

CARRE BROWN  
1<sup>st</sup> District Supervisor  
Chair

JOHN MCCOWEN  
2<sup>nd</sup> District Supervisor

TOM WOODHOUSE  
3<sup>rd</sup> District Supervisor

DAN GJERDE  
4<sup>th</sup> District Supervisor  
Vice Chair

DAN HAMBURG  
5<sup>th</sup> District Supervisor

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



KATHARINE L. ELLIOTT  
Acting County Counsel

MENDOCINO COUNTY MUSEUM  
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**MENDOCINO COUNTY BOARD OF SUPERVISORS**  
**AGENDA**  
**REGULAR MEETING AND 3:00 PM JOINT**  
**WORKSHOP WITH LIBRARY ADVISORY BOARD**  
**NOVEMBER 3, 2015 – 9:00 AM**  
**MENDOCINO COUNTY MUSEUM**

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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**

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*Please note that all times provided are considered approximate.*

**1:30 PM Noticed Public Hearing - Discussion and Possible Adoption of Extension of Urgency Ordinance Establishing Interim Restrictions on the Establishment of Formula Businesses; Extending the Moratorium Provisions for 10 Months and 15 Days**

**Pending the Study and Consideration of Zoning and Other Land Use Regulations Pertaining to Such Businesses (See Item 6b)**

**1:40 PM Adoption of Resolution Approving the Appeal of the Planning Commissions July 16, 2015, Denial of AA\_2015-0002, and Overturning the Zoning Clearance Granted to Building Permit BU\_2015-0104 (Cross Development) by Planning and Building Services (See Item 5f)**

**2:00 PM Noticed Public Hearing - Discussion and Possible Adoption of Resolution to Allocate On-hand Community Development Block Grant (CDBG) Program Income, Approving a Prioritized List of Projects to be Funded with CDBG Program Income and Reallocated 2012 CDBG (\$1,500,000) Funding, and Authorization to Submit Appropriate Documentation to the State Department of Housing and Community Development to Implement the Allocation(See Item 5d)**

1. OPEN SESSION (9:00 A.M.)

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

2. PROCLAMATIONS

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*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 November, 2015, as National Family Caregivers Month in Mendocino County \(Sponsor: Health and Human Services Agency\)](#)
- (b) [Informational Presentation and Adoption of Proclamation Recognizing November 11, 2015, as Veterans Appreciation Day in Mendocino County, Followed by a Reception with the Board to Honor County Veterans \(Sponsor: Health and Human Services Agency\)](#)
- (c) [Adoption of Proclamation Recognizing November, 2015, as National Adoption Month in Mendocino County, Followed by Informational Presentation \(Sponsor: Health and Human Services Agency\)](#)
- (d) [Adoption of Proclamation Recognizing Susan Holli for her Contributions in Assisting Low Income and Homeless People in Mendocino County \(Sponsor: Supervisor Hamburg\)](#)

3. PUBLIC EXPRESSION

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*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

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*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

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### EXECUTIVE OFFICE

- (a) **Presentation, Discussion and Possible Adoption of Resolution Establishing a Policy for the Inspection of Construction of County Buildings on County Property**

*Recommended Action/Motion:* Adopt Resolution establishing policy and procedure for the inspection of construction of County buildings on County property, and authorize Chair to sign same.

### HEALTH AND HUMAN SERVICES AGENCY

- (b) **Introduction and Waive First Reading of Ordinance Amending Mendocino County Code Chapter 8.69 County Commission on Medical Care Sections 8.69.030 and 8.69.040**

*Recommended Action/Motion:* Introduce and waive first reading of Ordinance amendments to Mendocino County Code Chapter 8.69 County Commission on Medical Care Sections 8.69.030 and 8.69.040.

### PLANNING AND BUILDING SERVICES

- (c) **Noticed Public Hearing - Discussion and Possible Adoption of Resolution Establishing a Type II Agricultural Preserve, A 2014-0009 (Capistran Ranch), and Approval of a Williamson Act Contract for 18 Parcels Located Near Covelo**

*Recommended Action/Motion:* Adopt Resolution approving the placement of 18 parcels into a new Type II Agricultural Preserve and Williamson Act Contract, finding the request to be consistent with the General Plan and Mendocino County Code Section 22.08.020, and authorize Chair to sign same.

- (d) **Noticed Public Hearing - Discussion and Possible Adoption of Resolution to Allocate On-hand Community Development Block Grant (CDBG) Program Income, Approving a Prioritized List of Projects to be Funded with CDBG Program Income and Reallocated 2012 CDBG (\$1,500,000) Funding, and Authorization to Submit Appropriate Documentation to the State Department of Housing and Community Development to Implement the Allocation**

*Recommended Action/Motion:* Adopt Resolution approving a prioritized list of projects to be funded with CDBG program income and a reallocation of 2012 CDBG funding (\$1,500,000), and authorize staff to submit the appropriate documentation to HCD to implement the allocation; and further authorize 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.

- (f) **Discussion and Possible Adoption of Resolution Approving the Appeal of the Planning Commissions July 16, 2015, Denial of AA 2015-0002, and Overturning the Zoning Clearance Granted to Building Permit BU 2015-0104 (Cross Development) by Planning and Building Services**

*Recommended Action/Motion:* Adopt Resolution approving Administrative Appeal AA\_2015-0002 and overturning the zoning clearance that Planning and Building Services granted to Building Permit BU 2015-0104, thus suspending the Building Permit until the proposed development has undergone review pursuant to CEQA; and authorize Chair to sign same.

## TRANSPORTATION

### (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) Noticed Public Hearing - Discussion and Possible Adoption of Extension of Urgency Ordinance Establishing Interim Restrictions on the Establishment of Formula Businesses; Extending the Moratorium Provisions for 10 Months and 15 Days Pending the Study and Consideration of Zoning and Other Land Use Regulations Pertaining to Such Businesses (Sponsors: Supervisors Brown and McCowen)

*Recommended Action/Motion: Adopt extension of Urgency Ordinance establishing interim restrictions on the establishment of formula businesses; extending the moratorium provisions for ten (10) Months and Fifteen (15) days pending the study and consideration of zoning and other land use regulations pertaining to such businesses, and authorize Chair to sign same.*

### (c) Board of Supervisors Workshop - Joint Meeting of the Mendocino County Board of Supervisors and Library Advisory Board

## 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.*

## 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

*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, Heather Coffman, 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: Friends of Outlet Creek v. Mendocino County Air Quality Management District, et al. Mendocino County Superior Court Case No. SCUJ-CVPT-15-66445**

### (c) **Pursuant to Government Code Section 54956.9d(2) – Conference with Legal Counsel – Anticipated Litigation: Significant Exposure to Litigation – One Case**

## 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) Sonoma County Water Agency - Russian River Hydrologic Status Report (September 25 - October 1, 2015) as Required by the May 1st Order Approving the Agency's Petition for Temporary Urgency Change Permit 13947A, 12949, 12950 and 16596 (Applications

12919A, 15736, 15737 and 19351); for more information, contact Antonio Facendini, EIT at Antonio.Facendini@scwa.ca.gov.

- (b) Sonoma County Water Agency - Russian River Hydrologic Status Report (October 2-October 8, 2015) as Required by the May 1st Order Approving the Agency's Petition for Temporary Urgency Change in Permit 12949A, 12949, 12950 and 16596 (Applications 12919A, 15736, 15737, and 19351); for more information, contact John.Mendoza@scwa.ca.gov or (707) 547-1929.
- (c) Sonoma County Water Agency - Russian River Supplemental Water Quality Report (August 16 - September 21, 2015) as Required by the May 1st Order approving the Agency's Petition for Temporary Urgency Change in Permit 12947A, 12949, 12950, and 16596 (Applications 12919A, 15736, 15737, and 19351); for more information, contact John.Mendoza@scwa.ca.gov or (707) 547-1929.
- (d) Federal Energy Regulatory Commission - Notice of Application Accepted for Filing, Soliciting Comments, Motions to Intervene, and Protests; for more information, contact FERCOOnlineSupport@ferc.gov or (866) 208-3676.
- (e) Office of Sonoma County Counsel - PG&E Application for Variance, FERC P-77-276; for more information, contact Steven S. Shupe, Deputy County Counsel at steve.shupe@sonoma-county.org or (707) 565-3950.
- (f) Cal OES - Small Business Administration Declaration Re: Primary Counties of Calaveras and Lake as Disaster Areas; for more information contact Karma Hackney at (916) 845-8149.
- (g) Cal OES - Correspondence Re U.S. Department of Agriculture Farm Service Agency Emergency Loan Program; for more information, contact Karma Hackney at (916) 845-8149.
- (h) Department of the Navy - Notice of Availability of the Northwest Training and Testing Final Environmental Impact Statement/Overseas Environmental Impact Statement; for more information, contact Ms. Kimberly Kler, NWTTEIS/OEIS Project Manager, Tautog Circle, Suite 203, Silverdale, WA 98315-1101.
- (i) Sonoma County Water Agency - Russian River Hydrologic Status Report (October 9 - October 15, 2015); for more information, contact John.Mendoza@scwa.ca.gov or (707) 547-1929.

#### 4. CONSENT CALENDAR - CONTINUED

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*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 Larry Richmond](#)
- (b) [Claim of Victoria Dalbec, Jason Jay Havranek, Joell Burgess, and Kara Marzan](#)

##### *ITEMS RECOMMENDED FOR APPROVAL:*

##### MINUTES

- (c) [September 22, 2015 Regular Board Meeting](#)

##### APPOINTMENTS

(d) **Approval of Recommended Appointments/Reappointments**

*Recommended Action/Motion: Approve the following appointments/reappointments:*

BOARD OF SUPERVISORS

(e) **Approval of Disbanding the Board of Supervisors Grand Jury Library Report Ad Hoc Committee Consisting of Supervisors McCowen and Gjerde (Sponsors: Supervisors McCowen and Gjerde)**

*Recommended Action/Motion: Disband the Board of Supervisors Grand Jury Library Report Ad Hoc Committee consisting of Supervisors McCowen and Gjerde.*

(f) **Approval of the Appointment of an Ad Hoc Committee Consisting of Supervisors McCowen and Gjerde to work with County staff to review the Library's A-87 Cost Plan charges for Building and Equipment Use; help identify the "offset" amounts; and recommend an appropriate timeframe for reimbursement of the Library**

*Recommended Action/Motion: Appoint Supervisors Gjerde and McCowen to a Library A-87 Ad Hoc Committee to review the Library's A-87 Cost Plan charges for Building and Equipment Use; help identify the Offset amounts due the Library; and recommend an appropriate timeframe for reimbursement of the Library.*

EXECUTIVE OFFICE

(g) **Approval of Amendment to Agreement No. PA 16-20 with Dall and Associates in an Amount Not To Exceed \$100,000 for Preparation, Presentation and Submittal of a Finalized Draft Mendocino Town Local Coastal Program Amendment to the California Coastal Commission on December 14, 2015 for the Term of November 29, 2015 to February 28, 2016**

*Recommended Action/Motion: Approve and authorize the Board Chair to sign amended agreement No. PA 16-20 with Dall and Associates in an amount not to exceed \$100,000 for preparation, presentation and submittal of a finalized draft Mendocino Town Local Coastal Program Amendment to the California Coastal Commission on December 14, 2015 for the term of November 29, 2015 to February 28, 2016.*

(h) **Formation of a Board Ad Hoc Committee Consisting of Supervisors Brown and Gjerde Regarding Development of the Draft 2016 Mendocino County Legislative Platform**

*Recommended Action/Motion: Approve the formation of a Board Ad Hoc Committee consisting of Supervisors Brown and Gjerde regarding development of the draft 2016 Mendocino County Legislative Platform.*

(i) **Approval of Disbanding the Economic Impacts of Marijuana Legalization Ad Hoc Committee Consisting of Supervisors Woodhouse and McCowen**

*Recommended Action/Motion: Disband the Economic Impacts of Marijuana Legalization Ad Hoc Committee.*

(j) **Formation of an Ad Hoc Committee Consisting of Supervisors McCowen and Woodhouse to Review Mendocino County's 9.31 Medical Marijuana Cultivation Regulation Ordinance**

*Recommended Action/Motion: Approve the formation of an ad hoc committee composed of Supervisors McCowen and Woodhouse, directing said ad hoc to review Mendocino County's 9.31 Medical Marijuana Cultivation Regulation Ordinance, and report back to the Board with recommended changes by the end of the year.*

HEALTH AND HUMAN SERVICES AGENCY

- (k) [Authorization for the Mendocino County Health and Human Services Agency, Adult and Aging Services to Apply for Three New Grants Related to the Mendocino County Homeless Continuum of Care \(CoC\) from the U.S. Department of Housing and Urban Development \(HUD\) Totaling \\$264,412; with a County Match of \\$77,999 for Fiscal Year 2016-17](#)

*Recommended Action/Motion:* Authorize the Mendocino County Health and Human Services Agency Adult and Aging Services to apply for three new grants related to the Mendocino County Homeless Continuum of Care (CoC) from the U.S. Department of Housing and Urban Development (HUD) totaling \$264,412, with a County match of \$77,999 for Fiscal Year 2016-17; and authorize the Health and Human Services Agency Director to sign any subsequent Agreement if funding is awarded.

#### HUMAN RESOURCES

- (l) [Adoption of Resolution Authorizing Changes to the Position Allocation Table as Follows: Health and Human Services Agency, Budget Unit 4010 - Move One \(1\) FTE Administrative Services Manager II to Budget Unit 4050](#)

*Recommended Action/Motion:* Adopt Resolution authorizing changes to the Position Allocation Table as follows: Health and Human Services Agency, Budget Unit 4010 - Move One (1) FTE Administrative Services Manager II to Budget Unit 4050, and authorize Chair to sign same.

#### TRANSPORTATION

- (m) [Adoption of Resolution Accepting the Stipulation for Entry of Judgment in Condemnation \(for a Total Amount of \\$92,800\) to Acquire 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 accepting the Stipulation for Entry of Judgment in Condemnation (for a total amount of \$92,800) 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.

### **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](http://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](http://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](http://www.co.mendocino.ca.us/bos)*

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



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## MENDOCINO COUNTY BOARD OF SUPERVISORS – WORKSHOP AGENDA

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BOARD WORKSHOP  
NOVEMBER 3, 2015 – 3:00 P.M.

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### JOINT MEETING OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AND LIBRARY ADVISORY BOARD

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**MENDOCINO COUNTY MUSEUM • 400 E COMMERCIAL ST. • WILLITS, CALIFORNIA**

THE MENDOCINO COUNTY BOARD OF SUPERVISORS MEETS CONCURRENTLY AS THE BOARD OF DIRECTORS OF THE: MENDOCINO COUNTY AIR QUALITY MANAGEMENT DISTRICT, MENDOCINO COUNTY PUBLIC FACILITIES CORPORATION, MENDOCINO COUNTY WATER AGENCY, AND THE IHSS PUBLIC AUTHORITY GOVERNING BOARD

### ORDER OF AGENDA

*ALL ITEMS ARE PRESENTED FOR DISCUSSION AND POSSIBLE ACTION*

1. **WELCOMING REMARKS BY BOARD OF SUPERVISORS CHAIR & LIBRARY ADVISORY BOARD CHAIR**
2. **UPDATING THE LIBRARY LOGO AND MOTTO**
3. **BOARD OF SUPERVISORS RESPONSE TO THE GRAND JURY LIBRARY REPORT**
4. **THE LAYTONVILLE LIBRARY STATION UPDATE**
5. **BOOKMOBILE EQUIPMENT UPGRADES**
6. **NEXT WORKSHOP**
7. **PUBLIC EXPRESSION AND CLOSING REMARKS**
  - Public Expression
  - Closing Remarks by Board of Supervisors Chair

#### **PUBLIC EXPRESSION: (PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA)**

The Board welcomes participation in the Board meetings. Comments shall be limited so that everyone may be heard. This item is limited to matters under the jurisdiction of the Board which are not on the posted agenda and items which have not already been considered by the Board. 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. No action will be taken.



**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](mailto: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:** August 17, 2015

**FROM:** HHSA – Social Services – Adult & Aging Services **MEETING DATE:** November 3, 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: 10 Min

**AGENDA TITLE: Adoption of Proclamation Recognizing November, 2015 as National Family Caregivers Month in Mendocino County**

**PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** The Board previously adopted Proclamations recognizing the month of November as National Family Caregivers Month in Mendocino County on September 27, 2005; October 16, 2007; October 28, 2008; and November 10, 2014.

**SUMMARY OF REQUEST:** Family and professional caregivers help with health care and other physical needs of patients while making it possible for them to remain at home among loved ones. Mendocino County’s Health and Human Services Agency, Adult and Aging Services is requesting that the Mendocino County Board of Supervisors proclaim November 2015 as National Family Caregivers Month. The Proclamation recognizes those who contribute to the well-being of their loved ones and those who work each day to ensure a better quality of life for their family members, friends and clients.

**SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:** <http://www.acl.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"/>

**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 the Proclamation recognizing November 2015 as National Family Caregivers month; and authorize the Chair to sign same.

**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 NOVEMBER 2015 AS NATIONAL FAMILY  
CAREGIVERS MONTH IN MENDOCINO COUNTY

WHEREAS, family members, friends and professional homecare workers devote themselves to providing in-home care to their relatives, loved ones, and clients; and

WHEREAS, in-home caregivers are a vital pillar of our nation's long-term care system, enabling millions of seniors and people with disabilities to continue living with dignity and self-determination in their own homes. The work of these caregivers requires immense compassion, attentiveness, understanding and a deep commitment to the wellbeing of others; and

WHEREAS, two out of every five adults are family caregivers, caring for a loved one who is sick, disabled or living with frailties of old age; and

WHEREAS, Mendocino County's In-Home Supportive Services (IHSS) care providers serve approximately 1,739 clients; and

WHEREAS, in-home caregivers have an immeasurable impact on the lives of those they care for, but their hours are long and their work hard; and

WHEREAS, we recognize the value of compassionate, quality care of seniors and people living with mental and physical disabilities in the comfort and security of their homes; and

WHEREAS, National Family Caregivers Month is a time to reflect on the compassion and dedication that in-home caregivers embody every day.

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

**"NATIONAL FAMILY CAREGIVERS MONTH IN MENDOCINO COUNTY"**

Dated: November 3, 2015

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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](mailto: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:** August 19, 2015  
**FROM:** HHSA - Adult & Aging Services - Veterans      **MEETING DATE:** November 3, 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: 45 mins

**■ AGENDA TITLE:** **Informational Presentation and Adoption of Proclamation Recognizing November 11, 2015, as Veterans Appreciation Day in Mendocino County, Followed by a Reception with the Board to Honor County Veterans**

**■ PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** On November 3, 2009, the Board of Supervisors adopted a Proclamation recognizing November 11, 2009, as Veterans Appreciation Day in Mendocino County; and on November 4, 2014 adopted a Proclamation recognizing November 11, 2014, as Veterans Appreciation Day in Mendocino County.

**■ SUMMARY OF REQUEST:** November 11, 2015 is nationally recognized as Veterans Day, an opportunity for us to recognize and show our appreciation, gratitude and respect for the contributions and sacrifices veterans and their families have made for our Country. In honor of this holiday, the Mendocino County Health and Human Services, Adult and Aging Services, Veterans Service Office is requesting that the Mendocino County Board of Supervisors proclaim November 11, 2015, as Veterans Appreciation Day in Mendocino County.

The informational presentation will be followed by a reception.

- SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:** [www.cacvso.org](http://www.cacvso.org)
- 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:** Receive the informational presentation and adopt Proclamation recognizing November 11, 2015 as Veterans Appreciation Day in Mendocino County, and authorize the Chair to sign saidsame; with a reception to follow to honor our County Veterans.

- 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 NOVEMBER 11, 2015 AS**  
**VETERANS APPRECIATION DAY IN MENDOCINO COUNTY**

WHEREAS, tens of millions of Americans have served in the Armed Forces of the United States during the past century; and

WHEREAS, hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century; and

WHEREAS, the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by Americans; and

WHEREAS, Veterans Day was established to honor all who had fought in various American wars and for citizens to observe the day by remembering the sacrifices of all those who fought so courageously to promote an enduring peace; and

WHEREAS, since 9/11 our Armed Forces have grown and many of our young men and women are serving overseas and at home; and

WHEREAS, a reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in the Armed Forces; and

WHEREAS, there are approximately eight thousand veterans in Mendocino County who have served in the Armed Forces; and

WHEREAS, the American Legion and the Veterans of Foreign Wars have, since the 1930's, contributed to our communities by supporting youth groups, providing honors at burials of veterans, and teaching our young people about our country;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Mendocino, hereby proclaims November 11, 2015, as:

**“VETERANS APPRECIATION DAY IN MENDOCINO COUNTY”**

A time dedicated for the people of Mendocino County to show their appreciation, gratitude and respect for veterans and their families.

Dated: November 3, 2015

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Carre Brown, Chair



# VETERANS SERVICES

Health and Human Services Agency (HHS)  
Alice Watkins, Sr. Veterans Service Representative  
November 3, 2015



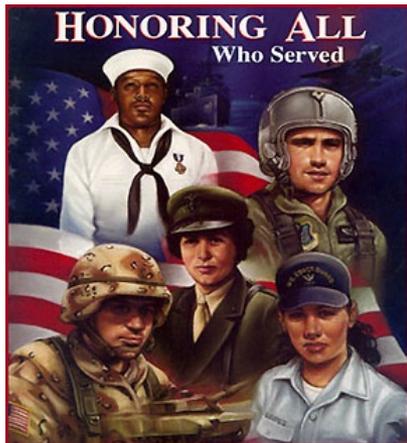


- 22 Million Veterans Nationwide
- 2 Million Veterans in California
- \$545 Million in Veterans Benefits for California Veterans





We provide support to veterans and their families to ensure they receive the Federal, State and local benefits for which they are eligible



- Education
- Application Assistance
- Advocacy



- Mendocino County has nearly 6,800 veterans
- 3 full-time Veterans Service Representatives
- Veterans Services has three office locations
  - Ukiah
  - Fort Bragg
  - Willits



# MENDOCINO COUNTY VETERANS SERVICES OFFICES



**UKIAH OFFICE**  
**405 Observatory Avenue**  
**Ukiah, CA 95482**  
**(707) 463-4226**



**FORT BRAGG OFFICE**  
**360 N. HARRISON STREET**  
**FORT BRAGG, CA 95437**  
**(707) 964-5823**



**WILLITS OFFICE**  
**189 S. MAIN STREET**  
**WILLITS, CA 95490**  
**(707) 456-3792**



“A man who is good enough to shed his blood for his country is good enough to be given a square deal afterwards. More than that no man is entitled, and less than that no man shall have.”

Theodore Roosevelt





- We are advocates for veterans and dependents of veterans
- We assist veterans in many ways including:



Claims

Case Management

Fiduciary Services

Homeless Assistance

Information and Referral

Nursing Home & Assisted Living Outreach

Transportation Services

Veterans Advocacy

College Fee Waivers

Disabled Veteran License Plates

Fishing and Hunting Licenses

Property Tax Exemptions

State Park & Recreation Passes

State Veterans Homes

Correction of Military Records & Discharge Upgrades

Dependency Indemnity Compensation

Disability Compensation or Pension

Educational Assistance

Funeral and Burial Assistance



  
 UNITED STATES OF AMERICA

**Certification of Military Service**

This certifies that Alf T. Collins  
 was a member of the Army of the United States

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from November 21, 1942  
 to March 13, 1946

Service was terminated by Honorable Discharge  
 Last Grade, Rank, or Rating Private First Class  
 Active Service Dates Same As Above

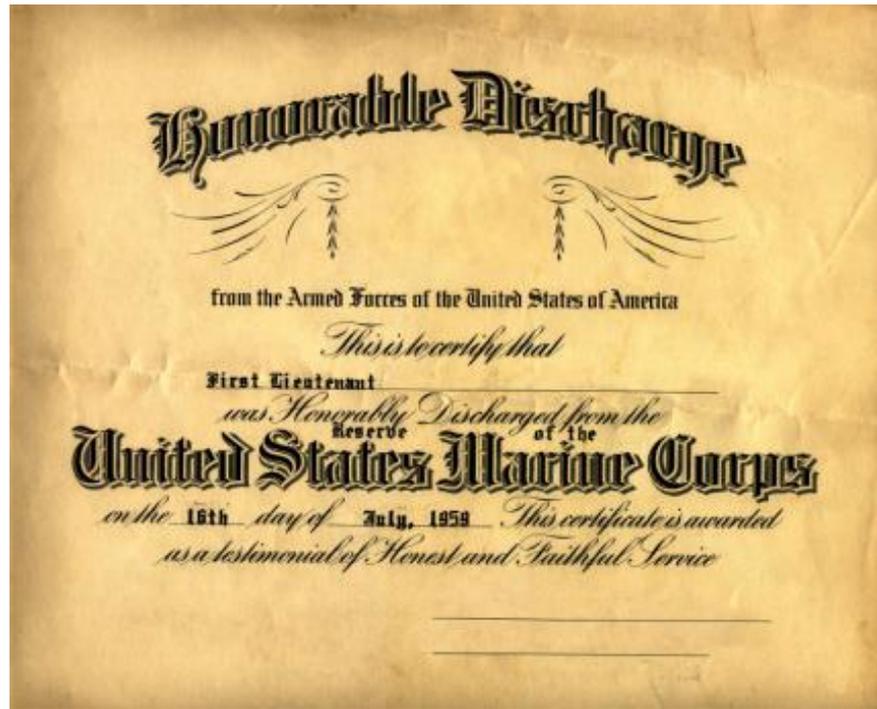
Date of Birth: N/A Place of Birth: N/A

National Personnel Records Center  
 (Military Personnel Records)  
 National Archives and Records Administration

Given at St. Louis, Missouri on August 25, 2005

THE ARCHIVES OF THE UNITED STATES IS THE PHYSICAL CUSTODIAN OF THIS PERSON'S MILITARY RECORD  
 This Certification of Military Service is issued in the absence of a copy of the actual Report of Separation or its equivalent. This document  
 serves as verification of military service and may be used for any official purpose. Not valid without official seal.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION NA FORM 1302a (REV. 04-01)





# VOCATIONAL REHABILITATION

- Chapter 31
- To assist service-connected veterans to prepare for, obtain, and maintain employment
- Assistance provided for the severely disabled to live more independently in their community
- Must be 12 years from discharge or 12 years from disability rating
- Not to exceed 48 months



## COLLEGE FEE WAIVER

- For dependents of service-connected veterans attending State of California colleges
- General tuition waived
- Based on dependent income
- For children under 26 years old





# WORK STUDY PROGRAM



- Work Study Program, available for veterans and dependents who are receiving VA educational benefits



# STATE VETERANS HOMES

- Barstow
- Chula Vista
- Fresno
- Lancaster
- Redding
- Ventura
- West Los Angeles
- Yountville





## LIFE INSURANCE

- Lump sum payment application for deceased insured veterans
- Help service-connected veterans apply for disability life insurance
- Possible premium waiver for 100% service-connected veterans





## BURIAL BENEFITS

- All veterans are entitled to a headstone or marker and a burial flag
- National Cemetery
- Presidential Memorial Certificate
- Reimbursement of burial benefits for eligible veterans



# VA NATIONAL CEMETERIES

- Burial in a VA National Cemetery is available for eligible veterans, spouses and dependents at no cost





We participated in multiple outreach events this year to engage veterans and their families

- 2<sup>nd</sup> annual Lake-Mendocino County Veterans Stand Down
- Local Veterans Resource Fair
- Mendocino College
- Point Arena/Gualala
- Senior Centers
- Elks Lodge
- Sherwood Rancheria
- Mountain View Assisted Living
- Mendocino Works



# 2015 STAND DOWN EVENT





## DAILY OPERATIONS

In fiscal year 2014-15, Mendocino County Veterans Service Office received:

Telephone Calls	2,650
Office Visits/Walk-ins	3,093
Transportation Requests	506
Completed Work Load Units	1,335
Issued ID Cards	375



## SERVICES PROVIDED

During fiscal year 2014-15

Mendocino County Veterans Services obtained:

- New and increased cash benefits monthly = \$ 347,501  
annually = \$4,170,012
- One time benefits (Retro) = \$2,643,110



**Thank You**



**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 10 hard-copy sets)*
- Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: [bosagenda@co.mendocino.ca.us](mailto: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:** September 8, 2015  
**FROM:** HHSA- Family & Children’s Services **MEETING DATE:** November 3, 2015  
**DEPARTMENT RESOURCE/CONTACT:** Stacey Cryer **PHONE:** 463-7774 Present  On Call   
Jena Conner **PHONE:** 463-7971 Present  On Call

Consent Agenda  Regular Agenda  Noticed Public Hearing  Time Allocated for Item: 45 min.

**■ AGENDA TITLE: Adoption of Proclamation Recognizing November, 2015 as National Adoption Month in Mendocino County, Followed by an Informational Presentation.**

- PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** None
- SUMMARY OF REQUEST:** November is National Adoption Month. While adoptions of children and youth in foster care occur year round, National Adoption Month provides the Board of Supervisors the opportunity to raise the awareness of Mendocino County citizens of the need for permanent homes for children and youth who are still in the foster care system. In addition, this provides the Board of Supervisors the opportunity to recognize those who have expanded their families to welcome a new child or sibling and the professionals who offer guidance, resources and support to adoptive families. Members from the Health and Human Services Agency, California Department of Social Services, local agencies and adoptive families will present on adoption successes, the need for more adoptive or permanent homes for foster children and youth, and adoption services provided in Mendocino County.

- 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 declaring November, 2015 as National Adoption Month. Please provide five certified copies of the Proclamation- one for Sutie Wheeler (CA Department of Social Services, Adoptions Services Bureau) who will receive the Proclamation, and four for Jena Conner (Health and Human Services Agency) to distribute to participating adoption agencies.

- 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 ADOPTION MONTH  
NOVEMBER, 2015”

WHEREAS, Mendocino County recognizes the importance of giving foster children permanent, safe and loving families through adoption; and

WHEREAS, more than 114 children and youth in the foster care system in Mendocino County are waiting to be adopted; and

WHEREAS, over the past 30 years, the California Department of Social Services, Rohnert Park and Arcata Field Offices, which serve Mendocino County, have found homes for over 800 foster children and placed them with families who have made lifetime commitments through adoption; and

WHEREAS, the California Department of Social Services Arcata Field Office, Lilliput Children’s Services, Redwood Community Services, TLC Child and Family Services, Mendocino College Foster and Kin Care Education Program and the Mendocino County Health and Human Services Agency join to support and promote adoption and provide education, training and support for families interested in adoption as well as post-adoption services; and

WHEREAS, throughout November, we recognize the parents and children who have expanded their families to welcome a new child or sibling, as well as the professionals who offer guidance, resources, and support to these adoptive families.

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

“NATIONAL ADOPTION MONTH”

Dated: November 3, 2015

---

Carre Brown, Chair  
Board of Supervisors



# In Celebration of Adoption Awareness Month

Presentation to the Mendocino County Board of Supervisors  
November 3, 2015



# Mendocino County

- Approximately 235 children in foster care as of 9/1/15 (not including non-minor dependents)
- Largest group being children ages 0-5 (about 46%)
- 114 children in long term foster care (includes children awaiting adoption finalizations)
- 2 safely surrendered babies in the past year (July 2014-July 2015)
- 21 adoptions finalized in the past year (January 2014-December 2014)
- 18 adoption finalizations to date (January 2015-August 2015)
- 10+ adoptions anticipated to be finalized by end of 2015

# Mendocino College Foster and Kinship Care Education Program (FKCE)

- Offers training for foster parents, kinship caregivers and adoptive parents
- Enhances parenting skills, dispense knowledge about the foster care system, develops strong, ongoing support systems
- Classes are free of charge
- FKCE collaborates with Lake and Mendocino County, local social service agencies, and foster, kinship and adoptive parents

# Adoption Service Providers in Mendocino County

# TLC Child and Family Services

- Emergency Shelter Care, Foster Care and Adoption Services
- In Sonoma County:
  - Three Level 12 Residential Treatment Programs
  - Transitional Housing Placement Programs
  - Journey High School (Non-public)
  - Outpatient Mental Health Services
- Working with children since 1975
- Ukiah office opened in 1994 to serve Mendocino and Lake Counties (licensed in 7 counties)
- Finalizing nearly 1 adoption a week
- Licensed Adoption Agency since 1998



# Redwood Community Services, Inc.

## **Foster Family Agency (FFA) and Adoptions**

-Lake, Mendocino and Sonoma Counties

## **Behavioral Health Services (BHS)**

-Specialty Mental Health

-Ukiah, Willits, Fort Bragg, Lake County

-Arrowhead Ranch/IRAP

-Wraparound Services, Lake County

## **Youth Resource Centers**

-Lake County-The Harbor

-Ukiah-The Arbor

## **Stepping Stones: Independent Living for Young Adults**

-Transitional Housing Placement Program-THPP

-THP-Plus, Transitional Age Youth (TAY) Wellness

## **Gibson House**

-Supportive housing program for 18-24 year old clients

## **Nurturing Education and Skills Training (The NEST)**

-Lake County: Long-term (15 months) residential program for homeless, pregnant and or parenting young adults ages 18-21

## **The P.A.D. (Protection Assistance and Development)**

-Serves runaway and homeless youth

## **Community Group Living:**

-Cam's Place

-Mendocino House

## **Emergency Shelter/Assessment Center**

-Mendocino County Children's Center (MC3)

## **Healthy Opportunities for Mothering Experiences**

-Perinatal Drug Medi-Cal Outpatient Program

# Lilliput Children's Services (PAS)

- Post Adoption Services in Mendocino County
- Support Group (monthly in Ukiah)
- Warmline Support (Mon-Fri 8:30-5)
- Crisis Intervention and Therapeutic Support
- Linkage to Local Resources
- Workshops and Trainings for adoptive families and professionals
- Resource Library
- Family Networking Activities and Events



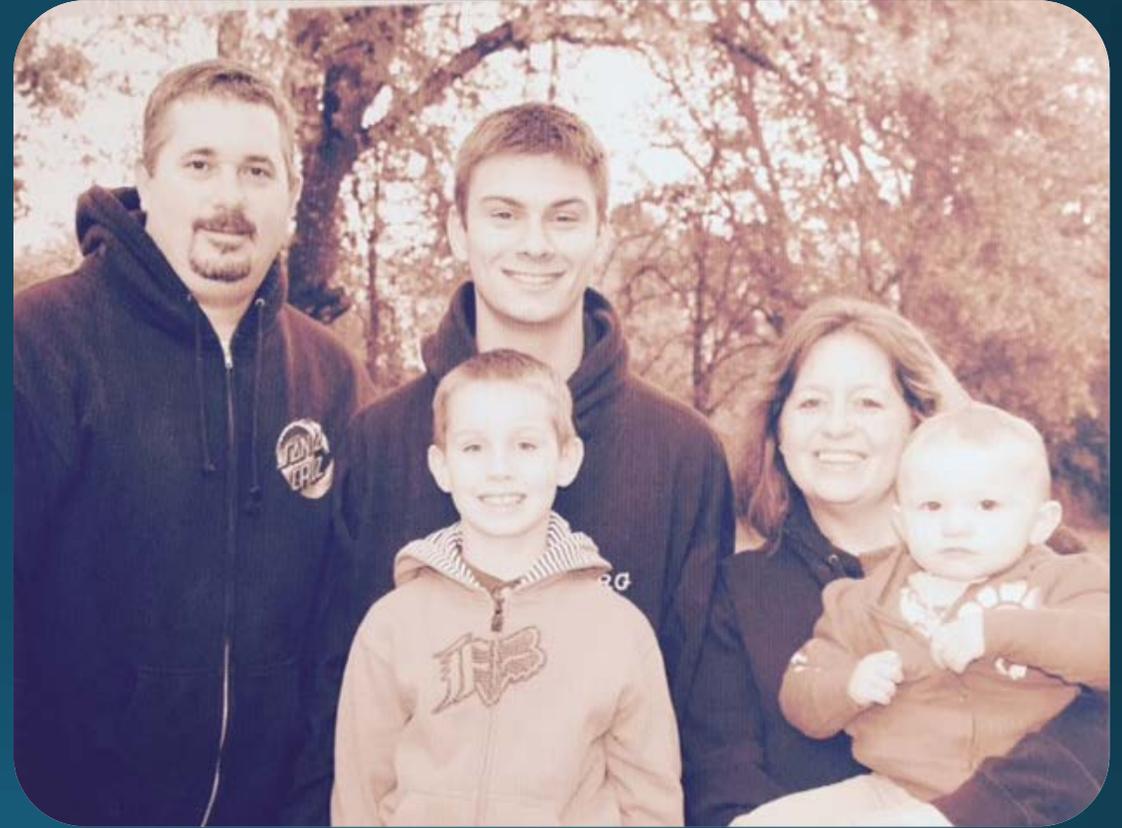
# Contact Information

- Mendocino County- Jena Conner: (707) 463-7971 [connerj@co.mendocino.ca.us](mailto:connerj@co.mendocino.ca.us)
- TLC Child and Family Services-Jeff Killebrew: (707) 823-7300
- Redwood Community Services-Willow Anderson: (707) 467-2010
- Lilliput Children's Services-Donna Ibbotson: (916) 923-5444 [Dibbotson@Lilliput.org](mailto:Dibbotson@Lilliput.org)

# Stories from families...



Tucker Steckter adopted March 2006 (2<sup>nd</sup> row, middle boy); Tanner Steckter adopted August 2006 (2<sup>nd</sup> row, right); Kailee Steckter adopted June 2010 (2<sup>nd</sup> row left); Trenton Steckter adopted December 2014 (1<sup>st</sup> row bottom left); Grandson Michael Ryan Johnson adopted February 2015 (on Kevin's lap, front row right).



Prosser Family  
Vinny adopted April 24, 2005  
Gary and Lily adopted April 25, 2012



Eventide Family  
Expected adoption November 2015



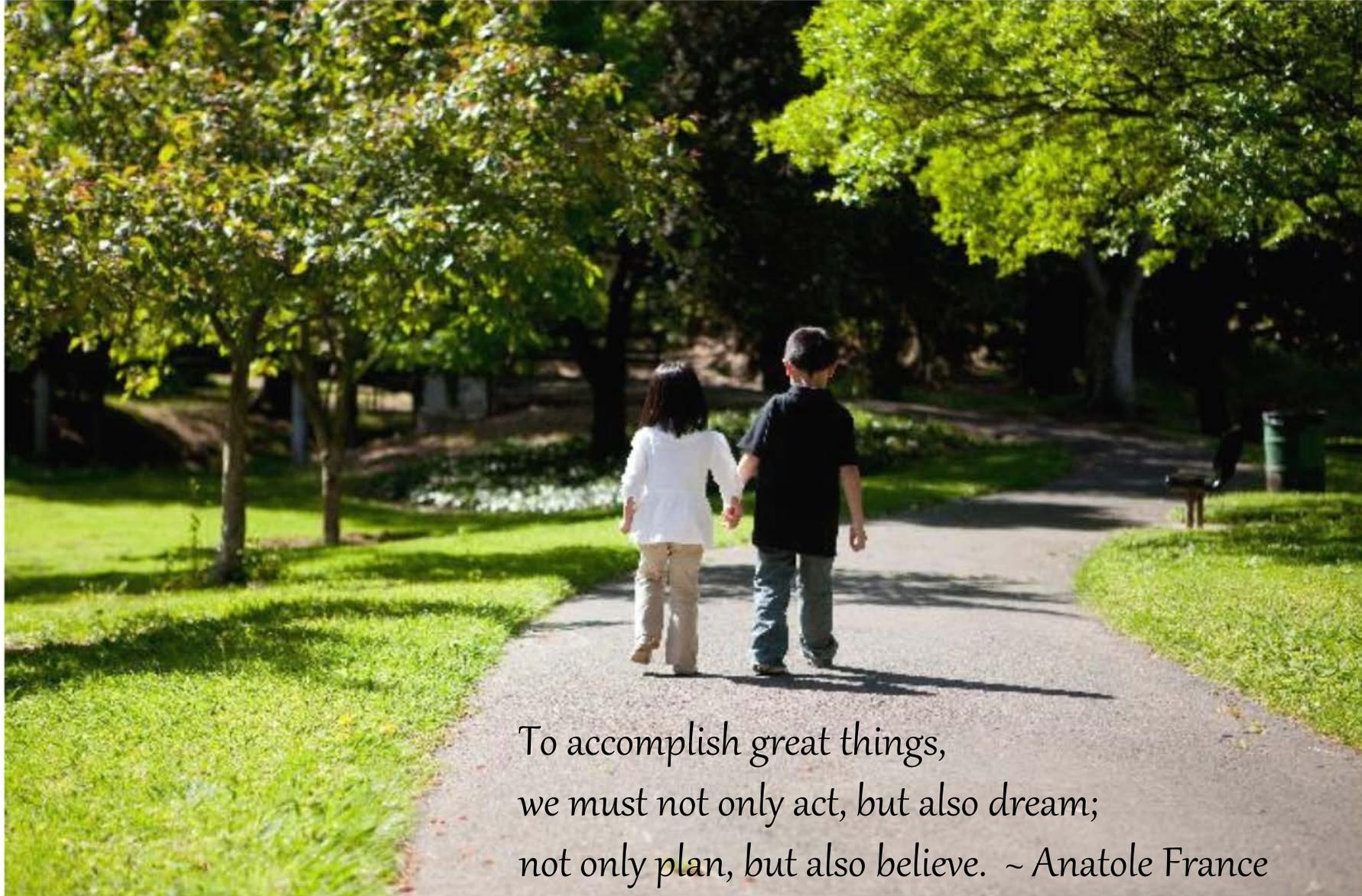
Sophia  
Adopted September 10, 2012











*To accomplish great things,  
we must not only act, but also dream;  
not only plan, but also believe. ~ Anatole France*



**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](mailto: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:** 10/26/15

**FROM:** Supervisor Hamburg **MEETING DATE:** 11/3/15

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

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

■ **AGENDA TITLE:** **Adoption of Proclamation Recognizing Susan Holli for her Contributions to Help Low Income and Homeless People in Mendocino County**

■ **PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** The Board of Supervisors regularly recognizes extraordinary service to the community made by individuals within the Mendocino County

■ **SUMMARY OF REQUEST:** Over many years Susan Holli has made significant contributions to help low income and homeless people in Mendocino County including serving on the Governing Board of Mendocino County Homelessness Services Continuum of Care and being instrumental in the creation (and ongoing leadership) of Love in Action, a network of faith communities.

■ **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 Proclamation recognizing Susan Holli for her contributions to help low income and homeless people in Mendocino County.

■ **ALTERNATIVES:** Do not adopt the proclamation.

■ **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 SUSAN HOLLI FOR HER CONTRIBUTIONS TO HELP LOW INCOME AND HOMELESS PEOPLE IN MENDOCINO COUNTY

WHEREAS, Susan Holli is a tireless volunteer who has committed many hours of her time to helping low income and homeless people of our county; and

WHEREAS, Susan Holli was instrumental in the creation (and ongoing leadership) of Love in Action, a network of faith communities; and

WHEREAS, Susan Holli, through Love in Action, was at the very heart of the creation of the coast's Extreme Weather Shelter (EWS). The 2015 / 2016 EWS will be the eighth successful year that this rotating shelter will operate, moving between Hospitality House and faith communities. While Mendocino Coast Hospitality Center manages the operations, it is Susan's commitment to community engagement through the press, the faith communities, and through persuading many business and agencies to display signage, which is at the heart of the EWS; and

WHEREAS, Every Tuesday for many years Susan Holli has cooked food and helped to facilitate the feeding and shower program at Mendocino Presbyterian Church, nurturing and supporting other church volunteers to do the same; and

WHEREAS, Susan is known in the coastal community as a person to call for help. In a wide variety of circumstances she responds with kindness and expertise to many desperate calls for help that she receives at home; and

WHEREAS, Susan serves on the Governing Board of Mendocino County Homelessness Services Continuum of Care (CoC), representing the needs of the chronically homeless. With her background and training as a Ph.D qualified nurse, along with her faith and her heartfelt commitment to helping others, she brings a fresh voice and a caring objectivity to the processes of the CoC; and

WHEREAS, Susan has taken on the role of Chair of the (CoC) Application Review Committee, and in that challenging role, she has absorbed and disseminated materials from HUD, and has personally recruited new Committee members; and

WHEREAS, Susan is able to give her love and attention and commitment to many varied groups of people, from the homeless, to line-staff, to senior managers, and always works respectfully and professionally with the agencies in our county; and

WHEREAS, it would be impossible to list all the ways large and small that Susan has contributed over many years to attempts to help low income and homeless people.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Mendocino, hereby recognizes Susan Holli for her years of service to low income and homeless people in Mendocino County.

Dated:

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Carre Brown, Chair



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

**BOARD AGENDA # 5(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](mailto: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:** August 26, 2015

**FROM:** Christopher Shaver, DCEO **MEETING DATE:** October 20, 2015

**DEPARTMENT RESOURCE/CONTACT:** Christopher Shaver **PHONE:** 463-4441 Present  On Call

Consent Agenda  Regular Agenda  Noticed Public Hearing  Time Allocated for Item: 15 mins

■ **AGENDA TITLE:** **Presentation, Discussion and Possible Action to Adopt a Resolution Establishing a Policy for the Inspection of Construction of County Buildings on County Property**

■ **PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** No prior action.

■ **SUMMARY OF REQUEST:** The Executive Office, Facilities and Fleet Division in coordination with the Planning and Building Services Department seek to insure that facility modifications and new construction conform to building code requirements. Therefore, a written policy establishing guidelines for construction projects performed on County facilities is necessary to ensure that the County adheres to building code requirements by following the plan check, permitting and inspection process for modifications and new construction subject to the County’s permitting process.

The Planning and Building Services Department and the Facilities and Fleet Division shall review plans, specifications and related construction documents for proposed buildings or improvements to insure conformance with appropriate County and state building regulations. Plans may be reviewed by other departments to verify conformance with regulations under their jurisdiction. Upon completion of the project, statements certifying that all workmanship, services, materials and tests were made and/or supplied in accordance with approved plans, specifications and contract documents shall be provided. Following receipt of these certificates for new buildings, the Chief Building Inspector shall issue a Certificate of Occupancy in accordance with appropriate sections of the Uniform Building Code.

A written policy and procedure adopted by the Board will ensure that all necessary steps in the plan review, permitting and inspection process are undertaken to not only conform to building code requirements but also to protect the health and welfare of staff and members of the public occupying those buildings.

■ **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
1710	\$57,750	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 establishing policy and procedure for the inspection of construction of County buildings on County property; and authorize Chair to sign same.

■ **ALTERNATIVES:** Do not adopt the Resolution and provide staff with further direction.

■ **CEO REVIEW (NAME):** Alan Flora - ACEO **PHONE:** 463-4441

**BOARD ACTION (DATE: \_\_\_\_\_):**  Approved  Referred to \_\_\_\_\_  Other \_\_\_\_\_

**RECORDS EXECUTED:**  Agreement: \_\_\_\_\_  Resolution: \_\_\_\_\_  Ordinance: \_\_\_\_\_  Other \_\_\_\_\_



**MENDOCINO COUNTY BOARD OF SUPERVISORS**

**BOARD AGENDA # 5(a)**

**ONLINE AGENDA SUMMARY**

**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 ESTABLISHING POLICY AND PROCEDURE FOR INSPECTION OF CONSTRUCTION OF COUNTY BUILDINGS ON COUNTY PROPERTY

WHEREAS, Mendocino County manages construction projects consisting of facility modifications to new construction for County owned facilities; and

WHEREAS, Inspection of County buildings under construction is necessary to ensure conformance with minimum standards to safeguard life or limb, health, property and public welfare; and

WHEREAS, the County has qualified staff to review plans and specifications and perform inspections for County buildings; and

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors adopts the following policy and procedure for inspection of construction on County buildings on County property:

1. The Board of Supervisors shall direct plan preparation by selected design professionals.

2. The design professionals shall prepare plans, specifications, and related construction documents for the proposed buildings or improvements normally subject to permitting and inspection requirements.

3. The Planning and Building Services Department and the Facilities and Fleet Division shall review plans, specifications and related construction documents for proposed buildings or improvements to insure conformance with appropriate County and State building regulations. Plans may be reviewed by other departments to verify conformance with regulations under their jurisdiction.

4. The Planning and Building Services Department shall review plans and issue a no fee building permit when the proposed construction is determined to be in conformance with the aforementioned regulations.

5. The Board of Supervisors shall employ appropriate individuals as agents of Mendocino County to work in cooperation with the design professionals, the Planning and Building Services Department and the Facilities and Fleet Division regarding review of plans and specifications, coordination of change orders, construction inspection and related matters. Upon completion of the project, statements certifying that all workmanship, services, materials and tests were made and/or supplied in accordance with approved plans, specifications and contract documents shall be provided. Following receipt of these certificates for new buildings, the Chief Building Inspector shall issue a Certificate of Occupancy in accordance with appropriate sections of the Uniform Building Code.

6. When the building improvements do not require permits or inspections, Facilities and Fleet Division staff will perform all necessary inspections.

7. This policy and procedure shall apply in the unincorporated areas of the County

and to County buildings within the boundaries of incorporated cities within the County.

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:*  
KATHARINE L. ELLIOTT, Acting County  
Counsel

BY: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_

\_\_\_\_\_  
Deputy



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

**BOARD AGENDA # 5(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](mailto: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:** October 27, 2015  
**FROM:** HHSA – Public Health **MEETING DATE:** November 3, 2015  
**DEPARTMENT RESOURCE/CONTACT:** Stacey Cryer **PHONE:** 463-7774 Present  On Call

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

**■ AGENDA TITLE: Introduction and Waive First Reading of Ordinance Amending Mendocino County Code Chapter 8.69 County Commission on Medical Care Sections 8.69.030 and 8.69.040**

**■ PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** November 1, 2005, item 10(a) Resolution; April 19, 2011: Intro and Waive Reading of proposed Ordinance approved by Board; May 3, 2011 Adoption of Mendocino County Code Chapter 8.69 item 4(5)

**■ SUMMARY OF REQUEST:** In November of 2005, the Board of Supervisors affirmed support for Mendocino County to participate in the expansion of the Partnership HealthPlan of California (PHC) into Mendocino County in order to provide managed care to Mendocino County’s Medi-Cal Recipients. The PHC is a special commission formed pursuant to the Welfare and Institutions Code Section 14087.54.

In May of 2011, Health and Human Services Agency (HHSA) submitted a proposed change to the ordinance to update current information in sections 8.69.030 and 8.69.040, the Board of Supervisors approved the request.

HHSA in conjunction with PHC is proposing to amend sections 8.69.030 (Designation and Duration of Commission) and 8.69.040 (Membership of Commission) to reflect current conditions.

- 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:** Introduce and waive first reading of Ordinance amendments to Mendocino County Code Chapter 8.69 County Commission on Medical Care Sections 8.69.030 and 8.69.040

- 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 \_\_\_\_\_

## SUMMARY

### **ORDINANCE FOR THE MENDOCINO COUNTY HEALTH AND HUMAN SERVICES AGENCY PARTNERSHIP HEALTHPLAN OF CALIFORNIA TO REMOVE NAMES OF INDIVIDUAL PARTICIPATING COUNTIES; UPDATING THE MEMBERSHIP FORMULA AND UPDATING THE MEMBERSHIP SELECTION CRITERIA**

This ordinance amends Chapter 8.69 of Title 8 of the Mendocino County Code, updating Sections 8.69.030 and 8.69.040.

Ordinance Summary, Section 8.69.030 (Designation and Duration of Commission):

Chapter 8.69 of the Mendocino County Code ordinance authorized County of Mendocino to join the existing Commission. By joining the existing Commission, it has allowed the implementation of a county organized health system in Mendocino County as authorized by Welfare and Institutions Code Section 14087.54

The proposed amendment to Section 8.69.30 would amend by removing the listing of additional counties who are interested in joining the Partnership HealthPlan of California commission therefore eliminating the need to return to the Board of Supervisors for further updates to the ordinance every time a county either joins or leaves the Partnership HealthPlan.

Ordinance Summary, Section 8.69.040 (Membership of Commission):

The proposed amendment to Section 8.69.040 would amend the membership formula to reflect the current commission Bylaws that establish memberships to the Partnership HealthPlan of California Commission Board.

*APPROVED AS TO FORM:*

\_\_\_\_\_, County Counsel

- **CHAPTER 8.69 - COUNTY COMMISSION ON MEDICAL CARE**

- **Sec. 8.69.000 - Findings.**

The Board of Supervisors of the County of Mendocino makes the following findings:

1.

Pursuant to Welfare and Institutions Code Section 14087.54, any county or counties may establish a special Commission in order to meet the problems of the delivery of publicly assisted medical care in the county or counties and to demonstrate ways of promoting quality care and cost efficiency.

2.

Partnership HealthPlan of California Commission ("Commission") is a multi-county Commission currently composed of the counties of Solano, Napa, Yolo and Sonoma that has created a managed health care plan for Medi-Cal recipients.

3.

This Board deems it appropriate to join the Commission and the Commission wishes to expand to include Mendocino County. The Commission may expand to other counties in the future.

(Ord. No. 4274, 5-3-2011; Ord. No. 4310, 7-30-2013)

- **Sec. 8.69.010 - Title.**

This ordinance shall be known as the COUNTY COMMISSION ON MEDICAL CARE.

(Ord. No. 4274, 5-3-2011; Ord. No. 4310, 7-30-2013)

- **Sec. 8.69.020 - Purpose.**

Partnership HealthPlan of California Commission ("Commission") is a multi-county Commission that has created a managed health care plan for Medi-Cal recipients. The purpose of this chapter is to authorize the County of Mendocino to join the existing Commission. This will allow the implementation of a county organized health system in Mendocino County as authorized by Welfare and Institutions Code Section 14087.54.

The purpose of the Commission is to negotiate exclusive contracts with the California Department of Health Care Services and to arrange for the provision of health care services to qualifying individuals, as well as other purposes set forth in the enabling ordinances established by the respective counties.

(Ord. No. 4274, 5-3-2011; Ord. No. 4310, 7-30-2013)

- **Sec. 8.69.030 - Designation and Duration of Commission.**

Partnership HealthPlan of California Commission ("Commission") is a multi-county commission that has created a managed health care plan for Medi-Cal recipients. The Purpose of this ordinance is to

authorize the County of Mendocino to join the existing Commission. This will allow the implementation of a county organized health system in Mendocino County as authorized by Welfare and Institutions Code Section 14087.54. The Mendocino County Board of Supervisors hereby authorizes Mendocino County to join the Commission. The Commission shall continue to represent Mendocino County until the Mendocino County Board of Supervisors terminates the representation. To terminate representation, the Mendocino County Board of Supervisors or its designee shall provide ninety (90) day notice to the other participating counties and will provide notice to the State Department of Health Care Services as set forth in Welfare and Institutions Code Section 14087.54(g).

(Ord. No. 4274, 5-3-2011; Ord. No. 4310, 7-30-2013)

• **Sec. 8.69.040 - Membership of Commission.**

(a)

The Partnership HealthPlan of California (PHC) Commission on medical care shall be comprised of Commissioners appointed by the Board of Supervisors of each member county. Unless and until the Commission amends its Bylaws to establish a different formula or system for membership, each County's membership shall be calculated based on the number of Medi-Cal Beneficiaries enrolled in the HealthPlan as follows: 0-25,000 = 1 seat; 25,000-40,000 = 2 seats; 40,000-55,000 = 3 seats; 55,000+ = 4 seats: Commission Members shall be recommended by the Mendocino County Health and Human Services Agency using the criteria in Section 8.69.040 (c)(1—3).

(b)

The number of Medi-Cal members for each county shall be determined by PHC as of July 1 of each year beginning in the year 2009. The determination by PHC shall be announced to each county by August 1 of each year. Any additions or deletions of Commissioners shall be implemented effective September 1 of each year.

(c)

The members appointed by Mendocino County Board of Supervisors shall be selected as follows:

1.

One (1) member shall be the director of the Mendocino County Health and Human Services Agency.

2.

One (1) Member from the community ("Public Representatives"). The Mendocino County Health and Human Services Agency may make recommendations based on the following criteria:

(1)

Geography;

(2)

Knowledge of the healthcare needs of County residents;

(3)

Business and Finance experience.

(Ord. No. 4274, 5-3-2011; Ord. No. 4310, 7-30-2013)

- **Sec. 8.69.050 - Terms of Office for Members and Vacancy in Office.**

The terms of office for each of the members of the Commission appointed by the Mendocino County Board of Supervisors shall be four (4) years. Nothing herein shall prohibit a person from serving more than one (1) term. Each Commission member shall remain in office at the conclusion of that member's term until a successor member has been elected and installed into office. An office shall become vacant if a board member discontinues to function in the area from which appointed, or fails to attend three (3) meetings in a row of the Commission.

(Ord. No. 4274, 5-3-2011; Ord. No. 4310, 7-30-2013)

- **Sec. 8.69.060 - Powers and Duties of Commission.**

Pursuant to the provisions of Section 14087.54 of the Welfare and Institutions Code, the Commission shall:

(a)

Have the power to negotiate the exclusive contract with the California Department of Health Care Services as specified in Section 14087.5 of the Welfare and Institutions Code, and to arrange for the provision of health care services provided under Chapter 7, Part 3, Division 9 of the Welfare and Institutions Code;

(b)

Be considered an entity separate from the County;

(c)

File the statement required by Section 53051 of the Government Code;

(d)

Have the power to acquire, possess, and dispose of real or personal property, as may be necessary for the performance of its functions, to employ personnel and contract for services required to meet its obligations, and to sue or be sued; and

(e)

Have all the rights, powers, duties, privileges, and immunities conferred by Article 2.8 of Chapter 7, Part 3, Division 9 of the Welfare and Institutions Code in addition to those previously specified in this section.

(Ord. No. 4274, 5-3-2011; Ord. No. 4310, 7-30-2013)

- **Sec. 8.69.070 - Obligations.**

Pursuant to the provisions of Section 14087.54(d) of the Welfare and Institutions Code, any obligations of the Commission, statutory, contractual, or otherwise, shall be the obligations solely of the Commission and shall not be the obligations of the County of Mendocino.

(Ord. No. 4274, 5-3-2011; Ord. No. 4310, 7-30-2013)

- **Sec. 8.69.080 - Effective Date.**

This ordinance shall take effect thirty days (30) after adoption by the Board.

(Ord. No. 4274, 5-3-2011; Ord. No. 4310, 7-30-2013)

- **CHAPTER 8.69 - COUNTY COMMISSION ON MEDICAL CARE**

- **Sec. 8.69.000 - Findings.**

The Board of Supervisors of the County of Mendocino makes the following findings:

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(Ord. No. 4274, 5-3-2011; Ord. No. 4310, 7-30-2013)

- **Sec. 8.69.080 - Effective Date.**

This ordinance shall take effect thirty days (30) after adoption by the Board.

(Ord. No. 4274, 5-3-2011; Ord. No. 4310, 7-30-2013)



**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 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](mailto: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:** October 6, 2015

**FROM:** Planning and Building Services **MEETING DATE:** November 3, 2015

**DEPARTMENT RESOURCE/CONTACT:** Graham Hannaford **PHONE:** 234-6650 Present  On Call   
Steve Dunicliff **PHONE:** 234-6650 Present  On Call

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

**■ AGENDA TITLE: Noticed Public Hearing - Discussion and Possible Adoption of Resolution Establishing Type II Agricultural Preserve, A\_2014-0009 (Capistran Ranch), and Approval of a Williamson Act Contract for 18 Parcels Located Near Covelo**

**■ PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** Adoption of Mendocino County Code Chapter 5.100 "Williamson Act Assessments" and Chapter 22.08 "Agricultural Preserves and Williamson Act Contracts." On February 25, 1977, the Board approved Agricultural Preserve Contract No. 722.

**■ SUMMARY OF REQUEST:** The applicant proposes the placement of 4,107± acres into a new Agricultural Preserve and Williamson Act Contract. Eighteen (18) adjoining parcels comprise the Capistran Ranch's 4,107± acres. Historically, the lands have been used for cattle grazing. Currently, the parcels are used to raise "several hundred" bulls and to harvest approximately 250 tons of hay. Future plans are to replace the bulls with approximately 200 head of cattle. On July 16, 2015, the Planning Commission (PC) heard and recommended that the Board of Supervisors approve A\_2014-0009, finding that the new contract is consistent with the General Plan and is in compliance with Chapter 22.08 of the Mendocino County Code, regarding Agricultural Preserve eligibility. The parcels are located 3.5± miles east of Covelo, accessed by Short Creek Road (CR 339), 1.5± miles south of its intersection with Mendocino Pass Road (CR 338). APNs: 032-170-23; 032-270-03, -08, -10, -11, -12, -16, -17, -19, -24, -25, -32, -33, -41; 034-010-73; 034-020-10, -75, and -76. (See attached Resolution, Planning Commission Report and Minutes.)

**■ SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:** <http://www.co.mendocino.ca.us/planning>

**■ 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 the placement of 18 parcels into a new Agricultural Preserve and Williamson Act Contract finding the request to be consistent with the General Plan and Mendocino County Code Section 22.08.020, and authorize Chair to sign same.

**■ ALTERNATIVES:** The Board of Supervisors finds the project to be inconsistent with the goals and policies of the General Plan and/or the applicable sections of the Mendocino County Code with respect to criteria necessary for inclusion into an Agricultural Preserve.

**■ 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 \_\_\_\_\_

**RESOLUTION NO. 15-**

**RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ESTABLISHING A NEW AGRICULTURAL PRESERVE (CAPISTRAN RANCH) AND APPROVING A WILLIAMSON ACT CONTRACT**

WHEREAS, the Planning Commission of the County of Mendocino, on July 16, 2015, pursuant to proper notice and following a public hearing, did hear and make its recommendation to the Board of Supervisors on the application by Capistran Ranch, ("Owner"), for Placement of 4,107± acres into a new agricultural preserve under a contract, pursuant to the California Land Conservation Act of 1965 as amended (the "Williamson Act"), which area is described in Exhibit "A" attached hereto; and

WHEREAS, the Board of Supervisors upon receipt of the Planning Commission's report did schedule a public hearing to consider the Owner's request for said agricultural preserve and contract; and

WHEREAS, said public hearing was duly held on this 3<sup>rd</sup> day of November, 2015, pursuant to proper notice and all evidence was received and the same fully considered; and

WHEREAS, Mendocino County Code Section 22.08.020 provides that no property shall be incorporated into an agricultural preserve unless the Board of Supervisors finds that the property meets the eligibility qualifications established by Chapter 22.08; and

WHEREAS, Mendocino County Code Section 22.08.050 provides that no land shall be included within an agricultural preserve as rangeland unless the Board of Supervisors finds the following size and use requirements are presently met: (1) A minimum production potential of ten (10) animal units of feed, such production potential requiring a production of feed sufficient for fifty (50) sheep or ten (10) mature beef or dairy animals, and (2) A range in continuous use for livestock production and having within the preceding three (3) years a one-year history of such production; and

WHEREAS, This proposed agricultural preserve meets and exceeds the minimum of 100 acres required by the Williamson Act.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby finds, based on the information provided in the memorandum accompanying this resolution dated August 18, 2015, that the Owner's request is consistent with the Mendocino County General Plan and Mendocino County Code Section 22.08.020, finding the applicant has provided evidence of (1) an adequate quantity of animal units required to qualify the preserve, (2) an adequate history of livestock production, and (3) an adequate size of land required to qualify the preserve;

BE IT FURTHER RESOLVED that the land described in "Exhibit A", attached hereto and incorporated herein by this reference, be entered into a new preserve and contract in a form approved by the Mendocino County Counsel, and that the Owner shall cause to be recorded with the County Recorder's Office a map, written legal description and contract 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 this action 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

\_\_\_\_\_  
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.

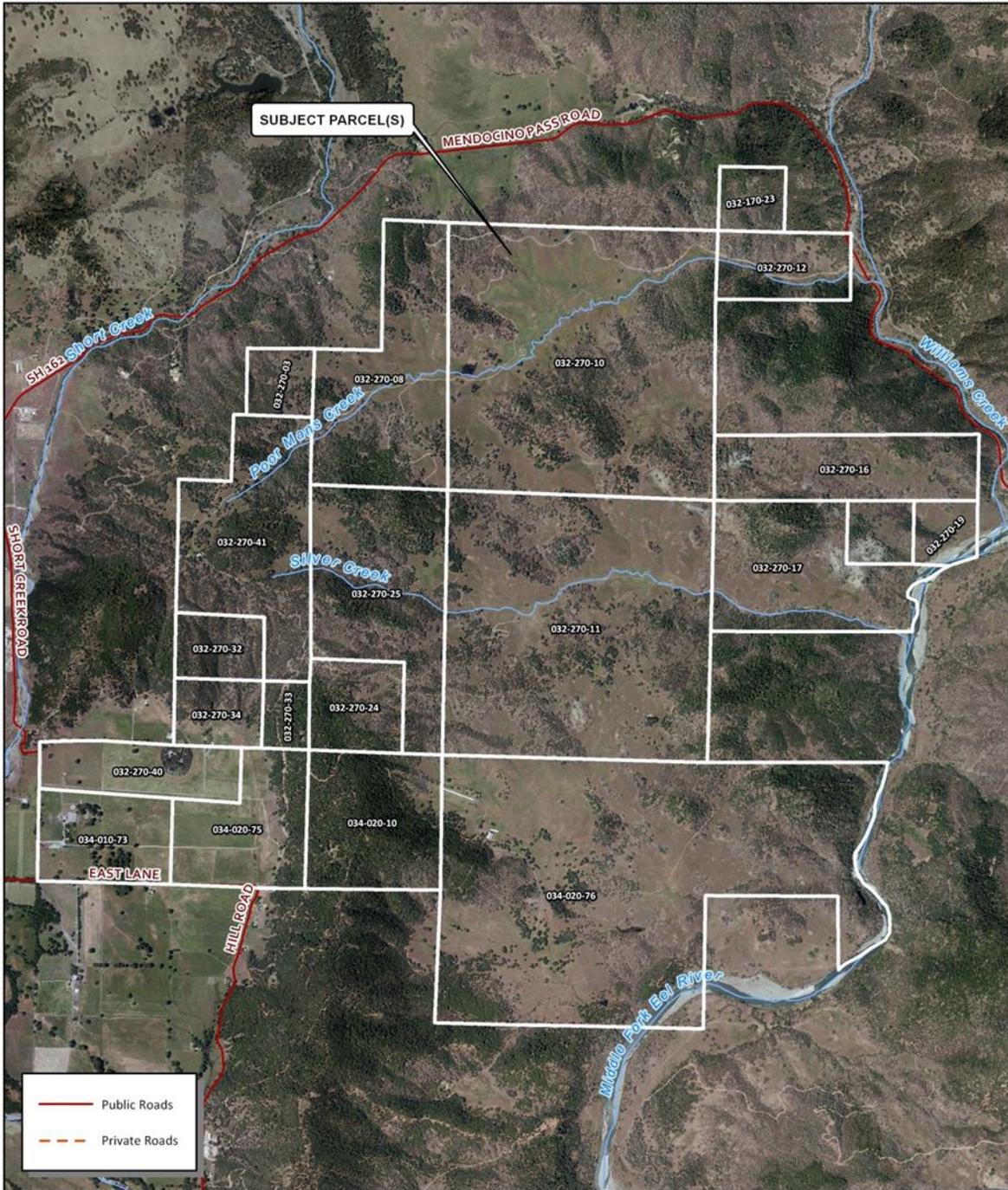
*APPROVED AS TO FORM:*  
KATHARINE L. ELLIOTT, Acting County Counsel

BY: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
Deputy

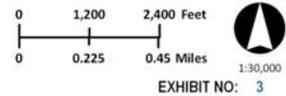
\_\_\_\_\_  
Deputy

# Exhibit A



CASE: A 9-2014  
OWNER: Great Oaks Ranch, LLC  
APN: Various (20 total)  
AGENT: Jim Barrett  
ADDRESS: 76555 Short Creek Road, Covelo

2010 NAIP AERIAL ORTHOPHOTO





**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: 707-234-6650  
FAX: 707-463-5709  
FB PHONE: 707-964-5379  
FB FAX: 707-961-2427  
pbs@co.mendocino.ca.us  
www.co.mendocino.ca.us/planning

## MEMORANDUM

DATE: NOVEMBER 3, 2015  
TO: BOARD OF SUPERVISORS  
FROM: GRAHAM HANNAFORD, PLANNER II  
RE: ADOPTION OF RESOLUTION APPROVING AGRICULTURAL PRESERVE  
NO. A\_2014-0009

The applicant proposes the placement of 18 adjoining parcels comprising of 4,107± acres into a new Agricultural Preserve Contract. The proposed Agricultural Preserve is located approximately 3.5 miles east of Covelo and encompasses lands that have been used for cattle grazing, both historically and currently. These parcels are currently used to raise "several hundred" bulls and to harvest approximately 250 tons of hay, with future plans to replace the bulls with approximately 200 head of cattle.

Comments were received on November 13, 2014 from both the County Agricultural Commissioner and the County Resource Lands Protection Committee (RLPC) recommending approval of the project.

### **Required Findings:**

Section 22.08.050 contains requirements that shall apply to all lands eligible for incorporation as rangeland in an agricultural preserve.

Section 22.08.050 of the County Code states that an Agricultural Preserve must include a minimum production potential of ten animal units (AU) of feed at a rate of 40 acres or less per AU. Per the Code, "[a]n animal unit...is defined as the quantity of forage required for good growth and production of one mature head of cattle or its equivalent in feed requirement; 4.8 tons of hay shall be deemed such feed requirement." An analysis of the soil types throughout the property show that approximately 164 AU's can be supported by the forage produced on the land. As a result, the request can be found to meet the requirement.

Section 22.08.050(B) additionally provides that no land shall be included within an agricultural preserve as rangeland unless the Board of Supervisors finds the following size and use requirements for qualifying agricultural preserves are presently met:

22.08.050(B)(1) A minimum production potential of ten (10) animal units of feed, such production potential requiring production of feed sufficient for fifty (50) sheep or ten (10) mature beef or dairy animals.

22.08.050(B)(2) A range in continuous use for livestock production and having within the preceding three (3) years a one-year history of such production.

Based on the information provided by the applicant, staff believes the above two findings may be met, and recommended approval of the application to the Planning Commission.

On July 16, 2015, the Planning Commission (PC) heard and recommended the Board of Supervisors approve A\_2014-0009, finding that the new contract would consistent with the General Plan and would be in compliance with Chapter 22.08 of the Mendocino County Code with respect to Agricultural Preserve eligibility.

**Environmental Determination:**

This project is categorically exempt from CEQA review per Section 15317 of the CEQA Guidelines (Class 17), which exempts “the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act.”

**Recommendation:**

Adopt a Resolution approving the placement of 18 parcels into a new Agricultural Preserve and Williamson Act Contract, finding the request to be consistent with the General Plan and Mendocino County Code Section 22.08.020.

**Attachment:**

- July 16, 2015 Planning Commission Staff Report and Minutes



**PLANNING COMMISSION  
STAFF REPORT- AGRICULTURAL PRESERVE**

**JULY 16, 2015  
#A 2014-0009**

**OWNER:** CAPISTRAN RANCH LLC  
9519 MILL STATION RD  
SEBASTOPOL, CA 95472

**APPLICANT:** ROBER LASHINSKI  
9519 MILL STATION RD  
SEBASTOPOL, CA 95472

**AGENT:** JAMES R BARRETT  
PO BOX 1448  
UKIAH, CA 95482

**PROJECT COORDINATOR:** GRAHAM HANNAFORD

**REQUEST:** Placement of 4,107± acres into Agricultural Preserve and Williamson Act contract.

**LOCATION:** 3.5± miles east of Covelo, accessed by Short Creek Road (CR 339) 1.5± miles south of its intersection with Mendocino Pass Road (CR 338). APNs: 032-170-23; 032-270-03, -08, -10, -11, -12, -16, -17, -19, -24, -25, -32, -33, -40, -41; 034-010-73; 034-020-10, -75, and -76.

**TOTAL ACREAGE:** 4,107± acres

**GENERAL PLAN:** RL160:

**ZONING:** RL 160

**SUPERVISORIAL DISTRICT:** 3

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt, Class 17

**RECOMMENDATION:** Recommend approval to the Board of Supervisors, finding the request to be consistent with the General Plan and Mendocino County Code Section 22.08.

**PROJECT DESCRIPTION:** The applicant proposes to place approximately 4,107 acres into a Type II Agricultural Preserve. The property consists of 18 contiguous parcels with individual Assessor's Parcel Numbers (APN), all under the ownership of Great Oaks Ranch, LLC. The parcels were intermittently in previous Agricultural Preserve contracts, one of which expired in the year 2001 and another which is currently in the second year of its 10-year roll out period. The subject property has two (2) single family dwellings, a horse barn, a bull barn, a main barn, an equipment shed, a smoke house, "several" wells, and 4-6 ponds. The surrounding properties on all sides are currently in Agricultural Preserve contracts.

**APPLICANT'S STATEMENT:** The following information was included with the application materials for the project (Attachment A):

*The subject property, Great Oaks Ranch, has a long history of agricultural use. Taking in approximately 4,000 acres, it includes 250± flat valley ground. The balance of the ranch acreage consists of several gently rolling valleys with expansive meadows separated by timbered ridges*

**PLANNING COMMISSION  
STAFF REPORT FOR AGRICULTURAL PRESERVE**

**A\_2014-0009  
PAGE PC-2**

*offering exceptional winter and spring grazing ground. Richard Wilson grazed cattle on the property back in the 1970's. Immediately prior to the current owners, the Mariani's also grazed cattle on the property that were estimated to be in the range of 200-250 mother cows. Currently there are several hundred rodeo bucking bulls on the property year round, hay is cut and baled and some of the ground is used as irrigated pasture.*

*The Capistran intends to replace the bulls with approximately 200 Angus mother cows, various steers, heifers, and calves. This additional adjacent property will allow us not only the ability to significantly expand our herd size but rotate animals throughout the year to best optimize our feed for the benefits of the livestock and the land. In addition, we plan to cut and put-up an additional 250 tons of hay on the flat valley part of the ranch. An added benefit is that we will now have the ability to drive cattle between our existing summer and winter grounds on our own deeded land.*

**RELATED APPLICATIONS:**

**On-Site**

- #B\_58-2002: On April 30, 2003, a Boundary Line Adjustment (BLA) was finalized which reconfigured two (2) parcels.
- #B\_75-99: On September 27, 1999 BLA #B\_75-99, proposing to reconfigure five (5) separate legal parcels into four (4) parcels, was approved. This BLA was never finalized.
- #U\_14-97: On April 27, 1998, Use Permit #U\_14-97 was approved, allowing the establishment of a resort facility with an emphasis on developing a "family soccer camp" for up to 250 guests and staff. Applicant never met conditions of approval.
- #CC\_71-81: On November 21, 1988, a Certificate of Compliance was finalized confirming 20 separate legal parcels.

**SITE CHARACTERISTICS:** The subject properties are located approximately three and a half miles east of Covelo, and are accessed via Short Creek Road. Non-prime agricultural land within an Agricultural Preserve borders the property to the east and south. Surrounding properties consist mainly of grazing, timber harvesting and scattered, very low-density residential development.

**SOILS ANALYSIS:** The property consists of various soils identified on the Soil Survey Map issued by the United States Department of Agriculture, Soil Conservation Service. These types include Feliz clay loam, Hopland-Sanhedrin-Kekawaka complex, Sanhedrin-Kekawaka-Speaker, Shortyork-Yorkville-Witherell, Yorktree-Hopland-Woodin, Yorktree-Yorkland loam, and Yorkville-Yorktree-Squaw Rock. According to the Soil Survey, most areas of these types of soils are used for a variety of uses including watershed, wildlife habitat, recreation areas, firewood production, timber production, and livestock grazing.

**SURROUNDING LAND USE AND ZONING:**

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	RL 160 & PF	RL,FL,TP,& PF	20-256± Acres	Agricultural, Timber
<b>EAST</b>	RL 160 & FL 160	RL, TP, & PF	20-256± Acres	Agricultural, Timber
<b>SOUTH</b>	RL 160 & PF	RL & PF	20-256± Acres	Agricultural, Rangeland, Timber
<b>WEST</b>	RL 160	RL 160	20-256± Acres	Rangeland, Agricultural

**PLANNING COMMISSION  
STAFF REPORT FOR AGRICULTURAL PRESERVE**

A\_2014-0009  
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**SERVICES:**

Access: Short Creek Road (CR 339), 1.5± miles south of its intersection with Mendocino Pass Road (CR 338).  
Fire District: CalFire/ Covelo Fire Protection District  
Water District: NONE  
Sewer District: NONE  
School District: ROUND VALLEY

**REFERRAL AGENCY COMMENTS:**

Agency comments relevant to this application are listed within the Issues Section of this report and are noted within the Conditions of Approval. Otherwise, most of the reviewing agencies had no comment regarding the proposed project.

REFERRAL AGENCIES	NOT RETURNED	"NO COMMENT"	COMMENTS
Department of Transportation			X
Environmental Health-FB/Ukiah		X	
Building Services-Ukiah PBS		X	
Agriculture Commissioner			X
Air Quality Management District		X	
Assessor			X
Farm Advisor	X		
Resource Lands Protection		X	
CalFire		X	
Regional Water Quality Control			
Dept. of Fish & Wildlife	X		
RLPC			X
Covelo Fire Protection District		X	
Department of Conservation	X		

**KEY ISSUES:**

**Key Issue #1 General Plan and Zoning Consistency:** The proposed project, creating a Type II agricultural preserve in the Williamson act containing more than 4,000 acres to be used primarily for cattle grazing, is consistent with the pertinent agricultural goals and policies of the General Plan as follows:

*Resource Management Goal RM-10 (Agriculture): Protection of agriculture as a basic industry important to the economy and quality of life and food security of the county by maintaining extensive agricultural land areas and limiting incompatible uses.*

*Agriculture Resources Policies*

*Policy RM-100: Maintain extensive agricultural land areas and limit incompatible uses.*

*Policy RM-101: The County supports policies and programs to maintain and enhance the viability of agricultural operations and retention of agricultural land.*

*Policy RM-110: Consistent with State funding, encourage the creation and renewal of Williamson Act contracts on eligible lands.*

**Key Issue #2- Agricultural Preserve Regulations:** According to the applicant, the subject properties have been used for grazing purposes since at least 1972, and over the decades through the present. Different portions of the property have been in Williamson Act contracts, with a portion of the subject property currently in the second year of a 10-year roll out of one such contract. The ranch was purchased in 2002, at which point a clean-up and fencing project was undertaken to prepare the property to properly contain an animal grazing operation.

**PLANNING COMMISSION  
STAFF REPORT FOR AGRICULTURAL PRESERVE**

**A\_2014-0009<sup>4</sup>  
PAGE PC-4**

The request is therefore to have the property as a whole placed into an agricultural preserve and into Williamson Act contract(s). According to the applicant the property is currently used to run several hundred rodeo bulls over the 4,107± acres, with plans to replace the bulls with approximately 200 head of cattle. In addition to the space provided for the cattle, the applicant proposes to use an additional 250 tons of hay harvested from the flat, irrigated western portion of the property to feed the cattle. The 18 parcels are separate legal parcels as recognized through Certificates of Compliance finalized in 1988. Overall, the intent is to continue the historic ranching activities of the property under one agricultural preserve.

Section 22.08.050 of the County Code states that an Agricultural Preserve must include a minimum production potential of ten animal units (AU) of feed at a rate of 40 acres or less per AU. Per the Code, "[a]n animal unit...is defined as the quantity of forage required for good growth and production of one mature head of cattle or its equivalent in feed requirement; 4.8 tons of hay shall be deemed such feed requirement." An analysis of the soil types throughout the property show that approximately 164 AU's can be supported by the forage produced on the land. As a result, the request can be found to meet the requirement.

Comments were received on November 13, 2014 from both the County Agricultural Commissioner and the County Resource Lands Protection Committee (RLPC) recommending approval of the project.

Comments were not received from either the California Department of Conservation Division of Land Resources Protection (DLRP).

Information provided in the USDA Soils Survey Map includes livestock grazing as among the suitable activities on the soils of the subject properties. Based upon the expected production of the soil types, explained in greater detail in the "Soils Analysis" section of this report, combined with the history of the agricultural use of the subject property, staff finds that the property meets the criteria for Agricultural Preserve status under Section 22.08 of the Mendocino County Code.

**Key Issue #4- Environmental Protection:** The project has been found to be exempt from the California Environmental Quality Act (CEQA) per Section 15317 of the CEQA Guidelines (Class 17), which exempts "the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act...". Therefore, no further environmental consideration is necessary.

**RECOMMENDATION:**

The Planning Commission recommends approval of #A 2014-0009 to the Board of Supervisors, making the following findings, consistent with the General Plan and Mendocino County Code Section 22.08:

**Environmental Findings:** This project is categorically exempt from CEQA review per Section 15317 of the CEQA Guidelines (Class 17).

**Agricultural Preserve Findings:** This proposed agricultural preserve meets the requirements of Section 22.08.050, providing more than the minimum production potential of ten animal units (AU) of feed at a rate of 40 acres or less per AU, based on soil type, and providing adequate feeding capabilities for more than ten (10) mature beef or dairy animals. This proposed agricultural preserve contains more than the minimum of 100 acres required by Section 22.08.020(A)(1) as it contains more than 4,000 acres.

**Williamson Act Findings:** This proposed agricultural preserve meets and exceeds the minimum of 100 acres required by the Williamson Act.

GH/at  
June 8, 2015

**PLANNING COMMISSION  
STAFF REPORT FOR AGRICULTURAL PRESERVE**

**A\_2014-0009  
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**ATTACHMENTS:**

- A. Applicant Letter
- B. Location
- C. Aerial Map
- D. Topographic
- E. Timber Production Zone

### Great Oaks Ranch Past and Future Usages

The original Capistran Ranch consisting of approximately 9800 acres has more than 30 years of cattle grazing history. The Conner family leased the grazing rights to the ranch prior to 1972. More recently the Bauer family has had the lease from 1972 through the end of 2001 for winter grazing up to 300 cow/calf pairs. The consideration for 2000/2001 winter grazing paid to the Capistran Ranch was \$14,000.00.

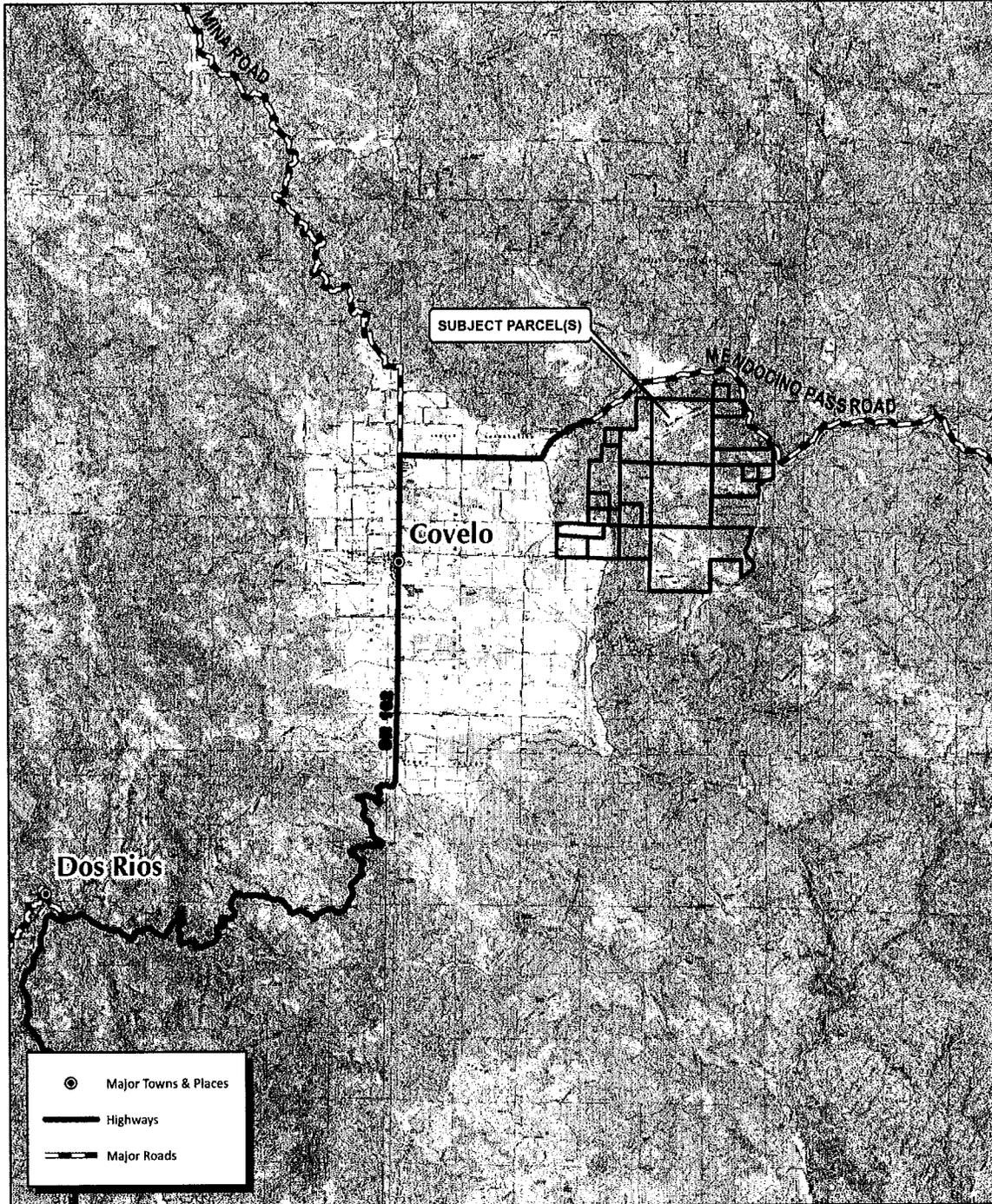
The ranch changed ownership in early 2002 and the new owners, Robert and Jody Lashinski, did not renew the grazing lease for the 2002/2003 season. Upon the change of control, the Lashinski's embarked on a clean-up and fencing project to assure the ranch would contain animals put out to graze. In addition to the fencing, the Lashinski's have been acquiring properties within and around the original ranch to better facilitate the fencing, grazing, and overall control. To date the Lashinski's have purchased numerous other adjacent properties that account for more than 600 acres. More than 10 miles of fence have been repaired and 17 miles of new fence has been built.

The ranch embarked upon building an Angus cow/calf operation by grazing its livestock year round. In 2011, the ranch purchased an additional 800 acres in Round Valley known as the Poonkinney Ranch Headquarters. This enabled the ranch to allow the herd size to be increased by summer grazing the animals in Round Valley. It also provided for up to 1000 tons of hay to be cut, some of which needs to be fed to the herd during the winter and some which is sold locally. In early 2012, the ranch purchased an additional 800 acres in round valley known as the Grist Creek ranch. This property is used to raise our annual heifer crop which is held onto to build the herd size.

The subject property, Great Oaks Ranch, has a long history of agricultural use. Taking in approximately 4,000 acres, it includes 250+/- flat valley ground. The balance of the ranch acreage consists of several gently rolling valleys with expansive meadows separated by timbered ridges offering exceptional winter and spring grazing ground.

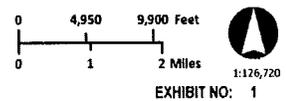
Richard Wilson grazed cattle on the property back in the 1970's. Immediately prior to the current owners, the Mariani's also grazed cattle on the property that were estimated to be in the range of 200-250 mother cows. Currently there are several hundred rodeo bucking bulls on the property year round, hay is cut and baled and some of the ground is used as irrigated pasture.

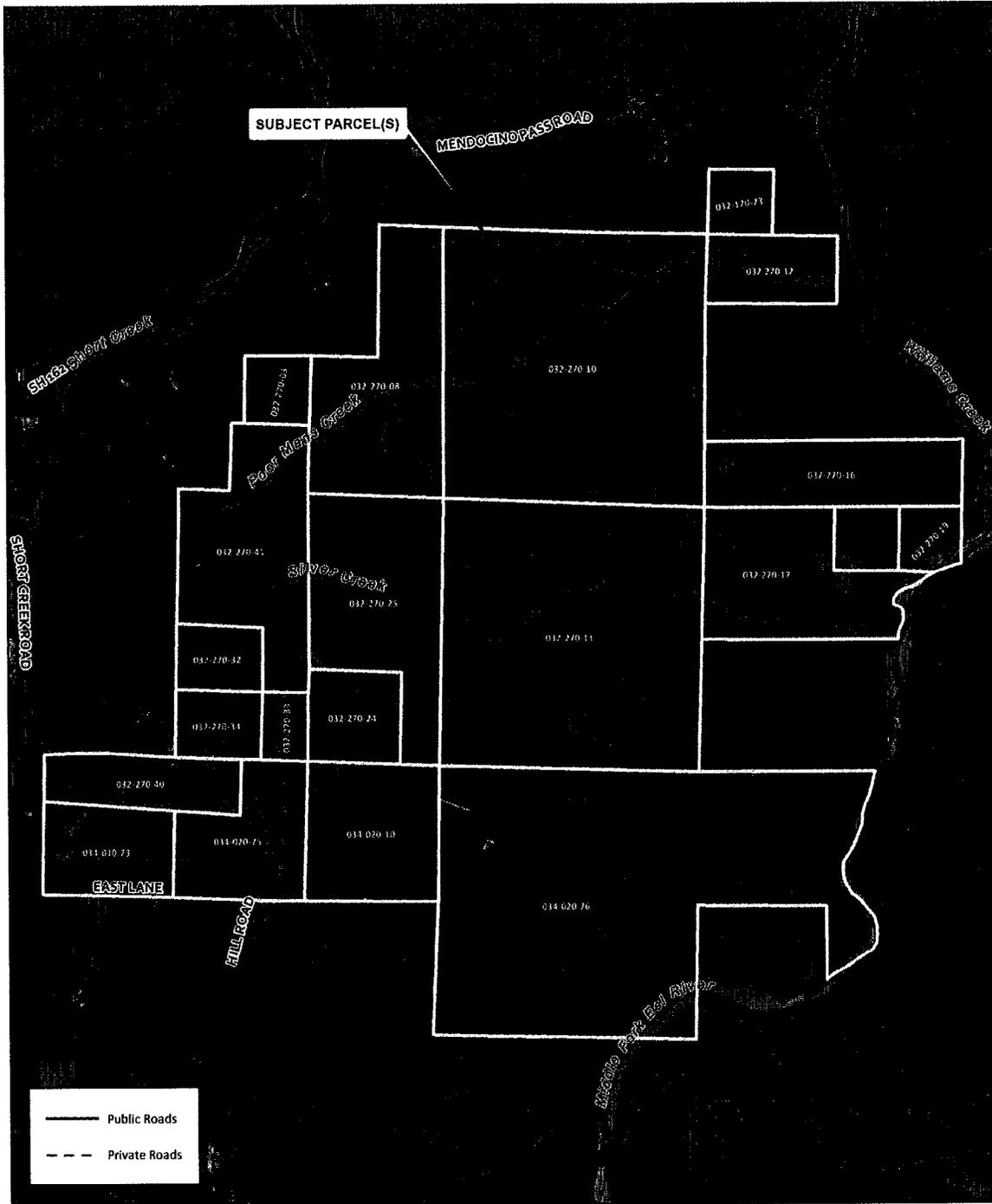
The Capistran intends to replace the bulls with approximately 200 Angus mother cows, various steers, heifers, and calves. This additional adjacent property will allow us not only the ability to significantly expand our herd size but rotate animals throughout the year to best optimize our feed for the benefits of the livestock and the land. In addition, we plan to cut and put-up an additional 250 tons of hay on the flat valley part of the ranch. An added benefit is that we will now have the ability to drive cattle between our existing summer and winter grounds on our own deeded land.



CASE: A 9-2014  
OWNER: Great Oaks Ranch, LLC  
APN: Various (20 total)  
AGENT: Jim Barrett  
ADDRESS: 76555 Short Creek Road, Covelo

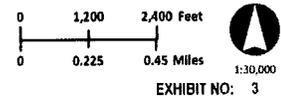
**LOCATION MAP**

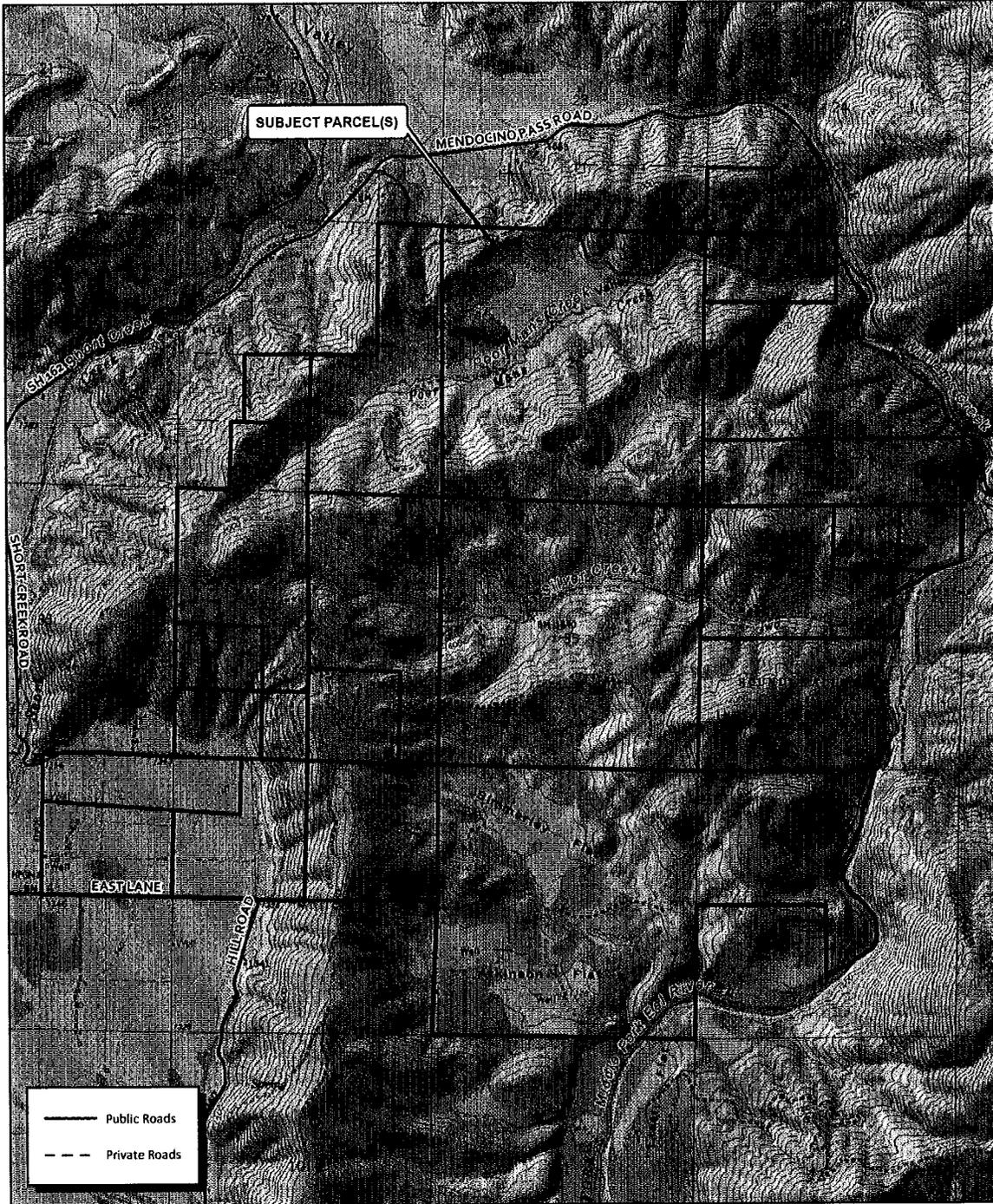




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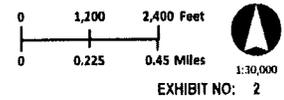
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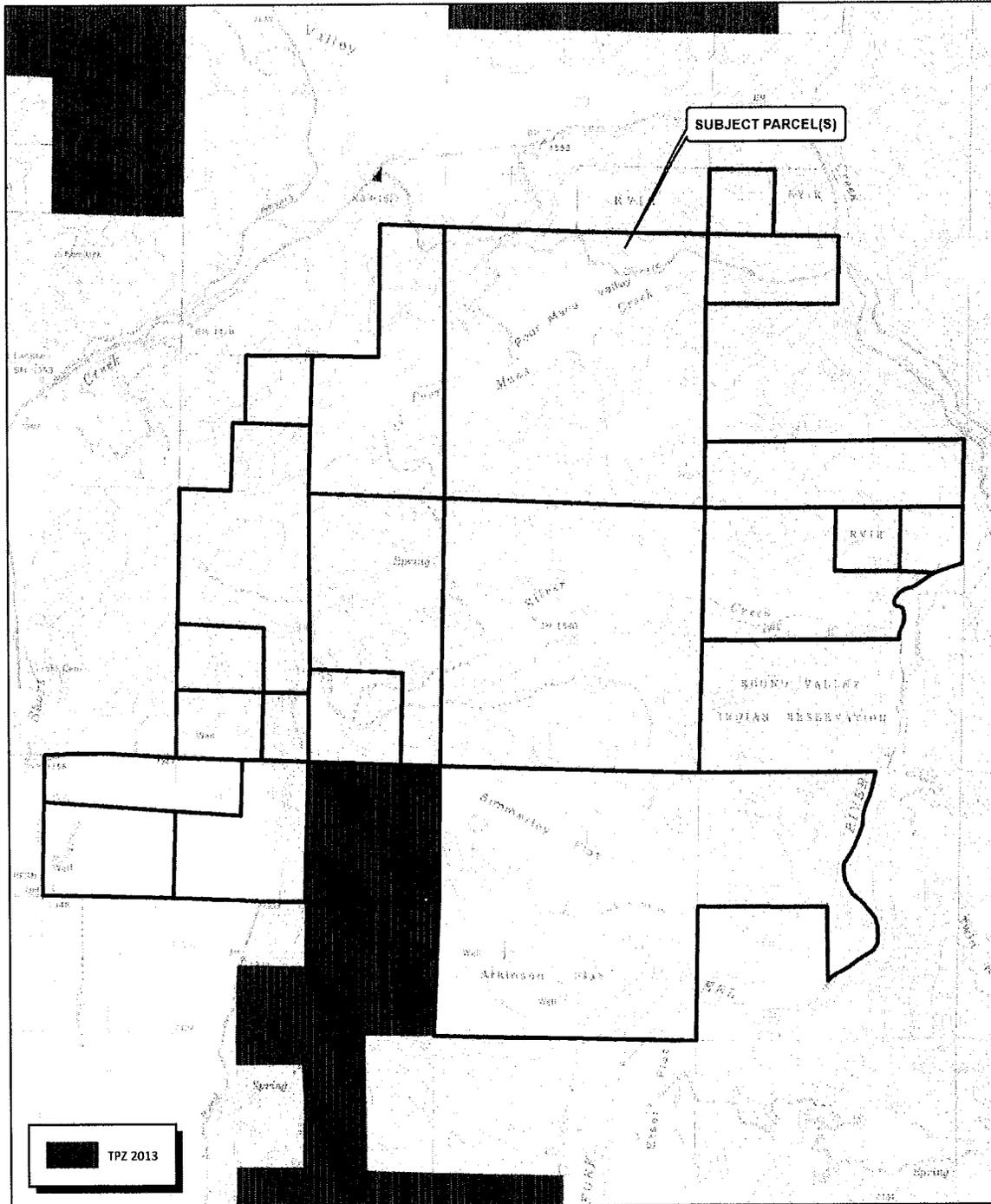




CASE: A 9-2014  
OWNER: Great Oaks Ranch, LLC  
APN: Various (20 total)  
AGENT: Jim Barrett  
ADDRESS: 76555 Short Creek Road, Covelo

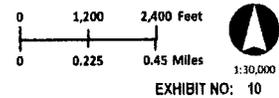
**TOPOGRAPHIC MAP**  
CONTOUR INTERVAL IS 40 FEET





CASE: A 9-2014  
OWNER: Great Oaks Ranch, LLC  
APN: Various (20 total)  
AGENT: Jim Barrett  
ADDRESS: 76555 Short Creek Road, Covelo

**TIMBER PRODUCTION ZONES**



Upon motion by Commissioner Holtkamp and seconded by Commissioner Hall, and carried by a voice vote of (5-0) with Commissioner Ogle abstaining from the vote, the June 4, 2015 Planning Commission Minutes are approved.

## 6. Regular Calendar.

### 6a. **CASE#: A\_2014-0009**

DATE FILED: 8/11/2014

OWNER: CAPISTRAN RANCH LLC

APPLICANT: ROBERT LASHINSKI

AGENT: JR BARRETT

PROJECT COORDINATOR: GRAHAM HANNAFORD

REQUEST: Placement of 4,107± acres into Agricultural Preserve and Williamson Act contract.

ENVIRONMENTAL DETERMINATION: Categorically Exempt, Class 17

LOCATION: 3.5± miles east of Covelo. Accessed by Short Creek Road (CR 339), 1.5± miles south of its intersection with Mendocino Pass Road (CR 338). Located at 76500 Short Creek Road, Covelo; APN's 032-170-23, 032-270-03, -08, -10, -11, -12, -16, -17, -19, -24, -25, -32, -33, -41, 034-020-10, -75, -76, and 034-010-73.

RECOMMENDED ACTION: Recommend approval to the Board of Supervisors.

Graham Hannaford, Project Coordinator, reviewed the staff report and discussed the history of the property. He noted the proposal was for placement into a Type II Agricultural Preserve for grazing and stated one letter of support had been received from Peter Bauer. Last, he noted that staff was recommending that the Planning Commission recommend approval to the Board of Supervisors.

**Robert Lashinski**, owner, was in support of the findings in the staff report and available for questions.

The public hearing was declared open, seeing no one come forward, the public hearing was declared closed.

Upon motion by Commissioner Little, seconded by Commissioner Ogle and carried by the following roll call vote (6-0), IT IS ORDERED that the Planning Commission recommends approval of A\_2014-0009 to the Board of Supervisors, making the following findings, consistent with the General Plan and Mendocino County Code Section 22.08:

**Environmental Findings:** This project is categorically exempt from CEQA review per Section 15317 of the CEQA Guidelines (Class 17).

**Agricultural Preserve Findings:** This proposed agricultural preserve meets the requirements of Section 22.08.050, providing more than the minimum production potential of ten animal units (AU) of feed at a rate of 40 acres or less per AU, based on soil type, and providing adequate feeding capabilities for more than ten (10) mature beef or dairy animals. This proposed agricultural preserve contains more than the minimum of 100 acres required by Section 22.08.020(A)(1) as it contains more than 4,000 acres.

**Williamson Act Findings:** This proposed agricultural preserve meets and exceeds the minimum of 100 acres required by the Williamson Act.

AYES: Little, Krueger, Warner, Holtkamp, Hall, Ogle

NOES: None

ABSENT: Nelson

### 6b. **CASE#: MS\_2010-0014**

DATE FILED: 1/1/2011

OWNER: MORGAN DeBOLD / SANDRA DARR

APPLICANT: MORGAN DeBOLD / SANDRA DARR

AGENT: SAM POPE

PROJECT COORDINATOR: FRED TARR

REQUEST: Minor Subdivision creating two (2) parcels of 21.8± and 40.8± acres.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

LOCATION: 10± miles north of Laytonville, lying on both side of Bell Springs Road (CR 324) approximately 0.5± mile from its intersection with Highway 101, located at 57800 Bell Springs Road, Laytonville; APN 053-490-08.

RECOMMENDED ACTION: Approve by Resolution as recommended.



**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](mailto: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:** October 19, 2015

**FROM:** Planning and Building Services **MEETING DATE:** November 3, 2015

**DEPARTMENT RESOURCE/CONTACT:** Steve Dunncliff **PHONE:** 234-6650 Present  On Call   
Jon Moore **PHONE:** 234-6650

Consent Agenda  Regular Agenda  Noticed Public Hearing  Time Allocated for Item: 45 Mins

**■ AGENDA TITLE: Noticed Public Hearing- Discussion and Possible Adoption of Resolution to Allocate On-hand Community Development Block Grant (CDBG) Program Income, Approving a Prioritized List of Projects to be funded with CDBG Program Income and Reallocated 2012 CDBG (\$1,500,000) Funding, and Authorization to Submit Appropriate Documentation to the State Department of Housing and Community Development to Implement the Allocation**

**■ PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** On March 27, 2012, the Board of Supervisors authorized the submittal of an application for the 2012 Community Development Block Grant (CDBG) funding to the State Department of Housing and Community Development (HCD); on January 23, 2013, the State approved the application. On March 17, 2015, the Board of Supervisors approved the County’s Program Income Reuse Agreement. On June 16, 2015 the Board of Supervisors expressed interest in providing funding to the Sun House project and on September 22, 2015, allocated CDBG Program Income funding to the Sun House project.

**■ SUMMARY OF REQUEST:** HCD recently changed its rules relative to the use of CDBG program income. These rule changes invalidated the County’s revolving loan accounts where Program Income (PI) was previously retained. The rule changes make the establishment of revolving loan funds (limited to housing or business assistance) less appealing to the County because once funding is allocated to a fund it can never be repurposed. Absent establishing a revolving loan fund, existing Program Income has to be either allocated to specific eligible activities or be used to fund existing contract activities. Allocating PI to specific projects would give the County benefit of the existing contract activities as well as the PI funded supplemental activities. The current value of on-hand CDBG Program Income is approximately \$1,000,000. This value is subject to change based on program expenses or the receipt of additional Program Income. In addition, because Program Income has been used to fund the 2012 CDBG program, it is estimated that approximately \$500,000 of the 2012 grant is available to be reallocated. Staff conducted a public meeting soliciting input on needs within the community to be addressed with available funding. In addition, staff consulted with several County departments to identify potential projects to be funded with available CDBG funding. Eighteen (18) preliminary projects were identified with a combined value over \$5.7 million. Staff performed a preliminary eligibility review of all of the project submittals. To provide order to this list, staff prioritized projects based on readiness as expressed by the applicant. The list of projects for the Board’s consideration is attached. A prioritized list of approved projects, in the appropriate form, will be submitted to HCD for review and approval. Once approved by HCD, the County will fulfill HCD administrative requirements and implement the eligible activities.

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

**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)

■ 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
CDBG Program Income and 2012 CDBG funding	\$1,500,000	0	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 a prioritized list of projects to be funded with CDBG Program Income and a reallocation of 2012 CDBG funding (\$1,500,000), and authorize staff to submit the appropriate documentation to HCD to implement the allocation, and further authorizing the Chair to sign same.

■ **ALTERNATIVES:** Direct Planning and Building Services to explore other options.

■ **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 \_\_\_\_\_

Potential CDBG PI Projects

#	Project Title	Subrecipient	Supv. Dist.	Description	Budget	HUD Matrix	Elig.	Nat'l Obj.	Comment
1	Town of Mendocino Disabled Access Ramp	County	5	Installation of a ramp on the Corner of Kasten and Main Streets to eliminate an	\$150,000	03K	570.201 (c)	LMC, 570.208(a)(2)	
2	Lakewood Homes First Time Homebuyer Asst.	RCHDC	2	First-time homebuyer assistance at Lakewood homes (Avg. \$62.5k per)	\$500,000	13	570.201 (n)	LMH, 570.208 (a)(3)	8 loans
3	Willits Veterans Hall Disabled Access Ramps	County	3	ADA accessibility improvements to parking lot, front and rear egress.	\$128,000	03E	570.201 (c)	LMA, 570.208(a)(1)	
4	Tiny Houses for the Homeless, Acquisition	Redwood Children Services (RCS)	2	Land acquisition to create a village of tiny houses to be occupied by homeless	\$410,000	1	570.201(a)	LMC, 570.208(a)(2)	
5	Coastal Trail, Pt. Arena (Pelican Bluff)	Mendocino Land Trust	5	Construct 2 mile public trail (.03 mile accessible loop) and 5 car parking lot.	\$20,000	03F or 03L	570.201 (c)	LMA or LMC, 570.208(a)(1) or 570.208(a)(2)	\$400k project with \$30k match requirement. \$370,000 secured.
6	Coastal Trail Segment, Ft. Bragg	City of Ft. Bragg	4	Pave trail segment for accessibility.	\$54,000	03F or 03L	570.201(c)	LMA, 570.208(a)(2)	Also, \$161,000 for Old Runway portion of trail
7	Microenterprise TA	West Co.	All	Technical assistance to qualified new and existing small businesses.	\$112,600	18C	570.201(o)	LMCMC, 570.483(b)(2)(iv)	\$30,000 from 2/16-4/16 and \$82,600 from 5/16-11/16
8	Lakewood Homes First Time Homebuyer Asst.	RCHDC	2	First-time homebuyer assistance at Lakewood homes (Avg. \$25k per)	\$200,000	13	570.201 (n)	LMH, 570.208 (a)(3)	8 loans
9	Tiny Houses for the Homeless, Site Development	Redwood Children Services (RCS)	2	Develop acquired lot to include Community building, parking lot and utilities.	\$604,700	03C	570.201 (c)	LMC, 570.208(a)(2)	
10	Resurfacing of Benson Ln. and Hanson Rd.	County	4	Repair and resurface Benson Ln. and Hanson Rd.	\$520,000	03K	570.201 (c)	LMA, 570.208 (a)(1)	
11	Mill Creek Park	County	1	Replace existing fishing platform with ADA compliant platform.	\$30,000	03F	570.201(c)	LMA, 570.208(a)(2)	
12	School Field Reconstruction	Ft. Bragg Unified	4	Rehabilitation of Dana Gray School Community Fields.	\$200,000	03F	570.201 (c)	LMA, 570.208 (A)(1)	Total budget \$1.5 million.
13	Visitor Center Rehabilitation	Noyo Center for Marine Science	4	Renovate 500 sq. ft. repurposed building to serve as an interpretative classroom.	\$55,500	03F	570.201 (c)	LMA,570.208 (a)(1)	
14	Design of Whale House	Noyo Center for Marine Science	4	Design development phase for natural history museum	\$150,000	03F	570.201 (c)	LMA,570.208 (a)(1)	

Potential CDBG PI Projects

#	Project Title	Subrecipient	Supv. Dist.	Description	Budget	HUD Matrix	Elig.	Nat'l Obj.	Comment
15	Site Acquisition for Housing Seriously Mentally Ill Homeless	RCHDC	Site Unknown	Acquire a site to house seriously mentally ill homeless. Concurrent application for other state and federal funding. Location unknown.	\$500,000	1	570.201 (a)	LMC, 570.208(a)(2)	Total project budget \$5 million.
16	Wastewater System	Anderson Valley CSD	5	Engineering report and environmental documentation for the establishment of a public waste water system.	\$500,000	03J	570.201 (c)	LMA, 570.208(a)(1)	Should be preceded by feasibility study (capacity, demand, etc.)
17	Water System	Anderson Valley CSD	5	Engineering report and environmental documentation for the establishment of a public water system.	\$375,000	03J	570.201 (c)	LMA, 570.208(a)(1)	Should be preceded by feasibility study (capacity, demand, etc.)
	Total:				\$4,509,800				

**RESOLUTION NO. 15-**

**RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO ALLOCATE ON-HAND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM INCOME AND REALLOCATE 2012 CDBG FUNDING AND AUTHORIZATION TO SUBMIT APPROPRIATE DOCUMENTATION TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO IMPLEMENT THE ALLOCATION**

WHEREAS, a Public Hearing was held as required by the County's Citizen Participation Plan, pursuant to federal Citizen Participation requirements, before the Board of Supervisors on November 3, 2015 to receive public comment and consider allocation of on-hand Community Development Block Grant Program Income and reallocation of 2012 CDBG funding to specific eligible projects.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby approves the allocation/reallocation of \$1,500,000 of Community Development Block Grant Program Income and 2012 CDBG funding as follows:

- [ INSERT LIST OF APPROVED PROJECTS AND ALLOCATION AMOUNTS ]

BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors authorizes the Chief Executive Officer to sign any and all documents required for submittal by the State Department of Housing and Community Development to implement this allocation.

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:  
KATHARINE L. ELLIOTT, Acting County  
Counsel

BY: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
Deputy

\_\_\_\_\_  
Deputy



**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](mailto: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:** October 27, 2015

**FROM:** Planning and Building Services **MEETING DATE:** November 3, 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](mailto: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:** October 30, 2015

**FROM:** Planning and Building Services/County Counsel **MEETING DATE:** November 3, 2015

**DEPARTMENT RESOURCE/CONTACT:** Andy Gustavson **PHONE:** 234-6650 Present  On Call   
Matthew Kiedrowski **PHONE:** 234-6885 Present  On Call

Consent Agenda  Regular Agenda  Noticed Public Hearing  Time Allocated for Item: 20 min.

■ **AGENDA TITLE:** Discussion and Possible Adoption of Resolution Approving the Appeal of the July 16, 2015, Denial of AA\_2015-0002, and Overturning the Zoning Clearance Granted to Building Permit BU\_2015-0104 (Cross Development) by Planning and Building Services

■ **PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** On October 6, 2015, the Board of Supervisors held a tentative vote to grant the denial and to continue the matter of Administrative Appeal AA\_2015-0002 in order for staff to draft findings of fact and a resolution granting the approval of Administrative Permit AA\_2015-0002. On October 20, 2015, the Board of Supervisors took public comment and continued the matter to November 3, 2015.

■ **SUMMARY OF REQUEST:** At the October 6, 2015 hearing of AA\_2015-0002, Planning and Building Services described to the Board its zoning clearance granted to BU\_2015-0104 for a new retail store that Cross Development proposes to build on a 1.53± acre vacant lot, located at 8451 East Road in Redwood Valley (APN 162-132-14). The appellants and the applicants then presented their arguments. The Board voted unanimously to tentatively approve Administrative Appeal AA\_2015-0002. The matter was continued to October 20, 2015, and further continued to November 3, 2015, to allow staff to draft findings of fact and a resolution granting the approval of Administrative Appeal AA\_2015-0002. A resolution is attached for the Board's consideration.

- **SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:** [www.co.mendocino.ca.us/planning](http://www.co.mendocino.ca.us/planning)
- **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  4/5<sup>ths</sup>

■ **RECOMMENDED ACTION/MOTION:** Adopt Resolution approving Administrative Appeal AA\_2015-0002 and overturning the zoning clearance that Planning and Building Services granted to Building Permit BU 2015-0104, thus suspending the Building Permit until the proposed development has undergone review pursuant to CEQA, and authorize Chair to sign same.

■ **ALTERNATIVES:** Adopt the Resolution previously presented at the October 6, 2015, hearing, denying the appeal, and uphold the Planning Commission's determination that Planning and Building Services correctly granted a zoning clearance to Building Permit BU 2015-0104; provide further direction to staff, and authorize Chair to sign same.

■ **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 \_\_\_\_\_

**RESOLUTION NO. 15-**

**RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS GRANTING  
ADMINISTRATIVE APPEAL #AA 2015-0002**

WHEREAS, Cross Development (“Applicant”) filed an application for a building permit to build a 9,100 square foot retail store (“project”) on a 1.53± acre vacant lot located at 8451 East Road Redwood Valley, APN 163-132-14, zoned C-2 (General Commercial), with the Mendocino County Department of Planning and Building Services (the “Department”) on February 22, 2015 (#BU 2015-0104); and

WHEREAS, the building permit application was forwarded to the Planning Division of the Department for a zoning clearance review, in order to determine whether the development would be consistent with Section 20.004.045, which provides that no building shall be erected unless the use type is included within the allowable uses for the relevant zoning district and the building is in conformance with development standards; and

WHEREAS, the Planning Division of the Department determined, based on the submitted application, that the uses proposed by the development are allowed by the applicable zoning district, the development meets setback and building height requirements as defined in Chapter 20.092 of the County Code and that the development provides enough parking to satisfy the requirements of Section 20.180.020(A), and granted a zoning clearance to Building Permit #BU 2015-0104, which was issued on June 6, 2015; and

WHEREAS, Mendocino County Code Section 20.208.010 allows for an appeal of any decision, determination, or requirement made by the Department to be heard by the Planning Commission provided an appeal is filed within ten (10) days of the Department’s action and the appropriate fees are paid; and

WHEREAS, Alex and Anthony Chehada (the “Appellants”) filed Administrative Appeal AA 2015-0002 on June 16, 2015, and paid the appropriate fees to the Department; and

WHEREAS, the Planning Commission of the County of Mendocino, on July 16, 2015, pursuant to proper notice and following a public hearing, did hear the Appellants’ appeal of the Department’s granting of zoning clearance to Building Permit #BU 2015-0104; and

WHEREAS, the Planning Commission denied Administrative Appeal AA 2015-0002, upholding the Department’s zoning clearance granted to Building Permit #BU 2015-0104, finding:

1) The proposed Use Types of Food and Beverage Retail Sales and Retail Sales, General are permitted use types in C-2 (General Commercial) zoning,

2) The location and height of the project complies to the C-2 (General Commercial) development standards established in Chapter 20.092 of the Mendocino County Code, corridor preservation setback requirements established in Section 20.152.020 of the County Code, and the proposed onsite parking lot complies with County parking regulations established in Section 20.180.020(A)

3) The granting of zoning clearance to a building permit for a permitted use is a ministerial decision that is statutorily exempt from CEQA review; and

WHEREAS, Mendocino County Code Section 20.208.015 allows for an appeal of any decision, determination, or requirement made by the Planning Commission to be heard by the Board of Supervisors provided an appeal is filed within ten (10) days of the Planning Commission's action and the appropriate fees are paid; and

WHEREAS, on July 24, 2015 the Appellants filed an appeal of the Planning Commission's determination and paid the appropriate fees to the Clerk of the Board; and

WHEREAS, the Board of Supervisors, upon receipt of the Appellants' appeal of the Planning Commission's decision, did schedule a public hearing to consider the Appellants' request for the denial of the zoning clearance granted to building permit #BU 2015-0104; and

WHEREAS, said public hearing was duly held on October 6, 2015, pursuant to proper notice, with all evidence received, the same fully considered and the public hearing closed; and

WHEREAS, the Board of Supervisors took a tentative vote regarding the appeal on October 6, 2015, voting 5-0 in favor of granting the appeal, and said the item was continued to October 20, 2015, and further continued to this 3rd day of November, 2015, for the preparation of findings consistent with the tentative vote taken on October 6, 2015.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors, based on the evidence in the record, reverses the Planning Commission's determination to deny Administrative Appeal AA 2015-0002 and overturns the approval of Building Permit #BU 2015-0104 by the Department, based on the following:

1) The case of Day v. City of Glendale (1975) 51 Cal.App.3d 817 ("Day") can be interpreted in different ways. One way to interpret this case is that it holds that the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*; "CEQA") applies to projects of mixed ministerial-discretionary character. Another interpretation is that Day holds that even when a government approval involves virtually no discretion, such as seeing if building plans meet the conditions of the building code, review pursuant to CEQA may be required if the issuance of a ministerial permit is the only point at which the environmental impact of the project may be publically considered; the Board of Supervisors interprets Day in this manner.

2) The development proposed by Building Permit #BU 2015-0104 is intended to be a 9,100 square foot Dollar General store. Dollar General is a national chain retailer with over 12,000 locations. The evidence in the record shows that formula chain stores like Dollar General have the ability to undercut the prices of other businesses in the community. This can result in existing businesses not being able to compete and result in the closure of those existing businesses, with the resulting vacant buildings constituting urban blight and decay. In addition, evidence in the record shows that the formula store may later close not based on any local factor but because the store is not meeting return on investment expectations, leaving the community without any retail establishments.

3) As the adopters and interpreters of the 2009 General Plan and the 2009 General Plan Environmental Impact Report ("2009 GP EIR"), the Board of Supervisors now finds that the 2009 General Plan and the 2009 GP EIR did not contemplate the type of development that would be constructed by Building Permit #BU 2015-0104 , including specifically the goals and

policies for the Redwood Valley Community Planning Area. Specifically, the proposed development is not consistent with the following General Plan policies and goals for Redwood Valley:

a) Policy CP-RV-1: The County supports and promotes “Smart Growth” planning techniques and principles for the Redwood Valley.

i) In adopting this policy, the Board did not intend the term “Smart Growth” to encompass development of national chain stores, as would occur with the proposed development, in areas where such development could lead to negative impacts to the local community, including potentially blight resulting from locally-owned businesses being forced to shut-down and shutter their buildings.

b) Policy CP-RV-3: The County shall promote economic infill opportunities that support infill and improve the aesthetic character of the Redwood Valley downtown core.

i) In adopting this policy, the Board did not intend to allow development of national chain stores, as would occur with the proposed development, that do not improve the aesthetic character of the Redwood Valley downtown core where the architectural character of the proposed development does not comport with the surrounding buildings of the downtown core or the rural character of Redwood Valley.

4) The 2009 GP EIR did not specifically study the potential impact of urban blight or decay as a result of its development assumptions. As a result the potential impacts of a national formula business on Redwood Valley have not been studied. Based on evidence in the record, these impacts are reasonably foreseeable and may be significant.

5) Because the proposed development is inconsistent with the Redwood Valley-specific policies of the 2009 General Plan, and the 2009 GP EIR did not study the potential impact of urban blight or decay as a result of its development assumptions, the Board of Supervisors hereby finds that CEQA review of the proposed development is warranted, as the issuance of the building permit is the only point at which the environmental impact of the project may be publically considered.

6) Because the issuance of Building Permit #BU 2015-0104 is the only point at which the environmental impact of the project may be publically considered, the Board of Supervisors hereby reverses the decision of the Planning Commission and grants Administrative Appeal AA 2015-0002. Building Permit #BU 2015-0104 is hereby suspended until such time as the proposed development has undergone review pursuant to CEQA.

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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:  
KATHARINE L. ELLIOTT,  
Acting County Counsel

BY: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
Deputy

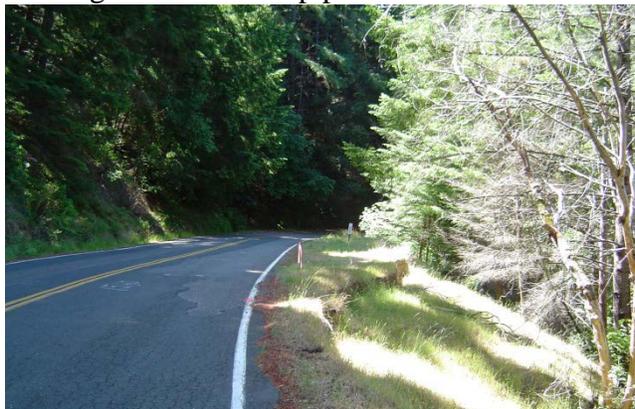
\_\_\_\_\_  
Deputy



*Department of Transportation (MCDOT)*

**Director's Report – November 3, 2015**

- All Staff Department Training Day:** The entire staff of the Mendocino County Department of Transportation (MCDOT) participated in the 9th Annual Training Day at the Willits Road Yard on Thursday, October 29, 2015 from 8:30 am to 3:00 pm. Mandatory annual storm water pollution prevention training was on the agenda, as well as a Human Resources presentation on "Open Enrollment" and County Wellness Program awareness. Additionally, general department goals and challenges were discussed. In the afternoon, there was a potluck/barbeque lunch featuring a chili cook off between the MCDOT road yards and divisions. Also included was our equipment rodeo, which gave the operators a chance to show off their skills and provide some entertainment.
- Road Maintenance Division Activities:** Beginning Monday, November 2, 2015, the Road Maintenance Division will return to their winter schedule: Monday through Friday, 7:00 am to 3:30 p.m. All MCDOT Road Division personnel are continuing pre-winter maintenance activities and, (due to dry weather) have been able to perform some maintenance and repair work typically done earlier in the construction season. Work performed by the Road Division during the past week includes: clearing brush, cleaning roadside drainage ditches and culverts, some hot-mix patching, and bridge maintenance and repair.
- Mendocino Council of Governments (MCOG) Activities:** On Monday, October 5, 2015 from 10:00 am to 3:30 pm, the MCDOT Director attended the MCOG off-site meeting at Brutocao School House Plaza in Hopland. The group toured area projects before meeting.
- Sales Tax Survey:** On Monday October 26, 2015, the MCDOT Director participated in a consultant selection for a sales tax survey. Should the survey prove voters would support a special tax for additional road funding, focus groups would be formed to define the initiative to be proposed to the Board of Supervisors.
- Update 2011 Storm Damage Repairs on Mountain View Road, CR 510, at M.P. 15.40 (15.36 not pictured):** Bouthillier's Construction of Willits has completed this \$700k project. Two pile retaining walls hold the roadway from an unstable slip out, with a sub-drain to reduce the weight on a slide slip plane.



BEFORE



AFTER

- Calpella Community Safe Routes to Schools Project Complete:** Pedestrian, bicycle facilities and street improvements on Moore Street (CR 229B) at North State Street (CR 104) M.P. 4.83 (Calpella Area) are complete. Granite Construction Company of Ukiah was the contractor on a project with total cost, including design and right-of-way, of \$1.2 million. Funding sources were: SR2S Program - Redevelopment Agency, MCOG, and the Mendocino County Air Quality District, as well as Road Fund.



Moore Street looking east BEFORE



AFTER



North State Street looking north BEFORE



AFTER

- 2014/15 Road Corrective Maintenance Program Concrete (A.C.) Overlay Project:** Thick (3 inches) Hot Mix Asphalt (HMA) overlay. This treatment is anticipated to last approximately 30 years on portions of Fort Bragg Sherwood Road (CR 419) and Airport Road (CR 424) near Fort Bragg, Della Avenue (CR 312) and Sherwood Road (CR 311) near Willits, completed by Mendocino Construction Services, Inc. of Willits at \$1.2 million.





- 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](mailto: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:** October 19, 2015

**FROM:** Chair Brown and Supervisor McCowen **MEETING DATE:** November 3, 2015

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

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

**■ AGENDA TITLE: Discussion and Possible Adoption of Extension of Urgency Ordinance Establishing Interim Restrictions on the Establishment of Formula Businesses; Extending the Moratorium Provisions for 10 Months and 15 Days Pending the Study and Consideration of Zoning and Other Land Use Regulations Pertaining to Such Businesses**

**■ PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** On September 22, 2015, the Board of Supervisors adopted an urgency ordinance establishing interim restrictions on the establishment of Formula Businesses pending the study and consideration of zoning and other land use regulations pertaining to such businesses.

**■ SUMMARY OF REQUEST:** County Planning and Building Services is in the process of analyzing and preparing an ordinance amendment to the Mendocino County Zoning Code per the direction of the Board of Supervisors to regulate the location and operation of formula retail and restaurant businesses within the rural communities within the county. Staff has prepared a Work Plan with a Projected Timeline (see attached memorandum) for the development and processing of the ordinance.

The current Urgency Ordinance, adopted September 22, 2015, is effective for 45 days and is set to expire on November 6, 2015, unless the Board acts to extend the interim ordinance for either an additional 10 months and 15 days or 22 months and 15 days. The agenda summary prepared for the September 22, 2015, meeting is also attached.

The proposed action would renew the same moratorium for a period not to exceed 10 months and 15 days, or up to the point the County approves permanent zoning or other land use regulations pertaining to formula businesses. The extension will require a 4/5 or better vote of the Board for it to be approved. The legislative findings required by Government Code Section 65858 are included in the ordinance. If approved, the ordinance will not be assigned a chapter designation in the County Code because it is only an interim ordinance. The County has the ability to further extend the urgency ordinance by another 12 months, if approved by the Board after notice and public hearing.

**■ 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  4/5<sup>ths</sup>

**BOARD ACTION (DATE: \_\_\_\_\_):**  Approved  Referred to \_\_\_\_\_  Other \_\_\_\_\_

**RECORDS EXECUTED:**  Agreement: \_\_\_\_\_  Resolution: \_\_\_\_\_  Ordinance: \_\_\_\_\_  Other \_\_\_\_\_



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

BOARD AGENDA # 6(b)

■ **RECOMMENDED ACTION/MOTION:** Adopt extension of Urgency Ordinance establishing interim restrictions on the establishment of formula businesses; extending the moratorium provisions for ten (10) Months and Fifteen (15) days pending the study and consideration of zoning and other land use regulations pertaining to such businesses, and authorize Chair to sign same.

■ **ALTERNATIVES:** 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**  
 Approved \_\_\_\_\_  
 Records Executed \_\_\_\_\_

**Date of Meeting** \_\_\_\_\_  
 Referred to \_\_\_\_\_  
 Other \_\_\_\_\_



**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](mailto: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:** September 14, 2015

**FROM:** Chair Brown and Supervisor McCowen **MEETING DATE:** September 22, 2015

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

Consent Agenda  Regular Agenda  Noticed Public Hearing  Time Allocated for Item: 1.5 hrs

**■ AGENDA TITLE:** **Discussion and Possible Adoption of Urgency Ordinance Establishing Interim Restrictions on the Establishment of Formula Businesses Pending the Study and Consideration of Zoning and Other Land Use Regulations Pertaining to Such Businesses**

**■ PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** On August 4, 2015, the Board of Supervisors directed staff to prepare an ordinance establishing a moratorium on specified formula businesses in Mendocino County.

**■ SUMMARY OF REQUEST:** Government Code Section 65858 authorizes a county board of supervisors to enact, with a vote of at least 4/5's, an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan or zoning proposal that the board is considering or studying or intends to study within a reasonable time. The ordinance must contain findings that there is a current and immediate threat to the public health, safety or welfare, and that the approval of additional entitlements for the use would result in that threat to public health, safety of welfare.

At the direction of the Board of Supervisors, County staff has prepared an ordinance establishing a moratorium on formula restaurants and formula retail businesses, relying on the same definitions used in the draft Mendocino Town Plan. The ordinance states that the proliferation of formula businesses would negatively affect the unique character of the rural communities of Mendocino County, as well as adversely affect the business diversity and economic health of the County. The website of the Institute for Local Self-Reliance ([www.ilsr.org](http://www.ilsr.org)) contains many studies reviewing the negative effects of large chain retailers, including the closure of locally-owned businesses and a reduction in overall economic activity.

The ordinance would prohibit the issuance of any entitlement for a formula business or formula restaurant, or the making of any determination that would allow a formula business or formula restaurant, in any zoning district during the term of the ordinance.

The ordinance does provide for certain exemptions. Applications for land use entitlements or determinations for the renovation or rehabilitation, but not expansion, of existing buildings already used as a formula business or formula restaurant prior to the effective date of the ordinance would be exempt, as would construction for fire, life safety requirements or the Americans with Disabilities Act. Banks and gas stations are exempt. Also exempt is the area shown as Exhibit A to the

**BOARD ACTION (DATE: \_\_\_\_\_):**  Approved  Referred to \_\_\_\_\_  Other \_\_\_\_\_

**RECORDS EXECUTED:**  Agreement: \_\_\_\_\_  Resolution: \_\_\_\_\_  Ordinance: \_\_\_\_\_  Other \_\_\_\_\_



ordinance, which generally includes properties located north of the city limits of the City of Ukiah, south of Lake Mendocino Drive, and along either Highway 101 or North State Street. These areas either already contain or are well suited for formula businesses or formula restaurants. All other areas of the County would be subject to the moratorium.

Lastly, the ordinance exempts those applications for land use entitlements or determinations which were deemed complete prior to the adoption of the ordinance.

The ordinance would take effect immediately, and provides direction to the Department of Planning and Building Services to study and prepare for the consideration of the Board of Supervisors changes to the County's General Plan or zoning code with respect to the regulation of formula restaurants and formula businesses.

The ordinance must be adopted on at least a 4/5 vote of the Board and will be effective for only 45 days. If regulations are not ready for adoption by that date, the Board may act to extend the interim ordinance for either an additional 10 months and 15 days or 22 months and 15 days. If the ordinance is adopted, extension of the ordinance will be tentatively calendared for action on November 3, 2015.

- 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  4/5<sup>th</sup>

■ **RECOMMENDED ACTION/MOTION:** Adopt Urgency Ordinance establishing interim restrictions on the establishment of formula businesses pending the study and consideration of zoning and other land use regulations pertaining to such businesses, and authorize Chair to sign same.

- **ALTERNATIVES:** Do not adopt the proposed ordinance; refer the matter to staff for additional research and alternatives.

■ **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 \_\_\_\_\_

**DATE:** October 19, 2015  
**TO:** Ukiah Daily Journal  
**FROM:** Nicole French, Deputy Clerk of the Board of Supervisors  
**SUBJECT:** Publication of Legal Notice.

Please publish the following notice one time on Thursday, October 22, 2015 in the Legal Notices Section of the Ukiah Daily Journal.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Board of Supervisors at its regular meeting on Tuesday, November 3, at 9:00 a.m., to be held at the Mendocino County Museum, 400 East Commercial Street, Willits, California, will conduct a public hearing on the following ordinance at the time listed or as soon thereafter as the item may be heard:

AN URGENCY ORDINANCE OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS EXTENDING INTERIM RESTRICTIONS ON THE ESTABLISHMENT OF FORMULA BUSINESSES PENDING THE STUDY AND CONSIDERATION OF ZONING AND OTHER LAND USE REGULATIONS PERTAINING TO SUCH BUSINESSES

**ENVIRONMENTAL DETERMINATION:** It has been determined that the ordinance is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15308, 15060(c)(2) and 15060(c)(3).

This urgency ordinance creates interim restrictions on the establishment of formula retail and restaurant establishments, as defined in the ordinance. This urgency ordinance is extending the provisions of the urgency ordinance adopted on September 22, 2015, for a period of 10 months and 15 days, pursuant to the provisions of Government Code Section 65858.

Under the ordinance, the County is prohibited from issuing any land use entitlement or determination that would permit the establishment of such formula businesses within the County. The ordinance contains the following exemptions from its prohibition: (A) applications for land use entitlements or determinations which were deemed complete prior to the adoption of the initial urgency ordinance; (B) applications for land use entitlements or determinations for the renovation or rehabilitation, but not expansion, of existing buildings already being used as a formula retail or restaurant business prior to the adoption of the initial urgency ordinance; (C) construction required to comply with fire and/or life safety requirements; (D) work pursuant to the Americans with Disabilities Act; (E) banks and gas stations; or (F) formula retail or restaurant businesses within an area generally described as properties

located north of the city limits of the City of Ukiah, South of Lake Mendocino Drive and along either Highway 101 or North State Street (a map is on file with the Clerk of the Board's office). The ordinance contains findings establishing the urgency as required by Government Code Section 65858. The ordinance may be extended for an additional 12 months, following notice and a public hearing.

Copies of the urgency ordinance referenced above are available for public inspection and other details of this item are available at the office of the Clerk of the Board of Supervisors, 501 Low Gap Road, Room 1010, Ukiah, California, during regular business hours. .

Your comments regarding the ordinance are invited. Written comments should be submitted to the Clerk of the Board of Supervisors, at 501 Low Gap Road, Room 1010, Ukiah, California, 95482, no later than November 2, 2015. Oral and written comments may be presented to the Board of Supervisors during the public hearing.

If you challenge the adoption of the ordinance 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 Clerk of the Board of Supervisors or the Board of Supervisors at, or prior to, the public hearing. 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 Clerk of the Board of Supervisors at 463-4441 or 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 decision of the Board of Supervisors, you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Clerk of the Board of Supervisors.



**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 Dunicliff, Director  
Ukiah Telephone 707-234-6650  
UKIAH 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

**DATE:** October 20, 2015  
**TO:** BOARD OF SUPERVISORS  
**FROM:** Planning and Building Services  
**SUBJECT:** SA\_2015-0006 - Formula Business Moratorium Urgency Ordinance – Work Plan

The below approximate timeline is what the Department of Planning and Building Services proposes to follow for the preparation, implementation and update of the Mendocino County Zoning Code for possible regulations of Formula Businesses within the rural communities of Mendocino County. It should be noted that the timeline is approximate and subject to various circumstances such as continuances of public hearings and revisions to the document that would require additional review time by the public, staff and hearing bodies.

2015-2016 Timeline

September 22, 2015 - Urgency Ordinance Establishing Interim Restrictions on the Establishment of Formula Businesses

October – Initial staff review and research

November/December – Draft Ordinance Development

- Development by Staff
- Administrative Draft Review
- CEQA Analysis

January – Community Input

- Public Review Draft
- 4-6 Workshops at various locations within the County

February – Revised Draft Ordinance

- Development by Staff
- Administrative Review
- CEQA Analysis revisions

March – Planning Commission

- Public Hearing/Comments
  - If necessary, Revised Draft
  - Back to Public Hearing Review

May – Board of Supervisors

- Public Hearing
- Implementation

ORDINANCE NO. \_\_\_\_

AN URGENCY ORDINANCE OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS EXTENDING INTERIM RESTRICTIONS ON THE ESTABLISHMENT OF FORMULA BUSINESSES PENDING THE STUDY AND CONSIDERATION OF ZONING AND OTHER LAND USE REGULATIONS PERTAINING TO SUCH BUSINESSES

WHEREAS, Mendocino County contains many rural communities with a small-town environment and unique character, each of which attracts residents and visitors because of their eclectic and diverse mix of businesses, and each of which must be protected and enhanced so that the unique character of the rural communities of Mendocino County can flourish without inappropriate changes; and

WHEREAS, County residents are concerned that 'chain' or 'formula' businesses will proliferate throughout the rural communities of the County, which may detract from the unique character of the County by displacing unique local or other small businesses or introducing standardized, non-unique establishments that will lessen the uniqueness and character prized by County residents; and

WHEREAS, the Mendocino County Board of Supervisors desires to protect the character of the rural communities of the County and create a supportive environment for new and unique small businesses; and

WHEREAS, Mendocino County General Plan Policy DE-69 provides that the County should emphasize local community character and culture in community planning and development; and

WHEREAS, income earned by independent small businesses is more likely to circulate within the local economy than the money earned by formula businesses, which often have corporate offices and vendors located outside of Mendocino County, resulting in less local economic benefit and vitality, adversely affecting the County; and

WHEREAS, notwithstanding the visual attractiveness of a storefront or other business structure, the standardized architecture, color schemes, décor and signage (which said signage almost universally includes the display of registered service marks which, under federal law, cannot be modified or changed through the application of local land use regulations) of many formula businesses can detract from the distinctive character of the rural communities of the County; and

WHEREAS, the location of formula business establishments in the County, if not regulated, will hamper and irreparably impede the County's goal of a diverse business base with specific attention to the small town character of the County's rural communities. Specifically, the unregulated and unmonitored establishment of formula businesses may change the character of the rural communities of the County and unduly limit or eliminate business establishment opportunities for smaller or medium-sized businesses, many of which tend to be non-traditional or unique and which complement the small town character of the County's rural communities; and

WHEREAS, the County needs a reasonable period of time to properly and carefully consider and further study the potential effects of formula businesses on the County's General Plan and the Ukiah Valley Area Plan, its commercial districts, the County's zoning and other development regulations and on the economic vitality and diversity of the County's business establishments. Additionally, the County needs a reasonable period of time to consider and study whether further regulating such formula businesses is warranted and, if so, what the scope, nature and form of such regulation should be; and

WHEREAS, the absence of comprehensive regulations and procedures governing formula businesses, combined with the facts recited above and the fact that formula businesses may currently apply for land use entitlements to locate and establish in the County, pose a current and immediate threat to the health, safety and welfare of the citizens of the County. Moreover, the approval of use permits, variances, building permits, grading permits, other permits licenses or other entitlements for use of land or structures by formula businesses in the areas described below would result in that threat to the public health, safety or welfare of the County and its citizens. The granting or permitting of such entitlements or uses, respectively, will likely be in conflict with, prevent the implementation of and/or seriously impair the efficacy of any specific plan, zoning or other land use policy which the County is considering or intends to study within a reasonable time for the County, thus rendering such plans and policies ineffectual in providing for the needs, assuring the business diversity and preserving the unique character of the County's rural communities; and

WHEREAS, the County has existing areas in the unincorporated area where formula businesses are appropriately located without any adverse impacts; and

WHEREAS, the purpose of this ordinance is to prohibit the establishment of certain types of formula businesses within the commercially-zoned areas of the rural communities of Mendocino County, other than in specified existing areas, pending the study and consideration of permanent regulations governing such formula business establishments; and

WHEREAS, the Board of Supervisors approved an initial urgency moratorium on September 22, 2015, for a period not to exceed forty-five days; and

WHEREAS, an extension of the term of the urgency ordinance is necessary to allow a reasonable time to properly and carefully consider and further study the potential effects of formula businesses and consider whether or what types of permanent regulations are appropriate.

NOW, THEREFORE, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ORDAINS AS FOLLOWS:

**Section 1.** The above recitals are incorporated herein by this reference.

**Section 2.** The County and its agents, employees and departments shall not approve any application for subdivision, use permit, variance, building permit or any other applicable entitlement for use which is required in order to comply with the County's zoning ordinances for any of the Prohibited Uses, as defined by this section, or make any determination that would authorize the operation of a Prohibited Use ("land use entitlements or determinations"), in any zoning district during the term of this ordinance. For purposes of this ordinance, "Prohibited Uses" shall mean either of the following:

A. Formula Restaurant, which is defined as a restaurant devoted to the preparation and offering of food and beverages for sale to the public, regardless of location or ownership, which along with 10 or more other establishments maintains two or more of the following standardized features: business name, menus, ingredients, décor, color scheme, façade, architecture, uniforms, advertising, or similar standardized features.

B. Formula Retail, which is defined as a retail sales or rental activity or retail sales or rental establishment, regardless of location or ownership, which along with 10 or more other

establishments maintains two or more of the following standardized features: business name, décor, color scheme, façade, architecture, uniforms, advertising, or similar standardized features.

**Section 3.** During the effective life of this ordinance, the County shall process any and all applications for Prohibited Uses in the County, but if those applications are acted upon prior to the expiration of this ordinance, they shall be denied.

**Section 4.** This ordinance shall not apply to:

- A. those applications for land use entitlements or determinations which were deemed complete prior September 22, 2015;
- B. applications for land use entitlements or determinations for the renovation or rehabilitation, but not expansion, of existing buildings already used as a Prohibited Use prior to September 22, 2015;
- C. construction required to comply with fire and/or life safety requirements;
- D. work pursuant to the Americans with Disabilities Act;
- E. banks and gas stations; or
- F. Prohibited Uses located in the following area: the area shown on Exhibit A attached hereto, which generally includes properties located north of the city limits of the City of Ukiah, south of Lake Mendocino Drive and along either Highway 101 or North State Street.

**Section 5.** The Board of Supervisors finds and determines that the immediate preservation of the public health, safety and welfare requires that this ordinance be enacted as an urgency ordinance pursuant to Government Code Section 65858. The Board of Supervisors hereby directs the Department of Planning and Building Services to study and prepare for the consideration of the Board of Supervisors changes to the County's General Plan or zoning code with respect to the regulation of Prohibited Uses, which process will take a minimum of ten months and fifteen days. Without this urgency ordinance, approval of new or expanded Prohibited Uses may be sought that would detrimentally affect the character of the County's rural communities and would conflict with the use regulations and development standards ultimately adopted with respect to Prohibited Uses. Therefore, this ordinance is necessary for the immediate preservation of the public peace, health and safety and its urgency is hereby declared.

**Section 6.** This ordinance is categorically exempt from the California Environmental Quality Act under (a) Section 15308 of the State CEQA Guidelines because it is a regulatory action taken by the County in accordance with Government Code Section 65858 to assure maintenance and protection of the environment; (b) Section 15060(c)(2) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; and (c) Section 15060(c)(3) of the State CEQA Guidelines because it is not a project within the meaning of CEQA since it has no potential for resulting in physical changes in the environment.

**Section 7.** This ordinance is an urgency ordinance adopted pursuant to Government Code Section 65858 and shall become effective immediately upon its adoption if adopted by at least four-

fifths of the Board of Supervisors and shall be in effect for ten months and fifteen days from the date of adoption, unless extended by the Board of Supervisors as provided for in Government Code Section 65858.

**Section 8.** If any section, subsection, sentence, clause phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Mendocino, State of California, on this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the following roll call vote:

AYES:  
NOES:  
ABSENT:

**WHEREUPON**, the Chair declared the Ordinance passed and 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.

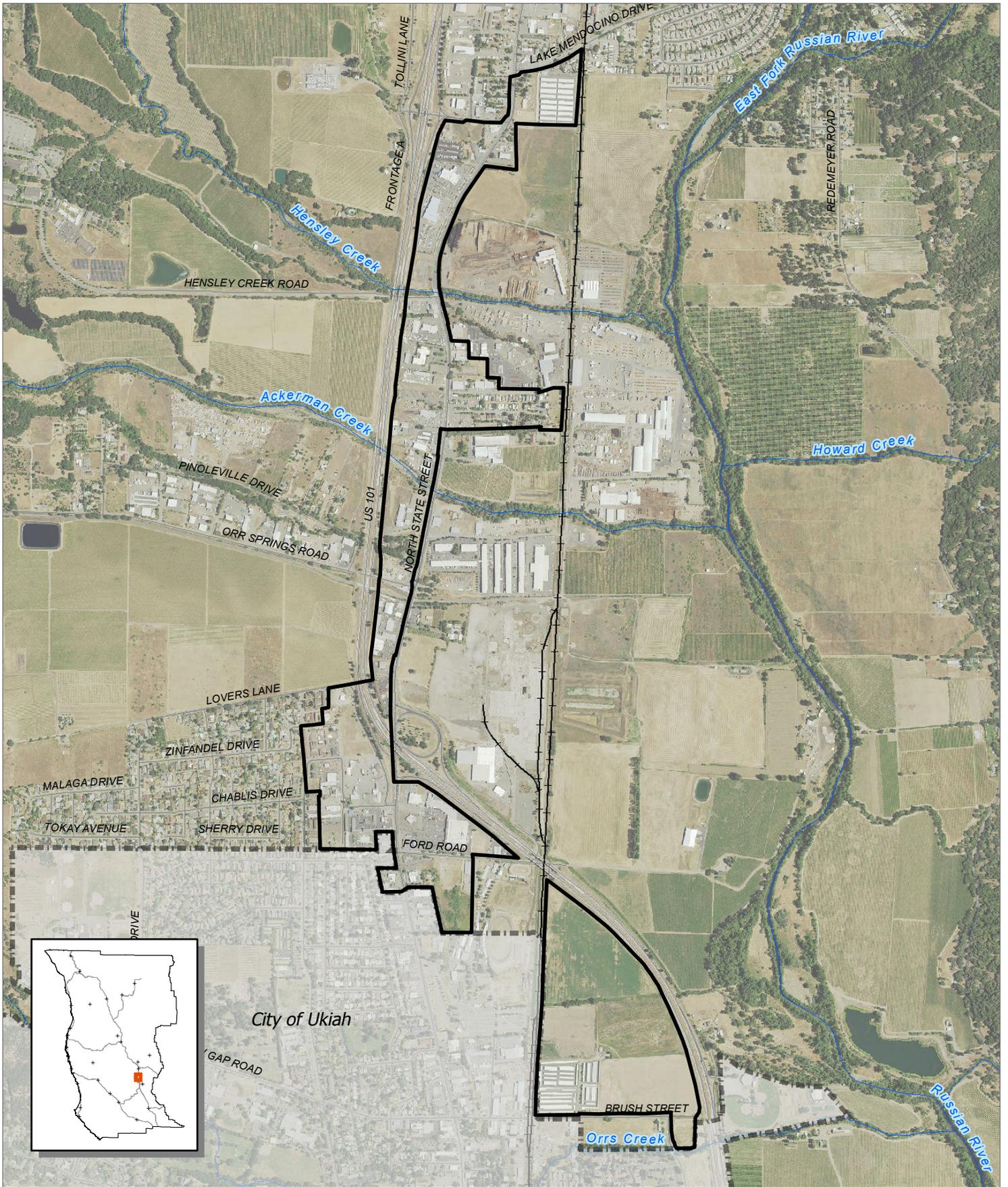
*APPROVED AS TO FORM:*  
KATHARINE L. ELLIOTT, Acting County Counsel

BY: CARMEL J. ANGELO  
Clerk of the Board

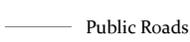
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Deputy

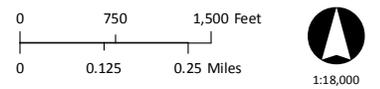
\_\_\_\_\_  
Deputy

EXHIBIT A



Coordinate System: NAD 83, Calif. State Plane Zone 11  
 Projection: Lambert Conformal Conic  
 Parcel Data: Mendocino County Info. Svcs., October, 2014  
 Aerial Imagery: US Dept. of Agriculture, NAIP series, unless otherwise indicated  
 Topographic Data: USGS 7.5 minute quad series  
 Flood Data: FEMA FIRM Maps, June 2011  
 AP & Situs numbers subject to change or correction at any time.

-  Allowed Areas
-  Incorporated City Limits
-  Named Rivers
-  Public Roads
-  Railroads



AREAS EXEMPT FROM FORMULA BUSINESS MORATORIUM

Map produced by the Mendocino County Planning & Building Services, September, 2015  
 All spatial data is approximate. Map provided without warranty of any kind.

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.**



## MENDOCINO COUNTY BOARD OF SUPERVISORS – WORKSHOP AGENDA

BOARD WORKSHOP  
NOVEMBER 3, 2015 – 3:00 P.M.

### JOINT MEETING OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AND LIBRARY ADVISORY BOARD

**MENDOCINO COUNTY MUSEUM • 400 E COMMERCIAL ST. • WILLITS, CALIFORNIA**

THE MENDOCINO COUNTY BOARD OF SUPERVISORS MEETS CONCURRENTLY AS THE BOARD OF DIRECTORS OF THE: MENDOCINO COUNTY AIR QUALITY MANAGEMENT DISTRICT, MENDOCINO COUNTY PUBLIC FACILITIES CORPORATION, MENDOCINO COUNTY WATER AGENCY, AND THE IHSS PUBLIC AUTHORITY GOVERNING BOARD

### ORDER OF AGENDA

*ALL ITEMS ARE PRESENTED FOR DISCUSSION AND POSSIBLE ACTION*

1. **WELCOMING REMARKS BY BOARD OF SUPERVISORS CHAIR & LIBRARY ADVISORY BOARD CHAIR**
2. **UPDATING THE LIBRARY LOGO AND MOTTO**
3. **BOARD OF SUPERVISORS RESPONSE TO THE GRAND JURY LIBRARY REPORT**
4. **THE LAYTONVILLE LIBRARY STATION UPDATE**
5. **BOOKMOBILE EQUIPMENT UPGRADES**
6. **NEXT WORKSHOP**
7. **PUBLIC EXPRESSION AND CLOSING REMARKS**
  - Public Expression
  - Closing Remarks by Board of Supervisors Chair

#### **PUBLIC EXPRESSION: (PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA)**

The Board welcomes participation in the Board meetings. Comments shall be limited so that everyone may be heard. This item is limited to matters under the jurisdiction of the Board which are not on the posted agenda and items which have not already been considered by the Board. 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. No action will be taken.



MENDOCINO  
COUNTY  
LIBRARY

Create ♦ Learn ♦ Explore

# Response to Grand Jury Report

Report Title: **THE LIBRARY**

Report Date: May 27, 2015

Response by: Mendocino County Board of Supervisors

## Findings

I (we) agree with the findings numbered: 1, 2, 3, 4, 5, 6, 13, 14

I (we) disagree wholly or partially with the findings numbered: 7, 8, 9, 10, 11, 12

*Please see the attached statement specifying the findings or portions of the findings that are disputed including an explanation of the reasons therefore.*

## Recommendations

Recommendations numbered 1, 2, 3, 5 have been implemented.

*Please see the attached statement describing the implementation actions.*

Recommendations numbered 4 has not yet been implemented, but will be implemented in the future.

*Please see the attached statement with the schedule for implementation.*

Recommendations numbered 6, 7, 8 will not be implemented because they are not warranted or are not reasonable.

*Please see the attached statement with an explanation of the reasons why the above recommendations will not be implemented.*

Signature: \_\_\_\_\_

Carre Brown, Chair, Mendocino County Board of Supervisors

Date: 10-20-15

Number of pages attached: 7

# MENDOCINO COUNTY BOARD OF SUPERVISORS' RESPONSE

## TO GRAND JURY REPORT TITLED:

### LIBRARY

#### INTRODUCTION

The Mendocino County Board of Supervisors welcomes this opportunity to respond to the most recent Grand Jury report concerning the Library. For the second year in a row the Grand Jury has reviewed certain aspects of Library administration and funding. The current report focuses on three main areas of concern: A-87 Cost Plan charges; whether or not the Library is a Special District; and whether or not the Librarian's salary should be paid from the County General Fund instead of the Library fund.

The Board of Supervisors appointed an ad hoc committee to meet with county staff and other interested parties in an effort to resolve these issues and restore public confidence that library funds are being used for library purposes. In addition to responding to the Grand Jury Findings and Recommendations, the Board of Supervisors offers the following general comments and recommendations for future actions on the three main areas of concern identified by the Grand Jury.

#### A-87 COST PLAN CHARGES

The Board of Supervisors agrees that A-87 Cost Plan charges for buildings and equipment use have been incorrectly calculated. The Board of Supervisors agrees that building and equipment use charges should not apply to costs that were paid for with donations, grants or insurance proceeds. Equipment use charges should also not apply to equipment that is no longer in service or for which the cost has been fully reimbursed. The Board of Supervisors is committed to updating, verifying, and correcting A-87 charges and crediting the Library for all incorrect charges.

The Federal Office of Management and Budget publishes Circular A-87 which is used to establish allowable costs incurred by state and local governments that administer federal grants. The State Controller issues a Handbook of Cost Plan Procedures for California Counties to insure the consistent application of cost plan principles. Every California county is required to submit an A-87 Cost Plan to the State Controller for approval. An approved cost plan also allows state and local departments and agencies to bill individuals, other agencies, and departments for the cost of providing services.

A-87 cost plans are applied on a fiscal year basis and must be submitted to the State Controller's Office by December 31 of each year. In Mendocino County the practice has been that the General Services Administration sends a fixed asset certification letter to each department (including the Library) requiring that the department submit an updated listing of their current fixed assets. The fixed asset list is then sent to the Assessor/Clerk/Recorder's Office to be certified. The certified fixed asset list is then updated in the Munis finance system. The Auditor/Controller then prints a copy of the certified fixed asset list to calculate each department's equipment use charge for the cost plan. The A-87 cost plan charges are then included in each department's budget.

The Board of Supervisors believes that the incorrect application of A-87 charges to donations, grants and insurance proceeds, and to equipment that was paid off or was no longer in service was not intentional but resulted from incomplete reporting, tracking and accounting among departments.

The Board of Supervisors wishes to commend Auditor/Controller Lloyd Weer for his commitment to conducting a comprehensive review of past A-87 cost plan charges and to verifying the accuracy of any charges going forward. Thus far, it has been verified that the Library was incorrectly charged for A-87 fees on \$257,638 in insurance proceeds paid to the County following the 1987 arson fire that destroyed the Fort Bragg Library. The Library was also incorrectly charged for A-87 fees on \$472,150 generously donated by Fort Bragg Friends of the Library to assist in modernizing the Fort Bragg Library. A charge, set by formula, was incorrectly applied to the above insurance proceeds and donations. The Auditor/Controller, Executive Office, and Board of Supervisors are in agreement that the library fund must be reimbursed in an equal amount for all previous incorrect charges.

Research continues regarding an additional \$295,130 in insurance proceeds for the library in Fort Bragg, but preliminary indications are that these funds were paid from the County's self-insurance fund and not an outside source. Research also continues regarding \$407,500 in state grant funds that may have been used to assist in funding construction of the Willits Library. Verification of grant funding for the library in Willits will also result in a credit to the Library. Auditor/Controller Weer has also verified that all the items on the Library fixed asset list used to develop the current A-87 cost plan are no longer subject to equipment use charges, either because they have been fully paid for or because they are no longer in use. This will result in an additional credit to the library.

*The Board of Supervisors recommends that the Auditor/Controller and Executive Office work collaboratively to insure that appropriate methods of reporting, tracking, and accounting are developed to insure the accuracy of A-87 cost plan charges for buildings and equipment use.*

*The Board of Supervisors recommends that within sixty days the Auditor/Controller, Executive Office, and Board of Supervisors complete the verification of previous A-87 charges; determine the total credit due the Library for previous incorrect charges; and recommend an appropriate method and timeframe for reimbursement of the Library.*

### IS THE LIBRARY A SPECIAL DISTRICT?

The County maintains that the Library is not a special district, but has been treated as such for revenue and taxation purposes. The Grand Jury maintains that the Library is a dependent special district which is entitled to a pro rata share of property tax but the Grand Jury has not articulated what difference this would make for the Library.

As a dependent special district, the Library would continue to be governed by the Board of Supervisors. Provided the Library receives the same amount of property tax revenue (transferred from the County) that it would receive if it were a dependent special district, the difference between being "a special district" or being "considered a special district" is not clear.

State Revenue and Taxation Code (Chapter 6, Article 1, Section 95, (m)) provides: "...a county free library...for which a property tax was levied in the 1977-78 fiscal year, shall be considered a special district." The Board of Supervisors has verified that a tax rate of .12 cents per \$100.00 in assessed valuation was levied on behalf of the County Library in Fiscal Year 1977-78 and therefore the Library shall be *considered* a special district.

Pages i. – v. from the 1977-78 budget are included as an attachment. The Mendocino County Library is listed on page ii. as a County department. The Library is not listed on page iii. as a district governed through the Board of Supervisors (dependent special districts). Nor is the Library listed on page iv. as a district governed through local boards (special districts). Page v. lists the Library under service and miscellaneous, but with a specific tax rate.

Beginning in 1978-79 the County no longer adopted a separate tax rate for the Library, but transferred a portion of County property tax to the Library Fund. In 1992 County officials, including the County Librarian, agreed that the Library was entitled to a pro rata share of the property tax. The memorandum that memorializes that agreement expresses the pro rata share as a fixed dollar amount, not a percentage. It ought to be a matter of simple mathematics to translate the fixed dollar amount into a percentage. In any case, the portion of property tax transferred to the library has adjusted every year based on changes in the assessed valuation. In this regard, it seems clear that the Library does receive the dollar equivalent of a pro rata share of property tax.

The Board of Supervisors understands that the Local Agency Formation Commission (LAFCO), which maintains records on all special districts in the county, has no record of the County Library ever being recognized or organized as a special district.

*The Board of Supervisors recommends that County officials seek to determine the practical difference to the Library, if any, between being designated a dependent special district or being "considered a special district" for revenue and taxation purposes.*

*The Board of Supervisors recommends that County officials seek to determine the agreed upon equivalent pro rata share of property tax due the Library, expressed as a percentage, that was agreed upon in 1992.*

#### **FROM WHICH FUND SHOULD THE LIBRARIAN BE PAID?**

Education Code Section 19147 states that the Librarian shall be paid from the *same fund* as other county officers. The Grand Jury interprets "same fund" to mean the County General Fund. The only problem with this interpretation is that not all county officers are paid from the County General Fund. The Mendocino County Superintendent of Schools, an elected official, is defined by law as a county officer, but is paid by the Mendocino County Office of Education, an agency that is administratively and financially independent from the County.

The Board of Supervisors believes that the above referenced Education Code Section is ambiguous and open to interpretation. If the legislature had intended that the librarian's salary be paid from the County General Fund, they could easily have said so.

Preliminary investigation was unable to identify any legislative history or intent for this code section which is believed to be very old. The issue of what fund should the librarian be paid from was first raised by the Grand Jury in its 2013-14 report. Based on a partial survey of other county library systems, paying the librarian from the library fund appears to be common practice.

The Board of Supervisors believes the practice of paying the librarian from the library fund is reasonable since the Library has two dedicated sources of income – a pro rata share of property tax and Measure A sales tax. The Board of Supervisors also believes that the law should be clarified and complied with.

*The Board of Supervisors recommends that clarification of the Education Code as it pertains to payment of the County Librarians salary be included in the 2016 Legislative Platform and that the County seek a speedy resolution of this issue in the State Legislature.*

#### **RESPONSE TO SPECIFIC FINDINGS AND RECOMMENDATIONS:**

##### **FINDINGS:**

**F1 – The County is not required by any law or regulation to charge the Library A-87 costs. The decision to charge A-87 costs is solely within the authority of the Board of Supervisors. The County Auditor develops and supplies to the County Executive Office the A-87 State Cost Plan. The CEO prepares and recommends the budget to the Board of Supervisors.**

Agree with explanation. The Grand Jury has not accurately described the County budget preparation process, but budget adoption, including application of A-87 costs to specific departments, including the County Library, is within the purview of the Board of Supervisors.

**F2 – The application of the State Cost Plan to the County budget is the decision of the Board of Supervisors. The staff preparing the budget for the Supervisors' consideration, and the Board of Supervisors itself, has an obligation to fully understand the difference between direct billing and the purpose and applicability of A-87 costs when charged to the Library budget.**

Agree with explanation. The Board of Supervisors is not aware of there being any issue with understanding the difference between direct billing and the purpose and applicability of A-87 costs. There was a breakdown in properly reporting and tracking allowable building and equipment use charges.

**F3 – The County charges the Library for A-87 use costs for buildings and building improvements even if the County did not spend a dime of the County General Fund. These are charges the Grand Jury finds are inappropriate and unacceptable.**

Agree with explanation. Consistent with state law, it is the policy of the Mendocino County Board of Supervisors to charge the County Library (and other departments subject to A-87 costs) only the amount

needed to reimburse the County for actual costs incurred by the County. None of the several departments involved in compiling and maintaining the County's list of fixed assets took responsibility for insuring the accuracy of the list, including properly tracking those assets funded in whole or in part by donations, grants, or insurance proceeds. The Auditor-Controller has made a commitment to review all A-87 building and equipment use charges applied to the Library and to credit the library for any necessary adjustments. The Board of Supervisors fully supports updating, verifying and correcting the A-87 cost plan charges; identifying and crediting the library for any previous incorrect charges; and developing a system to insure the accuracy of any future charges

**F4 – The donations from the public for the Fort Bragg library building and the Federal grant for the Willits Library are used by the County as a basis for computing A-87 costs. The Grand Jury specifically finds these charges as inappropriate and unacceptable.**

Agree with explanation. The incorrect application of A-87 charges to donations and grant funds was not intentional, but resulted from incomplete reporting, tracking, and accounting among departments. The Board of Supervisors will work with the Auditor-Controller and the Executive Office to insure the accuracy of future A-87 charges and to credit the library for past incorrect charges.

**F5 – Inappropriate and unacceptable A-87 charges for equipment and buildings divert the Library's dedicated funds to the General Fund, reducing the amount the Library has to spend for services to the public.**

Agree with explanation. The incorrect application of A-87 charges for equipment use and building cost was not intentional, but resulted from incomplete reporting, tracking, and accounting among departments. This situation is being corrected and the Board of Supervisors will assure that the County Library be credited in full for all previous incorrect charges.

**F6 – The Grand Jury concludes from the County Auditor's answers to interview questions and the Grand Jury report from 2013-14, that as far as the acquisitions prior to 1996 are concerned, the County has been and is still collecting A-87 charges for equipment used that are not permitted per the A-87 Handbook.**

Agree with explanation. The incorrect application of A-87 charges to specific equipment in use for fifteen years or longer was not intentional, but resulted from incomplete reporting, tracking, and accounting among County departments. This situation has been corrected and the Board of Supervisors will assure that the County Library will be credited in full for all previous incorrect charges.

**F7 – The A-87 charges for fixed and other assets not paid for by the General Fund should be waived. Doing otherwise constitutes a tax levied on all grants, donations, and the Library's dedicated funds until the County General Fund receives the full amount of all external sources of money. The essential characteristics of a tax are defined by Black's Law Dictionary as:**

**“A charge, usually Monetary, imposed by the government on persons, entities, transactions, or property to yield public revenue.”**

**The statutory authority of the Board of Supervisors over the Library is “general supervision”; it does not include the power to tax without voter approval.**

Disagree. Charges that were incorrectly assessed for buildings and equipment that were not funded by the General Fund should not be “waived” but should be corrected. The Board of Supervisors will assure that any past overcharges will be credited back to the County Library. Additionally, A-87 is not a tax, but a state approved process for recovery of costs paid by the County General Fund.

**F8 – The State Legislature has passed laws providing that the County Free Libraries are special districts. The State Librarian has consistently maintained that the County Free Libraries are special districts. The Grand Jury finds that the Mendocino County Free Library is a dependent special district.**

Disagree in part. State Revenue and Taxation Code states “a county free library ...for which a property tax was levied in the 1977-78 fiscal year, shall be considered a special district.” The Board of Supervisors has verified that a property tax was levied for the County Library in the 1977-78 fiscal year; therefore, the County Library “shall be considered a special district.” The County Library continues to receive the equivalent of a pro rata share of property tax as a transfer from the County General Fund and therefore has been treated the same as if it were a special district for revenue and taxation purposes.

**F9 – By law, the Mendocino County Free Library, a Special District, is entitled to a pro-rata share of the property taxes.**

Disagree in part. Prior to the enactment of Proposition 13, the Board of Supervisors annually levied a property tax to support the County Library. The tax rate to support the library was traditionally set at .12 cents per \$100. of assessed valuation, but could have been increased or decreased subject to approval by the Board of Supervisors. Following the enactment of Proposition 13 a separate tax rate was no longer adopted for the County Library and the County property tax was generally limited to 1% of the assessed valuation. Instead of levying a separate property tax for the Library, the Board of Supervisors transferred a portion of the County property tax to support the Library. In 1992 County officials, including the Librarian agreed to allocate a specific dollar amount that was determined to be the equivalent of a pro rata share of the property tax. Since 1992, that amount has been adjusted based on changes in the assessed valuation. Therefore, the Library is supported by the equivalent of a pro rata share of the property tax.

**F10 – Absent adequate explanation of the position taken by some County Officials that the Library is not a special district; the Grand Jury does not see a valid reason for the current Board of Supervisors supporting this position.**

Disagree. The Board of Supervisors agrees that the County Library “shall be considered a special district” for purposes of revenue and taxation and annually transfers the equivalent of a pro rata share of property tax revenue to the Library. The Board of Supervisors does not believe that the Library has ever been designated or organized as a special district.

**F11 – The County Officials’ interpretation of the California Education Code § 19147, accomplished by changing the statutory language, has resulted in paying the County Librarian from the Library’s dedicated funds that than the General Fund. Further, County Officials also ignore the companion § 19148.**

Disagree. The state code sections cited are ambiguous and open to interpretation. All county officers are not paid from the County General Fund. The Mendocino County Superintendent of Schools is a county officer as defined by state code but is paid by the Mendocino County Office of Education which is administratively and financially independent from the County of Mendocino. Had the legislature intended that the County Librarian be paid from the County General Fund, they could easily have said so.

**F12 – Paying the County Librarian from the Library funds improperly limits the money available for the Library and is contrary to statutory interpretation principles.**

Disagree. As stated in the response to F11, if the legislature intended that the County Librarian be paid from the County General Fund, they could easily have said so.

**F13 – Measure A sales taxes are being appropriately used to update the library collections, services, providing new programs, and hiring needed staff.**

Agree. Measure A has resulted in greatly expanded hours of operation, increased staffing, and has allowed the Library to update and expand its collections and provide new and expanded services and programs to library patrons of all ages and varied interests.

**F14 – Some responses to Findings and Recommendations of the Grand Jury 2013-14 report do not conform to the standards in the Penal Code § 933.05. By conforming to the standards of the Penal Code, public officials would actually inform the public as to the issues at hand.**

Agree with explanation. All responses by the Board of Supervisors to the 2013-2014 Grand Jury report complied with the requirements of Penal Code §933.05 with the exception of one response which inadvertently did not state a reason for not implementing a specific recommendation.

**RECOMMENDATIONS:**

**R1 – All respondents conform to Penal Code § 933.05. (F14)**

This recommendation reflects established practice and has been implemented.

**R2 – The Board of Supervisors and all staff responsible for budget planning and implementation be trained in the difference between direct billing and A-87 costs, including the difference between overhead and use costs, for the Library. (F2)**

This recommendation reflects established practice and has been implemented. Problems arose due to incomplete reporting, tracking and accounting among departments.

**R3 – The Board of Supervisors with the CEO remove all A-87 charges for equipment from the Library Budget. (F1, F5, F6, F7)**

This recommendation has been implemented in the sense that all charges for equipment on the current list are being removed, but appropriate A-87 charges, as determined by the Auditor/Controller, for equipment purchased more recently will be included. All A-87 charges for equipment continue to be reviewed and the Library will be credited for any incorrect charges.

**R4 – A-87 costs for building use be based only on those amounts that are documented as actually paid from the County General Fund. (F1, F3, F4, F5, F7)**

This recommendation will be implemented with adoption of the updated A-87 cost plan by the Auditor/Controller and the Board of Supervisors will assure that all A-87 charges included in the County budget are properly documented.

**R5 – The Board of Supervisors, the County Auditor, and the CEO recognize that insurance proceeds, grants, and donations are not General Fund monies for the purposes of A-87 costs charged to the Library. (F1, F2, F3, F4, F5, F7)**

This recommendation has been implemented. The Board of Supervisors, Auditor/Controller, and Chief Executive Officer are in agreement, and will assure, that insurance proceeds, grants and donations will not be used to determine A-87 building and equipment use charges and that the Library will be credited for previous incorrect charges.

**R6 – The Board of Supervisors with the County Auditor establish a specific tax rate for the Library as a dependent Special District. (F8, F9, F10)**

This recommendation will not be implemented as it is not warranted. The library is not a dependent special district, but pursuant to the Revenue and Taxation Code, is treated as if it were a special district for revenue and taxation purposes.

**R7 – The Board of Supervisors with the County Auditor revise the procedures to require the budget to show the Library revenues as a pro-rata share of the property tax. (F8, F9, F10)**

This recommendation will not be implemented as it is not warranted. The Library receives the equivalent of a pro rata share of property tax via a transfer from the County General Fund. The Mendocino County Board of Supervisors hereby incorporates the Auditor/Controller's response (included below) to this Recommendation.

*This recommendation will not be implemented because it is not warranted or is not reasonable. The County's accounting procedures are performed in accordance with U.S. Generally Accepted Accounting Principles (GAAP). Since the Library receives their pro-rata share of property tax revenue through an operating transfer from the General Fund, the budget book must show it in line item "827802 Operating Transfer In". It is clearly identified in the Library's budget narrative and is the only amount that appears in this line item.*

**R8 – The Board of Supervisors pay the Librarian's salary from the General Fund. (F11, F12)**

This recommendation will not be implemented because it is not warranted. The Board of Supervisors hereby incorporates by reference our response to Finding #11. The Board of Supervisors believes that an appropriate resolution of this issue is to seek clarification from the state legislature.

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

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.

COUNTY OF MENDOCINO  
BOARD OF SUPERVISORS

2015 OCT 14 AM 10 05

MAIL COMPLETED FORM TO:

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

EXECUTIVE OFFICE

PER \_\_\_\_\_

Date Received by BOS \_\_\_\_\_ CALIFORNIA

1. Claimant's Name: Larry Richmond Daytime Phone: (\_\_\_\_) \_\_\_\_\_
2. Claimant's Mailing Address: \_\_\_\_\_
3. Home Phone: (\_\_\_\_) \_\_\_\_\_ Date of Loss: \_\_\_\_\_ Time of Loss: unk.
4. Location of Loss (Specify in as much detail as possible, example: corner of State and Perkins):  
331 Sanel Drive, Ukiah, CA ; Redwood Credit Union at 195 S. Orchard Street, Ukiah, CA;  
Savings Bank at 200 N. School St. Ukiah, CA
5. Description of incident/accident which caused you to make this claim: See attached.
6. What specific injury, damages or other losses did you incur? See attached.
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: \$ approx. \$277,096.50 (plus  
Please attach any and all itemized bills, repair estimates, receipts, etc. \$7500 attorneys fees  
and \$900 in costs)
8. What are the name(s) of the County employee(s) whom you allege caused your injury, damage or loss, if known? Agents from the MMCTF, including Agents Clark and Wells. The rest of the agents are  
unknown at this time. Also, Joshua Rosenfeld from the Mendocino County DA's Office.
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.

ANE GASKELL, Attorney for Claimant, Larry Richmond  
Claimant Printed Name Claimant Signature

10-13-15  
Date Signed

PLEASE SEE REVERSE SIDE FOR WARNING.

C: CoCo, Risk w/ attachments 10-14-15

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

COUNTY OF MENDOCINO  
BOARD OF SUPERVISORS

2015 OCT 13 AM 9 43

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.

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: Victoria Dalbec Daytime Phone: (see), attached
2. Claimant's Mailing Address: see attached
3. Home Phone: (see) attached Date of Loss: see attached Time of Loss: see attached
4. Location of Loss (Specify in as much detail as possible, example: corner of State and Perkins):  
see attached
5. Description of incident/accident which caused you to make this claim: see attached
6. What specific injury, damages or other losses did you incur? see attached
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: \$ see attached  
 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 attached
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.

Brandon Yee <sup>Clerk of</sup> <sub>retains low</sub> <sub>office</sub> [Signature] 10-9-2015  
 Claimant Printed Name Claimant Signature Date Signed

PLEASE SEE REVERSE SIDE FOR WARNING.

C: 10-13-15 Co Co, Risk 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):

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- \* 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 OCT 13 AM 9 43

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: Jason Jay Havranek Daytime Phone: (see) attached
2. Claimant's Mailing Address: see attached
3. Home Phone: (see) attached Date of Loss: see attached Time of Loss: see attached
4. Location of Loss (Specify in as much detail as possible, example: corner of State and Perkins):  
see attached
5. Description of incident/accident which caused you to make this claim: see attached
6. What specific injury, damages or other losses did you incur? see attached
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: \$ see attached  
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 attached
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.

Brandon Yee  
Clerk of  
retained law  
office.  
\_\_\_\_\_  
Claimant Printed Name

[Signature]  
\_\_\_\_\_  
Claimant Signature

10-09-2015  
\_\_\_\_\_  
Date Signed

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

COUNTY OF MENDOCINO  
BOARD OF SUPERVISORS

INSTRUCTIONS (Please read carefully):

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- \* 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 OCT 13 AM 9 43  
EXECUTIVE OFFICE  
UNION, 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: Joelle Burgess Daytime Phone: (see) attached
2. Claimant's Mailing Address: see attached
3. Home Phone: (see) attached Date of Loss: see attached Time of Loss: see attached
4. Location of Loss (Specify in as much detail as possible, example: corner of State and Perkins):  
see attached
5. Description of incident/accident which caused you to make this claim: see attached
6. What specific injury, damages or other losses did you incur? see attached
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: \$ see attached  
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 attached
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.

Brandon Yee <sup>clerk of</sup> <sub>retired at</sub> low  
Claimant Printed Name

[Signature]  
Claimant Signature

10-09-2015  
Date Signed

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

COUNTY OF MENDOCINO  
BOARD OF SUPERVISORS

2015 OCT 13 AM 9 43

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.
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- \* Legal advice concerning your claim should be obtained from your own lawyer.

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: Kara Marzan Daytime Phone: (see) attached
2. Claimant's Mailing Address: see attached
3. Home Phone: (see) attached Date of Loss: see attached Time of Loss: see attached
4. Location of Loss (Specify in as much detail as possible, example: corner of State and Perkins):  
see attached
5. Description of incident/accident which caused you to make this claim: see attached
6. What specific injury, damages or other losses did you incur? see attached
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: \$ see attached  
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 attached
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.

Brandon Yee <sup>clerk of</sup> <sub>retiree</sub> <sup>office</sup> <sub>low</sub>

  
Claimant Signature

10-09-2015  
Date Signed

PLEASE SEE REVERSE SIDE FOR WARNING.



**MENDOCINO COUNTY BOARD OF SUPERVISORS  
ACTION MINUTES – SEPTEMBER 22, 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 – 9:02 A.M.)**

**Present:** Supervisors Carre Brown, John McCowen, 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 Ms. Karla McClure, Deputy Clerk of the Board.

**Pledge of Allegiance:** Ms. Betty Hook.

Chair Brown announced the following modification to the Agenda:

8(a) Regular Agenda - Discussion and Possible Adoption of a Resolution Approving a Sideletter of Agreement Between the County of Mendocino and All Mendocino County Employee Bargaining Units for the Term of September 22, 2015, through June 30, 2016, Which Allows Emergency Leave Donations to the Catastrophic Leave Bank and Emergency Vacation Cash Out to Employees who are Victims of the Valley Fire, and to Temporarily Increase the Flexible Time Off Accrual Limit for Exempt Employees Who are Providing Mutual Aid as a Result of the Valley Fire, Subject to Agreement from the Bargaining Units (Sponsors: Human Resources and Executive Office)

8(b) Regular Agenda - Discussion and Possible Alteration of Ordinance Amendment No. OA 2014-0005 Replacing Chapter 22.08 (Resource Preserves) and Concurrent Resolution Updating Policies and Procedures for the Establishment and Management of Agricultural Preserves and Williamson Act Contracts (Sponsors: Planning and Building Services and County Counsel)

**AGENDA ITEM NO. 2A ADOPTION OF PROCLAMATION RECOGNIZING SEPTEMBER 21-27, 2015, AS POLLUTION PREVENTION WEEK AND SEPTEMBER 19-27, 2015, AS CREEK WEEK IN MENDOCINO COUNTY — SPONSOR: MENDOCINO COUNTY WATER AGENCY**

**Presenter/s:** Supervisor Gjerde; Chair Brown; and Ms. Sarah Dukett, Administrative Analyst, Executive Office.

**Public Comment:** Ms. Deborah Edelman, Mendocino County Resource Conservation District.

**Board Action:** Approved without objection.

**AGENDA ITEM NO. 3 – PUBLIC EXPRESSION**

**Presenter/s:** Ms. Tami Bartolomei, Program Manager, Office of Emergency Services; and Ms. Stacey Cryer, Director; Health and Human Services Agency.

**Board Action:** No action taken.

**AGENDA ITEM NO. 4 – CONSENT CALENDAR**

**Presenter/s:** Chair Brown.

**Board Directive:** Consent Calendar item 4(f) removed for separate consideration.

**Public Comment:** None. **Board Action:** Upon motion by Supervisor McCowen, seconded by Supervisor Gjerde, and carried unanimously; IT IS ORDERED that Consent Calendar items 4(a-e, g-s) are approved/rejected as follows:

- (a) Claim of Erika Esther E. Lahtelaz – Rejected;
- (b) Claim of Joyce Kobetz – Rejected;
- (c) Approval of the County's 2015-16 Tax Rates for Secured Property Tax Rolls – Approved;
- (d) Adoption of Resolution Approving the Mendocino County Final Budget for Fiscal Year 2015-16 in Accordance with the Auditor's Summary Tabulation Sheet – Auditor-Controller – Adopted and Chair is authorized to sign same –

RESOLUTION NO. 15-142

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2015/2016

- (e) Authorization for the Destruction of Certain Records within the Clerk of the Board Office, Pursuant to Government Code Section 26202 – Executive Office – Approved;
- (g) (BOS Agreement No. 15-095) Approval of Agreement with Family Resource Center (FRC) Network of Mendocino County in the Amount of \$160,589 for Fiscal Year 2015-16 to Provide Programs for Child Abuse Prevention and Intervention – Health and Human Services Agency - Approved and Chair is authorized to sign same;
- (h) (BOS Agreement No. 15-096) Approval of Agreement with Redwood Community Services, Inc. (RCS) in the Amount of \$1,126,309 to Provide Emergency Shelter Services for Children Placed by Health and Human Services Agency (HHSA) Family and Children's Services (FCS) in Fiscal Year 2015-16 – Health and Human Services Agency - Approved and Chair is authorized to sign same;
- (i) (BOS Agreement No. 15-097) Approval of Agreement with Ford Street Project in the Amount of \$145,275 to Provide for the Provision of the Food Bank, Community Resource Services, and Homeless Shelter Services in Ukiah for Fiscal Year 2015-16 – Health and Human Services Agency – Approved and Chair is authorized to sign same;
- (j) (BOS Agreement No. 15-098) Approval of Revenue Agreement No. 15-10071 with the State of California, Department of Public Health, Women, Infants and Children (WIC) Program Division in the Amount of \$3,812,782 to Provide Nutrition Education for WIC for Federal Fiscal Years (FFY) 2015-19; and Adoption of Resolution Authorizing the Health and Human Services Agency (HHSA) Director to Sign Agreement on Behalf of Mendocino County; and Further, Provide Assurance of Review and Approval of Revenue Agreement – Health and Human Services Agency – Approved and Chair is authorized to sign same – Adopted and Chair is authorized to sign same –

RESOLUTION NO. 15-143

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO AUTHORIZE THE DIRECTOR OF MENDOCINO COUNTY'S HEALTH AND HUMAN SERVICES AGENCY TO SIGN AS AN AGENT ON BEHALF OF THE COUNTY OF MENDOCINO FOR THE STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC HEALTH, WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM DIVISION CONTRACT #15-10071 FOR FISCAL YEARS 2015-2019

(k) Adoption of Resolution Authorizing Changes to and Adoption of Master Position Allocation Table for Fiscal Year 2015 16 – Human Resources – Adopted and Chair is authorized to sign same –

RESOLUTION NO. 15-144

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

- (l) Acceptance of Informational Report Regarding Emergency Coastal Development Permit EM No. 2015-0001 Issuance for Caltrans – Planning and Building Services – Approved;
- (m) (BOS Agreement No. 15-099) Approval of Agreement with Sofffile, Inc. in the Amount of \$100,000 to Provide Digital Archiving and File Indexing Services for Planning and Building Services – Planning and Building Services – Approved and Chair is authorized to sign same;
- (n) Approval of Private Road Name Petition RN 2015-0003 (Road 18) Finding it to be in Conformance with Mendocino County Code 18.16.070 (Little River) – Planning and Building Services – Approved;
- (o) (BOS Agreement No. 15-100) Approval of Agreement with Northern California Construction Training, Inc. (NCCT) in the Amount of \$175,909.15 to Provide a Construction Technology Program for the Period of October 1, 2015, through September 30, 2016 – Probation – Approved and Chair is authorized to sign same;
- (p) Approval to Purchase Two Servers in the Amount of \$12,672.47 for the Replacement of the Existing IBM AS400, Adding the Equipment to the County List of Approved Fixed Assets; and Authorization of the Necessary Budget Transfer Form – Sheriff-Coroner – Approved;
- (q) (BOS Agreement No. 11-047 A1) Approval of Amendment to Agreement No. 11-047 with Legacy Inmate Communications to Extend the Termination Date Through November 4, 2019, for Phone Services for Inmates Housed in the Mendocino County Jail and Wards of the Juvenile Hall - Sheriff-Coroner – Approved and Chair is authorized to sign same;
- (r) Adoption of Resolution Authorizing the Mendocino County Sheriff's Office to Submit a Proposal for Funding through the Adult Local Criminal Justice Facilities Construction Financing Program (Senate Bill 863), to the Board of State and Community Corrections (BSCC), for Specialty Housing and Expanded Program, Training, and Healthcare Space at the County Jail - Sheriff – Coroner – Adopted and Chair is authorized to sign same –

RESOLUTION NO. 15-146

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING AN APPLICATION FOR FUNDING UNDER SB 863 TO SUPPORT CONSTRUCTION OF A JAIL PROJECT FOR ADDITIONAL SPECIALTY HOUSING AND EXPANDED PROGRAM, TRAINING, AND HEALTHCARE SPACE

- (s) (BOS Agreement Nos. 15-101, 15-102, 15-103, and 15-104) Adoption of Resolution Approving Department of Transportation (DOT) Agreements (for a Total Amount of \$61,825) 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) – Transportation – Adopted and Chair is authorized to sign same –

RESOLUTION NO. 15-145

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING DEPARTMENT OF TRANSPORTATION (DOT) AGREEMENTS (FOR A TOTAL AMOUNT OF \$61,825.00) 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)

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

- 4(f) Appointment of Board Member Representative and Alternate Representative to the California State Association of Counties (CSAC) Board of Directors for 2016 – Executive Office – Supervisor Carre Brown is appointed as Director and Supervisor Dan Gjerde as Alternate; and staff is authorized to transmit said appointments to CSAC; with Supervisor Woodhouse being elected as alternate to Supervisor Gjerde.

**Presenter/s:** Supervisor Woodhouse.

**Public Comment:** None.

**Board Action:** Foregoing introduced by Supervisor McCowen, seconded by Supervisor Hamburg, and carried unanimously IT IS ORDERED that the Mendocino County Board of Supervisors appoints Supervisor Carre Brown as Director and Supervisor Dan Gjerde as an Alternate; and staff is authorized to transmit said appointments to CSAC; with Supervisor Woodhouse being elected as alternate to Supervisor Gjerde.

~~**AGENDA ITEM NO. 7A – DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION RESCINDING THE MENDOCINO COUNTY STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP) AND AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO ADMINISTER THE MENDOCINO COUNTY LOW IMPACT DEVELOPMENT STANDARDS MANUAL – SPONSOR: MENDOCINO COUNTY WATER AGENCY – ITEM WITHDRAWN PER REQUEST OF DEPARTMENT**~~

**AGENDA ITEM NO. 7B – DISCUSSION AND POSSIBLE ACTION REGARDING THE FORMATION OF AN AD HOC COMMITTEE ON THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA) REQUIREMENTS FOR THE UKIAH VALLEY BASIN – SPONSOR: MENDOCINO COUNTY WATER AGENCY**

**Presenter/s:** Ms. Sarah Dukett, Administrative Analyst, Executive Office.

**Public Comment:** None.

**Board Action:** Upon motion by Supervisor McCowen, seconded by Supervisor Gjerde, and carried unanimously; IT IS ORDERED that the Board of Supervisors forms an ad hoc committee comprised of First District Supervisor Carre Brown and Fifth District Supervisor Dan Hamburg, and directs said ad hoc to review Sustainable Groundwater Management Act (SGMA) requirements for the Ukiah Valley Basin and participate in a SGMA coordinating committee. The ad hoc shall report back to the Board of Supervisors with options for establishing a groundwater sustainability area.

**AGENDA ITEM NO. 6B – DISCUSSION AND POSSIBLE APPROVAL OF LETTER TO THE UTILITY REFORM NETWORK (TURN) REQUESTING THE FILING OF A QUALITY OF SERVICE PETITION WITH THE CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC) ON BEHALF OF MENDOCINO COUNTY RELATED TO RECENT PUBLIC TELECOMMUNICATIONS SWITCHED NETWORK (PSTN) FAILURES – SPONSOR: SUPERVISOR HAMBURG**

**Presenter/s:** Supervisor Hamburg; Ms. Trish Steel, Deputy County Manager, Broadband Alliance of Mendocino County; and Mr. Randy Johnson, Undersheriff, Mendocino County Sheriff's Office.

**Public Comment:** Mr. Greg Blake, Dispatch Supervisor, Mendocino County Sheriff's Office.

**Board Action:** Upon motion by Supervisor Hamburg, seconded by Supervisor Woodhouse, and carried unanimously; IT IS ORDERED that the Board of Supervisors approves letter to The Utility Reform Network (TURN) requesting the filing of a quality of service petition with the California Public Utilities Commission (CPUC) on behalf of Mendocino County related to recent Public Telecommunications Switched Network (PSTN) failures; noting the following changes: correct spelling of Coldwell-Banker; strike the words, "all or most" in the second paragraph, include a sentence that Humboldt County was also effected by the outage; and lastly send a carbon copy to Rural County Representatives of California (RCRC) and California State Association of Counties (CSAC).

**AGENDA ITEM NO. 5D – INTRODUCTION OF JULIA VAN SOELEN KIM, UNIVERSITY OF CALIFORNIA COOPERATIVE EXTENSION NORTH BAY FOOD SYSTEMS ADVISOR, AND PRESENTATION ON SCOPE OF WORK – SPONSOR: FARM ADVISOR**

**Presenter/s:** Mr. Greg Giusti, Lake-Mendocino County Director/Advisor: Forests and Wetland Ecology, University of California Cooperative Extension; and Ms. Julia Van Soelen Kim, North Bay Food Systems Advisor, University of California Cooperative Extension.

**Public Comment:** None.

**Board Action:** No action taken.

**AGENDA ITEM NO. 5E – PRESENTATION AND POSSIBLE ADOPTION OF A RETENTION PAY SCHEDULE FOR MENDOCINO COUNTY JOB CLASSIFICATIONS WHICH HAVE BEEN IDENTIFIED AS HARD TO RETAIN, AND APPROVAL OF RETENTION PAY FOR SOCIAL WORKERS AND NURSES TO BE PAID OUT OVER FOUR PAY PERIODS DURING NOVEMBER AND DECEMBER 2015 – SPONSOR: HUMAN RESOURCES**

**Presenter/s:** Ms. Cherie Johnson, Manager, Human Resources.

**Public Comment:** None.

**Board Action:** Upon motion by Supervisor McCowen, seconded by Supervisor Gjerde, and carried unanimously; IT IS ORDERED that the Board of Supervisors adopts a retention pay schedule for Mendocino County job classifications which have been identified as hard to retain, and approve the retention pay for social workers and nurses.

BOARD RECESS: 10:47 A.M. – 10:59 A.M.

**AGENDA ITEM NO. 8A – DISCUSSION AND POSSIBLE ADOPTION OF A RESOLUTION APPROVING A SIDELETTER OF AGREEMENT BETWEEN THE COUNTY OF MENDOCINO AND ALL MENDOCINO COUNTY EMPLOYEE BARGAINING UNITS FOR THE TERM OF SEPTEMBER 22, 2015, THROUGH JUNE 30, 2016, WHICH ALLOWS EMERGENCY LEAVE DONATIONS TO THE CATASTROPHIC LEAVE BANK AND EMERGENCY VACATION CASH OUT TO EMPLOYEES WHO ARE VICTIMS OF THE VALLEY FIRE, AND TO TEMPORARILY INCREASE THE FLEXIBLE TIME OFF ACCRUAL LIMIT FOR EXEMPT EMPLOYEES WHO ARE PROVIDING MUTUAL AID AS A RESULT OF THE VALLEY FIRE, SUBJECT TO AGREEMENT FROM THE BARGAINING UNITS - SPONSORS: HUMAN RESOURCES AND EXECUTIVE OFFICE**

**Presenter/s:** Mr. Alan D. Flora, Assistant Chief Executive Officer, Executive Office.

**Public Comment:** None.

**Board Action:** Upon motion by Supervisor McCowen, seconded by Supervisor Woodhouse, and carried unanimously; IT IS ORDERED that the Board of Supervisors Adopts resolution approving a Sideletter of Agreement between the County of Mendocino and all the Mendocino County Bargaining Units for the term of September 22, 2015 through June 30, 2016, which allows emergency leave donations to the Catastrophic Leave Bank and emergency vacation cash out to employees who are victims of the Valley Fire, and to temporarily increase the flexible time off accrual limit for exempt employees who are providing mutual aid as a result of the Valley Fire, subject to agreement from the bargaining units, with the following modification: change the term “all bargaining units” to “each bargaining unit”, and clarify that all items in the Agreement are retroactive to September 14, 2015.

RESOLUTION NO. 15-147

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING THE VALLEY FIRE EMERGENCY SIDELETTER OF AGREEMENT

**AGENDA ITEM NO. 5C – DISCUSSION AND POSSIBLE ACTION TO APPROVE THE COMMUNITY BENEFIT FUND APPLICATION AND REVIEW PROCEDURES FOR FY 2015-16 – SPONSOR: EXECUTIVE OFFICE**

**Presenter/s:** Ms. Carmel Angelo, Chief Executive Officer; and Mr. Alan D. Flora, Assistant Chief Executive Officer.

**Public Comment:** None.

**Board Action:** Upon motion by Supervisor Hamburg, seconded by Supervisor Gjerde, and carried unanimously; IT IS ORDERED that the Board of Supervisors approves the Community Benefit Fund Application and review procedures for FY 2015-16, noting the following modifications: clarify that currently a total of \$186,000 is available; limit the maximum amount any one organization may receive to \$45,000; set a deadline of October 16, 2015, for receipt of applications; create a streamlined/simplified application process for applicants requesting \$10,000 or less; limit applicants to those listed in Section 2, Number 14 of draft application, (non-profits, government entities including Fire and Community Service Districts); and add a narrative section to application in which organizations can clarify use of funds, how funding will benefit the community, etc.

**GENERAL CONSENSUS OF THE BOARD:** That Leadership Mendocino and the organizations sponsoring the Ukiah Winter Shelter, which were previously approved by the Board, will need to complete an application prior to funding.

**AGENDA ITEM NO. 5J – PRESENTATION ON THE SHERIFF'S OFFICE NEW EMERGENCY MOBILE ALERT PROGRAM – SPONSORS: SHERIFF-CORONER AND SUPERVISOR WOODHOUSE**

**Presenter/s:** Mr. Tom Allman, Sheriff; and Mr. Greg Blake, Dispatch Supervisor, Mendocino County Sheriff's Office.

**Public Comment:** Ms. Trish Steel.

**Board Action:** No action taken.

LUNCH RECESS 12:10 P.M.

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

**AGENDA ITEM NO. 6C – DISCUSSION AND POSSIBLE ADOPTION OF URGENCY ORDINANCE ESTABLISHING INTERIM RESTRICTIONS ON THE ESTABLISHMENT OF FORMULA BUSINESSES PENDING THE STUDY AND CONSIDERATION OF ZONING AND OTHER LAND USE REGULATIONS PERTAINING TO SUCH BUSINESSES – SPONSORS: SUPERVISORS BROWN AND MCCOWEN**

**Presenter/s:** Chair Brown; Supervisor McCowen; and Mr. Matt Kiedrowski, Deputy County Counsel.

**Public Comment:** Ms. Christine Boyd; Mr. Steve Baird; Ms. Sheilah Rogers; Mr. Tom Schoeneman; Ms. Julie Puffer; Ms. Nancy Jameson; Mr. Eric Boyle; Mr. John Mayfield; Ms. Marybeth Kelly; Ms. Holly Madrigal; Mr. Donald Burgess; Mr. Ted Mayfield; Mr. Dick Selzer; Mr. Alex Chohada; and Mr. Marvin Trotter.

**Board Action:** Upon motion by Supervisor McCowen, seconded by Supervisor Gjerde, and carried unanimously; IT IS ORDERED that the Board of Supervisors adopts Urgency Ordinance establishing interim restrictions on the establishment of formula businesses pending the study and consideration of zoning and other land use regulations pertaining to such businesses, and authorizes Chair to sign same.

ORDINANCE NO. 4343

AN URGENCY ORDINANCE OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ESTABLISHING INTERIM RESTRICTIONS ON THE ESTABLISHMENT OF FORMULA BUSINESSES PENDING THE STUDY AND CONSIDERATION OF ZONING AND OTHER LAND USE REGULATIONS PERTAINING TO SUCH BUSINESSES

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

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

**Public Comment:** None.

**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.

*BOARD RECESS: 3:05 P.M. – 3:07 P.M.*

**AGENDA ITEM NO. 5F – NOTICED PUBLIC HEARING - DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION APPROVING AGRICULTURAL PRESERVE AND WILLIAMSON ACT CONTRACT NO. A 2013-0004 (SCHNEIDER) FOR THE PLACEMENT OF A NEW AGRICULTURAL PRESERVE AND WILLIAMSON ACT CONTRACT ON APPROXIMATELY 5,660 ACRES NEAR COVELO – SPONSOR: PLANNING AND BUILDING SERVICES**

**Presenter/s:** Mr. John Speka, Planner III, Planning and Building Services.

**Public Comment:** None.

**Board Action:** Upon motion by Supervisor Woodhouse, seconded by Supervisor McCowen, and carried unanimously; IT IS ORDERED that the Board of Supervisors adopts Resolution approving Agricultural Preserve and Williamson Act Contract No. A 2013-0004 (Schneider) for the placement of a new Agricultural Preserve and Williamson Act Contract on approximately 5,660 acres near Covelo, finding the request to be consistent with the General Plan and Mendocino County Code Sections 22.08.020 and 22.08.050, and authorizes Chair to sign same -

RESOLUTION NO. 15-148

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS FOR THE PLACEMENT OF THE LANDS OF DAVID SCHNEIDER INTO AN AGRICULTURAL PRESERVE, CASE #A 2013-0004, AND ESTABLISHING A NEW WILLIAMSON ACT CONTRACT.

**AGENDA ITEM NO. 8B – DISCUSSION AND POSSIBLE ALTERATION OF ORDINANCE AMENDMENT NO. OA 2014-0005 REPLACING CHAPTER 22.08 (RESOURCE PRESERVES) AND CONCURRENT RESOLUTION UPDATING POLICIES AND PROCEDURES FOR THE ESTABLISHMENT AND MANAGEMENT OF AGRICULTURAL PRESERVES AND WILLIAMSON ACT CONTRACTS – SPONSOR: PLANNING AND BUILDING SERVICES**

**Presenter/s:** Mr. Matt Kiedrowski, Deputy County Counsel; Mr. John Speka, Planner III, Planning and Building Services.

*CHAIR BROWN RECUSED HERSELF AND PASSED THE GAVEL TO SUPERVISOR GJERDE. VICE CHAIR GJERDE NOW PRESIDING.*

**Public Comment:** Ms. Devon Jones, Mendocino County Farm Bureau.

**Board Action:** Upon motion by Supervisor McCowen, seconded by Supervisor Hamburg, and carried (4/0/1), with Chair Brown absent); IT IS ORDERED that the Board of Supervisors approves alteration of Ordinance Amendment No. OA 2014-0005 replacing Chapter 22.08 (Resource Preserves), waives further reading of the Ordinance, continues the item to the October 6, 2015, Board of Supervisors meeting, and provides direction to staff regarding changes to the draft Policies and Procedures.

*CHAIR BROWN PRESIDING*

**AGENDA ITEM NO. 5G – INTRODUCTION AND WAIVE FIRST READING OF AN ORDINANCE AMENDING TITLE 18 OF THE COUNTY CODE TO ESTABLISH AN EXPEDITED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS AND SET OCTOBER 6, 2015, FOR THE SECOND READING OF THE ORDINANCE – SPONSOR: PLANNING AND BUILDING SERVICES**

**Presenter/s:** Mr. Steve Dunningcliff, Director, Planning and Building Services; and Mr. Jon Moore, Administrative Services Manager, Planning and Building Services.

**Public Comment:** None.

**Board Action:** Upon motion by Supervisor Hamburg, seconded by Supervisor McCowen, and carried unanimously; IT IS ORDERED that the Board of Supervisors introduces and waives first reading of an Ordinance amending Title 18 of the County Code to establish an expedited permitting process for small residential rooftop solar energy systems and sets October 6, 2015, for the second reading of the Ordinance.

**AGENDA ITEM NO. 5H – NOTICED PUBLIC HEARING - DISCUSSION AND POSSIBLE ADOPTION OF A RESOLUTION TO ALLOCATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM INCOME ON-HAND AS RECOMMENDED BY STAFF AND AUTHORIZATION TO SUBMIT APPROPRIATE DOCUMENTATION TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO IMPLEMENT THE ALLOCATION – SPONSOR: PLANNING AND BUILDING SERVICES**

**Presenter/s:** Mr. Jon Moore, Administrative Services Manager, Planning and Building Services.

**Public Comment:** None.

**Board Action:** Upon motion by Supervisor McCowen, seconded by Supervisor Gjerde, and carried unanimously; IT IS ORDERED that the Board of Supervisors holds the public hearing and adopts Resolution approving the recommended allocation of CDBG program income on-hand as recommended by staff, and authorizes staff to submit appropriate documentation to the State Department of Housing and Community Development to implement the allocation -

RESOLUTION NO. 15-149

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO ALLOCATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM INCOME ON-HAND AS RECOMMENDED BY STAFF AND AUTHORIZATION TO SUBMIT APPROPRIATE DOCUMENTATION TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO IMPLEMENT THE ALLOCATION

**AGENDA ITEM NO. 5I – 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. Andy Gustavson, Chief Planner, Planning and Building Services.

**Public Comment:** None.

**Board Action:** No action taken.

*ADJOURNED TO CLOSED SESSION: 3:45 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. 9B – PURSUANT TO GOVERNMENT CODE SECTION 54956.9D(2) – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: SIGNIFICANT EXPOSURE TO LITIGATION – ONE CASE**

*RECONVENED IN OPEN SESSION 4:35 P.M.*

**AGENDA ITEM NO. 9 – REPORT OUT OF CLOSED SESSION**

**Presenter:** Chair Brown.

**Board Action:** In respect to items 9(a) and 9(b) – direction was given to staff.

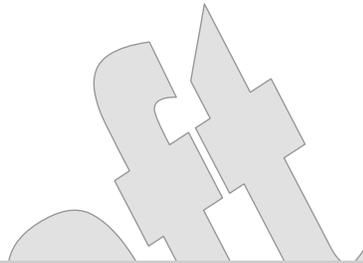
**AGENDA ITEM NO. 10 – COMMUNICATIONS RECEIVED AND FILED**

- (a) Sonoma County Water Agency - Russian River Hydrologic Status Report (August 21 - August 27, 2015); for more information, please contact John E. Mendoza, P.E. at (707) 547-1929, or via email at [John.Mendoza@scwa.ca.gov](mailto:John.Mendoza@scwa.ca.gov).
- (b) Sonoma County Water Agency - Russian River Hydrologic Status Report (August 28 - September 3, 2015); for more information, please contact John E. Mendoza, P.E. at (707) 547-1929, or via email at [John.Mendoza@scwa.ca.gov](mailto:John.Mendoza@scwa.ca.gov).
- (c) Sonoma County Water Agency - Russian River Hydrologic Status Report (September 4 - September 10, 2015); for more information, please contact John E. Mendoza, P.E. at (707) 547-1929, or via email at [John.Mendoza@scwa.ca.gov](mailto:John.Mendoza@scwa.ca.gov).
- (d) Sonoma County Water Agency - Russian River Supplemental Water Quality Report (July 1 - July 21, 2015) as required by the May 1 Order approving the Agency's Petition for Temporary Urgency Change in Permit 12947A, 12949, 12950, and 16596 (Applications 12919A, 15736, 15737, and 19351); for more information, please contact John Mendoza, P.E., at (707) 547-1929, or via email at [John.Mendoza@scwa.ca.gov](mailto:John.Mendoza@scwa.ca.gov).
- (e) California Fish and Game Commission - Notice of Receipt of Petition from the Center of Biological Diversity to List Tricolored Blackbird (*Agelaius tricolor*) as Endangered via Emergency Regulation Act and via the Listing Process Set Forth under the California Endangered Species Act; for more information, please contact Sonke Mastrup at (916) 653-4899.
- (f) State Water Resources Control Board - Notice of Series of Informational Meetings to Discuss Implementation of the Sustainable Groundwater Management Act (SGMA) and to Answer Questions from the Public; for more information, please contact Ms. Katheryn Landau at (916) 641-5588, or via email at [Katheryn.Landau@waterboards.ca.gov](mailto:Katheryn.Landau@waterboards.ca.gov).
- (g) California Department of Fish and Wildlife; Notice of Open Registration for 2015 California Aquatic Bioassessment Workgroup Meeting; for more information, please contact James M. Harrington at (916) 358-2862.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 4:34 P.M.

Attest: Karla Van Hagen  
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](http://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](http://www.co.mendocino.ca.us/bos)
- To request an official record of a meeting of the Mendocino County Board of Supervisors, please contact the 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](http://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(d)**

-Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: [bosagenda@co.mendocino.ca.us](mailto: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:** October 28, 2015

**FROM:** Executive Office **MEETING DATE:** November 3, 2015

**DEPARTMENT RESOURCE/CONTACT:** Nicole French **PHONE:** 463-4441 Present  On Call

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

**AGENDA TITLE: Approval of Recommended Appointments/Reappointments**

**PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** The Board of Supervisors approves and/or denies recommended appointments/reappointments regularly.

**SUMMARY OF REQUEST:** Staff has received the listed applications, verified voter status, determined the requested positions are currently vacant, and verified that the applicant fits the criteria for the requested positions. In addition, the Acting Senior Deputy Clerk of the Board has received written support for the appointment from the individual Board/Commission and/or Supervisor for Supervisorial District positions for which applications have been received.

**SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:** None.

**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<sup>ths</sup>

**RECOMMENDED ACTION/MOTION:** Approve the following appointments/reappointments:

Board or Commission	Appointee	Category
Covelo Public Cemetery District	Penny Proschold	Trustee
Hopland Fire District Board	Jim Mastin	Short Term
Library Advisory Board	Lynn Zimmermann	2 <sup>nd</sup> District Representative
Museum Advisory Board	Ronald Cannon	2 <sup>nd</sup> District Representative
Museum Advisory Board	Madge Strong	City of Willits Representative

**ALTERNATIVES:** Do not approve the listed appointments, or deny approval to one or more of the applicants.

**CEO REVIEW (NAME):** Alan 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 \_\_\_\_\_



**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 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](mailto: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:** October 27, 2015

**FROM:** Supervisors McCowen and Gjerde **MEETING DATE:** November 3, 2015

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

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

**■ AGENDA TITLE: Approval of Disbanding the Board of Supervisors Grand Jury Library Report Ad Hoc Committee Consisting of Supervisors McCowen and Gjerde**

**■ PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** August 18, 2015: The Board of Supervisors appointed Supervisors McCowen and Gjerde to the Board of Supervisors Grand Jury Library report Ad Hoc Committee to meet with County staff and others and report back within 60 days with a recommended response to the 2014/15 Grand Jury Library Report.

**■ SUMMARY OF REQUEST:** On October 20, 2015, the Board of Supervisors Grand Jury Library Report Ad Hoc Committee reported back to the Board of Supervisors with a recommended response to the 2014/15 Grand Jury Library report which was unanimously approved by the Board. The assigned task of the ad hoc committee has been completed and it is therefore appropriate to disband the ad hoc committee.

- SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:**
- ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):**

FISCAL IMPACT: NA			
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:** Disband the Board of Supervisors Grand Jury Library Report Ad Hoc Committee consisting of Supervisors McCowen and Gjerde.

**■ ALTERNATIVES:** Do not disband the ad hoc committee (not recommended)  
**■ 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 \_\_\_\_\_



**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)
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- 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:** October 27, 2015

**FROM:** Supervisors McCowen and Gjerde & Executive Office **MEETING DATE:** November 3, 2015

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

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

■ **AGENDA TITLE:** **Approval of the Appointment of an Ad Hoc Committee Consisting of Supervisors McCowen and Gjerde to Work with County Staff to Review the Library’s A-87 Cost Plan Charges for Building and Equipment Use; Help Identify the “Offset” Amounts; and Recommend an Appropriate Timeframe for Reimbursement of the Library**

■ **PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** August 18, 2015: The Board of Supervisors appointed Supervisors McCowen and Gjerde to the Board of Supervisors Grand Jury Library Report Ad Hoc Committee to meet with County staff and others and report back within 60 days with a recommended response to the 2014/15 Grand Jury Library Report; October 20, 2015: The Board of Supervisors approved the ad hoc committee recommended response to the Grand Jury Library Report.

■ **SUMMARY OF REQUEST:** On October 20, 2015, the Board of Supervisors Grand Jury Library Report Ad Hoc Committee reported back to the Board of Supervisors with a recommended response to the 2014/15 Grand Jury Library report which was unanimously approved by the Board. Included in the response was a recommendation that the Board of Supervisors follow up on the status of the Library’s A-87 Building and Equipment Use charges; help identify any offsets that should be applied; and recommend a timeframe for reimbursement of the Library. In line with the above recommendation, Supervisors Gjerde and McCowen expressed an interest in continuing to work with County staff on the Library’s A-87 issue. The Executive Office agrees that formation of an ad hoc committee for this purpose is appropriate and therefore recommends approval.

■ **SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:**

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

FISCAL IMPACT: NA			
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:** Appoint Supervisors Gjerde and McCowen to a Library A-87 Ad Hoc Committee to review the Library’s A-87 Cost Plan charges for Building and Equipment Use; help identify the Offset amounts due the Library; and recommend an appropriate timeframe for reimbursement of the Library.

■ **ALTERNATIVES:** Do not appoint the requested ad hoc committee or appoint other Supervisors.

■ **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 \_\_\_\_\_



**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 7 hard-copy sets)*
- Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: [bosagenda@co.mendocino.ca.us](mailto: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:** October 27, 2015

**FROM:** Executive Office/Planning & Building Services **MEETING DATE:** November 3, 2015

**DEPARTMENT RESOURCE/CONTACT:** Chris Shaver **PHONE:** 463-4441 Present  On Call

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

■ **AGENDA TITLE:** **Approval of Amendment to Agreement No. PA 16-20 with Dall and Associates in an Amount Not To Exceed \$100,000 for Preparation, Presentation and Submittal of a Finalized Draft Mendocino Town Local Coastal Program Amendment to the California Coastal Commission on December 14, 2015 for the Term of November 29, 2015 to February 28, 2016.**

■ **PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** On August 28, 2015, the Executive Office and Planning and Building Services entered into an agreement (No. PA 16-20), for an amount not to exceed \$50,000 with Dall and Associates to coordinate with County staff, conduct a public workshop and prepare the necessary documents for Board approval and California Coastal Commission (CCC) certification of the Mendocino Local Coastal Program Amendment to the certified Town of Mendocino Local Coastal Program. On October 20, 2015, the Board determined to continue the public hearing and action on the Town Local Coastal Program Amendment to a subsequent meeting and to convene an additional public workshop in the Town of Mendocino.

■ **SUMMARY OF REQUEST:** The original agreement with the Dall and Associates expires on November 28, 2015; therefore, there is a need to extend agreement No. PA 16-20 under the same terms and conditions with a modified schedule. An amendment of the agreement is necessary as timelines have been extended due to Board determination to continue the public hearing and action on the Town Local Coastal Program Amendment. An extension of the agreement will allow Dall and Associates to continue to work with staff to prepare a finalized draft for Board review and possible adoption on December 8, 2015.

Pursuant to the amended agreement, Dall and Associates will provide the following deliverables for an additional amount not to exceed \$50,000: bi-weekly status reports to staff; prepare a revised public review draft of the Mendocino Local Coastal Program Amendment; prepare a final public review draft; conduct a public workshop in the Town of Mendocino; conduct a Coastal Act Consistency Analysis; produce final draft documents for Board adoption on December 8, 2015; submit a Board adopted Mendocino Local Coastal Program Amendment to the CCC for certification on December 14, 2015; and, to prepare responses to CCC comments through February 28, 2016.

The Mendocino County Code, Section 2.32.0309(f), requires that all professional services contracts for more than \$50,000 be approved by the Board of Supervisors.

**BOARD ACTION (DATE: \_\_\_\_\_):**  Approved  Referred to \_\_\_\_\_  Other \_\_\_\_\_

**RECORDS EXECUTED:**  Agreement: \_\_\_\_\_  Resolution: \_\_\_\_\_  Ordinance: \_\_\_\_\_  Other \_\_\_\_\_



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

BOARD AGENDA # 4(g)

- 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
BU 2851	Additional \$50,000 for a total contract amount of \$100,000	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:** Approve and authorize the Board Chair to sign amended agreement No. PA 16-20 with Dall and Associates in an amount not to exceed \$100,000 for preparation, presentation and submittal of a finalized draft Mendocino Town Local Coastal Program Amendment to the California Coastal Commission on December 14, 2015 for the term of November 29, 2015 to February 28, 2016.

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

■ **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 \_\_\_\_\_

**AMENDMENT TO COUNTY OF MENDOCINO  
STANDARD SERVICES AGREEMENT NO. PA 16-20**

This Amendment to Agreement No. PA 16-20 is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between the COUNTY OF MENDOCINO, a political subdivision of the State of California, hereinafter referred to as the "COUNTY", and Dall and Associates, hereinafter referred to as the "CONTRACTOR".

**WITNESSETH**

WHEREAS, Agreement No. PA 16-20 was entered into on August 28, 2015; and

WHEREAS, upon execution of this document by the County of Mendocino and the Contractor, this document will become part of the aforementioned contract and shall be incorporated therein; and

WHEREAS, CONTRACTOR is willing to provide such services on the terms and conditions set forth in this AGREEMENT and is willing to provide same to COUNTY.

WHEREAS, the County of Mendocino (County) and Dall & Associates (Contractor) on August 28, 2015 entered into a Standard Services Agreement for the term of August 28, 2015 through November 28, 2015, inclusive ("the Current Agreement"), pursuant to which the Contractor and the County have performed services in support of the Town of Mendocino Local Coastal Program Update (Town LCP Update); and

WHEREAS, on October 20, 2015, the County Board of Supervisors, after duly noticed public hearing, determined to continue the public hearing and action on the Town LCP Update to a subsequent meeting, and convene an additional public workshop in the Town of Mendocino, to provide for opportunities for additional public and public agency participation in the Town LCP Update process and for preparation of a revised Public Review Draft of the Town LCP Update; and,

WHEREAS, as a result of these additional steps, the time required for public and Board of Supervisors review, public notice and action by the Board of Supervisors, transmittal of the Town LCP Update and supporting materials to the California Coastal Commission, and review and certification by the California Coastal Commission of the Town LCP Update will likely extend the schedule for the Town LCP Update to mid-February, 2016; and

WHEREAS, it is the desire of CONTRACTOR and COUNTY to extend the termination date set out in the original Agreement No. PA 16-20, from November 28, 2015 to February 28, 2016; and

WHEREAS, the County desires to continue to obtain Contractor's local coastal program consulting services, with demonstrated specialized expertise in the Coastal Act and the Town of Mendocino Local Coastal program that is not available from other consultants;

NOW, THEREFORE, we agree as follows:

1. It is agreed that COUNTY does hereby retain CONTRACTOR to provide the services described in Exhibit "A", and CONTRACTOR accepts such engagement, on the General Terms and Conditions hereinafter specified in this Agreement, the Additional Provisions attached hereto, and the following described exhibits, all of which are incorporated into this Agreement by this reference and amending the original exhibits as contained in PA 16-20:

Exhibit A      Definition of Services  
Exhibit B      Payment Terms

The term of this Agreement shall be extended from November 28, 2015 to February 28, 2016.

All other terms and conditions of Agreement No. PA 16-20 shall remain in full force and effect

The compensation payable to CONTRACTOR hereunder shall not exceed an additional fifty thousand dollars (\$50,000) for a total not to exceed one hundred thousand dollars (\$100,000) for the term of this Agreement.

**IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.**

**DEPARTMENT FISCAL REVIEW:**

DEPARTMENT HEAD \_\_\_\_\_ DATE \_\_\_\_\_

Budgeted:  Yes  No  
Budget Unit: PB/2851  
Line Item: 862189  
Grant:  Yes  No  
Grant No.: \_\_\_\_\_

**COUNTY OF MENDOCINO**

By: \_\_\_\_\_  
CARRE BROWN, Chair  
BOARD OF SUPERVISORS

**ATTEST:**  
CARMEL J. ANGELO, Clerk of said Board

By: \_\_\_\_\_  
Deputy

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

**INSURANCE REVIEW:**  
RISK MANAGER

By: \_\_\_\_\_  
ALAN D. FLORA, Risk Manager

**EXECUTIVE OFFICE REVIEW:**

APPROVAL RECOMMENDED

By: \_\_\_\_\_  
CARMEL J. ANGELO, Chief Executive Officer

**CONTRACTOR/COMPANY NAME**

By: \_\_\_\_\_

NAME AND ADDRESS OF CONTRACTOR:

Dall and Associates  
930 Florin Road, Suite 200  
Sacramento, CA 95831

By signing above, signatory warrants and represents that he/she executed this Agreement in his/her authorized capacity and that by his/her signature on this Agreement, he/she or the entity upon behalf of which he/she acted, executed this Agreement

**COUNTY COUNSEL REVIEW:**

APPROVED AS TO FORM:

Katharine L. Elliott , Acting County Counsel

By: \_\_\_\_\_  
Deputy

**FISCAL REVIEW:**

By: \_\_\_\_\_  
Deputy CEO/Fiscal

**Signatory Authority:** \$0-25,000 Department; \$25,001- 50,000 Purchasing Agent; **\$50,001+ Board of Supervisors**  
Exception to Bid Process Required/Completed  \_\_\_\_\_

## EXHIBIT A

### DEFINITION OF SERVICES

CONTRACTOR shall provide the following services:

#### 1. Scope

- (a) Coordinate with designated County staff according to the schedule provided in Part 2, hereof in the preparation and presentation of (1) a draft finalized Town LCP Update/Amendment (LCPA) to the certified Town LCP and (2) supporting documents, as applicable, for Board consideration, action, and submittal to the Coastal Commission.

As used herein, "LCPA" means the draft final LCP Update/Amendment of the Town Plan, Town Zoning Ordinance for Coastal Act purposes, and respective land use and zoning maps, analysis of the LCP Update/Amendment consistency with the Coastal Act, supporting documentation, and Board resolution(s) to adopt and authorize transmittal of the Town LCP Update/Amendment to the Coastal Commission.

The LCPA to be prepared by CONTRACTOR in coordination with designated COUNTY staff will, within the authorities delegated to the COUNTY in the Coastal Act and as otherwise provided by law, reflect the Town LCP Update/Amend adopted by the Board on December 9, 2014, the Board's further direction on July 21, 2015, August 18, 2015, and October 20, 2015 and responses to related public and public agency comments.

In the preparation of the LCPA, the CONTRACTOR will prepare tracked markup versions of the LCPA documents to be included in the submittal package that include:(1) the Board's direction from previous public meetings, and (2) any further clarifications, revisions, or amendments that the Board may direct or CONTRACTOR may, based on Coastal Act requirements, recommend for Board consideration.

- (b) Coordinate with designated COUNTY staff in the preparation and transmittal of the Board-adopted finalized Town LCP Update/Amendment and supporting documents to the Coastal Commission, for timely effective certification pursuant to the requirements and deadlines of the Coastal Act.
- (c) In conjunction with submittal of the Board-adopted finalized Town LCP Update/Amendment to Coastal Commission, specifically familiarize Coastal Commission officials and management, legal, and/or planning staff, as

applicable, with the Coastal Act basis and compliance of the submitted documents.

- (d) CONTRACTOR will (1) coordinate with designated COUNTY staff to prepare a markup of the LCPA on these certified documents for internal COUNTY review and comment; (2) coordinate with designated COUNTY staff to prepare and deliver to the COUNTY-designated liaison an electronic copy of the administrative draft final LCPA for internal COUNTY review and (3) prepare the Draft Final LCPA for COUNTY distribution no less than one week, or more than ten (10) days, prior to the scheduled Board hearing and action on it.
- (e) CONTRACTOR's Scope of Work pursuant to this Agreement includes (1) regular communication between CONTRACTOR and the COUNTY-designated liaison, and other designated COUNTY staff (2) CONTRACTOR's participated in a LCPA status meeting with Coastal Commission staff, (3) CONTRACTOR's preparation of concise status reports, at regular intervals, during the term of this Agreement, (4) CONTRACTOR's participating in a working session with COUNTY officials, at a time convenient for and open to the public, to review the administrative draft of the LCPA for completeness and consistency, and (5) CONTRACTOR's participation by telephone in regular conferences, as applicable, with designated COUNTY staff and the COUNTY-designated liaison during preparation of the draft final LCPA, presentation with designated COUNTY staff of the draft final LCPA at the Board hearing at which it is scheduled for action, and at such other meetings as the COUNTY and CONTRACTOR deem prudent and necessary in the interest of LCPA finalization and certification.
- (f) Provided further that the COUNTY and CONTRACTOR agree that (1) the COUNTY is responsible for all LCPA public noticing (including by mail, newspaper publication, and electronic posting), duplication, reproduction, electronic posting, and distribution of materials, (2) this Agreement requires CONTRACTOR to produce no notices, plans, reports, studies, maps, graphics, photographs, or other written documents, of any kind unless specifically listed herein, and (3) the scope of work by CONTRACTOR is limited to the professional consulting tasks enumerated herein, noting that the CONTRACTOR partners are not attorneys, and that CONTRACTOR in performing the work pursuant to this Agreement will not perform any lobbying activity, as defined in the California Government Code/Political Reform Act of 1974.
- (g) CONTRACTOR will make its best professional efforts on behalf of the COUNTY's objective to finalize and obtain certification of the Town LCP Update/Amendment; however, both the COUNTY and CONTRACTOR agree that the Coastal Commission is an independent State agency, and CONTRACTOR therefore provides no warranty as its performance or decision.

## 2. Schedule

Pursuant to this Agreement, and in mutual recognition that time is of the essence for finalization and certification of the LCPA, the respective tasks of the COUNTY and CONTRACTOR shall be performed according to the following schedule.

- (a) Commencement of Agreement: This Agreement, which may be executed in counterparts and be sent by electronic mail, shall become effective upon receipt by CONTRACTOR of the countersigned Agreement by, or on behalf of the COUNTY. Dall & Associated has assigned partners Norbert H. Dall and Stephanie D. Dall to work on this Consultancy.
- (b) Term: This Agreement shall extend from November 29, 2015 through February 28, 2016, inclusive, and may be extended, renewed, or newly executed by written agreement of the COUNTY and CONTRACTOR on the same terms for additional time for the period, after February 28, 2016, during which certification of the Board-adopted Town LCP Update/Amendment is pending before the Coastal Commission.
- (c) Deliverables: CONTRACTOR will transmit the following products to the COUNTY designated liaison, with (target) dates as shown:
- (1) Prepare concise Town LCPA Status Reports, on a bi-weekly basis.
  - (2) Administrative draft revised Public Review Draft November 5, LCPA. , 2015
  - (3) Draft Final Public Review Draft LCPA. November 12, , 2015
  - (4) Draft BOS Resolution to Adopt the LCPA. November 30, 2015
  - (5) Draft Coastal Act Consistency Analysis of the draft Final LCPA. December 1, 2015
  - (6) LCPA Submittal Package to Coastal Commission: (Target) December 14, 2015, depending on BOS action on December 8, 2015. , 2015
  - (7) Status report and recommendations to BOS at its second scheduled meeting in January, 2016 regarding Coastal Commission staff report, recommendations, and/or remaining issues about the Town LCP Update Amendment.
  - (8) Draft County responses to comments, questions, or requests by the Coastal Commission regarding the County-submitted LCPA package:-through February 28, 2016.

## EXHIBIT B

### PAYMENT TERMS

- (a) The COUNTY agrees to pay CONTRACTOR a monthly professional consulting fee of US \$15,000 during the term of this Agreement, which shall be due and payable at CONTRACTOR's office in Sacramento, California on (1) December 8, 2015, (2) January 5, 2016, and (3) February 9, 2016. COUNTY and CONTRACTOR understand, and agree, that CONTRACTOR's consulting fee does not include reimbursement for CONTRACTOR's actual and necessary expenses pursuant to subdivision (c), hereof, which shall be paid separately as an invoice is submitted and shall not exceed \$5,000.00. Subsequent payments shall be made upon receipt of an invoice for and the completion of Deliverable #3 as described in Exhibit A (on or before November 12, 2015), upon receipt of an invoice for and completion of Deliverable #6 as described in Exhibit A (on or before December 14, depending on BOS action on December 8, 2015, 2015), and upon receipt of an invoice for and completion of Deliverable #7 at the second regularly scheduled BOS meeting in January, 2016.
- (b) CONTRACTOR's billings and invoices shall be due at the Executive Office of COUNTY on December 1, 2015, December 29, 2015, and on February 2, 2016, respectively.

CONTRACTOR shall bill the COUNTY on a monthly basis for actual and necessary expenses incurred by CONTRACTOR pursuant to this Agreement, payment of which by the County shall be due and payable at CONTRACTOR's office in Sacramento, California thirty (30) days from the date of the billing/invoice. Said payments shall not exceed \$5,000.00.

[END OF PAYMENT TERMS



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

**FROM:** Executive Office **MEETING DATE:** November 3, 2015

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

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

■ **AGENDA TITLE:** **Approve the Formation of a Board Ad Hoc Committee Consisting of Supervisors Brown and Gjerde Regarding Development of the Draft 2016 Mendocino County Legislative Platform**

■ **PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** On September 10, 2013: the of a Board Ad Hoc Committee consisting of Supervisors Brown and Gjerde for the purpose of developing the 2014 Legislative Platform; December 16, 2013: Adoption of the 2014 Mendocino County Legislative Platform. October 7, 2014: Formation of a Board Ad Hoc Committee consisting of Supervisors Brown and Gjerde for the purpose of developing the 2015 Legislative Platform; January 7, 2015: Adoption of the 2015 Mendocino County Legislative Platform.

■ **SUMMARY OF REQUEST:** Pursuant to County Policy No. 19, the Board of Supervisors adopts an annual Legislative Platform reflecting the County priorities for legislative advocacy, state and federal funding, and issues of interest to local government.

Given that the Board has not activated the General Government Committee for 2015, staff recommends the formation of an ad hoc committee, consisting of Supervisor Brown and Supervisor Gjerde (Board representatives to CSAC), to provide staff with direction regarding development of the draft 2016 Legislative Platform. This process has proven to be efficient in recent years and would result in presentation of the proposed/draft platform for the full Board's review and approval in January of 2016.

■ **SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:**

<http://www.co.mendocino.ca.us/administration/CountyPolicyManual.htm>

<http://www.co.mendocino.ca.us/administration/legprogram.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	
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 the formation of a Board Ad Hoc Committee consisting of Supervisors Brown and Gjerde regarding development of the draft 2016 Mendocino County Legislative Platform.

■ **ALTERNATIVES:** Consider alternative Board representation on the Committee or 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 (DATE: \_\_\_\_\_):**  Approved  Referred to \_\_\_\_\_  Other \_\_\_\_\_

**RECORDS EXECUTED:**  Agreement: \_\_\_\_\_  Resolution: \_\_\_\_\_  Ordinance: \_\_\_\_\_  Other \_\_\_\_\_





**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](mailto: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:** October 27, 2015

**FROM:** Executive Office **MEETING DATE:** November 3, 2015

**DEPARTMENT RESOURCE/CONTACT:** John McCowen **PHONE:** 463-4363 Present  On Call   
Tom Woodhouse **PHONE:** 463-4441 Present  On Call

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

**■ AGENDA TITLE: Approval of Formation of an Ad Hoc Committee Consisting of Supervisors McCowen and Woodhouse to Review Mendocino County’s 9.31 Medical Marijuana Cultivation Regulation Ordinance**

**■ PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** On January 20, 2015, the Board of Supervisors approved the formation of an Ad Hoc Committee on the Potential Economic Impacts of Marijuana Legalization in Mendocino County, composed of Third District Supervisor Tom Woodhouse and Second District Supervisor John McCowen; May 5, 2015: the Board adopted the North Coast Counties Marijuana Policy Statement as an addendum to the County’s 2015 Legislative Platform; October 29, 2015: the Board held a special meeting on the 2015 State legislative medical marijuana regulatory package.

**■ SUMMARY OF REQUEST:** January 20, 2015: the Board of Supervisors formed an ad hoc committee on the Potential Economic Impacts of Marijuana Legalization in Mendocino County. This ad hoc committee was tasked with researching and preparing for the potential economic impacts of legalization, by working with staff and making recommendations to the Board of Supervisors. On May 5, 2015, the ad hoc came back to the Board with recommendations to adopt the North Coast Counties Marijuana Policy Statement as an addendum to the County’s 2015 Legislative Platform. The policy statement focused on local control, revenue and taxation, the environment and economics. Following the adoption of the policy statement, the ad hoc continued their advocacy efforts to promote local control within a statewide medical marijuana regulatory framework.

In the final hours of the 2015 legislative session, the legislature passed a medical marijuana regulatory package that was signed by the Governor on October 9, 2015, consisting of three bills: AB 266 (Bonta), SB 643 (McGuire) and AB 243 (Wood). All three bills go into effect on January 1, 2016. In addition, provisions within AB 243 require local governments to adopt cultivation regulations prior to March 1, 2016 or default to the State. On October 26, 2015, the Board held a special meeting to review provisions of the medical marijuana regulatory package and directed an item be brought back to revise the scope of the current marijuana ad hoc committee to address local obligations resulting from the legislation. The Executive Office has determined that instead of revising the scope of the marijuana ad hoc committee, it would be cleaner procedurally to sunset the current ad hoc and form a new one for the purpose of reviewing the County's cultivation ordinance. The Executive Office therefore recommends that Supervisors McCowen and Woodhouse be appointed to an ad hoc committee to review Mendocino County's 9.31 Medical Marijuana Cultivation Ordinance and report back to the Board with recommended changes by the end of the year.

**BOARD ACTION (DATE: \_\_\_\_\_):**  Approved  Referred to \_\_\_\_\_  Other \_\_\_\_\_

**RECORDS EXECUTED:**  Agreement: \_\_\_\_\_  Resolution: \_\_\_\_\_  Ordinance: \_\_\_\_\_  Other \_\_\_\_\_



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

BOARD AGENDA # 4(j)

■ 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 the formation of an ad hoc committee composed of Supervisors McCowen and Woodhouse, directing said ad hoc to review Mendocino County's 9.31 Medical Marijuana Cultivation Regulation Ordinance, and report back to the Board with recommended changes by the end of the year.

■ **ALTERNATIVES:** Consider alternative direction, alternative Board representation or 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 \_\_\_\_\_



**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 10 hard-copy sets*
- Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: [bosagenda@co.mendocino.ca.us](mailto: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:** October 15, 2015

**FROM:** HHSA-Adult and Aging Services **MEETING DATE:** November 3, 2015

**DEPARTMENT RESOURCE/CONTACT:** Stacey Cryer **PHONE:** 463-7774 Present  On Call   
Sandi Canaday **PHONE:** 463-7938 Present  On Call

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

■ **AGENDA TITLE:** **Authorization for the Mendocino County Health and Human Services Agency, Adult and Aging Services to Apply for Three New Grants Related to the Mendocino County Homeless Continuum of Care (CoC) from the U.S. Department of Housing and Urban Development (HUD) Totaling \$264,412; with a County Match of \$77,999 for Fiscal Year 2016-17**

■ **PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** None

■ **SUMMARY OF REQUEST:** To comply with a new U.S. Department of Housing and Urban Development (HUD) mandate, and simultaneously avoid potential underfunding of a Supporting Housing Program (SHP) grant that Mendocino County has historically received, Health and Human Services Agency (HHSA), Adult and Aging Services (AS) is seeking approval from the Board of Supervisors to apply for three new HUD grants (described below) on November 11, 2015. The application will divide/reallocate the SHP grant AS has historically received into two new grants (#1 and #2 below). The third grant is for planning and implementation of the Coordinated Entry mandate. The County match will be met by contracted service providers and through in-kind, budgeted County staffing. No additional General Funds will be needed.

1. “Coordinated Entry” is a new mandate from HUD that requires homeless services be easily and equally accessible to all Mendocino County citizens through linkages, via familiar resource systems, within their communities. It also changes the way individuals are selected from waiting lists for  
*(continued on page 2)*

■ **SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:** <https://www.hudexchange.info/resource/4688/fy-2015-coc-program-nofa/>

■ **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
HUD	N/A	N/A	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (FY 2016-17)

■ **Grant Related:**  yes  no **If yes, is there a County match?**  yes  no **Amount:** **\$77,999**

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

■ **RECOMMENDED ACTION/MOTION:** Authorize the Mendocino County Health and Human Services Agency Adult and Aging Services to apply for three new grants related to the Mendocino County Homeless Continuum of Care (CoC) from the U.S. Department of Housing and Urban Development (HUD) totaling \$264,412, with a County match of \$77,999 for Fiscal Year 2016-17; and authorize the Health and Human Services Agency Director to sign any subsequent Agreement if funding is awarded.

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

■ **CEO REVIEW (NAME):** Jill Martin, 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 \_\_\_\_\_



**AGENDA DATE:** November 3, 2015  
**AGENDA TITLE:** Authorization for the Mendocino County Health and Human Services Agency, Adult and Aging Services to Apply for Three New Grants Related to the Mendocino County Homeless Continuum of Care (CoC) from the U.S. Department of Housing and Urban Development (HUD) Totaling \$264,412; with a County Match of \$77,999 for Fiscal Year 2016-17

**II. BRIEF SUMMARY:**

(Continued from page 1)

available housing. This grant will bring the County into compliance with the new mandate. Case management services will continue to be provided through this grant, but in an effort to reduce duplication of services and improve capacity, the majority of case management activities will be shifted to partnering service providers who already work with an individual. **The grant request amount is \$153,534 for period 9/1/16 - 8/31/17. The County match (\$50,279) will be met by contracted service providers (\$48,105) and through in-kind, budgeted County staffing (\$2,174). No additional General Funds will be needed.**

2. Mendocino County Homeless Management Information System (HMIS) Dedicated - This grant will increase the funding amount received by the County for this line item, from \$18,200 in the historical SHP grant, to \$46,878, to allow for capacity building, system customization, software training, project hardware and equipment. It will also enable expansion of HMIS users in the County to comply with requirements of federal funding sources that require other homeless service providers funded through federal grant programs to utilize HMIS for data. **The grant request amount is \$46,878 for period 9/1/16 - 8/31/17. The County match (\$11,720) will be met by contracted service providers and through in-kind, budgeted County staffing. No additional General Funds will be needed.**

3. Mendocino County Planning - This is a new Planning Project Grant, to fund Continuum of Care (CoC) planning activities, including: Coordinated Entry planning and implementation, participation with the consolidated plan, and CoC application activities. **The grant request amount is \$64,000 for period 9/1/16 - 8/31/17. The County match (\$16,000) will be met through in-kind, budgeted County staffing. No additional General Funds will be needed.**

**BOARD ACTION**  
 Approved \_\_\_\_\_  
 Records Executed \_\_\_\_\_

**Date of Meeting** \_\_\_\_\_  
 Referred to \_\_\_\_\_  
 Other \_\_\_\_\_



**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](mailto: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:** October 14, 2015

**FROM:** Human Resources **MEETING DATE:** November 3, 2015

**DEPARTMENT RESOURCE/CONTACT:** Heidi Dunham **PHONE:** 234-6600 Present  On Call   
Denise Bartolomei **PHONE:** 234-6600 Present  On Call

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 4010 - Move One (1) FTE Administrative Services Manager II to Budget Unit 4050

■ **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 transfer of one (1) position from Budget Unit (BU) 4010 to BU 4050 to accurately reflect the funding source for the position.

■ **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
Budget Unit 5040	No Change	No Change	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 authorizing changes to the Position Allocation Table as follows: Health and Human Services Agency, Budget Unit 4010 - Move One (1) FTE Administrative Services Manager II to Budget Unit 4050, 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>GRADE</u>	<u>BARGAINING UNIT</u>	<u>CLASS CODE</u>	<u>BIWEEKLY SALARY (Reflects Full-time Salary)</u>
<b>Health and Human Services Agency</b>					
<u>Move from Budget Unit 4010 to Budget Unit 4050 – Position No. 3568</u>					
1.0 FTE	Administrative Services Manager II	MA41	303	0135	\$2,477.60 - \$3,012.00

*The effective date of this Resolution shall be November 8, 2015, to coincide with the beginning of Pay Period 24-15.*

The foregoing Resolution introduced by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and carried this 3<sup>rd</sup> day of November, 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



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

**BOARD AGENDA # 4(m)**

- 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)*
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- 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:** October 6, 2015

**FROM:** Department of Transportation **MEETING DATE:** November 3, 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 Accepting the Stipulation for Entry of Judgment in Condemnation (for a Total Amount of \$92,800) to Acquire 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:** By Minute Order at the September 12, 2000 meeting of the Board of Supervisors (BOS), the Board authorized the Department of Transportation to apply for State Transportation Improvement Programmed (STIP) funding, which was allocated on July 1, 2010. The BOS approved a Mitigated Negative Declaration for the Project on June 4, 2008. Since July 2014, the BOS has approved 17 resolutions, approving a total of 75 agreements acquiring property needed for the reconstruction and widening of East Side Potter Valley Road (Project). Under these resolutions, the BOS has accepted the grant deeds from the various landowners of the above-mentioned agreements to acquire the necessary property for the Project. On February 3, 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 property 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)	\$92,800	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 accepting the Stipulation for Entry of Judgment in Condemnation (for a total amount of \$92,800) 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 acceptance of the Stipulation for Entry of Judgment in Condemnation

**CEO REVIEW (NAME):** Christopher Shaver, Deputy Chief Executive Officer **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:

Doris Eraldi and John Jackson (Stipulation for Entry of Judgement in Condemnation in the amount of \$92,800)

These landowners own property the County needs to acquire for construction of the East Side Potter Valley Road Improvement Project. This property was included within the Resolution of Necessity No. 15-022 approved by the Board. On July 31, 2015, the County commenced action exercising the power of eminent domain. The landowners have signed the Stipulation for Entry of Judgement in Condemnation. The acceptance of the Stipulation for Entry of Judgement in Condemnation by the Board will allow County Counsel to file a certified copy of the Final Judgement of Condemnation and submit to Mendocino County Recorder's office for recording.

**BOARD ACTION (DATE: \_\_\_\_\_):**  Approved  Referred to \_\_\_\_\_  Other \_\_\_\_\_  
**RECORDS EXECUTED:**  Agreement: \_\_\_\_\_  Resolution: \_\_\_\_\_  Ordinance: \_\_\_\_\_  Other \_\_\_\_\_

**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  
Landfills

**COUNTY OF MENDOCINO**  
**DEPARTMENT OF TRANSPORTATION**  
340 LAKE MENDOCINO DRIVE  
UKIAH, CALIFORNIA 95482-9432  
VOICE (707) 463-4363 FAX (707) 463-5474

October 8, 2015

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

RE: ADOPTION OF RESOLUTION ACCEPTING AND SIGNING THE STIPULATION FOR ENTRY OF JUDGEMENT IN CONDEMNATION (FOR A TOTAL AMOUNT OF \$92,800) TO ACQUIRE 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 (Project) 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 landowners along said roadway. The County of Mendocino Department of Transportation (DOT) and Associated Right of Way Services, consultant for the County of Mendocino, established the amounts of just compensation for the acquisitions of the portions of properties to be acquired. Said appraisals were reviewed and approved by DOT.

The County made the offer required by Government Code Section 7267.2 to the owners, Doris Eraldi and John Jackson, to acquire the necessary property for the project. The County was unable to reach an agreement with the owners of said property.

On February 3, 2015, a Resolution of Necessity (No. 15-022) was approved by the Board authorizing acquisition and condemnation of certain real properties, from certain landowners, which included aforementioned property. Since this property could not be acquired through an acquisition agreement, the County needed to pursue eminent domain.

On July 31, 2015, the County commenced an action with the Superior Court exercising the power of eminent domain. The County and Owners now wish to settle this action. The Owners have signed a Stipulation for Entry of Judgement in Condemnation for a total amount of \$92,800.

DOT respectfully requests the Board to accept this Stipulation for Entry of Judgement in Condemnation to acquire the necessary Rights of Way.

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

Respectfully submitted,

HOWARD N. DASHIELL  
Director of Transportation

Cc: DOT Project File C-9807.03

## RESOLUTION NO. 15-

**RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS (BOS) ACCEPTING AND SIGNING THE STIPULATION FOR ENTRY OF JUDGEMENT IN CONDEMNATION (FOR A TOTAL AMOUNT OF \$92,800) TO ACQUIRE 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, Government Code Section 25350.5 and Streets and Highways Code Section 943 authorize the acquisition of property rights for the reconstruction and widening of a public road by eminent domain procedures; and

WHEREAS, the County of Mendocino intends to reconstruct and widen East Side Potter Valley Road, CR 240 from M.P. 2.46 to M.P. 6.42, which project has been designated DOT Project No. C-9807.03 (the "Project"), and in connection therewith, acquire interests in certain real property; and

WHEREAS, the Project is for a public use that is a function of the County, as it will provide for the reconstruction and widening of the existing roadway, a public use, together with related improvements including driveway conformances to residences and businesses, culverts, catch basins, pipes, ditches, curbs and gutters, retaining walls, guard rails, rumble strips and traffic signs and striping, and necessary utility construction and relocation of irrigation facilities, electrical facilities and communication line improvements; and

WHEREAS, the construction of the Project requires the acquisition of portions of certain real property to obtain County ownership of the existing roadway, provide for the reconstruction and widening of the existing roadway, and to provide for the relocation of certain utility poles and related improvements; and

WHEREAS, the County of Mendocino Department of Transportation (DOT) and Associated Right of Way Services, consultant for the County of Mendocino, established the amounts of just compensation for the acquisitions of the portions of properties to be acquired; and said appraisals were reviewed and approved by DOT; and

WHEREAS, the County of Mendocino made the offer required by Government Code Section 7267.2 to owners of record to acquire portions of properties for the full amount established as just compensation; and

WHEREAS, the County of Mendocino has been unable to enter into agreement with Doris Eraldi and John Jackson, owners of the property identified by the Assessor's Parcel Number (APN) 175-150-12 regarding the acquisition of portions of the property more particularly identified as Parcel 1 on Exhibits A and B attached hereto; and

WHEREAS, by Resolution No.15-022 (February 3, 2015), the Board approved the Resolution of Necessity authorizing acquisition and condemnation of certain portions of real property, of which APN 175-150-12 was included; and

WHEREAS, on July 31, 2015, the County commenced the action exercising the power of eminent domain to acquire the aforementioned property necessary for construction of the East Side Potter Valley Road Project; and



5. Authorizes and directs the County Auditor and the County Assessor to prorate and transfer taxes as of the date of recording of said Final Judgement of condemnation 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

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

\_\_\_\_\_  
Deputy

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

BY: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
Deputy

\_\_\_\_\_  
Deputy