JOHN HASCHAK 3rd District Supervisor DAN GJERDE 4th District Supervisor TED WILLIAMS 5th District Supervisor



DARCIE ANTLE
Chief Executive Officer/
Clerk of the Board

CHRISTIAN M. CURTIS
County Counsel

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MENDOCINO COUNTY BOARD OF SUPERVISORS ACTION MINUTES – February 7, 2023

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

AGENDA ITEM NO. 1 - OPEN SESSION (PLEDGE OF ALLEGIANCE AND ROLL CALL 9:02 A.M.)

Present: Supervisor Glenn McGourty, Supervisor Maureen Mulheren, Supervisor John Haschak, Supervisor Dan Gjerde, and Supervisor Ted Williams.

Staff Present: Darcie Antle, Chief Executive Officer; Christian M. Curtis, County Counsel; Atlas M.A. Pearson, Senior Deputy Clerk of the Board; Kim Saylor, Deputy Clerk of the Board; and Lillian Bearden, Deputy Clerk of the Board.

The Pledge of Allegiance was led by: Supervisor Gjerde.

AGENDA ITEM NO. 2 - PUBLIC EXPRESSION

Presenter/s: Priscilla Tarver; Beverly Balton; Mark Donegan; Petra Schulta; Janice Acker; Conchila Rocha; Jennifer Henderson; Pablo Santacruz; Cesar; Katherine Gregrick; Scott Ward; Hannah Nelson; Corinne Powell; Jude Thilman; Michael Katz; Paul Hansbury; Susan Tibbon; Monique Ramirez; and Andrew Scully.

AGENDA ITEM NO. 3 - APPROVAL OF CONSENT CALENDAR

Presenter/s: Chair McGourty; Christian M. Curtis, County Counsel; and Janelle Rau, Director, General Services Agency.

Public Comment: Hannah Nelson; Scott Ward; Wendy; Michael Katz; Kate Maxwell; Peter McNamee; and David Drell.

Board Action: Upon motion by Supervisor Haschak, seconded by Supervisor Williams, IT IS ORDERED that Consent Calendar items 3a) – 3v) are hereby approved as follows. The motion carried by the following vote:

Aye: 5 - Supervisor McGourty, Supervisor Mulheren, Supervisor Haschak, Supervisor Gjerde and Supervisor Williams

No: 0 - None

Absent: 0 - None

3A) APPROVAL OF MINUTES OF JANUARY 24, 2023 REGULAR MEETING - SPONSOR: EXECUTIVE OFFICE

Approved and Chair is authorized to sign same;

3B) APPROVAL OF RECOMMENDED APPOINTMENTS/REAPPOINTMENTS - SPONSOR: EXECUTIVE OFFICE

Approved;

- 1. Sherrie Ebyam, Third District Representative, Civil Service Commission;
- 2. Rebecca Montes, Mendocino College Representative, Museum Advisory Board;
- 3. Roy Helsing, Pilot, Little River Airport Advisory Committee;
- 4. Sally Grigg, Alternate Member, Westport Municipal Advisory Council;
- 5. Allison Pernell, Third District Representative, Mendocino County Planning Commission;
- 6. Cindi Wagner, At-Large Member, Mendocino County Business Improvement District; and
- 7. Bekkie Emery, County Representative, First 5 Mendocino.
- 3c) Adoption of Resolution Renewing its Declaration of a Local Emergency and Extending the Existence of a Local Emergency Due to Drought Conditions and Imminent Threat of Disaster in Mendocino County Sponsor: Executive Office

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 23-025

RESOLUTION 23-025

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS RENEWING ITS DECLARATION OF A LOCAL EMERGENCY AND EXTENDING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO DROUGHT CONDITIONS AND IMMINENT THREAT OF DISASTER IN MENDOCINO COUNTY

3D) ADOPTION OF RESOLUTION RENEWING A DECLARATION OF A LOCAL EMERGENCY RELATED TO TREE MORTALITY - SPONSOR: EXECUTIVE OFFICE

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 23-026

RESOLUTION 23-026

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS DECLARING THE CONTINUATION OF A LOCAL EMERGENCY RELATED TO TREE MORTALITY

3E) AUTHORIZATION FOR THE TRANSFER OF FUNDS IN THE AMOUNT OF \$197,954.43 FROM THE MISCELLANEOUS TRUST TO DISBURSE FUNDS TO THE PROBATION DEPARTMENT IN THE AMOUNT OF \$184,814.23 AND TO THE PUBLIC DEFENDER IN THE AMOUNT OF \$13,140.20, PER AB 1869 FEE BACKFILL ALLOCATION FY 2021-22 - SPONSOR: EXECUTIVE OFFICE

Approved and Chair is authorized to sign same;

3F) APPROVAL OF RETROACTIVE MEMORANDUM OF UNDERSTANDING (MOU) WITH LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT, FOR INTERIM AIR POLLUTION CONTROL OFFICER SERVICES, WITH A TERM FROM JANUARY 31, 2023, THROUGH JULY 31, 2023, WITH A TOTAL COST OF UP TO \$28,284 - SPONSOR: AIR QUALITY MANAGEMENT DISTRICT

Approved and Chair is authorized to sign same;

Enactment No: Interim Agreement *23-019

3G) ADOPTION OF ORDINANCE DELEGATING AUTHORITY TO INVEST OR REINVEST THE FUNDS OF THE COUNTY AND ITS OTHER DEPOSITORS IN THE COUNTY TREASURY TO THE TREASURER FOR CALENDAR YEAR 2023 - SPONSOR: AUDITOR-CONTROLLER TREASURER/TAX-COLLECTOR

Approved and Chair is authorized to sign same;

Enactment No: Ordinance 4517

ORDINANCE 4517

AMENDMENT OF MENDOCINO COUNTY CODE SECTION 5.130.010 DELEGATING AUTHORITY TO INVEST TO COUNTY TREASURER FOR CALENDAR YEAR 2023

3H) APPROVAL OF AGREEMENT WITH CONSOLIDATED TRIBAL HEALTH PROJECT IN THE AMOUNT OF \$107,000 TO PROVIDE MENTAL HEALTH SERVICES ACT FUNDED PROGRAMS THAT MEET THE REQUIREMENTS OF PREVENTION AND EARLY INTERVENTION AND COMMUNITY SERVICES AND SUPPORTS, EFFECTIVE UPON FULL EXECUTION THROUGH JUNE 30, 2023 - SPONSOR: BEHAVIORAL HEALTH AND RECOVERY SERVICES

Approved and Chair is authorized to sign same;

Enactment No: Agreement 23-020

31) APPROVAL OF AMENDMENT TO BOS AGREEMENT No. 22-125 WITH CRESTWOOD BEHAVIORAL HEALTH, INC. IN THE AMOUNT OF \$300,000, FOR A NEW AGREEMENT TOTAL OF \$650,000 TO PROVIDE RESIDENTIAL CARE TO MENDOCINO COUNTY LANTERMAN-PETRIS-SHORT CLIENTS, EFFECTIVE UPON FULL EXECUTION, THROUGH JUNE 30, 2023 - SPONSOR: BEHAVIORAL HEALTH AND RECOVERY SERVICES

Approved and Chair is authorized to sign same;

Enactment No: Agreement 22-125-A1

3J) APPROVAL OF AMENDMENT TO BOS AGREEMENT No. 22-131 WITH VISTA PACIFICA CENTER IN THE AMOUNT OF \$130,000, FOR A NEW AGREEMENT TOTAL OF \$300,000, TO PROVIDE RESIDENTIAL CARE TO MENDOCINO COUNTY LANTERMAN-PETRIS-SHORT CLIENTS, EFFECTIVE UPON FULL EXECUTION, THROUGH JUNE 30, 2023 - SPONSOR: BEHAVIORAL HEALTH AND RECOVERY SERVICES

Approved and Chair is authorized to sign same;

Enactment No: Agreement 22-131-A1

3K) APPROVAL OF AMENDMENT TO BOS AGREEMENT No. 22-132 WITH WILLOW GLEN CARE CENTER IN THE AMOUNT OF \$455,000 FOR A NEW AGREEMENT TOTAL OF \$755,000, TO PROVIDE RESIDENTIAL CARE TO MENDOCINO COUNTY LANTERMAN-PETRIS-SHORT CLIENTS, EFFECTIVE UPON FULL EXECUTION, THROUGH JUNE 30, 2023 - SPONSOR: BEHAVIORAL HEALTH AND RECOVERY SERVICES

Approved and Chair is authorized to sign same;

Enactment No: Agreement 22-132-A1

3L) APPROVAL OF RETROACTIVE AGREEMENT WITH TULARE COUNTY OFFICE OF EDUCATION IN THE AMOUNT OF \$30,000, FOR FRIDAY NIGHT LIVE AFFILIATED GRANT EXPENDITURES USING SUBSTANCE ABUSE PREVENTION BLOCK GRANT FUNDS, EFFECTIVE MAY 1, 2022, THROUGH JUNE 30, 2023 - SPONSOR: BEHAVIORAL HEALTH AND RECOVERY SERVICES

Approved and Chair is authorized to sign same;

Enactment No: Agreement 23-021

3M) ADOPTION OF RESOLUTION AUTHORIZING THE EXAMINATION OF SALES OR TRANSACTIONS AND USE TAX RECORDS - SPONSOR: COUNTY COUNSEL

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 23-027

RESOLUTION 23-027

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO AUTHORIZING EXAMINATION OF SALES OR TRANSACTIONS AND USE TAX RECORDS

3N) ACCEPTANCE OF UPDATE ON COUNTY PUBLIC RECORDS ACT FEES - SPONSOR: COUNTY COUNSEL

Approved;

30) APPROVAL OF AMENDMENT TO BOS AGREEMENT 21-165 WITH ABBOTT & KINDERMANN, INC. IN THE AMOUNT OF \$0, EXTENDING THE END DATE FROM DECEMBER 31, 2022 TO DECEMBER 31, 2023 - SPONSOR: COUNTY COUNSEL

Approved and Chair is authorized to sign same;

Enactment No: Agreement 21-165-A3

3P) AUTHORIZATION FOR FACILITIES AND FLEET DIVISION MANAGER TO ESTABLISH A CAPITAL IMPROVEMENT PROJECT TO REPLACE THE WILLITS BRANCH LIBRARY'S ROOF AND INSTALL ALTERNATIVE ENERGY PANELS AND BATTERY BACK-UP IN THE AMOUNT OF \$494,080; AND AUTHORIZATION FOR THE FACILITIES AND FLEET DIVISION MANAGER TO ACT AS PROJECT MANAGER TO ENTER CONTRACTS AND APPROVE CHANGE ORDERS FOR THE PROJECT, PURSUANT TO PUBLIC CONTRACT CODE SECTION 20142 - SPONSOR: CULTURAL SERVICES AGENCY

Approved;

3Q) APPROVAL OF RENEWING THE FINDING MADE IN RESOLUTION NO. 22-247 THAT THE DETERIORATING CONDITION OF THE ADMINISTRATION CENTER SERVER ROOM COOLING SYSTEM CONSTITUTES AN EMERGENCY THAT REQUIRES IMMEDIATE ACTION TO PREVENT OR MITIGATE THE LOSS OR IMPAIRMENT OF COUNTY PROPERTY AND ABILITY TO PROVIDE ESSENTIAL PUBLIC SERVICES AND DETERMINING THERE IS A NEED TO CONTINUE WITH THE CONTRACT TO RESOLVE THE EMERGENCY - SPONSOR: GENERAL SERVICES AGENCY

Approved;

3R) ADOPTION OF RESOLUTION APPROVING NEW CLASSIFICATION OF SUPERVISING PERMIT TECHNICIAN, \$63,689.60 - \$77,417.60/ANNUALLY; AND AMENDING THE POSITION ALLOCATION TABLE AS FOLLOWS: BUDGET UNIT 2851, ADD 1.0 FTE SUPERVISING PERMIT TECHNICIAN - SPONSOR: HUMAN RESOURCES

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 23-028

RESOLUTION 23-028

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

3s) Adoption of Resolution Authorizing Title Change of Supervising Juvenile Corrections Officer to Supervising Youth Corrections Officer and From Juvenile Corrections Officer to Youth Corrections Officer - Sponsor: Human Resources

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 23-029

RESOLUTION 23-029

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

3T) APPROVAL OF SECOND AMENDMENT TO BOS AGREEMENT 20-039 WITH WEST BUSINESS DEVELOPMENT CENTER TO ADJUST THE COST MATRIX FOR THE CDBG CV-1 (COVID) FUNDS FOR MICROENTERPRISE TECHNICAL AND FINANCIAL ASSISTANCE TO REFLECT A DECREASE IN FINANCIAL ASSISTANCE, AN INCREASE IN TECHNICAL ASSISTANCE, AND EXTENSION OF THE TERMINATION DATE TO JUNE 30, 2023 - SPONSOR: PLANNING AND BUILDING SERVICES

Approved and Chair is authorized to sign same;

Enactment No: Agreement 20-039-A2

3u) Adoption of Resolution Finding That State and Local Officials Continue to Recommend Measures to Promote Social Distancing In Connection With Public Meetings - Sponsor: Public Health

Adopted and Chair is authorized to sign same:

Enactment No: Resolution 23-030

RESOLUTION 23-030

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO FINDING THAT STATE OR LOCAL OFFICIALS CONTINUE TO RECOMMEND MEASURES TO PROMOTE SOCIAL DISTANCING IN CONNECTION WITH PUBLIC MEETINGS

3v) Authorization to Purchase Military Equipment that Includes Two Kinetic Breaching Tools, One Electric Hydraulic Breaching Tool and One Drone Kit for the Mendocino County Sheriff's Office in the Total Amount of \$59,064.88; and Addition of the Items to the County's List of Fixed Assets - Sponsor: Sheriff-Coroner

Approved.

BOARD RECESS: 11:18 A.M. - 11:29 A.M.

4A) DISCUSSION AND POSSIBLE ACTION INCLUDING ACCEPTANCE OF A PRESENTATION REGARDING THE PACIFIC GAS AND ELECTRIC FUND ALLOCATION TO THE EMERGENCY MEDICAL CARE COMMITTEE TO SUPPORT AND ENHANCE EMERGENCY MEDICAL CARE SERVICES THROUGHOUT MENDOCINO COUNTY; AND APPROVAL OF RETROACTIVE AGREEMENT WITH SONOMA COUNTY IN THE AMOUNT OF \$343,358.00 FOR THE PROVISION OF EMERGENCY MEDICAL SERVICES (EMS) ADMINISTRATION IN MENDOCINO COUNTY FOR FISCAL YEAR 2022-2023 - SPONSOR: SOCIAL SERVICES

Presenter/s: Bekkie Emery, Director, Social Services; Jen Banks, Emergency Medical Services Coordinator, Coastal Valleys EMS; and Darcie Antle, Chief Executive Officer.

Public Comment: Francois Christen; and Brandon Parker.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor Mulheren, IT IS ORDERED that the Board of Supervisors accepts presentation regarding Pacific Gas and Electric Fund Allocation to the Emergency Medical Care Committee to support and enhance Emergency Medical Care services throughout Mendocino County; and approves retroactive Agreement with Sonoma County in the amount of \$343,358.00 for the provision of Emergency Medical Services (EMS) administration in Mendocino County for Fiscal Year 2022-2023. The motion carried by the following vote:

Aye: 5 – Supervisor McGourty, Supervisor Mulheren, Supervisor Haschak, Supervisor Gjerde and Supervisor Williams

No: 0 - None

Absent: 0 - None

Enactment No: Interim Agreement *23-022

4E) CHIEF EXECUTIVE OFFICER'S REPORT - SPONSOR: EXECUTIVE OFFICE

Presenter/s: Darcie Antle, Chief Executive Officer; and Xuyen Mallela, Principal Analyst, Executive Office.

Public Comment: None.

Board Action: No Action Taken.

4B) DISCUSSION AND POSSIBLE ACTION INCLUDING APPROVAL OF RETROACTIVE INTERGOVERNMENTAL AGREEMENT NO. 21-10198, EFFECTIVE JANUARY 1, 2021, THROUGH JUNE 30, 2024, WITH THE CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES REGARDING THE TRANSFER OF \$1,879,532 PUBLIC FUNDS FOR ACTUAL HEALTH PLAN ENROLLMENTS DURING THE SERVICE PERIOD OF JANUARY 1, 2021, THROUGH DECEMBER 31, 2021; AND APPROVAL OF APPROPRIATION TRANSFER OF FUNDS INCREASING AUTHORITY IN THE 2000 SERIES IN ORGANIZATIONAL CODE IG FOR THE FULL GOVERNMENTAL TRANSFER AMOUNT AND ASSESSMENT FEE, AND DECREASING OBJECT CODE 82-5341 BY \$784,000 IN ORDER TO INCREASE OBJECT CODE 86-2239 BY \$784,000 FOR SPECIAL DEPARTMENT EXPENSES - SPONSOR: PUBLIC HEALTH

Presenter/s: Sara Pierce, Deputy Chief Executive Officer.

Public Comment: None.

Board Action: Upon motion by Supervisor Haschak, seconded by Supervisor Mulheren, IT IS ORDERED that the Board of Supervisors approves retroactive Intergovernmental Agreement No. 21-10198, effective January 1, 2021, through June 30, 2024, with the California Department of Health Care Services regarding the transfer of \$1,879,532 public funds for actual health plan enrollments during the service period of January 1, 2021, through December 31, 2021; approves Appropriation Transfer of Funds increasing authority in the 2000 series in organizational code IG for the full governmental transfer amount and assessment fee, and decreasing object code 82-5341 by \$784,000 in order to increase object code 86-2239 by \$784,000 for special department expenses; authorizes the Public Health Director or designee to sign any future amendments to the Agreement that do not increase the maximum amount; and authorizes Chair to sign same. The motion carried by the following vote:

Aye: 5 - Supervisor McGourty, Supervisor Mulheren, Supervisor Haschak, Supervisor Gjerde and Supervisor Williams

No: 0 - None

Absent: 0 - None

Enactment No: Interim Agreement *23-023

4c) Discussion and Possible Action Regarding the Handling of Vegetation Modification in Connection with Applications for Commercial Cannabis Cultivation Under Mendocino County Code Chapter 10A.17 – Sponsor: County Counsel and Cannabis

Presenter/s: Christian M. Curtis, County Counsel; Kristin Nevedal, Director, Cannabis; and Jared Schwass, Deputy County Counsel.

BOARD RECESS: 3:04 P.M. - 3:14 P.M.

Public Comment: Hannah Nelson.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor Haschak, IT IS ORDERED that the Board of Supervisors directs County Counsel to return with proposed Ordinance changes reflecting the changes agreed upon during the meeting, using the Hannah Nelson language as a guide for changes to the affidavit, and directs County Counsel to simplify the language. The motion carried by the following vote:

Aye: 5 - Supervisor McGourty, Supervisor Mulheren, Supervisor Haschak, Supervisor Gjerde and Supervisor Williams

No: 0 - None

Absent: 0 - None

4D) DISCUSSION AND POSSIBLE ACTION INCLUDING APPROVAL OF AGREEMENT WITH LARSON LLP IN THE AMOUNT OF \$25,000 FOR LEGAL OPINION REGARDING FEDERAL IMPLICATIONS ASSOCIATED WITH MENDOCINO COUNTY CANNABIS LOCAL EQUITY GRANT PROGRAM, EFFECTIVE UPON SIGNING THROUGH JUNE 30, 2023 - SPONSOR: COUNTY COUNSEL

Presenter/s: Christian M. Curtis, County Counsel.

Public Comment: Hannah Nelson; Brandon Parker; Paul Hansbury; Susan Tibbon; Michael Katz; and Monique Ramirez.

Board Action: Upon motion by Supervisor Gjerde, seconded by Supervisor Williams, IT IS ORDERED that the Board of Supervisors directs County Counsel to request a free Attorney General opinion Regarding Federal Implications Associated with Mendocino County Cannabis Local Equity Grant Program. The motion carried by the following vote:

Aye: 4 - Supervisor McGourty, Supervisor Mulheren, Supervisor Gjerde and Supervisor Williams

No: 1 – Supervisor Haschak

Absent: 0 - None

4F) DISCUSSION AND POSSIBLE ACTION INCLUDING REVIEW, ADOPTION, AMENDMENT, CONSIDERATION OR RATIFICATION OF LEGISLATION PURSUANT TO THE ADOPTED LEGISLATIVE PLATFORM - SPONSOR: EXECUTIVE OFFICE

Presenter/s: Dylan Knowles, Administrative Analyst, Executive Office.

Public Comment: Hannah Nelson; and Michael Katz.

Board Action: Upon motion by Supervisor Gjerde, seconded by Supervisor Williams, IT IS ORDERED that the Board of Supervisors directs staff to transmit a letter of support regarding Sonoma Clean Powers Geothermal Energy Grant application. The motion carried by the following vote:

Aye: 5 - Supervisor McGourty, Supervisor Mulheren, Supervisor Haschak, Supervisor Gjerde and Supervisor Williams

No: 0 - None

Absent: 0 - None

4G) SUPERVISORS' REPORTS REGARDING BOARD SPECIAL ASSIGNMENTS, STANDING AND AD HOC COMMITTEE MEETINGS, AND OTHER ITEMS OF GENERAL INTEREST

Presenter/s: Supervisor Haschak; Supervisor Gjerde; Supervisor Williams; Supervisor McGourty.

Board Directive: FORMATION OF AN AD HOC COMMITTEE comprised of Supervisors McGourty and Haschak regarding the Community Economic Resilience Fund (CERF) and the existing agreement with West Company.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 5:54 P.M.

Attest: ATLAS M.A. PEARSON

Senior Deputy Clerk of the Board

GLENN MCGOURTY, Chair

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

- Effective March 1, 2009, Board of Supervisors minutes will be produced in "action only" format. As an alternative service, public access to recorded Board proceedings will be available on the Board of Supervisors' website in indexed audio format
- LIVE WEB STREAMING OF BOARD MEETINGS is now available via the County's YouTube Channel. If technical assistance is needed, please contact The Mendocino County Executive Office at (707) 463-4441.
- Minutes are considered draft until adopted/approved by the Board of Supervisors
- The Board of Supervisors' action minutes are also posted on the County of Mendocino website at: www.mendocinocounty.org/government/board-of-supervisors
- To request an official record of a meeting of the Mendocino County Board of Supervisors, please contact the Executive Office at (707) 463-4441
- Please reference the departmental website to obtain additional resource information for the Board of Supervisors and Clerk of the Board: www.mendocinocounty.org/government/board-of-supervisors

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