



MENDOCINO COUNTY BOARD OF SUPERVISORS
ACTION MINUTES – AUGUST 27, 2013

MENDOCINO COUNTY BOARD OF SUPERVISORS

CARRE BROWN FIRST DISTRICT

JOHN McCOWEN SECOND DISTRICT

JOHN PINCHES THIRD DISTRICT VICE-CHAIR

DAN GJERDE FOURTH DISTRICT

DAN HAMBURG FIFTH DISTRICT CHAIR

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

THOMAS R. PARKER COUNTY COUNSEL

BOARD RESOURCE INFORMATION:

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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)

[X] REGULAR MEETING [] SPECIAL SESSION [] PLANNING MATTERS

AGENDA ITEM No. 1 – OPEN SESSION (ROLL CALL AND PLEDGE OF ALLEGIANCE - (9:01 A.M.))

Present: Supervisors Carre Brown, John McCowen, John Pinches, Dan Gjerde, and Dan Hamburg. Chair Hamburg presiding.

Staff Present: Ms. Carmel J. Angelo, Chief Executive Officer/Clerk of the Board; Mr. Thomas R. Parker, County Counsel; and Ms. Nicole French, Deputy Clerk of the Board.

Pledge of Allegiance: Mr. Dave Eberly.

AGENDA ITEM No. 3 – PUBLIC EXPRESSION

Presenter/s: Mr. Richard White, Retirement Administrator; Ms. Dana Saxton; Ms. Joyce Hamman; Ms. Tammy Stiles; Ms. Meredith Staples; Ms Charlene Clifton; and Mr. Aaron Burton.

Board Action: No action taken.

AGENDA ITEM No. 4 – CONSENT CALENDAR

Presenter/s: Chair Hamburg.

Public Comment: Ms. Robin Sunbeam.

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

- (a) Approval of Appointments to Mendocino County Waterworks District II – Executive Office -- Approved;
(b) Approval of Appointments-In-Lieu of Election for the November 5, 2013, Consolidated Districts Election - Assessor/Clerk-Recorder -- Approved;
(c) Authorization for the Auditor's Office to Begin the Process of Implementing an ePayables Program Sponsored by Bank of America Merrill Lynch (BAML) – Auditor-Controller -- Approved;
(d) Adoption of Resolution Pursuant to Caltrans/California Highway Patrol's Joint Policy Guidelines for Special Events on State Conventional Highways in Order to Obtain a Permit from Caltrans for the California Indian Days Parade in Covelo, California, on September 28, 2013 - Supervisor Pinches -- Adopted and the Chair is authorized to sign same –

RESOLUTION NO. 13-082

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS PURSUANT TO CALTRANS/CALIFORNIA HIGHWAY PATROL'S JOINT POLICY GUIDELINES FOR SPECIAL EVENTS ON STATE CONVENTIONAL HIGHWAYS IN ORDER TO OBTAIN A PERMIT FROM CALTRANS FOR THE CALIFORNIA INDIAN DAYS PARADE IN COVELO, CALIFORNIA ON SEPTEMBER 28, 2013

- (e) Adoption of Resolution Pursuant to Measure F "Calling for Amendment to the United States Constitution to Establish that 1) Only Human Beings and Not Corporations Are Endowed With Constitutional Rights, and 2) that Money Does Not Constitute Speech and Therefore Political Contributions Can Be Regulated" - Supervisor McCowen -- Adopted and the Chair is authorized to sign same –

RESOLUTION NO. 13-083

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS CALLING FOR AMENDMENT TO THE UNITED STATES CONSTITUTION TO ESTABLISH THAT 1) ONLY HUMAN BEINGS AND NOT CORPORATIONS ARE ENDOWED WITH CONSTITUTIONAL RIGHTS, AND 2) THAT MONEY DOES NOT CONSTITUTE SPEECH AND THEREFORE POLITICAL CONTRIBUTIONS CAN BE REGULATED

- (f) Approval of a Letter of Support for the Potter Valley Tribe's Fee-to-Trust Application for Two Tribal Properties, in Redwood Valley and Potter Valley - Supervisor Brown -- Approved and the Chair is authorized to sign same;
- (g) Ratification of Letter of Opposition to Senate Bill 594 (Hill) - Prohibit the Use of Public Resources for Campaign Activities - Supervisor Brown -- Approved and the Chair is authorized to sign same;
- (h) Adoption of Resolution Authorizing the Destruction of Certain Records Within the General Services Agency, Central Services Division, Pursuant to Government Code Section 26202 – General Services Agency -- Adopted and the Chair is authorized to sign same –

RESOLUTION NO. 13-084

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS IN THE GENERAL SERVICES AGENCY, CENTRAL SERVICES DIVISION

- (i) Approval of the Lease-Purchase Financing in the Amount of \$189,373 with Arrow Enterprises Computing Solutions, Inc. for the County's Novell Software Maintenance and Support and Authorization for the General Services Agency Director to Sign Any and All Necessary Documents Related to the Transaction as Agent on Behalf of the County – General Services Agency -- Approved;
- (j) (BOS Agreement No. 13-041) Approval of Memorandum of Understanding Between the Superior Court of Mendocino County and the County of Mendocino for Fiscal Year 2013-14 – General Services Agency -- Approved and the Chair is authorized to sign same;
- (k) Authorization of Blanket Declaration of Surplus Property and Authorization for Purchasing Agent to Dispose of Said Surplus Property Throughout Fiscal Year 2013/2014 – General Services Agency -- Approved;
- (l) (BOS Agreement No. 13-042) Approval of Amended Agreement with KidsPeace National Centers, Inc., & KidsPeace Children's Hospital, Inc. in the Amount of \$70,000 to Provide Continued Specialized Out of Home Placement in Fiscal Year 2012/2013 – Health and Human Services Agency -- Approved and the Chair is authorized to sign same;
- (m) Authorization of the Workforce Investment Board (WIB) and Comprehensive Economic Development Strategy (CEDS) Committee to Work with the Economic Development Director of Sonoma County to Create a Joint Powers Agreement with the Objective of Forming an Economic Development District (EDD) – Health and Human Services Agency -- Approved;

- (n) Adoption of Resolution Approving the Rescission and Simultaneous Replacement of Agricultural Preserve Contract No. 407 – Planning and Building Services -- Adopted and the Chair is authorized to sign same –

RESOLUTION NO. 13-085

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS RESCISSION OF AGRICULTURAL PRESERVE NO. 407 TO BE REPLACED BY NEWLY RECONFIGURED CONTRACTS OF LIKE ACREAGE

- (o) (BOS Agreement No.00-324-A4) Adoption of Resolution Approving Amendment No. 4 to BOS Agreement No. 00-324/Department of Transportation Agreement No. 990099, Professional Services Agreement with Rau and Associates for Additional Engineering Work for the Reconstruction and Widening of Roadway on East Side Potter Valley Road, CR 240, M.P. 2.40 to M.P. 6.42 (Potter Valley Area) - Transportation -- Adopted and the Chair is authorized to sign same –

RESOLUTION NO. 13-086

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING AMENDMENT NO. 4 TO BOS AGREEMENT NO. 00-824/DOT AGREEMENT NO. 990099, PROFESSIONAL SERVICES AGREEMENT WITH RAU AND ASSOCIATES FOR ADDITIONAL ENGINEERING WORK FOR THE RECONSTRUCTION AND WIDENING OF ROADWAY ON EAST SIDE POTTER VALLEY ROAD, CR 240, M.P. 2.40 TO M.P. 6.42 (POTTER VALLEY AREA)

- (p) Approval of Outdoor Festival Application and Authorization of Tax Collector to Issue License for the Winesong Festival, to be Held September 7, 2013 in Fort Bragg, California – Treasurer-Tax Collector – Approved.

AGENDA ITEM NO. 5E – CONTINUED FROM AUGUST 13, 2013 - ADOPTION OF AN ORDINANCE AMENDING CHAPTER 16.30 OF THE MENDOCINO COUNTY CODE (STORMWATER RUNOFF POLLUTION PREVENTION PROCEDURE ORDINANCE) PURSUANT TO CATEGORICAL EXEMPTION (CAL. CODE REGS., TIT. 14, §15307) – SPONSORS: PLANNING AND BUILDING SERVICES AND COUNTY COUNSEL

Presenter/s: Mr. Thomas R. Parker, County Counsel; Mr. Andy Gustavson, Planning and Building Services Chief Planner; Mr. Steve Dunncliff, Planning and Building Services Director.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Gjerde, and carried (3/2 with Supervisors Brown and Pinches dissenting); IT IS ORDERED that the Board of Supervisors adopts the ordinance amending Chapter 16.30 of the Mendocino County Code.

T1-2200

AGENDA ITEM NO. 5D – INFORMATIONAL PRESENTATION ON THE 2011 REALIGNMENT AND ITS EFFECT ON THE HEALTH AND HUMAN SERVICES AGENCY PROTECTIVE SERVICES SUBACCOUNT – SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Presenter/s: Ms. Stacey Cryer, Health and Human Services Agency Director; Mr. Doug Gherkin, Health and Human Services Agency Chief Financial Officer; Ms. Anne Molgaard, First 5 Mendocino Executive Director/Children's Action Committee Member; and Ms. Camille Schrader, Redwood Children's Services, Inc. Executive Director/Children's Action Committee Member; Ms. Carmel J. Angelo, Chief Executive Officer.

RECESS: 10:28 – 10:45 A.M.

Board Action: No action taken.

T2-675

AGENDA ITEM NO. 6C – DISCUSSION AND DIRECTION REGARDING FORMATION OF AN AD HOC COMMITTEE TO MEET WITH MEMBERS OF THE PUBLIC AND STAFF IN RESEARCHING AND RESOLVING OUTSTANDING ISSUES REGARDING DEVELOPMENT OF A CLEAN ENERGY PROGRAM IN MENDOCINO COUNTY – SPONSOR: SUPERVISOR McCOWEN

Presenter/s: Supervisor McCowen.

Public Comment: Mr. Keith Rutledge, Mr. Justin Mongroo, and Mr. Dennis Tober.

Board Action: Upon motion by Supervisor Pinches, seconded by Supervisor Gjerde, and carried unanimously; IT IS ORDERED that the Board of Supervisors appoints an ad hoc committee consisting of Supervisors McCowen and Hamburg to meet with members of the public and staff to research and resolve outstanding issues related to possible development of a Clean Energy Program in Mendocino County and report back to the Board within 60 days.

T1-1420

AGENDA ITEM NO. 5F – ADOPTION OF ORDINANCE REZONING THREE DEVELOPED ONE (1) ACRE PARCELS IN THE UKIAH AREA FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) (ASSESSOR'S PARCEL NUMBERS 003-420-39, 40 AND 41) – SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Fred Tarr, Planning and Building Services Planner II; Mr. Andy Gustavson, Planning and Building Services Chief Planner.

Public Comment: Ms. Angélica Millán, Legal Services of Northern California.

Board Action: Upon motion by Supervisor Pinches, seconded by Supervisor Brown, and carried unanimously; IT IS ORDERED that the Board of Supervisors makes the Environmental and General Plan findings contained within the Planning Commission's motion and Staff Report and adopt the Ordinance approving the rezoning of Assessor's Parcel Numbers 003-420-39, 003-420-40 and 003-420-41 from R-1 to R-3..

T1-1700

AGENDA ITEM NO. 6B – APPOINTMENT OF DESIGNEES TO THE LAKE/MENDOCINO AREA AGENCY ON AGING (AAA) GOVERNING BOARD – SPONSOR: SUPERVISOR BROWN

Presenter/s: Supervisor Brown.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor McCowen, and carried unanimously; IT IS ORDERED that the Board of Supervisors designates an alternate from the BOS to serve on the AAA Governing Board, representing the County of Mendocino, when the primary designee is unable to attend Governing Board meetings.

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

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

Board Action: No action taken.

AGENDA ITEM NO. 5C – CONTINUED FROM AUGUST 13, 2013 - APPROVAL OF THE BOARD OF SUPERVISORS' RESPONSE TO THE 2012-2013 GRAND JURY REPORT - "CUT BACKS IN MENTAL HEALTH SERVICES IMPACTING LAW ENFORCEMENT" – SPONSOR: COUNTY COUNSEL

Presenter/s: Mr. Thomas R. Parker, County Counsel.

Board Directive: BY ORDER OF THE CHAIR, this item is continued to the September 23, 2013, Regular Meeting of the Board of Supervisors.

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.

Public Comment: Mr. Dennis Tober.
(Item continued below)

~~**AGENDA ITEM NO. 9A PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(1) – CONFERENCE WITH LEGAL COUNSEL – SIGNIFICANT EXPOSURE TO LITIGATION – ONE CASE**~~

~~**AGENDA ITEM NO. 9B – PURSUANT TO GOVERNMENT CODE SECTION 54957 – PUBLIC EMPLOYEE PERFORMANCE EVALUATION – COUNTY COUNSEL**~~

LUNCH RECESS: 12:02 P.M.

RECONVENED IN OPEN SESSION: 1:30 P.M.

AGENDA ITEM NO. 5H – NOTICED PUBLIC HEARING – CONSIDERATION OF ADOPTION OF A MITIGATED NEGATIVE DECLARATION, IN COMPLIANCE WITH CEQA REQUIREMENTS, FOR THE REPLACEMENT OF BRIDGE NO. 10C-0137 ON MUIR MILL ROAD, CR 301C, M.P. 2.07 OVER BAECHTEL CREEK AND, IF APPROPRIATE, APPROVE RESOLUTION ADOPTING SAID MITIGATED NEGATIVE DECLARATION (WILLITS AREA) – SPONSOR: TRANSPORTATION

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

Public Comment: Ms. Rosmund Crowder; Mr. David Swingle; Mr. Keith Peterson; Mr. John Wieland; and Mr. Charles Lacey.

Board Action: Upon motion by Supervisor Pinches, seconded by Supervisor Brown, and carried unanimously; IT IS ORDERED that the Board of Supervisors adopts a Mitigated Negative Declaration for the project and authorizes the Director of Transportation to file the Notice of Determination.

RESOLUTION NO. 13-087

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING A MITIGATED NEGATIVE DECLARATION, IN COMPLIANCE WITH CEQA REQUIREMENTS, FOR THE REPLACEMENT OF BRIDGE NO. 10C-0137 ON MUIR MILL ROAD, CR 301C, M.P. 2.07 OVER BAECHTEL CREEK (WILLITS AREA)

AGENDA ITEM NO. 5I – NOTICED PUBLIC HEARING – CONSIDERATION OF ADOPTION OF A MITIGATED NEGATIVE DECLARATION, IN COMPLIANCE WITH CEQA REQUIREMENTS, FOR SOUTH COAST LANDFILL FINAL CLOSURE/POST CLOSURE MAINTENANCE PLAN AND, IF APPROPRIATE, APPROVE RESOLUTION ADOPTING SAID MITIGATED NEGATIVE DECLARATION (GUALALA/POINT ARENA AREA) – SPONSOR: TRANSPORTATION

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

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Pinches, and carried unanimously; IT IS ORDERED that the Board of Supervisors adopts a Mitigated Negative Declaration for the project and authorizes the Director of Transportation to file the Notice of Determination..

RESOLUTION NO. 13-088

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING A MITIGATED NEGATIVE DECLARATION, IN COMPLIANCE WITH CEQA REQUIREMENTS, FOR SOUTH COAST LANDFILL FINAL CLOSURE/POST CLOSURE MAINTENANCE PLAN (GUALALA / POINT ARENA AREA)

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

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

Board Action: No action taken.

AGENDA ITEM NO. 5B – DISCUSSION AND POSSIBLE ACTION INCLUDING REVIEW, ADOPTION, AMENDMENT, CONSIDERATION OR RATIFICATION OF LEGISLATION PURSUANT TO THE ADOPTED LEGISLATIVE PLATFORM – SPONSOR: EXECUTIVE OFFICE

Presenter/s: Mr. David Grim, Administrative Analyst and Ms. Carmel J. Angelo, Chief Executive Officer.

Public Comment: Dr. Jeanine Pfeiffer.

Board Directive: BY ORDER OF THE CHAIR the Executive Office is directed to seek clarification on H.R. 2735 from Congressman Jared Huffman’s office.

(Item continued below)

T3-3193

AGENDA ITEM NO. 5J – ACCEPTANCE OF MENDOCINO COUNTY ANNUAL INVESTMENT REPORT, INCLUDING REPORT OF POOLED INVESTMENTS AT JUNE 30, 2013 – SPONSOR: TREASURER-TAX COLLECTOR

Presenter/s: Ms. Shari Schapmire, Treasurer-Tax Collector; and Mr. Jayson Schmitt, Chandler Asset Management Senior Vice President and Portfolio Manager.

(Item continued below)

AGENDA ITEM NO. 5B – (CONTINUED FROM ABOVE) DISCUSSION AND POSSIBLE ACTION INCLUDING REVIEW, ADOPTION, AMENDMENT, CONSIDERATION OR RATIFICATION OF LEGISLATION PURSUANT TO THE ADOPTED LEGISLATIVE PLATFORM – SPONSOR: EXECUTIVE OFFICE

Presenter/s: Mr. David Grim, Administrative Analyst.

Public Comment: Ms. Heidi Dickerson, District Representative for Congressman Jared Huffman.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Gjerde, and carried (3/2 with Supervisors Pinches and Hamburg dissenting); IT IS ORDERED that the Board of Supervisors approves the letter in support of H.R. 2735 as drafted.

AGENDA ITEM NO. 5J – (CONTINUED FROM ABOVE) ACCEPTANCE OF MENDOCINO COUNTY ANNUAL INVESTMENT REPORT, INCLUDING REPORT OF POOLED INVESTMENTS AT JUNE 30, 2013 – SPONSOR: TREASURER-TAX COLLECTOR

Presenter/s: Ms. Shari Schapmire, Treasurer-Tax Collector; Mr. Jayson Schmitt, Chandler Asset Management Senior Vice President and Portfolio Manager.

Board Action: No action taken.

T1-1301

AGENDA ITEM NO. 6A – (CONTINUED FROM ABOVE) 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.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 3:56 P.M.

(Tape End T3-2085)


DAN HAMBURG, Chair

Attest: TIM MITCHELL
Senior Deputy Clerk of the Board



Attest: NICOLE FRENCH
Deputy Clerk of the Board



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