

CARRE BROWN
First District
Vice-Chair
TOM MITCHELL
Chief Executive Officer

JOHN MCCOWEN
Second District

JOHN PINCHES
Third District
Chair
KRISTI FURMAN
Clerk of the Board

KENDALL SMITH
Fourth District

J. DAVID COLFAX
Fifth District

JEANINE B. NADEL
County Counsel

MENDOCINO COUNTY BOARD OF SUPERVISORS

AGENDA APRIL 7, 2009 – 9:00 A.M.

NEW!
LIVE WEB STREAMING
OF BOARD MEETINGS:
WWW.LVCTV.ORG
(SEE PAGE 5)

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, MENDOCINO COUNTY LIBRARY DISTRICT, REDEVELOPMENT AGENCY OF THE COUNTY OF MENDOCINO, AND THE IHSS PUBLIC AUTHORITY GOVERNING BOARD

MEETING HIGHLIGHTS

Order of Agenda:
Open Session,
Roll Call &
Pledge of Allegiance
—
Public Expression
—
Adoption of
Consent Calendars
—
Regular
Agenda Items
—
Selected items have
been assigned an
appointed time for
the convenience
of the Board and
the Public
—
Online Information
& Web Streaming
(See Page 5)
—
Televised
Board Meetings
(See Page 5)

Open Session
(9:00 a.m.)

Public Expression
(Approximately 9:05 a.m.)

*Adoption of Proclamation Recognizing the 50th
Anniversary of the Willits Branch of the
American Association of University Women (AAUW)*
(Approximately 9:15 a.m. – See Item No. 7b)

*Adoption of Proclamation Recognizing April 6-12, 2009, as
National Public Health Week and Proclaim April 6-12, 2009,
as Public Health Week in Mendocino County*
(Approximately 9:15 a.m. – See Item No. 6a)

*Discussion and Possible Action Regarding Resolving
Projected Shortfall in Fiscal Year 2008/2009 Budget*
(Approximately 10:30 a.m. – See Item No. 5e)

Adjourn to Lunch Recess
(Approximately 12:00 Noon)

Reconvene for Afternoon Session
(Approximately 1:30 p.m.)

Adjourn to Closed Session
(Approximately 2:30 p.m. – See Item Nos. 11a-b)

Reconvene in Open Session/Report Out from Closed Session
(Following the Conclusion of Closed Session Business)

Welcome to the
meeting of the
Mendocino County
Board of
Supervisors
—

Agenda items
generally occur
sequentially,
however, when
circumstances
warrant, the order
of items may be
changed at the
discretion of the
Chair
—

Please see the end of
the agenda for
additional meeting
information
including ADA
accommodations
and public
expression



ORDER OF AGENDA

ITEM NO. 1 – OPEN SESSION AND ROLL CALL (9:00 A.M.)

- Roll Call will be conducted at the beginning of Open Session

ITEM NO. 2 – PLEDGE OF ALLEGIANCE

- The Pledge of Allegiance will be recited at the beginning of Open Session

ITEM NO. 3 – APPROVAL OF MINUTES

- Approval of Minutes of March 16, 2009, Special Budget Session
- Approval of Minutes of March 16, 2009, Special Closed Session
- Approval of Minutes of March 17, 2009, Board Meeting
- Approval of Minutes of March 17, 2009, Joint Board and Planning Commission Session
- Approval of Minutes of March 23, 2009, Special Session
- Approval of Minutes of March 24, 2009, Off-Site Board Meeting
- Approval of Minutes of March 31, 2009, Special Session

ITEM NO. 4 – CONSENT CALENDARS

- Regular Consent Calendar (*See Attached*)
- Air Quality Management District Consent Calendar (*See Attached*)

The Consent Calendar (Agenda) is considered routine and non-controversial and will be acted upon by the Board at one time without discussion. The Consent Calendar is adopted as the first order of business upon the start of the Open Session portion of the meeting. Any Board member may request that any item be removed from the Consent Calendar for individual consideration. Please consult with the Clerk of the Board for additional information.

ITEM NO. 5 – CHIEF EXECUTIVE OFFICER

- (a) Legislative Report
- (b) Budget Officer Report
- (c) Chief Executive Officer Report and Economic Stimulus Action Plan Update
- (d) Discussion and Possible Action Regarding Underground Utilities Program, Funded by the Pacific Gas & Electric Company Rule 20A Allocations; and Approval of Referral to the Public Resources Committee for Direction
- (e) *Timed Item – 10:30 a.m.:* Discussion and Possible Action Regarding Resolving Projected Shortfalls in the Fiscal Year 2008/2009 Budget
- (f) Discussion and Possible Action Regarding Board of Supervisors Compensation in Accordance with Mendocino County Code Section 3.04.071

ITEM NO. 6 – DEPARTMENTAL MATTERS AND REPORTS

- (a) *Timed Item – 9:15 a.m.:* Discussion and Possible Action Including Adoption of Proclamation Recognizing April 6-12, 2009, as National Public Health Week and Proclaim April 6-12, 2009, as Public Health Week in Mendocino County – Sponsoring Department: Health and Human Services Agency/Community Health Services
- (b) Department of Transportation – Director's Report

ITEM NO. 7 – COMMITTEE REPORTS/SUPERVISORS REPORTS

- (a) Supervisors Reports
- (b) *Timed Item – 9:15 a.m.:* Discussion and Possible Action Regarding Adoption of Proclamation Recognizing the 50th Anniversary of the Willits Branch of the American Association of University Women (AAUW) – Sponsor: Supervisor Smith



- (c) Discussion and Possible Action Regarding a Request that the Board of Supervisors Send a Letter to the Minerals Management Service (MMS) in Opposition for Consideration of the Mendocino Coast for Off-Shore Oil and Gas Leasing, Also Requesting a Public Hearing on the Mendocino Coast – Sponsors: Supervisors Colfax and McCowen
- (d) Discussion and Possible Action Including Approval of Board Delegation of Supervisors Smith and Colfax to Represent the County at the April 16, 2009, Minerals Management Service (MMS) Public Meeting in San Francisco, California, Regarding Off-Shore Oil and Gas Leasing – Sponsor: Supervisor Smith
- (e) Discussion and Possible Action Including Approval of a Comment Letter Regarding the Northwest Training Range Complex Environmental Impact Statement (EIS/OEIS) Overseas Environmental Impact Statement for the U.S. Navy Weapons Testing Program (NWTRC) – Sponsors: Supervisors McCowen and Smith

ITEM NO. 8 – MISCELLANEOUS

ITEM NO. 9 – MENDOCINO COUNTY AIR QUALITY MANAGEMENT DISTRICT, MENDOCINO COUNTY PUBLIC FACILITIES CORPORATION, MENDOCINO COUNTY WATER AGENCY, MENDOCINO COUNTY LIBRARY DISTRICT, REDEVELOPMENT AGENCY OF THE COUNTY OF MENDOCINO, AND THE IHSS PUBLIC AUTHORITY GOVERNING BOARD

ITEM NO. 10 – APPOINTMENTS TO BOARDS AND COMMISSIONS

The Board of Supervisors is actively seeking qualified candidates to fill the following vacancies. Please consult with the Clerk of the Board for information on specific categorical areas and District vacancies, or visit our website at: www.co.mendocino.ca.us/bos

- (a) Commission on the Status of Women (12)
- (b) Building Appeals Board (7)
- (c) Mental Health Board (3)
- (d) Workforce Investment Board (7)
- (e) Air Quality Management District Hearing Board (4)
- (f) Public Health Advisory Board (2)
- (g) Alcohol and Drug Abuse Advisory Board (3)
- (h) Cemetery District of Fish Rock (3)
- (i) Mendocino County Forest Council (4)
- (j) Laytonville Area Municipal Advisory Council (4)
- (k) Grievance Appeals Committee (3)
- (l) In-Home Supportive Services (IHSS) Advisory Committee (7)
- (m) Cemetery District of Hopland (1)
- (n) Mendocino County Museum Advisory Board (4)
- (o) Mendocino County Airport Land Use Commission (4)
- (p) Cemetery District of Westport-Ten Mile (1)
- (q) Cemetery District of the Redwoods (2)
- (r) Child Care Planning Council (3)
- (s) Solid Waste Hearing Panel (2)
- (t) Mendocino County Resources Conservation District (1)
- (u) Area Agency on Aging (AAA) Advisory Council (3)
- (v) Indian Gaming Local Community Benefit Committee (2)
- (w) Animal Care and Control Appeals & Advisory Board (1)
- (x) Developmental Disabilities Board – Area I (2)
- (y) Mendocino County Archaeological Commission (1)
- (z) Library Advisory Board (1)
- (aa) Mendocino Historical Review Board (1)
- (bb) Retirement Board (1)



ITEM NO. 11 – CLOSED SESSION (AT THE CONCLUSION OF OPEN SESSION BUSINESS)

- (a) Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiator – Agency Negotiators: Alison Glassey; Meredith Ford; and Fran Buchanan; Employee Organization(s): All
- (b) Pursuant to Government Code Section 54957 – Public Employee Performance Evaluation – Chief Executive Officer

ITEM NO. 12 – COUNTY COUNSEL

ITEM NO. 13 – COMMUNICATIONS RECEIVED AND FILED

Communications received and filed are retained by the Clerk of the Board throughout the Board proceedings. To review items described in this section, please contact the Clerk of the Board staff in Room 1090.

- (a) Pacific Gas and Electric (PG&E) Company Potter Valley Hydroelectric Project, No. 77:
 - Response to the March 4, 2009 Letter from Ellison Folk on Behalf of Friends of the Eel River (“FOER”) Regarding the Potter Valley Powerhouse Bypass Project
 - Friends of the Eel River (“FOER”) Motion to Intervene on Federal Energy Regulatory Commission (FERC) Project No. 77-212, Dated March 19, 2009
 - FERC Letter Order Accepting PG&E’s Quality Control and Inspection Plan, Civil Drawings et al
 - FERC Letter Order Granting an Additional 30 Days for PG&E to File Their FERC Form 80
 - FERC Environmental Assessment; Application for Amendment of License for Temporary Diversion and Restoration of Water to Lake Pillsbury, FERC Project No.77-222
- (b) Fish and Game Commission California: Notice of Proposed Regulatory Action Relative to Section 124, Title 14, California Code of Regulations, Relating to Commercial Halibut Trawl Gear, Which Will Be Published in California Regulatory Notice Register on March 27, 2009. For questions, contact Ms. Marija Vojkovich at (805) 568-1246; Public Hearing will be held Thursday, May 14, 2009, at 8:30 a.m., at 1416 Ninth Street, RM 1320, Sacramento, California
- (c) State Water Resources Control Board: Notice of a Public Meeting on May 26, 2009 Regarding Southern California Costal Water Research Project to Perform a Project to Re-assess the Areas Designated for Water Quality Protection as Shellfish Harvesting Areas and Aquaculture. For More Information Reply to mjgerde@waterboards.ca.gov

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

- *Members of the public are welcome to address the Board on items not listed on the agenda and 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 and/or briefly answer questions. 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 day. 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 of the Board, the Chair of the Board, or your respective District Supervisor. If you wish to submit written comments, please provide 9 copies to the Clerk of the Board staff, located in the Administration Center, Room 1090. All meetings are tape-recorded and speakers are reminded to announce their names as they approach the podium.*



AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE

- 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 Clerk of the Board's Office by calling (707) 463-4221 at least five days prior to the meeting.

ADDITIONAL MEETING INFORMATION FOR INTERESTED PARTIES

- 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 Boardroom. If you wish to submit written comments, please provide 9 copies to the Clerk of the Board staff, located in the Administration Center, Room 1090
- The Board of Supervisors' agenda is posted on the County of Mendocino website at: www.co.mendocino.ca.us/bos
- A copy of the Agenda Packet is available for public review in the Clerk of the Board's Office, Room 1090. 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/ndx.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
- 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

ANNOUNCING EXPANDED ONLINE INFORMATION

- **NEW! LIVE WEB STREAMING OF BOARD MEETINGS:** www.uvctv.org (Requires Windows Media Player Version 9 – for Technical Assistance Please Contact Ukiah Valley Community Television 707/357-0624)
- Board Meeting Agenda Summary reports are available online. Please Access the Selected Agenda from the Board's Website to View Additional Information: www.co.mendocino.ca.us/bos



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The following item is recommended for denial:

- (1) Claim Against the County
 - (a) Claim of the School House Plaza at Brutocao, LLC (Paul M. Mahoney, Esq.)

The following items are recommended for approval:

CRIMINAL JUSTICE

- (2) Approval of Budget Transfer in the Amount of \$29,000 from Jail-COPS Service and Supplies and Inmate Welfare Fund to Fixed Assets, Enabling a Purchase of Bakery Equipment, and to Add the Bakery Equipment to the Fixed Asset List – Sheriff

GENERAL GOVERNMENT

- (3) Adoption of Resolution Approving the Temporary and Partial Closure of a Portion of Center Street, County Road 114 (Hopland Area), as Part of the Bi-Annual Hopland Passport Weekend Scheduled for May 3-4, 2009 and October 24-25, 2009 – Clerk of the Board

PUBLIC RESOURCES

- (4) Approval of Coastal Development Permit – Planning and Building Services
CDP No. 63-2008 Judith Chapman (Owner); Mauri Knapp (Agent)
LOCATION: In the Coastal Zone, Approximately ¼ Mile East of the Town of Mendocino, on the East Side of Gurley Lane (CR 407 Z), Approximately 200 Feet North of its Intersection with Little Lake Road (CR 408) at 10651 Gurley Lane (APN 119-100-01)
REQUEST: Place a New 1,500 Square Foot Single-Story Single-Family Residence (Manufactured Home) with a Maximum Height of 13' 6". Associated Development Includes Approximately 100 Linear Feet of Driveway Development, Conversion of a Test Well to a Production Well, Connection to the Community Services District for Septic Service, and Installation of a Propane Tank. Approval of Coastal Development Permit(s)
- (5) Adoption of Resolution Approving Department of Transportation Agreement No. 090054 with Geo-Logic Associates (San Bernardino, CA) for Water Quality Monitoring Report Preparation for Caspar, South Coast and Laytonville Landfills – Transportation
- (6) Adoption of Resolution Approving Department of Transportation Agreement No. 090076 (Mendocino Redwood Company, LLC) for the Acquisition of Right of Way Needed for Reconstruction and Widening of Haul Road Bridge, CR 104, M.P. 0.75 (Ukiah Area) – Transportation
- (7) Adoption of Resolution Approving Department of Transportation Agreement No. 090077 (DDR DB Mendocino LP, formerly known as DDR DB Mendocino LLC) for the Acquisition of Right of Way Needed for Reconstruction and Widening of Haul Road Bridge, CR 104, M.P. 0.75 (Ukiah Area) – Transportation

PUBLIC RESOURCES

- (8) Adoption of Resolution of Support for the Petition for Temporary Urgency Change as Filed by the Russian River Flood Control and Water Conservation Improvement District (RRFCWCID) to Retain More Water in Lake Mendocino – Supervisors Brown and McCowen



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The following items are recommended for approval:

- (1) Referral from the Air Quality Management District to the Public Resources Committee for Discussion and Direction Regarding Funding for Contract Planning Services in Fiscal Year 2009/2010 to Meet the Requirements of AB 32
- (2) Referral from the Air Quality Management District to the Public Resources Committee for Discussion and Direction Regarding Update of the District's Database