AGENDA
APRIL 7, 2009 – 9:00 A.M.

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

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 Coastal 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 mgjerde@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
The Consent Calendar (Agenda) is considered routine and non-controversial. The Board will adopt the Consent Calendar 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.

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, 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
The Consent Calendar (Agenda) is considered routine and non-controversial. The Board will adopt the Consent Calendar 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.

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
MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

- 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.
- 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: 3-19-2009
FROM: Sheriff Thomas Allman
MEETING DATE: 4-7-2009

DEPARTMENT RESOURCE/CONTACT: Capt. Tim Pearce
PHONE: 4559
Consent Agenda ☒ Regular Agenda ☐ Noticed Public Hearing ☐ Time Allocated for Item: ☒

AGENDA TITLE: The Sheriff is Requesting Approval to Make a Budget Transfer 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.

PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: None

SUMMARY OF REQUEST: The Sheriff’s Office desires to start baking bread as a cost cutting measure.

In 2008, the Sheriff’s Office spent $28,924.54 for bread. This equated to an average cost of $1.096 per loaf of bread. Based on information provided by Zach Schat, we have estimated the cost of baking our own bread to be .72 cents per loaf.

Attached is a cost comparison between purchasing and baking. In our calculations, baking will be $9,321.54 less expensive than continuing to purchase. The equipment will be paid off in 3 years and we realize the full benefit of the savings.

The Sheriff’s Office, in cooperation with General Services, will be purchasing refurbished equipment as opposed to new. We received a quote for new equipment and the cost would be $33,892.69 versus refurbished at $18,366.52.

Additional benefits of having a bread making operation: is to offer Probation to get bread from the Sheriff’s Office for Juvenile Hall and to provide job training to inmates.

The Sheriff is requesting approval to make a budget transfer $29,000.00 from Jail-COPS Service/Supplies and Inmate Welfare Fund to Fixed Assets to purchase the necessary bakery equipment.

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: N/A
ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE): ☒

FISCAL IMPACT:

<table>
<thead>
<tr>
<th>Source of Funding</th>
<th>Current F/Y Cost</th>
<th>Annual Recurring Cost</th>
<th>Budgeted in Current F/Y</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jail COPS and Inmate Welfare Fund</td>
<td>29,000.00</td>
<td>None</td>
<td>Yes ☐ No ☒</td>
</tr>
</tbody>
</table>

SUPERVISORIAL DISTRICT: 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All ☒ VOTE REQUIREMENT: Majority ☐ 4/5ths ☒

RECOMMENDED ACTION/MOTION: Approve the Sheriff’s request to make a budget transfer 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.

ALTERNATIVES: Do not approve Sheriff’s request.

CEO REVIEW (NAME): ______________________________________________________ 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 _____________

Revised-01/09
To County Auditor-Controller:
The following request is deemed necessary. Please report the available balances to County Executive Officer.

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<th>TRANSFER FROM:</th>
<th>AUDITOR</th>
<th>TRANSFER FROM:</th>
<th>AUDITOR</th>
</tr>
</thead>
<tbody>
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<td>FUND 1210 ORG/BUDGET 5B2511</td>
<td>BALANCE</td>
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<td>BALANCE</td>
</tr>
<tr>
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<td>93</td>
</tr>
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</table>

Transfer funds and appropriate fund balance and unanticipated revenue, to fund the purchase of a bread oven for the jail. $9,000 is to be donated by the Inmate Welfare Trust Fund 2410-760-440.

JUSTIFICATION: As stated above or attached memo.

DEPARTMENT HEAD By: [Signature]

TO COUNTY EXECUTIVE OFFICER:

☑ Sufficient balances remain in the accounts indicated to effect transfer as requested.

☐ Insufficient balances are available to meet the above request within departmental budget.

Requires transfer of $__________

REMARKS:

No. 031028 Date 3/24/09

AUDITOR-CONTROLLER By: [Signature]

COUNTY EXECUTIVE OFFICER: ☐ RECOMMENDATION ☐ APPROVAL ☐ DENIED

COMMENTS:

This purchase is not budgeted and should be approved by the Board as a fixed asset.

By: [Signature]

COUNTY EXECUTIVE OFFICER

ACTION OF BOARD OF SUPERVISORS:

☐ Approved as requested ☐ Approved as revised ☐ Other

REMARKS:

By: [Signature]

DEPUTY CLERK, BOARD OF SUPERVISORS

JE NO. Date By:

6/19/2008 Auditor Copy - White Department - Blue

Auditor File - Green Requesting Dept - Pink

Approp Transf
## Mendocino County Sheriff's Office - Cost Comparison of In-house Bread Baking Versus Private Vendor

### 2008 Cost of Bread Through Private Vendor
- **Total Loaves:** 26,391
- **Price per Loaf:** $1.096
- **Loaves Used per Day:** 72.30

### Estimated Cost to Bake Bread In-house
- **Total Loaves:** 26,391

#### Annual Costs:
- Materials @ .40 per Loaf: 72 per Day = 10,556
- Depreciation of Major Equipment = 1,247
- Electrical Bill = 7,200
- Labor 6 hours per Day @ $15.10 (sunk cost) = 0
- Maintenance = 600

**Total Annual Cost:** 19,603

**Per Loaf:** $0.72

### Start Up Costs
- **Equipment:** 18,366.52
- **Installation:** 9,664.00
- **Total:** 28,330.52

- **Total Previous Bread Cost:** $28,924.54
- **Total Projected Bread Cost:** -19,603.00
- **Total Savings:** 9,321.54

### Funding Sources:
- **Jail - Cops Grant:** 20,000
- **Inmate Welfare Fund:** 9,000
- **Total:** 29,000

### Years to Pay Off
- **Start Up Cost:** 28,330.52
- **Total Savings:** 9,321.54
- **Years to Pay Off:** 3.04
TO: Board of Supervisors  DATE: March 23, 2009
FROM: Clerk of the Board  MEETING DATE: April 7, 2009

DEPARTMENT RESOURCE/CONTACT: Kristi Furman  PHONE: 463-4221  Present ☒  On Call ☐

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

AGENDA TITLE: 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

PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: October 17, 2000: The Board of Supervisors has approved either by Minute Order or by Resolution, the temporary and partial road closure of a portion of Center Street in Hopland as part of the Bi-Annual Hopland Passport Wine event beginning in 2000.

SUMMARY OF REQUEST: The Hopland Passport Association is seeking endorsement and permission of the Board of Supervisors to temporarily and partially close a portion of Center Street in Hopland as part of the bi-annual Hopland Passport Wine event. Said event would be held between 11:00 a.m. and 5:00 p.m. each day. Cooperation will be given to the California Highway Patrol and to the Mendocino County Sheriff’s Department in allowing traffic to proceed on the highway, as only one lane is needed to conduct said event. In order for the event to be held, the Hopland Passport Association needs to seek permission from the Mendocino County Board of Supervisors, pursuant to the Department of Transportation and California Highway Patrol’s Joint Policy Guidelines for Special Events on State Conventional Highway Rights of Ways, in order to file the necessary permits with CalTrans.

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

FISCAL IMPACT:

<table>
<thead>
<tr>
<th>Source of Funding</th>
<th>Current F/Y Cost</th>
<th>Annual Recurring Cost</th>
<th>Budgeted in Current F/Y</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td></td>
<td></td>
<td>Yes ☒ No ☐</td>
</tr>
</tbody>
</table>

SUPERVISORIAL DISTRICT: 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All ☐  VOTE REQUIREMENT: Majority ☒ 4/5ths ☐

RECOMMENDED ACTION/MOTION: That the Board adopts a resolution granting permission for the Hopland Passport Association to hold an event on Center Street in Hopland, on May 3 – 4, 2009, and October 24-25, 2009; and forward a copy of the resolution to Hopland Passport Association, for submission to the California State Department of Transportation District Permit engineer in Eureka, California.

ALTERNATIVES: Do not grant permission for the Hopland Passport Association to hold the Bi-Annual Hopland Passport Weekend Scheduled for May 3 – 4, 2009, and October 24-25, 2009

CEO REVIEW (NAME):  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 ☐

Revised-01/09
February 11, 2009

County of Mendocino
Board of Supervisors
501 Low Gap Rd.
Ukiah, CA 95482

RE: Hopland Passport Weekend

The Hopland Passport Association respectfully requests your endorsement of our winery event held bi-annually on May 3 & 4 and October 24 & 25. Our event runs from 11 am to 5 pm each day.

We need this endorsement to file permits with CalTrans for posting crossing guards in our crosswalks on Hwy. 101.

Thank you,

Sue Murphey, Treasurer
Hopland Passport Association
RESOLUTION NO. 09-

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO, STATE OF CALIFORNIA, APPROVING THE TEMPORARY AND PARTIAL CLOSURE OF A PORTION OF CENTER STREET, COUNTY ROAD 114 (HOPLAND AREA), AS PART OF THE ANNUAL HOPLAND PASSPORT EVENT

WHEREAS, the Hopland Passport Association wishes to hold an Annual Wine Tasting Event; and

WHEREAS, on October 17, 2000, the Board approved, by Minute Order, the temporary and partial closure of a portion of Center Street, County Road 114 (Hopland area), as part of the annual Hopland Passport event; and

WHEREAS, on December 4, 2001, the Board adopted Resolution No. 01-268 adopting the County Maintained Road Policy for road closures on county maintained roads; and

WHEREAS, the State of California Department of Transportation grants permission for State of California maintained roads; and

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby reconfirms its Minute Order approval of October 17, 2000, approving the temporary and partial closure of a portion of Center Street, County Road 114 (Hopland area), as part of the annual Hopland Passport event; and

BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors hereby requests that the California State Department of Transportation assist the Hopland Passport Association to receive the necessary permits for the event as required by the California Department of Transportation and Conventional Highway Patrols Joint Policy Guidelines for Special Events on State Conventional Highways for this Event.

The foregoing Resolution introduced by Supervisor , seconded by Supervisor , and carried this day of , 2009, by the following vote:

AYES: 
NOES: 
ABSENT: 

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: KRISTI FURMAN
Clerk of the Board

______________________________
Deputy

APPROVED AS TO FORM:
JEANINE B. NADEL, County Counsel

______________________________
Deputy

JOHN PINCHES, 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.

BY: KRISTI FURMAN
Clerk of the Board

______________________________
Deputy
TO: Board of Supervisors  DATE: March 24, 2009
FROM: Planning & Building Services  MEETING DATE: April 7, 2009
DEPARTMENT RESOURCE/CONTACT: Frank Lynch  PHONE: 4281
Consent Agenda ☒  Regular Agenda ☐  Noticed Public Hearing ☐  Time Allocated for Item: ___

AGENDA TITLE: Authorization of the issuance of Coastal Development Permit #CDP 63-2008 (Chapman)

PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: None

SUMMARY OF REQUEST: Place a new 1,500 square foot single-story single-family residence (manufactured home) with a maximum height of 13 feet, 6 inches. 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.

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: http://www.co.mendocino.ca.us/planningfb/projects.
ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):

FISCAL IMPACT:

<table>
<thead>
<tr>
<th>Source of Funding</th>
<th>Current F/Y Cost</th>
<th>Annual Recurring Cost</th>
<th>Budgeted in Current F/Y</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Yes ☐  No ☒</td>
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</tbody>
</table>

SUPERVISORIAL DISTRICT: 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5 ☒ All ☒ VOTE REQUIREMENT: Majority ☒ 4/5ths ☒

RECOMMENDED ACTION/MOTION: That the Board of Supervisors authorizes the issuance of Coastal Development Permit # 52-2008

ALTERNATIVES: That the Board of Supervisors requires that Coastal Development Permit #CDP 63-2008 (Chapman) be scheduled for a public hearing and processed pursuant to Mendocino County Code Section 20.536.010

CEO REVIEW (NAME):  __________________________________________ PHONE: 463-4441
RECOMMENDATION: Agree ☒  Disagree ☐  No Opinion ☐  Alternate ☐  Staff Report Attached ☒
March 19, 2009

PUBLIC NOTICE OF PENDING ACTION
COASTAL DEVELOPMENT ADMINISTRATIVE PERMIT

The Mendocino County Coastal Permit Administrator will report proposed issuance of the below described project located in the coastal Zone to the Board of Supervisors at its meeting to be held Tuesday, April 7, 2009 in the Board of Supervisors Chambers, 501 Low Gap Road, Room 1070, Ukiah, California at 9:00 a.m. or as soon thereafter as the item may be considered.

CASE #: CDP #63-2008
DATE FILED: 11/24/2008
OWNER: Judith Chapman
AGENT: Mauri Knapp
REQUEST: Place a new ~1,500 sq. 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.
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).
PROJECT COORDINATOR: Abbey Stockwell

As you are an adjacent property owner and/or interested party, you are invited to appear before the Board, or to direct written comments to this office at the above address or to the Board of Supervisors, 501 Low Gap Road, Room 1090, Ukiah, California, 95482. If you would like to be notified of the Board of Supervisor’s action, please submit a written request to this office. All correspondence should contain reference to the above noted case number.

Coastal Development Administrative Permits are considered on the consent calendar, and the Board of Supervisors will not conduct a public hearing on this item.

If, at the meeting, at least one (1) member of the Board of Supervisors so requests, the permit shall not go into effect, and it shall be referred back to the Department of Planning and Building Services to be scheduled for a hearing by the Coastal Permit Administrator. Public notice for the time and place of the public hearing will be provided.

Action on this permit is not appealable to the Coastal Commission. Therefore, the permit will become effective and action will be final upon approval by the Board of Supervisors. If the permit is referred to the Coastal Permit Administrator, the decision of the Administrator shall be final unless a written appeal is submitted to the Board of Supervisors with a filing fee within ten days of the Administrator’s action.

If you challenge the above case in court, you may be limited to raising only those issues described in this notice or that you or someone else raised at the public hearing, or in written correspondence delivered to the Board of Supervisors or the Department of Planning and Building Services at, or prior to, any hearing.

Additional information regarding the above noted case may be obtained prior to the Board of Supervisors meeting by calling the Planning and Building Services Department at 964-5379, Monday through Friday.

Frank Lynch, Coastal Permit Administrator
OWNER: JUDITH CHAPMAN
428 MARIN AVE
MILL VALLEY, CA 94941

AGENT/APPLICANT: MAURI KNAPP
2523 CARVILLE DR
RENO, NV 89512

REQUEST: Place a new ~1,500 square foot single-story single-family residence (manufactured home) with a maximum height of 13 feet, 6 inches. 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.

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).

APPEALABLE AREA: No

PERMIT TYPE: Administrative

TOTAL ACREAGE: 1.99± Acres

GENERAL PLAN: RR-5 [RR-2]

ZONING: RR: L-5 [RR: L-2]

EXISTING USES: Undeveloped

ADJACENT ZONING: North, West: RR-5 [RR-2]
East: PF
South: PF & RR-5 [RR-2]

SURROUNDING LAND USES: North, West: Rural Residential
East: Public Facilities
South: Public Facilities & Rural Residential

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA – Class 3 (a)

OTHER RELATED APPLICATIONS: CE 44-2005 test well

PROJECT DESCRIPTION: Place a new ~1,500 sq. foot single-story single-family residence (manufactured home) with a maximum height of 13’ 6” on an approximately two acre parcel. 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. The building site is relatively flat and no vegetation removal is proposed.

LOCAL COASTAL PROGRAM CONSISTENCY RECOMMENDATION: The proposed project is consistent with the applicable goals and policies of the Local Coastal Program as described below.

Land Use

The parcel is classified on the Coastal Plan Map as Rural Residential Five Acre Minimum with an alternate density of Two Acre Minimum (RR-5 [RR-2]). The parcel is similarly zoned RR: L-5 [RR: L-2]. The Rural Residential zone (RR-2), which has a two acre minimum lot size, is applied by virtue of the fact that the parcel is less than two acres and cannot be further divided in either case. The proposed single-family residence is a principally permitted use within Rural Residential Districts and is consistent with the Rural Residential land use classification.

The required front and rear yards setbacks are 20 feet each and six feet each for the side yards. As shown on the Site Plan, the structures comply with setbacks required by the County Zoning Code.

The site is not within a designated highly scenic area; therefore the height limit is 28 feet above average natural grade. The proposed 13’ 6” height of the residence complies with the height limit.

Maximum lot coverage for a lot less than two acres in size in a RR zone is 20%. Lot coverage is the percentage of the gross lot area covered by structures, including roads. The lot is approximately 1.99 acres, or 86,684 square feet. The Site Plan shows roughly 2,904 square feet of coverage, or 3%. The project complies with lot coverage limits.

Public Access

The project site is located east of Highway 1 and public access to the shoreline will not be affected by the project.

Hazards

The property is in an area of “moderate” fire hazard severity ratings as determined by the California Department of Forestry and Fire Prevention (Cal Fire). Cal Fire has submitted recommended conditions of approval (CDF# 272-08) for address standards, driveway standards, and defensible space standards. Standard Condition Number 4 is recommended to achieve compliance with the fire safe standards recommended by Cal Fire. The Mendocino Fire District was notified of the proposed residence and did not respond.

The proposed structure would be located in a relatively flat area, and the development does not present any hazard issues relative to slope failure. There are no known faults, landslides or other geologic hazards in close proximity to the proposed development.

Senior Building Inspector, Michael Oliphant, commented that the manufactured home must conform to 2007 California Building Code chapter 7A: Wildland-Urban Interface requirements. Standard condition 4 will ensure this requirement is met through the building permit process.

Visual Resources
The parcel is not located in a designated Highly Scenic Area; therefore, it is not subject to the policies within the Coastal Element relating to visual resources, except for the following policy that applies to all parcels within the Coastal Zone:

Policy 3.5-1 of the Coastal Element states:

…The scenic and visual qualities of Mendocino County coastal areas shall be considered and projected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas…

The proposed residence would be clad in the following exterior materials and colors:

<table>
<thead>
<tr>
<th>Material</th>
<th>Color</th>
</tr>
</thead>
<tbody>
<tr>
<td>Siding</td>
<td>Beige</td>
</tr>
<tr>
<td>Trim</td>
<td>White</td>
</tr>
<tr>
<td>Roofing</td>
<td>Brown</td>
</tr>
<tr>
<td>Window Frames</td>
<td>White</td>
</tr>
<tr>
<td>Doors</td>
<td>White</td>
</tr>
</tbody>
</table>

Staff finds that the proposed materials and colors will be visually compatible with the character of the surrounding area.

Section 20.504.035 of the Mendocino County Coastal Zoning Code (Exterior Lighting Regulations) states:

(A) Essential criteria for the development of night lighting for any purpose shall take into consideration the impact of light intrusion upon the sparsely developed region of the highly scenic coastal zone.

(2) Where possible, all lights, whether installed for security, safety, or landscape design purposes, shall be shielded or shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel on which it is placed.

(3) Security lighting and flood lighting for occasional and/or emergency use shall be permitted in all areas.

Special condition 1 is recommended to require that the proposed exterior lights are shielded and downcast.

**Natural Resources**

This is a well drained disturbed site dominated by grasses and invasive, non-native broom. No sensitive habitat areas were identified in close proximity to the project area. The project would not substantially impact natural resources.
Grading, Erosion, and Runoff

Mendocino County Coastal Zoning Code (MCCZC) Sec. 20.492.010 Grading Standards (pertinent part):

(A) Grading shall not significantly disrupt natural drainage patterns and shall not significantly increase volumes of surface runoff unless adequate measures are taken to provide for the increase in surface runoff.

(G) The area of soil to be disturbed at any one time and the duration of its exposure shall be limited. Erosion and sediment control measures shall be installed as soon as possible following the disturbance of the soils. Construction equipment shall be limited to the actual area to be disturbed according to the approved development plans. (Ord. No. 3785 (part), adopted 1991)

Sec. 20.492.015 Erosion Standards of MCCZC (pertinent part):

(A) The erosion rate shall not exceed the natural or existing level before development.

(B) Existing vegetation shall be maintained on the construction site to the maximum extent feasible. Trees shall be protected from damage by proper grading techniques.

(C) Areas of disturbed soil shall be reseeded and covered with vegetation as soon as possible after disturbance, but no less than one hundred (100) percent coverage in ninety (90) days after seeding; mulches may be used to cover ground areas temporarily. In environmentally sensitive habitat areas, the revegetation shall be achieved with native vegetation. In buffer areas adjacent to environmentally sensitive habitats, non-native vegetation may be used provided that it is non-invasive and would not adversely affect the environmentally sensitive habitat area.

(D) Mechanical or vegetative techniques to control erosion may be used where possible or necessary providing that they are fully discussed in the approved development plan.

The project would require approximately 30 yd$^3$ of grading to install driveway, residence foundation, and infrastructure needed to connect the structure to electrical lines, sewer system and existing well. The area in which disturbance would occur consists of a relatively flat building footprint, with a 1% slope away from the building site. Special Condition 2 recommends that grading work occur outside of the rainy season (October 15 – April 15) and any disturbed soil be reseeded and covered with native vegetation as soon as possible after disturbance, but no less than one hundred (100) percent coverage in ninety (90) days after seeding, existing trees shall be protected from grading activities as well.

Increases in impervious surfaces in a watershed, such as roofs and roads, increases surface runoff from a site creating the potential to cause erosion and degrade aquatic health. Development in any watershed can have cumulative impacts on watershed health therefore it is recommended that roof top runoff be directed to landscaped areas to slow the rate of runoff and increase infiltration. Native and drought tolerant plants are recommended for landscaped areas. Special condition 3 is recommended to reflect this suggestion.

Archaeological/Cultural Resources

The project is not located in an area where archaeological or cultural resources are likely to exist. Nevertheless, Standard Condition Number 8 is recommended, advising the applicant of the requirements of the County’s Archaeological Ordinance (Chapter 22.12 of the Mendocino County Code) in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.
Groundwater Resources

The site is located within an area designated as a Critical Water Resources area (CWR) as shown in the 1982 Coastal Groundwater Study prepared by the Department of Water Resources. An existing test well will be converted to a production well. No adverse impacts to groundwater resources are anticipated. However, groundwater in the Town of Mendocino is scarce as many wells go dry during droughts, as well as during summer months, thus water conservation techniques are recommended. Water conservation practices include using native plants for landscaping to reduce irrigation needs, apply a layer of organic mulch around plants to reduce moisture loss and keep weeds down, only watering necessary plants (garden crops) in the dry season, using highly efficient appliances and devices such as high-efficiency toilets, high-efficiency clothes washing machines, low-flow showerheads and faucet aerators. More tips are available on the internet at: http://www.wateruseitwisely.com/links-and-resources/local-resources/

Sewer services will be provided by Mendocino City Community Services District (MCCSD), a letter sent by Jodi Mitchell February 19, 2009 confirmed this service. Although the subject parcel is not zoned within the Town of Mendocino, the MCCSD has annexed the property.

Transportation/Circulation

The project proposes a new driveway and encroachment on a County Road. The Department of Transportation was notified of this project and responded that prior to commencement of construction activities the applicant shall obtain an encroachment permit. Special condition 4 is recommended to meet this requirement.

Zoning Requirements

The project complies with the zoning requirements for the Rural Residential District set forth in Chapter 20.380, and with all other zoning requirements of Division II of Title 20 of the Mendocino County Code.

PROJECT FINDINGS AND CONDITIONS: Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project, and adopts the following findings and conditions.

FINDINGS:

1. The proposed development is in conformity with the certified Local Coastal Program; and

2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and

3. The proposed development is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district; and

4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and

5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.

STANDARD CONDITIONS:

1. The permit shall become effective on or after April 15, 2009 and shall expire and become null and void two years thereafter except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.

   To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.

3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.

4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.

5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.

6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:

   a. The permit was obtained or extended by fraud.

   b. One or more of the conditions upon which the permit was granted have been violated.

   c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.

   d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.

7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.

8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and
disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

SPECIAL CONDITIONS:

1. Prior to issuance of the Building Permit an exterior lighting plan is required. All exterior lights shall be maintained as fully shielded and in a downcast position.

2. Grading work shall occur outside of the rainy season (October 15 – April 15) and any disturbed soil be reseeded and covered with native vegetation as soon as possible after disturbance, but no less than one hundred (100) percent coverage in ninety (90) days after seeding, existing trees shall be protected from grading activities as well.

3. It is recommended that roof top runoff be directed to landscaped areas to slow the rate of runoff and increase infiltration. Native and drought tolerant plants are recommended for landscaped areas.

4. Prior to commencement of construction activities for the residence, the applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation and construct appropriate improvements to protect the County road during the construction phase of the project. Prior to final occupancy, applicant shall complete, to the satisfaction of the Department of Transportation, a standard private driveway approach onto Gurley Lane (CR 407 Z), to a minimum width of ten (10) feet, area to be improved fifteen (15) feet from the edge of the County road, to be surfaced with surfacing comparable to that on the County road.

Staff Report Prepared By:

___________________________ _______________________________________
Date Abbey Stockwell
Planner I

Coastal Development Permit Approved By:

___________________________ _______________________________________
Date Rick Miller
Deputy Coastal Permit Administrator

Attachments: Exhibit A Location Map
Exhibit B Site Plan
Exhibit C Floor Plan
Exhibit D Elevations
SUMMARY OF REFERRAL AGENCY COMMENTS:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Transportation</td>
<td>Applicant shall obtain encroachment permit.</td>
</tr>
<tr>
<td>Environmental Health – Fort Bragg</td>
<td>Comments from MCCSD.</td>
</tr>
<tr>
<td>Building Inspection – Fort Bragg</td>
<td>Manufactured home must conform to CA Building Code</td>
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<td>Ukiah Planning</td>
<td>No Comment</td>
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<td>MCCSD</td>
<td>MCCSD will connect sewer service</td>
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<td>Assessor</td>
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<td>Coastal Commission</td>
<td>No response.</td>
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<tr>
<td>US Fish &amp; Wildlife</td>
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<tr>
<td>Mendocino Fire District</td>
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<tr>
<td>Dept of Fish &amp; game</td>
<td>No response.</td>
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</table>
Berkshire Fireside 27523A
1395 SQUARE FEET * 3 BEDROOM * 2 BATH
AGENDA TITLE: Adoption of Resolution Approving and Executing 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

PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: The Board of Supervisors at their 13 September 2005 meeting approved the Department of Transportation - Solid Waste Division to issue a Request for Proposal (RFP). At its meeting of 10 January 2006, the Board of Supervisors took action to award the professional services agreement for landfill groundwater monitoring report preparation services to Geo-Logic Associates. The agreement was executed for the term of 1 January 2006 through 30 April 2009.

SUMMARY OF REQUEST: (See attached sheet)

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: Not Applicable

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

FISCAL IMPACT:

<table>
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<tr>
<th>Source of Funding</th>
<th>Current F/Y Cost</th>
<th>Annual Recurring Cost</th>
<th>Budgeted in Current F/Y</th>
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<td>BU 4511 Franchise Fees</td>
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</table>

SUPERVISORIAL DISTRICT: 1 ☐ 2 ☑ 3 ☑ 4 ☑ 5 ☑ All ☑ VOTE REQUIREMENT: Majority ☑ 4/5ths ☐

RECOMMENDED ACTION/MOTION: By Resolution, approve DOT Agreement No. 090054 with Geo-Logic Associates (San Bernardino, CA) for Water Quality Monitoring Report preparation for Caspar, South Coast and Laytonville Landfills and authorize/direct Board Chair to execute said Agreement on behalf of Mendocino County.

ALTERNATIVES: An alternative (not recommended) would be to not approve the Agreement with Geo-Logic Associates and direct the Department of Transportation - Solid Waste Division to conduct another Request for Proposal (RFP) for landfill groundwater monitoring report preparation services.

CEO REVIEW (NAME): ______________________ PHONE: 463-4441

RECOMMENDATION: Agree ☐ Disagree ☐ No Opinion ☐ Alternate ☐ Staff Report Attached ☐
Summary of Request: (cont.)

This new Agreement would extend Geo-Logic Associates services for an additional (3) three-year term for an amount not to exceed $168,559. It is recommended the Board of Supervisors approve the new Agreement with Geo-Logic Associates for the continued professional engineering geologist analysis and reporting to the Regional Water Quality Control Board (WQCB) of statistically significant tolerance limits and trend analysis depiction for the closed Caspar, South Coast and Laytonville County Landfills.

The Detection Monitoring Program in its current configuration was instituted in 2006 in response to the requirements of the WQCB. The Detection Monitoring Program is a joint effort between County field staff following specific field protocol, a state certified public health laboratory for sample analysis, and a professional engineering geologist firm that analyzes trend depiction and provides interruptive reporting services. The professional engineering geologist service is the subject of this Agreement.

Solid Waste Division staff provides the manpower by collecting groundwater depth data and monitoring well, surface water, leachate and gas well samples. In collecting the samples, staff follows procedures contained in the initial scope of work outlined by Geo-Logic as part of their 2006 Agreement with the Department of Transportation. Staff completes a chain-of-custody document and delivers water and gas samples to a local, certified public health laboratory. The sample results are transmitted by the certified public health laboratory to the professional engineering geologist, Geo-Logic. Geo-Logic determines whether the samples exceed statistically significant tolerance limits, and also conducts a trend analysis depiction using an industry recognized database program (SANITAS).

The professional engineering geologist compiles the quarterly reports required by WQCB for each of the three landfills. The reports interpret the sample results by comparing and contrasting them to the ongoing trend analysis. The SANITAS database program is employed for this purpose. The required testing is performed to a precision in parts-per-billion, and many factors can and do create anomalies. The anomalies are explained by the engineering geologist through the use of blank or split samples, or confirmed by county staff in follow-up testing.

Since March 2006, Geo-Logic has been providing professional engineering geologist analysis and reporting to the WQCB for the Solid Waste Division. After Board approval was granted on 13 September 2005, the Solid Waste Division conducted a Request for Proposal (RFP). The RFP mailing list contained 10 firms deemed capable of the scope of work.

In 2005, the RFP review committee selected Geo-Logic as the top ranked proposal offering the best product at the fairest price. At its meeting of 10 January 2006, the Board took action to award Geo-Logic Associates the professional services agreement for landfill groundwater monitoring report preparation services. The agreement was executed for the term of 1 January 2006 through 30 April 2009.
Mendocino County Board of Supervisors
501 Low Gap Road, Room 1090
Ukiah, CA 95482

RE: ADOPTION OF RESOLUTION APPROVING AND EXECUTING DEPARTMENT OF TRANSPORTATION AGREEMENT NO. 090054 WITH GEO-LOGIC ASSOCIATES (SAN BERNANDINO, CA) FOR WATER QUALITY MONITORING REPORT PREPARATION FOR CASPAR, SOUTH COAST AND LAYTONVILLE LANDFILLS

Honorable Board Members:

The North Coast Regional Water Quality Control Board (WQCB) requires Mendocino County to maintain a Detection Monitoring Program at the Caspar, South Coast and Laytonville Landfills in accordance with WQCB Order No. 75-50, 77-23, 78-125, as amended by Order No. 90-93 and Order No. 93-83. The WQCB requires the Detection Monitoring Program to be completed and certified by a professional engineering geologist.

The Detection Monitoring Program in its current configuration was instituted in 2006 in response to the requirements of the WQCB. The Detection Monitoring Program is a joint effort between County field staff following specific field protocol, a state certified public health laboratory for sample analysis, and a professional engineering geologist firm that analyzes trend depiction and interruptive reporting services. The professional engineering geologist service is the subject of this Agreement.

Solid Waste Division staff provides the manpower by collecting groundwater depth data and monitoring well, surface water, leachate and gas well samples. In collecting the samples, staff follows procedures contained in the initial scope of work outlined by Geo-Logic as part of their 2006 Agreement with the Department of Transportation. Staff completes a chain-of-custody document and delivers water and gas samples to a local, certified public health laboratory. The sample results are transmitted by the certified public health laboratory to the professional engineering geologist, Geo-Logic. Geo-Logic determines whether the samples exceed statistically significant tolerance limits, and also conducts a trend analysis depiction using an industry recognized database program (SANITAS).

The professional engineering geologist compiles the quarterly reports required by WQCB for each of the three landfills. The reports interpret the sample results by comparing and contrasting them to the ongoing trend analysis. The SANITAS database program is employed for this purpose. The required testing is performed to a precision in parts-per-billion, and many factors can and do create anomalies. The anomalies are explained by the engineering geologist through the use of blank or split samples, or confirmed by county staff in follow-up testing.
Since March 2006, Geo-Logic has been providing professional engineering geologist analysis and reporting to the WQCB for the Solid Waste Division. After Board approval was granted on 13 September 2005, the Solid Waste Division conducted a Request for Proposal (RFP). The RFP mailing list contained 10 firms deemed capable of the scope of work.

In 2005, the RFP review committee selected Geo-Logic as the top ranked proposal offering the best product at the fairest price. At its meeting of 10 January 2006, the Board took action to award Geo-Logic Associates the professional services agreement for landfill groundwater monitoring report preparation services. The agreement was executed for the term of 1 January 2006 through 30 April 2009.

This new Agreement would extend Geo-Logic Associates services for an additional (3) three-year term for an amount not to exceed $168,559. It is recommended the Board of Supervisors approve the new Agreement with Geo-Logic Associates for the continued professional engineering geologist analysis and reporting to the Regional Water Quality Control Board (WQCB) of statistically significant tolerance limits and trend analysis depiction for the closed Caspar, South Coast and Laytonville County Landfills.

I will, of course, respond to any questions you may have.

Very truly yours,

HOWARD N. DASHIELL
Director of Transportation

cc:    Tom Mitchell, Chief Executive Officer
       Jeanine B. Nadel, County Counsel
RESOLUTION NO. 09-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING AND EXECUTING AN AGREEMENT BETWEEN MENDOCINO COUNTY AND GEO-LOGIC ASSOCIATES (SAN BERNARDINO, CA) FOR WATER QUALITY MONITORING REPORT PREPARATION FOR CASPAR, SOUTH COAST, AND LAYTONVILLE LANDFILLS.

WHEREAS, a Detection Monitoring Program is required by the North Coast Regional Water Quality Control Board of Mendocino County at each of the County Landfills on a quarterly and annual basis; and

WHEREAS, the North Coast Regional Water Quality Control Board requires the Detection Monitoring Program reports to be prepared under the direction of and stamped by a professional civil engineer or engineering geologist; and

WHEREAS, Geo-Logic Associates is a multi-disciplinary consulting geotechnical and environmental firm established to service the needs of governmental, industrial, and commercial clients; and

WHEREAS, Geo-Logic Associates has expertise in the areas of geologic and hydrogeologic characterization, contaminate identification, and transport modeling as well as groundwater flow modeling and contaminant fate and transport evaluations; and

WHEREAS, Geo-Logic Associates has familiarity with Federal and State water quality regulations that is regularly updated through both regulatory agency interaction and continuing education; and

WHEREAS, Geo-Logic Associates has continued to provide reliable Detection Monitoring Program Reports to the North Coast Regional Water Quality Control Board in a timely fashion; and

WHEREAS, Geo-Logic Associates was selected in 2006 as the top ranked proposer in a thorough and lengthy Request for Proposal evaluation process; and

WHEREAS, Geo-Logic Associates has submitted a competitively priced proposal for continued Detection Monitoring Program reporting to the North Coast Regional Water Quality Control Board; and

WHEREAS, the North Coast Regional Water Quality Control Board has found the Detection Monitoring Program reports prepared by Geo-Logic Associates to be thorough, complete and in conformance with the respective Waste Discharge Requirements for the Caspar, South Coast, and Laytonville Landfills.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby:

1. Approves DOT Agreement No. 090054, Professional Services Agreement with Geo-Logic Associates for Monitoring Program work; and
2. Authorizes and directs the Chair of the Board of Supervisors to execute said DOT Agreement No. 090054 on behalf of Mendocino County
The foregoing Resolution introduced by Supervisor _, seconded by Supervisor _, and carried this ___ day of ___, 2009, by the following vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: KRISTI FURMAN
Clerk of the Board

______________________________
Deputy

APPROVED AS TO FORM:
JEANINE B. NADEL, County Counsel

______________________________

JOHN PINCHES, 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.

BY: KRISTI FURMAN
Clerk of the Board

______________________________
Deputy
TO: Board of Supervisors  
FROM: Department of Transportation  
DATE: 31 March 2009  
MEETING DATE: 7 April 2009

DEPARTMENT RESOURCE/CONTACT: Howard N. Dashiell  
PHONE: 463-4363  
Present ☐  On Call ☑

Consent Agenda ☑  Regular Agenda ☐  Noticed Public Hearing ☐  Time Allocated for Item: Not Applicable

AGENDA TITLE: 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)

PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: None

SUMMARY OF REQUEST: Rights of way are needed for the above-referenced project to widen Haul Road Bridge in order to allow for the installation of bike lanes and a continuous left turn median lane. Mendocino Redwood Company, LLC owns the property that the County needs to acquire and have signed County Road Right of Way Acquisition Contract, Department of Transportation Agreement No. 090076 whereby they agree to convey to the County the said right of way needed. The Department of Transportation is now requesting Board approval of Department of Transportation Agreement No. 090076.

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: Not Applicable

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

<table>
<thead>
<tr>
<th>Source of Funding</th>
<th>Current F/Y Cost</th>
<th>Annual Recurring Cost</th>
<th>Budgeted in Current F/Y</th>
</tr>
</thead>
<tbody>
<tr>
<td>STIP and County Road Funds</td>
<td>$1,700.00</td>
<td>Not Applicable</td>
<td>☑ Yes ☑ No ☐</td>
</tr>
</tbody>
</table>

SUPERVISORIAL DISTRICT: 1 ☐  2 ☐  3 ☐  4 ☐  5 ☐  All ☑  VOTE REQUIREMENT: Majority ☑  4/5ths ☐

RECOMMENDED ACTION/MOTION: By Resolution, accept and approve County Road Right of Way Acquisition Contract, Department of Transportation Agreement No. 090076 with Mendocino Redwood Company, LLC, in connection with Department of Transportation Project No. A-0701 and authorize and direct the Board Chair to execute said Agreement.

ALTERNATIVES: An alternative (not recommended) would be to postpone approval of Department of transportation Agreement No. 090076, thereby delaying acquisition of rights of way needed for the project.

CEO REVIEW (NAME):  
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 ☐

W:\Agenda\04-07-09\04-07-09 4a6-DOT 090076 MRC - AS.doc  Revised-01/09
COUNTY OF MENDOCINO
DEPARTMENT OF TRANSPORTATION

340 LAKE MENDOCINO DRIVE
UKIAH, CALIFORNIA  95482-9432
VOICE (707) 463-4363   FAX (707) 463-5474

Mendocino County Board of Supervisors
501 Low Gap Road, Room 1090
Ukiah, CA 95482

31 March 2009

Honorable Board Members:

The Department of Transportation is currently planning construction to widen Haul Road Bridge, CR 104, Department of Transportation Project No. A-0701 at M.P. 0.75 in order to allow for the installation of bike lanes and a continuous left turn median lane, north of the City of Ukiah.

For this project, the County must acquire additional right of way from Mendocino Redwood Company, LLC. The Department of Transportation has obtained a County Road Right of Way Acquisition Contract with the property owner for the right of way required. We now request Board approval of said County Road Right of Way Acquisition Contract, Department of Transportation Agreement No. 090076.

We have prepared a Resolution for your consideration, which will approve Department of Transportation Agreement No. 090076 with Mendocino Redwood Company, LLC to acquire the necessary right of way. The Resolution authorizes the Chair of the Board to execute the document on behalf of the County.
I will, of course, respond to any questions that the Board may have.

Respectfully submitted,

HOWARD N. DASHIELL
Director of Transportation

Enclosure

cc:  DOT Project A-0701
     Board Corres. File
RESOLUTION NO. 09-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS 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)

WHEREAS, the County of Mendocino seeks to acquire certain real property owned by Mendocino Redwood Company, LLC, hereinafter referred to as “OWNER”, said real property being necessary for the reconstruction and widening of Haul Road Bridge, CR 104, designated Department of Transportation Project No. A-0701; hereinafter referred to as “PROJECT”; and

WHEREAS, OWNER of the affected property has signed County Road Right of Way Acquisition Contract, Department of Transportation Agreement No. 090076 whereby OWNER agrees to convey to the County the right of way needed for the PROJECT, subject however to the performance of certain conditions on the part of the County of Mendocino, said conditions being set forth in full in County Road Right of Way Acquisition Contract, Department of Transportation Agreement No. 090076 submitted to this Board for acceptance and approval; and

WHEREAS, the Director of Transportation has reviewed County Road Right of Way Acquisition Contract, Department of Transportation Agreement No. 090076 and recommends it for approval; and

WHEREAS, County Counsel has reviewed County Road Right of Way Acquisition Contract, Department of Transportation Agreement No. 090076 and has approved it as to form.

NOW, THEREFORE, BE IT RESOLVED that the Chair of the Mendocino County Board of Supervisors be and hereby is authorized and directed to execute County Road Right of Way Acquisition Contract, Department of Transportation Agreement No. 090076 to convey real property from Mendocino Redwood Company, LLC, to the County of Mendocino on behalf of the County of Mendocino; and

BE IT FURTHER RESOLVED AND SO ORDERED that the Director of Transportation be and hereby is authorized and directed to accept the right of way acquisition from Mendocino Redwood Company, LLC, as agreed upon in connection with County Road Right of Way Acquisition Contract, Department of Transportation Agreement No. 090076.

The foregoing Resolution introduced by Supervisor , seconded by Supervisor , and carried this day of , 2009, by the following vote:

AYES:
NOES:
ABSENT:
WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST:  KRISTI FURMAN
         Clerk of the Board

______________________________
Deputy

APPROVED AS TO FORM:
JEANINE B. NADEL, County Counsel

______________________________
JOHN PINCHES, 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.

BY:  KRISTI FURMAN
     Clerk of the Board

______________________________
Deputy
TO: Board of Supervisors  DATE: 31 March 2009
FROM: Department of Transportation  MEETING DATE: 7 April 2009
DEPARTMENT RESOURCE/CONTACT: Howard N. Dashiel  PHONE: 463-4363  Present  On Call

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

 ■ AGENDA TITLE: 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)

 ■ PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: None

 ■ SUMMARY OF REQUEST: Rights of way are needed for the above-referenced project to widen Haul Road Bridge in order to allow for the installation of bike lanes and a continuous left turn median lane. DDR DB Mendocino LP, formerly known as DDR DB Mendocino LLC owns the property that the County needs to acquire and have signed County Road Right of Way Acquisition Contract, Department of Transportation Agreement No. 090077 whereby they agree to convey to the County the said right of way needed. The Department of Transportation is now requesting Board approval of Department of Transportation Agreement No. 090077.

 ■ SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: Not Applicable

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

<table>
<thead>
<tr>
<th>Source of Funding</th>
<th>Current F/Y Cost</th>
<th>Annual Recurring Cost</th>
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<td>Not Applicable</td>
<td>Yes ☑  No ☐</td>
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 ■ SUPERVISORIAL DISTRICT: 1 ☐  2 ☐  3 ☐  4 ☐  5 ☐  All ☑  VOTE REQUIREMENT: Majority ☑  4/5ths ☐

 ■ RECOMMENDED ACTION/MOTION: By Resolution, accept and approve County Road Right of Way Acquisition Contract, Department of Transportation Agreement No. 090077 with DDR DB Mendocino LP, formerly known as DDR DB Mendocino LLC, in connection with Department of Transportation Project No. A-0701 and authorize and direct the Board Chair to execute said Agreement.

 ■ ALTERNATIVES: An alternative (not recommended) would be to postpone approval of Department of transportation Agreement No. 090077, thereby delaying acquisition of rights of way needed for the project.

 ■ CEO REVIEW (NAME):  __________________________________________ 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: _____________

W:\Agenda\04-07-09\04-07-09 4a7-DOT 090077 DDR - AS.doc Revised-01/09
31 March 2009

Honorable Board Members:

The Department of Transportation is currently planning construction to widen Haul Road Bridge, CR 104, Department of Transportation Project No. A-0701 at M.P. 0.75 in order to allow for the installation of bike lanes and a continuous left turn median lane, north of the City of Ukiah.

For this project, the County must acquire additional right of way from DDR DB Mendocino LP, formerly known as DDR DB Mendocino LLC. The Department of Transportation has obtained a County Road Right of Way Acquisition Contract with the property owner for the right of way required. We now request Board approval of said County Road Right of Way Acquisition Contract, Department of Transportation Agreement No. 090077.

We have prepared a Resolution for your consideration, which will approve Department of Transportation Agreement No. 090077 with DDR DB Mendocino LP, formerly known as DDR DB Mendocino LLC to acquire the necessary right of way. The Resolution authorizes the Chair of the Board to execute the document on behalf of the County.
I will, of course, respond to any questions that the Board may have.

Respectfully submitted,

HOWARD N. DASHIELL
Director of Transportation

Enclosure

cc: DOT Project A-0701
Board Corres. File
RESOLUTION NO. 09-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS 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)

WHEREAS, the County of Mendocino seeks to acquire certain real property owned by DDR DB Mendocino LP, formerly known as DDR DB Mendocino LLC, hereinafter referred to as “OWNER”, said real property being necessary for the reconstruction and widening of Haul Road Bridge, CR 104, designated Department of Transportation Project No. A-0701; hereinafter referred to as “PROJECT”; and

WHEREAS, OWNER of the affected property has signed County Road Right of Way Acquisition Contract, Department of Transportation Agreement No. 090077 whereby OWNER agrees to convey to the County the right of way needed for the PROJECT, subject however to the performance of certain conditions on the part of the County of Mendocino, said conditions being set forth in full in County Road Right of Way Acquisition Contract, Department of Transportation Agreement No. 090077 submitted to this Board for acceptance and approval; and

WHEREAS, the Director of Transportation has reviewed County Road Right of Way Acquisition Contract, Department of Transportation Agreement No. 090077 and recommends it for approval; and

WHEREAS, County Counsel has reviewed County Road Right of Way Acquisition Contract, Department of Transportation Agreement No. 090077 and has approved it as to form.

NOW, THEREFORE, BE IT RESOLVED that the Chair of the Mendocino County Board of Supervisors be and hereby is authorized and directed to execute County Road Right of Way Acquisition Contract, Department of Transportation Agreement No. 090077 to convey real property from DDR DB Mendocino LP, formerly known as DDR DB Mendocino LLC, to the County of Mendocino on behalf of the County of Mendocino; and

BE IT FURTHER RESOLVED AND SO ORDERED that the Director of Transportation be and hereby is authorized and directed to accept the right of way acquisition from DDR DB Mendocino LP, formerly known as DDR DB Mendocino LLC, as agreed upon in connection with County Road Right of Way Acquisition Contract, Department of Transportation Agreement No. 090077.
The foregoing Resolution introduced by Supervisor , seconded by Supervisor , and carried this day of , 2009, by the following vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST:  KRISTI FURMAN
          Clerk of the Board

______________________________
Deputy

APPROVED AS TO FORM:
JEANINE B. NADEL, County Counsel

______________________________
BY: KRISTI FURMAN
   Clerk of the Board

JOHN PINCHES, 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.

BY: KRISTI FURMAN
   Clerk of the Board

Deputy
TO:  Board of Supervisors  DATE:  April 1, 2009
FROM:  Supervisors Brown and McCowen  MEETING DATE:  April 7, 2009
DEPARTMENT RESOURCE/CONTACT:  Kristi Furman  PHONE:  463-4221

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

**AGENDA TITLE:** 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

**PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** March 24, 2009: The Board adopted a resolution declaring a local emergency and imminent threat of disaster due to drought conditions.

**SUMMARY OF REQUEST:** On April 1, 2009 the Russian River Flood Control and Water Conservation Improvement District filed a Petition for Temporary Urgency Change with the State Water Resources Control Board, Division of Water Rights, requesting that the current water year (2008-2009) be reclassified from a Normal Year to a Dry Year from May 1st to May 31st, and Critically Dry Year from June 1st to November 31st as defined in Decision 1610. This change will allow more water to be retained in Lake Mendocino for use by fisheries, municipalities and agriculture.

If “normal year” water releases remain in effect it is expected that Lake Mendocino will be effectively dewatered by late July. Analysis performed by the Sonoma County Water Agency indicates that a combination of “dry” and “critically dry” releases will maintain water in Lake Mendocino until late October 2009.

The effort to reduce the currently mandated releases from Lake Mendocino and to retain more water in the Lake is consistent with the purpose and intent of the resolution adopted by the Board of Supervisors on March 24 that declared a local emergency and imminent threat of disaster due to drought. Accordingly, Supervisors Brown and McCowen request unanimous consent for the resolution of support for the Temporary Urgency Change Petition filed by the Russian River Flood Control and Water Conservation Improvement District.

It is further requested that copies of the resolution be transmitted to the State Water Resources Control Board, Division of Water Rights; the Flood Control District; State Senator Patricia Wiggins and Assemblymember Wesley Chesbro. This item is time sensitive in that the Flood Control District will present the Petition to the State Water Resources Control Board at a workshop to be held April 7 in Sacramento.

**SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:** http://www.waterrights.ca.gov/hearings/russian_river_frost/

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

<table>
<thead>
<tr>
<th>FISCAL IMPACT:</th>
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<tbody>
<tr>
<td>Source of Funding</td>
</tr>
<tr>
<td>N/A</td>
</tr>
</tbody>
</table>

**SUPERVISORIAL DISTRICT: 1  2  3  4  5  All**  **VOTE REQUIREMENT:** Majority  **4/5th**

**RECOMMENDED ACTION/MOTION:** Adopt the resolution as presented authorizing the Chair to sign same; further, direct the Clerk of the Board to expedite the execution and transmittal of said resolution as described.

**ALTERNATIVES:** Do not adopt the Resolution.

**CEO REVIEW (NAME):**  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. 09-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS SUPPORTING THE PETITION FOR A TEMPORARY URGENCY CHANGE AS FILED BY THE RUSSIAN RIVER FLOOD CONTROL AND WATER CONSERVATION IMPROVEMENT DISTRICT TO RETAIN MORE WATER IN LAKE MENDOCINO

WHEREAS, Mendocino County is now in its third consecutive year of drought; and

WHEREAS, drought conditions and water delivery limitations have become worse in this third year of drought, creating emergency conditions in Mendocino County; and

WHEREAS, on December 11, 2007 the Redwood Valley County Water District Board of Directors declared a Water Shortage Emergency due to lack of adequate rainfall, and that lack of adequate rainfall has continued through the winter of 2008-2009; and

WHEREAS, in response to continuing drought conditions, on March 3, 2009, the Mendocino County Board of Supervisors and the Mendocino County Water Agency Board of Directors adopted concurrent Resolution No. 09-044 to conserve the County's water supplies in anticipation of continuing drought conditions; and

WHEREAS, Lake Mendocino storage remains at unprecedentedly low levels; and

WHEREAS, the drought conditions impacting Lake Mendocino water storage are exacerbated by Water Right Decision 1610, which governs stream flow releases from Lake Mendocino and mandates unnecessarily high stream flow releases that the National Marine Fisheries Service has concluded greatly limit the quantity and quality of juvenile salmon and steelhead habitat in the Russian River; and

WHEREAS, due to drought conditions and the aforementioned regulatory constraints, it is unlikely that Lake Mendocino storage, the principal source of water for much of inland Mendocino County and the sole source of water for Redwood Valley, will be adequate to meet the essential water supply needs of the County's residents this summer and fall; and

WHEREAS, on March 24, 2009 the Mendocino County Board of Supervisors adopted a resolution declaring a local emergency and imminent threat of disaster due to drought conditions; and

WHEREAS, on April 1, 2009 the Russian River Flood Control and Water Conservation Improvement District filed a Petition for Temporary Urgency Change with the State Water Resources Control Board, Division of Water Rates; and

WHEREAS, the Temporary Urgency Change petition is fully consistent with the purpose and intent of the resolution adopting a local emergency and imminent threat of disaster due to drought conditions; and

WHEREAS, granting the Temporary Urgency Change petition is the surest way to avert or mitigate the imminent threat of disaster and provide for the beneficial water needs of fisheries, municipalities and agriculture;

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors urges the State Water Resources Control Board to grant without delay the Petition
for Temporary Urgency Change as filed by the Russian River Flood Control and Water Conservation Improvement District.

The foregoing Resolution introduced by Supervisor , seconded by Supervisor , and carried this day of , 2009, by the following vote:

AYES:  
NOES:  
ABSENT:  

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST:  
KRISTI FURMAN  
Clerk of the Board  

______________________________  
Deputy

APPROVED AS TO FORM:  
JEANINE B. NADEL, County Counsel  

______________________________  
Deputy

JOHN PINCHES, 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.

BY:  
KRISTI FURMAN  
Clerk of the Board  

______________________________  
Deputy
State of California
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000, Sacramento, CA 95812-2000

To Whom It May Concern:

Please find the enclosed Petition for Urgency Change (Water Code Section 1435) and Environmental Information Form. Please include these enclosures as informational items for the April 7th, 2009, Workshop to Receive Information regarding the Need for and the Effect of Water Diversions for Purposes of Frost Protection in Mendocino and Sonoma Counties.

Please feel free to contact me if you have any questions or comments regarding these documents.

Sincerely,

Sean White
General Manger
State of California  
State Water Resources Control Board  
DIVISION OF WATER RIGHTS  
P.O. Box 2000, Sacramento, CA 95812-2000  
Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

PETITION FOR TEMPORARY URGENCY CHANGE  
(Water Code 1435)

____ Point of Diversion, ____ Point of Rediversion, ____ Place of Use, ____ Purpose of Use

X Change in Instream-Flow Requirements

Application # 12920A, 12919B Permit # 12947B, 12947A

I (we) Mendocino County Russian River Flood Control and Water Conservation Improvement District  
(Water Right Holders Name)

hereby petition for a temporary urgency change(s) noted above and shown on the accompanying map and described as follows:

MCRRFC&W CID requests that the current water year (2008-2009) be reclassified from a Normal Year to a Dry Year from May 1st-31st, and a Critically Dry Year from June 1st-November 31st under Decision 161.

Point of Diversion or Rediversion (Give coordinate distances from section corner or California Coordinates, and the 40-acre subdivision in which the present and proposed points lie.)

Present ______________________

Proposed ______________________

Place of Use (If irrigation, then state number of acres to be irrigated within each 40-acre tract.)

Present ______________________

Proposed ______________________

Purpose of Use

Present ______________________

Proposed ______________________

Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707)? N/A (yes/no)

The temporary urgency change(s) is to be effective from May 1, 2009 to November 31st, 2009  
(Cannot exceed 180 days)

Will this temporary urgency change be made without injury to any lawful user of Water? Yes (yes/no)
Will this temporary urgency change be made without unreasonable effect upon fish, wildlife, and other instream beneficial uses? Yes (yes/no)

State the "Urgent Need" (Water Code 1435(c)) that is the basis of this temporary urgency change petition (attach additional information as necessary):

This request is made to prevent dewatering Lake Mendocino by the end of summer 2009. Lake levels in Lake Mendocino are currently the lowest ever recorded. It is estimated that Lake Mendocino will reach minimum pool by the end of July 2009 if the "normal year" water releases remain in effect. According to analyses provided by SCWA, it is expected that a combination of dry and critically dry year releases will maintain the volume of Lake Mendocino above minimum pool until late October 2009.

If the point of diversion or rediversion is being changed, is any person(s) taking water from the stream between the old point of diversion or rediversion and the proposed point? N/A (yes/no)

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? N/A (yes/no)

If yes, give name and address, as well as any other person(s) known to you who may be affected by the proposed change.

I (we) consulted the California Department of Fish and Game concerning this proposed temporary change. No (yes/no)

If yes, state the name and phone number of the person contacted and the opinion concerning the potential effects of your proposed temporary urgency change on fish and wildlife and state the measures required for mitigation.

THIS TEMPORARY URGENCY CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE. THIS TEMPORARY URGENCY CHANGE IS REQUESTED FOR A PERIOD OF ONE HUNDRED EIGHTY DAYS OR LESS.

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated 3-31-2009 at Ukiah, California

[Signature]

Telephone No. 707 462-5278

157 Law Avenue Suite D Ukiah, CA 95482

Address

NOTE: All petitions must be accompanied by the filing fee, (see fee schedule at www.waterrights.ca.gov) made payable to the State Water Resources Control Board and an $850 fee made payable to the Department of Fish and Game must accompany this petition. Separate petitions are required for each water right.
ENVIRONMENTAL INFORMATION
FOR PETITIONS

☐ Petition for Change ☐ Petition for Extension of Time

Before the State Water Resources Control Board (SWRCB) can approve a petition to change your water right permit or a petition for extension of time to complete use, the SWRCB must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

1. DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED
For a petition to change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

The MCRRFC&WCID requests that the current water year (2008-2009) be reclassified from a Normal Year to a Dry Year from May 1st-31st, and a Critically Dry Year from June 1st-November 31st under Decision 1610.

☐ See Attachment No. ___
2. COUNTY PERMITS
   a. Contact your county planning or public works department and provide the following information:
      Person contacted: n/a  Date of contact: n/a
      Department: n/a  Telephone: ( )
      County Zoning Designation: n/a
      Are any county permits required for your project?  □ YES  □ NO  If YES, check appropriate box below:
      □ Grading permit  □ Use permit  □ Watercourse  □ Obstruction permit  □ Change of zoning
      □ General plan change  □ Other (explain):
      No permits are needed

   b. Have you obtained any of the required permits described above?  □ YES  □ NO  n/a
      If YES, provide a complete copy of each permit obtained.
      □ See Attachment No. __

3. STATE/FEDERAL PERMITS AND REQUIREMENTS
   a. Check any additional state or federal permits required for your project:
      □ Federal Energy Regulatory Commission  □ U.S. Forest Service  □ Bureau of Land Management
      □ Soil Conservation Service  □ Dept. of Water Resources (Div. of Safety of Dams)  □ Reclamation Board
      □ Coastal Commission  □ State Lands Commission  □ Other (specify) No permits are needed

   b. For each agency from which a permit is required, provide the following information:

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>PERMIT TYPE</th>
<th>PERSON/CONTACTED</th>
<th>CONTACT DATE</th>
<th>TELEPHONE/NO</th>
</tr>
</thead>
<tbody>
<tr>
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</table>

      □ See Attachment No. __

   c. Does your proposed project involve any construction or grading-related activity that has significantly altered or
      would significantly alter the bed or bank of any stream or lake?  □ YES  □ NO
      If YES, explain:  The proposed change does not involve any construction.

      __________________________________________
      __________________________________________
      __________________________________________
      __________________________________________
      __________________________________________

      □ See Attachment No. __
d. Have you contacted the California Department of Fish and Game concerning your project? □ YES □ NO
If YES, name and telephone number of contact: ____________________________

4. ENVIRONMENTAL DOCUMENTS
a. Has any California public agency prepared an environmental document for your project? □ YES □ NO
If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of
determination adopted by the California public agency. Public agency: ____________________________
b. If NO, check the appropriate box and explain below, if necessary:
  □ The petitioner is a California public agency and will be preparing the environmental document.*
  □ I expect that the SWRCB will be preparing the environmental document.**
  □ I expect that a California public agency other than the State Water Resources Control Board will be preparing
the environmental document.* Public agency: ____________________________

  □ See Attachment No. __

* Note: When completed, submit a copy of the final environmental document (including notice of
determination) or notice of exemption to the SWRCB, Division of Water Rights. Processing of your petition
cannot proceed until these documents are submitted.

** Note: CEQA requires that the SWRCB, as Lead Agency, prepare the environmental document. The
information contained in the environmental document must be developed by the petitioner and at the
petitioner's expense under the direction of the SWRCB, Division of Water Rights.

5. WASTE/WASTEWATER
a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as
sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?
□ YES □ NO
If YES, or you are unsure of your answer, explain below and contact your local Regional Water
Quality Control Board for the following information (See instruction booklet for address and telephone no.):
  n/a the proposed change does not involve waste/wastewater.

  □ See Attachment No. __

b. Will a waste discharge permit be required for your project? □ YES □ NO
   Person contacted: n/a Date of contact: n/a

c. What method of treatment and disposal will be used? n/a

  □ See Attachment No. __

6. ARCHEOLOGY
a. Have any archeological reports been prepared on this project? □ YES □ NO
b. Will you be preparing an archeological report to satisfy another public agency? □ YES □ NO
c. Do you know of any archeological or historic sites located within the general project area? □ YES □ NO
ENvironmental information for petitions

If YES, explain: The requested change will not have any effect on archeological resources. No physical alterations to land are proposed.

☐ See Attachment No.

7. **Environmental Setting**
Attach three complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.
- Along the stream channel immediately downstream from the proposed point(s) of diversion.
- Along the stream channel immediately upstream from the proposed point(s) of diversion.
- At the place(s) where the water is to be used.

N/A No physical alterations to land are proposed.

8. **Certification**
I hereby certify that the statements I have furnished above and in the attachments are complete to the best of my ability and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date: ____________________ Signature: ____________________
NOTICE OF PUBLIC WORKSHOP

Workshop to Receive Information regarding the Need for and the Effect of Water Diversions for Purposes of Frost Protection in Mendocino and Sonoma Counties

Tuesday, April 7, 2009
Workshop will commence no earlier than 11 a.m.

following the State Water Resources Control Board's Board Meeting

in the
Coastal Hearing Room
Joe Serna, Jr./Cal-EPA Building
1001 I Street, Second Floor
Sacramento, CA

SUBJECT OF WORKSHOP

The purpose of this workshop is for the State Water Resources Control Board (State Water Board) to receive information regarding the need for and the effect of water diversions for purposes of frost protection of crops. After receiving information on the status of Russian River salmonids, the impact of water diversions, voluntary actions to address impacts, and grower issues related to frost events, the State Water Board may provide direction to staff regarding future activities. Alternative actions may include support for voluntary actions, development of regulations or some other direction.

BACKGROUND

In a letter dated February 19, 2009, and received by the State Water Board on February 27, 2009, the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) requested that the State Water Board take immediate action, such as implementing emergency regulations, to address concerns that water diversions will cause significant salmonid mortality. The letter documents two episodes of fish stranding mortality that occurred in April 2008, one on Felta Creek in Sonoma County, and the second on the mainstem of the Russian River, near Hopland in Mendocino County.

The State Water Board has permitting authority over certain diversions, specified in Water Code sections 1200 and 1201. The State Water Board also has a duty to protect, where feasible, the State's public trust resources, including fisheries. Lastly, the State Water Board has the authority under article X, section 2 of the California Constitution and Water Code section 100 to
prevent the waste or unreasonable use, unreasonable method of use, or the unreasonable method of diversion of all waters of the State.

In 1974, the State Water Board initiated an action in court to enjoin riparian water users on the Napa River from the direct diversion of water for frost protection of Napa Valley vineyards, charging that the diversions were an unreasonable method of diversion of water because the diversions created a high instantaneous rate of demand which depleted the flow of the river during certain periods of time during the frost season. The Board concluded that the only feasible solution to the problem was (1) to require the winter storage of water for frost protection, and (2) to develop other supplemental sources of water so that no direct pumping of water for frost protection would be necessary. On appeal, the First District Court of Appeal concluded that in order to attain the constitutional mandate that waters be put to reasonable and beneficial use, riparian water users could be required to endure some inconvenience and reasonable expense. (State Water Resources Control Board v. Forni, 54 Cal.App.3d 743, 751-752 (1976).) The Court further upheld section 659 of the State Water Board's regulations (subsequently renumbered as California Code of Regulations, title 23, section 735), which in its current form states:

"§ 735. Napa River, Special.

"(a) Budding grape vines and certain other crops in the Napa Valley may be severely damaged by spring frosts. During a frost, the high instantaneous demand for water for frost protection by numerous vineyardists and other water users frequently exceeds the supply in the Napa River stream system. This results in uncoordinated diversions and possible infringements upon other rights. Therefore, all diversions of water from the stream system between March 15 and May 15 determined to be significant by the board or a court of competent jurisdiction shall be considered unreasonably [sic] and a violation of Water Code Section 100 unless controlled by a watermaster administering a board or court approved distribution program. Diversions for frost protection and irrigation during this period shall be restricted to: (1) replenishment of reservoirs filled prior to March 15 under an appropriative water right permit, or (2) diversions permitted by the court.

"(b) The service area of the distribution program may be revised at any time by order of the board or the court. The board will retain jurisdiction to revise terms and conditions of all frost protection permits should future conditions warrant.

"(c) Under this section diversion of water during the spring frost season from March 15 to May 15 to replenish water stored in reservoirs prior to the frost season is "regulation," as defined in Article 2, Section 657: Replenishment diversion must be to reservoirs for which a permit or license authorizing winter storage prior to the frost season has been issued."

On February 27, 2009, Governor Schwarzenegger issued a drought proclamation for the State, including the Russian River watershed. As of March 1, the Department of Water Resources reported that precipitation for the Russian River was at 70 percent of normal. As of March 9, Sonoma County Water Agency (SCWA) reported that the water storage level at Lake Mendocino, on the East Fork Russian River, was at 50,764 acre-feet, which is about 40 percent of capacity and 38 percent below the storage level at this time in 2008.

The SCWA operates Lake Mendocino for water supply purposes in accordance with State Water Board Decision 1610, which set instream flow requirements for the mainstem Russian River below Lake Mendocino. SCWA, the Mendocino County Russian River Flood Control and Water Conservation Improvement District, as well as the Redwood Valley County Water District hold water rights to Lake Mendocino for various uses, including municipal and irrigation uses in Mendocino and Sonoma Counties. Other public and private entities hold water right permits, licenses, or registrations to divert from the Russian River and its tributaries or claim pre-1914 or
riparian rights. In total there are about 1,750 water rights, water right claims, and pending water right applications in the Russian River watershed. The State Water Board has also identified approximately 800 reservoirs for which it has no record of a water right or water right claim.

**MATTERS FOR DISCUSSION IN THE WORKSHOP**

The State Water Board is principally interested in receiving information regarding the current hydrology of the Russian River watershed, the status and life history of Russian River salmonids, issues associated with frost control and particularly with water diversions for frost control, the impact or potential impact of water diversions on Russian River salmonids, ongoing cooperative voluntary actions that are being taken to address these issues, and the need for further regulatory action by the State Water Board. In addition, the State Water Board is seeking information on the effectiveness of section 735 of the State Water Board's regulations in alleviating issues associated with diversions for frost protection on the Napa River.

**WORKSHOP AGENDA**

1. **Introduction of Russian River Frost Protection Task Force**  
   *Invited Speakers: Derek Roy, NOAA Office of Enforcement*  
   Description of why the task force was formed, its purpose, its participants, and its efforts to date

2. **Frost Protection**  
   *Invited Speaker: Glenn McGourty, University of California Cooperative Extension, Division of Agriculture and Natural Resources*

   *Invited Speakers: Rick Macedo, California Department of Fish and Game (CDFG); and David Hines, NMFS*

4. **Other Regulatory Roles**  
   *Invited Speakers: Rick Macedo and Tracie Nelson, CDFG*

5. **Water Project Operational Issues**  
   *Invited Speakers: Pam Jeane, Sonoma County Water Agency; and Sean White, Mendocino County Russian River Flood Control and Water Conservation Improvement District*  
   Water operations on the Russian River: available supply in Lake Mendocino and prospective uses, transit time from Lake Mendocino dam to the impacted area, tributary issues.

6. **Napa Watermaster Perspectives and Experience**  
   *Invited Speakers: Kevin Taylor, Department of Water Resources; and Drew Aspegren, Napa Valley Vineyard Engineering*

7. **Grower Comments, Concerns, and Perspectives**  
   *Invited Speaker: David Koball, Fetzer Vineyards*
8. Comments from Environmental Organizations
   Invited Speaker: Laurel Marcus, Fish Friendly Farming

9. Public Comment

10. State Water Board discussion

PROCEDURAL MATTERS

Written comments regarding this workshop must be received by 12:00 noon, April 2, 2009, in order to be considered by the Board prior to the workshop. Comment letters are to be sent via email to the Clerk to the Board at commentletters@waterboards.ca.gov. Please indicate in the subject line, “4/7/09 Russian River Frost Protection Workshop.” If you intend to submit a powerpoint presentation, please contact Jean McCue for further information before April 1, 2009.

Documents related to this workshop will be available electronically at: http://www.waterrights.ca.gov/hearings/russian_river_frost. Video broadcast of this workshop will be available at: http://www.calepa.ca.gov/Broadcast/.

To ensure a productive and efficient workshop, and to ensure that all participants have an opportunity to participate, oral presentations from any interested person who is not listed above as a speaker will be limited to three minutes, or otherwise at the discretion of the Board Chair. The workshop will be informal and no action will be taken by the Board. There will be no sworn testimony or cross-examination of participants, but the State Water Board and its staff may ask clarifying questions.

INFORMATION REGARDING WORKSHOP

Questions concerning this notice may be directed to Jean McCue, Water Resource Control Engineer, at (916) 341-5351 or jmccue@waterboards.ca.gov, or Dana Heinrich, Senior Staff Counsel, at (916) 341-5186 or dheinrich@waterboards.ca.gov.

PARKING AND ACCESSIBILITY AND SECURITY

The attached maps show the location and parking for the Joe Serna Jr./Cal-EPA Building in Sacramento. The Joe Serna Jr./Cal-EPA Building is accessible to people with disabilities. Individuals who require special accommodations at the Joe Serna Jr./Cal-EPA Building are requested to contact Catherine Foreman, Office of Employee Assistance, at (916) 341-5581.
Due to enhanced security precautions at the Cal-EPA Headquarters Building, all visitors are required to register with security staff prior to attending any meeting. To sign in and receive a visitor’s badge, visitors must go to the Visitor and Environmental Services Center, located just inside and to the left of the building’s public entrance. Depending on their destination and the building’s security level, visitors may be asked to show valid picture identification. Valid picture identification can take the form of a current driver’s license, military identification card, or state or federal identification card. Depending on the size and number of meetings scheduled on any given day, the security check-in could take up to fifteen minutes. Please allow adequate time to sign in before being directed to the workshop.

March 23, 2009

Jeanine Townsend
Clerk to the Board

Attachment
TO: Air Quality Management District Board
FROM: Air Quality Management District
DATE: March 11, 2009
MEETING DATE: April 7, 2009

DEPARTMENT RESOURCE/CONTACT: Chris Brown
PHONE: 4354

Consent Agenda ☒ Regular Agenda ☐ Noticed Public Hearing ☐ Time Allocated for Item: ______

AGENDA TITLE: Refer 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.

PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:
None.

SUMMARY OF REQUEST: The Air Quality Management District Board has charged the District with the responsibility of meeting the County’s requirements of the AB 32 - Greenhouse Gas Legislation. To meet the requirements the District would need to fill the Air Quality Planner position that is currently vacant however the District does not have the funding to fill the position on a full time basis. District staff would like to discuss the possibility of contracting with Dow and Associates, in association with MCOG, for contract planning services for fiscal year 2009/2010 to provide a shared resource with the Cities and the County to meet the requirements of the AB 32 - Greenhouse Gas Legislation.

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

FISCAL IMPACT:

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<th>Source of Funding</th>
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<th>Annual Recurring Cost</th>
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SUPERVISORIAL DISTRICT: 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All ☒ ■ VOTE REQUIREMENT: Majority ☒ 4/5ths ☐

RECOMMENDED ACTION/MOTION: Approve the District’s request for referral 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.

ALTERNATIVES: Refer the item to the General Government and Finance Committee.

CEO REVIEW (NAME): Lisa Badenfort
PHONE: 463-4441

RECOMMENDATION: Agree ☐ Disagree ☐ No Opinion ☐ Alternate ☐ Staff Report Attached ☐
AGENDA TITLE: Refer the Air Quality Management District to the Public Resources Committee for discussion and direction regarding upgrade of the District’s database.

PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:
None.

SUMMARY OF REQUEST: For more than 15 years the Air Quality Management District has been building an internal database for management of many of its programs including; the Stationary Source Permitting Program, the Burn Permit Program, and Accounts Receivable. Several other programs are planned to be incorporated into the database. With the current technology available there are several options to be considered including the availability of support from the Information Servicers Division. Prior to moving forward District staff would like to discuss the options with the Board’s committee and receive direction regarding the program options and the funding for the project.

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:

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

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SUPERVISORIAL DISTRICT: 1 [ ] 2 [ ] 3 [ ] 4 [ ] 5 [ ] All [ ] VOTE REQUIREMENT: Majority [ ] 4/5ths [ ]

RECOMMENDED ACTION/MOTION: Approve the District’s request for referral to the Public Resources Committee for discussion and direction regarding upgrade of the District’s database.

ALTERNATIVES: Refer the item to the General Government and Finance Committee.

CEO REVIEW (NAME): Lisa Badenfort PHONE: 463-4441

RECOMMENDATION: Agree [ ] Disagree [ ] No Opinion [ ] Alternate [ ] Staff Report Attached [ ]
THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA, ECONOMIC STIMULUS)


- Governor Schwarzenegger recently launched www.recovery.ca.gov.
- Current estimates show that the American Recovery and Reinvestment Act of 2009 (ARRA) represents an estimated $85 billion in total benefits for the state.

- Approximately $50 billion in spending.
- Approximately $35 billion in tax relief.
- Detailed, by topic breakdown of the approximately $50 billion federal funding California is estimated to receive.
- Estimates will be updated continuously as pending federal guidelines become available and as competitive grants are awarded.
- Estimates will identify the federal government plans to send specified funding through the state, route it directly to non-state entities or has made it competitive funding.

Legislative Analyst's Office Publications Available

- Federal Economic Stimulus Funding Overview (March 17, 2009)

Staff is developing an ARRA tracking system displaying Mendocino County-specific activities.

3.30.2009 Governor Signs Legislation to Capture More Stimulus Dollars for California

Bill Package Includes:

- SBX3 24: will suspend certain changes to Medi-Cal eligibility requirements included in the 2008-09 State Budget to ensure that California qualifies for the increased federal matching funds (Federal Medical Assistance Percentage or FMAP) made available through ARRA. Specifically, the ARRA requires states to maintain their Medicaid eligibility criteria at the July 1, 2008 level. As part of the 2008-09 budget package, California changed its redetermination process for children in the Medi-Cal program from annual to semi-annual. Without this change, California would not have been eligible for the additional FMAP funding. The State will likely receive over $10 billion in FMAP funds.

- SBX3 27: makes necessary changes to the Clean Water State Revolving Fund (CWSRF) to conform the program to the requirements of ARRA, has passed both the Senate and the Assembly and is on its way to the Governor's Desk.

- ABX3 20 (ABxxx20): Under this bill the funds will be distributed through the Surface Transportation Program (STP) process, which allocates more money to Metropolitan Planning Organizations (MPOs),
and increases the flexibility for using funds when compared to the Surface Transportation Improvement Program (STIP). Using STP formulas, CalTrans will receive $963.7 million (37.5 percent), and MPOs will receive $1.6 billion (62.5 percent). The legislation also states legislative intent that at least 40 percent of the regional funding (totaling $642.5 million) go to cities and counties. If cities and counties don’t obligate funding, the funds will revert back to the region to be reallocated within that region.

- **ABX3 23**: An act to amend Sections 4003, 4004, and 4552 of the Unemployment Insurance Code, relating to unemployment insurance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.
- **ABX3 29**: An act to amend Section 6203 of the Revenue and Taxation Code, relating to taxation.

Together, this bill package will allow California to capture and expedite more than $17.5 billion to rebuild highways, roads and waterways, extend unemployment benefits for hundreds of thousands of unemployed Californians and continue to provide needed health care benefits for children and families.

**Water Quality**: On March 17, the State Water Resources Control Board (State Water Board) adopted two items related to the allocation of federal stimulus funding for water quality programs. The State Water Board amended the CWSRF loan policy to implement the federal economic recovery effort. (The CWSRF will receive approximately $283 million.)

**FEDERAL HWY BILL REAUTHORIZATION: MOVING AHEAD FOR PROGRESS IN THE 21st CENTURY (MAP-21)**

- Mendocino County Board of Supervisors approved two project applications to be delivered to Mr. Paul Schlesinger of Alcalde & Fay
  1. Mendocino County Interchange Improvement Projects
  2. Highway 222 (Talmage) Safety and Congestion Relief Improvement Project

- Staff will be working to gather as much community support as possible. Mr. Schlesinger stated that projects that will be given the highest priority are projects that will:
  a. Serve the most people
  b. Will be able to make significant impact even if only partially-funded
  c. Are projects working on the actual highway itself (rather than on property/landmarks nearby)

**2009-10 STATE LEGISLATION**

**Mendocino County State Legislative Watch List**

- The first version of the 2009-10 State Legislative Watch List has been posted to the Mendocino County website
- This list will be revised throughout the year as major bills move throughout the legislative process
- Because this is the beginning of the 2-year legislative session, bills will move somewhat slowly for the next few months
- [http://www.co.mendocino.ca.us/administration/legprogram.htm](http://www.co.mendocino.ca.us/administration/legprogram.htm)

**SB 676 Wolk: County Actual Cost of Service Recovery**

It was the author’s intention to strengthen the general statute in the Government Code (GC) section 54985 et. seq. to make sure of a Board’s authority to raise fees. This section seems to limit boards only to the amount “...reasonably necessary to recover the cost...” The bill is currently limited in scope, but the author’s intent was to amend the bill to cover all fees. Strengthening the general statute to remove any doubt about a board’s authority is one approach, listing all of the code sections providing board authority to raise fees is another approach or a belt and suspender approach is to do both. Senator Wolk now apparently has not decided yet how to proceed. This bill has been placed on the State Legislative Watch List and will be reviewed as it’s updated. **Currently, this bill is currently in the Senate Public Safety Committee and no hearing has been set.**
2009-10 STATE BUDGET
In mid-March, the Legislative Analyst’s Office (LAO) reported that according to its projections the State is $8 billion in the red in the 2009-10 budget if present revenue trends continue. The Governor is expected to release the May Revision later than usual this year, sometime in late May or early June. It is further expected that the 2009-10 budget will be revisited to address any revenue shortfalls and to deal with any fallout from the May 19 special election results, should any of the budget-connected initiatives not pass.

State Bond Projects Remain Halted (56 in Mendocino County)
Assembly Subcommittee #3 on Natural Resources and Environmental Protection (Committee) recently held an informational hearing on Stop Work Orders for Bond Funded Programs. While the hearing focused on Resources, the Legislative Analyst Office (LAO) provided an overview of the current cash crisis and its impact on bond funded projects that would be relevant across the spectrum of policy issues affected by the stop work orders.

The LAO painted an extremely bleak picture regarding the state’s cash situation going into the 2009-10 fiscal year and its impact on the halted bond projects. He stated that the bond projects will remain halted, quite possibly for a long time.

In regard to the resource related bond projects, more than 2,300 projects have been halted with all resource impacted projects totaling over $5 billion. It should be noted that even with the recent sale of over $6 billion in bonds that most, if not all, of the funding will be used to pay existing invoices from work completed up through December 18, 2008, as well as some of the exempt projects, but in all likelihood not to restart the halted projects.


MAY 19, 2009 CA SPECIAL ELECTION
At its meeting of March 19, the California State Association of Counties (CSAC) Board of Directors voted to remain neutral on the six (6) ballot measures, Propositions 1A – 1F, to be put before voters at the special election on May 19. While some of the propositions would affect programs managed by California counties, the Board of Directors determined that a neutral stance was the appropriate position for the Association.

• http://www.lao.ca.gov/laapp/ballot_source/propositions.aspx
• The latest version of the Leagues’ City Funding Booklet on the ARRA is now posted on the League’s website at: www.cacities.org/resource_files/27711_2009ARRAReport03.23.09.pdf
• The League’s Revenue and Taxation Policy Committee will be reviewing the special election measures when it meets on Friday, April 3.

OTHER ISSUES
Troubled Asset Relief Program (TARP) Letter of Support to President Obama
• Staff has drafted a letter of support for California State Association of Counties (CSAC) and the League of California Cities’ (LOCC) joint plan brought forward last week urging that a portion of the remaining Troubled Asset Relief Program (TARP) be used to back financial institutions that agree to provide credit enhancement for California’s 2009 Tax and Revenue Anticipation Notes (TRANs) program
• This letter strongly urges the President to accept the CSAC-LOCC joint proposal and agree to lend credit support to desperately suffering cities, counties and special districts by guaranteeing a letter of credit through the TARP program
• The letter is attached for consideration by the Board
**Noyo Harbor Dredging Project: ACOE, San Francisco Receives $2.73 Million in Supplemental Corps Funding**

*From Craig Connor:* The Corps San Francisco District has received $2,732,000 in supplemental funds from Corps Headquarters for dredging the Federal Channel at Noyo this year. These funds came from a special nation-wide account specifically to be used for Corps storm-damaged projects. The Noyo project received attention for these funds after a safety incident involving a damaged fishing vessel in February 2009.

**FY2010 Federal Appropriations Requests**

- As a follow-up from previous meeting, listed below are the Mendocino County Legislative Program project priorities:

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April 7, 2009

President Barack Obama
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

RE: California State Association of Counties and the League of California Cities’ Joint Proposal to Address Troubled Asset Relief Program (TARP) Funding

Dear Mr. President:

On behalf of the Mendocino County Board of Supervisors, I am writing to express our strong support for the joint proposal brought forward by the California State Association of Counties (CSAC) and the League of California Cities (LOCC) urging that a portion of the remaining Troubled Asset Relief Program (TARP) be used to back financial institutions that agree to provide credit enhancement for California’s 2009 Tax and Revenue Anticipation Notes (TRANs) program.

California residents continue to suffer wide-ranging economic disparities and banks are nearly failing both to deliver mortgage relief to troubled homeowners and to expand lending programs for first time homebuyers.

With increasingly more stringent requirements in place since the nationwide financial meltdown, Mendocino County will be a county that does not qualify for TRANs borrowing during the 2009-10 Fiscal Year. CSAC and the LOCC are requesting that the federal government allocate TARP funds to provide US Bank with credit enhancements for municipalities, such as Mendocino County, that would not otherwise qualify. This credit enhancement would serve as an insurance policy with no TARP funds being utilized unless a municipality defaulted. In the 17 years that this program has been in existence, not one has defaulted, most likely due to the fact that each member organization is regularly reviewed in detail by a transaction team. Therefore, this decision carries virtually no risk to federal government coffers and is not a bail out that would require a direct appropriation.

By extending over $1 billion in credit opportunities to Tier II municipalities in California, the federal government would make a demonstrable commitment to today’s era of collaboration and economic stimulus. It’s time to encourage banks to resume lending and to provide credit levels available prior to the current fiscal crisis.

The County of Mendocino strongly urges you to accept the CSAC-LOCC joint proposal and agree to lend credit support to desperately suffering cities, counties and special districts by guaranteeing a letter of credit through the TARP program. US Bank may then extend credit support to the approximately 40 California agencies with a Tier II credit rating that have been excluded from this particular lending
process this fiscal year. This decision would simply back the security instruments of the CSAC-LOCC member organizations, thereby allowing cities and counties currently deemed ineligible to participate in this year’s program to continue to provide desperately needed public goods and services.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

John Pinches
Chair

cc:    US Senator Dianne Feinstein
       US Senator Barbara Boxer
       Congressman Mike Thompson, 1st District
       State Senator Patricia Wiggins, 2nd District
       State Assemblymember Wesley Chesbro, 1st District

NOT INTENDED FOR LETTER CONTENT - Addresses provided for staff use for cc: -

Senator Dianne Feinstein
331 Hart Senate Office Building
Washington DC 20510

Senator Barbara Boxer
112 Hart Senate Building
Washington DC 20510

The Honorable Mike Thompson, Congressman
United States House of Representatives
California-1st, Democrat
231 Cannon HOB
Washington, DC 20515-0501

The Honorable Patricia Wiggins
California State Senate, 2nd District
State Capitol, Room 4081
Sacramento, CA 95814

The Honorable Wesley Chesbro
California State Assembly, 1st District
State Capitol
PO Box 942849
Sacramento, CA 94249-0001
MEMORANDUM

TO: Board of Supervisors

FROM: Jennifer Wyatt, Deputy CEO/Fiscal

SUBJECT: Budget Officer Report

DATE: April 7, 2009

County Leases Facilities

On March 17, 2009, at a regular Board meeting, staff was directed by the Board Chair to provide information on all County leases for private buildings.

Attached is a worksheet which depicts all County leases for departments. In addition, various funding sources for the leases have been included for the Board’s information.

Travel Requests

Per CEO Budget Directive # 2, all department travel reimbursement requests will continue to be reviewed by the Executive Office before reimbursement to individual employees by the Auditor’s office will take place. Air Quality has requested that they be made exempt from the CEO review this process, and they will submit their requests directly to the Auditor.

TARP Funding

On March 26 2009, the Treasurer/Tax Collector forwarded recent information regarding many local governments limited access to the traditional short-term capital markets.

Mendocino County’s primary cash flow is obtained by issuing tax and revenue anticipation notes (TRANs) annually on July 1st for approximately $26 million.

This next fiscal year 12 counties will not be eligible to borrow from these funds. Mendocino County is one of those counties. There are primarily three reasons that Mendocino County is ineligible for the 2009 TRANs program:

➢ Prior to the current financial crisis, there were 7 triple municipal bond insurers who had triple A ratings that provided credit enhancement for local governments
Financial Security Assurance (FSA) who was the TRANs program prior insurer has lost their triple A rating, and will not provide credit enhancement for the 2009 TRANs program.

US Bank National Association, who will provide credit enhancement for the TRANs, is much more restrictive in their credit requirements, and Mendocino County is not eligible due to our current credit rating.

Based on these facts, 52% of the 2008 pool borrowers would not qualify for the 2009 TRANs program, including Mendocino County. However, another option is available through the federal TARP funding. Our Treasurer/Tax Collector has already been reviewing and working with contacts at CSAC. They are urging strong support by local governments to request the federal government to back the financial institutions that agree to provide credit enhancement for California’s 2009 TRANs program. It should be noted that CSAC has already sent a letter to President Obama for consideration of this request, and this is not a request for actual federal TARP funding. The Executive Office will continue to monitor this with our Treasurer/Tax Collector and will provide an update in the future.

**State “Trigger” Funding**

On March 27, 2009, the State Treasurer Bill Lockyer and Department of Finance Director Mike Genest concurred that California would not receive $10 billion in federal funds to avoid $1.8 billion in higher taxes and $948 million in program cuts.

This conclusion means that the so-called “trigger cuts” will take effect, as will the full personal income tax rate increase of 0.25%. The cuts include:

- Elimination of Medi-Cal optional benefits, including adult dental care, optometry, acupuncture, chiropractic, podiatric, and psychology services. The proposal also contains a 10 percent redirection of federal Safety Net Care Pool funds away from public hospitals. These cuts are scheduled to take effect 90 days after the budget was signed (likely May 25, 2009).

- Reduction of CalWORKS recipient grants by four percent. This reduction goes into effect July 1, 2009.

- Reduction of SSI/SSP grants by 2.3 percent, resulting in a $20 per month reduction for individuals and a $35 per month reduction for couples. This reduction goes into effect July 1, 2009.

- Cap on the state share of IHSS wages at $9.50 an hour (currently, the state participates in wages up to $11.50 an hour) and maintain the state’s participation in individual health benefits at $0.60 per hour. Also, increase the share of cost for new IHSS recipients based on their functionality index. These reductions are scheduled to take effect July 1, 2009.

- One-time unallocated reduction of $100 million to the judicial branch and elimination of $71 million in funding for new judgeships.

- Additional cuts to higher education.

Analysts are now projecting an $8 billion deficit which may mean more program cuts on the table in May. Also, analysts have stated that the Governor’s May Revise may now be a June Revise once the elections are held in May.
<table>
<thead>
<tr>
<th>Description</th>
<th>Budget</th>
<th>Expended to date 3/30/09</th>
<th>Funding Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>AD ALTERNATE DEFENDER</td>
<td>$15,648.00</td>
<td>$11,079.53</td>
<td>General Fund</td>
</tr>
<tr>
<td>AQ AIR QUALITY MANAGEMENT DISTRICT</td>
<td>$19,200.00</td>
<td>$16,000.00</td>
<td>General Fund</td>
</tr>
<tr>
<td>BG BUILDINGS &amp; GROUNDS</td>
<td>$1,200.00</td>
<td>-</td>
<td>General Fund</td>
</tr>
<tr>
<td>DD AODP</td>
<td>-</td>
<td>$25.00</td>
<td>General Fund</td>
</tr>
<tr>
<td>DD 0800 ANDERSON VALLEY ADOL INTERVENT</td>
<td>$2,165.00</td>
<td>-</td>
<td>Grant</td>
</tr>
<tr>
<td>DD 08AV AV PREVENTION (WAVE)</td>
<td>$2,165.00</td>
<td>$2,526.16</td>
<td>Grant</td>
</tr>
<tr>
<td>DD ADMIN DRUG AND ALCOHOL ADMINISTRATION</td>
<td>$300.00</td>
<td>-</td>
<td>General Fund</td>
</tr>
<tr>
<td>EL ELECTIONS</td>
<td>$4,600.00</td>
<td>$1,475.00</td>
<td>General Fund</td>
</tr>
<tr>
<td>EM EMERGENCY MEDICAL SERVICES</td>
<td>$13,000.00</td>
<td>-</td>
<td>General Fund</td>
</tr>
<tr>
<td>GJ GRAND JURY</td>
<td>$15,000.00</td>
<td>$10,200.00</td>
<td>General Fund</td>
</tr>
<tr>
<td>MG MICROGRAPHICS</td>
<td>$1,600.00</td>
<td>$1,736.34</td>
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<tr>
<td>MHOH OVERHEAD</td>
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<td>$665.00</td>
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<td>MISA83 MHSA ADULT</td>
<td>-</td>
<td>$11,060.00</td>
<td>State</td>
</tr>
<tr>
<td>MISA84 MHSA OLDER ADULT</td>
<td>-</td>
<td>$1,040.00</td>
<td>State</td>
</tr>
<tr>
<td>PB PLANNING AND BUILDING</td>
<td>$880.00</td>
<td>-</td>
<td>General Fund</td>
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<td>PD PUBLIC Defender</td>
<td>$53,550.00</td>
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<td>PR PROBATION</td>
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<td>$38,457.00</td>
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<tr>
<td>PT PLANNING SPECIAL TEAM</td>
<td>$4,700.00</td>
<td>$835.00</td>
<td>General Fund</td>
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<tr>
<td>RO ROAD MAINTENANCE &amp; ADMINISTRAT</td>
<td>$1,000.00</td>
<td>-</td>
<td>Road</td>
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<tr>
<td>SO SHERIFF BU 2310 GENERAL</td>
<td>$31,936.00</td>
<td>$21,402.00</td>
<td>General Fund</td>
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<td>SS SOCIAL SERVICES BU 5010 REDWOOD CHILDREN</td>
<td>N/A</td>
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<td>SSC SS RENTS &amp; LSE B&amp;G-COVELO</td>
<td>$3,900.00</td>
<td>$2,760.24</td>
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<td>$289,414.00</td>
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<td>State and Federal</td>
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<td>SSNC SS RENTALS &amp; LSE B&amp;G NUESTRA CASA</td>
<td>$13,320.00</td>
<td>$7,770.00</td>
<td>State and Federal</td>
</tr>
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<td>Description</td>
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<td>Federal</td>
<td>Total</td>
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<td>SSO SS RENTS &amp; LSE B&amp;G ORCHARD</td>
<td>$</td>
<td>$</td>
<td>$205,200.00</td>
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<td>SSORLE SS ORCHARD &amp; LENORE</td>
<td>$</td>
<td>$</td>
<td>$(95,244.00)</td>
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<td>SSOT OTHER</td>
<td>$</td>
<td>$</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>SSPAR SS RENTS &amp; LSE B&amp;G - PT ARENA</td>
<td>$</td>
<td>$</td>
<td>$12,000.00</td>
</tr>
<tr>
<td>SSRSA SS RENTS &amp; LSE B&amp;G - REDWOOD AVE</td>
<td>$</td>
<td>$</td>
<td>$24,384.00</td>
</tr>
<tr>
<td>SSSIU SS SPECIAL INVESTIGATIONS UNIT</td>
<td>$</td>
<td>$</td>
<td>$19,020.00</td>
</tr>
<tr>
<td>SSSP SS RENTS &amp; LSE B&amp;G SAFE PASG</td>
<td>$</td>
<td>$</td>
<td>$3,192.00</td>
</tr>
<tr>
<td>SSUF SS RENTS &amp; LSE B&amp;G UKIAH FAMILY</td>
<td>$</td>
<td>$</td>
<td>$30,528.00</td>
</tr>
<tr>
<td>SSUS SS RENTS &amp; LSE B&amp;G-UKIAH STORAGE</td>
<td>$</td>
<td>$</td>
<td>$26,136.00</td>
</tr>
<tr>
<td>SSVT SS DATA PROCESSING-VETS</td>
<td>$</td>
<td>$</td>
<td>$22,733.00</td>
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<tr>
<td>BCYS &amp; GIRLS CLUB</td>
<td>$</td>
<td>$</td>
<td>$3,000.00</td>
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<tr>
<td>VX DEA - COMMET</td>
<td>$</td>
<td>$</td>
<td>$28,100.00</td>
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<td><strong>GRAND TOTAL</strong></td>
<td>$</td>
<td>$</td>
<td>$784,803.00</td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td>$120,881.48</td>
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AGENDA TITLE: Discussion and Possible Action on Underground Utilities Program, Funded by the Pacific Gas & Electric Rule 20A allocations; and Referral to Public Resources Committee for Direction

PREVIOUS BOARD/BASED COMMITTEE ACTIONS: County planning with regard to Underground Utilities has been underway since the early 2000’s and periodic updates have been provided to the Board. The most recent project is underway in the unincorporated town of Gualala.

SUMMARY OF REQUEST: The County of Mendocino is presently receiving $625,000 per year in its Pacific Gas & Electric (PG&E) Rule 20A allocations for undergrounding of utilities. The most current project, undergrounding electrical and phone lines in the Town of Gualala has been through multiple revisions and is currently the County’s top priority project. The Rule 20A Fund contains approximately $6,404,358 of unallocated funds for future projects. Due to changes in the Gualala project, some portion of these funds may be needed to complete that project.

The County Executive Office has reestablished the Underground Committee, comprised of County Counsel, Chief Executive Officer and Director of Transportation, to discuss future projects and the priority order of completion. The Committee has met and is prepared to discuss those recommendations with the Public Resources Committee.

The complexity of these projects and their individual requirements will require further discussion with PG&E and AT&T once the review has taken place. Each of these projects will require a local share cost for surveying and Department of Transportation staff time, so it is important that the Committee make recommendations to the Board of Supervisors for future funding.

The County Executive Officer will also seek approval from the Public Resources Committee to request of the California Public Utilities Commission (CPUC) a rule change allowing local surveying and inspection costs be funded through the Rule 20A Program.

In addition, a local citizen’s group in Anderson Valley has expressed an interest in working with the County to move forward with such a project in their area.

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:
ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (checked by COB if applicable): 

<table>
<thead>
<tr>
<th>FISCAL IMPACT:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source of Funding</td>
</tr>
<tr>
<td>Yes</td>
</tr>
</tbody>
</table>

BOARD ACTION (DATE: _____________): ☐ Approved ☐ Referred to ______________________ ☐ Other ________

RECORDS EXECUTED: ☐ Agreement: _________ ☐ Resolution: _________ ☐ Ordinance: _________ ☐ Other
MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

SUPERVISORIAL DISTRICT: 1 □ 2 □ 3 □ 4 □ 5 □ All □ VOTE REQUIREMENT: Majority □ 4/5ths □

RECOMMENDED ACTION/MOTION: The Board of Supervisors is requested to refer this item to the Public Resources Committee for further discussion and recommendations to the Executive Office regarding future projects.

ALTERNATIVES: Provide alternative recommendation or direction

CEO REVIEW (NAME): Tom Mitchell, 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 _______

Rev.1/08
September 17, 2008

County Administrator
County of Mendocino
501 Low Gap Road, Rm. 1010
Ukiah, CA 95482

Subject: 2008 Rule 20A Allocation & Work Credit Status

Dear County Administrator,

The purpose of this letter is to update you on your community’s Rule 20A Electric Underground Work Credit Balance. The table below shows your Rule 20A Work Credit Balance as of June 30, 2008. This balance reflects closed projects, projects currently in progress, and pending ones that have an underground conversion resolution adopted prior to June 30, 2008.

<table>
<thead>
<tr>
<th>Work Credit Status</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Account Balance as of 06/30/2007</td>
<td>$7,476,748</td>
</tr>
<tr>
<td>Plus 2008 Allocation</td>
<td>$623,944</td>
</tr>
<tr>
<td>Plus Adjustment</td>
<td>$3,666</td>
</tr>
<tr>
<td>Less Closed Projects</td>
<td>$0</td>
</tr>
<tr>
<td>Account Balance as of 06/30/2008</td>
<td>$8,104,358</td>
</tr>
<tr>
<td>Less Projects in Progress (Estimated Value)</td>
<td>$0</td>
</tr>
<tr>
<td>Less Resolutions Adopted (Preliminary Value)</td>
<td>-$1,700,000</td>
</tr>
<tr>
<td>Adjusted Balance as of 06/30/2008</td>
<td>$6,404,358</td>
</tr>
</tbody>
</table>

Expressed in dollars, the amounts listed above represent the value of work credits that apply only to qualified, public interest underground conversion projects pursuant to Rule 20A. However, notwithstanding the limitations on Rule 20A projects, these work credits may also be used as collateral to begin a Rule 20B neighborhood underground project design. If citizens in your community are interested in discussing a possible Rule 20B, please contact me for more information.

As with all major capital projects, when your community passes a resolution approving an underground district, it is categorized with other Rule 20A projects in the queue. At a company level, the actual budget and resources to do this work is prioritized with all other PG&E work. PG&E’s first priority is maintaining overall electric system reliability to serve our customers. For example, customer service reliability projects receive higher priority and include repairing damaged lines and poles caused by storms, upgrading the electric capacity of the system, and connecting new customers. This means that while your underground project is important, we may not immediately be able to begin work after you have passed a resolution. For this reason, advance project planning is important. Also, Rule 20A underground conversion projects are complex, involving coordination with the community, PG&E, and other utilities, and includes complicated engineering to ensure that existing overhead systems remain operable until the moment of cut-over. Again, advance planning with the community and all affected utilities is critical to success.

PG&E values its partnership with the communities and we look forward to developing a plan that works for both of us. If you have any questions regarding your Rule 20A Work Credit Status, or if your community wants to discuss pending Rule 20A projects or potential future projects, please contact me at 707.577.7101.

Sincerely,

Sindy Mikkelson
Senior Program Manager - Rule 20A Program

CC: AG, JN, PC
TO: Board of Supervisors  DATE: March 23, 2009
FROM: Executive Office  MEETING DATE: April 7, 2009

DEPT RESOURCE/CONTACT: Tom Mitchell, CEO  PHONE: 463-4441  Present ☑  On Call ☐

Consent Agenda ☐  Regular Agenda ☑  Noticed Public Hearing ☐  Time Allocated for Item: 1 Hour

AGENDA TITLE: Discussion and Possible Action regarding Resolving Projected Shortfall in FY 2008-09 Budget


SUMMARY OF REQUEST: The Board of Supervisors directed, on March 16, 2009, that the Executive Office return on April 7, 2009 with options to fully address the remaining projected FY 2008-09 Budget shortfall that has resulted from decreases in local revenues due to current statewide economic conditions.

The Executive Office will report on further developments and recommendations to address the projected shortfall in FY 2008-09 and will provide the Board with options for resolving the shortfall this fiscal year.

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: by 5:00 PM Friday, April 3, at http://www.co.mendocino.ca.us/administration/

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

FISCAL IMPACT:

<table>
<thead>
<tr>
<th>Source of Funding</th>
<th>Current F/Y Cost</th>
<th>Annual Recurring Cost</th>
<th>Budgeted in Current F/Y</th>
</tr>
</thead>
<tbody>
<tr>
<td>NA</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
</tbody>
</table>

SUPERVISORIAL DISTRICT: 1 ☐  2 ☐  3 ☐  4 ☐  5 ☐  All ☑  VOTE REQUIREMENT: Majority ☑  4/5ths ☐

RECOMMENDED ACTION/MOTION: It is recommended that the Board of Supervisors receive and deliberate on information presented and take any actions necessary to resolve the projected shortfall in the FY 2008-09 Budget.

ALTERNATIVES: Provide other direction to staff.

CEO REVIEW (NAME): Alison Glassey, ACEO  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

Revised-01/09
TO: Board of Supervisors       DATE: March 30, 2009
FROM: Tom Mitchell, Chief Executive Officer      MEETING DATE: April 7, 2009

DEPT RESOURCE/CONTACT: Tom Mitchell, CEO      PHONE: 463-4441
Consent Agenda [ ] Regular Agenda [x] Noticed Public Hearing [ ] Time Allocated for Item: 15 min

AGENDA TITLE: Discussion and Possible Action regarding Board of Supervisors compensation in accordance with County Ordinance Section 3.04.071

PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: Sec. 3.04.071 Board Compensation.
(A) Effective sixty (60) days after the final adoption of this Section, each member of the Board of Supervisors shall receive as compensation for services the yearly base salary of Sixty-Eight Thousand Dollars ($68,000), payable biweekly.
(B) At the first regularly scheduled meeting in April of every odd-numbered year, the Board of Supervisors shall review their compensation and adjust as determined to be appropriate. (Ord. No. 4191 (part), adopted 2007; Ord. No. 4193 (part), adopted 2007.)

SUMMARY OF REQUEST: In December 2008, the Chief Executive Officer requested that the Human Resources Director conduct a survey of Board of Supervisors compensation. The same benchmark counties used for all Mendocino County bargaining units were surveyed to determine whether the current salary range is appropriate.

The results of the survey indicate that the Board of Supervisors is presently paid 13% below market when compared to the same formula that is applied to all employee bargaining units.

During this review it is important to note that the Board of Supervisors did not receive the January, 2008 COLA of 3%, the July 2008 market adjustments of up to 3%, and the January 2009 COLA of 3.5% that other elected officials and department heads received.

It is important to note that the compensation for the Elected Department heads is by Board Resolution linked to the Department Head Bargaining Unit and does not receive the same public discussion that is expected of Elected Board of Supervisor’s compensation since any such increases mirrors that of the County Department Heads memorandum of understanding.

Previously during the September 24, 2007 Board of Supervisors meeting, a board member had discussed the establishment of a citizen’s advisory panel; however that is not a requirement of the current ordinance. The Chief Executive Officer is recommending against such a process since the compensation is presently below market, based on the data submitted by the Director of Human Resources.

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:

ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE): [ ]
FISCAL IMPACT:

<table>
<thead>
<tr>
<th>Source of Funding</th>
<th>Current F/Y Cost</th>
<th>Annual Recurring Cost</th>
<th>Budgeted in Current F/Y</th>
</tr>
</thead>
<tbody>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- **SUPERVISORIAL DISTRICT:** 1 2 3 4 5  All  
- **VOTE REQUIREMENT:** Majority 4/5ths

- **RECOMMENDED ACTION/MOTION:** The Board of Supervisors is requested to adopt the following recommendations:
  1. Receive the attached report and comment as appropriate
  2. Accept the recommendations of Human Resources and Chief Executive Officer and adjust the Board of Supervisors salary by the same amount as previously given to elected department heads since January, 2008 in the first pay period of January, 2010. The Board will not receive any additional compensation for calendar years 2008 or 2009 in recognition of the current budget deficits.

- **ALTERNATIVES:** Take no action regarding a salary adjustment.

- **CEO REVIEW (NAME):** Tom Mitchell, CEO  
- **PHONE:** 463-4441

- **RECOMMENDATION:** Agree  Disagree  No Opinion  Alternate  Staff Report Attached

BOARD ACTION

- Approved
- Records Executed

Date of Meeting

- Referred to
- Other
# December 2008 Board of Supervisors Salary

<table>
<thead>
<tr>
<th>Agency</th>
<th>Comments</th>
<th>Full /Part Time</th>
<th>Max Sal</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Ukiah</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>City of SR</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>El Dorado Co</td>
<td>BOS salary calculated on the Average &quot;out of market&quot; for elected dept heads minus Auditor (per ordinance) Chair salary is same as other Supervisors</td>
<td>Full Time</td>
<td>$6,406.40</td>
</tr>
<tr>
<td>Humboldt Co</td>
<td>Salary % increase is same as co staff (per ordinance) Approx 12 yrs ago was based on Judge, but not now. Longevity Pay- 10 yrs receive $6,468- Chair salary is same as other Supervisors</td>
<td>Full Time</td>
<td>$6,221.00</td>
</tr>
<tr>
<td>Lake Co</td>
<td>Chair salary is $5,007.46; salary 60% of elected officials (per ordinance)</td>
<td>Full Time</td>
<td>$4,807.46</td>
</tr>
<tr>
<td>Napa</td>
<td>Salary is 47.09% of judges Chair salary is same as other Supervisors</td>
<td>Full Time</td>
<td>$7,016.53</td>
</tr>
<tr>
<td>Nevada Co</td>
<td>Member = $3,287.22 Chair salary = $3,451.62. Annual adjustment to BOS salaries and benefits to be = to other County Elected Officials, except for the Sheriff (per ordinance)</td>
<td>Part Time</td>
<td>$6,574.44</td>
</tr>
<tr>
<td>Sonoma Co</td>
<td>Salary 75% of judges Chair salary is same as other Supervisors</td>
<td>Full Time</td>
<td>$11,136.60</td>
</tr>
<tr>
<td>Sutter Co</td>
<td>The BOS salary is determined by ordinances, approved by the BOS- not based on particular criteria. Chair salary is same as other Supes $2,872.60</td>
<td>Part Time</td>
<td>$5,745.20</td>
</tr>
<tr>
<td>Yolo Co</td>
<td>Sal is 40% of Superior Court Judge Chair salary is same as other Supervisors</td>
<td>No designation of F/T or P/T</td>
<td>$4,917.00</td>
</tr>
</tbody>
</table>

**Mendocino** Board of Supervisors

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Ave Max Sal</th>
<th>Difference</th>
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</thead>
<tbody>
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<td></td>
<td></td>
<td>$6,503.09</td>
<td>$883.09</td>
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<tr>
<td></td>
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Longevity Increase:
- None  ○ 10 Years  ○ 20 Years

Submit interest card for this job
Download job description in PDF format
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Note: The table above lists the classification titles with their respective grades and hourly salary effective from 01/04/08.
**Class Title:** BOARD OF SUPERVISORS  
**Class Code:** 28612  
**Salary:** $40.48 - $40.48 hourly  
$3,238.40 - $3,238.40 biweekly  
$7,016.53 - $7,016.53 monthly  
$84,198.40 - $84,198.40 annually

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**Print Job Information**

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**Menu**
- Human Resources Home  
- Job Descriptions & Benefits  
- Job Opportunities  
- Promotional Opportunities  
- Transfer Opportunities  
- User Accounts
## Nevada County
### AUTHORIZED PERSONNEL SALARY RANGE TABLE
#### FISCAL YEAR 2008/2009

(Non-Safety, DSA and SMA 7.13 Effective)

Reso 08-475 eff 9.23.08

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The hereinabove elective County Officials shall receive the salary designated herein, and shall not be subject to the requirements and limitations nor entitled to the benefits provided in the other provisions of this resolution unless expressly made applicable to those officers.
Salary steps 6-8 do not apply to new employees. These ranges require 5-20 years of service as an employee of Sutter County. See Personnel Rules and Regulations, Section 13.1 F and G on the County website for details.

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*Note: The table provides the job titles, safety codes, plant numbers, FLSA status, base units, codes, median classes, ranges, monthly salary ranges, and annual salary ranges for various positions at Yolo County as of 11/23/2008.*
TO: Board of Supervisors  DATE: March 23, 2009
FROM: HHSA – Community Health Services  MEETING DATE: April 7, 2009

DEPARTMENT RESOURCE/CONTACT: Carmel Angelo  PHONE: 472-2333
Stacey Cryer  PHONE: 472-2799

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

AGENDA TITLE: Approve Proclamation Recognizing April 6-12, 2009 as National Public Health Week and Proclaim April 6-12, 2009 as Public Health Week in Mendocino County – HHSA Community Health Services

PREVIOUS BOARD/BASED COMMITTEE ACTIONS: Yes, on 4/8/08 the BOS approved and signed the proclamation declaring 4/7-13/08 as Public Health Week.

SUMMARY OF REQUEST: In conjunction with the American Public Health Association (APHA), we request that the Board of Supervisors declare April 6-12, 2009 as Public Health Week. This year the National focus/theme is “Building the Foundation for a Healthy America”. It is our plan to release a series of media articles focusing on the role public health plays in improving our nation’s health. A few examples of Public Health at work include education and prevention programs, ensuring safe food handling in restaurants, vaccines and testing for preventable diseases. This year, by means of an Awards Tea, the Health and Human Services Agency will recognize a few of these “unsung” Community Health Service programs that serve to build our foundation for a healthier community.

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:

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

FISCAL IMPACT:

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<th>Source of Funding</th>
<th>Current F/Y Cost</th>
<th>Annual Recurring Cost</th>
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SUPervisioral DISTRICT: 1[ ]  2[ ]  3[ ]  4[ ]  5[ ]  All[X]  ■ VOTE REQUIREMENT: Majority[ ]  4/5ths[ ]

RECOMMENDED ACTION/MOTION: Approve and authorize Board chairperson to sign the Proclamation recognizing April 6-12, 2009 as National Public Health Week and proclaim April 6-12, 2009 as Public Health Week in Mendocino County. Please return one proclamation with original signature. – HHSA Community Health Services

ALTERNATIVES: Do not declare this week as Public Health Week in Mendocino County.

CEO REVIEW (NAME): Jennifer Wyatt  PHONE: 463-4441

RECOMMENDATION: Agree[ ]  Disagree[ ]  No Opinion[ ]  Alternate[ ]  Staff Report Attached[ ]
PROCLAMATION
OF THE
MENDOCINO COUNTY BOARD OF SUPERVISORS

RECOGNIZING NATIONAL PUBLIC HEALTH WEEK
APRIL 6-12, 2009

WHEREAS, each year, in conjunction with the American Public Health Association, the Community Health Services Branch of the Health and Human Services Agency celebrates the first full week of April as National Public Health Week; and

WHEREAS, the 2009 theme of National Public Health Week is “Building the Foundation for a Healthy America”; and

WHEREAS, our nation’s health is in poor shape, behind 45 other countries in life expectancy even though we spend more on health care than any other country; and

WHEREAS, in light of our failing health system, National Public Health Week 2009 raises awareness nationally and locally of public health's critical role in restoring and ensuring a healthy America; and

WHEREAS, building a healthy nation will require changes to how we protect and promote health in our country, with an emphasis on an effective public health foundation that provides access to affordable, high-quality, comprehensive health services for all people living in America; and

WHEREAS, investments in public health prevention not only protect against unnecessary illness and suffering, but also save money over time by avoiding more costly treatment later; and

WHEREAS, public health is affected by decisions in sectors such as transportation, agriculture, land use and education, as well as being a crucial component of the solution because every facet of our lives - our nation, communities, workplaces, schools and homes - is affected by public health.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Mendocino hereby proclaims April 6-12, 2009, as “Public Health Week” in Mendocino County and recommend this observance to all our citizens.

Dated: April 7, 2009

John Pinches, Chair
Department of Transportation (MCDOT)

Director’s Report – April 7, 2009

- American Recovery and Reinvestment Act (ARRA) California’s Distribution of Funds: Distribution formulas for the final allocation of the remaining federal Surface Transportation Program (STP) including Transportation Enhancements (TE) – some $27 million - provided for by APPR will be based on Assembly Bill (AB) X3-20; signed by the Governor this past Friday, March 27th. AB 3X 20 (Bass) was amended to carry State implementation language for the ARRA highway funds. It provides 62.5% or $1.6 billion to regional agencies and 37.5% or $964 million to the State. The bill also includes intent language that “at least 40% of the funds apportioned to MPOs, County Transportation Commissions, and Regional Transportation Planning Agencies (RTPAs) be available for suballocation to cities and counties”. The suballocation is equivalent to at least $640 million for counties and cities. Added to the Mendocino Council of Government’s (MCOG) previous $1.9 million allocation - the total is now $4.091 million available for obligation in 120 days and/or one year by formula.

MCDOT will continue to advance the “1-year obligation-2 year construction projects” listed in the March 24, 2009 Director’s Report, with the MCOG Technical Advisory Committee (TAC) as these additional funds are divided between the cities and county.

- Prop. 1B Update: The Proposition 1B Local Streets and Roads Account (LSR) provides for a 6.3% ($404,316.56) payment to counties in FY 2008-09. MCDOT processed claim forms for this payment based on the BOS direction at their 12-9-08 meeting before the Department of Finance (DOF) 12-19-08 cutoff. However, due to the California financial crisis even 1b distribution to the 12 counties who processed claims has been delayed. Now, California has sold $6 billion in bonds and the remaining counties are being encouraged to submit their claims. MCDOT is hopeful that these FY 2008-09 1B funds will finally flow to us.

The sale of California Bonds has also renewed the possibility for an additional Proposition 1B LSR 45% ($2.9 million) payment which has been called the Governor’s Special Economic Stimulus using Prop 1B LSR funds. There is a possibility that Counties could be given their remaining share of the 1B LSR bond funds all this year or next year. The former CEAC Policy & Legislative Priorities for 2009-10 presently advocate a 15% distribution per year over the next three years. CEAC is revising that position in favor of the Governor’s economic stimulus 100% payout; however, the Governor’s package comes with some strings. The counties that accept early payment would be expected to spend the 1B funds and all other gas tax funds (Highway Users Tax Act (HUTA) and Prop 42) in a timely manner – having no more than three months reserve at any time. These strings would mean that Mendocino County would need to do more corrective maintenance paving and preventive maintenance chip sealing as we have no “on the shelf – ready to go projects” to absorb the rapid 1B distribution. MCDOT can turn out maintenance projects fast. Mendocino County’s entire 2007/08 1B distributions is either encumbered (under contract) or has been spent and I believe the Governor sees some counties doing this and wants to pass out more bond money to such counties as stimulus.
• **Budget Preparation (FY-09/10):** MCDoT staff personnel invested considerable effort during this time on reports, projections and narratives.

• **California Needs Assessment Project:** The Mendocino County 2007 “Pavement Condition Index” PCI (updated every 3 years) shows that only 19% of the counties 660 miles of paved roads are in good condition (PCI above 75) – that means the other 81% is less than good – some very poor (PCI below 50). The conditions, here in Mendocino County, are similar to those statewide and stem from deferred maintenance. Deferring maintenance works for a while but studies show that in the end it costs more – much more to rebuild roads than keep good roads in good condition. We, along with everyone else, have fallen into this trap and now perform triage on roads; placing our limited resources on repairs, in areas in the worse condition or that pose a safety hazard. The last time MCDoT took the time to estimate our counties backlog of deferred road maintenance in 2002 it was about $90 million, it is safe to say that figure is well over $100 million now. Los Angeles County has been spearheading an effort to define the problem statewide... Mendocino did contribute our share and we have provided our information to this cooperative effort with California cities and counties. And now the results are in! STATEWIDE local road systems are $177.5 billion behind not counting ADA (Americans with Disabilities Act) and NPDES (National Pollution Discharge Elimination System) requirements. The study was prepared by Nichols Consulting Engineers, hired by Los Angeles County using pooled city and county funds and should be formally presented to the California State Association of Counties (CSAC) and the League of California Cities (“the league”) soon. Early results indicate that, for example, an increase in the state’s 18 cents per gallon fuel tax of 31 cents would catch up the “maintenance backlog” in ten years and raising the fuel tax to 79 cents per gallon would fix the state system backlog as well. No one knows how to fund road repairs and catch up, but surely this needs to be studied and will get a conversation started.

• **Road Division Activities:** MCDoT Road Division personnel are performing normal spring activities as follows: Mowing for vegetation control and grading gravel roads countywide.

• **County Road Winter Closures End:** By resolution in 2003 the Board permitted the closure of some County Roads to avoid sediment production. Beginning on Friday, April 3rd 2009, the following county maintained gates will be locked in the open position: C.R # 419 Fort Bragg - Sherwood Road, C.R # 506 Ten Mile Road, and C.R # 518 Navarro Ridge Road.
AGENDA TITLE: Adoption of Proclamation Recognizing the 50th Anniversary of the Willits Branch of the American Association of University (AAUW) Women

PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: The Board of Supervisors adopted a resolution recognizing the 125th Anniversary of the American Association of University Women on October 3, 2006.

SUMMARY OF REQUEST: The American Association of University Women (AAUW), formed in 1881, has been a catalyst for change, providing a powerful voice for women and girls, with more than 100,000 members, 1,000 branches, and 500 college and university partners throughout the nation. The Board of Supervisors wishes to recognize the 50th Anniversary of the Willits Branch of AAUW. The organization is to be commended for its many valuable contributions to the citizens of Mendocino County, including a scholarship program and a new educational program at the Willits High School, called Career Coaches, established in 2009. Representatives will be in attendance to receive the proclamation, and to comment on the importance of the AAUW.

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: http://www.aauw.org/

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

FISCAL IMPACT:

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SUPERVISORIAL DISTRICT: 1 ☑ 2 ☑ 3 ☑ 4 ☑ 5 ☑ All ☑ VOTE REQUIREMENT: Majority ☑ 4/5ths ☑

RECOMMENDED ACTION/MOTION: That the Board adopts the proclamation, authorizing the Chair to sign same.

ALTERNATIVES: Determine other means of recognition of the Willits AAUW 50th Anniversary.

CEO REVIEW (NAME): ______________________________________ PHONE: 463-4441
RECOMMENDATION:  Agree ☑  Disagree ☑  No Opinion ☑  Alternate ☑  Staff Report Attached ☑
PROCLAMATION
OF THE
MENDOCINO COUNTY BOARD OF SUPERVISORS

RECOGNIZING THE 50TH ANNIVERSARY OF THE
AMERICAN ASSOCIATION OF UNIVERSITY WOMEN
WILLITS BRANCH

WHEREAS, the purpose of the American Association of University Women (AAUW), a non-profit national organization, formed in 1881, is to advance equity for women and girls through advocacy, education and research; and

WHEREAS, the AAUW of Willits have celebrated the accomplishments and potential of women without regard to race, religion, political affiliation or sexual orientation; and

WHEREAS, the Willits Branch of AAUW, organized in 1959, has for the past 50 years, created positive societal change in this community; and

WHEREAS, AAUW’s two major programs to develop opportunities for women and girls are the Legal Advocacy Fund and the Educational Fund; and

WHEREAS, other programs operated by AAUW have included:
- Establishment of an on-going Art Exhibit of local artists during Frontier Days (a long-running favorite among tourists);
- Publication of the “Skunk Gazette” (3,000 copies of this souvenir newspaper were sold for $.25 a piece to promote Willits as a tourist destination; 10 editions were published between 1960-1984);
- Planting of 30 Hawthorne trees on Commercial Street to beautify Willits;
- Founders of “Friends of the Library” which held the first annual Library Book Sale;
- Organization of the first “Candidates’ Night” and has done so ever since;
- Organization of the first “Science Fair” for the middle school students of Mendocino County, which is now a function of the School District; and

WHEREAS, AAUW continues to break through educational and economic barriers so all women have a fair chance.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors recognizes the 50th Anniversary of the Willits Branch of the American Association of University Woman and the dedicated members for their significant impact on our community.

Dated: April 7, 2009

John Pinches, Chair
Since its first meeting in 1881, AAUW has been a catalyst for change. Today, with more than 100,000 members, 1,000 branches, and 500 college and university partners, AAUW contributes to a more promising future and provides a powerful voice for women and girls—a voice that cannot and will not be ignored.

We are proud to offer this new online museum, a virtual clearinghouse of AAUW history. In these pages, you will get a glimpse into AAUW's rich tradition of leadership, scholarship, advocacy, and action—all of which have made us what we are today. This museum contains 127 years of AAUW artifacts and memorabilia and the stories behind them, and we are delighted to be able to share it all with you.

In addition to Our History—a comprehensive, all-inclusive look at AAUW's accomplishments since 1881—three other "wings" of this museum focus on specific aspects of AAUW history: Advocacy & Action, Research & Publications, and Scholarship & Support.

Two other collections—the Buildings Gallery and the Portrait Gallery—highlight the faces and places we've seen and supported along the way.

And finally, the ultimate illustration of AAUW's efforts toward equity in education: our entire collection of AAUW Outlook magazine covers that track the exact course AAUW has followed in its ongoing quest for equity.
Introduction

For more than 125 years, the American Association of University Women has examined the fundamental issues of the times—educational, social, economic, and political—and taken courageous positions, often far ahead of popular opinion. During these 125 years of public participation at the local, state, national, and international levels, AAUW has evolved clear principles that underscore its mission of advancing equity for women and girls through advocacy, education, and research. Basic to these principles—which form the body of policy that empowers the Association, its branches, divisions, and individual members—has been the conviction that true equality requires a balance between the rights of the individual and the needs of the larger community.

*Historic Principles* is distilled from the records of study and action by AAUW members, as reflected in Association legislative programs, resolutions, issues, statements of principle, AAUW Board of Directors positions and policies, and legislative actions. The Association public policy program, adopted at biennial conventions, identifies short-term federal policy priorities based upon their viability, critical need, strong member support, and potential for distinctive AAUW contribution. AAUW resolutions are adopted at biennial conventions to articulate evolving positions and address major issues requiring special emphasis. AAUW issues are program and policy initiatives adopted by the board of directors based upon member direction. Thus, the participation and priorities of AAUW members influence the course of study and action which, in turn, generates the cutting edge of evolving principles for the future.

Together with the Association legislative program, issues, and resolutions, these historic principles provide the means for the continuing evolution and focusing of AAUW's positions. Action on these principles and positions can be taken in the name of AAUW through implementing procedures outlined by AAUW board policy.

*N.B.: Unless stated otherwise, the following excerpts are statements of support.*
AAUW believes that public education is the foundation of a democratic society and that equity and excellence in education are not a choice but an imperative. AAUW advocates responsible financial support for education at all levels, a position firmly rooted in the principle of public funds for public schools, and opposes all diversions of public funds to private elementary and secondary schools.

AAUW advocates academic freedom, protection from censorship, and vigorous defense of the right to learn and to teach. AAUW advocates measures that strengthen the profession of teaching.

Recognizing that all individuals require lifelong access to appropriate and challenging educational and employment opportunities, AAUW has long supported early childhood education, adult and continuing education, vocational and technical education, and programs for students with special needs.

Born of the need to improve women's access to higher education, AAUW has been for more than a century an advocate of open access to postsecondary education, nondiscriminatory student financial aid, federal aid to higher education, and the elimination of sex bias on campus. To promote equality of opportunity and access for women on campus, AAUW established its fellowships program in 1888, which became the basis of the AAUW Educational Foundation in 1958. The AAUW Legal Advocacy Fund was established in 1981 with the goal of eliminating sex discrimination in higher education and became a program of the Educational Foundation in 2009.
TO: Board of Supervisors  DATE: March 31, 2009
FROM: Supervisor Colfax and Supervisor McCowen  MEETING DATE: April 7, 2009

DEPARTMENT RESOURCE/CONTACT: Kristi Furman  PHONE: 463-4221  Present ☑  On Call ☐

Consent Agenda ☐  Regular Agenda ☑  Noticed Public Hearing ☐  Time Allocated for Item: 15 min.

AGENDA TITLE: Discussion and Possible Action Regarding a Request that the Board of Supervisors Send a Letter to the Minerals Management Service (MMS) in Opposition to Consideration of the Mendocino Coast for Off-shore Oil and Gas Leasing, Also Requesting a Public Hearing on the Mendocino Coast

PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: April 4, 2006 (Resolution No. 06-044) and July 24, 2007.

SUMMARY OF REQUEST: For over twenty-six years, beginning in 1982, the Mendocino Coast was protected by a Congressional moratorium on off-shore oil and gas drilling, and received additional protection since 1990 by Presidential Executive Orders. The current Executive Order was withdrawn effective August 1, 2008 and the Congressional Moratorium was allowed to expire October 1, 2008, leaving the Mendocino Coast vulnerable to the threat of oil and gas leasing.

The Minerals Management Service of the Federal Interior Department has initiated a new five year oil and gas leasing program for the Outer Continental Shelf. Four meetings will be held nationwide to gather information on where and how to develop the energy resources of the outer continental shelf. The public comment period has been extended until September 21. The nearest hearing will be in San Francisco on April 16.

Leasing is proposed in the Point Arena Basin, encompassing nearly the entire Mendocino County coast and part of Humboldt. See the attached map and excerpt from the Draft Proposed Outer Continental Shelf (OCS) Oil and Gas Leasing Program 2010-2015 for additional information.

The Mendocino Coast is not suitable for off-shore oil and gas drilling due to the threat to our scenic beauty, the threat to our tourist and fishing industries and the devastating impact that an off shore oil spill would cause.

In keeping with Mendocino County’s storied history of being in the forefront of ocean protection efforts, and the traditional support of the Board of Supervisors for such efforts, it is requested that this Board send a strong letter opposing the consideration of the Mendocino Coast for off-shore oil and gas leasing and also requesting that the Minerals Management Service hold a local hearing on the Mendocino Coast prior to the close of the public comment period. A draft letter will be available on Monday, April 6, 2009.

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: http://www.mms.gov/omm/pacific/index.htm
ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):

<table>
<thead>
<tr>
<th>Source of Funding</th>
<th>Current F/Y Cost</th>
<th>Annual Recurring Cost</th>
<th>Budgeted in Current F/Y</th>
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<td>N/A</td>
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SUPERVISORIAL DISTRICT: 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All ☑  VOTE REQUIREMENT: Majority ☑ 4/5th ☐

RECOMMENDED ACTION/MOTION: Discuss and give direction on whether or not to send the letter as requested.

ALTERNATIVES: Determine other means of expressing Mendocino County’s position on the issue.

CEO REVIEW (NAME):  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 _____________
New Draft Proposed Program for 2010 to 2015

The MMS is seeking comment on all aspects of the new program including energy development and economic and environmental issues in the OCS areas. Comments are also requested on the specific subjects of size, timing, and location of sales and on the issues of buffer zones, revenue-sharing, and the use of utilization to limit the number of structures. The public comment period is open until September 21, 2009, pursuant to Secretary Salazar’s announcement on February 10, 2009.

Please reference “2010-2015 Oil and Gas Leasing in the Outer Continental Shelf.” in your comments and include your name and return address. You may submit your comments using one of the following methods:

- Federal eRulemaking Portal
- Instructions for eRulemaking Portal: http://www.regulations.gov

Under the tab “More Search Options,” click “Advanced Docket Search,” then select “Minerals Management Service” from the agency drop-down menu, then click the submit button. In the Docket ID column, select MMS-2008-OMM-0045 to submit public comments and to view related materials on the DPP and select MMS-2008-OMM-0046 to submit public comment and to view materials on the Notice of Intent to Prepare an EIS.

- Mail or hand-carry comments on the Draft Proposed Program to:
  
  Ms. Renee Orr
  Chief, Leasing Division
  Minerals Management Service, MS 4010
  381 Eiden Street
  Herndon, VA 20170-4817

- Mail or hand-carry comments on the Notice of Intent to Prepare an EIS to:
  
  Mr. James F. Bennett
  Chief, Branch of Environmental Assessment
  Minerals Management Service, MS-4042
  381 Edeen Street
  Herndon, VA 20170

We will not consider anonymous comments; and include your full name and address. We will make available for inspection in their entirety all comments submitted by organizations and businesses or by individuals identifying themselves as representatives of organizations and businesses. Our practice is to make comments, including the names and home addresses of respondents, available for public review. An individual commenter may ask that we withhold his or her name, home address, or both from the public record, and we will honor that to the extent allowable by law. If you submit comments and wish us to withhold such information, you must so state prominently at the beginning of your submission.

For Further Information Contact:

Renee Orr
5-Year Program Manager
(703) 767-1215
New Draft Proposed Program for 2010 to 2015

Content:
Terry Scholten

Pagemasters:
OEMM Web Team

Q1: What did Secretary Salazar announce at his offshore energy press conference on February 10, 2009?

A1. The Secretary announced his strategy to develop an offshore energy plan that includes conventional and renewable energy resources. He announced four steps to start his plan:
- extending the comment period on the DPP an additional 180 days to September 21, 2009;
- directing the Minerals Management Service (MMS) and US Geological Survey (USGS) to assemble all known information about offshore energy resources and identifying where there are gaps;
- holding meetings on the three coasts and in Alaska to provide for more public and stakeholder input; and
- issuing the final rulemaking for renewable energy.

Q2. How does this announcement affect the DPP? What about the current program for 2007-2012?

A2. The Secretary’s announcement extended the comment period on the DPP for an additional 180 days in allow for greater public input. His announcement did not alter the substance of the DPP. However, there may be time frame changes in a final program in order to complete all the remaining program preparation steps required under the OCS Lands Act. The Secretary stated that this announcement did not affect the current program.

Q3: Why did MMS initiate the process for another 5-year program now?

A3. In light of the then-existing energy situation and former President Bush’s lifting of the Presidential Withdrawal, the Secretary of the Interior directed MMS to begin the initial steps for developing a new five-year program. On August 1, 2008, we published a Federal Register Notice requesting information on whether to start a new program and what areas should or should not be included. As of October 1, 2008, Congress discontinued its longstanding moratoria on leasing, making most of the OCS available for leasing consideration in a new program. In effect, this action gave the Obama Administration and the Nation, a two-year jumpstart on the multi-step and multi-year process that could eventually offer some of these newly available areas for leasing consideration.

Q4: With this new program, will you be able to lease new areas that were under Presidential withdrawals and Congressional moratoria?

A4. This action constitutes the first of three proposals that could lead to greater access to the resources of the OCS and expansion of our domestic energy production. No area can be leased without being included on an approved 5-year program. This DPP is followed by a comment period (that has been extended) that precedes publication of the proposed program that also is followed by a comment period. A proposed final program must sit before Congress and the President for at least 30 days before the Secretary can approve a final program. In addition an Environmental Impact Statement will be prepared in accordance with the National Environmental Policy Act (NEPA). Even after the Secretary approves a final program, there is a lengthy public preparation process for each lease sale that includes consultation with stakeholders at several junctures and more specific environmental analysis also in accordance with NEPA. No leases can be issued in any areas that are not on the current program until both processes are complete.

Q5: What areas are going to be available

A5. For the draft proposed program, the Secretary proposes 31 OCS lease sales in all or some portion of 12 of the 23 planning areas—4 areas off Alaska, 2 areas off the Pacific coast, 3 areas in the Gulf of Mexico, and 3 areas off the Atlantic coast. The Secretary’s decisions are just a starting place, designed to encourage discussions about the OCS areas of greatest interest, with the greatest potential. It is expected that a final program will offer less area than being proposed here. That is the nature of the “winnowing” process under the Act. Any new areas that are included in the final program will not be available for leasing until the 5-Year Program is complete, having incorporated multiple rounds of public comment.

Q6: How will the new program affect the current program?

A6: If implemented, the new program would replace and supersede the portion of the current program remaining after the effective date of the new program. Currently scheduled sales for mid-2010 to mid-2012 would likely be included in any new program and are so included in this draft proposal.

Q7: Did Congress lift their ban?

A7: Congress discontinued their longstanding annual appropriations moratoria as of October 1, 2008. The only areas remaining under congressional restrictions are the majority of the Eastern Gulf of Mexico and a small portion of the Central Gulf within 100 miles of Florida. These areas are under restriction until 2022 pursuant to the Gulf of Mexico Energy Security Act of 2006.

Q8: Now that there are no restrictions, what is happening off in the Mid-Atlantic off the coast of Virginia?
A8: The current program for 2007-2012 schedules Sale 220 in the Mid-Atlantic Planning Area offshore the coast of Virginia in 2011. With the lifting of the executive and congressional restrictions as of July and October, respectively, MMS initiated the pre-sale process with a Call for Information and Notice of Intent to Prepare an EIS for Sale 220 on November 13, 2008. The draft proposed program for 2010-2015 proposes Sale 220 in 2011 as it is configured in the current program. The DPP proposes two additional sales in the entire Mid-Atlantic Planning Area in 2012 and 2015.

Q8: How much oil do you really think is out there?

A8: The MMS estimates about 17.84 billion barrels of oil and 76.47 trillion cubic feet of natural gas to be technically recoverable in the areas currently off limits. These numbers are very conservative as little exploration has been conducted in most of those areas during the past 20-30 years. Our estimates are based on the available data. We have seen, though, that the numbers tend to increase dramatically as technology improves and exploration activities occur. As a result of the Secretary’s announcement, MMS and USGS will be taking another look at the available resource information and reporting on where there are gaps.

Q10: What are the steps in the 5-Year leasing Process?

A10: The process currently used by MMS, as mandated by Section 18 of the OCS Lands Act, includes three separate public comment periods, two separate draft proposals, development of an environmental impact statement, and the final proposal. It culminates in a decision by the Secretary of the Interior on a new 5-Year Program. Additionally, there is an "annual review" step for the years when a 5-Year Program is in place and a new one is not yet being developed.

Q11: What type of information is MMS seeking?

A11: The MMS would like to receive all comments and suggestions relevant to the size, timing, and location of proposed lease sales. In addition, MMS specifically asked four questions in the DPP:

- Should there be buffer zones (i.e., areas where certain activities are prohibited or restricted)? If so, how large should they be? What criteria should be used for setting them (e.g., visual impacts, infrastructure, etc.)? Should they be uniform in all new areas or vary by area according to issues of concern and/or technical constraints?

- Are there specific areas/subareas that should be excluded because they are particularly sensitive? Or because oil and gas activities may significantly conflict in area with other uses for which the area/subarea might be better suited (e.g., alternative energy)?

- This Administration views revenue sharing as a strong feature of state participation in coastal resource development. When former President Bush modified the presidential withdrawal, he called upon Congress to address new legislation to enhance current revenue sharing laws, to allow broader state participation in fiscal planning related to future coastal resource development. Please provide your views on what policies and programs MMS, Congress and the Administration should consider relative to OCS revenue sharing.

- For those areas proposed for leasing consideration in the Southern California Planning Area, in deciding the next steps in the 5-year program preparation, should MMS include a requirement for mandatory utilization to potentially limit the number of structures in one or more of these areas?

Q12: Who may provide comments on the Draft Proposed Program?

A12: The MMS welcomes comments from all interested and affected parties, including individuals, organizations, and government entities.

Q13: How can I provide comments?

A13: You can submit comments to the Minerals Management Service either by mail or by an online commenting system. Mail comments and information to:

Ms. Renee Orr (5-Year Program Manager)
Minerals Management Service (MS-4010)
381 Eden Street
Herndon, VA 20170

Q14: How will Minerals Management Service use the comments?

A14: The MMS invites comments from anyone who would like to submit information for us to consider in determining the appropriate size, timing, and location of Outer Continental Shelf (OCS) oil and gas leasing for the new 5-year period. In addition to assessing oil and gas industry respondents' information, MMS will consider the economic, social, and environmental values of all of the resources of the OCS and the potential impact of oil and gas exploration and development on the environment. MMS will then provide recommendations to the Secretary of the Interior so that the Secretary can approve a 5-year program that balances national interests, and meets the nation's needs. All respondents are welcome to comment on any aspect of program preparation and to submit any type of pertinent information.

Q15: Has MMS ever done an out-of-cycle 5-year program before? When? Why?

A15: Yes. The first program for 1980-1985 was issued as the Reagan Administration took office. They wanted to consider more areas and eventually another program was approved for 1982-1997.

The last Administration initiated the 5-year process two years early following former President Bush's lifting of the executive withdrawal on much of the OCS. As of October 1, 2008, the long-standing annual congressional moratoria also were discontinued. With the exception of the area off Virginia in the Mid-Atlantic Planning Area, none of these newly-available areas were on the current 5-year plan and could not be considered for leasing unless and until they were included on an approved lease sale schedule. For much the same
reason as the out-of-cycle 1982-1987 program, the Bush Administration provided the incoming Administration with the opportunity, if they chose to do so, to consider more areas earlier than would be otherwise possible. The Secretary’s February 10 announcement extended the comment period on the DPP for 190 days to allow states, stakeholders, and affected communities the opportunity to provide input into the role of the offshore as part of the comprehensive energy plan.

Q16: Does an out-of-cycle program require any action from Congress?

A16: No. The OCS Lands Act allows the Secretary to prepare, and periodically revise, and maintain an oil and gas leasing program to implement the policies set forth in the Act. The Act does not prohibit the Secretary from preparing and issuing an out-of-cycle program.

Q17: When will the new 5-year program take effect?

A17: The new program, if MMS decides to proceed, is expected to take effect in 2010. However, there may be time frame changes in a final program in order to complete all the remaining program preparation steps required under the OCS Lands Act.

Q18: Do the states have any input to the 5-year program?

A18: The states have several opportunities to submit comments during this process. In addition, the MMS sent letters to the Governors of all 50 states requesting input on issues unique to each state. At the Proposed Final Program stage, the Department of Interior must tell a state (and the President and Congress) if MMS didn’t accept a state’s recommendation and why. The Secretary also called for four meetings to be held on the three coasts and in Alaska to provide additional opportunities for input from states, stakeholders, and affected communities.

Q19: Will the states share in revenues?

A19: States will share in OCS revenues in specified areas according to laws currently in effect or that may be passed by Congress in the future. The 5-Year Program is only a schedule of sales and does not authorize revenue sharing. However, respondents were specifically asked for their views on what policies and programs MMS, Congress, and the Administration should consider relative to OCS revenue sharing.

Q20: Will MMS stop holding lease sales under the current program while this new program is being developed?

A20: Lease sales approved in the current 2007-2012 5-Year Program will continue as scheduled.

Q21: Will MMS prepare an Environmental Impact Statement (EIS) as part of the process to develop a new 5-Year program?

A21: Yes. The Notice of Intent (NOI) for a draft EIS is part of the DPP notice. With the Secretary’s announcement extending the comment period on the DPP and the NOI, MMS is re-look at when during the extended period to hold scoping meetings during the extended period. Throughout the scoping process, Federal, state, and local government agencies and other interested parties will have the opportunity to aid MMS in determining the significant issues and alternatives for analysis in the EIS. The public will have an additional opportunity to comment on the Draft EIS. All comments received on the Draft EIS will be addressed in the Final EIS. Subsequent NEPA documents may be prepared with additional comment periods.

Q22: Will this shorten, or eliminate the requirement for the environmental reviews since MMS just went through that process in 2007?

A22: A new program will require additional environmental reviews in compliance with the National Environmental Policy Act as well as numerous other environmental laws affecting OCS.

Q23: Where does the OCS do oil and gas come from?

A23: Most U.S. offshore oil and gas production is from the Gulf of Mexico OCS. Today, 3820 platforms are producing nearly 1.3 million barrels of oil per day and almost 6 billion cubic feet of natural gas per day. Since 1982, leasing, drilling, and production activities in the Gulf of Mexico have moved steadily into deeper waters. About 54 percent of active leases are in deep water (>1000 feet). Deepwater oil production rose about 620 percent from 1992 to 2006, and deepwater gas production increased about 1,155 percent.

Q24: When will production start in these new areas?

A24: Once a lease is awarded, it would take between 5 – 10 years to see production actually occur. Some areas could move a little faster, while others would take longer. A lot depends on the specific area, existing infrastructure, etc.

Q25: The MMS has already been criticized for not accurately accounting for royalty revenue, and you had the price threshold / royalty relief issue from the leases back in 1998. Is MMS the best agency to continue managing the offshore energy program, especially an expanded program?

A25: The MMS has been the subject of intense public scrutiny, and we continue to welcome recommendations for improvement. The various reviews, audits, and investigations have shown that MMS is effectively carrying out its responsibilities as stewards of the nation's offshore energy resources and revenues generated from energy production on Federal and American Indian lands. The Secretary's announcement is intended to "change the way the Interior Department does business...”

Q26: What is MMS doing to make companies produce on the leases they already have?

A26: The MMS encourages due diligence by establishing primary terms of leases that allow only the minimum length of time a company should need to explore a lease. At the end of the primary term, the lease must produce in paying quantities or the operator must conduct continuous operations in order to keep the lease in effect unless MMS grants an extension. If an extension is granted, the MMS monitors activity closely and ensures that approved milestones are timely met.

In addition, for recent lease sales, MMS has employed escalating rentals to encourage early lease development.
Q27: According to recent reports, MMS doesn’t have a consistent definition for “due diligence,” and companies routinely get extensions on their leases without conducting any activity. Shouldn’t that be fixed before new areas are offered?

A27: The MMS does not grant extensions on leases unless companies meet strict guidelines. See answer above.

Q28: Is offshore energy exploration considered safe?

A28: The MMS has an excellent safety record, one that has improved over time. Only about 2 percent of the oil spilled in our North American oceans comes from OCS production. In contrast, over 150 times more oil in our North American oceans comes from natural seeps in the ocean floor.

Q29: The MMS has an extensive regulatory program and daily inspections; can you describe this a bit more?

A29: The oil industry cannot just begin operations once they obtain a lease. Many regulatory approvals are required. A company must file an exploration plan before drilling any wells and that is subject to a technical and environmental review by MMS. Once a discovery is made the company has to file a development plan for MMS to again conduct a technical and environmental review before production could begin. For major facilities, MMS conducts an onsite inspection before allowing production to begin. Often this is a joint inspection with the US Coast Guard. Air emissions permits and water discharge permits must also be obtained as required by law. The MMS has over 60 inspectors that daily fly offshore to conduct both announced and unannounced safety and environmental inspections.

Q30: What is the history of the congressional moratoria for the planning areas?

A30: The first congressional moratorium was enacted in fiscal year (FY) 1982, prohibiting leasing off the Central and Northern California coast.

- In 1984, Southern California, the North Atlantic, and part of the Eastern Gulf of Mexico, basically south of 26 degrees North latitude, were placed under moratoria.
- In FY 1990, the North Aleutian Basin, Alaska, and the Mid-Atlantic came under moratoria. Washington/Oregon and the Florida Panhandle area of the Eastern Gulf of Mexico were added to the moratoria list in FY 1991.
- The South Atlantic was added in 1992.
- These areas continued to be subject to yearly Congressional moratoria, with the exception of the North Aleutian Basin, Alaska, which was not included in the annual Congressional moratoria after FY 2003.
- The Gulf of Mexico Energy Security Act of 2008 (GOMESA) lifted the Congressional moratorium in December 2008 for provisional and leasing activity for the “181 South Area” in the Eastern Gulf of Mexico. However, in GOMESA, Congress placed off limits until 2022 the Eastern Gulf of Mexico within 125 miles of Florida, off the coast of Alabama, and a portion of the Central Gulf within 100 miles of Florida.

On July 14, 2008, the President modified the executive withdrawal for the above areas and requested that Congress lift the Congressional restrictions to allow increased domestic oil exploration and production in the remaining OCS areas. The Congressional moratoria expired on September 30, 2008 and the only remaining OCS area off-limits is currently the Eastern Gulf of Mexico within 125 miles of Florida, off the coast of Alabama, and a portion of the Central Gulf within 100 miles of Florida.

Q31: What has changed since the current 5-Year program was approved?

A31: In short, the tremendous escalation and the following decrease in energy prices since the implementation of the current 5-year program has changed the assumptions upon which many of our decisions for that program were based. Areas that, just over a year ago, were considered too expensive to develop, are now no longer necessarily out of reach based on improvements to technology and safety.

The MMS intimated the 5-Year program development approximately 2 years ahead of schedule, as part of the Federal Government’s actions to address the domestic energy situation. Currently, America consumes more oil than we produce. In fact, oil and natural gas are expected to remain, by far, our primary sources of energy for decades to come, even with aggressive efforts and government policies to encourage the development of alternative fuels, more efficient engines, and increasingly effective conservation measures.

Additionally, our international neighbors are examining OCS development and are considering lifting existing domestic moratoria. Canada is one example of this activity.

Q32: What are some of the benefits Outer Continental Shelf (OCS) oil and gas provides to our Nation?

A32: The OCS is a significant source of oil and gas for the Nation’s energy supply. On a per day basis, the OCS currently produces about 1.3 million barrels of oil and almost 8 billion cubic feet of natural gas. This represents approximately 27 percent of domestic oil production and 15 percent of natural gas production.

Additionally, the MMS is developing a program to produce electricity from alternative energy resources on the OCS. Under the Energy Policy Act of 2005, the Secretary, acting through MMS, has established a program to develop renewable energy resources on the OCS. Secretary Salazar’s announcement stressed the importance of an offshore energy plan that includes conventional and renewable energy resources. The Department will issue a final rule for renewable offshore energy in the coming months.

Q33: What is the Department of the Interior/Minerals Management Service doing to improve the safety of offshore energy development?

A33: The MMS regulatory program is a globally-recognized system consisting of three key elements: prescriptive regulations, industry standards and performance measures. These elements form the foundation for achieving safe and environmentally sound OCS operations. The system requires a variety of plans and permits to be completed by lessees at key stages of the exploration and development process. Once activities are approved, MMS inspectors perform onsite evaluations of equipment and operational practices to assure field activities are conducted in accordance with approved documents.

If infractions are identified, MMS has a variety of enforcement tools available including; issuing incidents of noncompliance, pursuing civil or criminal penalties, and initiating disqualification procedures. In an effort to continually improve the program MMS develops and issues
updated regulations, industry Safety Alerts, and Notices to Lessees on a regular basis. The agency participates in the development of industry standards both nationally and internationally to assure developed documents reflect agency concerns, policies and updated technologies.

Q34: Is the demand for energy growing?
A34: Yes. Energy is the lifeblood of our modern existence.

Over the past fifteen years the consumption of natural gas has increased almost 15 percent while the consumption of oil increased over 20 percent.

While U.S. and worldwide consumption of oil has slowed in the worldwide economic crisis, prices and demand will be expected to rise as the global economies recover. The increase in world demand was a major cause of the quadrupling of oil prices over the past 5 years.

Q35: Is energy production keeping up with the demand for energy?
A35: No. Today we import over 55 percent of the oil that we use, because domestic production has not kept pace with the rising demand for energy.

Q38: What has changed since these moratoria were adopted by Congress in the 1980's that makes the program any safer?
A38: Congress has passed several new statutes that have provided new environmental and other requirements to improve the process. At least 5 major statutes have been enacted since the first moratoria were enacted. These have expanded several environmental protection measures on offshore drilling and production. In addition MMS has substantially rewritten its regulations several times since the early 1980's to address even more carefully drilling and production operations and increased the safety measures required. In addition, MMS has conducted nearly $800 million in environmental research, and this has increased our knowledge about what needs to be protected and how to protect it.
FACT SHEET
January 16, 2009

2010-2015 Draft Proposed Program
(http://www.mms.gov/5-year/PDFs/2010-2015/DPP%20FINAL%20with%20maps.pdf)

- The Outer Continental Shelf Oil and Gas Leasing Program, routinely referred to as the Five-Year Program, specifies the size, timing and location of the areas to be considered for Federal offshore leasing during a five-year period. The program is then reviewed by Congress and approved by the Secretary of the Interior.

- The current five-year program is the 7th program prepared since Congress passed the OCS Lands Act Amendments in 1978. It proposes 21 lease sales in 8 of the 26 OCS planning areas in the Gulf of Mexico, Alaska, and the Atlantic during the 5 year period of July 1, 2007 to June 30, 2012.

- The Minerals Management Service issued a Request for Information for a new 5-Year Outer Continental Shelf Oil and Gas Leasing Program on August 1, 2008 after the President lifted the Executive Withdrawal on offshore lands on July 14th and called for Congress to lift the annual moratorium and enact legislation to allow states to have a say on what happens off their shore and provide for the sharing of revenues with those states that want to proceed with development.

- More than 150,000 comments were received in response to the Request for Information. The Draft Proposed Program has been prepared using input from those comments.

- On October 1, 2008, the Congressional moratorium was allowed to expire. This allowed all OCS areas to be considered for leasing but according to the OCS Lands Act Amendments of 1978, an area must be included in the 5-Year OCS Leasing Program to be offered for leasing. (The only areas remaining under congressional restrictions are the majority of the Eastern Gulf of Mexico and a small portion of the Central Gulf within 100 miles of Florida. These areas are under restriction until 2022 pursuant to the Gulf of Mexico Energy Security Act of 2006.)

- For the draft proposed program, the Secretary proposes 31 OCS lease sales in all or some portion of 12 of the 26 planning areas—4 areas off Alaska, 2 areas off the Pacific coast, 3 areas in the Gulf of Mexico, and 3 areas off the Atlantic coast.

- The OCS currently produces about 27% of domestic oil and 14% of natural gas and is estimated to contain significant quantities of yet-to-be-discovered energy resources.
• MMS is managing offshore resources in a manner that is responsive to the public's concerns and respects the diverse needs of the communities where exploration and/or development may occur.

• MMS strives to protect human, marine and coastal environments. Environmental protection and safety are vital considerations in developing and executing the five-year program. Therefore, development of resources is balanced against potential environmental impacts. Safety is a priority for both MMS and for the operations that occur under MMS regulation. Last year MMS conducted more than 25,000 inspections.

• Initiating the process for a new 5-Year Program provides the next Administration with the maximum decision-making flexibility.

• As we did with the Request for Information in August 2008, contact is being made with all 50 Governors making them aware of the 60-day comment period available to them.

• We are creating the maximum opportunity for the people of the United States to plan for strategic energy development on the OCS with the inclusion of areas that have previously been unavailable for consideration due to Executive Withdrawal and Congressional moratorium.

• With this second step in a two-year process to develop a new leasing program, MMS is seeking comments on all aspects of the new program including energy development, and economic and environmental issues in the OCS areas.

• Comments are being specifically requested on the subjects of size, timing, and location of sales and on the issues of buffer zones, revenue-sharing, and the use of unitization to limit the number of structures.

• The public comment period will remain open for 60 days from the date of publication in the Federal Register.

• The DPP will be published in the Federal Register on January 21, 2009. The public may submit comments during the next 60 days by using the online commenting system, http://www.regulations.gov or by mail to:

  Minerals Management Service
  Attention: Leasing Division (LD)
  381 Elden Street, MS-4010
  Herndon, VA 20170-4817
PACIFIC REGION

Four planning areas make up the Pacific Region. Leasing is proposed in two of the four planning areas, Northern California and Southern California, focusing on areas with known hydrocarbon potential. A brief history and summary of available information are included below for all four areas.

NORTHERN CALIFORNIA

Background. One sale was held in 1963. There were seven exploratory wells drilled with no commercial discoveries. The area was under annual congressional restrictions from FY 1982 through FY 2008 and under presidential withdrawal from 1990 to July 2008.

Key Comparative Results. The area has an estimated NSV range of about $22.5 to 73.8 billion, depending on the price scenario, ranking it 7th to 10th of the 16 planning areas with some economic value. It is ranked 17th for relative environmental sensitivity and 18th for primary productivity. Two industry commenters expressed interest in this area in response to the August 2008 Request for Comments.

Selected Comments. The Governors of California, Oregon, and Washington co-signed a letter to discuss the release on July 29, 2008, of their action plan to implement the West Coast Governors' Agreement (WCGA) on Ocean Health. This regional approach is linked to the Western Climate Initiative. The Governors are opposed to including new areas or lifting the moratoria. A congressional delegation including five California Representatives opposed a new program for oil and gas development saying MMS had failed to make the case for a new program because the energy resources are insignificant in the Atlantic, Pacific and Eastern Gulf; current leases are underutilized; a mid-cycle 5-year program is not warranted; and protections are not in place to safeguard the environment. Industry and consumer interests in this area show support for broader MMS exploration, with environmental safeguards in place. Specific local comments were opposed to activity citing the sensitivity of the coastal environment. Two companies expressed interest. Approximately 60 percent of the citizen comments from California opposed starting a new program.

Alternative Energy. Two tentative areas of interest for prospective OCS wave energy development were identified to MMS through the interim policy, one off Humboldt County and another off Mendocino County. The interested project developer, Pacific Gas and Electric Company, eventually decided not to pursue a limited lease under the interim policy but continues to hold preliminary permits issued by the Federal Energy Regulatory Commission that authorize studies in support of future wave energy development in the state waters adjacent to each of these areas. Planning with respect to alternative energy development in these areas is tentative at this time, and it is uncertain whether leasing will proceed during the 2010-2015 time frame.
RESOLUTION NO. 06-044

RESOLUTION OF THE BOARD OF SUPERVISORS, OF THE STATE OF CALIFORNIA, COUNTY OF MENDOCINO, IN SUPPORT OF US SENATE BILL S.2239 CALLING FOR EXTENSION OF PROTECTION FOR THE MENDOCINO COAST FROM OFFSHORE DRILLING, AND FOR S.2294 AND HR 4782 CALLING FOR PERMANENT PROTECTION FOR THE CALIFORNIA COAST FROM OFFSHORE DRILLING

WHEREAS, a "presidential withdrawal" first put in place by former President George H.W. Bush, and extended by President Clinton, temporarily precluded federal offshore oil and gas leasing along the Mendocino County coastline until June 30, 2012; and

WHEREAS, bipartisan legislation, S 2239, has been introduced in the US Senate by Senators Mel Martinez and Bill Nelson of Florida which would extend the duration of these presidential withdrawals until at least June 30, 2020; and

WHEREAS, separate legislation, S 2294, has also been introduced in the US Senate by California's Senators Dianne Feinstein and Barbara Boxer, and its counterpart in the House of Representatives, HR 4782, introduced by California Representatives Lois Capps and Mike Thompson and twenty-nine other co-sponsors, which call for permanent protection of the California coast from offshore drilling; and

WHEREAS, the US Congress is currently considering related energy legislation that could undermine or even rescind the current legislative offshore leasing moratorium and presidential withdrawals; and

WHEREAS, the Board of Supervisors adopted Resolution No. 05-172 on September 27, 2005, affirming its support for continued protection of our Mendocino Coast.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors hereby adopts this resolution in support of US Senate bill S 2239; as well as in support of S 2294 and HR 4782; and

Further be it resolved that this resolution be transmitted in a timely fashion to Mendocino County's State and Federal legislative representatives.

The foregoing Resolution introduced by Supervisor Colfax, seconded by Supervisor Wattenburger, and carried this 4th day of April, 2006, by the following vote:

AYES: Supervisors Delbar, Wattenburger, Wagenet, Smith and Colfax
NOES: None
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

J. DAVID COLFAX, Chairman
Mendocino County Board of Supervisors

ATTEST: KRISTI FURMAN
Clerk of the Board

I hereby certify that according to the provisions of Government Code
Section 25103, delivery of this document has been made.

KRISTI FURMAN
Clerk of the Board

APPROVED AS TO FORM:
JEANINE B. NADEL, County Counsel

By: KRISTI FURMAN
Clerk of the Board
MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

- 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.
- 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: March 31, 2009
FROM: Supervisor Smith  MEETING DATE: April 7, 2009

DEPARTMENT RESOURCE/CONTACT: Kristi Furman  PHONE: 463-4221
Present □ On Call □

Consent Agenda □ Regular Agenda □ Noticed Public Hearing □ Time Allocated for Item: 5 min.

AGENDA TITLE: 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.

PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: April 4, 2006 (Resolution No. 06-044) and July 17, 2007.

SUMMARY OF REQUEST: The Minerals Management Service of the Federal Interior Department has announced a draft Proposed OCS Oil and Gas Leasing Program for 2010-2015. Four meetings will be held nationwide to gather information on where and how to develop the energy resources of the outer continental shelf. The public comment period has been extended until September 21. The nearest public meeting will be held in San Francisco on April 16.

It is recommended that the Board appoint a delegation of Supervisors Smith and Colfax to attend the April 16, public meeting to express the Board’s opposition to the proposed off-shore oil and gas leasing, also reiterating the Board’s request that a local hearing be scheduled prior to the close of the public comment period.

See companion agenda item: Discussion and Possible Action Regarding a Request that the Board of Supervisors Send a Letter to the Minerals Management Service (MMS) in Opposition to Consideration of the Mendocino Coast for Off-shore Oil and Gas Leasing, Also Requesting a Public Hearing on the Mendocino Coast.

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: http://www.mms.gov/omm/pacific/index.htm
ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):

FISCAL IMPACT:

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<th>Source of Funding</th>
<th>Current F/Y Cost</th>
<th>Annual Recurring Cost</th>
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SUPERVISORIAL DISTRICT: 1 □ 2 □ 3 □ 4 □ All □ VOTE REQUIREMENT: Majority □ 4/5ths □

RECOMMENDED ACTION/MOTION: That the Board authorize 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.

ALTERNATIVES:

CEO REVIEW (NAME):  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

Revised-01/09
New Draft Proposed Program for 2010 to 2015

As announced, Interior Secretary Salazar is convening four public meetings to receive input from stakeholders on the Draft Proposed OCS Oil and Gas Leasing Program for 2010-2015. General information regarding meeting dates and cities is listed below:

- Atlantic City Convention Center
  One Convention Boulevard
  Atlantic City, New Jersey 08401
  Monday, April 6, 2009

- Tulane University
  McAllister Auditorium
  Building 43
  McAllister Drive
  New Orleans, Louisiana
  Wednesday, April 8, 2009

- Denali Civic and Convention Center
  600 West Seventh Avenue
  Anchorage, Alaska
  Tuesday, April 14, 2009

- University of California, San Francisco
  Mission Bay Conference Center
  Robertson Auditorium
  1675 Owens Street
  San Francisco, California
  Thursday, April 16, 2009
TO: Board of Supervisors  DATE: April 1, 2009
FROM: Supervisors Smith and McCowen  MEETING DATE: April 7, 2009
DEPARTMENT RESOURCE/CONTACT: Kristi Furman  PHONE: 463-4221  Present ☑  On Call ☐

Consent Agenda ☐  Regular Agenda ☑  Noticed Public Hearing ☐  Time Allocated for Item: 15 min.

AGENDA TITLE: 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)

PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: February 24, 2009: Public Expression regarding concerns with the impacts of this proposed testing program in northern California; March 3, 2009: Board discussion followed by Board direction to send a letter of concern to State and Federal Representatives of both California and Oregon requesting a thirty (30) day extension of the public comment period and requesting a public hearing be held in Mendocino County; March 31, 2009: presentation from the United States Naval Representatives regarding the Northwest Training Range Complex followed by Public Expression and Board discussion and direction for Supervisors Smith and McCowen to work with staff to prepare a comment letter to the Northwest Training Range Complex (NWTRC) Environmental Impact Statement for the Board’s consideration on April 7.


The Comment Letter is not in opposition to the need for the U. S. Navy to have appropriate opportunities for testing to remain proficient in order to defend our nation and assure the readiness and safety of the members of our armed forces. The comment letter reflects the concerns of numerous members of the public and the Board that the expanded operations in the NWTRC as proposed in Alternative No. 2, the Navy preferred alternative, will potentially result in unnecessary harm to the marine environment, particularly marine mammals and fish species and is intended to encourage the Navy to adopt additional mitigation measures that will not compromise the Navy’s objectives, but will be more environmentally protective. The Board is requested to discuss the letter, modify as may be appropriate, and approve sending the letter. (The draft letter will be available on Monday, April 6, 2009.) Additional information from previous Board meetings is on file with the Clerk of the Board.

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: http://www.nwtrangecomplexeis.com/EIS.aspx
ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):

FISCAL IMPACT:

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<tr>
<td>N/A</td>
<td></td>
<td></td>
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</tr>
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</table>

SUPERVISORIAL DISTRICT: 1 ☐  2 ☐  3 ☐  4 ☐  5 ☐  All ☑  VOTE REQUIREMENT: Majority ☑  4/5ths ☐

RECOMMENDED ACTION/MOTION: That the Board review and approve the letter authorizing the Chair to sign same; further, direct the Clerk of the Board to transmit the letter prior to the close of the public comment period on April 13, 2009.

ALTERNATIVES: To take no action (not recommended).

CEO REVIEW (NAME):  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 ____________

Revised-01/09