mendocino County who have been killed, injured or permanently disabled on the job. The Saturday Afternoon Clubhouse is located at 107 S. Oak St., Ukiah, CA 95482.

■ SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: N/A

■ ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):

FISCAL IMPACT:			
Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
N/A	N/A	N/A	Yes <input type="checkbox"/> No <input type="checkbox"/>

■ SUPERVISORIAL DISTRICT: 1 2 3 4 5 All **■ VOTE REQUIREMENT:** Majority 4/5^{ths}

■ RECOMMENDED ACTION/MOTION: Adopt and authorize Chair to sign Proclamation recognizing Workers’ Memorial Day in Mendocino County April 28, 2015.

■ ALTERNATIVES: Do not adopt the Proclamation and identify an alternate means of recognizing this occasion.

■ CEO REVIEW (NAME): Janelle Rau, Deputy CEO **PHONE:** 463-4441

RECOMMENDATION: Agree Disagree No Opinion Alternate Staff Report Attached

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____

RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____

PROCLAMATION
OF THE
MENDOCINO COUNTY BOARD OF SUPERVISORS

RECOGNIZING APRIL 28, 2015, AS
WORKERS' MEMORIAL DAY IN
MENDOCINO COUNTY

WHEREAS, every year tens of thousands of American workers are killed by workplace injuries and occupational disease; and

WHEREAS, tens of thousands more are permanently disabled; and

WHEREAS, millions more are injured or made ill; and

WHEREAS, since 1970 when the Occupational Safety and Health Act (OSHA) was passed, workplace safety and health conditions have improved, but too many workers remain at serious risk of injury, illness or death; and

WHEREAS, concerned Americans are determined to prevent these tragedies by: Organizing Workers' Memorial Day on April 28, 2015, a day chosen by the unions of the AFL-CIO as a day to remember and honor these victims of workplace death, injury and disease; and by renewing our efforts to seek stronger workplace safety and health protections, better standards and enforcement, and fair and just compensation; and by rededicating ourselves to improving safety and health in every American workplace.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Mendocino, hereby proclaims April 28, 2015, as Workers' Memorial Day in Mendocino County, and encourages Mendocino County residents honor a moment of silence in memory of those who have been killed, injured or permanently disabled on the job.

Dated: April 21, 2015

Carre Brown, Chair

NOTICE OF CLAIM
AGAINST THE COUNTY OF MENDOCINO
(Government Code Section 910 et seq)
COUNTY OF MENDOCINO
BOARD OF SUPERVISORS

INSTRUCTIONS (Please read carefully):

- * Claims related to injury to person, damage to personal property, or employee claim must be presented to the County within (6) months from the date of loss.
- * Claims related to any other loss must be presented not later than (1) year from the date of loss.
- * Answer all items fully and to the best of your knowledge and information. Failure to do so may result in your claim being found insufficient.
- * If more space is needed to provide requested information, please attach additional pages identifying paragraph(s) being answered.
- * Legal advice concerning your claim should be obtained from your own lawyer.

EXECUTIVE OFFICE OF
PER
UKIAH, CALIFORNIA

MAIL COMPLETED FORM TO:

Mendocino County Board of Supervisors
Attn: Clerk of the Board
501 Low Gap Road, Room 1010
Ukiah, CA 95482

Date Received by BOS

1. Claimant's Name: SUB KAIBAT Daytime Phone: ()
2. Claimant's Mailing Address: _____
3. Home Phone: _____ Date of Loss: 2-27-15 Time of Loss: 3:20 PM
4. Location of Loss (Specify in as much detail as possible, example: corner of State and Perkins):
APPROXIMATELY AT 10801 EAST ROAD, REDWOOD VALLEY
5. Description of incident/accident which caused you to make this claim: ROAD CLEARING
SHOW AS WORKERS WERE ON THE ROAD AND INSIDE
DITCH. AS DRIVING BY HEARD A LOUD BREAKAGE. WHEN
GOT HOME LOOK AT VEHICLE AND NOTICED A LARGE BREAK
IN BACK WINDOW DINGS IN DOOR.
6. What specific injury, damages or other losses did you incur? _____
7. What amount of money are you seeking to recover? (check one of the boxes below)
 The amount claimed is less than \$2,000. Enter the amount claimed here: \$ 989.75
 The amount claimed is more than \$2,000. Enter the amount claimed here: \$ _____
Please attach any and all itemized bills, repair estimates, receipts, etc.
8. What are the name(s) of the County employee(s), whom you allege caused your injury, damage or loss, if known? RICARDO & RAFAEL / DUANE JAIL CREW WITH WEED EATER
9. All notices and communications with regard to this claim will be directed to the Claimant shown in lines 1 and 2 above.

I/WE, the undersigned, declare under penalty of perjury that I/WE have read the foregoing claim for damages and know the contents thereof; that the same is true of my/our own knowledge and belief, save and except as to those matters wherein stated on information and belief, and as to them, I/WE believe to be true.

SUB KAIBAT
Claimant Printed Name

[Signature]
Claimant Signature

3-25-15
Date Signed

PLEASE SEE REVERSE SIDE FOR WARNING.

C: Coco, Risk 3/26/15 w/ attachments

NOTICE OF CLAIM
AGAINST THE COUNTY OF MENDOCINO
(Government Code Section 910 et seq.)

COUNTY OF MENDOCINO
BOARD OF SUPERVISORS

INSTRUCTIONS (Please read carefully):

- * Claims related to injury to person, damage to personal property, or employee claims, by any person, government agency or entity of any type, must be presented to the County within (6) months from the date of loss.
- * Claims related to any other loss must be presented not later than (1) year from the date of loss.
- * Answer all items fully and to the best of your knowledge and information. Failure to do so may result in your claim being found insufficient.
- * If more space is needed to provide requested information, please attach additional pages identifying paragraph(s) being answered.
- * Legal advice concerning your claim should be obtained from your own lawyer.

2015 MAR 23 PM 12 01

EXECUTIVE OFFICE

UKIAH, CALIFORNIA

MAIL COMPLETED FORM TO:

Mendocino County Board of Supervisors
Attn: Clerk of the Board
501 Low Gap Road, Room 1010
Ukiah, CA 95482

Date Received by BOS

1. Claimant's Name: JULIAN DAVIS MURPHY Daytime Phone: (_____, _____)
2. Claimant's Mailing Address: _____
3. Home Phone: (_____) N/A Date of Loss: 10/08/2014 Time of Loss: Approx 11:40 p.m.
4. Location of Loss (Specify in as much detail as possible, example: corner of State and Perkins):
Mendocino County Adult Detention Facility, 951 Low Gap Road, Ukiah, CA 95482, Mendocino County.
5. Description of incident/accident which caused you to make this claim: See Attachment A.
6. What specific injury, damages or other losses did you incur? See Attachment A.
7. What amount of money are you seeking to recover? (check one of the boxes below)
 - The amount claimed is less than \$2,000. Enter the amount claimed here: \$ _____
 - The amount claimed is more than \$2,000. Enter the amount claimed here: \$ To be determined, but jurisdiction over the claim would be in Superior Court (over \$25,000).
 Please attach any and all itemized bills, repair estimates, receipts, etc.
8. What are the name(s) of the County employee(s) whom you allege caused your injury, damage or loss, if known? See Attachment A.
9. All notices and communications with regard to this claim will be directed to the Claimant shown in lines 1 and 2 above.

I/WE, the undersigned, declare under penalty of perjury that I/WE have read the foregoing claim for damages and know the contents thereof; that the same is true of my/our own knowledge and belief, save and except as to those matters wherein stated on information and belief, and as to them, I/WE believe to be true.

Stephen A. Mason, Esq., Attorney for
Claimant, JULIAN DAVIS MURPHY

Stephen A. Mason

March 19, 2015

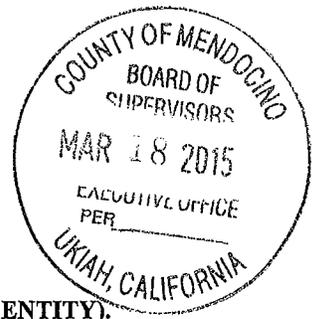
Claimant Printed Name

Claimant Signature

Date Signed

PLEASE SEE REVERSE SIDE FOR WARNING.

C: CoCo, Risk 3-23-15 w/ attachments



GOVERNMENT TORT CLAIM FORM

(PLEASE TYPE OR PRINT ALL INFORMATION REQUESTED)

CLAIM AGAINST Mendocino County Sheriff's Office (NAME OF PUBLIC ENTITY)

1. CLAIMANT'S NAME: Dylan Swartout

2. CLAIMANT'S MAILING ADDRESS: _____
(ADDRESS)

(CITY) (STATE) (ZIP CODE)

3. AMOUNT OF CLAIM: \$ ~~25,000~~ unspecified

IF THE AMOUNT CLAIMED EXCEEDS TEN THOUSAND DOLLARS (\$10,000), THE AMOUNT OF THE CLAIM SHOULD BE UNSPECIFIED AND CLAIMANT SHOULD INDICATE THE TYPE OF CIVIL CASE:

LIMITED CIVIL CASE (\$25,000 OR LESS)

NON-LIMITED CIVIL CASE (OVER \$25,000)

4. ITEMIZATION OF CLAIM: (How was the amount claimed above computed; list items totaling amount set forth above, including damages for pain and suffering, if applicable). IF YOU HAVE SUPPORTING DOCUMENTATION FOR THE AMOUNT CLAIMED (BILLS, RECEIPTS, ETC.), PLEASE ATTACH THREE (3) COPIES TO THIS CLAIM.

ITEM	DOLLAR AMOUNT
<u>Violation of Fourth Amendment Rights</u>	<u>>\$10,000</u>
<u>Violation of Due process Rights</u>	<u>>\$10,000</u>

(CONTINUE ITEMIZATION ON SEPARATE SHEET, IF NECESSARY)

5. ADDRESS TO WHICH NOTICES ARE TO BE SENT IF DIFFERENT FROM LINES 1 AND 2:

Dylan Swartout / c/o Maxine Keiley
(NAME)

(STREET OR P.O. BOX NUMBER)

(CITY) (STATE) (ZIP CODE)

C: Co Co, Risk 3-18-15



**MENDOCINO COUNTY BOARD OF SUPERVISORS
ACTION MINUTES – APRIL 7, 2015**

MENDOCINO
COUNTY
BOARD OF
SUPERVISORS

CARRE BROWN
FIRST DISTRICT
CHAIR

JOHN McCOWEN
SECOND DISTRICT

TOM WOODHOUSE
THIRD DISTRICT

DAN GJERDE
FOURTH DISTRICT
VICE-CHAIR

DAN HAMBURG
FIFTH DISTRICT

CARMEL J. ANGELO
CHIEF EXECUTIVE
OFFICER/
CLERK OF THE
BOARD

DOUGLAS L. LOSAK
INTERIM 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

WATCH LIVE BOARD
MEETINGS VIA
WEB STREAMING
WWW.MENDOCINOACCESS.ORG

BOARD
ACTION MINUTES
(SEE LAST PAGE
FOR MORE INFORMATION)

**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 (ROLL CALL AND PLEDGE OF ALLEGIANCE - 9:01 A.M.)

Present: Supervisors Carre Brown, Tom Woodhouse, Dan Gjerde, and Dan Hamburg. Chair Brown presiding.

Staff Present: Ms. Carmel J. Angelo, Chief Executive Officer/Clerk of the Board; Mr. Douglas L. Losak, Interim County Counsel; and Mr. Sukhmani S. Purewal, Deputy Clerk of the Board.

Pledge of Allegiance: Mr. Adam Randall.

SUPERVISOR McCOWEN ARRIVED AT 9:05 A.M.

AGENDA ITEM No. 2A – ADOPTION OF PROCLAMATION DESIGNATING APRIL 12 THROUGH APRIL 18, 2015, NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK IN MENDOCINO COUNTY, IN HONOR OF THE PUBLIC SAFETY DISPATCHERS STAFF OF THE MENDOCINO COUNTY SHERIFF'S OFFICE – SPONSOR: SHERIFF'S OFFICE

Presenter/s: Supervisor Hamburg.

Board Action: Approved without objection.

AGENDA ITEM No. 2B – ADOPTION OF PROCLAMATION RECOGNIZING THE MONTH OF APRIL AS NATIONAL COUNTY GOVERNMENT MONTH IN MENDOCINO COUNTY – SPONSOR: SUPERVISOR BROWN

Presenter/s: Supervisor Gjerde.

Board Action: Approved without objection.

AGENDA ITEM No. 2C – ADOPTION OF PROCLAMATION RECOGNIZING APRIL 6-12, 2015 AS PUBLIC HEALTH WEEK IN MENDOCINO COUNTY – SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Presenter/s: Supervisor Woodhouse.

Public Comment: Ms. Stacey Cryer, Health and Human Services Agency Director.

Board Action: Approved without objection.

AGENDA ITEM NO. 2D – ADOPTION OF PROCLAMATION RECOGNIZING APRIL 2015 AS NATIONAL ALCOHOL AWARENESS MONTH IN MENDOCINO COUNTY – SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Presenter/s: Supervisor McCowen.

Public Comment: Ms. Stacey Cryer, Health and Human Services Agency Director.

Board Action: Approved without objection.

AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

Presenter/s: Ms. Julia Carerra; Ms. Susan Bradley; Ms. Kitty McDill; Mr. Wally Clark, Mendocino County Librarian; Ms. Jan McGourty; and Mr. Jonathan Middlebrook.

Board Action: No action taken.

AGENDA ITEM NO. 5D – ACCEPTANCE OF INFORMATIONAL PRESENTATION BY THE HEALTH AND HUMAN SERVICES AGENCY (HHS) ADVISORY BOARD ON THEIR 2015 NEEDS ASSESSMENT/HOMELESS PROJECT AND AUTHORIZATION FOR THE BOARD OF SUPERVISORS CHAIR TO SIGN A LETTER TO EACH CITY MANAGER AND CITY COUNCIL MEMBER IN MENDOCINO COUNTY REGARDING PARTICIPATION IN THE HOMELESS PROJECT PROCESS – SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Presenter/s: Ms. Stacey Cryer, Health and Human Services Agency Director and Ms. Jacqueline Williams, Director, Ford Street Project.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Hamburg, and carried unanimously; IT IS ORDERED that the Board of Supervisors accepts the informational presentation from the HHS Advisory Board and authorizes the Board of Supervisors Chair to sign a letter to each City Manager and City Council member in Mendocino County regarding participation in the homeless project process.

OFF-AGENDA ITEM NO. 5(I) – DEPARTMENT OF TRANSPORTATION AND EXECUTIVE OFFICE PURSUANT TO GOVERNMENT CODE SECTION 54954.2 APPROVAL OF LETTER OF OPPOSITION FOR ASSEMBLY BILL 1347 – PUBLIC CONTRACTS: CLAIMS RESOLUTION PROCESS

Presenter/s: Chair Brown reported that urgent Board consideration of this matter is necessary due to timeline.

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor McCowen, 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 McCowen, seconded by Supervisor Woodhouse, and carried unanimously; IT IS ORDERED the Board of Supervisors hereby approves opposition to AB 1347 and the sending of letters to State Organizations and Government Officials concerning AB 1347, and authorizes and directs the Chair to sign appropriate correspondence, and endorses the testimony of the Director of Transportation before State Organizations and Government Officials or Legislative Committees.

OFF-AGENDA ITEM NO. 5(J) – SUPERVISOR HAMBURG AND EXECUTIVE OFFICE PURSUANT TO GOVERNMENT CODE SECTION 54954.2 APPROVAL OF LETTER OF SUPPORT FOR ASSEMBLY BILL 238 (STONE) – TELECOMMUNICATIONS: CALIFORNIA ADVANCED SERVICE FUND

Presenter/s: Supervisor Brown reported that urgent Board consideration of this matter is necessary due to timeline.

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor McCowen, 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 Hamburg, seconded by Supervisor Gjerde, and carried unanimously; IT IS ORDERED the Board of Supervisors hereby approves the letters of support for AB 203 and AB 1202 as presented, authorizing the Chair to sign same, and directs staff to transmit the letters.

AGENDA ITEM NO. 4 – CONSENT CALENDAR

Presenter/s: Chair Brown.

Public Comment: Ms. Jan McGourty and Mr. Wally Clark, Mendocino County Librarian.

Board Action: Motion by Supervisor McCowen, seconded by Supervisor Hamburg, that Consent Calendar items 4(a-h) be approved/rejected.

(MOTION SEBSEQUENTLY WITHDRAWN)

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Hamburg, and carried unanimously; IT IS ORDERED that Consent Calendar items 4(a-h) are approved with the following changes: Deleting Margie Handley as the 5th District Consumer Family Appointee to the Mental Health Board for Item 4(b) and adding RCRC and CSAC as recipients of the letter of support for Item 4(c).

- (a) Minutes of the March 17, 2015 Regular Board Meeting -- Approved and Chair is authorized to sign same;
- (b) Approval of Recommended Appointments/Reappointments -- Approved;

Board or Commission	Appointee	Category
Covelo Public Cemetery District	Sylvia Pauline Brumley	Trustee
Covelo Public Cemetery District	Roberta Hurt	Trustee
Covelo Public Cemetery District	Karen Vann	Trustee
Health and Human Services Agency Advisory Board	Carole Press	Community Health Rep.
Health and Human Services Agency Advisory Board	Jacqueline Williams	1 st District Rep.
Laytonville Municipal Advisory Council	Phil Gravier	Member
Laytonville Municipal Advisory Council	Albert Repovsch	Member
Laytonville Municipal Advisory Council	Hugh Sweeney	Member
Russian River Cemetery District	Jofrid Lolonis	Trustee
Russian River Cemetery District	Thomas Reidenbach	Trustee

- (c) Approval of Letter of Support of AB 203 (Obernolte) Seeking Amendment to State Responsibility Area (SRA) Fire Prevention Fee Due Dates and AB 1202 (Mayes) Seeking Implementation of a SRA Fire Prevention Fee Credit – Executive Office -- Approved and Chair is authorized to sign same;
- (d) (BOS Agreement No. 15-039) Adoption of Resolution Approving Proposed Revisions to the California Home Finance Authority (Formal Name Change to Golden State Finance Authority Pending) Joint Powers Agreement and Execute the Joint Powers Agreement with Golden State Finance Authority – Executive Office -- Adopted and Chair is authorized to sign same;

RESOLUTION NO. 15-055

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING PROPOSED REVISIONS TO THE CALIFORNIA HOME FINANCE AUTHORITY (FORMAL NAME CHANGE TO GOLDEN STATE FINANCE AUTHORITY PENDING) JOINT POWERS AGREEMENT

- (e) Ratification of Letter of Support to Delay and Amend the State Adoption of the California Water Resources Control Board’s Proposed Statewide Trash Amendments and Approve Proxy Statement for County Support to be Represented at the State Water Resource Control Board Public Meeting on April 7, 2015 – Executive Office -- Approved;

- (f) Adoption of Resolution Authorizing Health and Human Services Agency (HHS) to Enter Into Revenue Agreement #14-462-250 with the California State Water Resources Control Board in the Amount of \$30,000 and Authorizing the HHS Director to Sign the Agreement and Any Future Amendments – Health and Human Services Agency -- Adopted and Chair is authorized to sign same;

RESOLUTION NO. 15-056

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO AUTHORIZE THE HEALTH AND HUMAN SERVICES AGENCY DIRECTOR TO SIGN AS AN AGENT ON BEHALF OF THE COUNTY OF MENDOCINO FOR THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD PUBLIC BEACH SAFETY GRANT PROGRAM – AGREEMENT #14-462-250

- (g) Informational Update from the Library Regarding E-Rate Funding and Internet Service Agreement with Sonic – Library -- Approved;
- (h) Request for Authorization to Increase the Total Funding Amount of Carl Moyer Program Grant Project # 14-14 (Iveson) by \$3,028 and Add an Addendum to the Agreement for Funding Increasing the Total Project Allocation to \$46,023 – Mendocino County Air Quality Management District – Approved.

ADJOURNED TO CLOSED SESSION: 10:13 A.M.

AGENDA ITEM No. 9B – PURSUANT TO GOVERNMENT CODE SECTION 54957 - PUBLIC EMPLOYEE PERFORMANCE EVALUATION - AGRICULTURAL COMMISSIONER

AGENDA ITEM No. 9C – PURSUANT TO GOVERNMENT CODE SECTION 54957 - PUBLIC EMPLOYEE PERFORMANCE EVALUATION - PLANNING AND BUILDING SERVICES DIRECTOR

AGENDA ITEM No. 9D – PURSUANT TO GOVERNMENT CODE SECTION 54956.9(A) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: ANIMAL LEGAL DEFENSE FUND, ET AL. V. COUNTY OF MENDOCINO. MENDOCINO COUNTY SUPERIOR COURT CASE No. SCUJ-CVPT-14-64916

AGENDA ITEM No. 9E – PURSUANT TO GOVERNMENT CODE SECTION 54956.9(A) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: MARK SCARAMELLA V. COUNTY OF MENDOCINO. MENDOCINO COUNTY SUPERIOR COURT CASE No. SCTM-CVG-15-65072

AGENDA ITEM No. 9F – PURSUANT TO GOVERNMENT CODE SECTION 54956.9D(2) – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: SIGNIFICANT EXPOSURE TO LITIGATION – ONE CASE – PROPOSED CENTRAL COAST TRANSFER STATION ENVIRONMENTAL IMPACT REPORT

RECONVENED IN OPEN SESSION: 11:03 A.M.

AGENDA ITEM No. 9 – REPORT OUT OF CLOSED SESSION

Presenter: Chair Brown.

Board Action: In the matter of Item 9(b), performance evaluation was completed. In the matter of Item 9(c), the evaluation is being continued to the afternoon Closed Session due to lack of time. In the matter of Items 9(d) and 9(e), direction was given to staff.

Board Action: Upon motion by Supervisor Gjerde, seconded by Supervisor Hamburg, and carried unanimously; IT IS ORDERED that for Closed Session Item 9(f), staff is authorized to include as an enhanced mitigation measure in the Final EIR for the Central Coast Transfer Station that the 28.3 acre parcel A.P. #118-500-45 may be designated as the Caspar Pygmy Forest Preserve and protected through arrangements with a conservation organization or by the County itself subject to recording of binding covenants on the property.

AGENDA ITEM NO. 2E – ADOPTION OF PROCLAMATION FOR RECOGNIZING APRIL 2015 AS CHILD ABUSE PREVENTION MONTH – SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Presenter/s: Supervisor Hamburg.

Public Comment: Mr. Norman Duvall.

Board Action: Approved without objection.

AGENDA ITEM NO. 5E – ACCEPTANCE OF ANNUAL INFORMATIONAL PRESENTATION BY THE MENDOCINO COUNTY CHILDREN’S ACTION COMMITTEE ON CHILD ABUSE AWARENESS AND PREVENTION, FOLLOWED BY LUNCHEON IN THE ADMINISTRATION CENTER FOYER – SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Presenter/s: Ms. Jena Conner, Deputy Director, Social Services; Mr. Johnny Radford; Ms. Anne Molgaard; Ms. Sarah Small; Mr. Javier Chavez; Ms. Letia Villegas; Mr. Don Miller; Ms. Stephanie Page; Ms. Krystal Monsiago; Ms. Dina Hutton; Ms. Gail Speta; Ms. Laura Walter; Ms. Jane Schapielsen; Ms. Gloria Nordiac; and Ms. Sharon Hildebrand.

Board Action: No action taken.

LUNCH RECESS: 12:16 P.M.

RECONVENED FOR AFTERNOON SESSION: 1:34 P.M.

AGENDA ITEM NO. 5C – DISCUSSION AND INFORMATIONAL PRESENTATION REGARDING VARIOUS GRANT MECHANISMS CURRENTLY ADDRESSED BY THE STATE RESPONSIBILITY AREA FIRE PREVENTION FUND (SRAFPF) FIRE PREVENTION GRANT PROGRAM AND DISCUSSION ON PUBLIC RESOURCE CODE 4291 – SPONSOR: EXECUTIVE OFFICE

Presenter/s: Chief Chris Rowney, Mendocino Unit, CAL FIRE; Captain Shawn Zimmermaker, Mendocino Unit, CAL FIRE; and Mr. Lou Sciocchetti, Forester II, CAL FIRE.

Public Comment: Ms. Els Cooperrider and Mr. Adam Kufeld.

Board Action: No action taken.

AGENDA ITEM NO. 5F – DISCUSSION ON RECOMMENDATION FROM THE MENDOCINO COUNTY FISH AND GAME COMMISSION AND POSSIBLE APPROVAL OF DISBURSEMENT OF \$28,945 OF MENDOCINO COUNTY FISH AND GAME PROPAGATION FUNDS FOR ROUND 2 OF THE 2014/2015 PROJECT CYCLE – SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Steve Dunncliff, Planning and Building Services Director.

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor Gjerde, and carried unanimously; IT IS ORDERED that the Board of Supervisors approves the recommendations of the Mendocino County Fish and Game Commission for disbursement of \$28,945 for Round 2 of the 2014/2015 project cycle.

AGENDA ITEM NO. 5G – INFORMATIONAL UPDATE ON THE STATUS OF THE MENDOCINO TOWN LOCAL COASTAL PLAN AMENDMENT (LCPA) AND POSSIBLE DIRECTION OR CONSIDERATION OF COASTAL COMMISSION COMMENTS REGARDING THE SUBMITTED MENDOCINO TOWN LCPA – SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Steve Dunncliff, Planning and Building Services Director and Ms. Juliana Cherry, Planner III, Planning and Building Services.

Public Comment: Ms. Barbara Reed.

Board Action: No action taken.

AGENDA ITEM NO. 5H – DIRECTOR’S REPORT – DEPARTMENT OF TRANSPORTATION

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

Board Action: No action taken.

AGENDA ITEM NO. 6B – REPORT OF AN UPDATE ON THE BUSINESS IMPROVEMENT DISTRICT (BID) AD HOC COMMITTEE) – SPONSORS: SUPERVISORS GJERDE AND MCCOWEN

Presenter/s: Supervisor McCowen and Supervisor Gjerde.

Board Action: No action taken.

Board Directive: BY ORDER OF THE CHAIR, Supervisors McCowen and Gjerde are directed to follow through with community meetings.

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

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

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 – SPONSOR: EXECUTIVE OFFICE

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

Board Action: No action taken.

AGENDA ITEM NO. 6A – SUPERVISORS' REPORTS REGARDING BOARD SPECIAL ASSIGNMENTS, STANDING AND AD HOC COMMITTEE MEETINGS, AND OTHER ITEMS OF GENERAL INTEREST

Presenter/s: Board members.

Board Action: No action taken.

ADJOURNED TO CLOSED SESSION: 3:20 P.M.

AGENDA ITEM NO. 9A – PURSUANT TO GOVERNMENT CODE SECTION 54957.6 - CONFERENCE WITH LABOR NEGOTIATOR - AGENCY NEGOTIATORS: CARMEL J. ANGELO, RANDY PARENT, HEIDI DUNHAM, ALAN FLORA, CHERIE JOHNSON, AND DONNA WILLIAMSON; EMPLOYEE ORGANIZATION(S): ALL

AGENDA ITEM NO. 9C – PURSUANT TO GOVERNMENT CODE SECTION 54957 - PUBLIC EMPLOYEE PERFORMANCE EVALUATION - PLANNING AND BUILDING SERVICES DIRECTOR

RECONVENED IN OPEN SESSION: 5:30 P.M.

AGENDA ITEM NO. 9 – REPORT OUT OF CLOSED SESSION

Presenter: Chair Brown.

Board Action: In the matter of Item 9(a), direction was given to staff. In the matter of Item 9(c), performance evaluation was completed.

AGENDA ITEM NO. 10 – COMMUNICATIONS RECEIVED AND FILED

(a) State Water Resource Control Board - Notice of two Board Meetings being held on April 7, 2015 at 9:00 AM and on April 8, 2015 at 9:00 AM in Sacramento, CA; for additional information please contact Clerk of the Board at (916) 341-5600 or submit comments via email to commentletters@waterboards.ca.gov.

- (b) State Fish and Game Commission - Notice of adoption hearing teleconference on April 17, 2015 at 10:00 AM in Santa Rosa, CA regarding Central Valley Salmon, subsections 7.50(b)(5), Title 14, California Code of Regulations, California Regulatory Notice Register, January 2, 2015, Notice File No. Z2014-1223-02, Register 2015, No. 1-Z; for additional information please contact Sonke Mastrup, Executive Director, Fish and Game Commission, (916) 653-4899.
- (c) State Water Resource Control Board - Notice of public meeting to consider: (1) the approval of the Final Staff Report, including the Draft Substitute Environmental Documentation (SED) and (2) the adoption of the proposed Final Amendment to the Water Quality Control Plan for the Ocean Waters of California (Ocean Plan) addressing Desalination Facility Intakes, Brine Discharges, and the Incorporation of other Non-Substantive Changes. This meeting will take place on May 5, 2015 in Sacramento, CA; for additional information please contact Claire Waggoner at (916) 341-5582 or via email at claire.waggoner@waterboards.ca.gov.
- (d) State Water Resource Control Board – Notice of request associated with a temporary urgency change petition to modify requirements included in State Water Resources Control Board revised Decision 1641 to meet water quality objectives in the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary for the period April through September 2015 has been posted on the State Water Board’s website at: www.waterboards.ca.gov; for additional information please contact Diane Riddle at (916) 341-5297 or via email at diane.riddle@waterboards.ca.gov or contact Rich Satkowski at (916) 341-5439 or via email at rich.satkowski@waterboards.ca.gov.
- (e) State Board of Equalization – Notice of annual Taxpayer’s Bill of Rights public hearing before the Members of the California State Board of Equalization to take place on May 27, 2015 and June 23, 2015 in Sacramento, CA; for additional information please contact Mark Sutter at (916) 324-2797 or via email at mark.sutter@boe.ca.gov.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 5:31 P.M.

Attest: SUKHMANI S. PUREWAL
Deputy Clerk of the Board

CARRE BROWN, 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



MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA # 4 (e)

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
- Agenda Summaries must be submitted no later than *noon* Monday, 15 days prior to the meeting date (along with electronic submittals)
- Send 1 complete original single-sided set and 1 photocopy set – Items must be signed-off by appropriate departments and/or Co. Co.
Note: If individual supporting document(s) exceed 25 pages each, or are not easily duplicated, please provide 7 hard-copy sets)
- Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: bosagenda@co.mendocino.ca.us
- Electronic Transmission Checklist: Agenda Summary Records Supp. Doc. If applicable, list other online information below
- Executed records will be returned to the department within one week. *Arrangements for expedited processing must be made in advance*

TO: Board of Supervisors **DATE:** April 14, 2015

FROM: Supervisor Dan Hamburg/Executive Office **MEETING DATE:** April 21, 2015

DEPARTMENT RESOURCE/CONTACT: Dan Hamburg **PHONE:** 463-4441 Present On Call
Sarah Dukett **PHONE:** 463-4441 Present On Call

Consent Agenda Regular Agenda Noticed Public Hearing Time Allocated for Item: _____

AGENDA TITLE: Approval of Letter of Support for Assembly Bill 1262 (Wood) - Telecommunications: Universal Service: California Advance Services Fund

PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: No previous action.

SUMMARY OF REQUEST: AB 1262 would transfer \$5 million from the Broadband Infrastructure Revolving Loan Account to the Rural and Urban Regional Broadband Consortia Grant Account. This would provide approximately two additional years of funding to continue working with telecommunication providers and key community stakeholders utilizing the California Advanced Services Fund.

In California, home to the development of much of the world’s most advanced communication technology, 2.6 million people, or 7 percent of the state’s population, do not have access to broadband services with the new FCC definition of speed. The access divide is especially noticeable in rural areas of the state and on tribal lands. Residents of eight California counties, including Mendocino, all of which are rural and located in the northern part of the state, have very limited access to broadband services.

To advocate for improved broadband in Mendocino County, it is recommended that the Board transmit a letter urging the Assembly Utilities and Commerce Committee to support AB 1262. In addition, it is recommended that the County also endorse the inclusion of language that specifies the grant funds are to be used by the regional consortia to: 1) assist in the engineering and design of infrastructure projects to meet the unserved and underserved communities across the state; 2) promote the adoption of broadband policies and guidelines as part of the General Plans of cities and counties; and 3) facilitate the establishment of an ongoing mechanism in each county that involves all the stakeholders to ensure that broadband keeps pace with evolving standards.

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: www.leginfo.ca.gov

ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):

FISCAL IMPACT:			
Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
n/a	n/a	n/a	Yes <input type="checkbox"/> No <input type="checkbox"/>

SUPERVISORIAL DISTRICT: 1 2 3 4 5 All **VOTE REQUIREMENT:** Majority 4/5ths

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____

RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____



MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA # _____

■ **RECOMMENDED ACTION/MOTION:** Approve letter of support for AB 1262 and transmittal of letter to Government Officials concerning AB 1262. Authorize and direct the Chair to sign appropriate correspondence.

■ **ALTERNATIVES:** Take no action.

■ **CEO REVIEW (NAME):** Alan D. Flora, Assistant CEO **PHONE:** 463-4441

RECOMMENDATION: Agree Disagree No Opinion Alternate Staff Report Attached

BOARD ACTION
 Approved _____
 Records Executed _____

Date of Meeting _____
 Referred to _____
 Other _____

CARMEL J. ANGELO
Chief Executive Officer
Clerk of the Board



**COUNTY OF MENDOCINO
BOARD OF SUPERVISORS**

CONTACT INFORMATION
501 Low Gap Road • Room 1010
Ukiah, California 95482
TELEPHONE: (707) 463-4221
FAX: (707) 463-7237
Email: bos@co.mendocino.ca.us
Web: www.co.mendocino.ca.us/bos

April 21, 2015

The Honorable Jim Wood
State Capitol, Room 5164
Sacramento, CA 95814

RE: SUPPORT ASSEMBLY BILL 1262

Dear Assemblyman Wood,

On behalf of the Mendocino County Board of Supervisors, I am pleased to report that our Board has decided to support Assembly Bill (AB) 1262.

AB 1262 would transfer \$5 million from the Broadband Infrastructure Revolving Loan Account to the Rural and Urban Regional Broadband Consortia Grant Account. This would provide approximately two additional years of funding to continue working with telecommunication providers and key community stakeholders utilizing the California Advanced Services Fund.

While we endorse AB 1262, we recommend language be included in the Bill that the grant funds are to be used by the regional consortia to: 1) assist in the engineering and design of infrastructure projects to meet the unserved and underserved communities across the state; 2) promote the adoption of broadband policies and guidelines as part of the General Plans of cities and counties; and 3) facilitate the establishment of an ongoing mechanism in each county that involves all the stakeholders to ensure that broadband keeps pace with evolving standards.

AB 1262 allows the North Bay/North Coast Broadband Consortium (NBNCBC) to continue its efforts to make broadband more accessible throughout the region. The NBNCBC consists of Board of Supervisors representation from Marin, Mendocino, Napa and Sonoma counties.

For these reasons, the Mendocino County Board of Supervisors supports AB 1262. We would like to thank you for introducing this important legislation. We commend your commitment to help close the broadband divide in California.

Sincerely,

Carre Brown, Chair
Mendocino County Board of Supervisors

cc: The Honorable Anthony Rendon, Chair of the Assembly Utilities and Commerce Committee
The Honorable Mike McGuire, Senator
California State Association of Counties (CSAC)
Rural County Representatives of California (RCRC)

THE BOARD OF SUPERVISORS

CARRE BROWN
First District

JOHN MCCOWEN
Second District

TOM WOODHOUSE
Third District

DAN GJERDE
Fourth District

DAN HAMBURG
Fifth District

ASSEMBLY BILL

No. 1262

Introduced by Assembly Member Wood

February 27, 2015

An act to amend Section 281 of the Public Utilities Code, relating to telecommunications, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1262, as introduced, Wood. Telecommunications: universal service: California Advanced Services Fund.

Existing law, the federal Telecommunications Act of 1996, establishes a program of cooperative federalism for the regulation of telecommunications to attain the goal of local competition, while implementing specific, predictable, and sufficient federal and state mechanisms to preserve and advance universal service, consistent with certain universal service principles. The universal service principles include the principle that consumers in all regions of the nation, including low-income consumers and those in rural, insular, and high-cost areas, should have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas. The act authorizes each state to adopt regulations to provide for additional definitions and standards to preserve and advance universal service within the state, only to the extent that they adopt additional specific, predictable, and sufficient mechanisms

that do not rely on or burden federal universal service support mechanisms.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including telephone corporations, as defined. Existing law establishes the California Advanced Services Fund, referred to as the CASF, in the State Treasury. Existing law requires the commission to develop, implement, and administer the CASF to encourage deployment of high-quality advanced communications services to all Californians that will promote economic growth, job creation, and substantial social benefits of advanced information and communications technologies, as provided in specified decisions of the commission and in the CASF statute. Existing law establishes 4 accounts, the Broadband Infrastructure Grant Account, the Rural and Urban Regional Broadband Consortia Grant Account, the Broadband Infrastructure Revolving Loan Account, and the Broadband Public Housing Account within the CASF. Existing law requires that of the moneys collected for CASF on and after January 1, 2011, \$10,000,000 is to be deposited into the Rural and Urban Regional Broadband Consortia Grant Account and used for specified purposes, and \$15,000,000 is to be deposited into the Broadband Infrastructure Revolving Loan Account and used for specified purposes.

This bill would require that of the moneys collected for CASF on and after January 1, 2011, \$15,000,000 is to be deposited into the Rural and Urban Regional Broadband Consortia Grant Account and used for specified purposes, and \$10,000,000 is to be deposited into the Broadband Infrastructure Revolving Loan Account and used for specified purposes.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 281 of the Public Utilities Code is
- 2 amended to read:
- 3 281. (a) The commission shall develop, implement, and
- 4 administer the California Advanced Services Fund program to
- 5 encourage deployment of high-quality advanced communications
- 6 services to all Californians that will promote economic growth,

1 job creation, and the substantial social benefits of advanced
2 information and communications technologies, consistent with
3 this section.

4 (b) (1) The goal of the program is, no later than December 31,
5 2015, to approve funding for infrastructure projects that will
6 provide broadband access to no less than 98 percent of California
7 households.

8 (2) In approving infrastructure projects, the commission shall
9 give priority to projects that provide last-mile broadband access
10 to households that are unserved by an existing facilities-based
11 broadband provider. The commission shall provide each applicant,
12 and any party challenging an application, the opportunity to
13 demonstrate actual levels of broadband service in the project area,
14 which the commission shall consider in reviewing the application.

15 (c) The commission shall establish the following accounts within
16 the fund:

17 (1) The Broadband Infrastructure Grant Account.

18 (2) The Rural and Urban Regional Broadband Consortia Grant
19 Account.

20 (3) The Broadband Infrastructure Revolving Loan Account.

21 (4) The Broadband Public Housing Account.

22 (d) (1) All moneys collected by the surcharge authorized by
23 the commission pursuant to Decision 07-12-054 shall be
24 transmitted to the commission pursuant to a schedule established
25 by the commission. The commission shall transfer the moneys
26 received to the Controller for deposit in the California Advanced
27 Services Fund. Moneys collected on and after January 1, 2011,
28 shall be deposited in the following amounts in the following
29 accounts:

30 (A) One hundred ninety million dollars (\$190,000,000) into the
31 Broadband Infrastructure Grant Account.

32 (B) ~~Ten million dollars (\$10,000,000)~~ *Fifteen million dollars*
33 *(\$15,000,000)* into the Rural and Urban Regional Broadband
34 Consortia Grant Account.

35 (C) ~~Fifteen million dollars (\$15,000,000)~~ *Ten million dollars*
36 *(\$10,000,000)* into the Broadband Infrastructure Revolving Loan
37 Account.

38 (2) All interest earned on moneys in the fund shall be deposited
39 in the fund.

1 (3) The commission shall not collect moneys, by imposing the
2 surcharge described in paragraph (1) for deposit in the fund, in an
3 amount that exceeds one hundred million dollars (\$100,000,000)
4 before January 1, 2011. On and after January 1, 2011, the
5 commission may collect an additional sum not to exceed two
6 hundred fifteen million dollars (\$215,000,000), for a sum total of
7 moneys collected by imposing the surcharge described in paragraph
8 (1) not to exceed three hundred fifteen million dollars
9 (\$315,000,000). The commission may collect the additional sum
10 beginning with the calendar year starting on January 1, 2011, and
11 continuing through the 2020 calendar year, in an amount not to
12 exceed twenty-five million dollars (\$25,000,000) per year, unless
13 the commission determines that collecting a higher amount in any
14 year will not result in an increase in the total amount of all
15 surcharges collected from telephone customers that year.

16 (e) (1) All moneys in the California Advanced Services Fund
17 shall be available, upon appropriation by the Legislature, to the
18 commission for the program administered by the commission
19 pursuant to this section, including the costs incurred by the
20 commission in developing, implementing, and administering the
21 program and the fund.

22 (2) Notwithstanding any other law and for the sole purpose of
23 providing matching funds pursuant to the federal American
24 Recovery and Reinvestment Act of 2009 (Public Law 111-5), any
25 entity eligible for funding pursuant to that act shall be eligible to
26 apply to participate in the program administered by the commission
27 pursuant to this section, if that entity otherwise satisfies the
28 eligibility requirements under that program. Nothing in this section
29 shall impede the ability of an incumbent local exchange carrier,
30 as defined by subsection (h) of Section 251 of Title 47 of the
31 United States Code, that is regulated under a rate of return
32 regulatory structure, to recover, in rate base, California
33 infrastructure investment not provided through federal or state
34 grant funds for facilities that provide broadband service and
35 California intrastate voice service.

36 (3) Notwithstanding subdivision (b) of Section 270, an entity
37 that is not a telephone corporation shall be eligible to apply to
38 participate in the program administered by the commission pursuant
39 to this section to provide access to broadband to an unserved or
40 underserved household, as defined in commission Decision

1 12-02-015, if the entity otherwise meets the eligibility requirements
2 and complies with program requirements established by the
3 commission. These requirements shall include all of the following:

4 (A) That projects under this paragraph provide last-mile
5 broadband access to households that are unserved by an existing
6 facilities-based broadband provider and only receive funding to
7 provide broadband access to households that are unserved or
8 underserved, as defined in commission Decision 12-02-015.

9 (B) That funding for a project providing broadband access to
10 an underserved household shall not be approved until after any
11 existing facilities-based provider has an opportunity to demonstrate
12 to the commission that it will, within a reasonable timeframe,
13 upgrade existing service. An existing facilities-based provider
14 may, but is not required to, apply for funding under this section to
15 make that upgrade.

16 (C) That the commission shall provide each applicant, and any
17 party challenging an application, the opportunity to demonstrate
18 actual levels of broadband service in the project area, which the
19 commission shall consider in reviewing the application.

20 (D) That a local governmental agency may be eligible for an
21 infrastructure grant only if the infrastructure project is for an
22 unserved household or business, the commission has conducted
23 an open application process, and no other eligible entity applied.

24 (E) That the commission shall establish a service list of
25 interested parties to be notified of California Advanced Services
26 Fund applications.

27 (f) Moneys in the Rural and Urban Regional Broadband
28 Consortia Grant Account shall be available for grants to eligible
29 consortia to fund the cost of broadband deployment activities other
30 than the capital cost of facilities, as specified by the commission.
31 An eligible consortium may include, as specified by the
32 commission, representatives of organizations, including, but not
33 limited to, local and regional government, public safety, elementary
34 and secondary education, health care, libraries, postsecondary
35 education, community-based organizations, tourism, parks and
36 recreation, agricultural, and business, and is not required to have
37 as its lead fiscal agent an entity with a certificate of public
38 convenience and necessity.

39 (g) Moneys in the Broadband Infrastructure Revolving Loan
40 Account shall be available to finance capital costs of broadband

1 facilities not funded by a grant from the Broadband Infrastructure
2 Grant Account. The commission shall periodically set interest rates
3 on the loans based on surveys of existing financial markets.

4 (h) (1) For purposes of this subdivision, the following terms
5 have the following meanings:

6 (A) “Publicly subsidized” means either that the housing
7 development receives financial assistance from the United States
8 Department of Housing and Urban Development pursuant to an
9 annual contribution contract or is financed with low-income
10 housing tax credits, tax-exempt mortgage revenue bonds, general
11 obligation bonds, or local, state, or federal loans or grants and the
12 rents of the occupants, who are lower income households, do not
13 exceed those prescribed by deed restrictions or regulatory
14 agreements pursuant to the terms of the financing or financial
15 assistance.

16 (B) “Publicly supported community” means a publicly
17 subsidized multifamily housing development that is wholly owned
18 by either of the following:

19 (i) A public housing agency that has been chartered by the state,
20 or by any city or county in the state, and has been determined to
21 be an eligible public housing agency by the United States
22 Department of Housing and Urban Development.

23 (ii) An incorporated nonprofit organization as described in
24 Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. Sec.
25 501(c)(3)) that is exempt from taxation under Section 501(a) of
26 that code (16 U.S.C. Sec. 501(a)), and that has received public
27 funding to subsidize the construction or maintenance of housing
28 occupied by residents whose annual income qualifies as “low” or
29 “very low” income according to federal poverty guidelines.

30 (2) Notwithstanding subdivision (b) of Section 270, moneys in
31 the Broadband Public Housing Account shall be available for the
32 commission to award grants and loans pursuant to this subdivision
33 to an eligible publicly supported community if that entity otherwise
34 meets eligibility requirements and complies with program
35 requirements established by the commission.

36 (3) Not more than twenty million dollars (\$20,000,000) shall
37 be available for grants and loans to a publicly supported community
38 to finance a project to connect a broadband network to that publicly
39 supported community. A publicly supported community may be
40 an eligible applicant only if the publicly supported community can

1 verify to the commission that the publicly supported community
2 has not denied a right of access to any broadband provider that is
3 willing to connect a broadband network to the facility for which
4 the grant or loan is sought.

5 (4) (A) Not more than five million dollars (\$5,000,000) shall
6 be available for grants and loans to a publicly supported community
7 to support programs designed to increase adoption rates for
8 broadband services for residents of that publicly supported
9 community. A publicly supported community may be eligible for
10 funding for a broadband adoption program only if the residential
11 units in the facility to be served have access to broadband services
12 or will have access to broadband services at the time the funding
13 for adoption is implemented.

14 (B) A publicly supported community may contract with other
15 nonprofit or public agencies to assist in implementation of a
16 broadband adoption program.

17 (5) To the extent feasible, the commission shall approve projects
18 for funding from the Broadband Public Housing Account in a
19 manner that reflects the statewide distribution of publicly supported
20 communities.

21 (6) In reviewing a project application under this subdivision,
22 the commission shall consider the availability of other funding
23 sources for that project, any financial contribution from the
24 broadband service provider to the project, the availability of any
25 other public or private broadband adoption or deployment program,
26 including tax credits and other incentives, and whether the applicant
27 has sought funding from, or participated in, any reasonably
28 available program. The commission may require an applicant to
29 provide match funding, and shall not deny funding for a project
30 solely because the applicant is receiving funding from another
31 source.

32 (7) (A) To provide funding for the purposes of this subdivision,
33 the commission shall transfer to the Broadband Public Housing
34 Account twenty million dollars (\$20,000,000) from the Broadband
35 Infrastructure Grant Account and five million dollars (\$5,000,000)
36 from the Broadband Revolving Loan Account. Any moneys in the
37 Broadband Public Housing Account that have not been awarded
38 pursuant to this subdivision by December 31, 2016, shall be
39 transferred back to the Broadband Infrastructure Grant Account

1 and Broadband Infrastructure Revolving Loan Account in
2 proportion to the amount transferred from the respective accounts.

3 (B) The commission shall transfer funds pursuant to
4 subparagraph (A) only if the commission is otherwise authorized
5 to collect funds for purposes of this section in excess of the total
6 amount authorized pursuant to paragraph (3) of subdivision (d).

7 (i) (1) The commission shall conduct two interim financial
8 audits and a final financial audit and two interim performance
9 audits and a final performance audit of the implementation and
10 effectiveness of the California Advanced Services Fund to ensure
11 that funds have been expended in accordance with the approved
12 terms of the grant awards and loan agreements and this section.
13 The commission shall report its interim findings to the Legislature
14 by April 1, 2011, and April 1, 2017. The commission shall report
15 its final findings to the Legislature by April 1, 2021. The reports
16 shall also include an update to the maps in the final report of the
17 California Broadband Task Force and data on the types and
18 numbers of jobs created as a result of the program administered
19 by the commission pursuant to this section.

20 (2) (A) The requirement for submitting a report imposed under
21 paragraph (1) is inoperative on January 1, 2022, pursuant to Section
22 10231.5 of the Government Code.

23 (B) A report to be submitted pursuant to paragraph (1) shall be
24 submitted in compliance with Section 9795 of the Government
25 Code.

26 (j) (1) Beginning on January 1, 2012, and annually thereafter,
27 the commission shall provide a report to the Legislature that
28 includes all of the following information:

29 (A) The amount of funds expended from the California
30 Advanced Services Fund in the prior year.

31 (B) The recipients of funds expended from the California
32 Advanced Services Fund in the prior year.

33 (C) The geographic regions of the state affected by funds
34 expended from the California Advanced Services Fund in the prior
35 year.

36 (D) The expected benefits to be derived from the funds expended
37 from the California Advanced Services Fund in the prior year.

38 (E) Actual broadband adoption levels from the funds expended
39 from the California Advanced Services Fund in the prior year.

1 (F) The amount of funds expended from the California
2 Advanced Services Fund used to match federal funds.

3 (G) An update on the expenditures from California Advanced
4 Services Fund and broadband adoption levels, and an accounting
5 of remaining unserved and underserved households and areas of
6 the state.

7 (H) The status of the California Advanced Services Fund balance
8 and the projected amount to be collected in each year through 2020
9 to fund approved projects.

10 (2) (A) The requirement for submitting a report imposed under
11 paragraph (1) is inoperative on January 1, 2021, pursuant to Section
12 10231.5 of the Government Code.

13 (B) A report to be submitted pursuant to paragraph (1) shall be
14 submitted in compliance with Section 9795 of the Government
15 Code.

16 SEC. 2. This act is an urgency statute necessary for the
17 immediate preservation of the public peace, health, or safety within
18 the meaning of Article IV of the Constitution and shall go into
19 immediate effect. The facts constituting the necessity are:

20 The immediate continuation of assistance with broadband
21 deployment is a primary purpose of the Rural and Urban Regional
22 Broadband Consortia Grant Account. In order to ensure funding
23 for regular broadband consortia activities, adequate funding must
24 be made available. The Rural and Urban Regional Broadband
25 Consortia Grant Account has been exhausted and unless moneys
26 are made available immediately, deployment activities could cease.



**MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY**

BOARD AGENDA # 4(f)

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
- Agenda Summaries must be submitted no later than noon Monday, 15 days prior to the meeting date (along with electronic submittals)
- Send 1 complete original single-sided set and 1 photocopy set – Items must be signed-off by appropriate departments and/or Co. Co.
Note: If individual supporting document(s) exceed 25 pages each, or are not easily duplicated, please provide 10 hard-copy sets)
- Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: bosagenda@co.mendocino.ca.us
- Electronic Transmission Checklist: Agenda Summary Records Supp. Doc. If applicable, list other online information below
- Executed records will be returned to the department within one week. *Arrangements for expedited processing must be made in advance*

TO: Board of Supervisors **DATE:** March 31, 2015
FROM: Health and Human Services Agency **MEETING DATE:** April 21, 2015
DEPARTMENT RESOURCE/CONTACT: Stacey Cryer **PHONE:** 463-7774 Present On Call
 Consent Agenda Regular Agenda Noticed Public Hearing Time Allocated for Item: _____

■ AGENDA TITLE: Approval of Letter of Support to Congressman Huffman to Support Community Health Center Programs' Federal Funding

■ PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: N/A

■ SUMMARY OF REQUEST: Mendocino County Health and Human Services Agency (HHSA) is seeking the Board's approval and signature on a letter of support for federal funding for the Community Health Center Programs.

Community Health centers play a critical role in the communities they serve by contributing to the overall health and well-being of the community's residents through high quality primary and preventive health care including: dental, behavioral health, pharmacy and a variety of supportive services. These centers serve vulnerable populations that live in rural areas where larger health centers are often an hour or more away.

Our local Federally Qualified Health Centers (FQHC's): Mendocino Community Health Clinic (MCHC), Mendocino Coast Clinics (MCC), Anderson Valley Health Center (AVHC), Redwood Coast Medical Services (RCMS) and Long Valley Health Center (LVHC) effectively manage chronic care conditions, coordinate care among the community's providers and keep people out of the costlier care settings like emergency rooms.

Health centers across the nation are currently facing a significant loss of federal funding. Such a loss of funding would reduce access to affordable health care for many people in our community, especially those in rural areas.

■ SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: N/A

■ ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):

FISCAL IMPACT:			
Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
N/A	N/A	N/A	Yes <input type="checkbox"/> No <input type="checkbox"/>

■ Grant Related: yes no **If yes, is there a County match?** yes no **Amount:** _____

■ SUPERVISORIAL DISTRICT: 1 2 3 4 5 All **VOTE REQUIREMENT:** Majority 4/5ths

■ RECOMMENDED ACTION/MOTION: Approve the letter of support as presented; authorize the chair to sign same and execute letter on Board of Supervisors' letterhead. Return one (1) original and one (1) copy of signed letter to the Health and Human Services Agency.

■ ALTERNATIVES: Return to staff for alternative handling.

■ CEO REVIEW (NAME): Jill Martin, DCEO **PHONE:** 463-4441

RECOMMENDATION: Agree Disagree No Opinion Alternate Staff Report Attached

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____

RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____

CARMEL J. ANGELO
Chief Executive Officer
Clerk of the Board



CONTACT INFORMATION
501 Low Gap Road • Room 1010
Ukiah, California 95482
TELEPHONE: (707) 463-4221
FAX: (707) 463-7237
Email: bos@co.mendocino.ca.us
Web: www.co.mendocino.ca.us/bos

**COUNTY OF MENDOCINO
BOARD OF SUPERVISORS**

April 21, 2015

Congressman Huffman
Longworth House
New Jersey & Independence Ave. SE Rm. 1630
Washington, D. C.

Dear Congressman Huffman:

As Chair of the Mendocino County Board of Supervisors I write to express our support of Community Health Center program and to highlight the critical role Health Centers play in rural northern California. Health Centers bring value to the communities they serve by contributing to the overall health and wellbeing of the community's residents and serving as powerful economic engines and job creators. We are writing to urge you to help preserve our region's Federally Qualified Health Centers (FQHCs): Mendocino Community Health Clinic (MCHC), Mendocino Coast Clinics (MCC), Anderson Valley Health Center (AVHC), Redwood Coast Medical Services (RCMS) and Long Valley Health Center (LVHC).

As we all work to curb the rising cost of health care in this country, we are proud of the work these local FQHC's are doing to reduce costs to the health care system. They effectively manage chronic care conditions, coordinate care among the community's providers, and keep people out of the costlier care settings like emergency rooms. Nationally, health centers save \$1,200 per patient, per year – a total annual savings of \$24 billion to the entire health care system. In addition to reducing costs, these FQHCs provide high-quality primary and preventive health care to the people who need it most. The FQHCs in Mendocino County serve as the health care home for 50,408 patients and all of the five local health center corporations provide primary care, dental, behavioral health, pharmacy, and a variety of support services to Mendocino County residents. Because they are locally-owned and directed by a patient majority board, (a mandatory and uniquely valuable part of its governance), these FQHCs must be, and quite frankly have proven themselves to be, truly responsive to the needs of our communities.

As a member of the Mendocino County community, I have witnessed the countless contributions our FQHCs have made in addressing this region's health care needs while at the same time boosting their local economies. I am asking for your help now to preserve Health Centers so they can continue their vital role in our health care system. The request is urgent, because Health Centers like MCHC, MCC, RCMS, AVHC and LVHC are currently facing a significant loss of federal funding. Such a loss of funding would immediately reduce access to care for many in our community and damage our local economy through numerous staff layoffs, five corporate site closures and a large number of service reductions, etc. Averting this funding cliff is critical to ensuring the stability and financial viability of FQHCs.

I am hopeful that MCHC, MCC, AVHC, RCMS and LVHC can count on your support as we work to meet the persistent demand for affordable primary care in Mendocino County.

Sincerely,

Carre Brown, Chair
Mendocino County Board of Supervisors

THE BOARD OF SUPERVISORS

CARRE BROWN
First District

JOHN MCCOWEN
Second District

TOM WOODHOUSE
Third District

DAN GJERDE
Fourth District

DAN HAMBURG
Fifth District



MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA #4(g)

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
- Agenda Summaries must be submitted no later than noon Monday, 15 days prior to the meeting date (along with electronic submittals)
- Send 1 complete original single-sided set and 1 photocopy set – Items must be signed-off by appropriate departments and/or Co. Co.
Note: If individual supporting document(s) exceed 25 pages each, or are not easily duplicated, please provide 10 hard-copy sets
- Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: bosagenda@co.mendocino.ca.us
- Electronic Transmission Checklist: Agenda Summary Records Supp. Doc. If applicable, list other online information below
- Executed records will be returned to the department within one week. *Arrangements for expedited processing must be made in advance*

TO: Board of Supervisors **DATE:** March 12, 2015

FROM: HHSA - Adult and Aging Services **MEETING DATE:** April 21, 2015

DEPARTMENT RESOURCE/CONTACT: Stacey Cryer **PHONE:** 463-7774 Present On Call
Bekkie Emery **PHONE:** 463-7761 Present On Call

Consent Agenda Regular Agenda Noticed Public Hearing Time Allocated for Item: n/a

AGENDA TITLE: **Approval of Support Letter to Assembly Member Cheryl R. Brown, Chair, Assembly Committee on Aging and Long-Term Care for Funding for Aging and Long Term Care Programs**

PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: None

SUMMARY OF REQUEST: Mendocino County Health and Human Services Agency (HHSA) Adult and Aging Services is seeking the Board’s approval and signature on a letter of support for funding for aging and long-term care programs.

The budgetary initiatives proposed by Assembly Member Cheryl R. Brown would restore, reposition, and enhance programs that improve the lives of elders. The budgetary initiatives include: 1) Restore caregiver resource centers; 2) Establish Blue-Ribbon Caregiver Council as articulated in AB 1744 (Brown, et. al., 2014); 3) Restore and enhance Long Term Care Ombudsman; 4) Restore In-Home Supportive Services (IHSS) seven percent (7%) reduction of hours via revised tax mechanism. Tax levy requires 2/3 vote; 5) Backfill sequestration cuts to Senior Nutrition Program; 6) Restore Alzheimer’s Day Care Resources Centers (ADCRC) Funding; 7) Blue Ribbon Panel on Elder and Dependent Adult Abuse; and 8) Restoration of the Multi-Purpose Senior Services Program (MSSP) Safety Net.

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:

ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):

FISCAL IMPACT:			
Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
N/A	N/A		Yes <input type="checkbox"/> No <input type="checkbox"/>

Grant Related: yes no **If yes, is there a County match?** yes no **Amount:** n/a

SUPERVISORIAL DISTRICT: 1 2 3 4 5 All **VOTE REQUIREMENT:** Majority 4/5ths

RECOMMENDED ACTION/MOTION: Approve the letter of support as presented; authorize the chair to sign same and execute letter on Board of Supervisors’ letterhead. Return one (1) original and one (1) copy of signed letter to the Health and Human Services Agency.

ALTERNATIVES: Return to staff for alternative handling.

CEO REVIEW (NAME): Jill Martin, DCEO **PHONE:** 463-4441

RECOMMENDATION: Agree Disagree No Opinion Alternate Staff Report Attached

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____

RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____

CARMEL J. ANGELO
Chief Executive Officer
Clerk of the Board



**COUNTY OF MENDOCINO
BOARD OF SUPERVISORS**

CONTACT INFORMATION
501 Low Gap Road • Room 1010
Ukiah, California 95482
TELEPHONE: (707) 463-4221
FAX: (707) 463-7237
Email: bos@co.mendocino.ca.us
Web: www.co.mendocino.ca.us/bos

April 21, 2015

The Honorable Cheryl R. Brown, Chair
California Assembly Committee on Aging and Long-Term Care
State Capitol
PO Box 942849
Sacramento, CA 94249

RE: Letter of Support – Funding for Aging and Long-Term Care Programs

Dear Chair Brown,

As Chair of the Board of Supervisors of Mendocino County, I am writing to inform you that Mendocino County supports your proposed budgetary initiatives, in your letter dated January 14, 2015, which include:

- 1) Restore Caregiver Resource Centers;
- 2) Establish Blue-Ribbon Caregiver Council as articulated in AB 1744 (Brown, et, al., 2014);
- 3) Restore and Enhance Long-Term Care Ombudsman;
- 4) Restore In-Home Supportive Services (IHSS) seven percent (7%) reduction of hours via revised tax mechanism. Tax levy requires 2/3 vote;
- 5) Backfill sequestration cuts to Senior Nutrition Program;
- 6) Restore Alzheimer's Day Care Resource Centers (ADCRC) Funding;
- 7) Blue Ribbon Panel on Elder and Dependent Adult Abuse;
- 8) Restoration of the Multi-Purpose Senior Services Program (MSSP) Safety Net.

These proposed initiatives protect the well-being of older adults and their caregivers who struggle every day to care for them.

California's rapidly expanding aging population and aging networks have struggled and will continue to struggle due to drastic cuts of critical programs that are essential to assist this population to live safely and independently. I am pleased that the Assembly Committee on Aging and Long-Term Care recognizes the obligatory support of our at-risk population needs and the important role community-based organizations and Area Agencies on Aging play in providing quality and effective services to fulfill the health and social needs of older adults.

On behalf of the Mendocino County Board of Supervisors, I respectfully offer our support. We thank you and your committee's continued service for current and future older Californians.

Sincerely,

Carre Brown, Chair
Mendocino County Board of Supervisors

cc: The Honorable Shirley N. Weber, Chair, Assembly Committee on Budget
Area Agency on Aging of Lake and Mendocino Counties

THE BOARD OF SUPERVISORS

CARRE BROWN
First District

JOHN MCCOWEN
Second District

TOM WOODHOUSE
Third District

DAN GJERDE
Fourth District

DAN HAMBURG
Fifth District

CHIEF CONSULTANT
ROBERT MACLAUGHLIN
COMMITTEE SECRETARY
IRENE ROMO
STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0087
(916) 319-3990
FAX (916) 319-3884

Assembly
California Legislature
ASSEMBLY COMMITTEE ON
AGING AND LONG-TERM CARE
CHERYL R. BROWN, CHAIR

MEMBERS
DAVID HADLEY, VICE CHAIR
MIKE A. GIPSON
ADAM C. GRAY
MARC LEVINE
PATTY LOPEZ
DEVON J. MATHIS



January 14, 2015

Honorable Shirley N. Weber, Chair
Assembly Committee on Budget
State Capitol, Room 6026
Sacramento, CA 95814

Re: Funding for Aging and Long-Term Care Programs

Dear Chairperson Weber:

On behalf of California's rapidly expanding, and rapidly diversifying population of older adults and those who struggle everyday to care for them, I respectfully submit the following proposed budgetary initiatives to protect their well-being, and support their health and social needs. This letter represents approximately \$36 million in annual commitments from a range of funding sources; commitments that I believe are overdue given the burgeoning economic recovery currently developing throughout our great state. Each of the proposals enclosed have been thoughtfully analyzed, and many are familiar to your staff. As we move through the budget process, please feel free to contact me to discuss any of these important initiatives.

Over the last ten years, state funding for senior programs within the Older Californians Act (OCA) and other authorities supporting programs and services for older and other disabled adults has been systematically dismantled due to unfavorable economic conditions. Since 2004, over \$30 million in services have been cut, resulting in the elimination or dramatic reduction of critical community-based programs and services provided through the state's Area Agencies on Aging, and counties. Community-based programs through the Older Californians Act enable seniors to remain independent in their own homes, avoiding costly placement into institutional settings. The drastic cuts of the last ten years have done serious harm, devastating the ability of Area Agencies on Aging to fulfill projected growth over the next three decades, not to mention the growing prominence of Alzheimer's disease. We must make essential state investments to repair and revitalize the network of flexible, person-focused, and caregiver-focused services.

According to a 2013 Issue Brief by the Kaiser Family Foundation, "A State by State Snapshot of Poverty Among Seniors: Findings from the Analysis of the Supplemental Poverty Measure," California is the state with the highest rate of poverty among seniors, with one in five (20 percent) living in poverty (supplemental measure, 2009-11 Census). More than half (56 percent) live below 200 percent of the supplemental poverty measure.

Funding for Aging and Long-Term Care Programs

1



My proposals below would restore, re-position, and enhance programs proven to be exceptionally effective at improving the lives of elders, particularly those who are economically vulnerable. However, the proposals meet the broad needs of California's shrinking middle class by extending the supports necessary to assure caregivers are acknowledged and valued within our communities.

Therefore, respectfully, I submit the following budgetary initiatives on behalf of older Californians, disabled adults, and those who care for them:

1. Restore Caregiver Resource Centers: \$8 million
Restoration of Funding for the California Caregiver Resource Centers (CRC): \$10.5 million General Fund (GF)

- In 2009, CRC funding was cut by 74 percent-one of the largest funding cuts of any health and human services program.
- The CRC total allocation has gone from \$10.5 million to the current funding level of \$2.9 million to serve 6 million family caregivers in California.

CRCs are the lead agency in California that exclusively serve and support unpaid family caregivers. California family caregivers are the backbone of reducing hospital readmissions, and compliance with provider care plans. As the state continues to promote home and community-based services and managed health care, unpaid family caregivers will be heavily relied upon by providers to help their loved ones navigate and make choices about their healthcare. This reliance on caregivers will only increase as the diagnoses of Alzheimer's and other dementias continue to rise. The CRC served more than 15,000 families and caregivers of adults affected by chronic health conditions such as Alzheimer's, Parkinson's, and brain injury. The CRC serves as an entry point to services available in the community and provides information, education and support to the caregiver.

**2. Establish Blue-Ribbon Caregiver Council as articulated in AB 1744 (Brown, et. al., 2014):
\$500 thousand**

Families are the major provider of long-term care, but research has shown that caregiving exacts a heavy emotional and financial toll. Many caregivers who work and provide care, experience conflicts between their responsibilities. Almost half of all caregivers are over age 50, making them more vulnerable to a decline in their own health, and one-third describe their own health as fair to poor. Women make up the majority of the unpaid caregiver workforce, and often interrupt their careers to take on the burden of caring for a relative. Caregiving women face uncertain economic futures due to employment interruptions and the corresponding reductions to retirement plans and the social security system. California's population is diversifying and aging, thus demanding a range of cultural competencies to meet the care needs of existing and future populations. A Blue Ribbon panel to identify the necessary steps required to move smartly and efficiently forward would provide decision makers the guidance and insight necessary to address the growing senior population and the unprecedented demographic paradigm that California faces.

3. Restore and Enhance Long-Term Care Ombudsman: \$4.4 million

Despite the important work of the Long-Term Care Ombudsman Program, \$3.8 million were cut from program's annual budget in 2008. Since the General Fund cut, Ombudsman representatives

have worked tirelessly to secure alternative funding, streamline services and create more efficient systems. Total projected funding for the Program in 2015 stands at \$6.7 million compared to \$11.2 million in the 2007-08 fiscal year.

These drastic cuts in funding, caused California's local Ombudsman Programs to reduce operating days and hours, and scale back services to long term care residents. Since the cuts to their budget, the Long Term Care Ombudsman Programs are no longer able to meet their Federal mandate to conduct quarterly monitoring visits for long term care facilities. During the 2012-2013 fiscal year, 5,769 facilities in California did not receive quarterly visits from an Ombudsman, leaving approximately 100,000 residents in those facilities without an advocate and at increased risk of neglect or mistreatment.

The requested funding will allow local programs to meet their federal and state mandates, and will be an important first step to rebuilding the state's commitment to protecting vulnerable residents of long-term care facilities.

- \$2,784,150 will enable the program to conduct vital monitoring visits to all long term care facilities in California.
- \$351,331 will enable the program to supervise and train volunteer ombudsmen.
- \$1,128,177 will enable the program to investigate 6,000 more complaints per year.

4. Restore In-Home Supportive Services (IHSS) 7 percent reduction of hours via revised tax mechanism: tax levy requires 2/3 vote

The 7 percent reduction was part of a larger 2013 federal court settlement between the State and IHSS recipients and advocacy organizations that resulted in rescinding three major cuts to IHSS that were enacted but never implemented in 2009 and 2011. As part of the settlement, a temporary 8 percent across the board cut in service hours for all IHSS recipients was put in place from July 1, 2013 through June 30, 2014, and then reduced to 7percent from July 1, 2014 through at least June 30, 2015. That 7 percent across the board reduction could be restored, under the 2013 court settlement, if sufficient new federal funding was obtained by the State to cover the costs of that restoration.

The Governor's proposal to revamp the Medi-Cal Managed Care Organization provider tax and to use some of that additional funding to cover the costs of the restoration of the 7 percent cut in IHSS hours is meant to accomplish the requirements of the settlement.

5. Backfill sequestration cuts to Senior Nutrition Program: \$7 million

Congregate Nutrition Services, established in 1972 and Home-Delivered Nutrition Services, established in 1978, provide meals and related nutrition services to older individuals in a variety of settings. They include congregated meal sites where meals are provided in group settings such as senior centers, or by home-delivery to older individuals who are homebound due to illness, disability, or geographic isolation. Services are targeted to those in greatest social and economic need with particular attention to those at risk of isolation, such as low income individuals, those in rural communities, those with limited English proficiency, and those at risk of institutional care. Nutrition Services Programs help older individuals to remain independent and in their communities.

According to California Department of Aging (CDA), sequester cuts have the effect of reducing congregate meals by 8.1 percent and home delivered meals by 4.3 percent, or, \$6.6 million (about 1,629,630 fewer meals being served or delivered).

6. Adult Protective Services (APS) Statewide, Centrally Administered Program: \$5 million

Each county has an APS agency to help elder adults (65 years and older) and dependent adults (18-64 who are disabled), when they are unable to meet their own needs, or become victims of abuse, neglect or exploitation. County APS agencies investigate reports of abuse of elders and dependent adults who live in private homes. County APS staff-people evaluate abuse cases and arrange services such as advocacy, counseling, money management, out-of-home placement, or conservatorship.

Services provided by APS programs are pivotal to the broader elder justice network, which includes law enforcement, legal aid programs, the judiciary, long-term care ombudsmen, consumer advocates, and many others. These entities rely upon APS to perform such critical front line functions as providing emergency services on a 24-hour basis, investigating reports in collaboration with local law enforcement, assessing risk for very vulnerable older adults and adults with disabilities, then connecting these individuals to essential support services that help them to maintain their independence. The effectiveness of the entire elder justice system depends on APS.

Recent cuts have decimated the APS program and de-centralized it creating a non-functioning system of 58 separate county level programs with no uniformity, central oversight, or leadership. Re-establishing APS as a centralized state-wide program will assure uniform community-based protections for exploited and vulnerable adults.

7. Alzheimer's Day Care Resource Centers (ADCRC) - Restore Funding: \$4 million

Once funded at \$3.787 million, the ADCRC program provided previously licensed Adult Day Care (ADC) and Adult Day Health Care (ADHC) centers with funds to support an enhanced infrastructure (specialized staffing, training, education and caregiver support systems) required to meet the needs of persons with moderate to severe levels of dementia. These clients have complex behavioral issues that require more intensive levels of supervision and hands-on care. There were 56 ADCRCs in California that served approximately 3,200 frail older persons, on a day basis thus relieving family caregivers so that they may work. Approximately 33 percent of the clients had severe cognitive impairment, 38 percent were 85 or older and over 33 percent poor. It is estimated that elimination of this program resulted in many clients being institutionalized.

8. Blue Ribbon Panel on Elder and Dependent Adult Abuse: \$1 million

Financial Elder abuse has morphed into a multi-billion dollar industry and physical abuse of elders has gone unchecked by various state and local programs and services as demonstrated in the deterioration of Community Care Licensing presence within assisted living facilities and the deterioration of performance by the Licensing and Certification unit at the Department of Public Health. Abusers move faster than the state apparatus designed to curtail, curb and reduce their

activities. As the aging population mushrooms during the next several years, California must place itself on the cutting edge of newly identified, successful strategies to reduce the risk of vulnerable adults being exploited or mistreated. The California Commission on Aging is ideally designed to undertake the task to convene experts on an ongoing, short-term basis to recommend policy changes necessary to get and stay 'in-front' of this phenomenon. My proposal envisions a 5-year effort to assess, analyze and then make recommendations to improve, California's various systems of support, care and oversight to assure the most dignified mechanisms to promote security and safety among older and functionally impaired adults.

9. Restoration of the Multi-Purpose Senior Services Program (MSSP) Safety Net: \$5.1 million

A \$5.1 million increase to the Multi-Purpose Senior Services Program (MSSP) could expand services to an additional 2,670 seniors at risk for nursing home admission. MSSP has a 31-year history of successfully serving frail older adults age 65+ with co-occurring multiple chronic conditions in their homes, preventing costly acute and long-term institutionalization. MSSP is a proven, cost effective alternative to institutionalization as recognized when Centers for Medicare and Medicaid Services (CMS) approved its transition from a demonstration project to a 1915 (c) waiver program. MSSP serves the poorest and frailest elders who qualify to be covered by Medi-Cal in a skilled nursing facility.

During the recent state fiscal crises, the Schwarzenegger administration instituted sweeping cuts to many senior safety net programs, including MSSP. MSSP saves the state an estimated \$117 million or more by decreasing nursing home placement. With restored capacity, MSSP would save the state \$146 million annually. Not included in these estimate, are the savings created by decreasing unnecessary emergency department visits and hospitalizations. In addition, MSSP meets the Affordable Care Act mandate issued by Centers for Medicare and Medicaid Services (CMS) to ensure that Medicaid's home and community-based service programs provide full access to community living and offer services in the most integrated settings.

Thank you very much for allowing me to provide your committee with some of the priority funding demands that exist within the network of services and programs which lend dignity, respect and justice to at-risk elders and other younger, functionally impaired adults. If you have any questions about these programs and services, please feel free to contact my staff at 319-3990. I look forward to a productive and successful budgetary process, and stand ready to work together to improve the lives of our constituents.

Sincerely,



CHERYL R. BROWN, CHAIR
Assembly Committee on Aging and Long-Term Care

CRB:rm



MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA # 4(h)

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
- Agenda Summaries must be submitted no later than noon Monday, 15 days prior to the meeting date (along with electronic submittals)
- Send 1 complete original single-sided set and 1 photocopy set – Items must be signed-off by appropriate departments and/or Co. Co.
Note: If individual supporting document(s) exceed 25 pages each, or are not easily duplicated, please provide 7 hard-copy sets)
- Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: bosagenda@co.mendocino.ca.us
- Electronic Transmission Checklist: Agenda Summary Records Supp. Doc. If applicable, list other online information below
- Executed records will be returned to the department within one week. *Arrangements for expedited processing must be made in advance*

TO: Board of Supervisors **DATE:** March 27, 2015

FROM: Human Resources **MEETING DATE:** April 21, 2015

DEPARTMENT RESOURCE/CONTACT: Heidi Dunham, **PHONE:** 234-6600 Present On Call
Director

Consent Agenda Regular Agenda Noticed Public Hearing Time Allocated for Item: N/A

■ AGENDA TITLE: Adoption of Resolution Authorizing Changes to the Position Allocation Table as Follows: Health and Human Services Agency, Budget Unit 5010; Delete One (1) FTE Office Assistant III; Add One (1) FTE Staff Services Analyst II

■ PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: September 9, 2014, the Board adopted Master Position Allocation Table for FY 2014-2015 Budget, Resolution No. 14-120.

SUMMARY OF REQUEST: The Human Resources Department is charged, as part of the overall maintenance of the classification and compensation plan, to evaluate current classifications, create new classifications (including appropriate salary levels), reclassify positions, examine requests for salary grade adjustments, analyze allocations, and make recommendations for additions, modifications and corrections.

The Health and Human Services Agency (HHSA) has requested to delete one vacant (1) FTE Office Assistant III position and add one (1) Staff Services Analyst II position in the Staff Resources Unit. Due to staff shortage, current staff is working overtime to meet workload requirements. HHSA has determined the addition of the Staff Services Analyst II classification will allow the assignment of higher-level analytical and research duties that are outside the scope of work appropriate for the classification of Office Assistant III. The Staff Services Analyst II will assist with recruitment, job descriptions and developing HHSA procedures.

■ SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: N/A

■ ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):

FISCAL IMPACT:			
Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
HHSA Budget Unit	\$9,153.27 Increase, includes benefits	\$21,967.84 Increase, includes benefits	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

■ SUPERVISORIAL DISTRICT: 1 2 3 4 5 All **■ VOTE REQUIREMENT:** Majority 4/5ths

RECOMMENDED ACTION/MOTION: Adopt Resolution authorizing changes to the Position Allocation Table as follows: Budget Unit 5010; delete one (1) FTE Office Assistant III, add one (1) FTE Staff Services Analyst II, and authorize Chair to sign same.

■ ALTERNATIVES: Direct staff to study alternatives.

■ CEO REVIEW (NAME): Janelle Rau, Deputy CEO **PHONE:** 463-4441

RECOMMENDATION: Agree Disagree No Opinion Alternate Staff Report Attached

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____

RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____

RESOLUTION NO. 15-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AMENDING THE POSITION ALLOCATION TABLE PROVIDING FOR THE NUMBER AND COMPENSATION OF OFFICERS, DEPUTIES AND EMPLOYEES IN THE VARIOUS OFFICES OF THE COUNTY OF MENDOCINO

WHEREAS, the Board of Supervisors has adopted Resolution No. 14-120 which sets forth the classification, salaries, and number of personnel in the various County departments; and

WHEREAS, it is the wish and desire of the Board of Supervisors to amend this resolution to meet the needs of County service; and

WHEREAS, the various affected departments or agencies have agreed to incorporate the positions within their existing fiscal year budgets.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby authorizes the Position Allocation Table of said resolution to be amended as follows:

<u>ACTION</u>	<u>CLASSIFICATION TITLE</u>	<u>BARGAINING GRADE</u>	<u>CLASS UNIT</u>	<u>CODE</u>	<u>BIWEEKLY SALARY (reflects Full-time salary)</u>
Budget Unit 5010 – Health & Human Services Agency					
<u>DELETE – Position No. 754</u>					
1.0 FTE	Office Assistant III	S26A	SEIU	S536	\$1,127.20 - \$1,370.40
<u>ADD</u>					
1.0 FTE	Staff Services Analyst II	S33C	SEIU	S560	\$1,636.80 – \$1,988.80

The effective date of this Resolution shall be April 26, 2015, to coincide with the beginning of Pay Period 10-15.

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this 21st day of April, 2015, by the following vote:

- AYES:
- NOES:
- ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

Carre Brown, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
DOUGLAS L. LOSAK, Interim County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

Deputy



**MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY**

BOARD AGENDA # 4 (i)

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
- Agenda Summaries must be submitted no later than *noon* Monday, 15 days prior to the meeting date (along with electronic submittals)
- Send 1 complete original single-sided set and 1 photocopy set – Items must be signed-off by appropriate departments and/or Co. Co.
Note: If individual supporting document(s) exceed 25 pages each, or are not easily duplicated, please provide 7 hard-copy sets)
- Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: bosagenda@co.mendocino.ca.us
- Electronic Transmission Checklist: Agenda Summary Records Supp. Doc. If applicable, list other online information below
- Executed records will be returned to the department within one week. *Arrangements for expedited processing must be made in advance*

TO: Board of Supervisors **DATE:** 6 April 2015

FROM: Department of Transportation **MEETING DATE:** 21 April 2015

DEPARTMENT RESOURCE/CONTACT: Howard N. Dashiell **PHONE:** 463-4363 Present On Call
 Consent Agenda Regular Agenda Noticed Public Hearing Time Allocated for Item: N/A

■ AGENDA TITLE: Adoption of Resolution Approving Department of Transportation (DOT) Agreements (for a Total Amount of \$22,438.50) with and Accepting Grant Deeds Conveying Real Property from Certain Landowners for the Acquisition of Rights of Way Needed for the Reconstruction and Widening Project of East Side Potter Valley Road, CR 240, from M.P. 2.46 to M.P. 6.42 (Potter Valley Area)

■ PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: The reconstruction and widening of East Side Potter Valley Road, CR 240, from M.P. 2.46 to M.P. 6.42 (Project) has been a proposed project of the Department of Transportation for over a decade. By Minute Order at the 12 September 2000 meeting of the Board, the Board authorized DOT to apply for State Transportation Improvement Programmed (STIP) funding, which was allocated on 1 July 2010. The Board approved a Mitigated Negative Declaration for the Project on 4 June 2008. Since July 2014, the BOS has approved 10 resolutions approving a total of 56 agreements acquiring property needed for the construction of the Project. Under these resolutions, the Board of Supervisors (BOS) accepted the grant deeds from the various landowners of the above-mentioned agreements to acquire the necessary property for the Project. On 3 February 2015, the BOS adopted Resolution No. 15-022, a Resolution of Necessity authorizing acquisition and condemnation of certain portions of real property, which included the properties proposed to be acquired by this action.

■ SUMMARY OF REQUEST: *(See Summary of Request on Page 2)*

■ SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: N/A

■ ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):

FISCAL IMPACT:			
Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
State Transportation Improvement Program (STIP)	\$22,438.50	N/A	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

■ SUPERVISORIAL DISTRICT: 1 2 3 4 5 All **■ VOTE REQUIREMENT:** Majority 4/5ths

■ RECOMMENDED ACTION/MOTION: Adopt Resolution approving DOT Agreements (for a total amount of \$22,438.50) with and accepting Grant Deeds conveying Real Property from certain landowners for the acquisition of Rights of Way needed for the Reconstruction and Widening Project of East Side Potter Valley Road, CR 240, from M.P. 2.46 to M.P. 6.42, and authorize Chair to sign same.

■ ALTERNATIVES: Postpone approval of DOT Agreements.

■ CEO REVIEW (NAME): Christopher Shaver, DCEO **PHONE:** 463-4441

RECOMMENDATION: Agree Disagree No Opinion Alternate Staff Report Attached

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____

RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____



■ **SUMMARY OF REQUEST (cont):**

Rights of way are needed for the abovementioned project to reconstruct and widen the existing roadway on East Side Potter Valley Road, CR 240, from M.P. 2.46 to M.P. 6.42 from the following landowners in the unincorporated area of Potter Valley:

1. Jeff Adams and Toni Adams, (DOT Agreement No. 150036 in the amount of \$18,788.50)
2. Alice C. Helgren, (DOT Agreement No. 150038 in the amount of \$3,650.00)

These landowners own properties the County needs to acquire for construction of the East Side Potter Valley Road Improvement Project. The landowners have signed the DOT Agreements listed above and Grant Deeds in accordance with the terms set forth in said Agreements. DOT is now requesting the Board approve the DOT Agreements listed above and accept the Grant Deeds for the conveyance of real property to the County from said landowners. These properties were included within the Resolution of Necessity; by acquiring this through acquisition agreement, there will be no need to pursue eminent domain.

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____

RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____

RESOLUTION NO. 15-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING DEPARTMENT OF TRANSPORTATION (DOT) AGREEMENTS (FOR A TOTAL AMOUNT OF \$22,438.50) WITH AND ACCEPTING GRANT DEEDS CONVEYING REAL PROPERTY FROM CERTAIN LANDOWNERS FOR THE ACQUISITION OF RIGHTS OF WAY NEEDED FOR THE RECONSTRUCTION AND WIDENING PROJECT OF EAST SIDE POTTER VALLEY ROAD, CR 240, FROM M.P. 2.46 TO M.P. 6.42 (POTTER VALLEY AREA)

WHEREAS, the County of Mendocino seeks to acquire certain real property being necessary to provide adequate rights of way for the reconstruction and widening of East Side Potter Valley Road, CR 240, designated DOT Project No. C-9807.03, hereinafter referred to as the "PROJECT"; and

WHEREAS, the following property owners (Owners) have signed the following right of way agreements (DOT Agreements) and related grant deeds (Grant Deeds), which DOT Agreements and Grant Deeds are attached to a letter accompanying this resolution, in which the County of Mendocino agrees to acquire from the Owners and the Owners agree to convey to the County of Mendocino, for the dollar amount stated below, certain property needed for the PROJECT, subject to the performance of certain conditions on the part of the County of Mendocino, said conditions being set forth in full in each of the DOT Agreements:

1. Jeff Adams and Toni Adams (DOT Agreement No. 150036 in the amount of \$18,788.50)
2. Alice C. Helgren (DOT Agreement No. 150038 in the amount of \$3,650.00)

WHEREAS, the Director of Transportation has reviewed the DOT Agreements listed above and recommends them for approval; and

WHEREAS, County Counsel has reviewed the DOT Agreements listed above and has approved them as to form; and

WHEREAS, the Grant Deed, by reference made a part hereof, conveys real property from aforesaid Owner, to the County of Mendocino in accordance with the terms of the DOT Agreement listed above; and

WHEREAS, said Grant Deeds convey to the County of Mendocino real property that the County requires for DOT Project No. C-9807.03 to reconstruct and widen East Side Potter Valley Road, CR 240, from M.P. 2.46 to M.P. 6.42.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby:

1. Authorizes and directs the Chair of the Board of Supervisors to execute the DOT Agreements to acquire real property from the Owners; and
2. Authorizes and directs the Director of Transportation and the Auditor-Controller to direct the payment of funds required to be paid to the Owners under the DOT Agreements to the Owners from the funds transferred to an escrow account established with Redwood Empire Title Company pursuant to Resolution No. 15-022; and

3. Accepts the Grant Deeds from the Owners conveying real property to the County of Mendocino, subject to the performance of certain conditions on the part of the County of Mendocino, said conditions being set forth in full in the DOT Agreements; and
4. Authorizes and directs the Chair of the Mendocino County Board of Supervisors to execute the Statutory Certificates of Acceptance in connection with said Grant Deeds; and
5. Directs the Clerk of the Mendocino County Board of Supervisors, upon execution of the Statutory Certificates of Acceptance, to submit said Grant Deeds to the County Department of Transportation office for further processing and recording; and
6. Authorizes and directs the County Auditor and the County Assessor to prorate and transfer taxes as of the date of recording of said Grant Deeds conveying certain real property of the Owners to the County of Mendocino, pursuant to Section 4986 of the Revenue and Taxation Code of the State of California.

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this _____ day of _____, 2015, by the following vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

CARRE BROWN, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
DOUGLAS L. LOSAK, Interim County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

Deputy



**COUNTY OF MENDOCINO
DEPARTMENT OF TRANSPORTATION**

340 LAKE MENDOCINO DRIVE
UKIAH, CALIFORNIA 95482-9432
VOICE (707) 463-4363 FAX (707) 463-5474

21 April 2015

Mendocino County Board of Supervisors
501 Low Gap Road, Room 1090
Ukiah, CA 95482

RE: ADOPTION OF RESOLUTION APPROVING DEPARTMENT OF TRANSPORTATION (DOT) AGREEMENTS (FOR A TOTAL AMOUNT OF \$22,438.50) WITH AND ACCEPTING GRANT DEEDS CONVEYING REAL PROPERTY FROM CERTAIN LANDOWNERS FOR THE ACQUISITION OF RIGHTS OF WAY NEEDED FOR THE RECONSTRUCTION AND WIDENING PROJECT OF EAST SIDE POTTER VALLEY ROAD, CR 240, FROM M.P. 2.46 TO M.P. 6.42 (POTTER VALLEY AREA)

Honorable Board Members:

The Department of Transportation (DOT) has finalized road improvement plans and specifications for DOT Project No. C-9807.03 to reconstruct and widen East Side Potter Valley Road, CR 240, from M.P. 2.46 to M.P. 6.42, in the unincorporated area of Potter Valley.

For this project, the County must acquire additional rights of way from approximately 80 various landowners along said roadway. In order to promptly move forward with this project, DOT will request Board approval of Acquisition of Right of Way Agreements and Grant Deeds as they are signed by the landowners.

The Department of Transportation has obtained Acquisition of Right of Way Agreements and Grant Deeds executed by the landowners for the rights of way required. We now request Board approve said Acquisition of Right of Way Agreements, and to accept the Grant Deeds for the conveyance of real property to the County, with the following landowners:

1. Jeff Adams and Toni Adams, (DOT Agreement No. 150036 in the amount of \$18,788.50)
2. Alice C. Helgren, (DOT Agreement No. 150038 in the amount of \$3,650.00)

It is also recommended the Board authorize and direct the Chair of the Board to execute the Statutory Certificates of Acceptance and direct the Clerk of the Board to submit the Grant Deeds to the County Department of Transportation office for further processing and recording.

We have prepared a Resolution for your consideration, which will approve DOT Agreement Nos. 150036, 150038, and accept the Grant Deeds with the certain landowners to acquire the necessary rights of way. The Resolution authorizes the Chair of the Board to execute the documents on behalf of the County.

The subject properties were included in the Resolution of Necessity adopted by the Board on February 3, 2015 (Resolution No. 15-022). By acquiring these properties through acquisition agreements, there will be no need to pursue eminent domain.

In addition, Resolution No. 15-022 authorized the Director of Transportation and the Auditor-Controller to transfer funds for acquisition of properties listed in the Resolution to an escrow account at Redwood Empire Title Company to pay for, among other things, the acquisition of the properties listed in Resolution No. 15-022. The attached resolution authorizes and directs the payment of funds to the Owners from the funds transferred to an escrow account established with Redwood Empire Title Company pursuant to Resolution No. 15-022.

I will, of course, respond to any questions that the Board may have.

Respectfully submitted,

HOWARD N. DASHIELL
Director of Transportation

Attachments

cc: DOT Project C-9807.03



MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA # 4 (j)

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
- Agenda Summaries must be submitted no later than *noon* Monday, 15 days prior to the meeting date (along with electronic submittals)
- Send 1 complete original single-sided set and 1 photocopy set – Items must be signed-off by appropriate departments and/or Co. Co.
Note: If individual supporting document(s) exceed 25 pages each, or are not easily duplicated, please provide 7 hard-copy sets)
- Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: bosagenda@co.mendocino.ca.us
- Electronic Transmission Checklist: Agenda Summary Records Supp. Doc. If applicable, list other online information below
- Executed records will be returned to the department within one week. *Arrangements for expedited processing must be made in advance*

TO: Board of Supervisors **DATE:** 23 March 2015

FROM: Department of Transportation **MEETING DATE:** 21 April 2015

DEPARTMENT RESOURCE/CONTACT: Howard Dashiell **PHONE:** 463-4363 Present On Call
 Consent Agenda Regular Agenda Noticed Public Hearing Time Allocated for Item: N/A

AGENDA TITLE: Adoption of Resolution Approving Release of Contract Surety, Department of Transportation (DOT) Contract No. 130034, South State Street Bulb Outs on South State Street, CR 104A, M.P. 0.90 & M.P. 1.02 (Ukiah Area)

PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: By Resolution No. 14-053 (22 April 2014), Board authorized Department of Transportation to advertise for bids and award DOT Contract No. 130034. On 1 July 2014, Department of Transportation awarded DOT Contract No. 130034 to Mendocino Construction Services, Inc. of Willits, California. On 17 February 2015, the Board approved the Notice of Completion.

SUMMARY OF REQUEST: Department of Transportation Contact No. 130034, South State Street Bulb Outs on South State Street, CR 104A, M.P. 0.90 & M.P. 1.02, was acknowledged as being completed on 17 February 2015. The required lien period has passed and a status review indicated that there are no pending claims. It is now appropriate to release the Performance Surety for Mendocino Constructions Services, Inc. The Labor and Materials Surety will be held for an additional six months.

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: Not Applicable

ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):

FISCAL IMPACT:			
Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
Not Applicable	Not Applicable	Not Applicable	Yes <input type="checkbox"/> No <input type="checkbox"/>

SUPERVISORIAL DISTRICT: 1 2 3 4 5 All **VOTE REQUIREMENT:** Majority 4/5ths

RECOMMENDED ACTION/MOTION: Adopt Resolution approving release of Contract Surety, Department of Transportation Contract No. 130034, South State Street Bulb Outs on South State Street, CR 104A, M.P. 0.90 & M.P. 1.02, and authorize Chair to sign same.

ALTERNATIVES: Postpone release of Contract Surety for DOT Contract No. 130034.

CEO REVIEW (NAME): Chris Shaver, Deputy CEO **PHONE:** 463-4441

RECOMMENDATION: Agree Disagree No Opinion Alternate Staff Report Attached

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____

RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____

RESOLUTION NO. 15-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION (DOT) CONTRACT NO. 130034, SOUTH STATE STREET BULB OUTS ON SOUTH STATE STREET, CR 104A, M.P. 0.90 & M.P. 1.02 (UKIAH AREA)

WHEREAS, by Resolution No. 14-053 adopted 22 April 2014, the Mendocino County Board of Supervisors authorized Department of Transportation to advertise for bids and award DOT Contract No. 130034, South State Street Bulb Outs on South State Street, CR 104A, M.P. 0.90 & M.P. 1.02; and

WHEREAS, on 1 July 2014, Department of Transportation awarded DOT Contract No. 130034 to Mendocino Construction Services, Inc. of Willits, California for South State Street Bulb Outs on South State Street, CR 104A, M.P. 0.90 & M.P. 1.02; and

WHEREAS, construction activity on the project was completed on 29 January 2015 and the Notice of Completion was authorized by the Board of Supervisors on 17 February 2015 and was filed on 19 February 2015 as Document No. 2015-02204 in the Mendocino County Official Records; and

WHEREAS, the 30-day lien period from the date of recording the Notice of Completion, as prescribed in Section 9356 of the California Civil Code, did expire on 21 March 2015.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors:

1. Authorizes and directs the Clerk of this Board to release, in accordance with the following schedule, the contract bonds filed by the contractor, Mendocino Construction Services, Inc., P.O. Box 1517, Willits, California, 95490, pursuant to the provisions of DOT Contract No. 130034 executed 28 July 2014.
2. Authorizes and directs the Clerk of this Board to release immediately the Performance Bond (No. 106114864) in the amount of \$175,242.00 issued by the Travelers Casualty and Surety Company of America, One Tower Square, Hartford, Connecticut, 06183.

//
//
//
//
//
//
//
//

3. Authorizes and directs the Clerk of this Board to release six months from the date of the approval of Notice of Completion, providing no claims or lawsuits have been filed against same, the Labor and Materials Bond (No. 106114864) in the amount of \$175,242.00 issued by the Travelers Casualty and Surety Company of America, One Tower Square, Hartford, Connecticut, 06183.

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this _____ day of _____, 2015, by the following vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

CARRE BROWN, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
DOUGLAS L. LOSAK, Interim County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

Deputy



**COUNTY OF MENDOCINO
DEPARTMENT OF TRANSPORTATION**

340 LAKE MENDOCINO DRIVE
UKIAH, CALIFORNIA 95482-9432
VOICE (707)463-4363 FAX (707)463-5474

23 March 2015

TO: Howard N. Dashiell, Director of Transportation

FROM: Chris Gialdini, Resident Engineer

RE: RELEASE OF CONTRACT SURETY FOR
SOUTH STATE STREET BULB OUTS ON
SOUTH STATE STREET, CR 104A, M.P. 0.90 & M.P. 1.02
DOT CONTRACT NO. 130034
DOT PROJECT NO. C-0801 (UKIAH AREA)

The thirty-day lien period for the project, South State Street Bulb Outs on South State Street, CR 104A, M.P. 0.90 & M.P. 1.02, DOT Contract No. 130034, expired on 21 March 2015. No stop notices are in our possession, nor have any pending actions been filed or recorded.

Therefore, it is now appropriate to release the Performance Bond and issue final payment to the Contractor by Board approval of the attached Resolution.

The Labor and Materials Bond will be released six months from the date of the Notice of Completion.

Chris Gialdini
Resident Engineer

Date



**COUNTY OF MENDOCINO
DEPARTMENT OF TRANSPORTATION**

340 LAKE MENDOCINO DRIVE
UKIAH, CALIFORNIA 95482-9432
VOICE (707) 463-4363 FAX (707) 463-5474

23 March 2015

Contractor: MENDOCINO CONSTRUCTION SERVICES, INC.
P.O. BOX 1517
WILLITS, CA 95490

Bonding Company: TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA
ONE TOWER SQUARE
HARTFORD, CONNECTICUT, 06183

Contract Identification: DOT CONTRACT NO. 130034
DOT PROJECT NO. C-0801
SOUTH STATE STREET BULB OUTS ON
SOUTH STATE STREET, CR 104A, M.P. 0.90 & M.P. 1.02
(UKIAH AREA)

Notice of Completion:

Board Authorized Filing on: 17 February 2015
Notice of Completion Filed on: 19 February 2015
Recorded as Document No. 2015-02204

30-Day Period as prescribed
in Section 9356 of
Civil Code expired on: 23 March 2015

STATUS OF STOP NOTICES – NONE IN POSSESSION

Clerk of the Board of Supervisors _____ Date _____

County Auditor/Controller _____ Date _____

Department of Transportation _____ Date _____



MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA # 4 (k)

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
- Agenda Summaries must be submitted no later than *noon* Monday, 15 days prior to the meeting date (along with electronic submittals)
- Send 1 complete original single-sided set and 1 photocopy set – Items must be signed-off by appropriate departments and/or Co. Co.
Note: If individual supporting document(s) exceed 25 pages each, or are not easily duplicated, please provide 7 hard-copy sets)
- Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: bosagenda@co.mendocino.ca.us
- Electronic Transmission Checklist: Agenda Summary Records Supp. Doc. If applicable, list other online information below
- Executed records will be returned to the department within one week. *Arrangements for expedited processing must be made in advance*

TO: Board of Supervisors **DATE:** March 16, 2015

FROM: Department of Transportation **MEETING DATE:** April 21, 2015

DEPARTMENT RESOURCE/CONTACT: Howard N. Dashiell **PHONE:** 463-4363 Present On Call

Consent Agenda Regular Agenda Noticed Public Hearing Time Allocated for Item: N/A

■ **AGENDA TITLE:** Adoption of Resolution Approving Amendment No. 1 to Board of Supervisors (BOS) Agreement No. 14-107/Department of Transportation (DOT) Agreement No. 140006, Professional Services Agreement with SHN Consulting Engineers & Geologists, Inc., in the Amount of \$14,000, to Assist the County in Conforming with the New Stormwater Industrial General Permit (Laytonville and Gualala Areas)

■ **PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** By Resolution 12-020 (January 24, 2012), the Board approved DOT Agreement No. 110106 with SHN Consulting Engineers & Geologists, Inc., for Water and Gas Monitoring Services at closed landfills located in Gualala, Laytonville, and Caspar. By Resolution 14-152 (December 2, 2014), the Board approved BOS Agreement No. 14-107/DOT Agreement No. 140006, Professional Services Agreement with SHN Consulting Engineers & Geologists, Inc., for Updated Post-Closure Maintenance Plans and Non-Water Release Corrective Action Plans in the Amount of \$63,750 for Laytonville and South Coast Landfills.

■ **SUMMARY OF REQUEST:** *(See Summary of Request on page 2)*

■ **SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:** Not Applicable.

■ **ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):**

FISCAL IMPACT:

Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y	
Landfill Closure (BU 4511)	\$63,750 Increase to \$77,750	N/A	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

■ **SUPERVISORIAL DISTRICT:** 1 2 3 4 5 All ■ **VOTE REQUIREMENT:** Majority 4/5ths

■ **RECOMMENDED ACTION/MOTION:** Adopt Resolution approving Amendment No. 1 to BOS Agreement No. 14-107/DOT Agreement No. 140006, Professional Services Agreement with SHN Consulting Engineers & Geologists, Inc., in the amount of \$14,000, to assist the County in conforming with the new stormwater Industrial General Permit (Laytonville and Gualala Areas), and authorize Chair to sign same.

■ **ALTERNATIVES:** Postpone approval of Amendment No. 1 to BOS Agreement No. 14-107/DOT Agreement No. 140006.

■ **CEO REVIEW (NAME):** Chris Shaver, Deputy CEO **PHONE:** 463-4441

RECOMMENDATION: Agree Disagree No Opinion Alternate Staff Report Attached

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____

RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____



MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA # _____

■ **SUMMARY OF REQUEST (cont):** In accordance with the State Water Resources Control Board, the County of Mendocino, Operator of Laytonville and South Coast Landfills, must take action by July 1, 2015, the date on which the facilities' current permit coverage under Order 97-03-DWQ expires, to remain in compliance with the New Industrial General Permit (IGP). The IGP requires the operator of the facilities to: recertify each facility's existing Notice of Intent (NOI); file electronic compliance documents through the Storm Water Multiple Application and Report Tracking System (SMARTS) system; submit a revised Storm Water Pollution Prevention Plan (SWPPP) and Monitoring Implementation Plan (MIP); and, train personnel in implementing the General Permit's requirements at each facility.

Amendment No. 1, in the amount of \$14,000, will provide professional services for conforming with the new stormwater IGP (IGP, Order No. 2014-0057-DWQ), approved by the State Water Resources Control Board (SWRQB) on April 1, 2014. The Addendum cost of \$14,000 will be funded through Landfill Closure Fund Balance (Budget Unit 4511) and will be divided equally between the Laytonville and South Coast landfills. SHN Consulting Engineers & Geologists, Inc., will provide professional services as specified below:

- Confer with the Regional Water Quality Control Board to negotiate stormwater requirements for each facility;
- Assist in filing a NOI for each facility, including assisting with filing the required electronic documents into the SMARTS system;
- Prepare a SWPPP and MIP, for each facility, in accordance with the new IGP requirements, using the new state-approved template;
- Provide the required stormwater training to DOT staff, so that DOT staff can conduct observations and sampling in accordance with the new IGP.

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____

RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____

RESOLUTION NO. 15-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING AMENDMENT NO. 1 TO BOARD OF SUPERVISORS (BOS) AGREEMENT NO. 14-107/DEPARTMENT OF TRANSPORTATION (DOT) AGREEMENT NO. 140006, PROFESSIONAL SERVICES AGREEMENT WITH SHN CONSULTING ENGINEERS & GEOLOGISTS, INC., IN THE AMOUNT OF \$14,000, TO ASSIST THE COUNTY IN CONFORMING WITH THE NEW STORMWATER INDUSTRIAL GENERAL PERMIT (LAYTONVILLE AND GUALALA AREAS)

WHEREAS, BOS Agreement No. 14-107/DOT Agreement No. 140006 was entered into on December 2, 2014; and

WHEREAS, the State of California Water Boards, in letters dated December 8, 2014, requires the Operator of Laytonville and South Coast landfills to conform with the new stormwater Industrial General Permit; and

WHEREAS, SHN Consulting Engineers & Geologists, Inc., (SHN) is qualified to perform necessary professional services; and

WHEREAS, it is the desire of SHN and Mendocino County to extend the termination date set out in the original BOS Agreement No. 14-107/DOT Agreement No. 140006, from June 30, 2015 to December 31, 2015; and

WHEREAS, it is the desire of SHN and Mendocino County to amend the scope as specified below:

- Confer with the Regional Water Quality Control Board (RWQCB) to negotiate storm water requirements for each facility, and to obtain approval for establishing new Standard Industrial Classification Codes (SIC) Codes as they pertain to current conditions at the facilities
- Assist in filing a Notice of Intent (NOI) for each facility, including assisting with filing the required electronic documents into the Storm Water Multiple Application and Report Tracking System (SMARTS) system
- Prepare a Storm Water Pollution Prevention Plan (SWPPP) and Monitoring Implementation Plan (MIP), for the facilities, in accordance with the new Industrial General Permit (IGP) requirements, using the new state-approved template
- Provide the required storm water training to DOT staff, so that DOT staff can conduct observations and sampling in accordance with the new IGP
- Assist with electronic uploading the required annual reporting information as into the state SMARTS database system; and

WHEREAS, it is the desire of SHN and Mendocino County to complete the work in order to conform with the new statewide industrial general storm water permit by authorizing the time extension and revised scope of tasks at an additional amount of \$14,000, with \$7,000 designated to Laytonville landfill and \$7,000 designated to South Coast landfill.

//

//

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby:

1. Extends the termination date set out in the original BOS Agreement No. 14-107/DOT Agreement No. 140006 from June 30, 2015 to December 31, 2015.
2. Amends the original scope of the project as described above.
3. Authorizes an additional amount of \$14,000 for said professional services, with \$7,000 designated to Laytonville landfill and \$7,000 designated to South Coast landfill, increasing the amount of compensation approved by Mendocino County Board of Supervisors Resolution No. 14-107 to \$77,750.

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this _____ day of _____, 2015, by the following vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

CARRE BROWN, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
DOUGLAS L. LOSAK, Interim County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

Deputy



MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA # 4 (1)

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
- Agenda Summaries must be submitted no later than *noon* Monday, 15 days prior to the meeting date (along with electronic submittals)
- Send 1 complete original single-sided set and 1 photocopy set – Items must be signed-off by appropriate departments and/or Co. Co.
Note: If individual supporting document(s) exceed 25 pages each, or are not easily duplicated, please provide 7 hard-copy sets)
- Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: bosagenda@co.mendocino.ca.us
- Electronic Transmission Checklist: Agenda Summary Records Supp. Doc. If applicable, list other online information below
- Executed records will be returned to the department within one week. *Arrangements for expedited processing must be made in advance*

TO: Board of Supervisors **DATE:** March 16, 2015

FROM: Department of Transportation **MEETING DATE:** April 21, 2015

DEPARTMENT RESOURCE/CONTACT: Howard N. Dashiell **PHONE:** 463-4363 Present On Call

Consent Agenda Regular Agenda Noticed Public Hearing Time Allocated for Item: N/A

■ **AGENDA TITLE:** Adoption of Resolution Approving Amendment No. 1 to Board of Supervisors (BOS) Agreement No. 14-108/Department of Transportation (DOT) Agreement No. 140071, Professional Services Agreement with SHN Consulting Engineers & Geologists, Inc., in the Amount of \$7,000, to Assist the County in Conforming with the New Stormwater Industrial General Permit (Caspar Area)

■ **PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** By Resolution 12-020 (January 24, 2012), the Board approved DOT Agreement No. 110106 with SHN Consulting Engineers & Geologists, Inc., for Water and Gas Monitoring Services at closed landfills located in Gualala, Laytonville, and Caspar. By Resolution 14-153 (December 2, 2014), the Board approved BOS Agreement No. 14-108/DOT Agreement No. 140071, Professional Services Agreement with SHN Consulting Engineers & Geologists, Inc., for Updated Post-Closure Maintenance Plans and Non-Water Release Corrective Action Plans in the Amount of \$46,250 for Caspar Landfill.

■ **SUMMARY OF REQUEST:** *(See Summary of Request on page 2)*

■ **SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:** Not Applicable

■ **ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):**

FISCAL IMPACT:			
Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
Landfill Closure (BU 4511)	\$46,250 Increase to \$53,250	N/A	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

■ **SUPERVISORIAL DISTRICT:** 1 2 3 4 5 All ■ **VOTE REQUIREMENT:** Majority 4/5ths

■ **RECOMMENDED ACTION/MOTION:** Adopt Resolution approving Amendment No. 1 to BOS Agreement No. 14-108/DOT Agreement No. 140071, Professional Services Agreement with SHN Consulting Engineers & Geologists, Inc., in the amount of \$7,000, to assist the County in conforming with the new stormwater Industrial General Permit (Caspar Area), and authorize Chair to sign same.

■ **ALTERNATIVES:** Postpone approval of Amendment No. 1 to BOS Agreement No. 14-108/DOT Agreement No. 140071.

■ **CEO REVIEW (NAME):** Chris Shaver, Deputy CEO **PHONE:** 463-4441

RECOMMENDATION: Agree Disagree No Opinion Alternate Staff Report Attached

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____

RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____



■ **SUMMARY OF REQUEST (cont):** In accordance with the State Water Resources Control Board, the County of Mendocino, Operator of Caspar Landfill, must take action by July 1, 2015, the date on which the facility’s current permit coverage under Order 97-03-DWQ expires, to remain in compliance with the New Industrial General Permit (IGP). The IGP requires the facility operator to: recertify the facility’s existing Notice of Intent (NOI); file electronic compliance documents through the Storm Water Multiple Application and Report Tracking System (SMARTS) system; submit a revised Storm Water Pollution Prevention Plan (SWPPP) and Monitoring Implementation Plan (MIP); and, train personnel in implementing the General Permit’s requirements at the facility.

Amendment No. 1, in the amount of \$7,000, will be funded through Landfill Closure Fund Balance (Budget Unit 4511) and will provide professional services for conforming with the new stormwater IGP (IGP, Order No. 2014-0057-DWQ), which was approved by the State Water Resources Control Board (SWRQB) on April 1, 2014. SHN Consulting Engineers & Geologists, Inc., will provide professional services as specified below:

- Confer with the Regional Water Quality Control Board to negotiate stormwater requirements for the facility;
- Assist in filing a NOI for the facility, including assisting with filing the required electronic documents into the SMARTS system;
- Prepare a SWPPP and MIP, for the facility, in accordance with the new IGP requirements, using the new state-approved template;
- Provide the required stormwater training to DOT staff, so that DOT staff can conduct observations and sampling in accordance with the new IGP.

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____

RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____

RESOLUTION NO. 15-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING AMENDMENT NO. 1 TO BOARD OF SUPERVISORS (BOS) AGREEMENT NO. 14-108/DEPARTMENT OF TRANSPORTATION (DOT) AGREEMENT NO. 140071, PROFESSIONAL SERVICES AGREEMENT WITH SHN CONSULTING ENGINEERS & GEOLOGISTS, INC., IN THE AMOUNT OF \$7,000, TO ASSIST THE COUNTY IN CONFORMING WITH THE NEW STORMWATER INDUSTRIAL GENERAL PERMIT (CASPAR AREA)

WHEREAS, BOS Agreement No. 14-108 was entered into on December 2, 2014; and

WHEREAS, the State of California Water Boards, in letters dated December 8, 2014, requires the Operator of Caspar landfill to conform with the new stormwater Industrial General Permit; and

WHEREAS, SHN Consulting Engineers & Geologists, INC. (SHN), is qualified to perform necessary professional services; and

WHEREAS, it is the desire of SHN and Mendocino County to extend the termination date set out in the original BOS Agreement No. 14-108/DOT Agreement No. 140071, from June 30, 2015 to December 31, 2015; and

WHEREAS, it is the desire of SHN and Mendocino County to amend the scope as specified below:

- Confer with the Regional Water Quality Control Board (RWQCB) to negotiate storm water requirements for each facility, and to obtain approval for establishing new Standard Industrial Classification Codes (SIC) Codes as they pertain to current conditions at the facilities
- Assist in filing a Notice of Intent (NOI) for each facility, including assisting with filing the required electronic documents into the Storm Water Multiple Application and Report Tracking System (SMARTS) system
- Prepare a Storm Water Pollution Prevention Plan (SWPPP) and Monitoring Implementation Plan (MIP), for the facilities, in accordance with the new Industrial General Permit (IGP) requirements, using the new state-approved template
- Provide the required storm water training to DOT staff, so that DOT staff can conduct observations and sampling in accordance with the new IGP
- Assist with electronic uploading the required annual reporting information as into the state SMARTS database system; and

WHEREAS, it is the desire of SHN and Mendocino County to complete the work in order to conform with the new statewide industrial general storm water permit by authorizing the time extension and revised scope of tasks at an additional amount of \$7,000 for Caspar landfill.

//

//

//

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby:

1. Extends the termination date set out in the original BOS Agreement No. 14-108/DOT Agreement No. 140071 from June 30, 2015 to December 31, 2015.
2. Amends the original scope of the project as described above.
3. Authorizes an additional amount of \$7,000 for said professional services, increasing the amount of compensation approved by Mendocino County Board of Supervisors Resolution No. 14-153 to \$53,250.

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this _____ day of _____, 2015, by the following vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

CARRE BROWN, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
DOUGLAS L. LOSAK, Interim County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

Deputy



MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA # 5(c)

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
- Agenda Summaries must be submitted no later than *noon* Monday, 15 days prior to the meeting date (along with electronic submittals)
- Send 1 complete original single-sided set and 1 photocopy set – Items must be signed-off by appropriate departments and/or Co. Co.
Note: If individual supporting document(s) exceed 25 pages each, or are not easily duplicated, please provide 7 hard-copy sets)
- Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: bosagenda@co.mendocino.ca.us
- Electronic Transmission Checklist: Agenda Summary Records Supp. Doc. If applicable, list other online information below
- Executed records will be returned to the department within one week. *Arrangements for expedited processing must be made in advance*

TO: Board of Supervisors **DATE:** April 15, 2015

FROM: Executive Office/Human Resources **MEETING DATE:** April 21, 2015

DEPARTMENT RESOURCE/CONTACT: Carmel J. Angelo **PHONE:** 463-4441 Present On Call
Heidi Dunham **PHONE:** 234-6600 Present On Call

Consent Agenda Regular Agenda Noticed Public Hearing Time Allocated for Item: 30 min

■ **AGENDA TITLE:** Adoption of Resolution Approving the Memorandum of Understanding Between the County of Mendocino and the Mendocino County Law Enforcement Management Association for the Term of July 1, 2014 through June 30, 2017; and Approval of Associated Sideletter of Agreement..

■ **PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** On January 24, 2012, the Board adopted Resolution No. 12-013 approving the Memorandum of Understanding between the County of Mendocino and the Mendocino County Law Enforcement Management Association.

■ **SUMMARY OF REQUEST:** The Board of Supervisors’ negotiating team has met to discuss with representative(s) from the Mendocino County Law Enforcement Management Association and have reached agreement regarding the appropriate terms and conditions of employment for the term of July 1, 2014 through June 30, 2017. Attached is the Resolution approving the Memorandum of Understanding (MOU) and the MOU (Attachment A) and the associated Sideletter of Agreement.

■ **SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:** N/A

■ **ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):**

FISCAL IMPACT:			
Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
County General Fund	Approx. \$12,000 General Fund Balance	Approx. \$125,000 in FY 2015-16, \$167,000 in FY 2016-17	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

■ **SUPERVISORIAL DISTRICT:** 1 2 3 4 5 All ■ **VOTE REQUIREMENT:** Majority 4/5^{ths}

RECOMMENDED ACTION/MOTION: Adopt the Resolution and approve Memorandum of Understanding between the County of Mendocino and the Mendocino County Law Enforcement Management Association for the term of July 1, 2014 through June 30, 2017; approve associated Sideletter of Agreement and authorize Chair to sign same.

■ **ALTERNATIVES:** Return item to staff with further direction

■ **CEO REVIEW (NAME):** Alan D. Flora, Assistant CEO **PHONE:** 463-4441

RECOMMENDATION: Agree Disagree No Opinion Alternate Staff Report Attached

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____

RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____

RESOLUTION NO. 15-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING THE MEMORANDUM OF UNDERSTANDING AND SIDELETTER OF AGREEMENT BETWEEN THE COUNTY OF MENDOCINO AND MENDOCINO COUNTY LAW ENFORCEMENT MANAGEMENT ASSOCIATION

WHEREAS, the Myers-Milias-Brown Act requires that units of local government meet and confer with employee representatives for the purpose of developing wage and fringe benefit agreements; and

WHEREAS, representatives of the Mendocino County Board of Supervisors have met to discuss provisions of the Memorandum of Understanding and Sideletter of Agreement with representatives of the Mendocino County Law Enforcement Management Association; and

WHEREAS, these representatives have agreed upon salary and benefits for the term of July 1, 2014 through June 30, 2017; and

WHEREAS, an annual actuarial valuation has been performed and the economic assumptions regarding future salary increases was calculated; and

WHEREAS, the salary and benefits agreed upon will not have a negative impact on the funding status of the Mendocino County Employee's Retirement Association as required by Government Code Section 23026; and

WHEREAS, the agreement reached between the parties amends previously approved Memoranda of Understanding and approves the Memorandum of Understanding and Sideletter of Agreement between the County of Mendocino and Mendocino County Law Enforcement Management Association, provided as Attachment "A"; and

WHEREAS, the Board of Supervisors of the County of Mendocino finds this agreement to be proper and suitable.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors formally approves the Memorandum of Understanding and Sideletter of Agreement, signed by representatives of the Board of Supervisors and by representatives of the Mendocino County Law Enforcement Management Association.

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this _____ day of _____, 2015, by the following vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

Deputy

CARRE BROWN, Chair
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
DOUGLAS L. LOSAK, Interim County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

Deputy

County of Mendocino

and

Mendocino County Law Enforcement Management Association

Tentative Settlement Agreement

4/15/15

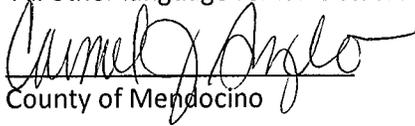
1. Term: July 1, 2014 – June 30, 2017
2. Year 1:
 - a. Effective in the first full pay period following ratification and approval the County will provide a one-time payment of \$1200 to all bargaining unit employees who are employed on the date of the payment. This payment shall be made in two \$600 payments in the first and second full pay periods following ratification and approval of the Agreement. An employee is eligible to receive this payment one time only and cannot receive an additional \$1200 payment due to moving into another bargaining unit.
3. Year 2:
 - a. Effective in the first full pay period in July 2015 the parties agree to eliminate the employer paid retirement subsidy. Bargaining unit employees will pay their full share of the employee contribution to retirement.
 - b. Effective in the first full pay period in July 2015 bargaining unit employees will receive a 6.5% salary increase.
 - c. Effective in the first full pay period in July 2015 bargaining unit members will receive a 3% general adjustment salary increase.
4. Year 3: Effective in the first full pay period in July 2016 bargaining unit members will receive a 2% general adjustment salary increase.

Sideletter of Agreement between the County of Mendocino and MCLEMA

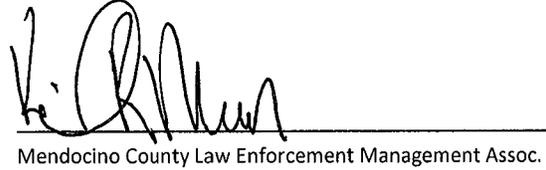
5. Overtime Details assigned through contracted reimbursement agreements with the County Sheriff's Office may be made available to eligible bargaining unit members provided that DSA approves a sideletter of agreement that ensures their members have the right of first refusal for work that would constitute DSA bargaining unit work.
6. Healthcare: There shall be no increase to the employee portion of the healthcare premiums during the 2015 health plan year (calendar year.) This paragraph does not change the language of the current contract on healthcare and a return to status quo shall mean a return to the status quo contract language.
7. All parties agree to the following language clean up and changes:
 - Article 10.1 (A) remove language referring to health plan I
 - Article 10.4 remove language referring to Health Benefits Committee

- Article 10.5 remove language "who participate in the County Health Plan"
- Article 16.3 retirement benefit language updated to be in compliance with PEPR
- Article 17.3 vacation leave- may accrue up to 400 hours of vacation- 400 hours is incorrect change language to correct hours which is 440

8. All other language remains status quo.


County of Mendocino

4.15.15
Date


Mendocino County Law Enforcement Management Assoc.

4/15/2015
Date

MEMORANDUM OF UNDERSTANDING

Between

County of Mendocino

and

**Mendocino County
Law Enforcement Management Association**



Effective JULY 1, 2014 through JUNE 30, 2017

**Sideletter of Agreement
Between
Mendocino County
and the
Mendocino County Law Enforcement Management Association**

April 15, 2015

Overtime Details assigned through contracted reimbursement agreements with the County Sheriff's Office may be made available to eligible bargaining unit members provided that Deputy Sheriff's Association (DSA) approves a sideletter of agreement that ensures their members have the right of first refusal for work that would constitute DSA bargaining unit work.

This Sideletter of Agreement expires on June 30, 2017.

COUNTY OF MENDOCINO

**MENDOCINO COUNTY LAW ENFORCEMENT
MANAGEMENT ASSOCIATION**

By: _____
CARMEL J. ANGELO
Chief Executive Officer

By: _____
KIRK MASON, MCLEMA Representative

By: _____
DONNA WILLIAMSON, Chief
Negotiator

By: _____
SHANNON BARNEY, MCLEMA
Representative

By: _____
HEIDI DUNHAM,
Interim Human Resources Director

I hereby certify that according to the provisions of
Government Code Section 25103, delivery of this
document has been made.

CARMEL J. ANGELO, Clerk of said Board

By: _____
CARRE BROWN, Chair, Board of
Supervisors

By: _____
Deputy

CARMEL J. ANGELO, Clerk of said Board

APPROVED AS TO FORM:
Douglas L. Losak, Interim County Counsel

By _____
Deputy

By _____

Table of Contents

Memorandum of Understanding July 1, 2014 through June 30, 2017 County of Mendocino and the Mendocino Law Enforcement Management Association

ARTICLE 1.PREAMBLE	4
ARTICLE 2.RECOGNITION	4
ARTICLE 3.FULL FORCE AND EFFECT	4
ARTICLE 4.CONCLUSIVENESS	4
ARTICLE 5.CONTENT, TERMS AND CONDITIONS.....	5
ARTICLE 6.ASSOCIATION RIGHTS	5
ARTICLE 7.CONSULTATION.....	7
ARTICLE 8.GRIEVANCE PROCEDURE	7
ARTICLE 9.WORKWEEK, OVERTIME, FLEX TIME OFF.....	8
1. Workweek	8
2. Exception.....	9
3. Overtime Exempt	9
4. FLEX TIME OFF	9
5. Compensation for travel to/from in service training school	9
6. Rest Periods	9
ARTICLE 10.BENEFITS	9
1. Medical Plan.....	9
2. Health Insurance Premiums	9
3. Health Benefits Trust Account	10
4. Maintenance and Improvement of Benefits.....	10
5. Life Insurance.....	10
ARTICLE 11.HEALTH SERVICES – EMPLOYEE ASSISTANCE PROGRAM (EAP)	10
ARTICLE 12.PHYSICAL EXAMINATION	10
ARTICLE 13.WAGES.....	11
ARTICLE 14.PREMIUM PAY	11
1. Performance Based Increase Program.....	11
2. Educational Incentives.....	12
ARTICLE 15.ASSIGNMENT PREMIUMS.....	13
1. Bilingual Duty Premium	13
2. Work Out of Classification Pay	13
ARTICLE 16.RETIREMENT CREDIT	14

ARTICLE 17.VACATION LEAVE	15
ARTICLE 18.SICK LEAVE	17
1. Sick Leave Accrual.....	17
2. Pay Period of Service.....	17
3. Conditions for Allowance	17
4. Denial of Application	18
5. On the Job Injury.....	18
6. Accruals During Layoff.....	18
7. Use of 8 Hours of Sick Leave for Wellness Programs	18
ARTICLE 19.BEREAVEMENT LEAVE	18
ARTICLE 20.FAMILY SICK LEAVE	19
ARTICLE 21.HOLIDAYS	19
ARTICLE 22.DECLARED DAY OF THANKSGIVING OR MOURNING	20
ARTICLE 23.MILITARY DUTY	20
ARTICLE 24.JURY DUTY	20
ARTICLE 25.UNIFORM ALLOWANCE AND REPLACEMENT.....	20
ARTICLE 26.MEAL AND MILEAGE REIMBURSEMENT	21
ARTICLE 27.LAYOFF	22
1. Voluntary Layoffs	22
2. Involuntary Layoff Language	22
3. Order of Layoff.....	22
4. Displacement	23
5. Restoration	23
6. Calculating Service.....	24
7. Reduction in Hours	24
ARTICLE 28.VOLUNTARY DEMOTION.....	25
ARTICLE 29.ACCESS TO COUNTY POLICIES, RULES AND REGULATIONS.....	25
ARTICLE 30.SAFETY EQUIPMENT.....	25
ARTICLE 31.WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT.....	26
ARTICLE 32.FULL AND FAITHFUL PERFORMANCE	26
ARTICLE 33.TERM OF AGREEMENT	27
COUNTY OF MENDOCINO	28
MENDOCINO COUNTY LAW ENFORCEMENT MANAGEMENT ASSOCIATION.....	28
APPENDIX	29
Salary Schedule.....	29

GENERAL PROVISIONS

ARTICLE 1. PREAMBLE

Pursuant to the Meyers-Milias-Brown Act and the County of Mendocino Employer-Employee Relations Policy, this Memorandum of Understanding has been entered into by the County of Mendocino, hereinafter referred to as the County, and the Mendocino County Law Enforcement Management Association, hereinafter referred to as the Association. The purpose of this Memorandum of Understanding is the promotion of harmonious relations between the County and the Association, and the establishment of rates of compensation, hours of work, resolution of grievances, and other matters relating to employment conditions to be observed by the parties.

ARTICLE 2. RECOGNITION

The County hereby recognizes the Association as the sole and exclusive representative for the bargaining unit consisting of all employees in the following classes:

- Chief District Attorney Investigator
- Chief Welfare Fraud Investigator
- Corrections Captain
- Corrections Lieutenant
- Sheriff's Captain
- Sheriff's Lieutenant

ARTICLE 3. FULL FORCE AND EFFECT

1. All written wages, hours, terms and conditions of employment that are both currently in effect and covered by the Meyers-Milias-Brown Act, including those set in this Agreement, shall remain in full force and effect during the term of this Agreement, unless changed by mutual agreement except in circumstances pursuant to the Meyers Milias Brown Act Section 3504.5, Paragraph 2. Such written wages, hours, and terms and conditions of employment include those set forth in the Mendocino County Code, the Civil Service Rules, the County Employer-Employee Relations Policy (EERP), written policies, rules and regulations of the represented employee's department, and written working conditions that are established by any other rules and/or regulations.
2. An Employee shall not be disciplined for violating an unwritten rule, regulation, policy or procedure.

ARTICLE 4. CONCLUSIVENESS

1. MCLEMA and the County agree that during the negotiations which resulted in this MOU, each had an unlimited right and opportunity to make demands and proposals with respect to any

subject or matter within the scope of representation; therefore, during the term of this Agreement, the County and MCLEMA shall not be obligated to meet and confer on any matter.

- A. Whether or not specifically referred to in this MOU;
- B. Whether or not the matter was within the knowledge or contemplation of either party at the time of negotiations;
- C. Whether or not the matters were proposed and later withdrawn during negotiations.

2. Notwithstanding the above, the parties agree to meet and confer over revisions to the Civil Service Ordinance and the Civic Service Rules during the term of this Agreement. The parties further agree that the County shall not take action to implement such revisions during the term of this Agreement unless there is mutual consent to do so.

ARTICLE 5. CONTENT, TERMS AND CONDITIONS

If any Article or Section of this Memorandum of Understanding should be found invalid, unlawful or unenforceable by reason of any existing or subsequent enacted legislation or by judicial authority, all other Articles and Sections of this Memorandum shall remain in full force and effect for the duration of this Memorandum. In the event of invalidation of any Article or Section, the County and the Association agree to meet within thirty (30) days for the purpose of renegotiating said Article or Section.

ARTICLE 6. ASSOCIATION RIGHTS

1. Employees shall be free to participate in Association activities without interference, intimidation or discrimination in accordance with State law and County policies, rules and regulations.
2. The Associations rights include:
 - A. The right to represent its members before the Board of Supervisors or advisory boards or commissions, with regard to wages, hours, and working conditions or other matters within the scope of representation subject to the provisions of applicable Federal, State or County laws and regulations.
 - B. The right to be given reasonable written notice of any ordinance, rule, resolution, or regulation directly relating to the matters within the scope of representative.
 - C. The right to a reasonable amount of time during regular working hours to represent its members before the Board of Supervisors or their representatives when formally meeting and conferring on matters within the scope of representative, such time allowance to be limited to three (3) members of the Association.
 - D. The right to payroll deductions made for payments of organization dues and lawful programs.
 - E. The right to the use of the designated bulletin board by recognized employee organizations in each building or facility where employees represented by the Association are assigned, subject to the following conditions:
 - 1) Material shall be posted on space as designated.
 - 2) Posted material shall bear the identity of the organization.

- 3) Posted material shall not be misleading, contain any deliberate misstatements, or violate any Federal, State or local or Civil Service ordinance, law statute or rule.
 - 4) Material shall be neatly displayed and shall be removed when no longer timely.
 - 5) Posted material shall not be of such quantity as to prevent the use of such bulletin boards for other County purposes. (No such employee organization material shall be posted or displayed at other than a regular bulletin board).
- F.** The use of County facilities for Association activities providing that appropriate advance arrangements are made. The granting of such use may be conditioned on the appropriate charges to offset the cost of such use.
 - G.** The Board of Supervisors or its designated representative making copies of the agenda available.
 - H.** Reasonable access to employee work locations for officers of the Association and their officially designated representatives, for the purpose of processing grievances or contacting members of the organization concerning business within the scope of representation. Access shall be restricted so as not to interfere with the normal operations of the Department or with established safety or security requirements.
 - I.** There shall be no discrimination because of lawful Association activities against any employee or application for employment by the County or by anyone employed by the County.
 - J.** It is acknowledged that nothing contained in this agreement is a waiver by the Association of its right to meet and confer on any proposed changes by the County or any matter(s) relating to employment conditions and employer-employee relations, including but not limited to, wages, hours and other terms and conditions of employment during the term of this Agreement.
 - K.** The Association shall have the right to utilize County duplicating equipment, at a cost not to exceed that charged County departments and under the same conditions imposed upon County departments, and to utilize the County interoffice mail system, for the conducting of Association business. All Association mail sent through the County interoffice mail system shall have the following statement printed or stamped prominently at the bottom of each page: "The County neither agrees nor disagrees with the above information".
 - L.** The Association and its members are authorized to utilize the County computer electronic mail to communicate information relative to the Association. The following rules and regulations govern the use of the electronic mail system. These regulations are incorporated into the Sheriffs' Office General Orders Manual. A violation of any Federal or State law, County Code, Civil Service or General Orders regulation while using the electronic mail system may subject the employee to disciplinary action up to and including termination.
 1. This authorization is for MCLEMA business only and is not to be used to transmit information of a personal nature.
 2. Transmission of any information that is offensive, obscene or discriminatory (e.g., sex, race, or ethnicity) is prohibited.
 3. There shall be no transmission of any material that would tend to criticize, demean, or judge any employee.
 4. Electronic computer messages which would violate the provisions of County Code Section 3.16.170 relating to political activity is prohibited.

5. The system is for information purposes only and is not intended for storage. Information should be deleted/removed as soon as possible after receipt.

M. Employees within this unit may contribute hours of vacation time or FTO time to an Association Release Time Bank. The release time will be used by the Association for Association business or other lawful activities of benefit to the Association or the members. All time used from this bank will be done under the same guidelines as vacation or FTO usage and is conditioned upon receipt of prior approval of the employee's supervisor. This change shall not affect the current provisions in the County Employer/Employee Relations Policy (EERP) regarding release time off for the meet and confer process.

ARTICLE 7. CONSULTATION

Upon request, the County will consult with authorized Association representatives regarding matters of concern to the MCLEMA, within the definition of consultation as set forth in Section II of the County of Mendocino Employer-Employee Relations Policy.

ARTICLE 8. GRIEVANCE PROCEDURE

The only grievance procedure for all employees represented in this unit shall be as follows:

1. Purpose

Procedure is hereby established to permit systematic consideration of an individual employee grievance. The objective of this procedure is to resolve grievances as informally as possible and near as possible to the job level in which the grievance has arisen.

2. Process

- A.** The employee may request the assistance of another person of his/her own choosing in preparing his/her grievance.
- B.** A copy of all written grievances shall be forwarded to the Association president or his/her designee.

3. Grievance Defined

A grievance is an allegation by an individual employee or employees that a written County-wide rule, regulation, resolution, ordinance, policy, procedure or this MOU has been misapplied to the disadvantage of the employee(s). Excluded from this definition are:

- A.** An allegation for the purpose of changing a written County-wide rule, regulation, resolution, ordinance, policy, procedure or this MOU.
- B.** An allegation for which appeal is already provided in Chapter 3.16 (Civil Service) or the Mendocino County Code.

4. Grievance Committee

The County Grievance Committee for the MCLEMA unit shall consist of a representative selected by the grievant, a representative selected by the grievant's Department Head, and

the Chief Executive Officer or designee, who shall not be a member of the grievant's Department, as Chairman.

5. Grievance Procedure

- A.** An aggrieved employee shall first discuss his/her grievance informally with his/her immediate supervisor. Initial discussion shall be sought by an employee not later than ten (10) working days after the cause for grievance occurred.
- B.** If the grievance is not satisfactorily adjusted within three (3) working days, the employee may present his/her grievance in writing to his/her higher level supervisor with a copy to the immediate supervisor within five (5) working days after the expiration of the aforesaid three (3) working days. The responsible supervisor at this level shall hear the grievance and render a decision in writing within five (5) working days.
- C.** If the employee remains aggrieved, he/she may appeal in writing within five (5) working days to the department head who shall render a written decision on the grievance within seven (7) working days.
- D.** If the employee remains aggrieved, he/she may appeal in writing within seven (7) working days to the County Grievance Committee. The County Grievance Committee shall hold a hearing within ten (10) working days after receipt of the written grievance. All correspondence dealing with the grievance shall be filed with the Committee prior to the hearing. The Committee's majority shall render a decision in writing within five (5) working days after the date of the hearing.
- E.** If the employee or department head does not agree with the decision of the Grievance Committee, either party may appeal in writing to the Grievance Appeals Board within seven (7) working days after the Grievance Committee has issued its decision. The Grievance Appeals Board shall consist of the five (5) members of the County's Civil Service Commission sitting ex-officio as the Grievance Appeals Board. Any appeal addressed to the Grievance Appeals Board shall be filed in the Human Resources Department that shall then immediately contact members of the Appeals Board to arrange for a hearing date within seven (7) working days of the receipt of the appeal. The Grievance Appeals Board shall render a written decision within ten (10) working days after the conclusion of the hearing. The decision of the Grievance Appeals Board shall be final.

6. Time Limits

- A.** The time limits specified in any subsection of this grievance procedure may be extended to a definite date by mutual written agreement between the employee and the department head.
- B.** If the aggrieved employee does not adhere to the time limits specified in any subsection of this grievance procedure, the grievance shall be deemed settled by the Department's latest response.
- C.** If the Department, through the appropriate supervisor, does not adhere to the time limits specified in any subsection of this grievance procedure, the grievance is automatically progressed to the next immediate step.

ARTICLE 9. WORKWEEK, OVERTIME, FLEX TIME OFF

1. Workweek

A work week is defined as four (4) consecutive ten (10) hour work days with three (3) consecutive days off.

2. Exception

Exception to the above may be made by the Department at the written request of the employee.

3. Overtime Exempt

MCLEMA represented employees are exempt under the Fair Labor Standards Act and are therefore not entitled to overtime pay or compensatory time off. FLSA exempt employees are expected to work a minimum of forty (40) hours per week. Their salary is full compensation for the time it takes to do their jobs.

4. FLEX TIME OFF

Flexible time off (FTO), computed at the direct rate of one times the hours worked beyond the regular forty (40) hours per week by FLSA Exempt service employees, may be accumulated to a maximum of forty-eight (48) hours. Accumulated FTO hours may be taken by an employee as time off with pay upon the request of the employee and the approval of the appointing authority. Accumulated FTO hours shall not be paid at any time. The choice of using FTO, Vacation Leave or Management/Personal Leave for an approved absence from work is at the election of the employee.

5. Compensation for travel to/from in service training school

The parties agree that employees represented by MCLEMA shall be compensated with FTO when traveling to or from an in service training school outside of their normal work schedule.

6. Rest Periods

All employees are allowed fifteen (15) minute rest periods for each period of work of four (4) consecutive hours. This period shall be considered as time worked. This provision shall not apply when the public good mandates that employees must work in emergency situations.

ARTICLE 10. BENEFITS

1. Medical Plan

The medical benefits shall be as contained in the County's health plan document.

- A.** Employees who can provide proof of equivalent alternative major medical insurance may opt out of the County's plan. In the event their alternate insurance ceases for any reason the employee will be allowed to re-enroll in the County plan.

2. Health Insurance Premiums

- A.** The parties will continue the 75/25 (County/employee) cost sharing on health (vision, dental, medical) insurance premiums in the amounts as set forth in the County Health Premium schedule. The County may reasonably delay implementation of any new premium increase and changes in order to assure appropriate administration and technical requirement for implementation.

B. In the event the Health care premium cost increases more than sixteen percent (16%) during the term of the MOU, the parties will meet and confer upon request prior to the adoption of an increase in excess of sixteen percent (16%).

3. Health Benefits Trust Account

The County will agree to reopen negotiations once a reserve at a level established by the Health Benefits actuary/consultant has been obtained that will allow for premium reduction.

4. Maintenance and Improvement of Benefits

A. The pertinent plan document shall be maintained during the term of this MOU.

Health Care Premium Calendar Year

There shall be no increase to the employee portion of the health care premiums during the 2015 health plan year (calendar year). This language automatically sunsets on December 31, 2015.

5. Life Insurance

The County will provide Fifty Thousand Dollars (\$50,000) life insurance benefit for Association members.

6. Deferred Compensation

Classifications represented by MCLEMA shall receive a three percent (3%) deferred compensation match to which represented employees may elect to make contributions.

The County deferred compensation contribution match shall be made on a bi-weekly basis and shall be consistent with the current laws and regulation governing deferred compensation contributions

ARTICLE 11. HEALTH SERVICES – EMPLOYEE ASSISTANCE PROGRAM (EAP)

Employee Assistance Program services and referrals are available to Association members and their family members who are covered by the Mendocino County Health Plan. The covered employees and each covered family member may access up to ten (10) visits per year.

ARTICLE 12. PHYSICAL EXAMINATION

1. The County agrees to pay One Hundred Dollars (\$100.00) annually or Two Hundred Dollars (\$200.00) biennially, of the cost of a physical examination to a physician of the employee's choice. The employee may schedule the physical examination on County paid time.

The County shall pay One Hundred Dollars (\$100.00) and the credit the employee for County paid time for the physical examination; such report to include remedial recommendations.

2. Association members can utilize the annual wellness examination provisions of the County health plan to obtain physical examinations at no charge regardless of whether an Association member participates in the County health insurance plan.

ARTICLE 13. WAGES

1. Survey Market

The parties agree the following agencies will serve as the survey market during the term of this MOU:

1. City of Ukiah
2. City of Santa Rosa
3. El Dorado County
4. Humboldt County
5. Lake County
6. Napa County
7. Nevada County
8. Sonoma County
9. Sutter County
10. Yolo County

2. Survey Methodology

The County will survey at market average. Salary data will be compiled at the top step of the applicable benchmark.

3. Benchmark Positions

The six (6) classifications represented by MCLEMA will serve as benchmark positions for the purpose of future surveys.

4. Effective in the first full pay period following ratification and approval the County will provide a one-time payment of \$1200 to all bargaining unit employees who are employed on the date of the payment. This payment shall be made in two \$600 payments in the first and second full pay periods following ratification and approval of the Agreement. An employee is eligible to receive this payment one time only and cannot receive an additional \$1200 payment due to moving into another bargaining unit.
5. Effective in the first full pay period in July 2015 bargaining unit employees will receive a 6.5% salary increase.
6. Effective in the first full pay period in July 2015 bargaining unit members will receive a 3% general adjustment salary increase.
7. Effective in the first full pay period in July 2016 bargaining unit members will receive a 2% general adjustment salary increase.

ARTICLE 14. PREMIUM PAY

1. Performance Based Increase Program

A performance based longevity increase in salary shall be applied to MCLEMA members on the following basis:

Performance Based Longevity Increase: an employee shall become eligible for a longevity based merit increase after serving five (5) years at 5th-Step or five (5) years at a flat salary.

The increase shall be granted to an employee receiving "Above Standard" or better on their annual evaluation. Should the appointing authority fail to provide an annual evaluation, an employee may request, in writing, a performance based increase from the Human Resources Director (with a copy to the Board) who without evidence to the contrary shall consider the performance to be "Above Standard" or better and the Human Resources Director shall grant the increase.

Should an employee fail to maintain "Above Standard" or better overall ratings on any subsequent annual evaluation, s/he shall no longer receive the performance based increase.

An employee who is receiving a performance based longevity increase and is reclassified or the salary adjusted to extend the base salary range, shall establish a new eligibility date for receiving the performance based longevity increase (five years from that date of the new 5th-Step). This section shall not apply when adjustment in range is due to an equity adjustment.

An employee who is receiving a performance based longevity increase who takes a lateral transfer shall not continue to receive the increase but shall become eligible upon the first annual evaluation in the new department. For the purpose of this section "lateral transfer" shall be defined as a transfer from one class to another, which is at the same salary range and in which the minimum qualifications are the same.

Years at 5 th -Step or Flat	Increase Over Base Salary
5	2.5%
10	5.0%
15	7.5%

These increases shall not be compounded. An employee gaining such an increase shall retain the increase until failure to meet performance standards, application of a higher level performance increase, until leaving that position, or until this Agreement is altered.

2. Educational Incentives

A. MCLEMA employee's will be entitled to educational incentive pay for possession of an AA or BA degree and POST Supervisory and Management Certificates.

- Additional two and one-half percent (2.5%) for AA degree or Supervisory Certificate (Total five percent, [5%])
- Five percent (5%) for BA degree or Management Certificate (Total ten percent [10%]).
- Sheriff's Captain - Jail position: POST eligibility or training and/or educational incentive pay as follows:
 - Additional two and one-half percent (2.5%) for AA degree or Supervisory Certificate. (Total five percent [5%])
 - Five percent (5%) for BA degree or Management Certificate. (Total ten percent [10%])

ARTICLE 15. ASSIGNMENT PREMIUMS

1. Bilingual Duty Premium

The Appointing Authority may designate any position within the bargaining unit to receive bilingual pay.

An employee, to qualify for bilingual pay, must demonstrate a language proficiency of job related terminology, acceptable to the Appointing Authority and the Human Resources Director.

Employees who are certified by the Department and Human Resources as having met Basic Safety Communications proficiency exam will receive three percent (3%) premium pay. Employees who are currently or who become certified as fully proficient will receive five percent (5%) premium pay.

2. Work Out of Classification Pay

Consistent with County Policy #41, when an employee performs duties higher than the scope of duties normally assigned for at least two (2) weeks, the employee may be placed in an acting or temporary out of class assignment:

- A. Acting assignment: An employee who is assigned temporarily to a position within a higher classification, who meets the stated minimum qualifications of this classification, and who will be performing the majority of duties that indicate the distinguishing characteristics of a higher classification shall be placed on the same range and step to which he/she would have been promoted or upon promotion. Such increase should not be greater than ten percent (10%) unless the assignment is greater than six (6) months. Upon the authorization of the appropriate Department Head the salary may be adjusted another five percent (5%) after the initial six (6) months if the difference between the employee's previous pay range and the higher classification is greater than or equal to twenty percent (20%).
- B. Temporary out of classification assignment: An employee shall receive a five percent (5%) pay increase who performs a portion of significant duties that are within a higher classification that are beyond the scope of the classification to which his/her present position is allocated and that are within a higher classification for which the employee may or may not meet the minimum qualifications.
- C. For the purpose of this policy, a higher classification shall mean a classification with a pay grade greater than the classification of the employee's current position.

During such assignments, and every four (4) to six (6) months the Director of Human Resources shall review all temporary assignments for appropriateness. Except in the case of extended illness of the incumbent of the position being covered, no such acting or temporary out of classification assignment shall last longer than one (1) year from the date of the initial assignment. If there is a need to exceed one (1) year, the Human Resources Director shall review assignment for appropriateness. Other compensation, normally associated with the higher classification, shall not be granted during any acting or temporary out of classification assignment.

ARTICLE 16. RETIREMENT CREDIT

1. Sick Leave Credit

Section 3.04.160 of the Mendocino County Code shall be amended to authorize credit upon retirement of one hundred percent (100%) of the unused sick leave for purposes of calculating length of service for the determination of retirement benefits.

Effective in the first full pay period in July 2015 the parties agree to eliminate the employer paid retirement subsidy. Bargaining unit employees will pay their full share of the employee contribution to retirement.

2. Retirement Benefit

Safety Retirement Classifications represented by the Association shall receive the following changes, corrections, and increases in retirement benefits as scheduled:

- A.** Effective the first full pay period in July 2005, the County implemented the formula in Government Code Section 31664.2 (the 3% at 55 safety retirement formula) for all MCLEMA safety members that are not defined as "new members" under the Public Employees' Pension Reform Act (PEPRA).
- B.** Eligibility to receive this safety retirement enhancement of 3% at 55 is contingent on the employee being employed by Mendocino County on or hired after July 1, 2005 in a safety retirement eligible classification represented by a bargaining unit that has received this retirement enhancement benefit. However, this formula shall not apply to persons who are defined as "new members" under PEPRA.
- C.** The County will pay for past safety retirement service of the employee provided that this past employment occurred in the service of County of Mendocino in a classification that was receiving safety retirement at the time of the employee's service in that classification.
- D.** Pursuant to Government Code Section 31581.2, it is the intent of the Board of Supervisors that the retirement contributions made by the County, including those for past service, do not become a vested interest of, and will not accrue to the employee. Upon retirement, sufficient funds will be transferred to the retirement reserves to assure that the retirement benefit is paid to the member and/or spouse.
- E.** Effective the first full pay period in January 2003, the County adjusted the retirement contribution rates to reflect the cost of Living Adjustments (COLA) as recommended by the Retirement System actuary which resulted in no sharing of COLA costs among general and safety members.
- F.** For safety employees defined as "new members" under PEPRA, the retirement formula will be the formula in Government Code section 7522.25(d) (the 2.7% at 57 safety retirement formula). "New members" will be subject to all PEPRA provisions.
- G.** MCLEMA agrees the County has the right to implement a new, lower tier retirement formula for employees hired after the effective date of the new tier. Prior to the County adopting a new lower tier retirement formula, the County and MCLEMA will meet and discuss the benefit level(s) the County is considering.

ARTICLE 17. VACATION LEAVE

1. Vacation Credit

A. Full Time Employees.

Every full time employee of the county of Mendocino shall be credited with forty (40) hours of paid vacation upon the completion of thirteen (13) biweekly pay periods of service. Thereafter, vacation shall accrue at the rate of 3.079 hours per pay period of service until the employee has completed three (3) years of service; thereafter, vacation shall accrue at the rate of 4.616 hours every pay period until the employee has completed eight (8) years of service; thereafter, vacation shall accrue at the rate of 6.157 hours per pay period until the employee has completed fifteen (15) years of service; thereafter, vacation shall accrue at the rate of 7.694 hours per pay period.

B. Part Time Employees

Every part time employee holding a budgeted position which is compensated at a biweekly rate and who is employed a minimum of twenty (20) hours per week shall receive a portion of the vacation benefits as set forth in Subsection 1 above and Subsection 4(A) below in direct relation to the fixed percentage of full time work to which the position is budgeted and allocated.

2. Service Calculation

Each year of service shall consist of twenty-six (26) biweekly pay periods as calculated from the first day of the pay period following the day on which the employee commenced County service, unless said service commenced on the first working day of the pay period, in which case, years of service shall be calculated for the day that the employee commenced County service. Paid sick leave, paid military leave, or other forms of leave with pay shall be counted in years of service. Any employee absent from his duties without pay for more than two (2) working days in a pay period shall neither accrue vacation leave for that pay period nor have the pay period counted toward a year of service.

3. Vacation Accrual

An employee who has worked three (3) years, or less, may accrue up to two-hundred and forty (240) hours of vacation; an employee who has worked fifteen (15) years or less, may accrue up to three hundred and twenty (320) hours of vacation; thereafter, an employee may accrue up to four hundred and forty (440) hours of vacation.

A. During Sick Leave

When an employee who is receiving paid sick leave reaches the maximum number of accrued vacation hours set forth in this section, during the period of such paid sick leave, the accrual limits shall be waived and the employee shall continue to accrue vacation at the normal rate. The waiver of the normal accrual limits shall not become effective until the employee has filed with the Human Resources Department a valid statement from his/her physician stating that he/she cannot return to work. The waiver of the stated

vacation accrual limits shall continue for thirteen (13) pay periods, if necessary, after the pay period in which the employee returns to work. During the waiver period, the employee will use enough vacation so that the balance of accrued vacation will not exceed the limits stated in this section. Any such excess vacation accrual not used shall be forfeit, and removed from the employee's record, with no compensation being made for the employee. After the stated period of thirteen (13) pay periods, the vacation accruals will again be effective for the employee.

B. At Termination

When an employee terminates, the accrual of vacation shall cease as of the last day of work, except when an employee is on paid sick leave, the accrual of paid vacation shall continue until paid sick leave has been exhausted.

C. Lay Off and Rehire

An employee who has been laid off from County service because a position is abolished, or because of a lack of work or lack of funds, and who is re-employed, shall accrue vacation benefits at the same rate that he/she accrued benefits prior to the date of layoff. Continuous County service immediately prior to the date of layoff shall be added to future service after re-employment for purposes of calculating years of service, pursuant to this section.

4. Vacation Scheduling

Except as hereinafter provided, every effort shall be made to arrange vacation schedules so that each employee will take as much vacation in each year as accrued to him/her in that year. In exceptional circumstances, such as cases of extreme emergency, compensation in lieu of unused vacation leave, not to exceed the equivalent of eighty (80) hours, may be paid to an employee upon approval of the CEO or his/her designee, provided that the employee consents and the department head submits a request to the CEO or his/her designee prior to the date that the employee's accrued vacation leave reaches the maximum allowed in this Section. The amount of compensation paid to an employee shall be calculated at this current rate.

The scheduling of vacations for employees shall be the responsibility of each department head who shall see that applications for vacation are made far enough in advance so as to achieve the most efficient functioning of his/her department and of the County service. Vacation may be allowed to a minimum of one (1) hour and to a maximum of the employee's accrual. The taking of split vacation, however, shall be discouraged except in cases where public service may be seriously impaired. Vacation leave accruing during the period of vacation may be taken in that time. No employee shall work for compensation for the County in any capacity during the period of his/her paid vacation from the County service.

5. Vacation Use

Any employee after thirteen (13) pay periods of part time service of twenty (20) hours or more per week in a regular allocated position or after thirteen (13) biweekly pay periods of full time regular service shall be paid upon termination an amount of money equal to his/her accrued vacation. When an employee's effective date of termination occurs after the completion of one (1) full week in a given pay period, he/she shall be deemed to have accrued vacation leave for that pay period. A terminating employee may not be re-employed by the County for compensation in any capacity until the total number of working days of

accrued vacation has elapsed. This section shall not prevent a department head from filling a vacated position immediately following the effective date of the employee's separation from his/her department, provided funds are available.

6. Pay in Lieu of Vacation

The County will allow MCLEMA members to cash out vacation leave up to a total of eighty (80) hours per calendar year.

ARTICLE 18. SICK LEAVE

1. Sick Leave Accrual

Each regular full time employee of the County of Mendocino shall be entitled to have accrued to his/her credit for future use 4.616 hours of paid sick leave per pay period, and every part time employee holding a budgeted position who is paid at a biweekly rate of and who is employed a minimum of twenty (20) hours a week shall have accrued to his/her credit a portion of the sick leave benefits in direct relation to the fixed percentage of full time work is budgeted and allocated. Such accrual of paid sick leave may be accumulated without limit.

Benefits provided for in this Section are conferred as a privilege and not as a right of the employee. In no case shall cash settlement be made in lieu of accumulated sick leave nor shall any such leave be granted except during the applicant's employment with the County.

2. Pay Period of Service

Each pay period of service shall be allocated from the first day of the pay period following the day on which the employee commenced County service unless such service commenced on the first working day of the pay period, in which case biweekly pay period of service shall be calculated from the day the employee commenced County service. Paid vacation leave, paid military leave, and other forms of leave with pay shall be counted in pay periods of service. Any employee absent from his duties without pay for more than two (2) working days in a pay period shall not accrue sick leave for that pay period.

3. Conditions for Allowance

Sick leave with pay may be granted only for a bona fide illness or injury, exposure to contagious disease, or dental, eye or other physical, psychiatric or medical examination or treatment by a licensed practitioner. Leave provided for in this section is not to be used as a substitute for, or supplement to, vacations, holidays and days off. Such use by an employee shall be a ground for discharge from County employment. Claims, for sick leave shall be allowed only subject to the following conditions:

- A.** The applicant must notify his/her direct superior at the first reasonable opportunity of his/her illness.
- B.** If more than three (3) consecutive days of sick leave are claimed, the applicant must submit a statement from his/her physician to support his/her claim.
- C.** If claim is made for sick leave for any day of the week, the applicant may be required by his/her department head to submit a statement from his/her physician to support his/her claim. Said requirement must be communicated to said employee within three (3) days after said employee's return to work. If a physician's statement is required and

the employee does not submit it to the department head within one (1) week after requested to do so, the department head shall notify the County Auditor and the Human Resources Director for the purpose of having said employee's pay withheld for said day or days. The County Auditor shall withhold said pay accordingly.

D. Absences from work due to medical, vision, or dental appointments may be charged to sick leave or FTO, at the employee's option. Such usage shall require the prior approval of the department head.

4. Denial of Application

If an application for sick leave is denied, the subject absence shall be deemed to be leave without pay.

5. On the Job Injury

An employee who is entitled to any temporary disability indemnity due to an injury or illness arising out of and in the course of his/her employment, and such injury is covered under Workers' Compensation provisions of the Labor Code, shall use as much of his/her accumulated sick leave as, when added to his/her disability indemnity, will result in a payment to him/her of his/her full salary.

6. Accruals During Layoff

An employee who is laid off because a position is abolished or because of a lack of funds, shall not accrue sick leave during the period of layoff. All accumulated sick leave shall be held for the employee's credit should he/she return to work during the period provided for restoration or layoff re-employment.

7. Use of 8 Hours of Sick Leave for Wellness Programs:

- A.** Up to 8 hours of sick leave per calendar year may be used by an employee for the purpose of attending an approved County Wellness Program (approved by the MCWOW staff).
- B.** To use this sick leave the employee must have a balance of 40 hours of sick leave accrued at the time the leave is used to attend the Wellness program.
- C.** The accrual balance of 40 hours must have been generated by the employee, and may not be the result of donated sick leave hours or hours deposited by the catastrophic leave program. If the accrual balance contains donated sick or catastrophic leave hours, the employee must accrue the necessary 40 hours on his or her own, before the sick leave can be used for attending approved wellness programs.
- D.** The employee must have the prior approval of the employee's department head or his or her designated agent to attend the program.
- E.** The parties agree that a department head may not capriciously, arbitrarily, or consistently deny the use of said leave.

ARTICLE 19. BEREAVEMENT LEAVE

In the event of the death of an immediate family member (defined as employee's spouse, domestic partner, child, stepchild, grandchild, parent, brother, sister, grandparent or spouses'/domestic partner's parent, grandparent, brother or sister) an employee may be allowed three (3) days of

bereavement leave. The three (3) days may be used non-consecutively within thirty (30) days and shall be considered paid leave.

An employee may use two (2) additional days of bereavement leave charged against sick leave, vacation or flex time off (FTO) balance.

ARTICLE 20. FAMILY SICK LEAVE

An employee may use up to one half (0.5) of his/her annual sick leave accrual for the purpose of providing family care in compliance with State and Federal laws. The qualifying family members are parents, grandparents, children, spouse, domestic partner, and spouse/domestic partner’s parents or grandparents.

To qualify for Family Care leave an employee must have 1) been employed by the County for at least twelve (12) months, 2) worked at least 1250 hours in the year preceding the start date of the leave and 3) be employed at a worksite where the employer employs at least 50 employees within a 75 mile radius.

A qualifying employee may take up to 12 weeks of unpaid leave per year for the birth or adoption of a child, to care for a spouse or an immediate family member with a serious health condition, or when unable to work because of a serious health condition.

During the period of Family Care Leave, the County shall maintain the employee’s health insurance at the pre-leave level. Should an employee not return to County employment after the Family Care Leave, the employee shall reimburse the County for the health insurance premiums paid. The only exception to this shall be if the return to work is a result of continuation, recurrence or onset of a serious health condition or other circumstance beyond the employee’s control (as per the Family and Medical Leave Act of 1993, Title 29, Park 825 CFR).

ARTICLE 21. HOLIDAYS

1. Paid Holidays

January 1	New Year’s Day
3 RD Monday in January	Dr. Martin Luther King, Jr. Birthday
3 rd Monday in February	Washington’s Birthday
Last Monday in May	Memorial Day
July 4	Independence Day
1 st Monday in September	Labor Day
2 nd Monday in October	Columbus Day
November 11	Veterans’ Day
	Thanksgiving Day
	Day following Thanksgiving Day
December 25	Christmas Day

2. Management Leave

Employees represented by MCLEMA shall receive, forty-eight (48) hours of management leave annually. These leave hours must be used before the pay period which contains January 1. Those hours not used shall be eliminated and a new forty-eight (48) hour bank will be added in the pay period containing January 1.

ARTICLE 22. DECLARED DAY OF THANKSGIVING OR MOURNING

Thanksgiving Day is a holiday. But also, any day formally appointed by the President or the Governor as a holiday, day of thanksgiving, or of public mourning shall be considered a County paid holiday only if the Board of Supervisors formally declare it to be a paid holiday.

ARTICLE 23. MILITARY DUTY

Military leave shall be granted consistent with applicable mandatory provisions of law.

While an employee is on authorized military leave consistent with applicable mandatory provisions of law he/she shall be entitled to continuance of County health benefits (e.g., major medical, dental and vision) for sixty (60) days from the date the employee leaves County employment for active duty. The employee shall still be responsible for payment of his/her share of the monthly insurance premium, based on the type of coverage selected. At the end of sixty (60) days County medical coverage will cease in lieu of military benefits the employee is entitled to, for self and dependents.

While an employee is on authorized military leave consistent with applicable mandatory provisions of law the County shall continue to pay the employee in an amount equal to the difference between the employee's base hourly rate with Mendocino County and the amount earned from the military, including all special pays and incentives the employee may receive. The County will continue to pay the employee under this formula for up to one (1) year from the date the employee leaves County employment for active duty.

ARTICLE 24. JURY DUTY

Any employee summoned for jury duty shall be entitled to leave of absence with full pay for such period of time as he/she may be required to attend the court in response to such summons. The employee may retain such payment as may be allowed him/her for travel, lodging, and meal expenses, but, as a condition of entitlement to court leave, he/she shall make payable to the County of Mendocino any and all fees which he/she may receive as payment for his/her services as a juror.

ARTICLE 25. UNIFORM ALLOWANCE AND REPLACEMENT

All MCLEMA members shall receive quarterly, on the last Friday of each quarter, a uniform allowance of Two Hundred Fifty Dollars (\$250.00). Payment for uniform allowance shall be made in a check/warrant separate from payroll. In addition, the Department will replace protective vests within five (5) years of initial use.

It is understood this allowance is to be applied to all uniforms and equipment maintenance expenses and replacement of uniforms due to normal wear.

The county agrees to reimburse for uniforms and uniform equipment of employees represented by the Association that are damaged or stolen, during duty hours or while stored at a County facility, providing that the employee made a reasonable effort to safeguard the uniform and/or uniform equipment. Reimbursement shall be based upon the residual value of the item, based upon its current cost.

Such reimbursement shall be made within thirty (30) calendar days from the date of submission of the claim and related required reports to the Department. Failure of the Department to deny a claim in writing within thirty (30) calendar days will result in a determination that the claim is accepted and shall be paid. Uniform and uniform equipment to be carried is defined as said equipment or uniform authorized by the employee's Department Head or his/her designee.

If the Department denies the claim, at the Association's member's request, a Special Board will be convened of one representative from the employee's department, one from the Association, and any one member of the County Civil Service Commission that both parties agree to as the third member. If no agreement is possible between the Association and the employee's department representatives as to a third party, the third party will be selected by placing the names of the Commission in a container and selecting a name at random without viewing contents of the container; said person shall act as the chairperson of the Board.

The decision of this Board shall be final.

ARTICLE 26. MEAL AND MILEAGE REIMBURSEMENT

The County Travel Policy provides a mechanism for employees traveling on County Business to obtain reimbursement for meals and mileage. Depending on the nature of the travel, reimbursement may also be available from non County funds such as POST, the California Standards Authority (formerly known as STC), and other state or federal agencies, and in some cases private enterprise.

The reimbursement for meals schedule will be per Travel Policy #18.

Mileage reimbursement for employees' using their personal vehicles on County business will be paid at the then current IRS rate during the term of this Document.

If POST or the Corrections Standards Authority (CSA), reimburses the County for meals, mileage and lodging expenses incurred, the employee will be reimbursed at the POST or CSA reimbursement rate(s) for such expense(s): notwithstanding the fact that such expense reimbursement(s) may exceed County meal and mileage reimbursement amounts.

Any MCLEMA member who must appear in a court outside of that employee's regular assigned Judicial district and uses his/her private vehicle for transportation shall be reimbursed for mileage at the rate specified above.

ARTICLE 27. LAYOFF

Employees shall be subject to layoff whenever their positions are abolished or whenever necessary because of lack of work or lack of funds.

1. Voluntary Layoffs

In the event of a mandatory layoff authorized by the Board of Supervisors and announced by the Human Resources Director, a more senior, permanent employee with more seniority may elect layoff to the extent of displacing a more junior employee with less seniority. Such senior employee must be in permanent status and employed in the department that is conducting the layoff. Upon announcement, the HR Director will provide to MCLEMA, a seniority list and approximate number of employees in each classification that will be affected by the layoff. Employee requests must be made by fully filling out and signing the County layoff form and by submitting this form to the department head or the department head designee. The department head and the HR Director have final approval authority on a case by case basis, without regard to seniority or outcome for persons in the same classification.

Upon the request being accepted the employee may not withdraw the request and must proceed to be laid off. The employee who volunteers shall not have bumping or seniority rights in regard to the voluntary layoff being conducted. Upon layoff the employee is subject to all rights and procedures as are applied to employees who are laid off from County service. Seniority will remain in tact in regard to all purposes including restoration.

When an Official announcement regarding layoff is made by the HR Director all employees in the department conducting the layoff shall be notified in writing and allowed one (1) week to submit the County layoff form.

2. Involuntary Layoff Language

In the event of an involuntary layoff, the Board of Supervisors declares that it will provide the following to employees that are laid off:

- A.** Thirty (30) day notice during which the employee works;
- B.** Reasonable paid release time to attend interviews and other activities in regards to seeking alternative employment;
- C.** Notice of Civil Service rights and accruals such as vacation.

The County will provide job placement services to the laid off employee in the form of interviews to determine eligibility for other County job openings.

3. Order of Layoff

Whenever it is necessary to lay off one or more employees in a department in which there is more than one employee in the class in which the layoff is necessary, employees shall be laid off in the following order.

- 1. Temporary, provisional, and extra-help employees
- 2. Probationary employees
- 3. Permanent part time employees
- 4. Permanent full time employees and permanent part time employees who are part time because of the operation of Reduction of Hours Section of this Article.

Within the categories set forth in the paragraph above, no employee shall be laid off until those employees in the same class in the same department with less total service in the class in that department have been laid off. If an employee has terminated from County employment, periods of service prior to such termination shall not be counted towards determining total service.

If the calculation of service between two or more employees produces a tie in the length of service, the order of layoff shall be determined as follows:

1. The employee with the least amount of total service in the department will be laid off or displaced first;
2. If a tie still exists, the employee with the least amount of total service in the County will be laid off or displaced;
3. If the tie still exists, the involved employee shall compete in an examination to be conducted in the same manner as would be used to fill the position if it were vacant, except that if a written exam is used there shall be no oral exam unless it is necessary to break a tie on the written exam.

4. Displacement

If an employee who is laid off has greater total service in the department than another employee in the same department in a class with the same or lower salary allocation and in which he/she previously had permanent or probationary status, the employee with the least total service shall be displaced by the senior employee and shall be laid off.

An employee who is displaced because of layoff may in the same manner displace an employee who is junior to him/her.

Should an employee have the right to displace in more than one class, he/she shall first displace in the class with the highest salary allocation.

After all displacement procedures have been utilized within the department in which the initial layoff occurs, the employee who is finally laid off may displace the employee with the least length of service with the County in the same job classification as that currently held by the displacing employee. Such displacement may occur in any County department in which the employee with the least length of service is employed. Length of service shall be calculated as provided in Civil Service Rule XII, Section 7.D.

5. Restoration

Each person who has been laid off or displaced from a position in which he/she had permanent status shall, in writing, be offered restoration to a position in the same classification in the same department from which he/she is laid off, should a position in the same classification in the same department become available or should the necessity for layoff or displacement cease to exist, within one (1) year after the date he/she is laid off or displaced. He/she must accept restoration within one (1) week after receipt of the offer of restoration and must be available to begin work within three (3) weeks after receipt of the offer, or within any longer period set forth in the offer. Should he/she not accept the offer or not be available to begin work within the times required by this rule, he/she shall be declared unavailable and shall forfeit his/her right to restoration unless further offer of restoration is granted by the Civil Service Commission.

Whenever more than one person has been laid off and/or displaced in the same class in the same department, the order of restoration shall be in the reverse order of layoff.

Whenever a person is unavailable for restoration, the next senior person who is eligible for restoration shall be offered restoration in the same manner and under the same conditions. Should there be no person eligible and available for restoration, the position may be filled as otherwise provided by these rules for appointment to a vacant position.

A person who is unavailable for restoration may, within two (2) weeks after he/she is declared unavailable, request in writing to the Civil Service Commission that he/she be considered for further offer of restoration, should such occur within one (1) year after layoff or displacement. His/her request shall contain a full explanation of the reason for his/her unavailability. At the next meeting of the Commission, the Commission shall either grant or deny further offer to restoration. The Commission may specify conditions under which further offer to restoration may be granted.

6. Calculating Service

Service means employment by the County, whether with or without pay status. The length of service may be calculated by counting calendar days except for:

1. Permanent part time employees, whose service shall be counted in calendar days in proportion to the fixed percentage of full time work to which his/her position is budgeted and allocated.
2. Extra-help, whose service shall be counted in actual hours worked.

Calculation of length of service in a particular status or classification shall be counted from the first working day of that employee.

Length of service shall be calculated in order to ascertain the following: service in a class, service in a department, service in a class in a department, service in a status, service with the County, service for reasons of displacement (under Rule XII,7,B), or for such other purpose as may be required by these rules.

If an employee has terminated from County employment, periods of service prior to such termination shall not be counted towards calculating length of service; however, interruption of service in a class as a result of layoff, promotion, demotion, probationary status, temporary or provisional assignment in another class, or retirement for service connected or non-service connected disability for which the retirement allowance is subsequently canceled by the Retirement Board because the disability no longer exists, shall not constitute a break in service in calculating such service.

7. Reduction in Hours

Whenever a layoff due to financial restraints should otherwise be necessary in a department, any regular full time or part time employee may, with the approval of the department head, voluntarily consent to a reduction in hours in place of such layoff. Under such circumstances, the following shall apply:

1. For the purposes of layoff and displacement a full time employee shall retain length of service in his/her classification just as if he/she were employed on a full time basis.
2. A regular part time employee shall have his/her length of service calculated at the same fixed percentage of full time work as actually worked prior to the reduction in hours.

Such schedule or reduced hours shall be for a minimum period of time set by the department head. Should he/she determine that department operations so require, he/she may recall the employee to his/her former status, even should such action result in layoffs. The employee may not unilaterally return to his/her former status in the former position until the end of the minimum period.

At the conclusion of the minimum period the employee and the department head shall either agree to extend the period, or the employee voluntarily working reduced hours shall be restored to his/her former regular full time or part time employment. He/she must be available to resume his/her restored hours within two weeks of a written notice of restoration or he/she shall be declared unavailable and shall be terminated.

If, while assigned to a schedule of reduced hours, an employee is requested to work additional hours for temporary periods, such time worked will not be seen as full or partial restoration to former regular employment.

ARTICLE 28. VOLUNTARY DEMOTION

The parties agree that the salary provisions of the County Code governing voluntary demotions will be amended so that employees who voluntarily take a demotion shall receive the same salary compensation set in the Code for employees taking an involuntary demotion.

ARTICLE 29. ACCESS TO COUNTY POLICIES, RULES AND REGULATIONS

The County agrees to maintain and make available, and keep up-to-date, a copy of the County Employer-Employee Relations Policy, the Civil Service Rules, the Mendocino County Code Sections relative to the Civil Service (Chapter 3.16 as of July 1, 1980) and Personnel and Salary (Chapter 3.04, as of July 1, 1980), in the offices in Ukiah, Fort Bragg, and Willits.

The County also agrees to provide to the Association four (4) copies of this MOU. The County also agrees to make available to all employees on the County's website or via hard copy copies of all department-specific policies and procedures.

ARTICLE 30. SAFETY EQUIPMENT

The following safety equipment shall be provided at the request of the represented member for on-duty use:

- Weapon
- Ammunition

- Chemical agent
- Rain gear
- Protective vest (to be replaced within five (5) years of initial use)
- Hand cuff case
- Hand cuffs
- Utility belt
- Holster
- Ammunition pouch
- Chemical agent holder
- Night stick ring
- One flashlight and charging unit

ARTICLE 31. WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT

1. Salaries

Salaries shall be as set forth in Article 16 WAGES of this Memorandum of Understanding

2. Hours of Work and Conditions of Employment

Hours and other terms and conditions of employment shall be as set forth in appropriate Articles of the Memorandum of Understanding between the County of Mendocino and MCLEMA until the County and MCLEMA have completed or exhausted a meet and confer process to continue or amend such appropriate Articles.

ARTICLE 32. FULL AND FAITHFUL PERFORMANCE

The Association agrees that for the term of this MOU and the period of time necessary for the meet-and-confer process to conclude a successor agreement to this MOU, neither MCLEMA, nor any person acting officially on its behalf, will cause, authorize, engage in, or sanction any strike, sick-in, work stoppage, slow down, picketing other than informational picketing on the employee's own time, concerted or individual failure to report for duty, unauthorized absence, including compliance with a request of another labor organization or meet-and-confer unit to engage in or honor such activities, or any activity by any other euphemism known which results in less than a full and faithful performance of any duties of employment, MCLEMA agreement to this provision is contingent upon the absence of significant breach of the entire MOU by the County.

If the Board of Supervisors has cause to believe that MCLEMA has engaged in any activity which violates Subsection 1 above, the Board of Supervisors may take such action as it deems appropriate including the determinations that MCLEMA shall no longer be recognized as the employee organization representing employees in this unit and shall therefore forfeit all rights and privileges of a recognized employee organization. Any such action taken shall occur only after a public hearing on the issue before the Board of Supervisors.

Each employee in a classification for which the Association claims representation rights agrees that for the term of this MOU and the period of time necessary for the meet and confer process to conclude a successor agreement to this MOU, he or she will not cause, authorize, engage in,

or sanction a strike, sick-in work stoppage, slow down, picketing other than informational on the employees own time, concerted or individual failure to report for duty, unauthorized absence, including compliance with a request of another labor organization or meet-and-confer unit to engage in or honor such activities, or any activity by any other euphemism known which results in less than the full and faithful performance of any duties of employment.

If the Board of Supervisors has cause to believe that an employee has engaged in any activity which violates the above provisions, the Board of Supervisors may determine that the employee shall be subject to disciplinary action up to and including discharge from County service.

If the Board of Supervisors determines that the Executive Board of MCLEMA has taken supererogatory efforts to assure that activities prohibited in this Article do not occur, Subsection 2 hereinabove shall be waived.

The County agrees it shall not, during the term of this MOU, lock out any employee represented by the Association, or require any employee represented by the Association to work out-of-class during any action by another representative unit engaging in activities described above.

The County and the MCLEMA recognize their duty and obligation to comply with the provisions of the MOU and to make every effort toward fully and faithfully carrying out each provision.

ARTICLE 33. TERM OF AGREEMENT

The term of this agreement shall commence on July 1, 2014 and continue in full force and effect through June 30, 2017. In the event agreement on a successor Memorandum of Understanding (MOU) is not reached prior to June 30, 2017, all terms and conditions of this agreement shall remain in full force and effect until agreement is reached on a successor MOU.

Except as specifically provided in this MOU that a particular Article or subsection is effective on a different date, all other provisions of this MOU are effective upon the date of MCLEMA ratification and County approval of the MOU; whichever date occurs last.

MCLEMA ratified this MOU on April 14, 2015.

The County approved this MOU on April 21, 2015.

This agreement shall terminate at midnight on June 30, 2017.

The undersigned representatives of the County of Mendocino and the Mendocino County Law Enforcement Management Association (MCLEMA) having met and conferred in good faith, have reached agreement on the terms contained herein and mutually agree to recommend to the Board of Supervisors of the County of Mendocino and to MCLEMA that the terms of this Agreement be adopted.

DATED: _____, 2015

COUNTY OF MENDOCINO

By: _____
CARMEL J. ANGELO, Chief
Executive Officer

By: _____
DONNA WILLIAMSON, Chief Labor
Negotiator

By: _____
HEIDI DUNHAM
Interim Human Resources Director

By: _____
CARRE BROWN, CHAIR, Board of
Supervisors

CARMEL J. ANGELO, Clerk of said Board

By _____
Deputy

**MENDOCINO COUNTY LAW
ENFORCEMENT MANAGEMENT
ASSOCIATION**

By: _____
SHANNON BARNEY, MCLEMA
Representative

I hereby certify that according to the
provisions of Government Code Section
25103, delivery of this document has
been made.

CARMEL J. ANGELO, Clerk of said
Board

By _____
Deputy

APPROVED AS TO FORM:

DOUGLAS L. LOSAK , Interim County
Counsel

By: _____

MCLEMA - GRADE CHART (232)
10% SALARY REDUCTION
Effective 9/19/10, PP 20/10

Barg Unit	Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Bi-wkly Step 1	Bi-wkly Step 5	Annual Step 1	Annual Step 5
232	M41A	30.67	32.20	33.81	35.50	37.27	2,453.60	2,981.60	63,793.60	77,521.60
232	M41B	31.91	33.51	35.19	36.95	38.80	2,552.80	3,104.00	66,372.80	80,704.00
232	M41C	31.28	32.84	34.48	36.20	38.01	2,502.40	3,040.80	65,062.40	79,060.80
232	M41D	31.59	33.17	34.83	36.57	38.40	2,527.20	3,072.00	65,707.20	79,872.00
232	M41E	32.53	34.16	35.87	37.66	39.54	2,602.40	3,163.20	67,662.40	82,243.20
232	M41L	32.85	34.49	36.21	38.02	39.92	2,628.00	3,193.60	68,328.00	83,033.60
Lieutenant										
232	M43A	35.28	37.04	38.89	40.83	42.87	2,822.40	3,429.60	73,382.40	89,169.60
232	M43B	35.63	37.41	39.28	41.24	43.30	2,850.40	3,464.00	74,110.40	90,064.00
232	M43C	35.98	37.78	39.67	41.65	43.73	2,878.40	3,498.40	74,838.40	90,958.40
232	M43D	36.34	38.16	40.07	42.07	44.17	2,907.20	3,533.60	75,587.20	91,873.60
232	M43E	37.43	39.30	41.27	43.33	45.50	2,994.40	3,640.00	77,854.40	94,640.00
232	M43L	37.78	39.67	41.65	43.73	45.92	3,022.40	3,673.60	78,582.40	95,513.60
Captain										
Effective 9/19/10, PP 20/10										

9/29/2010

To be updated in accordance with the MOU.



MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA #5(d)

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
- Agenda Summaries must be submitted no later than *noon* Monday, 15 days prior to the meeting date (along with electronic submittals)
- Send 14 complete sets (original, single-sided+13 copies) – Items must be signed-off by appropriate departments and/or County Counsel
- Transmittal of electronic Agenda Summaries and associated records must be emailed to: bosagenda@co.mendocino.ca.us
- Electronic Agenda Transmission Checklist: Agenda Summary Records If applicable, list other online information below
- Executed records will be returned to the department within one week. Arrangements for expedited processing must be made in advance

TO: Board of Supervisors **DATE:** March 13, 2015

FROM: Planning and Building Services **MEETING DATE:** April 21, 2015

DEPARTMENT RESOURCE/CONTACT: Fred Tarr **PHONE:** 234-6650 Present On Call
Steve Dunncliff **PHONE:** 234-6650

Consent Agenda Regular Agenda Noticed Public Hearing Time Allocated for Item: 5 Mins.

■ AGENDA TITLE: Noticed Public Hearing - Discussion and Possible Adoption of Resolution Approving A_2014-0010 (Rosati) for the Rescission and Simultaneous Reentry of Agricultural Preserve #407 to be Replaced by a Newly Reconfigured Preserve and Contracts of Like Acreage; Assessor Parcel Number's 049-330-22, 049-350-33, -35, and -39, Located in the Yorkville Area

■ PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: Adoption of Mendocino County Code Chapter 5.100 "Williamson Act Assessments" and Chapter 22.08 "Resource Preserves". On August 27, 2013, the Board of Supervisors approved a rescission and reentry of these three legal parcels from Agricultural Preserve #407 and #59 and approved three (3) new contracts under Agricultural Preserve #407.

■ SUMMARY OF REQUEST: On May 8, 2014, the Subdivision Committee approved a Boundary Line Adjustment, #B_2014-0012, subject to the rescission and reentry of the contracts affected by the reconfiguration of property lines resulting from the project and that portion of the contract that remained after the reconfiguration of adjusted parcels. The purpose of the action is to ultimately create three new Williamson Act Contracts for the three newly configured legal lots that would result from the boundary line adjustment. Approval of #B_2014-0012, upon recordation, would result in the alteration of Agricultural Preserve Contract #407. As a condition of the project, per California Government Code Section 51254, the County has required that the affected contract be rescinded and simultaneously reentered with new contracts restricting the same acreage and reflecting the newly described boundaries of the Agricultural Preserves. Three separate contracts have been submitted which would replace the affected Agricultural Preserve with each of these covering the three newly configured parcels approved through #B_2014-0012. Each of the three contracts would be in compliance with Chapter 22.08 of the Mendocino County Code with respect to Agricultural Preserve eligibility.

■ SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: N/A

■ ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):

FISCAL IMPACT:			
Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
N/A	N/A	N/A	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

■ SUPERVISORIAL DISTRICT: 1 2 3 4 5 All **VOTE REQUIREMENT:** Majority 4/5ths

■ RECOMMENDED ACTION/MOTION: Adopt Resolution approving A_2014-0010 (Rosati) for the rescission and simultaneous reentry of Agricultural Preserve #407 to be replaced by a newly reconfigured preserve and contracts of like acreage, Assessor Parcel Number's 049-330-22, 049-350-33,

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____

RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____



MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA # 5(d)

-35, and -39, finding the request to be consistent with the General Plan and Mendocino County Code Sections 22.08.020, and authorize the Chair to sign same.

■ **ALTERNATIVES:** Do not approve and do not adopt the resolution.

■ **CEO REVIEW (NAME):** Christopher Shaver, Deputy CEO **PHONE:** 463-4441

RECOMMENDATION: Agree Disagree No Opinion Alternate Staff Report Attached

BOARD ACTION
 Approved _____
 Records Executed _____

Date of Meeting _____
 Referred to _____
 Other _____

RESOLUTION NO. _____

**RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS
RESCISSION OF AGRICULTURAL PRESERVE NO. 407 TO BE REENTERED INTO A NEWLY
RECONFIGURED PRESERVE AND CONTRACTS OF LIKE ACREAGE**

WHEREAS, representatives of the Department of Planning and Building Services, the Assessor's Office and the Agriculture Commissioner did review and make its recommendation to the Board of Supervisors of the application by Mario Rosati ("Owner") for rescission and simultaneous reentry of existing agricultural preserve contracts pursuant to the California Land Conservation Act of 1965 as amended, for those areas described in Exhibit "A" of each of the contracts attached hereto; and

WHEREAS, the Board of Supervisors upon receipt of the recommendation did schedule a public hearing to consider the request for the rescission and reentry of said agricultural preserve contracts; and

WHEREAS, said public hearing was duly held on this 21st day of April 2015, pursuant to proper notice and all evidence was received and the same fully considered.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby finds that the Owner's request is consistent with the Mendocino County General Plan and California Government Code Section 51254; and

BE IT FURTHER RESOLVED that Agricultural Preserve No. 407 (Resolution No. 72-15) Type II be rescinded and that the lands described in Exhibits "A" of the three separate contracts attached hereto and incorporated herein by this reference, which includes all land within Agricultural Preserve No. 407, be entered into a new preserve (Type II) and encumbered by the three new separate contracts, in a form approved by the County Counsel of Mendocino County, and that the Owner shall cause to be recorded with the County Recorder's Office maps, written legal descriptions and contracts in accordance with the established procedures of the County Recorder's Office; and

BE IT FURTHER RESOLVED that the Board of Supervisors hereby finds that the rescission and reentry of Agricultural Preserve No. 407 is categorically exempt under Section 15317 of the Guidelines Implementing the California Environmental Quality Act; and

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors shall transmit a certified copy of this resolution to the County Recorder of the County of Mendocino.

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this _____ day of _____, 2015, by the following vote:

- AYES:
- NOES:
- ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

Deputy

APPROVED AS TO FORM:
DOUGLAS L. LOSAK, Interim County Counsel

Deputy

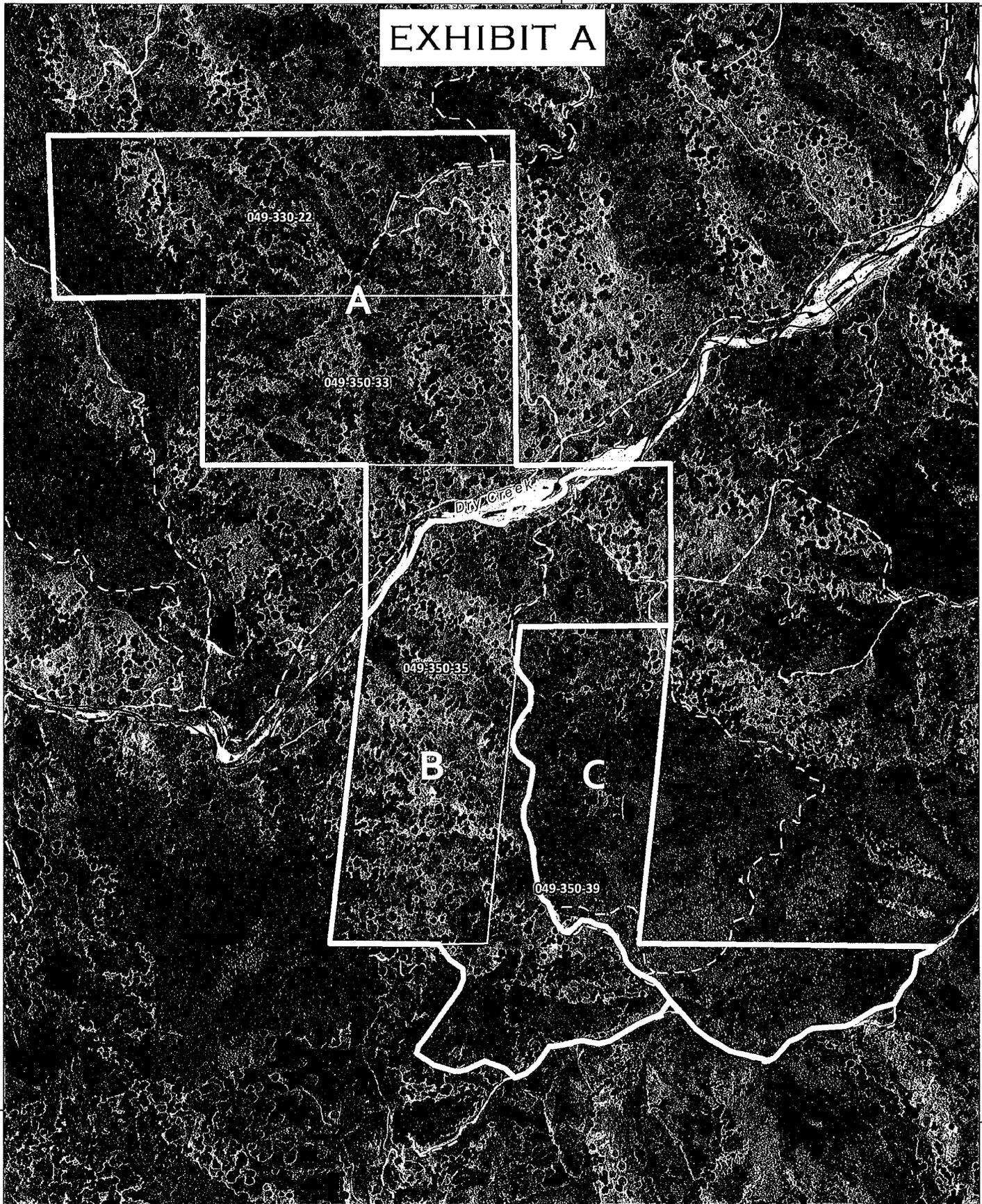
CARRE BROWN, Chair
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

EXHIBIT A



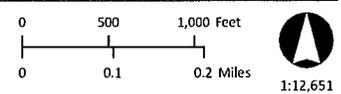
38°15'N

38°15'N

CASE: A 2014-0010
 OWNER: ROSATI, Mario
 APN: 049-330-22, et. al.
 APLCT: Mario Rosati
 ADDRESS: None Assigned

— Named Rivers

A 2014-0010 Proposed Preserves

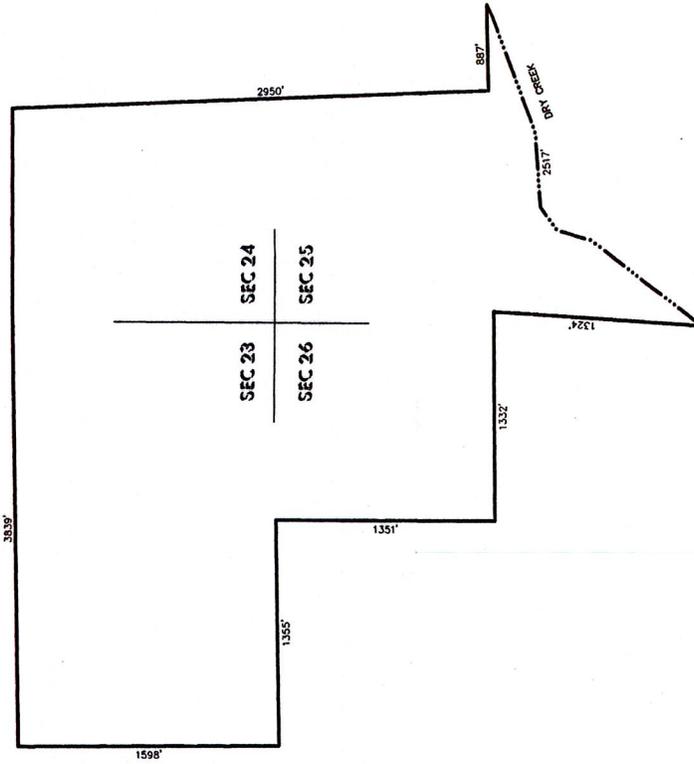


PROPOSED AG PRESERVES

LEGAL DESCRIPTION

ALL THAT REAL PROPERTY SITUATED IN THIS UNINCORPORATED, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 LOTS 5 AND 6 IN SECTION 23; THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ IN SECTION 24; THE NORTHWEST ¼ OF THE NORTHWEST ¼ IN SECTION 25; LOT 1 IN SECTION 26, T12N R12W, MON. TOGETHER WITH ALL THE LANDS LYING NORTHERLY OF THE CHANNEL CENTER OF DRY CREEK LYING IN THE SOUTHWEST ¼ OF THE NORTHWEST ¼ AND THE NORTHWEST ¼ OF THE SOUTHWEST ¼ SECTION 25, T12N, R12W, MON.

A.P.N. 049-330-022 049-350-033, 049-350-035 PORTION



**MAP OF
 AGRICULTURAL PRESERVE**

BEING A PORTION OF SECTION 23, 24, 25 & 26 T12N, R12W, M.D.B. 60A
 ADOPTED BY THE BOARD OF SUPERVISORS ON _____ (2014) BY RESOLUTION
 NO. _____

OWNER: _____
 MARIO ROSATI
 COUNTY OF MENDOCINO STATE OF CALIFORNIA



**RAY CARLSON
 AND ASSOCIATES, INC.**
 Mapping for a Better World™
 SURVEYING - MAPPING - GIS - CONSULTING
 411 RUSSELL AVENUE SANTA ROSA, CALIFORNIA 95405
 (707) 528-7649 • RCMAPS.COM
 ©2014, Ray Carlson and Associates, Inc.

NO. _____ FILED THIS _____ DAY OF _____ 20____ AT _____ M.
 IN MAPS DRAWER _____ PAGE _____
 FEE _____

SHEET 1 OF 1
 MAPS
 DRAWER _____
 PAGE _____

CHECK PRINT 8/8/14

ANDERSON VALLEY ADVERTISER

14111 Hwy 128 Suite B, Boonville CA 95415
Telephone (707) 895-3016
email ava@pacific.net

PROOF OF PUBLICATION
(2015.5 C.C.P)

STATE OF CALIFORNIA)
County of Mendocino)ss

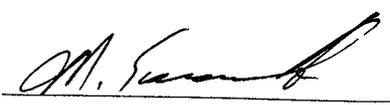
Notice Type: Public Hearing

Ad Description: A 2014-0010

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the **ANDERSON VALLEY ADVERTISER**, a newspaper printed in and published in the County of Mendocino which has been adjudged a newspaper of general circulation by the Superior Court of the County of Mendocino, State of California, under the date of July 13th, 1956 Case Number 10361. That notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

4/1/2015

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature

Dated at Boonville, California

this 1st day of Apr, 2015.

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN THAT the Mendocino County Board of Supervisors at its regular meeting on Tuesday, April 21, 2015 to be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project at 9:00 am or as soon thereafter as the item may be heard.

CASE#: A 2014-0010
DATE FILED: 9/3/2014
OWNER/APPLICANT: MARIO ROSATI
AGENT: RAY CARLSON & ASSOCIATES
PROJECT COORDINATOR: FRED TARR
REQUEST: Rescission and simultaneous reentry of an agricultural preserve contract to be replaced by a newly reconfigured preserve and contracts of like acreage.

ENVIRONMENTAL DETERMINATION:
The establishment of new agricultural preserves is categorically exempt under Section 15317 (Class 17) of the California Environmental Quality Act. LOCATION: 4± mile southeast of Yorkville, lying west of Highway 128, 3± miles northwest of its intersection with Mountain House Road (CR 111), located at 31400 and 31450 Highway 128; APN's 049-330-22, 049-350-33, -35, and -39.

A copy of the staff report is available for public review at 860 North Bush Street, Ukiah, California and 120 West Fir Street, Fort Bragg, California and are available on the Department of Planning and Building Services website at www.co.mendocino.ca.us/planning.

Your comments regarding the above project are invited. Written comments should be submitted to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California, 95482, no later than April 20, 2015. Oral comments may be presented to the Board of Supervisors during the public hearing(s).

The Board of Supervisors action shall be final. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Board of Supervisors at, or prior to, the public hearing(s). All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Board of Supervisor's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

STEVE DUNNICLIFF,
Director of Planning & Building Services

Published April 1, 2015.

RECEIVED
APR 06 2015
G & BUILDING SERVICES
Ukiah, CA 95482

ing Stamp

here)



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482
120 WEST FIR STREET · FT. BRAGG · CALIFORNIA · 95437

STEVE DUNNICLIFF, DIRECTOR
PHONE: 707-463-4281
FAX: 707-463-5709
FT. BRAGG PHONE 707-964-5379
FT. BRAGG FAX 707-961-2427
pbs@co.mendocino.ca.us
www.co.mendocino.ca.us/planning

MEMORANDUM

DATE: APRIL 21, 2015

TO: BOARD OF SUPERVISORS

FROM: DEPARTMENT OF PLANNING AND BUILDING SERVICES

SUBJECT: ADOPTION OF RESOLUTION APPROVING A_2014-0010 (ROSATI) FOR THE RESCISSION AND SIMULTANEOUS REENTRY OF AGRICULTURAL PRESERVE CONTRACT #407, ASSESSOR PARCEL NUMBER'S 049-330-22, 049-350-33, -35, and -39.

REQUEST: On May 8, 2014, the Subdivision Committee approved a Boundary Line Adjustment, #B_2014-0012, to reconfigure the boundaries of three legal parcels that had been created by Certificate of Compliance #CC 1990-0026. One of the conditions of approval for #B_2014-0012 requires the Rescission and Reentry of the Agricultural Preserve Contract affected by the reconfiguration of three newly adjusted parcels. The purpose of the action is to ultimately create three new Williamson Act Contracts for the three newly configured legal lots that would result from Boundary Line Adjustment #B_2014-0012. The newly created lots will utilize topographic features such as creeks and ravines as features of the boundary lines.

Approval of #B_2014-0012, upon recordation, would result in the alteration of Agricultural Preserve Contract # 407. As a condition of the project, pursuant to California Government Code Section 51254, the County has required that the affected contract be rescinded and simultaneously reentered with new contracts restricting the same acreage and reflecting the newly described boundaries of the Agricultural Preserves. Three separate contracts have been submitted which would replace the affected Agricultural Preserve with each of these covering the three newly configured parcels approved through #B_2014-0012. Each of the three contracts would be in compliance with Chapter 22.08 of the Mendocino County Code with respect to Agricultural Preserve eligibility.

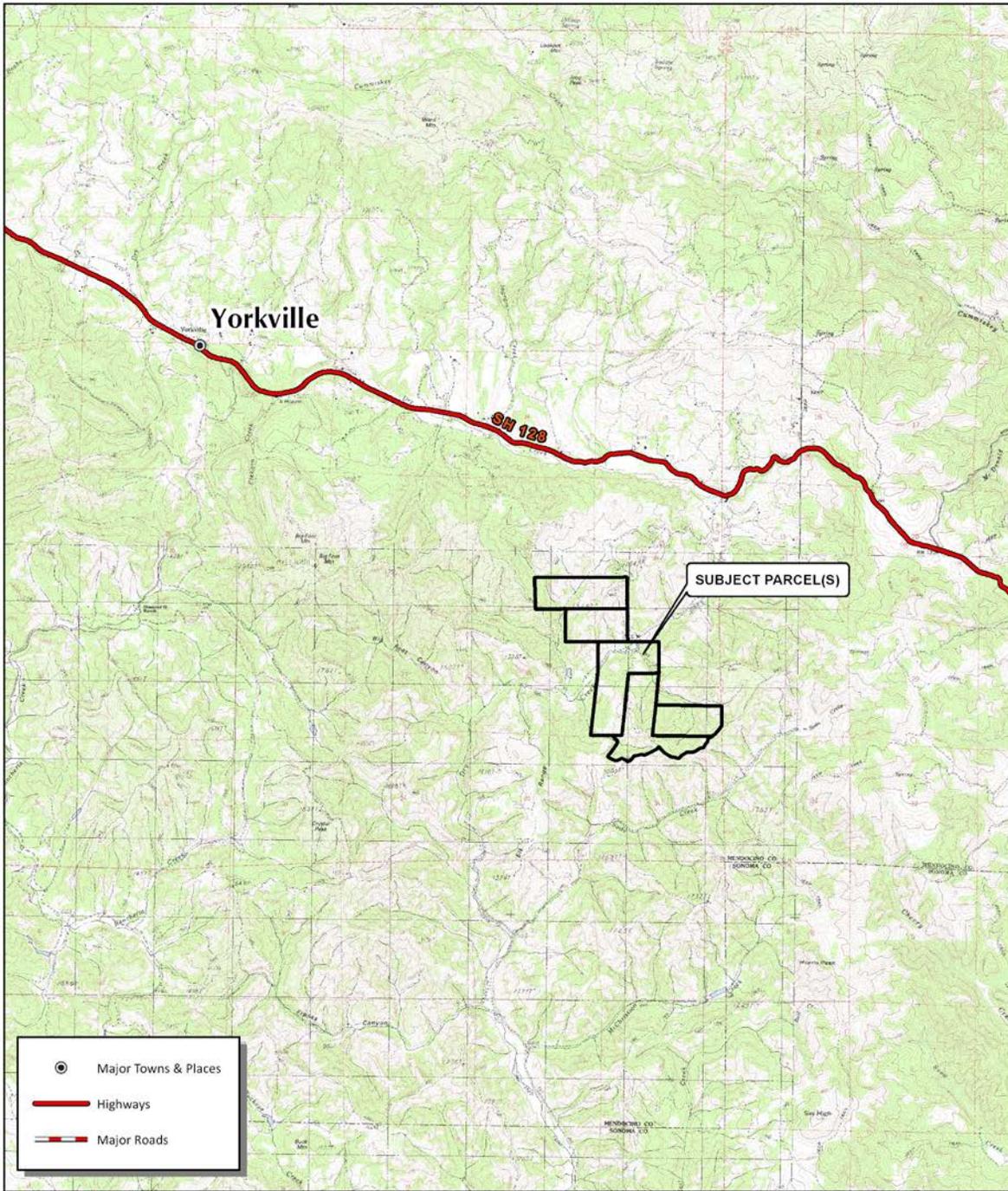
Representatives of the Department of Planning and Building Services, the Assessor's Office and the Agricultural Commissioner support this proposed rescission and reentry of agricultural preserve contracts.

CEQA DETERMINATION: The project is Categorically Exempt under Section 15317 (Class 17) of the California Environmental Quality Act, as it will continue an established agricultural preserve.

RECOMMENDATION: Staff recommends that the Board of Supervisors adopt a Resolution approving A_2014-0010 (Rosati) for the rescission and simultaneous reentry of Agricultural Preserve #407 to be replaced by a newly reconfigured preserve and contracts of like acreage, Assessor Parcel Number's 049-330-22, 049-350-33, -35, and -39, finding the request to be consistent with the General Plan and Mendocino County Code Sections 22.08.020, and authorizing the Chair to sign same.

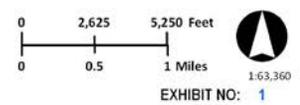
Attachments:

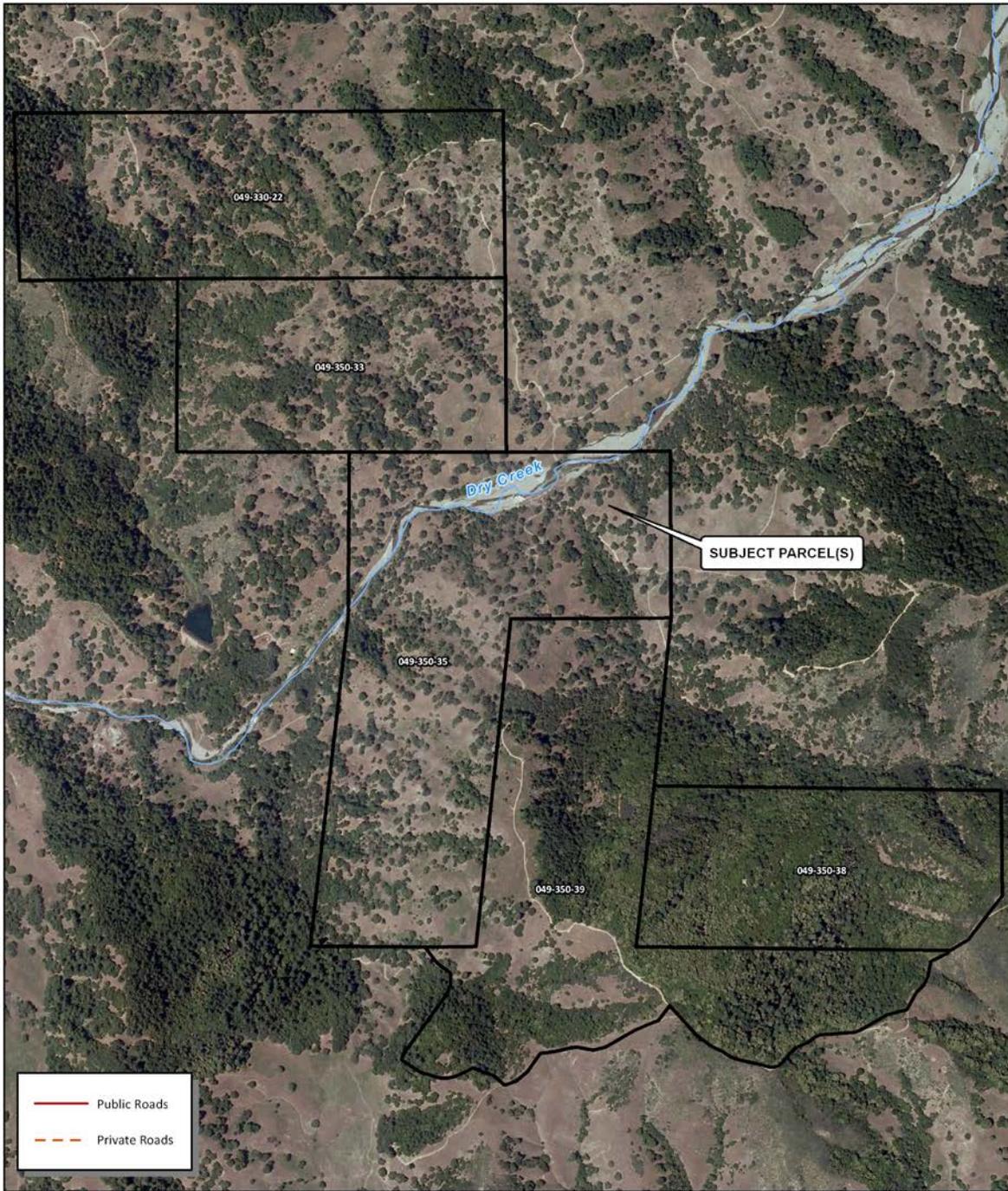
- Maps
- Resolution and exhibit(s)
- Three (3) draft check print maps with descriptions of the new Agricultural Preserve Contract parcels.



CASE: A 10-2014
 OWNER: ROSATI, Mario
 APN: 049-330-22, et. al. (5 APNs)
 AGENT: Ray Carlson & Assc.
 ADDRESS: None Assigned

LOCATION MAP





CASE: A 10-2014
 OWNER: ROSATI, Mario
 APN: 049-330-22, et. al. (5 APNs)
 AGENT: Ray Carlson & Assc.
 ADDRESS: None Assigned

2010 NAIP AERIAL ORTHOPHOTO

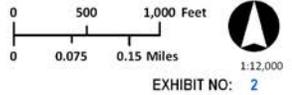
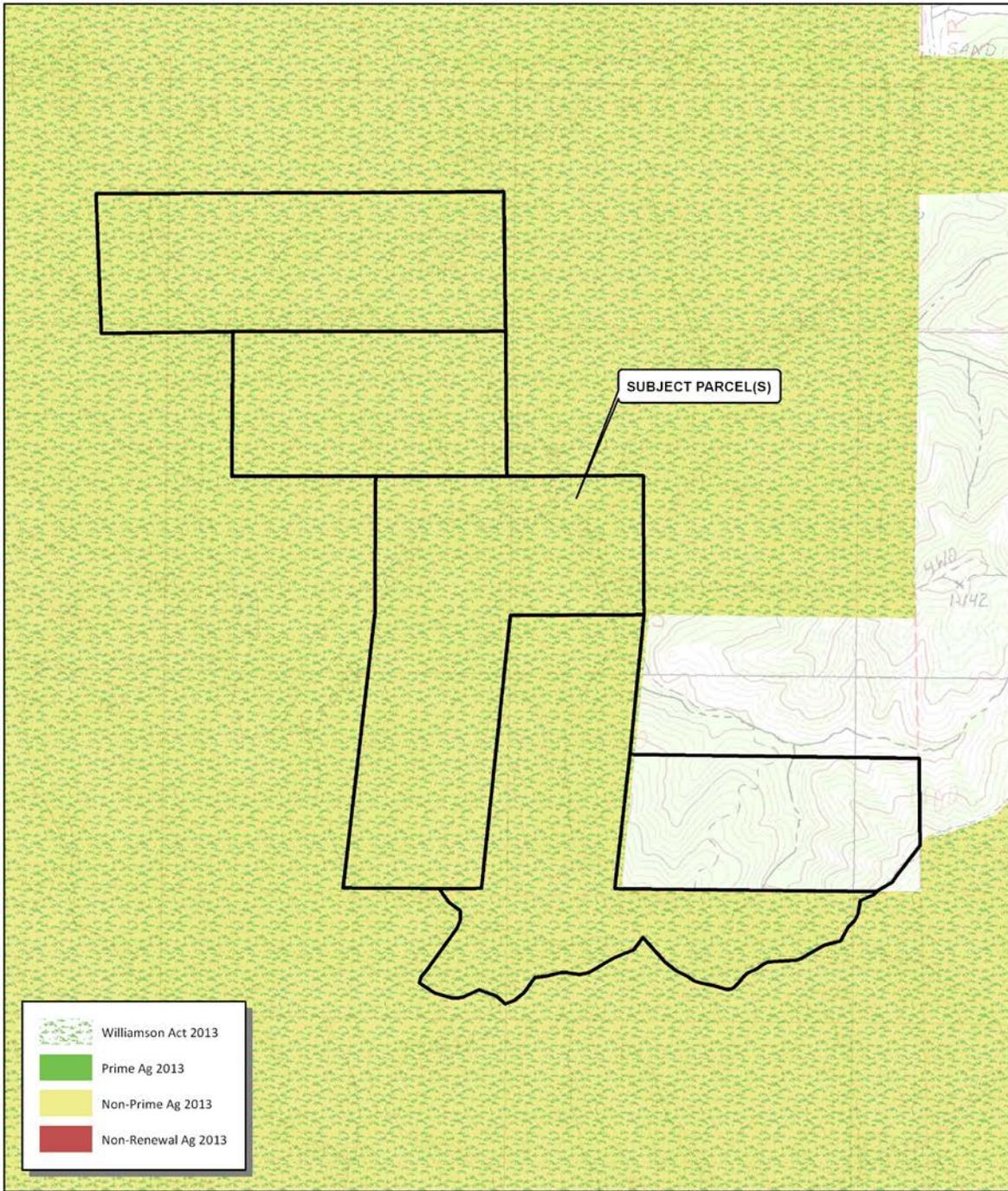
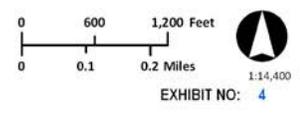


EXHIBIT NO: 2



CASE: A 10-2014
 OWNER: ROSATI, Mario
 APN: 049-330-22, et. al. (5 APNs)
 AGENT: Ray Carlson & Assc.
 ADDRESS: None Assigned

LANDS IN WILLIAMSON ACT CONTRACTS





MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA # 5(e)

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
- Agenda Summaries must be submitted no later than *noon* Monday, 15 days prior to the meeting date (along with electronic submittals)
- Send 1 complete original single-sided set and 1 photocopy set – Items must be signed-off by appropriate departments and/or Co. Co.
Note: If individual supporting document(s) exceed 25 pages each, or are not easily duplicated, please provide 7 hard-copy sets)
- Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: bosagenda@co.mendocino.ca.us
- Electronic Transmission Checklist: Agenda Summary Records Supp. Doc. If applicable, list other online information below
- Executed records will be returned to the department within one week. *Arrangements for expedited processing must be made in advance*

TO: Board of Supervisors **DATE:** March 2, 2015

FROM: Planning and Building Services **MEETING DATE:** April 21, 2015

DEPARTMENT RESOURCE/CONTACT: Andy Gustavson **PHONE:** 234-6650 Present On Call
Steve Dunicliff

Consent Agenda Regular Agenda Noticed Public Hearing Time Allocated for Item: 15 Min.

■ AGENDA TITLE: Informational Update on the Status of the Mendocino Town Local Coastal Plan Amendment (LCPA) and Possible Direction or Consideration of Coastal Commission Comments Regarding the Submitted Mendocino Town LCPA

■ PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: On September 23, 2014, the Mendocino County Board of Supervisors directed Planning and Building Services to schedule a standing agenda item to apprise the Board on the status of the Mendocino Town LCPA application to the Coastal Commission.

■ SUMMARY OF REQUEST: Planning and Building Services will submit a status report to the Board of Supervisors during open session.

■ SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: N/A

■ ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):

FISCAL IMPACT:			
Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
N/A	N/A	N/A	Yes <input type="checkbox"/> No <input type="checkbox"/>

■ SUPERVISORIAL DISTRICT: 1 2 3 4 5 All **■ VOTE REQUIREMENT:** Majority 4/5ths

■ RECOMMENDED ACTION/MOTION: Accept the Mendocino Town LCPA status report and, as necessary, direct Planning and Building Services to respond to Coastal Commission comments regarding the LCPA.

■ ALTERNATIVES: Do not receive the status report and provide direction to staff.

■ CEO REVIEW (NAME): Christopher Shaver, Deputy CEO **PHONE:** 463-4441

RECOMMENDATION: Agree Disagree No Opinion Alternate Staff Report Attached

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____

RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____



MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA # 5(f)

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
- Agenda Summaries must be submitted no later than *noon* Monday, 15 days prior to the meeting date (along with electronic submittals)
- Send 1 complete original single-sided set and 1 photocopy set – Items must be signed-off by appropriate departments and/or Co. Co.
Note: If individual supporting document(s) exceed 25 pages each, or are not easily duplicated, please provide 7 hard-copy sets)
- Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: bosagenda@co.mendocino.ca.us
- Electronic Transmission Checklist: Agenda Summary Records Supp. Doc. If applicable, list other online information below
- Executed records will be returned to the department within one week. *Arrangements for expedited processing must be made in advance*

TO: Board of Supervisors **DATE:** 31 March 2015

FROM: Department of Transportation **MEETING DATE:** 21 April 2015

DEPARTMENT RESOURCE/CONTACT: Howard N. Dashiell **PHONE:** 463-4363 Present On Call

Consent Agenda Regular Agenda Noticed Public Hearing Time Allocated for Item: 30 Min

■ **AGENDA TITLE:** **Noticed Public Hearing - Adoption of a Resolution Adopting an Initial Study/Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program in Compliance with California Environmental Quality Act Requirements for the Replacement of Bridge No. 10C0123 on Sherwood Road, CR 311, M.P. 5.52 over Rows Creek (Willits Area)**

■ **PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** By Resolution No. 12-079 (22 June 2012), Board approved Department of Transportation (DOT) Agreement No. 110121/Board of Supervisors (BOS) Agreement No. 12-053 with Quincy Engineering, Inc. for professional services of preliminary engineering and design work.

■ **SUMMARY OF REQUEST:** Pursuant to California Environmental Quality Act (CEQA) requirements, an Initial Study has been completed for the Sherwood Road Bridge over Rows Creek Replacement Project. The study supports the adoption of a Mitigated Negative Declaration. A public hearing has been scheduled for 21 April 2015 at 9:00 a.m., to present the findings of the Initial Study and to hear and consider any comments or concerns of the public, prior to adoption of the applicable Mitigated Negative Declaration. The Engineers Estimate for the project is \$2,405,000, expended over several years. Project funding is primarily through the Federal Highway Bridge Program (HBP) (88.53%) with the local match being provided by the Toll Credit Program (11.47%).

■ **SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:**
<http://www.co.mendocino.ca.us/dot/rowescreek.htm>

■ **ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):**

FISCAL IMPACT:			
Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
HBP (88.53%) Toll Credit Program (11.47%)	Not Applicable	Not Applicable	Yes <input type="checkbox"/> No <input type="checkbox"/>

■ **SUPERVISORIAL DISTRICT:** 1 2 3 4 5 All ■ **VOTE REQUIREMENT:** Majority 4/5ths

■ **RECOMMENDED ACTION/MOTION:** Conduct public hearing, adopt Resolution adopting a Mitigated Negative Declaration for the replacement of Bridge No. 10C0123 on Sherwood Road, CR 311, M.P. 5.52 over Rows Creek, authorize the Director of Transportation to file the Notice of Determination, and authorize the Chair to sign the Resolution.

■ **ALTERNATIVES:** Postpone the public hearing and delay the project.

■ **CEO REVIEW (NAME):** Chris Shaver, Deputy CEO **PHONE:** 463-4441

RECOMMENDATION: Agree Disagree No Opinion Alternate Staff Report Attached

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____

RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____

RESOLUTION NO. 15-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING AN INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS FOR THE REPLACEMENT OF BRIDGE NO. 10C0123 ON SHERWOOD ROAD, CR311, M.P.5.52 OVER ROWES CREEK (WILLITS AREA)

WHEREAS, the existing bridge on Sherwood Road, CR 311, over Rowes Creek at M.P 5.52 north of Willits, CA, was built in 1965 and is a Structurally Deficient and Functionally Obsolete Structure; and

WHEREAS, the Department of Transportation (DOT) has obtained Federal Highway Bridge Program (HBP) funding to replace the Sherwood Road bridge over Rowes Creek (Project), augmented by Toll Credits Program funding; and

WHEREAS, DOT performed an Initial Study pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*; CEQA) and the Guidelines implementing CEQA (Title 14, California Code of Regulations Section 15000 *et seq.*; CEQA Guidelines) and the County's CEQA Guidelines for the project; and

WHEREAS, the Initial Study concluded that although the Project could result in a significant effect on the environment, identified mitigation measures would reduce those environmental effects to a less-than-significant level and stated that a mitigated negative declaration would be prepared; and

WHEREAS, DOT issued a Notice of Intent to Adopt a Mitigated Negative Declaration and the draft Initial Study/Mitigated Negative Declaration was circulated for public review between February 4, 2015, and March 6, 2015; and

WHEREAS, DOT received comments on the Initial Study/Mitigated Negative Declaration for the Project during the public review period, which have been addressed in a final Initial Study/ Mitigated Negative Declaration; and

WHEREAS, the final Initial Study/Mitigated Negative Declaration for the project contains a Mitigation Monitoring and Reporting Program; and

WHEREAS, the Board of Supervisors has reviewed and considered the final Initial Study/ Mitigated Negative Declaration for the Project in compliance with CEQA, the CEQA Guidelines and the County's CEQA Guidelines; and

WHEREAS, the final Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project, which are attached to the letter accompanying this resolution as Attachment A and Attachment B, respectively, are by this reference incorporated into this resolution as if fully set forth herein.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors finds as follows:

1. Recitals. The recitals to this resolution are true and correct and are incorporated herein by this reference.

2. Findings. The Board of Supervisors hereby makes the following findings: (a) the Board has independently reviewed and analyzed the final Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained therein, (b) the final Initial Study/Mitigated Negative Declaration has been completed in compliance with CEQA, the CEQA Guidelines and the County's CEQA Guidelines, and (c) the final Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the County as the lead agency for the Project.

3. Location of Documents. The Board of Supervisors hereby designates the Director of Transportation, at the Department of Transportation's offices located at 340 Lake Mendocino Drive, Ukiah, California 95482, as the custodian of the documents and other materials which constitute the records of proceedings on which this decision is based.

4. Adoption. The Board of Supervisors hereby finds that there is no substantial evidence that the Project, with the proposed mitigation measures and design features of the Project, will have a significant adverse effect on the environment and hereby adopts the final Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project.

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this _____ day of _____, 2015, by the following vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

CARRE BROWN, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
DOUGLAS L. LOSAK, Interim County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

Deputy

Advertising Order Confirmation

The Ukiah
DAILY JOURNAL

Ad Order Number 0005406560
Customer DEPT OF TRANSPORTATION
Customer Account DEPT OF TRANSPORTATION
Sales Rep. mmorandi
Customer Address 340 LAKE MENDOCINO DR
 UKIAH CA 95482 USA
Order Source Select Source
Current Queue Ready
Invoice Text

PO Number
Ordered By
Customer Fax
Customer Email

Payor Customer DEPT OF TRANSPORTATION
Payor Account 3506751
Payor Address 340 LAKE MENDOCINO DR
 UKIAH CA 95482 USA
Payor Phone 707-463-4363
Ad Order Notes

Special Pricing None
Production Notes

Promo Type
Ad Attributes AdBooker
Production Method AdBooker

Color
Production Color
Ad Type Legal Liner
Pick Up No

Requested Placement Requested Position
 Legals CLS NC General Legal NC-1076~ 02/08/15, 02/18/15
 Legals CLS NC General Legal NC-1076~ 02/08/15, 02/18/15

Run Dates # Inserts
 02/08/15, 02/18/15 2
 02/08/15, 02/18/15 2

Gross Amount \$549.02
Net Amount \$549.02
Tax Amount \$0.00
Total Amount \$549.02
Payment Method Credit Card - VISA:2458
Payment Amount \$549.02
Amount Due \$0.00

Order Charges:

If this confirmation includes an advertising proof, please check your proof carefully for errors, spelling, and/or typos. Errors not marked on the returned proof are not subject to credit or refunds.

Please note: To meet our printer's deadline, we must have your proof returned by the published deadline, and as indicated by your sales rep. If we have not heard from you by that time, we will assume that your ad is correct, and it will run as is.

If you make any corrections to your proof, please indicate them clearly. Second proofs are not available after published deadlines. Second proofs will incur an additional charge, unless this is due to a serious error on our part.

Please note: If you pay by bank card, your card statement will show "CA NEWSPAPERS ADV" or "CALIFORNIA NEWSPAPER ADVERTISING SERVICES", depending on the type of card used.

RECEIVED

FEB 23 2015

MENDOCINO COUNTY
TRANSPORTATION

Ukiah Daily Journal

590 S. School St
PO Box 749
Ukiah, California 95482
(707) 468-3500
udjlegals@pacific.net

DEPT OF TRANSPORTATION
340 LAKE MENDOCINO DR
UKIAH CA 95482

PROOF OF PUBLICATION (2015.5 C.C.P.)

STATE OF CALIFORNIA COUNTY OF MENDOCINO

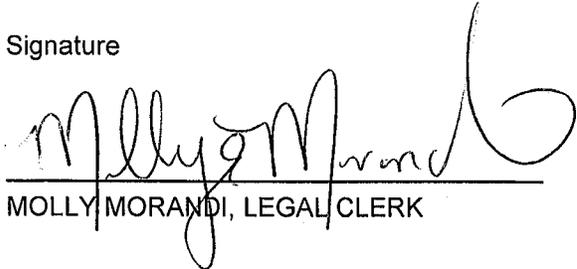
I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Ukiah Daily Journal, a newspaper of general circulation, printed and published daily in the City of Ukiah, County of Mendocino and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Mendocino, State of California, under the date of September 22, 1952, Case Number 9267; that the notice, of which the annexed is a printed copy (set in type not smaller than non-pareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

2/8/2015, 2/18/2015

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Ukiah, California,
February 18th, 2015

Signature



MOLLY MORANDI, LEGAL CLERK

Legal No. **0005406560**

782-15

2-8,18/15

MENDOCINO COUNTY DEPARTMENT OF TRANSPORTATION

NOTICE OF BOARD HEARING AND AVAILABILITY OF DRAFT MITIGATED NEGATIVE DECLARATION FOR PUBLIC REVIEW

NOTICE IS HEREBY GIVEN THAT the Mendocino County Board of Supervisors at its regular meeting on Tuesday, April 21, 2015, at 9:00 a.m., in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project and the Draft Mitigated Negative Declaration at the time listed or as soon thereafter as the item may be heard.

Project title: Sherwood Road at Rowes Creek Bridge Replacement Project, County Bridge #10C0123.

Lead agency: Mendocino County Department of Transportation (MDOT), 340 Lake Mendocino Dr., Ukiah, CA 95482

Contact person, phone number and e-mail: Jackson Ford, Environmental Compliance Specialist, (707) 463-4622, fordj@co.mendocino.ca.us

Project location: The project site is approximately 5.6 miles northwest of Willits, CA. The bridge provides a link between Willits and the Brooktrails subdivision to the Sherwood Valley. The project study area is located within the Burbeck, California 7.5-minute U.S. Geological Survey (USGS) quadrangle (Township 19 North, Range 14 West, Section 22) in the Upper Eel River hydrologic Unit. The surrounding land use is zoned Upland residential.

Description of project: The County proposes to replace the existing bridge (No. 10C-0123) on Sherwood Road over Rowes Creek and construct the necessary roadway approach improvements. The bridge currently in place has been found to be structurally deficient due to substandard load carrying capacity and functionally obsolete. The purpose of this project is to improve public safety by providing safe and cost effective solutions for traffic to cross Rowes Creek. The vertical profile grade will be similar to the existing to allow adequate freeboard above the 50 and 100-year flood events. The roadway would be realigned

The roadway would be realigned to remove the sharp reversing curve located on either end of the bridge and increase the roadway approach curve radius. Right-of-way acquisition will be needed for this alignment. Construction of the new bridge outside of the current alignment would allow continued use of the existing bridge during construction. Construction will be completed within one season.

ENVIRONMENTAL DETERMINATION: The Mendocino County Department of Transportation has prepared a Draft Mitigated Negative Declaration for the above project (there will not be a significant effect in this case because proposed mitigation measures will reduce potentially significant effects to a less than significant level). A copy of the Initial Study with mitigation measures in support of the Draft Mitigated Negative Declaration for the Bridge Replacement Project is available for public review at the Willits Library (390 E Commercial St), the County Department of Transportation in Ukiah, and the MDOT website <http://www.co.mendocino.ca.us/dot> under the environmental documents tab.

Your comments regarding the above project and/or the Draft Mitigated Negative Declaration are invited. Written comments should be submitted to the Mendocino County Department of Transportation. All written comments must be received prior to 5 P.M. March 6, 2015 to be included with the Staff Report to the Board. Oral, email and/or additional written comments may be presented to the Board of Supervisors during the public hearing.

If you challenge the above matter in Court, you may be limited to raising only those issues which you or someone else raised in the written correspondence delivered to the Department of Transportation, at or prior to the date indicated above. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Mendocino County Department of Transportation, at 463-4363, Monday through Friday, 8:00 a.m. through 4:30 p.m. Should you desire notification of the Board of Supervisors decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Mendocino County Department of Transportation, 340 Lake Mendocino Drive, Ukiah, California 95482.

HOWARD N. DASHIELL
Director, Department of Transportation

The Willits News

77 W Commercial Street
PO Box 628
Willits, CA 95490
707-459-4643

MENDOCINO COUNTY, DEPT OF TRANSPORTATION
ATTN: CHAMISE CUBBISON, 340 LAKE MENDOCINO DRIVE
UKIAH CA 95482

Legal No. **0005406414**

PROOF OF PUBLICATION

STATE OF CALIFORNIA COUNTY OF MENDOCINO

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of The Willits News, a newspaper of general circulation, printed and published Every Wednesday and Friday in the City of Willits, California, County of Mendocino, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Mendocino, State of California, in the year 1903, Case Number 9150; that the notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

2/6/2015, 2/18/2015

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Willits, California this 18th day of February, 2015.



Signature

**MENDOCINO COUNTY DEPARTMENT OF TRANSPORTATION
NOTICE OF BOARD HEARING AND AVAILABILITY OF
DRAFT MITIGATED NEGATIVE DECLARATION FOR PUBLIC REVIEW**

NOTICE IS HEREBY GIVEN THAT the Mendocino County Board of Supervisors at its regular meeting on Tuesday, April 21, 2015, at 9:00 a.m., in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project and the Draft Mitigated Negative Declaration at the time listed or as soon thereafter as the item may be heard.

Project title: Sherwood Road at Rowes Creek Bridge Replacement Project, County Bridge #10C0123.

Lead agency: Mendocino County Department of Transportation (MDOT), 340 Lake Mendocino Dr., Ukiah, CA 95482

Contact person, phone number and e-mail: Jackson Ford, Environmental Compliance Specialist, (707) 463-4622, fordj@co.mendocino.ca.us

Project location: The project site is approximately 5.6 miles northwest of Willits, CA. The bridge provides a link between Willits and the Brooktrails subdivision to the Sherwood Valley. The project study area is located within the Burbeck, California 7.5-minute U.S. Geological Survey (USGS) quadrangle (Township 19 North, Range 14 West, Section 22) in the Upper Eel River hydrologic Unit. The surrounding land use is zoned Upland residential.

Description of project: The County proposes to replace the existing bridge (No. 10C-0123) on Sherwood Road over Rowes Creek and construct the necessary roadway approach improvements. The bridge currently in place has been found to be structurally deficient due to substandard load carrying capacity and functionally obsolete. The purpose of this project is to improve public safety by providing safe and cost effective solutions for traffic to cross Rowes Creek. The vertical profile grade will be similar to the existing to allow adequate freeboard above the 50 and 100-year flood events. The roadway would be realigned to remove the sharp reversing curve located on either end of the bridge and increase the roadway approach curve radius. Right-of-way acquisition will be needed for this alignment. Construction of the new bridge outside of the current alignment would allow continued use of the existing bridge during construction. Construction will be completed within one season.

ENVIRONMENTAL DETERMINATION: The Mendocino County Department of Transportation has prepared a Draft Mitigated Negative Declaration for the above project (there will not be a significant effect in this case because proposed mitigation measures will reduce potentially significant effects to a less than significant level). A copy of the Initial Study with mitigation measures in support of the Draft Mitigated Negative Declaration for the Bridge Replacement Project is available for public review at the Willits Library (390 E Commercial St), the County Department of Transportation in Ukiah, and the MDOT website <http://www.co.mendocino.ca.us/dot> under the environmental documents tab.

Your comments regarding the above project and/or the Draft Mitigated Negative Declaration are invited. Written comments should be submitted to the Mendocino County Department of Transportation. All written comments **must be received prior to 5 P.M. March 6, 2015** to be included with the Staff Report to the Board. Oral, email and/or additional written comments may be presented to the Board of Supervisors during the public hearing.

If you challenge the above matter in Court, you may be limited to raising only those issues which you or someone else raised in the written correspondence delivered to the Department of Transportation, at or prior to the date indicated above. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Mendocino County Department of Transportation, at 463-4363, Monday through Friday, 8:00 a.m. through 4:30 p.m. Should you desire notification of the Board of Supervisors decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Mendocino County Department of Transportation, 340 Lake Mendocino Drive, Ukiah, California 95482.

HOWARD N. DASHIELL
Director, Department of Transportation
02/06, 02/18/2015

6 FEBRUARY 2015

AFFIDAVIT OF POSTING

I, Jackson Ford, Environmental Compliance Specialist, Engineering Division of Mendocino County Department of Transportation, do hereby certify, under penalty of perjury, that I did have posted near both ends of the Sherwood Road @ Rowes Creek Bridge, on County Road 311, near City of Willits, as well at other locations noted below copies of the following notice regarding a Public Hearing of the Mendocino County Board of Supervisors.

MENDOCINO COUNTY DEPARTMENT OF TRANSPORTATION

**NOTICE OF BOARD HEARING AND AVAILABILITY OF
DRAFT MITIGATED NEGATIVE DECLARATION FOR PUBLIC REVIEW**

NOTICE IS HEREBY GIVEN THAT the Mendocino County Board of Supervisors at its regular meeting on Tuesday, April 21, 2015, at 9:00 a.m., in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project and the Draft Mitigated Negative Declaration at the time listed or as soon thereafter as the item may be heard.

Project title: Sherwood Road at Rowes Creek Bridge Replacement Project, County Bridge #10C0123.

Lead agency: Mendocino County Department of Transportation (MDOT), 340 Lake Mendocino Dr., Ukiah, CA 95482

Contact person, phone number and e-mail: Jackson Ford, Environmental Compliance Specialist, (707) 463-4622, fordj@co.mendocino.ca.us

Project location: The project site is approximately 5.6 miles northwest of Willits, CA. The bridge provides a link between Willits and the Brooktrails subdivision to the Sherwood Valley. The project study area is located within the *Burbeck, California* 7.5-minute U.S. Geological Survey (USGS) quadrangle (Township 19 North, Range 14 West, Section 22) in the Upper Eel River hydrologic Unit. The surrounding land use is zoned Upland residential.

Description of project: The County proposes to replace the existing bridge (No. 10C-0123) on Sherwood Road over Rowes Creek and construct the necessary roadway approach improvements. The bridge currently in place has been found to be structurally deficient due to substandard load carrying capacity and functionally obsolete. The purpose of this project is to improve public safety by providing safe and cost effective solutions for traffic to cross Rowes Creek. The vertical profile grade will be similar to the existing to allow adequate freeboard above the 50 and 100-year flood events. The roadway would be realigned to remove the sharp reversing curve located on either end of the bridge and increase the roadway approach curve radius. Right-of-way acquisition will be needed for this alignment. Construction of the new bridge outside of the current alignment would allow continued use of the existing bridge during construction. Construction will be completed within one season.

ENVIRONMENTAL DETERMINATION: The Mendocino County Department of Transportation has prepared a Draft Mitigated Negative Declaration for the above project (there will not be a significant effect in this case because proposed mitigation measures will reduce potentially significant effects to a less than significant level). A copy of the Initial Study with mitigation measures in support of the Draft Mitigated Negative Declaration for the Bridge Replacement Project is available for public review at the Willits Library (390 E Commercial St), the County Department of Transportation in Ukiah, and the MDOT website <http://www.co.mendocino.ca.us/dot> under the environmental documents tab.

Your comments regarding the above project and/or the Draft Mitigated Negative Declaration are invited. Written comments should be submitted to the Mendocino County Department of Transportation. All written comments **must be received prior to 5 P.M. March 6, 2015** to be included with the Staff Report to the Board. Oral, email and/or additional written comments may be presented to the Board of Supervisors during the public hearing.

If you challenge the above matter in Court, you may be limited to raising only those issues which you or someone else raised in the written correspondence delivered to the Department of Transportation, at or prior to the date indicated above. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Mendocino County Department of Transportation, at 463-4363, Monday through Friday, 8:00 a.m. through 4:30 p.m. Should you desire notification of the Board of Supervisors decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Mendocino County Department of Transportation, 340 Lake Mendocino Drive, Ukiah, California 95482.

HOWARD N. DASHIELL
Director, Department of Transportation

I have placed copies of the above notice at the following locations and in the following manner:

- 1) On the guard rail located near the north end of the existing Bridge
- 2) On the guard rail located near the south end of the existing Bridge
- 3) On a sign post located south of the project
- 4) Posted at the Sherwood Market and Deli located on Sherwood Road south of the Project
- 5) Posted at the Mendocino County Public Library, Ukiah Branch, 105 N. Main Street
- 6) Posted at the Mendocino County Public Library, Willits Branch, 390 East Commercial Street
- 7) Published in the Ukiah Daily Journal on Sunday 8 February 2015 and Wednesday, 18 February, 2015.
- 8) Published in the Willits News Newspaper on Friday, 6 February 2015 and again on Wednesday, 18 February 2015.

Also made available for public review are copies of the Initial Study and Notice of Intent to adopt at the following locations:

- 1) Mendocino County Public Library, Ukiah Branch (6 February 2015)
- 2) Mendocino County Public Libery, Willits Branch (6 February 2015)
- 3) Mendocino County Department of Transportation front counter (4 November 2014)
- 4) Mendocino County Department of transportation website (4 November 2014)

Dated: 2.6.2015



Jackson Ford
Environment Compliance Specialist

Howard N. Dashiell
DIRECTOR OF TRANSPORTATION

Road Commissioner
County Engineer, RCE 42001
County Surveyor, PLS 7148



FUNCTIONS

Administration & Business Services
Airports
Engineering
Land Improvement
Roads and Bridges

COUNTY OF MENDOCINO
DEPARTMENT OF TRANSPORTATION
340 LAKE MENDOCINO DRIVE
UKIAH, CALIFORNIA 95482-9432
VOICE (707) 463-4363 FAX (707) 463-5474

March 31, 2015

Mendocino County Board of Supervisors
501 Low Gap Road, Room 1090
Ukiah, CA 95482

RE: NOTICED PUBLIC HEARING - ADOPTION OF A RESOLUTION ADOPTING AN INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS FOR THE REPLACEMENT OF BRIDGE NO. 10C0123 ON SHERWOOD ROAD, CR 311, M.P.5.52 OVER ROWES CREEK (WILLITS AREA)

Honorable Board of Supervisors:

On June 22, 2012, the Board approved Resolution No. 12-079 authorizing the award of Department of Transportation (DOT) Agreement No. 110121/ BOS Agreement No. 12-053, Professional Services Agreement with Quincy Engineering, Inc. for preliminary engineering design and technical studies pertaining to the replacement of the Sherwood Road Bridge over Rows Creek – CR 311, M.P. 5.52, near the City of Willits, Mendocino County, California.

The existing bridge on Sherwood Road crossing Rows Creek was built in 1965 and is located on a small tangent segment of the roadway between two sharp reversing curves. It is proposed to replace the bridge (No. 10C-0123) on Sherwood Road and construct the necessary roadway approach improvements. The existing bridge is currently classified as Structurally Deficient due to substandard load carrying capacity and Functionally Obsolete, thus it no longer meets the safety and functional needs of the public who use Sherwood Road. Widening the bridge is not an option because the Federal Highway Administration (FHWA) typically does not authorize the widening of a functionally obsolete timber bridge; therefore, although its sufficiency rating of 79.7 normally would not make it eligible for replacement under the Federal Highway Bridge Program (HBP), the California Department of Transportation (Caltrans) has approved its replacement. The new bridge will meet current design standards of Mendocino County, the American Association of State Highway and Transportation Officials (AASHTO), and Caltrans.

The new two-lane single span, reinforced concrete, box-girder bridge would be constructed upstream of the existing alignment. The new bridge would be 140-foot long and 30-feet wide and would be supported by reinforced concrete seat abutments founded on either spread footings, driven steel piles or

cast-in-drilled-hole piles. Both roadway approaches to the bridge will be widened to accommodate two 10-foot-wide traveled lanes with 5-foot-wide shoulders on each side. The single-span bridge option would minimize environmental impacts on Rowes Creek by avoiding the need to construct bridge supports inside the active channel or below the 100-year flood (Q_{100}). The roadway approaches would be widened and realigned to conform to the new bridge. Sherwood Road would be realigned to remove the sharp reversing curves located on either end of the bridge and increase the roadway approach curve radius. The existing bridge would remain in operation during construction and would be removed and disposed of offsite after the new bridge has been completed.

The Engineer's Estimate for the project is some \$2,405,000.00. Project is federally funded primarily through the Federal Highway Bridge Program, \$2,129,000.00 (88.53%), with the local match being \$276,000.00 (11.47%) reimbursed through the Toll Credits Program.

Pursuant to California Environmental Quality Act (CEQA) requirements, an Initial Study has been completed for this project. The study supports the adoption of a Mitigated Negative Declaration. CEQA further requires that the lead agency hold a public hearing to determine whether the environmental impacts identified for the project can be adequately mitigated so that no significant adverse environmental impacts will result. If so, the Board can then adopt a Mitigated Negative Declaration for the project.

Public comments received up to the public hearing date of April 21, 2015 will be provided during the Board's meeting.

The Department of Transportation maintains, based on the Initial Study, it is appropriate for the Board to adopt the proposed Mitigated Negative Declaration for the project. The draft report (Attachment A), which includes a Mitigation Monitoring and Report Program (Attachment B), is available for review at the following website: <http://www.co.mendocino.ca.us/dot/rowescreek.htm>. The proposed bridge construction is expected to greatly improve safety without causing significant impacts. Construction of the bridge is scheduled to begin in the Summer of 2017, pending receipt of applicable permits.

Based on the foregoing considerations, I recommend and request adoption of the proposed Mitigated Negative Declaration and that the Director of Transportation be given authorization and direction to file the applicable Notice of Determination.

A draft Resolution for adoption of the proposed Mitigated Negative Declaration and related documents are enclosed.

I will, of course, respond to any questions that the Board may have.

Respectfully submitted,

HOWARD N. DASHIELL
Director of Transportation

Enclosures

cc: DOT Project File B1002

Noticed Public Hearing - Adoption of a Resolution Adopting an Initial Study/ Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program in Compliance with California Environmental Quality Act Requirements for the Replacement of Bridge No. 10C0123 on Sherwood Road, CR 311, M.P. 5.52 over Rows Creek (Willits Area)

**OUTLINE FOR BOARD OF SUPERVISORS PROCEEDINGS AND PUBLIC HEARING
April 21, 2015**

Before the Chair proceeds and addresses the “Public Notice” (Item I below), it is appropriate to have the County Department of Transportation (DOT) give an introduction for the topic, during which department representatives will show that proper notice has been given.

I. DETERMINE THAT PROPER NOTICE HAS BEEN GIVEN

- A. Notice published in “Ukiah Daily Journal” Sunday, February 8, 2015 and Wednesday, February 18, 2015. Notice published in the “Willits News” Friday, February 6, 2015 and Wednesday February 18, 2015.
- B. Notice posted in three locations, at the Sherwood Road Bridge, along CR 311, on message board at Sherwood Road Market and Deli on February 6, 2015.
- C. A copy of the Initial Study was made available at the Mendocino County Library, Ukiah Branch, 105 N. Main St., Ukiah, the Mendocino County Library, Willits Branch, 390 East Commercial Street, Willits, at the County Department of Transportation, 340 Lake Mendocino Drive, Ukiah and on the County DOT website.

II. RECEIVE REPORT FROM DEPARTMENT OF TRANSPORTATION (*Report in form of letter to Board of Supervisors*)

- A. County Department of Transportation is the Lead Agency.

III. OPEN PUBLIC HEARING

- A. Receive testimony and comments from those supporting replacement of Bridge No. 10C0123, on Sherwood Road, CR 311, at M.P. 5.52.
- B. Receive testimony and comments from those opposing replacement of Bridge No. 10C0123, on Sherwood Road, CR 311, at M.P. 5.52.

IV. CLOSE PUBLIC HEARING

V. ALLOW BOARD MEMBERS OPPORTUNITY TO ASK QUESTIONS AND DISCUSS ISSUES

VI. DECISION

- A. If to deny Mitigated Negative Declaration under CEQA: Can be done by minute order. County Counsel advises that findings should be made to support decision.
- B. If to accept Mitigated Negative Declaration under CEQA: Must be done by Resolution with required findings. DOT has prepared appropriate Resolution accepting the Mitigated Negative Declaration.

VII. IF MITIGATED NEGATIVE DECLARATION IS ADOPTED

- A. Adopt Resolution accepting Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program
- B. Authorize the Director of Transportation to file the applicable Notice of Determination



Department of Transportation (MCDOT)

Director's Report – April 21, 2015

- **Road Division Activities:** MCDOT Road Division personnel are performing normal spring activities including mowing for vegetation control and grading gravel roads countywide. Crews are also preparing for another round of storm damage repairs this summer.
- **County Surveyor's Activities:** Besides map checking and assisting the public this week, the County Surveyor has a rather large project centered around Pacific Gas & Electric (PG&E) adjusting some boundaries and relinquishing some property northeast of Potter Valley between Oat Gap and the northern bank of the Eel River west of Trout Creek.
- **South Coast Landfill Closure:** Post Closure Landfill staff within the MCDOT Land Improvement Division have a new partner in Santa Rosa - Charles Reed. Mr. Reed is replacing Terri Cia, the Water Board staff member who was assigned to the Closure Plan review eleven years ago. We have also lost Diana Henriouille, the Senior Water Resource Control Engineer who was in charge of the Non-Point Source Unit of the North Coast Regional Water Quality Control Board (NCRWQCB), as she has been reassigned. Efforts to approve the South Coast Landfill Closure Plans from the Water Board date back to 2004. The Water Board staff has been busy with the Sonoma County Central Landfill and more recently a project concerning the Ukiah Landfill. The new Water Board staff are committed to keeping recent progress moving forward with the county's current design consultant SWT (2011 contract). We hope to get an approved final closure project out to bid in 2016, unfortunately this means missing our 2015 target.
- **February 4, 2015 – February 11, 2015 Storm Recovery Effort:** Mendocino County has three storm damage sites requiring permanent repairs. We have forward the information to Caltrans and they, in turn, to the California Emergency Management Agency (Cal EMA). In regard to eligibility, the indications are positive; however, further review by the Governor's staff needs to occur to determine final eligibility for the Federal Highway Administration ER Program. Estimates of total damage to the County Maintained "On System" Roads are approximately \$0.7 million. MCDOT remains hopeful that we will receive "on-system" road repair assistance from Federal Highways. We are still waiting for a Governor's proclamation, which we hope will be received in June.
- **Additional Grant Funding Requested for Shortfall - Branscomb Road Pedestrian/Multi-use Bridge (Laytonville) Connecting Bridge at Tenmile Creek:** Branscomb Road Pedestrian/Multi-use Bridge, with an estimated project cost of \$535,000 (\$190,000 for Preliminary Engineering (PE), \$25,000 for Right of Way (ROW), and \$320,000 for construction (CON)) is a walkway project along Branscomb Road. It will connect the Laytonville Elementary School complex and the High School with the 2007 walkway project to the west. Changes identified during design to avoid floodplain issues, pile driving hydro acoustic monitoring, and environmental mitigation have raised the cost of the PE phase by approximately \$45,000 and final construction (CON) by approximately \$300,000. Mendocino Council of Governments (MCOG) has offered to bring a request to their Board to cover most of the PE phase increase. MCDOT will seek additional CON funding through an Active Transportation Program (ATP) Grant. Construction is scheduled for the summer of 2017, but will be delayed pending additional funding.



**MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY**

BOARD AGENDA # 6 (b)

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
- Agenda Summaries must be submitted no later than *noon* Monday, 15 days prior to the meeting date (along with electronic submittals)
- Send 1 complete original single-sided set and 1 photocopy set – Items must be signed-off by appropriate departments and/or Co. Co.
Note: If individual supporting document(s) exceed 25 pages each, or are not easily duplicated, please provide 7 hard-copy sets)
- Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: bosagenda@co.mendocino.ca.us
- Electronic Transmission Checklist: Agenda Summary Records Supp. Doc. If applicable, list other online information below
- Executed records will be returned to the department within one week. *Arrangements for expedited processing must be made in advance*

TO: Board of Supervisors **DATE:** April 14, 2015

FROM: Supervisors Hamburg and Woodhouse **MEETING DATE:** April 21, 2015

DEPARTMENT RESOURCE/CONTACT: Janelle Rau **PHONE:** 463-4441 Present On Call

Consent Agenda Regular Agenda Noticed Public Hearing Time Allocated for Item: 45 min.

■ AGENDA TITLE: Discussion and Possible Action Regarding Fire Safety in Mendocino County (Including Presentations from County Fire Chiefs)

■ PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: On January 10, 2006, the Board adopted the California Department of Forestry and Fire Protection Wildfire Management Plan.

■ SUMMARY OF REQUEST: In 2006, the Mendocino County Board of Supervisors adopted the Community Wildfire Protection Plan. The plan was developed by interested parties and federal agencies managing land in Mendocino County. The plan identifies and prioritizes areas for hazardous fuel reduction treatments and recommends the types and methods of treatment that will protect the County. The plan also recommends measures to reduce the ignitability of structures throughout the areas addressed.

Mendocino County has approximately one million acres of commercial forest lands. Timber in the County represents the second highest value commodity in the County, and in 2013, ranked 5th in the State in timber volumes. As Mendocino County enters its fourth consecutive year of drought, the Board is concerned how this will impact the County’s fire suppression efforts.

Local fire chiefs have been invited to discuss many of the fire dangers we face in the coming season and to potentially provide recommendations on how to be more proactive with County fire prevention. The local fire chiefs will also discuss events that have occurred since the last study in 2005; what is new, what improvements have been made, what shortfalls have been seen, and the increased challenges as a result of the drought.

- SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:** <http://cemendocino.ucanr.edu/files/17248.pdf>
- ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):**

FISCAL IMPACT:			
Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
N/A	N/A	N/A	Yes <input type="checkbox"/> No <input type="checkbox"/>

■ SUPERVISORIAL DISTRICT: 1 2 3 4 5 All **■ VOTE REQUIREMENT:** Majority 4/5^{ths}

■ RECOMMENDED ACTION/MOTION: Discuss and receive comments regarding fire safety in Mendocino County and provide direction as necessary.

■ ALTERNATIVES: Provide further direct to staff.

■ CEO REVIEW (NAME): Janelle Rau, Deputy CEO **PHONE:** 463-4441

RECOMMENDATION: Agree Disagree No Opinion Alternate Staff Report Attached

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____

RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____

Two engines, 1 rescue unit, and 1 water tender respond to 50 calls per year, of which 4-6 are wildfires, serving 50-60 residents inside the district and an additional 300 in their 100-square-mile sphere of influence. Of special concern are the Westport Beach RV Campground with 175 spaces, and Westport Union Landing State Park with 100 spaces, both of which are usually full in the summer; plus the Sinkyone Wilderness Area to the north. Many homes are scattered on the fire-prone hills outside of town, and a subdivision north of town is growing rapidly. Most houses are on single access roads, do not have adequate defensible space, and are not near adequate water supply for fire suppression. The Chief and Assistant Chief may be reached at (707) 964-3254 or 964-5135, or cheezhdnv@cs.com.

THE CHIEFS' CONCERNS

On February 28, 2005, the Mendocino County Board of Supervisors hosted a workshop during which local fire chiefs expressed their departments' needs. Supervisor Hal Wagenet had initiated planning for this workshop several months earlier, before becoming a Director of the MCFSC, due to his concern about the demise of some local volunteer fire departments and the shrinking number of volunteers in others.

The main issues facing local fire departments were identified as follows:

- Diminishing numbers of younger, able-bodied volunteer firefighters available in rural areas due to two main causes: a) skyrocketing housing costs which prohibit younger families from purchasing or even renting homes in rural areas, and b) lack of employment in the same areas. A case in point is the Leggett and Piercy area, many of whose younger adults commute north to Humboldt County to work and are not available to respond in northern Mendocino County during the daytime.
- Ever-increasing laws and regulations imposed upon local fire departments by the state legislature and other governmental entities. The most sweeping and difficult of these in recent years were imposed by Senate Bill 1207 (Romero, 2001), which requires, among other things, that volunteer firefighters undergo the same level of training as paid firefighters. This legislation, apparently well-intentioned for safety purposes, in essence requires volunteer firefighters to be in training all weekend, every weekend, without pay. This is, of course, impossible for men and women who have families and fulltime employment. The heightened requirements and liability resulting from such unfunded mandates have demoralized and embittered some local volunteer fire chiefs nearly to the point of resigning.
- Lack of funds to replace aging and obsolete equipment necessary for both firefighter safety and effective fire suppression. Many departments are dependent on grants from the federal Assistance to Firefighters program for the purchase of fire engines, protective gear, and other costly equipment. In the past the Mendocino Emergency

Services Authority (County OES) was very pro-active in obtaining grant funding for radios and other equipment for emergency services agencies, but that office is not currently active. Departments fortunate enough to receive grants for fire engines still face the requirement to raise 10% to 25% of the total amount as a “match.”

- A large number of emergency calls for which costs are not recovered. These are primarily of two kinds, about which details were given above:
 - a) Traffic collisions involving non-residents. Highways 101, 20, 253, 128, and Highway 1 on the coast all see numerous traffic accidents per month. As these roads are major arteries for tourists, a good percentage of their accidents involve persons from out of county; and response costs of local fire agencies may not be recoverable.
 - b) Calls to fires and medical aids outside of taxing districts. Local fire personnel routinely respond to emergency calls outside of their districts – and outside of any district -- from a sense of duty. Such services are essentially provided free of charge.
- The requirement of all special districts to complete Municipal Service Reviews every five years. These MSR's require time and the payment of fees beyond the capability of most rural fire districts. But if no current MSR exists, no development whatsoever may be allowed in the district. Frank McMichael of the Mendocino County Local Agency Formation Commission (LAFCO) is working with the districts to reduce these costs as much as possible.

Following the workshop, a Task Force of local fire chiefs, plus Supervisors Hal Wagenet and Jim Wattenburger, was established to address these issues. Future versions of this Plan will report on the Task Force's progress.

In June 2005 the Mendocino County Grand Jury issued a report on seven rural fire districts in the county. Their findings, remarkably similar to those identified in this chapter, may be found at www.co.mendocino.ca.us/grandjury/pdf/SevenFireDistricts.6.22.5.pdf.



**MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY**

BOARD AGENDA #6 (c)

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
- Agenda Summaries must be submitted no later than *noon* Monday, 15 days prior to the meeting date (along with electronic submittals)
- Send 1 complete original single-sided set and 1 photocopy set – Items must be signed-off by appropriate departments and/or Co. Co.
Note: If individual supporting document(s) exceed 25 pages each, or are not easily duplicated, please provide 7 hard-copy sets)
- Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: bosagenda@co.mendocino.ca.us
- Electronic Transmission Checklist: Agenda Summary Records Supp. Doc. If applicable, list other online information below
- Executed records will be returned to the department within one week. *Arrangements for expedited processing must be made in advance*

TO: Board of Supervisors **DATE:** April 14, 2015

FROM: Supervisor Hamburg **MEETING DATE:** April 21, 2015

DEPARTMENT RESOURCE/CONTACT: Janelle Rau **PHONE:** 463-4441 Present On Call

Consent Agenda Regular Agenda Noticed Public Hearing Time Allocated for Item: 45 min.

■ **AGENDA TITLE: Discussion and Possible Adoption of a Resolution Regarding Fire Danger Presented by Dead Standing Timber on Forest Lands and to Request Commercial Timber Companies to Voluntarily Cease the Practice of Leaving Dead Standing Trees**

■ **PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** On November 5, 2013, the Board approved a contract for the installation of a Fire Protection System in Fort Bragg. On October 22, 2013, the Board authorized the issuance of a Coastal Development Permit to the Fort Bragg Rural Fire Protection District. On April 10, 2012, the Board approved an agreement with the California Department of Forestry and Fire Protection (CAL FIRE) to provide Dispatch Services throughout Mendocino County through June 30, 2015. On January 10, 2006, the Board adopted the Mendocino County Community Wildfire Protection Plan.

■ **SUMMARY OF REQUEST:** Mendocino County has approximately one million acres of commercial forest lands. Concerns have been raised regarding the thousands of acres of commercial forestlands near the towns of Albion, Little River, Comptche and Navarro that contain large tracts of dead standing trees.

Currently, there are no local regulations regarding the practice of leaving intentionally killed hardwoods standing, nor are there any requirements that such trees, although dead, be downed and/or removed to reduce fire danger. Such standing dead hardwoods represent significant fire hazard potential, threatening the health and safety of thousands of residents.

In 2005, the California Department of Forestry and Fire Protection Community Wildfire Management Plan designated the affected communities as “Communities at Risk from Wildfire.” This Plan - collaboratively developed by CalFire, the Mendocino County Fire Safe Council, and Mendocino County - identified and prioritized areas for hazardous fuel reduction treatments and recommended the types and methods of treatment that could lessen the risks.

If adopted, the resolution requests that the commercial timber companies, on a voluntary basis, immediately cease the practice of leaving dead standing trees on their property, and proposes an independent analysis of the fire danger resulting from this practice of creating standing dead trees, for a period not to exceed six (6) months.

■ **SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:**
<https://www.hightail.com/download/UIRSQndFdGoyWGV5V/mNUQw>
<http://www.treesearch.fs.fed.us/pubs/38355>
<http://cemendocino.ucanr.edu/files/17248.pdf>

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____

RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____



MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA # _____

■ ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):

FISCAL IMPACT:			
Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
N/A	N/A	N/A	Yes <input type="checkbox"/> No <input type="checkbox"/>

■ SUPERVISORIAL DISTRICT: 1 2 3 4 5 All ■ VOTE REQUIREMENT: Majority 4/5ths

■ RECOMMENDED ACTION/MOTION: Adopt Resolution requesting commercial timber companies, on a voluntary basis, to cease the practice of leaving dead standing trees on their property pending the completion of an independent fire danger analysis, and authorize the Chair to sign the same.

■ ALTERNATIVES: Do not approve the resolution and further direct staff.

■ CEO REVIEW (NAME): Janelle Rau, Deputy CEO PHONE: 463-4441

RECOMMENDATION: Agree Disagree No Opinion Alternate Staff Report Attached

BOARD ACTION

- Approved _____
- Records Executed _____

Date of Meeting _____

- Referred to _____
- Other _____

RESOLUTION NO. 15-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS REGARDING FIRE DANGER RESULTING FROM INTENTIONALLY KILLED TIMBER LEFT STANDING ON FOREST LANDS

WHEREAS, Mendocino County is in its fourth consecutive year of drought; and

WHEREAS, the 2005 Cal Fire Community Wildfire Prevention Plan, the last such plan written, designated much of the County as at risk from wildfire; and

WHEREAS, Mendocino County has approximately one million acres of commercial forest lands; and

WHEREAS, over the past three years (2012-2014) hardwood trees have been killed and left standing on over 22,000 acres, at an approximated rate of over 1.5 million trees per year; and

WHEREAS, such standing dead hardwoods present fire danger, threatening the health and safety of county residents; and

WHEREAS, there is no current regulation of the practice of leaving intentionally killed hardwoods standing, nor are there any requirements that such trees be downed and/or removed to reduce fire danger; and

WHEREAS, this forest management practice continues despite the protests of many residents who would be most immediately affected by any resulting wildfire; and

WHEREAS, dead standing trees resulting from naturally occurring events, and for preservation of wildlife, shall be exempt from this resolution; and

WHEREAS, the Board of Supervisors is extremely concerned about the fire hazard presented by dead standing timber;

NOW THEREFORE BE IT RESOLVED that the Mendocino County Board of Supervisors requests that the commercial timber companies, on a voluntary basis, immediately cease the practice of leaving intentionally killed trees standing on their property pending the completion of an independent fire danger analysis, or for a period not to exceed six (6) months from the date of this resolution, whichever comes first.

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this _____ day of _____ 2015, by the following vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

Deputy

APPROVED AS TO FORM:
DOUGLAS L. LOSAK, Interim County Counsel

Deputy

CARRE BROWN, Chair
Mendocino County Board of Supervisors

I hereby certify that according to the provisions
of Government Code Section 25103, delivery
of this document has been made.

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 653-7772
Website: www.fire.ca.gov



Chief Ted Williams
Albion Little River Fire Protection District
P.O. Box 634
Albion, CA 95410

March 17, 2015

Chief Williams,

I received your letter regarding your inquiries to assist in planning for your fire district. I am happy to address them and help refer you to those who can directly help you with the fire safe planning of your fire district.

From my education and experience, a forest with dead standing timber can pose additional and different risks versus a healthy forest. I would recommend that you contact your local *CAL FIRE* unit forester and determine what steps can be taken to help maintain a healthy forest environment in and around your district. *CAL FIRE* has foresters that are dedicated to Vegetation Management Projects including construction of fuel breaks, fuel thinning and other projects to manage fuels. These foresters are also familiar with grants that your district may be eligible to receive to help fund these fuel reduction projects.

CAL FIRE can assist you in performing a risk analysis. As you may already be well aware, your entire fire district lies within State Responsibility Area (SRA), which means your wild land fire protection responsibility belongs to *CAL FIRE*. The *CAL FIRE* Mendocino Unit has a position dedicated to pre-fire planning and analysis known as the Pre-fire Engineer. They are familiar with completing hazard evaluations and risk analysis and would be a great point of contact for you at a local level. Your local Pre-Fire Engineer is Captain Brandon Gunn and I have listed his contact information for you below.

The Office of the State Fire Marshal (OSFM) has curriculum developed for a wide range of classes targeting fire fighters in the wildland. You will also find classes offered by other agencies that may be of value to you, including National Wildfire Coordination Group and the

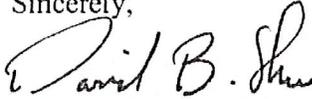
"The Department of Forestry and Fire Protection serves and safeguards the people and protects the property and resources of California."

U.S. Forest Service. I have provided a link to the OSFM website (below), which will also link you to other training resources.

Additionally, I would recommend you contact your local *CAL FIRE* Battalion Chief, who for your area is Chief Jeff Schlafer. I have listed his contact information below. He can work with you to help show you specific training opportunities that would be of the most benefit for your specific area. These two sources will help you find classes in both firefighter level awareness and higher level incident command knowledge. Chief Schlafer will also be able to give you the best contact information for a Mendocino Unit Forester that can help you with fuel reduction projects.

In closing, I wish to thank you for reaching out with these questions. I am hopeful these responses will help you find the resources you are looking for, and further your fire prevention and protection efforts in your fire district. If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,



David Shew

Staff Chief, Planning and Risk Analysis

Pre-Fire Engineer, Fire Captain Brandon Gunn
Brandon.Gunn@fire.ca.gov
(707) 459-7424

CAL FIRE Fort Bragg, Battalion Chief Jeff Schlafer
Jeff.Schlafer@fire.ca.gov
(707) 964-5673

Office of the State Fire Marshal, State Fire Training website:
<http://osfm.fire.ca.gov/training/training.php>

cc: BC Jeff Schlafer
FC Brandon Gunn
Unit Chief Chris Rowney

Albion Little River Fire Protection District

PO BOX 634, ALBION, CA 95410

March 20, 2015

Board of Supervisors Office
Mendocino County
501 Low Gap Road, Room 1090
Ukiah, CA 95482

Carre Brown, 1st District
John McCowen, 2nd District
Tom Woodhouse, 3rd District
Dan Gjerde, 4th District
Dan Hamburg, 5th District

Dear Supervisors:

I'm writing to you as a rural fire chief concerned about a local forestry practice slipping between the cracks of public oversight. I ask for the issue to be discussed and vetted. I want to work with you and industry to find a reasonable solution.

Our fire district, an area of approximately forty-four square miles situated between the Navarro River and the town of Mendocino (map attached), includes a strip of grassland along the coast, but is largely comprised of forest lands. Approximately half the land in our district is zoned for timber and most residential development consists of homes tucked away in forest settings. A considerable segment of our district's population benefits from just one means of egress. Residents on Albion Ridge Road, Middle Ridge Road and a plethora of adjoining shared driveways all funnel to a single intersection with California State Route 1. Residents in Little River have more options for emergency escape, but demonstrated by the windstorm of February 8, 2015, which completely closed all access roads in Little River, it doesn't take much for this community to become an unreachable island.

Late last year, I attended an onsite field presentation hosted by Mendocino Redwood Company as part of their 1-14-080 MEN timber harvest plan review. The tour highlighted a number of public safety concerns and inspired me to

Albion Little River Fire Protection District

PO BOX 634, ALBION, CA 95410

write to Leslie Markham, Deputy Chief, Forest Practice, CAL FIRE. To date, a response has not been received. Attached you can find my letter, dated Nov 15, 2014, as well as one from my board, dated January 14, 2015, asking that they be treated as a signatory to my letter. During the field walk, John Andersen, Director of Forest Operations for Mendocino Redwood Company, showed us an experimental area on "J Road" in Albion where brush had been pruned by hand crews. Admiring the work, I asked whether this pattern could be executed across the entire plan. He offered cost as the main impediment blocking widespread adoption.

Sitting at the agency table during the CAL FIRE Second Review of 1-14-080 on February 5, 2015, I asked Charlie Martin, Division Chief, CAL FIRE, whether fire risk to the neighboring residents had been studied. He didn't respond directly to the question, but explained he has participated at nearly every "big fire" in our county over the past two decades. I don't discount his expertise and we should commend him for his demonstrated commitment to public safety, but for a matter so critical to health and safety, I would prefer his expertise be combined with formal study. I further pressed for an answer: does CAL FIRE have responsibility to study fire risk in the course of evaluating a timber harvest plan? I mean no disrespect to Chief Martin or his staff, but I left frustrated by the lack of clarity on ownership of the domain. If CAL FIRE has authority, the lack of memorialized study should be scrutinized. If this is not within scope of CAL FIRE review, which agency does own the responsibility? Any oversight, at all?

I cannot fault the applicant. Best I can tell, they operate in compliance with applicable law and work in an environment of ever increasing and arguably onerous regulatory creep. In response to the questions I have raised, they've even stepped forward to brainstorm evacuation routes, adding credence to a public concern in desperate need of remedy. For this, I am thankful.

I'm also not ready to place culpability in the hands of state regulators. It appears they are diligently following process. Unfortunately, the process, as implemented, seems to omit consideration for public safety, perhaps because forest management methods have outpaced legislative action.

Regulatory process aside, I see the proposed harvest as part and parcel of a much larger scale forest management endeavor. An intense harvest will encourage unwanted species to flourish under what pre-harvest is shaded by a

Albion Little River Fire Protection District

PO BOX 634, ALBION, CA 95410

redwood canopy. Unmanaged, tanoak can pose a challenge to foresters who wish to rebalance the forest toward redwood production. Due to bottom line cost analysis, a method known as “hack and squirt” is locally employed to kill off the unwanted species by hacking into the tree trunk and injecting poison.

Herbicide use is outside the scope of fire concern, but I’ve come to understand that the practice involves leaving the dead trees standing. Attached is an aerial photograph of Comptche, showing us just how many dead trees are produced.

I have raised concerns to the Mendocino Unit of CAL FIRE about a predominately dead forest impacting fire risk, but oddly most responses have been of the form “your area is already a high risk” and “dead trees burn the same as live trees”. In my experience, dead, seasoned wood burns more efficiently than green wood. An intentionally dead forest in decay is a fabrication of fuel ladders, a pattern of vegetation that allows a fire to climb up from the forest floor into the tree canopy where it is more challenging to suppress. This is the very situation public policy attempts to prevent with California Public Resource Code 4291 as explained by CAL FIRE’s “Defensible Space” brochures.

David Shew, Staff Chief, Planning and Risk Analysis, Department of Forestry and Fire Prevention (CAL FIRE), wrote in response to my inquiry regarding dead standing timber, “From my education and experience, a forest with dead standing timber can pose additional and different risks versus a healthy forest.” His full letter is attached.

Credible research has been conducted and published in respected journals. The most applicable study I have read was coincidentally co-authored by Hugh Scanlon, Unit Chief of Humboldt-Del Norte Unit, CAL FIRE, “Sudden oak death-caused changes to surface fuel loading and potential fire behavior in Douglas-fir-tanoak forests.¹”

I strongly encourage you to read the full report. Of particular interest to this discussion, the researchers used our geographic area with our forest species as their study plot:

¹ Valachovic, Y.S.; Lee, C.A.; Scanlon, H.; Varner, J.M.; Glebocki, R.; Graham, B.D.; Rizzo, D.M. 2011. Sudden oak death-caused changes to surface fuel loading and potential fire behavior in Douglas-fir-tanoak forests. *Forest Ecology and Management* 261(11): 1973-1986

Albion Little River Fire Protection District

PO BOX 634, ALBION, CA 95410

“Our study area encompassed Douglas-fir-tanoak forests across three counties in northwestern California: Sonoma, Mendocino, and Humboldt...”

And further, they focused on trees killed using both the ‘hack and squirt’ method and the exact poison (Imazapyr) that we see in our area:

*“Tanoak trees in the study sites were killed via ‘hack and squirt’ injections of either glyphosate or imazapyr (DiTomaso et al., 2004) so that dead trees were killed while standing, as in the situation with *P. ramorum*². It has been observed that the pattern of tanoak mortality across the landscape in many herbicide treatment areas strongly resembles that caused by *P. ramorum*.”*

They discovered a twofold in downed debris:

“...total weight of downed woody debris (all size classes) approximately doubled with the herbicide treatment...”

And concluded:

“Fuel models based on the observed surface fuel accumulations in herbicide-treated and diseased plots predict that for some early-to-mid-phase (2–8 years) herbicide-treated forests, and for late-phase (8 years plus) diseased forests, rates of spread, flame lengths, and fire line intensities could increase significantly over the baseline, challenging effective firefighter response.”

One of the co-authors of the above study is J. Morgan Varner, a professor who specializes in fire ecology. Parallels in fire behavior have been observed between trees killed by Sudden Oak Death and those killed by herbicides. In an article, “HSU Scientists Pinpoint Acute Forest Fire Threat” *Humboldt State Now* (May 06, 2010), Varner described fire behavior of dead tanoak trees:

“The energy released is so great you can’t combat [crown fires] with standard firefighting practices,” Varner said. “You just have to move back, and let them die down. You could never imagine attacking this thing.”

² *Phytophthora ramorum* is the oomycete plant pathogen known to cause the disease Sudden oak death (SOD).

Albion Little River Fire Protection District

PO BOX 634, ALBION, CA 95410

“Once the tree turns brown, we know it has really low foliage moisture content and it is ready to be ignited.”

Varner was again quoted in 2012 “Scientists warn of disease-borne North Coast fire threat³” *Northern California Society of American Foresters*:

“These unnatural fuel arrangements can lead to fires so intense that you can’t combat them with standard, ground-based fire-fighting tactics”

In a time of severe drought we desperately need all parties to cooperate on a path towards improved fire safety. Governance should not allow private industry to create a public nuisance, certainly not one which jeopardizes life and loss of property. Private property rights must be protected, but fire does not respect property boundaries. By its nature, a fire hazard on one property adversely affects the rights of adjoining owners to use and enjoy their property, in this case impacting the health and safety of a community at large. While it’s true that our residents freely chose to live in and against a forest, I do not believe anyone contemplated the practice of intentional dead standing timber. Property rights on both sides of the line and totality of the circumstances must be considered.

Our entire district overlaps with State Responsibility Area, where the State of California has primary financial responsibility for the prevention and suppression of wildland fires, but this does not preclude our involvement in forest fires. In fact, due to the placement and only seasonal staffing of the nearest CAL FIRE station, my fire department typically arrives first on scene. We were first on scene to our portion of the June, 2008 Lightning Complex fires and have a history of containing forest fires in the early stages. Firefighters accept the risks inherent in combating nature. They should not assume additional man made risks that could otherwise be mitigated. The perils created by intentional dead standing timber will harm our volunteer firefighters' ability to confidently contain small fires.

This predicament could be a consequence of a deficiency in public policy described by the Grand Jury in, “SEVEN FIRE DISTRICTS OF RURAL MENDOCINO COUNTY” (June 28, 2005). The Jury’s report touched on two shortcomings pertinent to fire safety: inadequate district funding and lack of a county fire prevention program. In response to the funding concern, last year

³ Desiree Perez “Scientists warn of disease-borne North Coast fire threat” (Winter 2012, Volume 73, Number 1) *Northern California Society of American Foresters*

Albion Little River Fire Protection District

PO BOX 634, ALBION, CA 95410

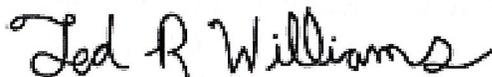
voters in my district passed Measure M, significantly increasing their special assessment. The second deficiency, "Mendocino County does not have a program of fire prevention, as opposed to fire suppression. The Mendocino Board of Supervisors has the authority to adopt a more stringent fire safety code that would incorporate a fire prevention program" has not been addressed despite a finding of agreement. "The Board of Supervisors agrees with this finding if it pertains to County Government."

Ideally, the fire community should remain isolated from political debates about forest practice and use of economic poisons, but this relatively new radical practice of generating dead standing timber combined with drought conditions and unprecedented climate change demands evenhanded and responsible action. Unchecked by public oversight, it poses life safety risks to both residents and firefighters.

To be clear, I am not advocating specific action, but rather suggesting we apply precaution and treat fire prevention as a core government health and safety function, while minimizing the impact on industry. Sudden Oak Death is an unfortunate natural hazard. Actually creating such conditions during a severe drought as means to increase profit should only be allowed under careful review. I am obligated to express this concern now rather than waiting until after a major fire has occurred. While I respect the timber companies' profit seeking goals and private property rights, we must all work together to avert what is potentially calamitous.

Let's coordinate?

Sincerely,

A handwritten signature in black ink that reads "Ted R Williams". The signature is written in a cursive, slightly slanted style.

Ted Williams
Chief, Albion Little River Fire Protection District

Albion Little River Fire Protection District

PO BOX 634, ALBION, CA 95410

November 15, 2014

Leslie Markham
Deputy Chief
Forest Practice
CAL FIRE
135 Ridgway Avenue
Santa Rosa CA 95401

In response to your request for comment on 1-14-080 MEN, a 758 acre timber harvest plan by Mendocino Redwood Company in the area identified as "Railroad Gulch" in the town of Albion, California, I attended a field presentation hosted by applicant's representatives Dennis Thibeault, Vice President, and Mike Jani, Chief Forester. The applicant offered full access to the property and provided an area forester to answer questions regarding site specific methods of operation. The proposed harvest is located within our fire district, is significant in size and intensity and is surrounded by residential development. Much of the community has exactly one egress (or escape) route available. All Albion Ridge Road and Middle Ridge Road residents use a single public cul-de-sac to access California State Route 1. As a stakeholder in fire safety, I have questions for your office. Our input will depend on your answers.

- 1) Left to natural process, the reduction of canopy under the proposed THP will promote brush. Which state agency will enforce brush abatement post harvest until such time as the canopy is restored? Is there a plan available for review?
- 2) Will the intensity of harvest increase fire spread rates? John Andersen, Registered Professional Forester (#2503) for applicant, suggested an increase in fire risk for approximately ten years. Does CAL FIRE find this estimate to be accurate? Please quantify both the increase in risk and a timetable for returning to present / pre-harvest risk level.
- 3) What models have or will be employed by CAL FIRE in determining the delta between projected spread of fire today and post-harvest under the proposed plan?

RECEIVED

JAN 22 2015

COAST AREA OFFICE
RESOURCE MANAGEMENT

Albion Little River Fire Protection District

PO BOX 634, ALBION, CA 95410

- 4) What might be the least cumbersome action on the part of applicant to mitigate and/or isolate the increased fire risk neighboring residences?
- 5) Does the applicant maintain water storage at or within close proximity to the harvest location sufficient to contain wild fires which may spread at a more rapid rate after execution of the proposed THP? Has CAL FIRE reviewed a map, table or other documentation of year round water storage ready for drafting by wild-land trucks and water tenders? How many gallons and locations? Are the storage tanks appropriately distributed and readily accessible to fire apparatus?
- 6) "THE IMPACT OF CLIMATE CHANGE ON WILDFIRE SEVERITY: A REGIONAL FORECAST FOR NORTHERN CALIFORNIA*" (Jeremy S. Fried, Margaret S. Torn, Evan Mills, 2004) funded by the United States Environmental Protection Agency, concluded, "Climate change results in more frequent and more intense fires in northern California, where escape frequencies increased by more than 100%, based on relatively conservative GCM output and despite more extensive utilization of available firefighting forces." In review of this THP, has CAL FIRE relied on models? Do these models reflect up-to-date climate change data for the geographic area involved in the proposed THP? Please cite models by identifier.
- 7) Has CAL FIRE studied our single escape route cul-de-sac situation? If a fire blocks our only escape route, how will rescuers reach or evacuate our residents? Should we rectify this danger, whether by public or private means, as a condition precedent to substantial forest management known to increase fire risk? Who owns problem?

Ted R Williams

Ted Williams

Chief, Albion Little River Fire Protection District

* http://evanmills.lbl.gov/pubs/pdf/wildfire_and_climate_change.pdf

RECEIVED

JAN 22 2015

COAST AREA OFFICE
RESOURCE MANAGEMENT

UNIT, ~~EG~~, ~~WQ~~, ER, LM, RPF, ftp/new

To: Leslie Markham
Deputy Chief
Forest Practice
CAL FIRE
135 Ridgway Avenue
Santa Rosa CA 95401

Regarding : Timber Harvest Plan 1-14-080 MEN

January 14, 2015

We are the Board of the Albion Little River Fire Protection District. We are attaching ALRFPD Fire Chief Ted Williams' letter sent to you on 11/15/14.

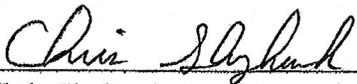
The answers to the questions raised in Chief Williams' comments are critical in planning and implementing fire safety, and material to maintaining firefighter and public safety within our District.

Please consider us a signatory to Chief Williams letter. As such, we would like to have a copy of the Official Response sent to us when it is available.

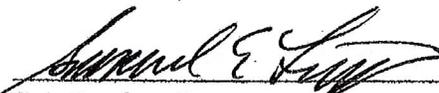
Thank you,

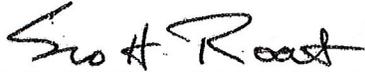
Sincerely,

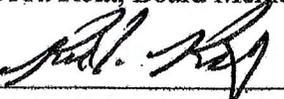
Albion Little River Fire Protection District


Chris Skyhawk, President


Bob Canclini, Vice President


Sam Levine, Secretary


Scott Roat, Board Member


Rich Riley, Board Member

Albion Little River Fire Protection District

PO Box 634
Albion, CA 95410

RECEIVED

JAN 22 2015

COAST AREA OFFICE
RESOURCE MANAGEMENT

Thursday, April 9, 2015 » MORE AT [FACEBOOK.COM/MENDOCINOBEACO](https://www.facebook.com/mendocinobeaco)

In our opinion

Hack and squirt needs more study

One of the hot button issues in Mendocino County is “hack-and-squirt” timber management. The practice is relatively simple. A cut is made in an unwanted tree and an herbicide injected into the cut. The tree dies and is left standing to rot.

The practice is nothing new to the timber industry. It is used across the U.S. by private companies and public agencies. One of the most common reasons given for the use of hack-and-squirt is economy. It is cheaper to kill trees where they stand rather than to cut them down.

Though it may save money for a company, public interest requires looking beyond the bottom line.

Acres of dead trees are an eyesore; more importantly, they are a potential danger to nearby communities.

The board of directors of the Albion-Little River Fire Protection District made an excellent point; stating that careful study is needed of the safety factors associated with large areas of standing dead timber on local communities.

It would be beneficial to MRC's neighbors if the company would discuss in detail the environmental and health risks associated with the herbicide used in its timber management practices. How long does the herbicide take to break down in the environment? What are the effects of dead vegetation on erosion and stormwater runoff? Are other plants potentially at risk from accidental overspray during ap-

plication?

Making available to the public basic answers to these questions would help MRC's neighbors in Mendocino County have more confidence in what the company says.

So far, the responses from MRC to the community are mostly platitudes. Saying the process is safe, that it is used across the country and the dead trees do not constitute a fire risk is not enough, especially when the fire risk associated with snags has been noted on numerous timber harvest plans in the past.

It should be MRC's responsibility to detail studies of the impacts of dead tree stands as well as the safety of the herbicides used in hack and squirt.

The company needs to offer a solid scientific basis for their actions, rather than telling communities to simply trust that the company knows what it is doing.

Also consistent with science is acknowledging that fire burns upward. MRC President Mike Jani's statement that fire will remain largely on the ground is counterintuitive and counterfactual. Hundreds of acres of seasoned firewood will not just sit as a wildfire burns the undergrowth. It will burn in the same way seasoned firewood burns.

Much of the official policy debate in Mendocino County centers around the public safety of dead standing trees. This is critically important in the near term. In the next few years, if drought conditions hold, the danger to communities from wild fire will only escalate.

The public safety factor of standing dead trees is only one question associated with hack-and-squirt being addressed by local policymakers. Other questions remain and need to be answered publicly. While those questions are unanswered, the public should not allow MRC a free pass based only on the word of its senior executives.

“Saying the process is safe, that it is used across the country and the dead trees do not constitute a fire risk is not enough.”

Mendocino County Agricultural Data Forest-Timberland Imazapyr Users - Past Three Years

2014 IMAZAPYR TOTALS: 6838 acres, 1022 gallons

4752 acres; 758 gallons -- Mendocino Redwood Company, LLC
923 acres; 114 gallons -- Campbell Timberland Management
570 acres; 25 gallons -- Blencowe Watershed Management
240 acres; 51 gallons -- Gualala Redwoods INC
160 acres; 23 gallons -- Soper Wheeler
70 acres; 15 gallons -- Powers Forestry
47 acres; 23 gallons -- North Coast Resource Management
40 acres; 5 gallons -- Jackson Demo State Forest CDF
36 acres; 8 gallons -- Conservation Fund

2013 IMAZAPYR TOTALS: 9101 acres, 1560 gallons

6676 acres; 1213 gallons -- Mendocino Redwood Company, LLC
1122 acres; 163 gallons -- Campbell Timberland Management
345 acres; 18 gallons -- Blencowe Watershed Management
271 acres; 32 gallons -- Conservation Fund
266 acres; 21 gallons -- Soper Wheeler
234 acres; 78 gallons -- EMCOT Forest LLC
90 acres; 10 gallons -- Camp Mendocino - Boys & Girls
35 acres; 13 gallons -- Coomb's Tree Farms, INC
27 acres; 4 gallons -- Gualala Redwoods INC
25 acres; 5 gallons -- Aaron Wells
10 acres; 3 gallons -- Jackson Demo State Forest CDF

2012 IMAZAPYR TOTALS: 6825 acres, 1200 gallons

5837 acres; 876 gallons -- Mendocino Redwood Company, LLC
295 acres; 54 gallons -- Campbell Timberland Management
282 acres; 127 gallons -- Soper Wheeler
268 acres; 124 gallons -- EMCOT Forest LLC
73 acres; 10 gallons -- Conservation Fund
70 acres; 5 gallons -- Congaree River Limited

NOTES:

Timber companies tend to use imazapyr for hack & squirt, but they can also use other herbicides. Therefore, the above totals may not represent the complete extent of the practice over the three year period.

For example, in 2014, in addition to their imazapyr use (seen above),MRC also used sizable amounts of glyphosate and triclopyr (which are typically used for spraying on brush, such as manzanita).

1004 acres; 317 gallons -- triclopyr (aka Garlon)

811 acres; 299 gallons -- glyphosate (aka RoundUp)



MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA # 7(a)

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
-Agenda Summaries must be submitted no later than noon Monday, 15 days prior to the meeting date (along with electronic submittals)
-Send 1 complete original single-sided set and 1 photocopy set - Items must be signed-off by appropriate departments and/or Co. Co.
Note: If individual supporting document(s) exceed 25 pages each, or are not easily duplicated, please provide 7 hard-copy sets)
-Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: bosagenda@co.mendocino.ca.us
-Electronic Transmission Checklist: [] Agenda Summary [] Records [] Supp. Doc. [] If applicable, list other online information below
-Executed records will be returned to the department within one week. Arrangements for expedited processing must be made in advance

TO: Board of Supervisors DATE: April 16, 2015

FROM: Carmel J. Angelo, Water Agency General Manager MEETING DATE: April 21, 2015

DEPARTMENT RESOURCE/CONTACT: Carmel J. Angelo PHONE: 463-4441 Present [X] On Call []
Sarah Dukett PHONE: 463-4441 Present [X] On Call []

Consent Agenda [] Regular Agenda [X] Noticed Public Hearing [] Time Allocated for Item: 30 min.

AGENDA TITLE: Approval of a Letter to the State Water Resources Control Board Urging the Application of Directive 26 in the Governor's Executive Order B-29-15 in Order to Preserve Water Storage in Lake Mendocino

PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: On July, 22, 2014, the Board of Supervisors approved the transmission of letters to the State Water Resources Control Board and Sonoma County Water Agency, urging action to minimize releases from Lake Mendocino, due to drought conditions (Agenda Item, 6b).

SUMMARY OF REQUEST: Decision 1610 (D-1610) adopted by the State Water Resources Control Board (SWRCB) in 1986, determines yearly minimum flow requirements in the Russian River. D-1610 methodology is outdated and contains many criteria that are no longer applicable to the annual water budget for Lake Mendocino. In particular, the "water year" criteria for Lake Mendocino is determined by inflow into Lake Pillsbury. Historically these two reservoirs were strongly linked, but subsequent changes to the operation of Lake Pillsbury have greatly decreased the amount of water that is exchanged between the two reservoirs. Due to the obsolete criteria, Lake Mendocino is being operated under "normal year" conditions even though we are in a third year of drought. The "normal year" operating criteria is resulting in a depletion of storage levels in the lake. This situation has resulted in number of prior temporary urgency change petitions (TUCP) being filed with SWRCB since the lakes were de-coupled in 2006. Sonoma County Water Agency, the primary water right holder, is reluctant to file for another TUCP due to the high costs levied by the SWRCB. In addition, the current releases result in a violation of the Federal Endangered Species Act (ESA) and the 2008 Biological Opinion (BO) on the Russian River.

If the SWRCB applies Directive 26 of the Governor's Executive Order B-29-15 to reclassify our water year to a more appropriate "dry" water year criteria under the existing D-1610 it would save up to 200 acre feet (AF) of water per day. The resulting savings would add up to over 40,000 AF over the remainder of the water year and make releases compliant with the ESA and the BO.

As this drought continues, drastic measures need to be taken quickly that will dramatically lower the outflows from Lake Mendocino, thereby increasing the ability of the lake to provide a sustained pool for as long as possible. This will be critical if the drought continues next year. Agencies throughout the region support this effort, including: the San Francisco District of the Army Corp of Engineers,

BOARD ACTION (DATE:): [] Approved [] Referred to [] Other

RECORDS EXECUTED: [] Agreement: [] Resolution: [] Ordinance: [] Other



MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA # 7(a)

Mendocino County Russian River Flood Control and Water Conservation Improvement District and the Sonoma County Water Agency.

- SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:
- ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):

FISCAL IMPACT:			
Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
n/a	n/a	n/a	Yes <input type="checkbox"/> No <input type="checkbox"/>

- SUPERVISORIAL DISTRICT: 1 2 3 4 5 All ■ VOTE REQUIREMENT: Majority 4/5ths

■ **RECOMMENDED ACTION/MOTION:** Approve letter to the State Water Resources Control Board urging the application of Directive 26 in the Governor's Executive Order B-29-15 in order to preserve water storage in Lake Mendocino, and authorize the Chair to sign same.

- ALTERNATIVES: Take no action.
- CEO REVIEW (NAME): Alan D. Flora, Assistant CEO PHONE: 463-4441

RECOMMENDATION: Agree Disagree No Opinion Alternate Staff Report Attached

BOARD ACTION
 Approved _____
 Records Executed _____

Date of Meeting _____
 Referred to _____
 Other _____

CARMEL J. ANGELO
Chief Executive Officer
Clerk of the Board
Water Agency General Manager



**COUNTY OF MENDOCINO
BOARD OF SUPERVISORS**

CONTACT INFORMATION
501 Low Gap Road • Room 1010
Ukiah, California 95482
TELEPHONE: (707) 463-4221
FAX: (707) 463-7237
Email: bos@co.mendocino.ca.us
Web: www.co.mendocino.ca.us/bos

April 21, 2015

Ms. Felicia Marcus, Chair
California State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

RE: Drought Emergency Action for Lake Mendocino

Dear Chair Marcus,

The Mendocino County Board of Supervisors, which also serves as the Mendocino County Water Agency Board of Directors, is deeply concerned that Lake Mendocino will be de-watered by Fall this year. The large amount of water being released is a result of the lake being operated under a "normal year" criteria, per SWRCB Decision 1610, even though we are in a third year of drought.

Aspects of the D-1610 criteria are outdated and are no longer applicable to Lake Mendocino's water budget. In particular, the "water year" criteria for Lake Mendocino is determined by inflow into Lake Pillsbury. Historically these two reservoirs were strongly linked, but subsequent changes to the operation of Lake Pillsbury have greatly decreased the amount of water that is exchanged between the two reservoirs. Due to the obsolete criteria, our lake is being operated under a "normal year" criteria, even during a time of drought and in violation of the Endangered Species Act (ESA) and 2008 Biological Opinion (BO) on the Russian River.

This situation has resulted in number of prior temporary urgency change petitions being filed with California State Water Resources Control Board (SWRCB) since the lakes were de-coupled in 2006. Sonoma County Water Agency (primary water right holder) is reluctant to file for another change petition due to the high costs levied by the SWRCB.

If the SWRCB applies Directive 26 of the Governor's Executive Order B-29-15 to reclassify our water year to a more appropriate "dry" water year criteria under the existing D-1610 it would save up to 200 acre feet (AF) a day. The resulting savings would add up to over 40,000 AF over the remainder of the water year and make releases compliant with the ESA and the BO.

THE BOARD OF SUPERVISORS

CARRE BROWN
First District

JOHN MCCOWEN
Second District

TOM WOODHOUSE
Third District

DAN GJERDE
Fourth District

DAN HAMBURG
Fifth District

With the historic drought we are experiencing today, we are asking for the SWRCB's intervention with respect to the present water releases under your oversight and control. We base our request on the new emergency drought regulations issued by Governor Brown in Executive Order B-29-15. Mendocino County is asking for your immediate action on this critical matter.

Sincerely,

Carre Brown, Chair
Mendocino County Board of Supervisors

cc: Carmel J. Angelo, Mendocino County Water Agency General Manager
Russian River Flood Control and Water Conservation Improvement District
Sonoma County Water Agency Board of Directors
Grant Davis, Sonoma County Water Agency General Manager
Mendocino County Inland Water and Power Commission
The Honorable Mike McGuire, Senator
The Honorable Jim Wood, Assemblymember
U.S. Army Corps of Engineers, San Francisco District