



MENDOCINO COUNTY BOARD OF SUPERVISORS
ACTION MINUTES – FEBRUARY 9, 2016

MENDOCINO
 COUNTY
 BOARD OF
 SUPERVISORS

CARRE BROWN
 FIRST DISTRICT

JOHN McCOWEN
 SECOND DISTRICT
 VICE-CHAIR

TOM WOODHOUSE
 THIRD DISTRICT

DAN GJERDE
 FOURTH DISTRICT
 CHAIR

DAN HAMBURG
 FIFTH DISTRICT

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

KATHARINE L. ELLIOTT
 ACTING COUNTY
 COUNSEL

BOARD RESOURCE
 INFORMATION:

OFFICE: (707) 463-4221
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 WWW.CO.MENDOCINO.CA.US/BOS

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BEFORE THE BOARD OF SUPERVISORS
COUNTY OF MENDOCINO • STATE OF CALIFORNIA
FAIR STATEMENT OF PROCEEDINGS
 (PURSUANT TO CALIFORNIA GOVERNMENT CODE §25150)

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 Gjerde presiding.

Staff Present: Ms. Carmel J. Angelo, Chief Executive Officer/Clerk of the Board; Ms. Katharine L. Elliott, Acting County Counsel; and Ms. Karla Van Hagen, Deputy Clerk of the Board.

Pledge of Allegiance: Ms. Katherine L. Elliott.

AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

Presenter/s: Ms. Jan McGourty; Mr. Mark Montanos; Ms. Linda Montanos; Ms. Rebecca Edwards; Ms. Shanna Phillips; Ms. Bobbye LaMalfa; and Ms. Alana Hastings.

Board Action: No action taken.

AGENDA ITEM NO. 4 – CONSENT CALENDAR

Presenter/s: Chair Gjerde.

Public Comment: None.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Woodhouse, and carried unanimously; IT IS ORDERED that Consent Calendar items 4(a-b and d-o) are approved as follows:

- (a) Approval of Letter of Support for AB 1642 (Oberholte) Seeking Amendment to State Responsibility Area (SRA) Fire Prevention Fee Due Dates - Executive Office - Approved;
- (b) Approval of Disbanding the Legislative Platform Ad Hoc Committee Consisting of Supervisors Brown and Gjerde and Referring the Development of the 2017 Legislative Platform to the Board of Supervisors' General Government Standing Committee - Supervisors Brown and Gjerde - Approved;
- (c) ~~Adoption of Resolution Rescinding Resolution No. 14-068 Which Made a Vested-Rights Determination and Approved an Amended Reclamation Plan for the Harris Quarry (Continued from February 2, 2016 County Counsel Withdrawn at the request of County Counsel;~~

- (d) Approval to Submit a Proposal to the California Office of Emergency Services (Cal OES) in Response to the Fiscal Year 2015-16 Unserved/Underserved Victim Advocacy and Outreach (UV) Program Grant Request for Proposal - District Attorney - Approved;
- (e) (BOS Agreement No. 15-084A) Approval of Amendment to Board of Supervisors (BOS) Agreement No. 15-084 with Mendocino County Youth Project, Increasing the Original Amount of \$134,940 by \$34,086 for a New Total Amount of \$169,026 to Provide Transitional Supportive Housing Services to an Expanded Group of Young Adults, Ages 18-21, in Fiscal Year 2015-16 - Health and Human Services Agency - Approved and Chair is authorized to sign same;
- (f) Adopt Resolution Authorizing the Health and Human Services Agency Director or Designee to Execute Annual Grant Applications and all Necessary Documents for the Waste Tire Enforcement Grant Program for Fiscal Years 2015-20 - Health and Human Services Agency - Adopted and Chair is authorized to sign same -

RESOLUTION 06-009

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING MENDOCINO COUNTY HEALTH AND HUMAN SERVICES AGENCY ENVIRONMENTAL HEALTH (LOCAL ENFORCEMENT AGENCY) TO APPLY FOR WASTE TIRE ENFORCEMENT GRANTS ANNUALLY FOR FISCAL YEARS 2015-20

- (g) Adoption of Private Road Name Petition RN 2015-0004 (Davidson Lane), in Laytonville, Finding it to be in Conformance with Mendocino County Code 18.16.070 - Planning and Building Services - Approved;
- (h) Adoption of Private Road Name Petition RN 2015-0005 (Road 19), in Little River, Finding it to be in Conformance with Mendocino County Code 18.16.070 - Planning and Building Services - Approved;
- (i) Adoption of Private Road Name Petition RN 2015-0006 (Sundew Lane), in Little River, Finding it to be in Conformance with Mendocino County Code 18.16.070 - Planning and Building Services - Approved;
- (j) (BOS Agreement No. 16-004) Approval of Agreement with the Mendocino County Tourism Commission for the Services, Activities, and Programs of the Mendocino County Lodging Business Improvement District (BID) in an Amount Estimated at \$1,050,000 - Planning and Building Services - Approved and Chair is authorized to sign same;
- (k) (BOS Agreement No. 16-005) Adoption of Resolution Approving Department of Transportation (DOT) Agreement No. 150118 (in the amount of \$500) with and Accepting the Grant Deed Conveying Real Property from Alfonso Fregoso, Jr., for the Acquisition of Rights of Way Needed for Construction of the Baechtel Creek Bridge Replacement Project on Muir Mill Road, CR 301C, M.P. 2.07 (Willits Area) - Transportation - Adopted and Chair is authorized to sign same -

RESOLUTION 16-010

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING DEPARTMENT OF TRANSPORTATION (DOT) AGREEMENT NO. 150118 (IN THE AMOUNT OF \$500) WITH AND ACCEPTING THE GRANT DEED CONVEYING REAL PROPERTY FROM ALFONSO FREGOSO, JR. FOR THE ACQUISITION OF RIGHTS OF WAY NEEDED FOR CONSTRUCTION OF THE BAECHTEL CREEK BRIDGE REPLACEMENT PROJECT ON MUIR MILL ROAD, CR 301C, M.P. 2.07 (WILLITS AREA)

- (l) (BOS Agreement No. 16-006) Adoption of Resolution Approving Department of Transportation (DOT) Agreement No. 160003 (in the amount of \$3,300) with and accepting the Easement Deed Conveying Real Property from Roger C. Wear and Arlene F. Wear, Trustees, for the Acquisition of Rights of Way Needed for construction of the Baechtel Creek Bridge replacement project on Muir Mill Road, CR 301C, M.P. 2.07 (Willits Area) - Transportation - Adopted and Chair is authorized to sign same -

RESOLUTION 16-011

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING DEPARTMENT OF TRANSPORTATION (DOT) AGREEMENT NO. 160003 (IN THE AMOUNT OF \$3,300.00) WITH AND ACCEPTING THE EASEMENT DEED CONVEYING REAL PROPERTY FROM ROGER C. WEAR AND ARLENE F. WEAR, TRUSTEES, FOR THE ACQUISITION OF RIGHTS OF WAY NEEDED FOR CONSTRUCTION OF THE BAECHTEL CREEK BRIDGE REPLACEMENT PROJECT ON MUIR MILL ROAD, CR 301C, M.P. 2.07 (WILLITS AREA)

- (m) Adoption of Resolution Approving Release of Contract Surety, Department of Transportation (DOT) Contract No. 130012, 2011 Storm Damage Repairs on Comptche Ukiah Road, CR 223, M.P. 8.25 (Comptche Area) - Transportation - Adopted and Chair is authorized to sign same -

RESOLUTION 16-012

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION (DOT) CONTRACT NO. 130012, 2011 STORM DAMAGE REPAIRS ON COMPTCHE UKIAH ROAD, CR 223, M.P. 8.25 (COMPTCHE AREA)

- (n) Adoption of Resolution Approving Release of Contract Surety, Department of Transportation (DOT) Contract No. 130011, 2011 Storm Damage Repairs on Comptche Ukiah Road, CR 223, M.P. 8.50 (Comptche Area) - Transportation - Adopted and Chair is authorized to sign same -

RESOLUTION 16-013

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION (DOT) CONTRACT NO. 130011, 2011 STORM DAMAGE REPAIRS ON COMPTCHE UKIAH ROAD, CR 223, M.P. 8.50 (COMPTCHE AREA)

- (o) Adoption of Resolution Approving Notice of Completion and Release of Contract Surety, Department of Transportation (DOT) Contract No. 120015, Bridge Preventive Maintenance Implementation on Eel River Road, CR 240B, M.P. 6.20 and Branscomb Road, CR 429, M.P. 9.95 and M.P. 10.50 (Potter Valley and Branscomb Areas) - Transportation - Adopted and Chair is authorized to sign same -

RESOLUTION 16-014

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING NOTICE OF COMPLETION AND RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION (DOT) CONTRACT NO. 120015, BRIDGE PREVENTIVE MAINTENANCE IMPLEMENTATION ON EEL RIVER ROAD, CR 240B, MILE POST (MP) 6.20 AND BRANSCOMB ROAD, CR 429, MP 9.95 AND MP 10.50 (POTTER VALLEY AND BRANSCOMB AREAS)

AGENDA ITEM No. 6c – DISCUSSION AND POSSIBLE ACTION REGARDING RECOMMENDATIONS OF THE HEALTH AND HUMAN SERVICES COMMITTEE RELATED TO THE KEMPER CONSULTING GROUP MENTAL HEALTH REVIEW – SPONSOR: HEALTH AND HUMAN SERVICES COMMITTEE

Presenter/s: Supervisor McCowen.

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 schedules a special Board of Supervisors meeting on February 16, 2016, with Kemper Report being heard beginning at 1:00 p.m. (motion substituted in item 5(g) (continued))~~

AGENDA ITEM No. 5c – DISCUSSION AND POSSIBLE ADOPTION OF 2016 STANDING COMMITTEE MEETING DATES AND REVISED 2016 BOARD OF SUPERVISORS MASTER MEETING CALENDAR – SPONSOR: EXECUTIVE OFFICE

Presenter/s: Supervisor Gjerde.

Public Comment: None.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Brown, and carried (4/1, with Supervisor Hamburg dissenting); IT IS ORDERED that the Board of Supervisors adopts the Board of Supervisors Master Meeting Calendar, including a meeting on February 16 in both the morning and afternoon.

Board Directive: GENERAL CONSENSUS OF THE BOARD that the Board shall hold several joint meetings with various advisory boards in 2016.

AGENDA ITEM No. 6B – DISCUSSION AND DIRECTION REGARDING THE RECOMMENDATIONS OF THE LIBRARY A-87 AD HOC COMMITTEE, INCLUDING CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS CLARIFYING A-87 BUILDING AND EQUIPMENT USE CHARGES AS APPLIED TO THE MENDOCINO COUNTY LIBRARY AND AS APPLIED TO THE MENDOCINO COUNTY LIBRARY AND AS INCLUDED IN THE ADOPTED FINAL BUDGET; AND DISBANDMENT OF THE LIBRARY AD HOC COMMITTEE – SPONSORS: SUPERVISORS MCCOWEN AND GJERDE

Presenter/s: Supervisor McCowen and Mr. Lloyd Weer, Auditor-Controller.

Public Comment: None.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor McCowen, and carried unanimously; IT IS ORDERED that the Board of Supervisors adopts Resolution clarifying A-87 building and equipment use charges as applied to the Mendocino County Library and as included in the adopted final budget; and authorizes Chair to sign same; and further, disbands the Library Ad Hoc Committee.

RESOLUTION 16-015

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS CLARIFYING A-87 BUILDING AND EQUIPMENT USE CHARGES AS APPLIED TO THE MENDOCINO COUNTY LIBRARY AND AS INCLUDED IN THE ADOPTED FINAL BUDGET

AGENDA ITEM NO. 5G – NOTICED PUBLIC HEARING - DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION ADOPTING AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS FOR THE REPLACEMENT OF BRIDGE NO. 10C0065 ON NORTH STATE STREET, CR 104, MILE POST (MP) 0.97 OVER ACKERMAN CREEK (UKIAH AREA) – SPONSOR: TRANSPORTATION

Presenter/s: Mr. Howard Dashiell, Director, Transportation.

Public Comment: None.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Hamburg, and carried unanimously; IT IS ORDERED that the Board of Supervisors adopts Resolution adopting an Initial Study/Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program in compliance with the California Environmental Quality Act requirements for the replacement of Bridge No. 10C0065 on North State Street, CR 104, MP 0.97 over Ackerman Creek (Ukiah area); and authorizes Chair to sign same; and further, authorizes the Director of Transportation to file the Notice of Determination.

RESOLUTION 16-016

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS FOR THE REPLACEMENT OF BRIDGE NO. 10C-0065 ON NORTH STATE STREET, CR104, MILE POST (MP) 0.97 OVER ACKERMAN CREEK (UKIAH AREA)

AGENDA ITEM NO. 5F – DIRECTOR'S REPORT – DEPARTMENT OF TRANSPORTATION

Presenter/s: Mr. Howard Dashiell, Director, Transportation.

Public Comment: Ms. Camille Schraeder.

Board Action: No action taken.

BOARD RECESS: 10:36 A.M. - 10:48 A.M.

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

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

Public Comment: None.

Board Directive: BY ORDER OF THE CHAIR the February 16, 2016, Board of Supervisors meeting agenda shall contain only Consent calendar Items; no more than 30 minutes for non-controversial Regular agenda items; and presentation of the Kemper Report.

AGENDA ITEM NO. 5C – DISCUSSION AND POSSIBLE ADOPTION OF 2016 STANDING COMMITTEE MEETING DATES AND REVISED 2016 BOARD OF SUPERVISORS MASTER MEETING CALENDAR – SPONSOR: EXECUTIVE OFFICE (CONTINUED)

Presenter/s: Supervisor Gjerde.

SUPERVISOR McCOWEN ABSENT 11:11 A.M.

Board Action: Upon substitute motion by Supervisor Woodhouse, seconded by Supervisor Hamburg, and carried (3/1/1, with Supervisor McCowen absent and Supervisor Brown dissenting) IT IS ORDERED that the Board of Supervisors will meet on February 16th at 9:00 a.m., and will hear the Kemper Report on at 10:00 a.m.

SUPERVISOR McCOWEN PRESENT 11:17 A.M.

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, and Mr. Alan Flora, Assistant Deputy Chief Executive Officer.

Board Directive: GENERAL CONSENSUS OF THE BOARD to accept the report out of the General Government Committee regarding the management of the tule elk population in Potter and Round Valleys with an item coming forward in the future on the Board's consent calendar related to the programs available to impacted individuals.

Board Directive: BY ORDER OF THE CHAIR that the pay stub information and disclosure to employees of contributions by both the employee and employer to retirement, health care, social security and Medicare that was heard by the General Government Committee on February 8, 2016, will be presented to the Board for approval on the February 16, 2016, Consent calendar

Board Directive: GENERAL CONSENSUS OF THE BOARD that the items related to the policy related to formation of Municipal Advisory Councils remain as an active referral with the General Government Committee (on March 21, 2016).

Board Directive: GENERAL CONSENSUS OF THE BOARD to accept the report out from the Public Resources Committee regarding the February 4, 2016, Sonoma Clean Power Board Meeting.

Board Directive: GENERAL CONSENSUS OF THE BOARD that issues associated with body cameras and resident deputies for the Sheriff's Office be referred to the Criminal Justice Committee.

Board Directive: GENERAL CONSENSUS OF THE BOARD to accept the report out from the Health and Human Services Committee regarding the Mendocino County Animal Shelter.

Board Directive: GENERAL CONSENSUS OF THE BOARD to accept the report from the Health and Human Services Committee regarding recent reports related to behavioral health services in Mendocino County.

Board Directive: GENERAL CONSENSUS OF THE BOARD that the topic of making Health and Human Services Agency contracts and services available to the public, (including Mental Health services) be referred to the Health and Human Services Committee as a standing item.

ADJOURNED TO CLOSED SESSION FOLLOWED BY LUNCH RECESS: 12:17 P.M.

AGENDA ITEM NO. 9A – 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 WITHDRAWN

AGENDA ITEM NO. 9B – PURSUANT TO GOVERNMENT CODE SECTION 54956.9D(2) – CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: SIGNIFICANT EXPOSURE TO LITIGATION - ONE CASE

AGENDA ITEM NO. 9C – PURSUANT TO GOVERNMENT CODE SECTION 54957 – PUBLIC EMPLOYEE APPOINTMENT – LIBRARY DIRECTOR

AGENDA ITEM NO. 9D – PURSUANT TO GOVERNMENT CODE SECTION 54956.9(A) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: KEEP THE CODE, INC. V. COUNTY OF MENDOCINO – MENDOCINO COUNTY SUPERIOR COURT CASE NO. SCUJ-CVPT-14-6420 WITHDRAWN

AGENDA ITEM NO. 9E – PURSUANT TO GOVERNMENT CODE SECTION 54956.9D(2) – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: SIGNIFICANT EXPOSURE TO LITIGATION - ONE CASE WITHDRAWN

RECONVENED IN OPEN SESSION: 2:11 P.M.

AGENDA ITEM NO. 9 – REPORT OUT OF CLOSED SESSION

Presenter: Chair Gjerde.

Board Action: In respect to item 9(b), direction was given to staff. In respect to agenda item 9(c), the Board of Supervisors appointed Ms. Karen Horner as Mendocino County Librarian.

AGENDA ITEM NO. 5D – 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.

BOARD RECESS: 2:10 P.M. - 2:28 P.M.

AGENDA ITEM NO. 5E - DISCUSSION AND INFORMATIONAL PRESENTATION ON THE FUNCTION OF CODE ENFORCEMENT AND UPDATE ON CODE ENFORCEMENT ACTIVITIES AND PRIORITIES; AND POTENTIAL DIRECTION TO STAFF ON BOARD PRIORITIES FOR CODE ENFORCEMENT ACTIVITIES IN MENDOCINO COUNTY – SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Ms. Angie Hamilton, Code Enforcement Officer II, Planning and Building Services; and Mr. Steve Dunncliff, Director, Planning and Building Services.

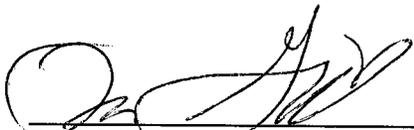
Public Comment: Mr. Lee Howard.

Board Action: No action taken.

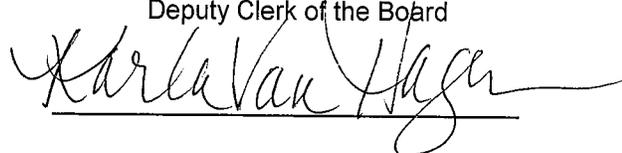
AGENDA ITEM NO. 10 – COMMUNICATIONS RECEIVED AND FILED

- (a) State Water Resources Control Board, January 15, 2016, Draft Resolution directing staff to develop beneficial uses pertaining to tribal traditional and cultural, and subsistence fishing; for more information, contact Gita Kapahi, Director of Public Participation and Tribal Liaison at (916) 341-5501 or gita.kapahi@waterboards.ca.gov; or Stacy Gillespie, Senior Staff Counsel at (916) 341-5190 or stacy.gillespie@waterboards.ca.gov.
- (b) State Water Resources Control Board, January 15, 2016, Draft Proposed Emergency Regulation for Urban Water Conservation; for more information, contact kathy.frevert@waterboards.ca.gov or (916) 322-5274. Comments can be emailed to commentletters@waterboards.ca.gov.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 3:37 P.M.



DAN GJERDE, Chair

Attest: Karla Van Hagen
Deputy Clerk of the Board


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 via the County’s YouTube Channel. If technical assistance is needed, please contact The Mendocino County Executive Office at (707) 3463-4441.
- Minutes are considered draft until adopted/approved by the Board of Supervisors
- The Board of Supervisors’ action minutes are also posted on the County of Mendocino website at: www.co.mendocino.ca.us/bos
- To request an official record of a meeting of the Mendocino County Board of Supervisors, please contact the Executive Office at (707) 463-4441.
- Please reference the departmental website to obtain additional resource information for the Board of Supervisors and Clerk of the Board: www.co.mendocino.ca.us/bos

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