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## MENDOCINO COUNTY BOARD OF SUPERVISORS SUMMARY/ACTION MINUTES – JANUARY 9, 2007

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

#### **AGENDA ITEM NO. 1 – ROLL CALL**

The Mendocino County Board of Supervisors met in regular session on Tuesday, January 9, 2007, at 9:00 a.m.

Roll call was conducted with the following members present: Michael Delbar, Jim R. Wattenburger, John Pinches, Kendall Smith, and J. David Colfax.

Also Present: Ms. Kristi Furman, Clerk of the Board; Mr. Albert P. Beltrami, Chief Executive Officer; and Ms. Jeanine B. Nadel, County Counsel.

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

**Presenter/s:** The Pledge of Allegiance was led by Mr. Al Beltrami, Chief Executive Officer.

#### **AGENDA ITEM NO. 8A – SWEARING-IN CEREMONY OF NEWLY ELECTED MENDOCINO COUNTY OFFICIALS FOLLOWED BY A RECEPTION**

**Presenter:** Ms. Kristi Furman, Clerk of the Board, administered Oaths of Office to the following elected officials: Honorable John Pinches, Third District Supervisor; Honorable J. David Colfax, Fifth District Supervisor; Honorable Marsha Wharff, Assessor/Clerk-Recorder; Honorable Meredith Ford, Auditor-Controller; Honorable Tom Allman, Sheriff; Honorable Shari Schapmire, Treasurer/Tax-Collector; Honorable Paul Tichinin, Superintendent of Schools, County of Mendocino; and Honorable Richard Henderson, Judge, Superior Court of California, County of Mendocino.

Also recognized, although unable to attend the ceremony, was the Honorable Clay Brennan, Judge, Superior Court of California.

Ms. Marsha Wharff, Assessor/Clerk-Recorder, then presented Certificates of Election to those present.

Those officials recognized shared expressions of appreciation for the opportunity to serve the public in their respective capacities.

*ADJOURNED TO RECEPTION IN THE ADMINISTRATION CENTER FOYER: 9:20 – 10:00 A.M.*

*RECONVENED IN OPEN SESSION: 10:00 A.M.*

#### **AGENDA ITEM NO. 8B – ELECTION OF BOARD CHAIR AND VICE-CHAIR FOR 2007**

**Presenter:** Ms. Kristi Furman, Clerk of the Board, invited nominations for Chair of the Board for 2007.

**Board Action:** Upon motion by Supervisor Pinches, seconded by Supervisor Wattenburger, and carried unanimously; IT IS ORDERED that Supervisor Kendall Smith is elected Chair of the Board for the year 2007.

**Discussion on Motion:** Chair Smith expressed appreciation for the opportunity serve as Chair of the Board, sharing her view of the year ahead, that being one of progress and working collaboratively to the highest degree possible.

*CHAIR SMITH PRESIDING.*

**Board Action:** Upon motion by Supervisor Colfax, seconded by Supervisor Pinches, and carried unanimously; IT IS ORDERED that Supervisor Jim Wattenburger is elected Vice-Chair of the Board for the year 2007.

**Discussion on Motion:** Supervisor Wattenburger accepted the nomination with appreciation, reporting that he looks forward to a prosperous year, continued cooperation on the Board, and improvement within the County Organization.

T1-600

**AGENDA ITEM NO. 8C – DISCUSSION AND POSSIBLE ADOPTION OF THE 2007 BOARD MASTER MEETING SCHEDULE AND BOARD OF EQUALIZATION CALENDAR**

**Presenter:** Chair Smith and fellow Board members; Ms. Kristi Furman, Clerk of the Board; Mr. Al Beltrami, Chief Executive Officer; and Ms. Alison Glassey, Assistant Chief Executive Officer.

Board members discussed the proposed calendar, remarking upon the various Board sessions, Board workshops, budget schedule, off-site meetings, vacated Board meeting dates, and shared individual viewpoints associated with the proposals, including recommended modifications.

**Board Member Directive:** BY ORDER OF THE CHAIR the calendar will be reviewed with staff for potential modification during lunch recess for further Board discussion in the afternoon session.

T1-1240

**AGENDA ITEM NO. 8D – DISCUSSION AND POSSIBLE APPROVAL OF BOARD MEMBER COMMITTEE APPOINTMENTS AND CHAIR SPECIAL ASSIGNMENTS**

**Presenter:** Chair Smith and fellow Board members; Mr. Al Beltrami, Chief Executive Officer.

**Board Action:** Upon motion by Supervisor Delbar, seconded by Supervisor Wattenburger, and carried unanimously; IT IS ORDERED that the Board of Supervisors hereby adopts the proposed 2007 Special Assignment Roster and Board Standing Board Committee Assignments as amended to reflect Supervisor Wattenburger as the Board Representative to FishNet 4C (with associated staff resources), and Supervisor Pinches as the Board Representative to the Policy Council on Children and Youth (with associated staff resources).

**Discussion on Motion:** Board members briefly discussed the proposed assignments, recommending that staff assistance be provided to assist Board Representatives with the business of the FishNet 4C and Policy Council on Children and Youth assignments, to which Mr. Beltrami concurred.

T1-1524

**AGENDA ITEM NO. 8E – DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION SETTING THE STRUCTURE FOR STANDING BOARD COMMITTEE MEETINGS**

**Presenter:** Chair Smith and Ms. Kristi Furman, Clerk of the Board.

**Board Action:** Upon motion by Supervisor Delbar, seconded by Supervisor Pinches, and carried unanimously; IT IS ORDERED that the Board of Supervisors hereby adopts the following resolution, authorizing the Chair to sign same –

RESOLUTION NO. 07-001

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS SETTING THE TIME AND PLACE FOR CONDUCTING BUSINESS OF STANDING BOARD COMMITTEES

T1-1580

**AGENDA ITEM No. 8F – DISCUSSION AND POSSIBLE ADOPTION OF RESOLUTION ADOPTING REVISED BOARD OF SUPERVISORS' RULES OF PROCEDURE**

**Presenter:** Chair Smith and fellow Board members; Ms. Kristi Furman, Clerk of the Board; Mr. Al Beltrami, Chief Executive Officer.

**Board Action:** Moved by Supervisor Delbar, seconded by Supervisor Wattenburger, that the Board of Supervisors adopts the revised Board of Supervisors' Rules of Procedure, as amended to reflect: Rule No. 30 (Replace CEO with COB); Rule No. 31 (remove reference to ...*year-end business*...); and to eliminate both paragraphs on Page 13 regarding the Standing Legislative Committee business.

*(Motion fails, 2/3, with Supervisors Pinches, Colfax, and Smith dissenting.)*

**Discussion on Motion:** Board members commented on various proposed amendments to the Board's Rules of Procedure, with concern being expressed with regard to the Legislative program and the standing legislative referral to the General Government Committee (authority to take positions on legislative matters). Also discussed were agenda management deadlines and receipt of agenda materials, with staff clarifying recent modifications/improvements to the process.

**Board Action:** Upon motion by Supervisor Pinches, seconded by Supervisor Colfax, and carried unanimously; IT IS ORDERED that the Board of Supervisors adopts the resolution adopting the Board's Rules of Procedure, as amended to reflect: Rule No. 30 (incorporate CEO in the first paragraph, line three); Rule No. 31 (remove reference to ...*year-end business*...); and Page 13, eliminate the underlined sections regarding Standing Legislative business, authorizing the Chair to sign same --

RESOLUTION NO. 07-002

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING THE RULES OF ORDER AND PROCEDURE

**PUBLIC EXPRESSION**

**Presenter:** Ms. Barbara Reed, speaking on behalf of the Employers Council of Mendocino County, commented on Board Committee business, suggested the agendas be posted on the website, also reporting that the Employers Council would like to see the Board office open on Fridays.

Supervisor Pinches responded to public comment, recommending that the Chief Executive Officer and Clerk of the Board work together to develop a plan to restore Friday services, suggesting a directive to commence this priority request this week.

Supervisor Colfax commented on the matter, noting that the Clerk's office has been "running on empty" for two years, strongly recommending that the office needs the resources to take care of the Board's business.

Fellow Board members also expressed support for restoration of services.

**Board Member Directive:** BY ORDER OF THE CHAIR the Clerk of the Board and the Chief Executive Officer are hereby directed to expeditiously return with a proposal for resources in the Clerk of the Board Office within two weeks time.

Ms. Anna Taylor commented on the limited availability of internet access throughout the County, also referencing the inequality of access to televised Board meetings throughout the County.

T1-3520

**AGENDA ITEM NO. 8G – COMMITTEE REPORTS/SUPERVISORS REPORTS/AB 1234 REPORTS**

**Presenter/s:** Supervisor Pinches expressed appreciation to Chair Smith and staff for their efforts in making him feel welcome as he commences his term.

**Board Action:** No action taken.

**AGENDA ITEM NO. 4 – APPROVAL OF MINUTES**

**Presenter/s:** Chair Smith.

**Board Member Directive:** BY ORDER OF THE CHAIR the minutes are hereby continued.

T1-3700

**AGENDA ITEM NO. 5 – CONSENT CALENDARS (REGULAR AND WATER AGENCY)**

**Presenter/s:** Consent Calendar items 5(3 and 8), and the Mendocino County Water Agency Consent Calendar removed for separate consideration; Consent Calendar item 5(33) removed for presentation.

Board members commented on Consent Calendar item no. 5(2), suggesting a referral to staff to imitate a policy/code amendment that requests for Compensation in Lieu of Vacation be administered by the Executive Office for a determination, rather than the Board of Supervisors.

**Board Member Directive:** BY ORDER OF THE CHAIR staff is hereby directed to initiate an ordinance amendment to remedy this situation.

**Board Action:** Upon motion by Supervisor Pinches, seconded by Supervisor Wattenburger, and carried unanimously; IT IS ORDERED that regular Consent Calendar items 5(1-2, 4-7, and 9-32) are approved/denied as follows:

- (1) Claims Against the County
  - (a) Michael Globe -- Denied;
  - (b) Judith Kerr -- Denied;
- (2) Approval of 80 Hours of Compensation in Lieu of Unused Vacation Leave for Charlton Vaughan Pursuant to County Code Section 3.04.150(E), Due to an Unforeseen Financial Hardship – District Attorney -- Approved and the Chair is authorized to sign same;
- (4) Approval of Bi-Annual Statistical Report from the Mendocino County Sheriff's Office on Violations of Mendocino County Codes, Chapter 8.72-Unlawful Panhandling, and Chapter 14.28-Camping Prohibition on Public and Private Property – Sheriff's Office -- Approved;
- (5) BOS 07-001 Approval of Standard Agreement with the California Department of Justice, Which Provides for up to \$20,000 Reimbursement to the Mendocino County Sheriff's Office for the Cost of Mug Shot Photo Interface Upgrades – Sheriff's Office -- Approved and the Chair is authorized to sign same;

- (6) Approval of Mendocino County Fair and Apple Show's 2007 Budget – Clerk of the Board -- Approved and the Chair is authorized to sign same;
- (7) Acceptance of Report from the Mendocino County Superintendent of Schools on the Status of Decile 1-3 Schools in Mendocino County, Pursuant to the Williams Legislation – Clerk of the Board on Behalf of Mendocino County Superintendent of Schools -- Approved;
- (9) Approval of Amendment of the Conflict of Interest Code for Mendocino County Resource Conservation District – County Counsel -- Approved;
- (10) Adoption of Resolution Authorizing School Districts and Community College Districts Under Jurisdiction of the Superintendent of Schools of the County to Issue and Sell School Bonds Directly, Pursuant to State Law – County Counsel -- Adopted and the Chair is authorized to sign same --

RESOLUTION NO. 07-003

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO, CALIFORNIA, AUTHORIZING SCHOOL DISTRICTS AND COMMUNITY COLLEGE DISTRICTS UNDER JURISDICTION OF THE SUPERINTENDENT OF SCHOOLS OF THE COUNTY TO ISSUE AND SELL SCHOOL BONDS DIRECTLY, PURSUANT TO STATE LAW

- (11) Approval and Designation of Chief Executive Officer as Official Responsible for Preparation of the 2007/2008 Proposed Budget, and Approval of the Proposed Budget Calendar for Fiscal Year 2007/2008 – County Executive Office -- Approved;
- (12) BOS 07-002 Approval of Agreement with Albert P. Beltrami to Provide the County with Administrative Services and Approve Transfer of Funds in Budget Unit 1020 from Salaries to Professional Services for Fiscal Year 2006/2007 – County Executive Office -- Approved and the Chair is authorized to sign same;
- (13) Adoption of Resolution Approving the Memorandum of Understanding Between the California Department of Justice and Mendocino County Information Services Division Allowing Direct (Read Only) Access to the County's Criminal Justice System's Databases and Authorize the General Services Agency to Sign Said Memorandum of Understanding on the County's Behalf – General Services Agency -- Adopted and the Chair is authorized to sign same --

RESOLUTION NO. 07-004

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ALLOWING THE CALIFORNIA DEPARTMENT OF JUSTICE DIRECT "READ ONLY" ACCESS TO MENDOCINO COUNTY'S CRIMINAL JUSTICE SYSTEM'S DATABASES

- (14) Approval of Addendum to State of California Purchase Card Program Master Services Agreement (DGS MSA 5-06-99-01) Between the Department of General Services on Behalf of the State of California and U.S. Bank National Association for the Purpose of the County of Mendocino to Continue as a Participating Agency in the Purchase Card Program and Authorize the Interim General Services Agency Director to Sign the Agreement and All Other Related Documentation – General Services Agency -- Approved;

- (15) Approval of the List of Personnel Authorized to Use County Vehicles for Work-to-Home/Home-to-Work Travel, Pursuant to Mendocino County Code Chapter 3.12, "The County Vehicle Policy" – General Services Agency -- Approved;
- (16) Adoption of Resolution Establishing the Classification of Health and Human Services Agency Director at DH46 and Assistant Health and Human Services Agency Director at DH45; and Amending the Position Allocation Table for Budget Unit 5010, As Follows: Deletion of Social Services Director (1.0 FTE); Addition of Health and Human Services Agency Director (1.0 FTE) and Assistant Health and Human Services Agency Director (1.0 FTE); and Public Health, Budget Unit 4010, as Follows: Deletion of Public Health Director (1.0 FTE) – Human Resources -- Adopted and the Chair is authorized to sign same --

RESOLUTION NO. 07-005/s.519

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AMENDING THE POSITION ALLOCATION TABLE PROVIDING FOR THE NUMBER AND COMPENSATION OF OFFICERS, DEPUTIES AND EMPLOYEES IN THE VARIOUS OFFICES OF THE COUNTY OF MENDOCINO

- (17) Adoption of Resolution Authorizing Access to Criminal History Information for Employment, Licensing, or Certification Purposes by Mendocino County Health and Human Services Agency Social Services Staff – Health and Human Services Agency -- Adopted and the Chair is authorized to sign same --

RESOLUTION NO. 07-006

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING ACCESS TO CRIMINAL HISTORY INFORMATION FOR EMPLOYMENT, LICENSING, OR CERTIFICATION PURPOSES BY MENDOCINO COUNTY HEALTH AND HUMAN SERVICES AGENCY, SOCIAL SERVICES STAFF

- (18) BOS 07-003 Approval of Agreement between Lake and Mendocino Counties, Retroactive to July 1, 2006, for the Provision of Laboratory Services – Health and Human Services Agency -- Approved and the Chair is authorized to sign same;
- (19) BOS 07-004 Approval of Agreement with the California Endowment to Develop Plans to Reduce Chronic Diseases and Health Disparities in Mendocino County by Improving Environments to Promote Healthy Nutrition and Physical Activity – Health and Human Services Agency -- Approved and the Chair is authorized to sign same;
- (20) BOS 07-005 Approval of Agreement with Action Network to Develop and Implement Mental Health Services Parent Partner Program and Licensed Therapeutic Counseling Services in Gualala – Mental Health -- Approved and the Chair is authorized to sign same;
- (21) BOS 07-006 Approval of Agreement with Life Works to Provide Medi-Cal Therapeutic Behavioral Services to Mendocino County Youth Living in Sonoma County – Mental Health -- Approved and the Chair is authorized to sign same;
- (22) BOS 07-007 Approval of Agreement with Starlight Adolescent Center to Provide Medi-Cal Services Not to Exceed \$100,000 in a Locked Community Treatment Facility in Santa Clara County – Mental Health -- Approved and the Chair is authorized to sign same;

- (23) Adoption of Resolution Designating the Director of Health and Human Services Agency as Mendocino County's Agent to be the Signatory of the California Department of Mental Health Services Act *Community Services and Supports Plan 2005-2008 Contract* – Mental Health -- Adopted and the Chair is authorized to sign same --

RESOLUTION NO. 07-007

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO ALLOW DIRECTOR OF MENDOCINO COUNTY MENTAL HEALTH TO SIGN AS AGENT AND ENTER INTO A THREE-YEAR STATE OF CALIFORNIA, STATE DEPARTMENT OF MENTAL HEALTH, AGREEMENT NO. 05-75511-000, TO CONDUCT A MENTAL HEALTH SERVICES ACT COMMUNITY SERVICES AND SUPPORTS PLAN THROUGHOUT THE COUNTY

- (24) BOS 07-008 Approval of Agreement with Tulare County Superintendent of Schools for AODP to Continue to Implement the Friday Night Live Mentoring Program and to Augment AODP's In-School/After-School Prevention Services Program – Public Health/AODP -- Approved and the Chair is authorized to sign same;
- (25) Approval (Conceptual) of Continued Funding Augmentation/Application to the California Office of Traffic Safety Focusing on Underage Youth Who Drive Under the Influence of Alcohol and Other Drugs – Public Health/AODP -- Approved;
- (26) Approval of the Mendocino County Child Care Planning Council (CCPC) Membership Certification Form, as Required by the California Department of Education, and Authorize Chair to Sign Same – Social Services -- Approved and the Chair is authorized to sign same;
- (27) Adoption of Resolution Authorizing the Director of Transportation (County Road Commissioner) to Execute Change Orders for Contracts, Pursuant to Section 20395 of the California Public Contract Code – Transportation -- Adopted and the Chair is authorized to sign same --

RESOLUTION NO. 07-008

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE DIRECTOR OF TRANSPORTATION (COUNTY ROAD COMMISSIONER) TO EXECUTE CHANGE ORDERS FOR CONTRACTS PURSUANT TO SECTION 20395 OF THE CALIFORNIA PUBLIC CONTRACT CODE

- (28) Adoption of Resolution Authorizing the Director of Transportation (County Engineer) to Execute Change Orders for Non-Road Contracts, Pursuant to Section 20142 of the California Public Contract Code – Transportation -- Adopted and the Chair is authorized to sign same --

RESOLUTION NO. 07-009

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE DIRECTOR OF TRANSPORTATION (COUNTY ENGINEER) TO EXECUTE CHANGE ORDERS FOR CONTRACTS PURSUANT TO SECTION 20142 OF THE CALIFORNIA PUBLIC CONTRACT CODE

- (29) Approval of Notice of Completion, Department of Transportation Contract No. 060053, Construction of Perimeter Fence at the Little River Airport (Little River Area) – Transportation -- Approved and the Chair is authorized to sign same;

- (30) Adoption of Resolution Approving Fiscal Year 2008-2012 Airport Capital Improvement Plans for Little River Airport and Round Valley Airport (Little River and Covelo Areas) – Transportation -- Adopted and the Chair is authorized to sign same --

RESOLUTION NO. 07-010

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING THE FISCAL YEAR 2008 – 2012 AIRPORT CAPITAL IMPROVEMENT PLANS FOR LITTLE RIVER AND AIRPORT AND ROUND VALLEY AIRPORT (LITTLE RIVER AND COVELO AREAS)

- (31) Approval of Road Name Change Petition No. 06-01, Requesting County to Rename a Segment of O'Bayley Drive, CR 425A, and Direct Clerk of the Board to Schedule a Public Hearing (Cleone Area) – Transportation -- Approved;
- (32) Adoption of Resolution Approving Parcel Map for Minor Subdivision No. MS 5-03 (Treesinger) and Accepting on Behalf of the Public, the Offer of Dedication Shown as Parcel "A" on the Parcel Map, Located Approximately 2.5 Miles East of Albion, on the East Side of Albion Ridge "I" Road (Private), 460± Feet South of its Intersection with Albion Ridge Road, CR 402, Located at 3101 Albion Ridge "I" Road (Albion Area) – Transportation -- Adopted and the Chair is authorized to sign same --

RESOLUTION NO. 07-011

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING PARCEL MAP FOR MINOR SUBDIVISION NO. MS 5-03 (TREESINGER) AND ACCEPTING ON BEHALF OF THE PUBLIC, THE OFFER OF DEDICATION SHOWN AS PARCEL "A" ON THE PARCEL MAP, LOCATED APPROXIMATELY 2.5 MILES EAST OF ALBION, ON THE EAST SIDE OF ALBION RIDGE "I" ROAD (PRIVATE), 460± FEET SOUTH OF ITS INTERSECTION WITH ALBION RIDGE ROAD, CR 402, LOCATED AT 3101 ALBION RIDGE "I" ROAD (ALBION AREA)

**AGENDA ITEM NO. 5 – WATER AGENCY CONSENT CALENDAR**

- (1) **BOS 07-009A Approval of Amendment to Board of Supervisors Agreement No. 05-124 with U.C. Davis for Technical Services in Support of "Agricultural Water Use Inventory and Future Needs Assessment of the Mendocino County Portion of the Russian River Drainage" Investigation -- Approved and the Chair is authorized to sign same;**

**Presenter/s:** Mr. Roland Sanford, General Manager, Mendocino County Water Agency, responded to Board inquiry regarding the proposed agreement.

**Board Action:** Foregoing introduced by Director Delbar, seconded by Director Wattenburger, and carried (4/1, with Director Pinches dissenting).

**Discussion on Motion:** Board members briefly discussed the proposed agreement and scope of service.



2-1000

**AGENDA ITEM NO. 5 – CONSENT CALENDAR - REMOVED FOR SEPARATE CONSIDERATION:**

- (3) **Approval of Budget Transfer of \$10,531 from Asset Forfeiture Funds, Trust Account #760220 to District Attorney Budget Unit 2070, Equipment (Fixed Assets) Line Item #864370 for the Purchase, Delivery, and Installation of 35 Panels and Connectors (Partitions) for the Large Secretarial Office (Ukiah Courthouse) – District Attorney**

**Presenter/s:** Supervisor Delbar sought additional information/clarification regarding the proposed item, to which Mr. Al Beltrami, Chief Executive Officer, responded to Board member inquiry on the item, suggesting that the matter be continued to allow the Executive Office to further study the matter.

**Public Comment:** Ms. Sherilyn Young, Administrative/Executive Officer, District Attorney's Office.

**Board Action:** Upon motion by Supervisor Delbar, seconded by Supervisor Wattenburger, and carried unanimously; IT IS ORDERED that the Board of Supervisors continues the matter until the County Executive Office reviews the matter.

**Discussion on Motion:** Board members reflected on the annual approval of Fixed Assets, expressing interest in the Board being involved in the allocation of Asset Forfeiture funds, and interest in this issue being incorporated into the budget review/development process.

T1-1540

**PUBLIC EXPRESSION**

**Presenter/s:** Mr. Norman de Vall addressed the Board, inviting them to be guests on the talk radio station KZYX&Z.

*LUNCH RECESS: 12:04 – 1:34 P.M.*

T2-1610

**PUBLIC EXPRESSION**

**Presenter/s:** Ms. Marilyn Murphy, District Superintendent, State of California Department of Parks and Recreation, provided a self-introduction, also providing brief highlights of the California State Parks projects during her tenure as District Superintendent in recent months.

T2-1800

**AGENDA ITEM NO. 5 – CONSENT CALENDAR - REMOVED FOR SEPARATE PRESENTATION:**

- (33) **Adoption of Proclamation Recognizing Mendocino County's Annual Observance of the National Holiday Celebrating Dr. Martin Luther King, Jr. – Supervisor Wattenburger -- Adopted and the Chairman is authorized to sign same**

**Presenter/s:** Supervisor Wattenburger read for the record the proclamation recognizing Mendocino County's annual observance of the National Holiday celebrating Dr. Martin Luther King, Jr., presenting said proclamation to Ms. Loretia Peoples.

**Public Comment:** Ms. Loretia Peoples, founder and managing director, Dr. Martin Luther King, Jr. Organization, accepted the proclamation with appreciation.

**Board Action:** Foregoing introduced by Supervisor Wattenburger, seconded by Supervisor Colfax, and carried unanimously.

T2-2075

**AGENDA ITEM NO. 9A – INFORMATIONAL PRESENTATION ON GUALALA COMMUNITY ACTION PLAN – SPONSOR: MENDOCINO COUNCIL OF GOVERNMENTS**

**Presenter/s:** Mr. Phil Dow, Executive Director, Mendocino Council of Governments; and Mr. Keith Gurnee, Consultant, RRM Design Group.

Mr. Dow provided introductory comments and background information relative to the Gualala Community Action Plan, which after a meeting in Gualala on November 6, 2006, and receiving input from the community, the MCOG Board voted to accept the Plan.

Mr. Keith Gurnee, Consultant, RRM Design Group, addressed the Board, performing a PowerPoint presentation pertaining to the Community Action Plan.

**Public Comment:** Mr. John Bower; Mr. Bill McCarthy, representing GMAC; Mr. Marshall Sayegh; and Mr. William Hay, Jr.

**Board Action:** No action taken. Supervisor Colfax, speaking as the District Supervisor, expressed appreciation for the informational presentation while also recognizing issues remain to be addressed.

T3-50

**AGENDA ITEM NO. 5 – CONSENT CALENDAR - REMOVED FOR SEPARATE CONSIDERATION:**

**(8) Adoption of Resolution Calling for a Special Election for the Office of District Attorney, Pursuant to Court Order Dated November 21, 2006 – Clerk-Recorder/County Counsel -- Adopted and the Chair is authorized to sign same --**

RESOLUTION NO. 07-012

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS CALLING FOR A SPECIAL ELECTION FOR THE OFFICE OF DISTRICT ATTORNEY PURSUANT TO COURT ORDER DATED NOVEMBER 21, 2006

**Presenter/s:** Counsel Nadel introduced the matter, seeking Board adoption of the resolution as presented in compliance with the Court order.

**Board Action:** Foregoing introduced by Supervisor Wattenburger, seconded by Supervisor Colfax, and carried unanimously.

**Discussion on Motion:** Supervisors commented on the matter, expressing reservations with the Court ruling and the associated need to call the Special Election.

T3-170

**AGENDA ITEM NO. 9B – DISCUSSION AND POSSIBLE ACTION: PUBLIC EMPLOYEE APPOINTMENT: APPOINTMENT OF AN INTERIM/ACTING MENDOCINO COUNTY DISTRICT ATTORNEY**

**Presenter/s:** Ms. Jeanine B. Nadel, County Counsel; Mr. Albert P. Beltrami, Chief Executive Officer; Chair Smith, and fellow Board members.

Counsel Nadel reported that, in accordance with the Board's previous action of September 26, 2006, to appoint an Acting/Interim District Attorney, the term for which Mr. Keith Faulder was appointed has expired, again creating a vacancy, pending the results of the upcoming Special Election.

Mr. Beltrami described staff's desire to "level the playing field" in regard to the upcoming election, referencing his efforts to obtain qualified candidates for the Board's consideration. He recommended Ms. Elizabeth Norman, Deputy District Attorney, be considered for appointment by the Board to serve as Acting District Attorney.

**Public Comment:** Ms. Beth Norman, Deputy District Attorney, addressed the Board, expressing her willingness to assist the County if so desired by the Board; Mr. Tom Davenport; Ms. Val Mahowski; Ms. Pebbles Tribbett, speaking on behalf of the Mendocino Medical Marijuana Advisory Board; and Mr. Keith Faulder, Acting District Attorney.

**Board Action:** Upon motion by Supervisor Pinches, seconded by Supervisor Wattenburger, and carried unanimously; IT IS ORDERED that the Board of Supervisors appoints Ms. Elizabeth Norman, Acting Mendocino County District Attorney, until the results of the election are declared, authorizing the Human Resources Department to execute the required personnel transaction(s) for the appointment.

**Discussion on Motion:** Board members recognized Mr. Faulder for his service to the County as the Acting District Attorney, also expressing appreciation to Ms. Norman for her willingness to assist the County at this time. Following Board comment, the Oath of Office was administered to Ms. Norman by the Clerk.

T3-890

#### **PUBLIC EXPRESSION**

**Presenter/s:** Mr. Richard Johnson addressed the Board regarding Measure G, the decriminalization of personal use of medical marijuana.

T3-960

#### **AGENDA ITEM NO. 8C – DISCUSSION AND POSSIBLE ADOPTION OF THE 2007 BOARD MASTER MEETING SCHEDULE AND BOARD OF EQUALIZATION CALENDAR – CONTINUED**

**Presenter:** Chair Smith and fellow Board members; Ms. Kristi Furman, Clerk of the Board; Mr. Al Beltrami, Chief Executive Officer.

**Board Action:** Upon motion by Supervisor Wattenburger, seconded by Supervisor Pinches, and carried (3/2, with Supervisors Delbar and Colfax dissenting); IT IS ORDERED that the Board of Supervisors hereby adopts the 2007 Master Meeting Schedule and Board of Equalization Calendar as verbally described by the Clerk, and directs the Clerk of the Board to notify County departments of same.

**Discussion on Motion:** Following additional discussion regarding the calendar, it was adopted incorporating final changes as described verbally by the Clerk.

*RECESS: 3:15 - 3:25 P.M.*

3-2040

#### **AGENDA ITEM NO. 6E – DISCUSSION AND POSSIBLE ACTION: COUNTY ACTION PLAN FOR 2007**

**Presenter/s:** Mr. Albert P. Beltrami, Chief Executive Officer; Ms. Alison Glassey, Assistant Chief Executive Officer.

Mr. Beltrami and Ms. Glassey reviewed the proposed County Action Plan, reviewing potential topics, projects, and workshops throughout 2007.

T3-2800

**Board Action:** Upon motion by Supervisor Wattenburger, seconded by Supervisor Colfax, and carried unanimously; IT IS ORDERED that the Board of Supervisors adopts the County Action Plan for 2007, as amended to reflect a change in the scheduled March business.

**Discussion on Motion:** Supervisor Pinches commented on the proposed work plan, referencing the roads workshop scheduled for February 2007 and the water workshop scheduled for April 2007, suggesting that he will seek an opportunity for water-related policy discussion prior to the scheduled April workshop.

T3-2800

**AGENDA ITEM NO. 6C – DISCUSSION AND POSSIBLE ADOPTION OF THE 2007 STATE LEGISLATIVE PLATFORM AND REFERRAL OF LEGISLATIVE MATTERS TO THE GENERAL GOVERNMENT COMMITTEE AND CEO**

**Presenter/s:** Mr. Albert P. Beltrami, Chief Executive Officer; Mr. Paul Cayler, Deputy Chief Executive Officer.

Mr. Cayler introduced the matter, providing background information pertaining to the development of the County's proposed State legislative program for 2007, after which Board members commented on the program, suggesting reprioritization of various items.

**Board Member Directive:** GENERAL CONSENSUS OF THE BOARD to direct staff to invite our County legislative representatives to the tentative January special legislative session.

**Board Member Directive:** GENERAL CONSENSUS OF THE BOARD to modify the legislative program to: Update and place the State funding for EMS as the top priority; to place consolidation of County departments in the program (not reflected on the top priority list); and submit water storage availability as a priority need within the top three.

**Board Member Directive:** BY ORDER OF THE CHAIR County Counsel is directed to research the MOE (Maintenance of Effort) law.

Mr. Cayler concluded the presentation by summarizing the Board's suggested amendments, reporting that the program will be modified and placed on the Board's January 23, 2007, Consent Calendar for adoption.

**Board Action:** No action taken.

T4-960

**AGENDA ITEM NO. 6D – DISCUSSION AND POSSIBLE AWARD OF THE WASHINGTON D. C. ADVOCACY SERVICES AGREEMENT TO ALCALDE AND FAY, AND AUTHORIZATION FOR THE CEO TO PREPARE AND EXECUTE PROFESSIONAL SERVICE AGREEMENT**

**Presenter/s:** Mr. Paul Cayler, Deputy Chief Executive Officer, introduced the matter referencing the written staff report, recommending award of contract to Alcalde and Fay as presented.

**Board Action:** Upon motion by Supervisor Wattenburger, seconded by Supervisor Colfax, and carried (4/1, with Supervisor Pinches dissenting); IT IS ORDERED that the Board of Supervisors awards the Washington, D.C. advocacy agreement to Alcalde and Fay for a one year term with an option for a one-year extension. The monthly fee will be set at \$5,000 per month through June 30, 2007, wherein the monthly fee will increase to \$6,000 per month for the remaining term of the agreement. Further, the Board of Supervisors directs staff to prepare a standard professional services agreement and is authorized to execute same, upon approval by County Counsel and the insurance requirement approval by the Risk Manager.

**Discussion on Motion:** Supervisor Pinches suggested for the investment/expenditure of funds, the County could look into a local representative, on a part-time basis, followed by Chair Smith suggesting a one-year contract with Alcalde and Fay rather than an open extension as proposed by the Executive Office.

Supervisor Pinches reiterated his concerns with funding an agency who supports our competitors in the Sonoma County Water Agency, expressing his inability to support the motion.

T4-1560

**AGENDA ITEM NO. 6B – CHIEF EXECUTIVE OFFICER REPORT**

**Presenter/s:** Mr. Al Beltrami, Chief Executive Officer, reported that Ms. Pam Townsend, Chief Planner, Planning Team, has tendered her resignation, effective mid-February 2007. Ms. Glassey will temporarily coordinate services with the Planning Team and the Planning and Building Services Department. Mr. Beltrami reiterated this is an interim measure, reporting that the Executive Office will keep the Board apprised of progress in this area.

**Board Action:** No action taken.

**AGENDA ITEM NO. 6A – LEGISLATIVE & FISCAL REPORT**

**Presenter/s:** No report.

**Board Action:** No action taken.

**AGENDA ITEM NO. 10 – COUNTY COUNSEL REPORTS**

**Presenter/s:** No report presented.

**Board Action:** No action taken.

**AGENDA ITEM NO. 7A – DEPARTMENT OF TRANSPORTATION – DIRECTOR'S REPORT**

**Presenter/s:** Mr. Howard Dashiell, Transportation Director, previously transmitted a written report to the Board.

**Board Action:** No action taken.

T4-1750

**AGENDA ITEM NO. 12 – APPOINTMENTS TO BOARDS AND COMMISSIONS**

**(dd) Mendocino County Planning Commission**

**Board Action:** Upon motion by Supervisor Colfax, seconded by Supervisor Wattenburger, and carried unanimously; IT IS ORDERED that the Board of Supervisors appoints Britt Bailey to the Mendocino County Planning Commission as a 5<sup>th</sup> District representative.

**Board Action:** Upon motion by Supervisor Pinches, seconded by Supervisor Wattenburger, and carried unanimously; IT IS ORDERED that the Board of Supervisors reappoints Jim Little to the Mendocino County Planning Commission as a 3<sup>rd</sup> District representative.

**(x) Cemetery District of Russian River**

**Board Action:** Upon motion by Supervisor Delbar, seconded by Supervisor Pinches, and carried unanimously; IT IS ORDERED that the Board of Supervisors reappoints Jofrid Lolonis to the Cemetery District of Russian River as a Member representative.

**(d) Mental Health Board**

**Board Action:** Upon motion by Supervisor Wattenburger, seconded by Supervisor Delbar, and carried unanimously; IT IS ORDERED that the Board of Supervisors appoints Lois Jane Berry to the Mental Health Board as a Public Interest – 2<sup>nd</sup> District representative.

T4-1940

**AGENDA ITEM NO. 6F – DISCUSSION AND POSSIBLE DIRECTION REGARDING REVISIONS TO THE CHIEF EXECUTIVE OFFICER ORDINANCE (CONTINUED FROM DECEMBER 12, 2006)**

**Presenter/s:** Mr. Al Beltrami, Chief Executive Officer, provided a recap of the Board's last discussion, including the recommendations presented by former Supervisor Hal Wagenet.

Supervisor Colfax described that a whole range of issues await review and deserve to be addressed, suggesting this discussion warrants rescheduling for another opportunity.

**Board Directive:** BY ORDER OF THE CHAIR this matter is hereby continued.

**Board Action:** No action taken.

*ADJOURNED TO CLOSED SESSION: 5:00 – 5:28 P.M.*

**AGENDA ITEM NO. 2A – PURSUANT TO GOVERNMENT CODE SECTION 54957.6 – CONFERENCE WITH LABOR NEGOTIATOR – AGENCY NEGOTIATORS: FRAN BUCHANAN AND ALISON GLASSEY; EMPLOYEE ORGANIZATION(S): ALL**

*RECONVENED IN OPEN SESSION: 5:28 P.M.*

T4-2350

**BOS 07-010A AGENDA ITEM NO. 6G – ADOPTION OF RESOLUTION APPROVING AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF MENDOCINO AND SEIU LOCAL 707 GENERAL BARGAINING UNIT**

**Presenter/s:** Chair Smith.

**Board Action:** Upon motion by Supervisor Colfax, seconded by Supervisor Wattenburger, and carried unanimously; IT IS ORDERED that the Board of Supervisors adopts the resolution and approves the proposed amendment of the Memorandum of Understanding with SEIU Local 707 General Bargaining Unit, with a term of October 1, 2006-September 30, 2009, authorizing the Chair to sign same --

RESOLUTION NO. 07-013

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING AMENDMENT OF THE MEMORANDUM OF UNDERSTANDING WITH SEIU LOCAL 707 REPRESENTING THE MENDOCINO COUNTY GENERAL BARGAINING UNIT

T4-2390

**BOS 07-011A AGENDA ITEM NO. 6H – ADOPTION OF RESOLUTION APPROVING AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF MENDOCINO AND SEIU LOCAL 707 PROBATION AND JUVENILE HALL EMPLOYEES BARGAINING UNITS**

**Presenter/s:** Chair Smith.

**Board Action:** Upon motion by Supervisor Wattenburger, seconded by Supervisor Colfax, and carried unanimously; IT IS ORDERED that the Board of Supervisors adopts the resolution and approves the proposed amendment to the Memorandum of Understanding with SEIU Local 707 Probation and Juvenile Hall Employees Bargaining Units, with a term of October 1, 2006-September 30, 2009, authorizing the Chair to sign same --

RESOLUTION NO. 07-014

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING AMENDMENT OF THE MEMORANDUM OF UNDERSTANDING WITH SEIU LOCAL 707 REPRESENTING THE MENDOCINO COUNTY PROBATION AND JUVENILE HALL EMPLOYEES BARGAINING UNITS

T4-2410

**BOS 07-012A AGENDA ITEM No. 6i – ADOPTION OF RESOLUTION APPROVING AMENDMENT OF AGREEMENTS BETWEEN THE COUNTY OF MENDOCINO AND MENDOCINO COUNTY CONFIDENTIAL EMPLOYEES ASSOCIATION**

**Presenter/s:** Chair Smith.

**Board Action:** Upon motion by Supervisor Colfax, seconded by Supervisor Wattenburger, and carried unanimously; IT IS ORDERED that the Board of Supervisors adopts the resolution and approves the proposed amendment to the agreements with Mendocino County Confidential Employees Association, with a term of October 1, 2006-September 30, 2009, authorizing the Chair to sign same --

RESOLUTION NO. 07-015

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING AMENDMENT OF THE AGREEMENTS WITH THE MENDOCINO COUNTY CONFIDENTIAL EMPLOYEES ASSOCIATION

**AGENDA ITEM No. 13 – COMMUNICATIONS RECEIVED AND FILED**

- (a) State Water Resources Control Board Notice of Application to Appropriate Water by Permit:
  - Applicant: Audry Leilani Richardson; Application No. A031435; Russian River Stream System. Protest Submittal Deadline is 3:00 p.m. on January 31, 2007. To Obtain Additional Information, Please Contact Jennifer Dick-McFadden at (916) 322-8568 or [jdick-mcfadden@waterboards.ca.gov](mailto:jdick-mcfadden@waterboards.ca.gov)
- (b) Coyote Valley Band of Pomo Indians, Draft Tribal Environmental Impact Report, Dated December 2006

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 5:30 P.M.

(Tape End T4-2450)

Attest: KRISTI FURMAN  
Clerk of the Board

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KENDALL SMITH, Chair

Draft

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

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

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

- 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](http://www.co.mendocino.ca.us/bos)

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