



MENDOCINO COUNTY BOARD OF SUPERVISORS
SUMMARY/ACTION MINUTES – APRIL 13, 2004

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF MENDOCINO • STATE OF CALIFORNIA

AGENDA ITEM NO. 1 – ROLL CALL

The Mendocino County Board of Supervisors met in regular session on Tuesday, April 13, 2004, at 9:04 a.m.

Roll call was conducted with the following members present: Michael Delbar, Richard Shoemaker (reporting directly to Closed Session at 9:07 a.m.), Hal Wagenet, Patricia Campbell, and J. David Colfax. Chairman Wagenet presiding.

Also Present: Kristi Furman, Clerk of the Board; Jim Andersen, County Administrative Officer; and H. Peter Klein, County Counsel.

AGENDA ITEM NO. 2 – OFF AGENDA ITEM – CLOSED SESSION

PURSUANT TO GOVERNMENT CODE SECTION 54954.2

PURSUANT TO GOVERNMENT CODE SECTION 54956.9A – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: JENNIFER MONTES, ET AL. V. MENDOCINO COUNTY, ET AL.; MENDOCINO COUNTY SUPERIOR COURT CASE NO. SCUK CVPO 01- 86406

Presenter/s: Counsel Klein reported that urgent Board consideration of this matter is necessary due to an impending conference on the matter necessitating Board direction.

Board Action: Upon motion by Supervisor Campbell, seconded by Supervisor Delbar, and carried (4, with Supervisor Shoemaker absent); IT IS ORDERED that this matter arose subsequent to the agenda being published pursuant to Government Code Section 54954.2.

Board Action: BY ORDER OF THE CHAIRMAN this matter will be addressed in Closed Session.

AGENDA ITEM NO. 2 – OFF AGENDA ITEM – CLOSED SESSION

PURSUANT TO GOVERNMENT CODE SECTION 54954.2

PURSUANT TO GOVERNMENT CODE SECTION 54956.9 – CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION: ONE CASE

Presenter/s: Counsel Klein reported that urgent Board consideration of this matter is necessary due to the potential for initiation of litigation.

Board Action: Upon motion by Supervisor Delbar, seconded by Supervisor Campbell, and carried (4, with Supervisor Shoemaker absent); IT IS ORDERED that this matter arose subsequent to the agenda being published pursuant to Government Code Section 54954.2.

Board Action: BY ORDER OF THE CHAIRMAN this matter will be addressed in Closed Session.

ADJOURNED TO CLOSED SESSION: 9:07 – 10:20 A.M.

AGENDA ITEM NO. 2A – PURSUANT TO GOVERNMENT CODE SECTION 54957.6 – CONFERENCE WITH LABOR NEGOTIATOR – AGENCY NEGOTIATORS: SUE CAMPBELL, NEIL MARTIN, KRISTIN MCMENOMEY, AND TIM KNUDSEN; EMPLOYEE ORGANIZATIONS: ALL

**AGENDA ITEM NO. 2B – OFF AGENDA ITEM – CLOSED SESSION
PURSUANT TO GOVERNMENT CODE SECTION 54954.2
PURSUANT TO GOVERNMENT CODE SECTION 54956.9A – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: JENNIFER MONTES, ET AL. V. MENDOCINO COUNTY, ET AL.; MENDOCINO COUNTY SUPERIOR COURT CASE NO. SCUJ CVPO 01- 86406**

**AGENDA ITEM NO. 2C – OFF AGENDA ITEM – CLOSED SESSION
PURSUANT TO GOVERNMENT CODE SECTION 54954.2
PURSUANT TO GOVERNMENT CODE SECTION 54956.9 – CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION: ONE CASE**

RECESS: 10:20 – 10:35 A.M.

RECONVENED IN OPEN SESSION: 10:35 A.M.

SUPERVISOR SHOEMAKER ABSENT.

Board Action: Chairman Wagenet reported that no action was taken in Closed Session. The Board will reconvene for continued Closed Session later in the day.

AGENDA ITEM NO. 3 – OPEN SESSION AND PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Chairman Wagenet.

AGENDA ITEM NO. 4 – MINUTES

Board Action: Upon motion by Supervisor Colfax, seconded by Supervisor Campbell, and carried (4, with Supervisor Shoemaker absent); IT IS ORDERED that the minutes of the April 6, 2004, meeting are approved as written.

C1:T3/T1-120

AGENDA ITEM NO. 5 – CONSENT CALENDAR

The Clerk confirmed that proper notice has been established for Consent Calendar item 5(4).

Board Action: Upon motion by Supervisor Campbell, seconded by Supervisor Colfax, and carried (4, with Supervisor Shoemaker absent); IT IS ORDERED that Consent Calendar items 5(1-6) are approved/denied as follows:

- (1) Claims Against the County
 - (a) Robert T. Juvinal -- Denied;
- (2) BOS 04-031 Approval of Fiscal Year 2004/2005 Provider Agreement for Claiming Federal Financial Participation for Targeted Case Management Services (TCM), Provider No. 23-0407 – Public Health -- Approved and the Chairman is authorized to sign same;
- (3) Approval of Submission of Grant Application for the Communities First Grant to the California Endowment – Public Health/AODP -- Approved;

- (4) Approval of Coastal Development Permit – Planning and Building Services
 CDP 42-2003– Albert and Janice Peter (Owners)
 REQUEST: Construct a 2400 square-foot, steel storage building with a concrete slab foundation and perimeter footing. The maximum height above average finished grade would not exceed fifteen feet.
 LOCATION: In the Coastal Zone, approximately 1 mile northwest of Anchor Bay on the south side of Sunset Drive (CR No. 525) approximately ¾ mile north of its intersection with State Route One at 45544 Sunset Drive, Gualala.

The Board of Supervisors hereby authorizes the issuance of Coastal Development Permit No. CDP 42-2003.

- (5) Adoption of Proclamation Honoring Bart Grimes for his Service on the Mendocino Historical Review Board – Planning and Building Services -- Adopted and the Chairman is authorized to sign same;
- (6) Approval of Referral to the Mendocino County Forest Council, Review of SB 1648 (Chesbro) Regarding the Future of Jackson Demonstration State Forest – Supervisor Campbell -- Approved.

SUPERVISOR SHOEMAKER PRESENT

C1:T4/T1-160

AGENDA ITEM NO. 6A/B – COUNTY ADMINISTRATIVE OFFICER REPORT / LEGISLATIVE REPORT

Presenter/s: Mr. Jim Andersen, County Administrative Officer, provided a brief oral report also stating that a written report will be transmitted to the Board.

Board Action: No action taken.

C1:T5/T1-170

AGENDA ITEM NO. 6C – DISCUSSION AND POSSIBLE REFERRAL TO THE GENERAL GOVERNMENT COMMITTEE, REVIEW OF THE CURRENT PROCESSES AND FORMS USED IN DEPARTMENT HEAD EVALUATIONS FOR EXAMINATION AND RECOMMENDATIONS OF SHORT-TERM AND LONG-TERM AMENDMENTS

Presenter/s: Mr. Jim Andersen, County Administrative Officer.

Board Action: Upon motion by Supervisor Campbell, seconded by Supervisor Delbar, and carried unanimously; IT IS ORDERED that the Board of Supervisors refers to the General Government Committee, review of the current processes and forms used in Department Head evaluations for examination and recommendations of short-term and long-term amendments.

Discussion on Motion: Board members commented on the motion sharing various observations and recommendations as to the review process, which will incorporate input and involvement of others including Board members, Department Heads, and employee groups as a part of the committee review process. Further, it is understood that the current evaluation process will not be suspended during this review period. Board members reiterated their interest in having all resources available in determining options in presenting a final product to the Board.

Mr. Andersen clarified the intent of the referral is that the General Government Committee’s review would include consultations with those involved in performing the process, those being evaluated, and the Human Resources Department.

C1:T6/T1-510

PUBLIC EXPRESSION

- Mr. Peter Sears, Ms. Jamie Morton, Mr. Richard Johnson, and Mr. Paul Andersen addressed the Board relative to programmatic reductions in the Mental Health Department.
- Mr. Paul Andersen introduced to the Board, Ms. Dot Ferri, a new SEIU Field Representative.

CHANGE IN CLERK: JANELLE RAU

C1:T7/T1-1050

AGENDA ITEM No. 10C2 – DISCUSSION AND POSSIBLE ACTION REGARDING AN ADMINISTRATIVE APPEAL OF THE PLANNING COMMISSION’S DECISION ON FEBRUARY 5, 2004, UPHOLDING STAFF’S DETERMINING THE LEGAL STATUS OF PARCELS TO BE RECOGNIZED BY CERTIFICATE OF COMPLIANCE No. CC 9-2000.

AA 1-2003; BARNUM TIMBER COMPANY (APPLICANT); TONY SORACE (AGENT); JAMES F. KING (APPELLANT)

REQUEST: APPEAL OF STAFF’S DECISION IN DETERMINING THE LEGAL STATUS OF PARCELS TO BE RECOGNIZED BY CERTIFICATE OF COMPLIANCE No. CC 9-2000.

LOCATION: APPROXIMATELY 10 MILES NORTHWEST OF WILLITS AND APPROXIMATELY 4 MILES SOUTHWEST OF LONGVALE, LYING ON BOTH SIDES OF SHERWOOD ROAD; APNS 050-430-04, 015-270-23, 015-270-27, 015-270-29, 015-280-57, 015-300-18, 015-300-20, 015-300-35, 015-300-38, 015-300-39, 015-300-40, AND 015-300-41

SPONSORING DEPARTMENT: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Ray Hall, Planning and Building Services Director; Mr. Frank Zotter, Chief Deputy County Counsel.

Proper Notice was established by the Clerk of the Board and the PUBLIC HEARING WAS OPENED.

C1:T7.M8/T1-1340/C2:T1

Applicant/Appellant presentation: Mr. James King, counsel representing the Applicant/Appellant; Mr. Robert Barnum, Applicant. During his presentation, Mr. King requested that all records pertaining to MS 91-75 on file with Planning and Building be presented and included in the record.

C2:T1.M2/T1-3100

Public Comment: Mr. John McGowan.

THE PUBLIC HEARING WAS CLOSED.

C2:T1.M4/T1-3250/2-

Board Action: Upon motion by Supervisor Campbell, seconded by Supervisor Shoemaker, and carried (4, with Supervisor Delbar dissenting); IT IS ORDERED that the Board of Supervisors upholds the action of the Planning Commission and staff, and denies Administrative Appeal AA 1-2003, thereby allowing the recognition of four Certificates of Compliance.

Discussion on Motion: Supervisor Delbar expressed concern with the interpretation of County Code and the timing associated with the delivery of the information pertaining to the case.

Responding to Board inquiry, Counsel Zotter clarified the process regarding the quasi-judicial capacity the Board serves in administrative hearing appeals.

C2:T1.M13/T2-117

PUBLIC EXPRESSION

- Ms. Sharon Clausen and Ms. Leigh DeLap, addressed the Board relative to programmatic reductions in the Mental Health Department.

C1:T1.M18/T2-256

LUNCH RECESS: 12:10 – 1:37 P.M.

C2:T2/T2-276

AGENDA ITEM NO. 10 - OFF AGENDA ITEM – MENTAL HEALTH DEPARTMENT

PURSUANT TO GOVERNMENT CODE SECTION 54954.2

APPROVE TEMPORARY MODIFICATION OF HOURS OF OPERATION FOR THE CRISIS SERVICES CENTER

Presenter/s: Chairman Wagenet reported that urgent Board consideration of this matter is necessary due to the impending closure of the Mental Health Crisis Center on Friday, April 16, 2004. Supervisor Campbell provided a brief informational statement to the Board associated with the Mental Health Board review of this matter.

Board Action: Upon motion by Supervisor Campbell, seconded by Supervisor Shoemaker, and carried unanimously; IT IS ORDERED that this matter arose subsequent to the agenda being published pursuant to Government Code Section 54954.2.

C2:T2.M4/T2-404

Board Action: Upon motion by Supervisor Campbell, seconded by Supervisor Colfax, and carried unanimously; IT IS ORDERED the Board of Supervisors hereby directs that, as of April 16, 2004, Mental Health offices will temporarily be open to the public between the hours of 8:00 a.m. and 11:00 p.m. seven days a week, and Mental Health staff will continue to respond to persons in crisis at the local hospital emergency room between the hours of 11:00 p.m. and 8:00 a.m.

Discussion on Motion: Chairman Wagenet clarified the temporary nature of the action, with Supervisor Shoemaker further expressing appreciation regarding the assistance of all parties associated with addressing the issue.

C2:T3/T2-544

AGENDA ITEM NO. 10C1 – PLANNING AND BUILDING SERVICES – DIRECTOR’S REPORT

Presenter/s: Mr. Ray Hall, Planning and Building Services Director, provided an oral report also referencing a written report previously accepted by the Board.

Board Action: No action taken.

C2:T4/T2-635

AGENDA ITEM NO. 10C3 – NOTICED PUBLIC HEARING – (CONTINUED FROM MARCH 9, 2004)

DISCUSSION AND POSSIBLE TENTATIVE ACTION REGARDING THE FOLLOWING GENERAL PLAN AMENDMENT AND REZONE: CASE#: GP 5-2003/R 5-2003

OWNER: STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION; **AGENT:** POINT CABRILLO LIGHTKEEPERS ASSOCIATION

REQUEST: GENERAL PLAN AMENDMENT AND REZONE CHANGING THE GENERAL PLAN LAND USE CLASSIFICATION OF AP# 118-160-03 (30.5+ ACRES) FROM OPEN SPACE-COASTAL [PUBLIC AND SEMI-PUBLIC FACILITIES] (OS[PF]) TO OPEN SPACE-COASTAL-DEPARTMENT OF PARKS AND RECREATION: CONDITIONAL VISITOR ACCOMMODATIONS AND SERVICES *1C (INN OR BED AND BREAKFAST INN) AND *4C (RESTAURANT, BOAT LAUNCHING OR RENTAL, OR VISITOR-ORIENTED ART AND HANDCRAFT SHOPS) (OS-DPR:*1C AND *4C) AND THE ZONING DESIGNATION FROM OPEN SPACE DISTRICT (OS) TO OPEN SPACE DISTRICT: CONDITIONAL VISITOR ACCOMMODATIONS AND SERVICES COMBINING DISTRICT *1C (INN AND BED AND BREAKFAST ACCOMMODATION) AND *4C (VISITOR-ORIENTED EATING AND DRINKING ESTABLISHMENTS AND VISITOR-ORIENTED RETAIL SALES) (OS:*1C:*4C) AND CHANGING THE GENERAL PLAN LAND USE CLASSIFICATION OF AP# 118-140-29, 118-140-30, 118-140-41, 118-140-42, 118-140-43, 118-140-44, 118-160-24, 118-160-25, 118-160-26, 118-160-27, AND 118-160-28 (270+ ACRES) FROM RURAL RESIDENTIAL: 5 ACRE MINIMUM: PLANNED UNIT DEVELOPMENT COMBINING DISTRICT (RR-5:PD) TO OPEN SPACE-DEPARTMENT OF PARKS AND RECREATION (OS-DPR) AND THE ZONING DESIGNATION FROM RURAL RESIDENTIAL DISTRICT – 5 ACRE MINIMUM: PLANNED UNIT DEVELOPMENT COMBINING DISTRICT (RR-5:PD) TO OPEN SPACE DISTRICT (OS). AMEND THE TEXT AND POLICIES OF SECTION 4.6 (JUG

HANDLE CREEK TO RUSSIAN GULCH PLANNING AREA) OF CHAPTER 4 OF THE COASTAL ELEMENT ASSOCIATED WITH THE POINT CABRILLO LIGHTHOUSE IN ORDER TO REFLECT EXISTING AND PROPOSED CONDITIONS AND ADD THE POINT CABRILLO LIGHTHOUSE TO THE LIST OF CONDITIONAL VISITOR ACCOMMODATIONS AND SERVICES AT THE END OF SECTION 4.6.

LOCATION: IN THE COASTAL ZONE, 1+- MILE SOUTH OF THE TOWN OF CASPAR, AT THE TERMINUS OF LIGHTHOUSE ROAD (SR# 8089), 1/2+- MILE WEST OF ITS INTERSECTION WITH POINT CABRILLO DRIVE (CR# 564), LOCATED AT 45300 LIGHTHOUSE ROAD; AP# 118-140-29, 118-140-30, 118-140-41, 118-140-42, 118-140-43, 118-140-44, 118-160-03, 118-160-24, 118-160-25, 118-160-26, 118-160-27 AND 118-160-28.

SPONSORING DEPARTMENT: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Ray Hall, Planning and Building Services Director; and Ms. Pam Townsend, Senior Planner.

The Clerk of the Board established proper Notice; the PUBLIC HEARING WAS OPENED AND SUBSEQUENTLY CLOSED as no one present wished to address the item.

C2:T4.M3/T1-675

Board Action: Upon motion by Supervisor Campbell, seconded by Supervisor Shoemaker, and carried unanimously; IT IS ORDERED that the Board of Supervisors tentatively approves #GP 5-2003/#R 5-2003 (State Department of Parks and Recreation) for inclusion in the 2003 North of Navarro River Watershed Group of General Plan Amendments and associated applications finding:

1. That an initial study has been prepared and no adverse environmental impacts are anticipated given mitigation as discussed in the project staff report to the Planning Commission dated February 5, 2004; and
2. The project is consistent with the Mendocino County General Plan and Local Coastal Program

C2:T5/T2-790

AGENDA ITEM NO. 10c4 – NOTICED PUBLIC HEARING – (CONTINUED FROM MARCH 9, 2004) DISCUSSION AND POSSIBLE TENTATIVE ACTION REGARDING THE FOLLOWING GENERAL PLAN AMENDMENT AND REZONE: CASE#: GP 10-98/R 10-98

OWNER: MENDOCINO REDWOOD COMPANY, LLC

AGENT: ROGER KRUEGER

REQUEST: AMEND THE COASTAL LAND USE PLAN MAP FROM FOREST LANDS (FL) TO OPEN SPACE (OS) AND REMOVE THE TIMBERLAND PRODUCTION “TPZ DOTS.” REZONE FROM TIMBERLAND PRODUCTION: FLOODPLAIN COMBINING DISTRICT (TP:FP) TO OPEN SPACE: FLOODPLAIN COMBINING DISTRICT (OS:FP). NO CHANGE TO THE FLOODPLAIN (FP) COMBINING DISTRICT IS PROPOSED.

LOCATION: WITHIN THE COASTAL ZONE, NORTH AND SOUTH OF THE ALBION RIVER, LOCATED APPROXIMATELY BETWEEN SLAUGHTERHOUSE GULCH AND ONE TREE ISLAND AT TIDEWATER GULCH, T.16N., R.17W., M.D.B.M., SECTIONS 14 AND 23; PORTIONS OF ASSESSOR’S PARCEL NUMBERS 123-110-07 AND 121-080-15.

SPONSORING DEPARTMENT: PLANNING AND BUILDING SERVICES

Proper Notice was established by the Clerk of the Board and the PUBLIC HEARING WAS OPENED. (*Agenda Item Nos. 10c4-9*)

AGENDA ITEM NO. 10C5 – NOTICED PUBLIC HEARING – (CONTINUED FROM MARCH 9, 2004)
DISCUSSION AND POSSIBLE TENTATIVE ACTION REGARDING THE FOLLOWING GENERAL PLAN AMENDMENT AND REZONE: CASE#: GP 14-98/R 13-98
OWNER: MENDOCINO REDWOOD COMPANY, LLC
APPLICANT: ZA CATTALINI
AGENT: ROGER KRUEGER
REQUEST: AMEND THE COASTAL LAND USE PLAN MAP FROM FOREST LANDS (FL) TO OPEN SPACE (OS) AND REMOVE THE TIMBERLAND PRODUCTION “TPZ DOTS.” REZONE FROM TIMBERLAND PRODUCTION: FLOODPLAIN COMBINING DISTRICT (TP:FP) TO OPEN SPACE: FLOODPLAIN COMBINING DISTRICT (OS:FP). NO CHANGE TO THE FLOODPLAIN (FP) COMBINING DISTRICT IS PROPOSED.
LOCATION: WITHIN THE COASTAL ZONE, NORTH OF THE ALBION RIVER, FROM RIVER ROAD (PRIVATE) NORTHERLY INTO DEADMAN GULCH, THEN NORTHERLY 1/3+ MILE TOTAL, T.16N., R.17W., M.D.B.M., SECTION 14; PORTIONS OF ASSESSOR’S PARCEL NUMBERS 121-080-14 AND 121-080-15.
SPONSORING DEPARTMENT: PLANNING AND BUILDING SERVICES

Proper Notice was established by the Clerk of the Board and the PUBLIC HEARING WAS OPENED. (*Agenda Item Nos. 10c4-9*)

AGENDA ITEM NO. 10C6 – NOTICED PUBLIC HEARING – (CONTINUED FROM MARCH 9, 2004)
DISCUSSION AND POSSIBLE TENTATIVE ACTION REGARDING THE FOLLOWING GENERAL PLAN AMENDMENT AND REZONE: CASE#: GP 9-98/R 9-98
OWNER: MENDOCINO REDWOOD COMPANY, LLC
AGENT: ROGER KRUEGER
REQUEST: AMEND THE GENERAL PLAN LAND USE MAP FROM FOREST LANDS (FL) TO OPEN SPACE (OS). REZONE FROM TIMBERLAND PRODUCTION: FLOODPLAIN COMBINING DISTRICT (T-P:FP) TO OPEN SPACE: FLOODPLAIN COMBINING DISTRICT (O-S:FP). NO CHANGE TO THE FLOODPLAIN (FP) COMBINING DISTRICT IS PROPOSED.
LOCATION: NORTH AND SOUTH OF THE ALBION RIVER, LOCATED APPROXIMATELY BETWEEN SLAUGHTERHOUSE GULCH AND ONE TREE ISLAND AT TIDEWATER GULCH, T.16N., R.17W., M.D.B.M., SECTIONS 14 AND 23; PORTIONS OF ASSESSOR’S PARCEL NUMBERS 123-110-07 AND 121-080-15.
SPONSORING DEPARTMENT: PLANNING AND BUILDING SERVICES

Proper Notice was established by the Clerk of the Board and the PUBLIC HEARING WAS OPENED. (*Agenda Item Nos. 10c4-9*)

AGENDA ITEM NO. 10C7 – NOTICED PUBLIC HEARING – (CONTINUED FROM MARCH 9, 2004)
DISCUSSION AND POSSIBLE TENTATIVE ACTION REGARDING THE FOLLOWING GENERAL PLAN AMENDMENT AND REZONE: CASE#: GP 13-98/R 12-98
OWNER: MENDOCINO REDWOOD COMPANY, LLC
APPLICANT: ZA CATTALINI
AGENT: ROGER KRUEGER
REQUEST: AMEND THE GENERAL PLAN LAND USE MAP FROM FOREST LANDS (FL) TO OPEN SPACE (OS). REZONE FROM TIMBERLAND PRODUCTION: FLOODPLAIN COMBINING DISTRICT (T-P:FP) TO OPEN SPACE: FLOODPLAIN COMBINING DISTRICT (O-S:FP). NO CHANGE TO THE FLOODPLAIN (FP) COMBINING DISTRICT IS PROPOSED.
LOCATION: BEGINNING 0.25+ MILE NORTH OF THE ALBION RIVER AND DEADMAN GULCH JUNCTION, EXTENDING 1/3+ MILE TO THE NORTH, BETWEEN SLAUGHTERHOUSE GULCH AND DEADMAN GULCH, T.16N., R.17W., M.D.B.M., SECTION 14; PORTION OF ASSESSOR’S PARCEL

NUMBER 121-080-14.

SPONSORING DEPARTMENT: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Ray Hall, Planning and Building Services Director; and Ms. Pam Townsend, Senior Planner. *(Agenda Item Nos. 10c4-9 were presented collectively, with one consolidated presentation/hearing.*

Proper Notice was established by the Clerk of the Board and the PUBLIC HEARING WAS OPENED.

C2:T5.M8/T2-1190

Board Directive: GENERAL CONSENSUS OF THE BOARD to direct planning staff to provide fiscal impacts related to those projects applicable (change in use type, etc.).

C2:T5.M10/T2-1180

Applicant/Project Presentation: The following persons spoke regarding Agenda item Nos. 10c4-7: Ms. Beth Bosk; Mr. Mike Janai, Mendocino Redwoods Company, LLC; Ms. Zia Cattalini.

Public Comment: Ms. Rixanne Wehren; Mr. Nita Ishcomer.

C2:T5.M43/T2-2486

THE PUBLIC HEARING WAS CLOSED.

C2:T5.M44/T2-2517/C3:T1

Board Action: Upon motion by Supervisor Colfax, seconded by Supervisor Campbell, and carried unanimously; IT IS ORDERED that the Board of Supervisors tentatively approves #GP 10-1998/#R 10-1998 and #GP 14-1998/#R 13-1998 for inclusion in the 2003 North of Navarro General Plan Amendment Group and #GP 9-1998/#R 9-1998 and #GP 13-1998/#R 12-1998 for inclusion in the 2003 Inland Coastal General Plan Amendment Group, based on the public record as a whole and the following findings, emphasizing that resource protection (requiring that public use be appropriate) and future cooperation could alleviate issues concerning access, fire risk and timber conflicts, among others:

- A. An Initial Study encompassing each project concludes that significant unmitigated environmental impacts will not occur and a Negative Declaration has been prepared.
- B. That findings for each individual project supporting consistency with the General Plan and rezoning from Timberland Production as supported in the Staff Report dated February 5, 2004, and particularly Pages BOS-9 through BOS-13.

C3:T2/T2-2720

**AGENDA ITEM NO. 10C8 – NOTICED PUBLIC HEARING – (CONTINUED FROM MARCH 9, 2004)
DISCUSSION AND POSSIBLE TENTATIVE ACTION ON THE 2003 NORTH OF NAVARRO WATERSHED
GENERAL PLAN AMENDMENT GROUP AND ASSOCIATED REZONES**

REQUEST: ADOPT GENERAL PLAN AMENDMENTS AND ASSOCIATED REZONES #GP 5-2003/#R 5-2003, #GP 10-98/R 10-98 AND #GP 14-98/#R 13-98, MORE SPECIFICALLY DESCRIBED ABOVE CONSTITUTING THE 2003 NORTH OF NAVARRO WATERSHED GENERAL PLAN AMENDMENT GROUP.

LOCATION: GENERAL PLAN AMENDMENTS AND ASSOCIATED REZONES #GP 5-2003/#R 5-2003, #GP 10-98/R 10-98 AND #GP 14-98/#R 13-98, MORE SPECIFICALLY DESCRIBED ABOVE CONSTITUTING THE 2003 NORTH OF NAVARRO WATERSHED GENERAL PLAN AMENDMENT GROUP.

SPONSORING DEPARTMENT: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Ray Hall, Planning and Building Services Director; and Ms. Pam Townsend, Senior Planner.

The Clerk of the Board established proper Notice; the PUBLIC HEARING WAS OPENED AND SUBSEQUENTLY CLOSED as no one present wished to address the item.

C3:T2/T1-2793

Board Action: Upon motion by Supervisor Campbell, seconded by Supervisor Shoemaker, and carried unanimously; IT IS ORDERED that the Board of Supervisors finds the following:

- (1) Takes action on the 2003 North of Navarro Coastal Plan Amendment Group, approving #GP 5-2003/#R 5-2003 and tentatively approving #GP 10-1998/#R 10-1998 and #GP 14-1998/#R 13-1998, based on the public record as a whole and the following findings:
 - (a) An Initial Study concludes that no significant unmitigated environmental impacts will occur.
 - (b) The Group is consistent with the General Plan and is in the public interest, and applicable projects are consistent with the requirements to rezone property from Timberland Production, based on findings adopted for the individual projects incorporated herein by reference; and
- (2) That the Board of Supervisors takes action on the following Resolutions and Ordinance incorporated herein:
 - (a) Adopts the following Resolution, approving #GP 5-2003 and the following Ordinance, approving #R 5-2003, both contingent on Coastal Commission approval without suggested modification or subject to final action by the Board should the Coastal Commission modify the project, authorizing the Chairman to sign same --

RESOLUTION NO. 04-048

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO, STATE OF CALIFORNIA, TO AMEND THE LOCAL COASTAL PROGRAM FOR MENDOCINO COUNTY (#GP 5-2003 – CALIFORNIA DEPARTMENT OF PARKS AND RECREATION)

ADOPTED ORDINANCE NO. 4123

AN ORDINANCE CHANGING THE ZONING OF REAL PROPERTY WITHIN MENDOCINO COUNTY (R 5-2003 – CALIFORNIA DEPARTMENT OF PARKS AND RECREATION)

- (b) Adopts the following Resolutions, tentatively approving #GP 10-1998/#R 10-1998 and #GP 14-1998/#R 13-1998, directing that the Board of Supervisors will take its final actions pending the applicable Coastal Commission and State Board of Forestry approvals, authorizing the Chairman to sign same --

RESOLUTION NO. 04-049

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO, STATE OF CALIFORNIA, TENTATIVELY AMENDING THE LOCAL COASTAL PROGRAM FOR MENDOCINO COUNTY (GENERAL PLAN AMENDMENT #GP 10-1998 AND REZONE #R 10-1998; OWNER: MENDOCINO REDWOOD COMPANY, LLC)

RESOLUTION NO. 04-050

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO, STATE OF CALIFORNIA, TENTATIVELY AMENDING THE LOCAL COASTAL PROGRAM FOR MENDOCINO COUNTY (GENERAL PLAN AMENDMENT #GP 14-1998 AND REZONE #R 13-1998; OWNER: MENDOCINO REDWOOD COMPANY, LLC)

C3:T3/T2-2845

AGENDA ITEM NO. 10C9 – NOTICED PUBLIC HEARING – (CONTINUED FROM MARCH 9, 2004)
DISCUSSION AND POSSIBLE TENTATIVE ACTION ON THE 2003 INLAND COASTAL WATERSHED GENERAL PLAN AMENDMENT GROUP AND ASSOCIATED REZONES
REQUEST: ADOPT GENERAL PLAN AMENDMENTS AND ASSOCIATED REZONES #GP 9-98/#R 9-98 AND #GP 13-98/#R 12-98, MORE SPECIFICALLY DESCRIBED ABOVE CONSTITUTING THE 2003 INLAND COASTAL WATERSHED GENERAL PLAN AMENDMENT GROUP.
LOCATION: GENERAL PLAN AMENDMENTS AND ASSOCIATED REZONES #GP 9-98/#R 9-98 AND #GP 13-98/#R 12-98, MORE SPECIFICALLY DESCRIBED ABOVE CONSTITUTING THE 2003 INLAND COASTAL WATERSHED GENERAL PLAN AMENDMENT GROUP.
SPONSORING DEPARTMENT: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Ray Hall, Planning and Building Services Director; and Ms. Pam Townsend, Senior Planner.

The Clerk of the Board established proper Notice; the PUBLIC HEARING WAS OPENED AND SUBSEQUENTLY CLOSED as no one present wished to address the item.

C3:T3/T2-2898

Board Action: Upon motion by Supervisor Shoemaker, seconded by Supervisor Campbell, and carried unanimously; IT IS ORDERED that the Board of Supervisors:

- (1) Tentatively approves the 2003 Inland Coastal Watershed General Plan Amendment Group comprising #GP 9-1998/#R 9-1998 and #GP 13-1998/#R 12-1998, based on the public record as a whole and the following findings:
 - (a) An Initial Study and Draft Negative Declaration conclude that no significant unmitigated environmental impacts will occur.
 - (b) The Board of Supervisors has evaluated the Initial Study and other information pertinent to the potential impacts of this General Plan Amendment Group and finds that the applications in the group will not impact wildlife or its habitat in that the Open Space District and intended transfer and management by land trusts will increase resource protection; therefore, the Department of Fish and Game "de minimis" finding is made.
 - (c) The Group is consistent with the General Plan and the requirements to rezone property from Timberland Production, and is in the public interest, based on findings adopted for the individual projects incorporated herein by reference; and
- (2) That the Board of Supervisors adopts the following Resolutions, tentatively approving #GP 9-1998/#R 9-1998 and #GP 13-1998/#R 12-1998 and, directing that the Board of Supervisors will take final action pending State Board of Forestry approval of timber conversion permits. Further, these projects should be submitted, if possible, to the Board for final action concurrent with their counterparts in the 2003 North of Navarro General Plan Amendment Group --

RESOLUTION NO. 04-051

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO, STATE OF CALIFORNIA, TENTATIVELY AMENDING THE MENDOCINO COUNTY GENERAL PLAN (#GP 9-1998#R 9-1998 AND #GP 13-1998/#R 12-1998; OWNER: MENDOCINO REDWOOD COMPANY, LLC)

RECESS: 2:49 – 2:57 P.M.

C3:T4/T2-2730

AGENDA ITEM NO. 6D – DISCUSSION AND POSSIBLE ACTION TO ESTABLISH THE INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE (CBC); APPOINTMENT OF TWO REPRESENTATIVES OF THE BOARD OF SUPERVISORS TO THE CBC; AND DIRECTION TO SOLICIT TWO REPRESENTATIVES FROM THE HOPLAND BAND OF POMO INDIANS, INC.

Presenter/s: Mr. Jim Andersen, County Administrative Officer.

C3:T4.M6/T2-3423

Board Action: Upon motion by Supervisor Delbar, seconded by Supervisor Campbell, and carried unanimously; IT IS ORDERED that the Board of Supervisors selects Supervisors Colfax and Delbar to serve as Board member representatives to the CBC.

C3:T4.M8/T2-3700

Board Action: Upon motion by Supervisor Delbar, seconded by Supervisor Campbell, and carried unanimously; IT IS ORDERED that the Board of Supervisors establishes an Indian Gaming Local Community Benefit Committee (CBC); confirms the appointments of Supervisors Colfax and Delbar as Board member representatives to the CBC; and approves the transmittal of a letter to the Hopland Band of Pomo Indians, Inc., soliciting two representatives to serve on the CBC.

Discussion on Motion: Supervisor Shoemaker expressed concern regarding the District boundaries associated with the matter, noting the need for input from the City community.

C3:T5/T3-104

AGENDA ITEM NO. 6E – DISCUSSION AND POSSIBLE ACTION RELATED TO CALIFORNIA STATE ASSOCIATION OF COUNTIES (CSAC) BUDGET MEDIA STRATEGY PRESS RELEASE INCLUDING ADOPTION OF RESOLUTION SUPPORTING AN ALTERNATIVE BUDGET PROPOSAL TO THE GOVERNOR’S PROPOSED SHIFT OF \$1.3 BILLION IN PROPERTY TAX FUNDS FROM LOCAL GOVERNMENT

Presenter/s: Mr. Jim Andersen, County Administrative Officer; Ms. Sue Goodrick, Deputy County Administrative Officer.

C3:T5.M2/T3-182

Board Action: Upon motion by Supervisor Shoemaker, seconded by Supervisor Campbell, and carried unanimously; IT IS ORDERED that the Board of Supervisors approves the proposed press release(s) related to California State Association of Counties (CSAC) Budget Media Strategy, as presented/amended; and further, adopts the following resolution, supporting an alternative budget proposal to the Governor’s proposed shift of \$1.3 Billion in property tax funds from local government, authorizing the Chairman to sign same --

RESOLUTION NO. 04-047

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO, STATE OF CALIFORNIA, SUPPORTING THE CALIFORNIA STATE ASSOCIATION OF COUNTIES (CSAC) PROPOSED ALTERNATIVE BUDGET

Discussion on Motion: Supervisor Campbell expressed concern regarding recent materials distributed by CSAC regarding Mental Health. Further, Chairman Wagenet will be identified as the spokesperson quoted in the proposed press releases.

C3:T6/T3-233

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

Presenter/s: Board members provided brief oral reports associated with events and activities within their respective districts.

Chairman Wagenet reviewed various upcoming Board meeting activity, noting that April 19, 2004, is a regularly scheduled Board of Equalization (BOE) Meeting; the Clerk clarified timing elements associated with the BOE meeting and special closed session.

Board Directive: BY ORDER OF THE CHAIRMAN the Board will meet for a special Closed Session on April 19, 2004.

Board Directive: BY ORDER OF THE CHAIRMAN the Board will not meet for a scheduled Board Workshop on May 17, 2004.

AGENDA ITEM NO. 9 – COUNTY COUNSEL REPORTS

Presenter/s: No report presented.

Board Action: No action taken.

AGENDA ITEM NO. 10A – AUDITOR/CONTROLLER REPORT

Presenter/s: None presented.

Board Action: No action taken.

AGENDA ITEM NO. 10B – DEPARTMENT OF TRANSPORTATION – DIRECTOR’S REPORT

Presenter/s: None presented.

Board Action: No action taken.

AGENDA ITEM NO. 11A – WATER AGENCY GENERAL MANAGER’S REPORT – MENDOCINO COUNTY WATER AGENCY

Presenter/s: None presented.

Board Action: No action taken.

C3:T7/T3-437

AGENDA ITEM NO. 12 – APPOINTMENTS TO BOARDS AND COMMISSIONS

(e) Mental Health Board

Supervisor Campbell commented regarding the Mental Health Board appointment process, with the Clerk providing additional clarification regarding outstanding applications.

Board Directive: Supervisor Campbell further requested Counsel’s opinion regarding the composition of the MHB and any flexibility regarding the representational categories, etc.

(x) Laytonville Municipal Advisory Council

Board Action: Upon motion by Supervisor Shoemaker, seconded by Supervisor Campbell, and carried unanimously; IT IS ORDERED that the Board of Supervisors appoints Alison Pernel to the Laytonville Municipal Advisory Council as a member representative.

C3:T8/T3-597

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

Presenter/s: Board members provided brief oral reports associated with events and activities within their respective districts.

Board Action: No action taken.

C3:T8/T3-708

AGENDA ITEM NO. 2A – PURSUANT TO GOVERNMENT CODE SECTION 54957.6 – CONFERENCE WITH LABOR NEGOTIATOR – AGENCY NEGOTIATORS: SUE CAMPBELL, NEIL MARTIN, KRISTIN MCMENOMEY, AND TIM KNUDSEN; EMPLOYEE ORGANIZATIONS: ALL

Board Directive: Chairman Wagenet announced for the record that the Board would not reconvene in Closed Session, as previously announced. The remaining Closed Session business will be addressed on April 19, 2004, during the special Closed Session meeting of the Board.

AGENDA ITEM NO. 13 – COMMUNICATIONS RECEIVED AND FILED

- (a) Mendocino County District Attorney's Office Biennial Report 2002-2003
- (b) Pacific Gas and Electric Company Potter Valley Hydroelectric Project, No. 77-110:
 - United States Federal Energy Regulatory Commission: Order Granting Rehearing for Further Consideration (March 29, 2004)
- (c) United States Department of the Interior, Bureau of Land Management, Notice of Availability: Record of Decision for the Final Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines; Record of Decision is available on the Internet at: <http://www.fs.fed.us/r6/nwfp.htm>

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 3:29 P.M.

(CD/Tape End C3:T9.M40/T3-746)

HAL WAGENET, Chairman

Attest: KRISTI FURMAN
Clerk of the Board

Attest: JANELLE RAU
Deputy Clerk of the Board

Draft

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

- Summary/action minutes are considered draft until adopted/approved by the Board of Supervisors
- The Board of Supervisors' summary/action minutes are also posted on the County of Mendocino website at: www.co.mendocino.ca.us/bos
- To request an official record of a meeting of the Mendocino County Board of Supervisors, please contact the Clerk of the Board at (707) 463-4221.

**CLERK OF THE BOARD – PUBLIC OFFICE HOURS
(Monday-Thursday, 8:00 a.m. – 5:00 p.m.)**

- Effective April 2003, public office hours have been modified as follows: Monday-Thursday, 8:00 a.m. – 5:00 p.m. As an alternative service provision, please reference the departmental website to obtain additional resource information for the Board of Supervisors and Clerk of the Board: www.co.mendocino.ca.us/bos

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