

GLENN MCGOURTY
1st District
Supervisor

**MAUREEN
MULHEREN**
2nd District
Supervisor

JOHN HASCHAK
3rd District
Supervisor

DAN GJERDE
4th District
Supervisor
Chair

TED WILLIAMS
5th District
Supervisor
Vice-Chair



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MENDOCINO COUNTY
BOARD OF SUPERVISORS
BOARD OF SUPERVISORS AGENDA

SPECIAL MEETING

August 24, 2021 - 1:00 PM
BOARD CHAMBERS, ROOM 1070
COUNTY ADMINISTRATION CENTER

Effective March 20, 2020, the Mendocino County Board of Supervisors meetings will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). Meetings are live streamed and available for viewing online on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo> or by toll-free, telephonic live stream at 888-544-8306.

The public may participate digitally in meetings in lieu of personal attendance. Comment may be made in any of the following ways: via written comment to bos@mendocinocounty.org, through our online eComment platform at <https://mendocino.legistar.com/Calendar.aspx>, through voicemail messaging by calling 707-234-6333, or by telephone via telecomment. For details and a complete list of the latest available options by which to engage with agenda items, please visit:

<https://www.mendocinocounty.org/government/board-of-supervisors/public-engagement>

1. OPEN SESSION (1:00 P.M.)**1a) Roll Call****1b) Pledge of Allegiance****2. PUBLIC EXPRESSION**

Members of the public are welcome to address the Board on items not listed on the agenda, but within the jurisdiction of the Board of Supervisors. The Board is prohibited by law from taking action on matters not on the agenda.

Individuals wishing to address the Board under Public Expression are welcome to do so via email, telephone, Zoom, or via voicemail message. For information on each of these methods, call Mendocino County Clerk of the Board at (707) 463-4441 or visit <https://www.mendocinocounty.org/government/board-of-supervisors/public-engagement>.

*All correspondence will be attached to the item and made available online at:
<https://mendocino.legistar.com/Calendar.aspx>.*

3. COUNTY EXECUTIVE OFFICE AND DEPARTMENTAL MATTERS

3a) Discussion and Possible Action Including Adoption of Resolution Authorizing the Grant Application, Acceptance and Execution of Agreements by the Department of Transportation Water Agency Division for the Mendocino County Community Water Supply Replacement Project and to Advertise for Bids and Award Contracts to Implement Said Project at an Initial Estimated Cost of \$3,840,000 (Countywide) And Grant Matching Funds to be Allocated From PG&E Settlement Funds to Disaster Recovery Budget Unit 2910 (Sponsor: Water Agency)

Recommended Action:

Adopt Resolution authorizing the grant application, acceptance and execution of agreements by the Department of Transportation Water Agency Division for the Mendocino County Community Water Supply Replacement Project and to advertise for bids and award contracts to implement said Project at an initial estimated cost of \$3,840,000 (Countywide) and grant matching funds to be allocated from PG&E Settlement Funds to Disaster Recovery Budget Unit 2910; and authorize Chair to sign same.

4. BOARD OF SUPERVISORS AND MISCELLANEOUS

- 4a) Discussion and Possible Action Including Presentation Regarding Increasingly Dire Drought Conditions and Abrupt Loss of Coastal Water Sale to Haulers; and Direction to Staff to Allocate Budget for Immediate Assistance Including the Implementation of a Water Hauling Assistance Program, Structured for Best Success in Future Reimbursement from State and Federal Partners
(Sponsor: Supervisor Williams)**

Recommended Action:

Accept presentation regarding increasingly dire drought conditions and abrupt loss of coastal water sale to haulers; and direct staff to allocate budget for immediate assistance including the implementation of a water hauling assistance program, structured for best success in future reimbursement from State and Federal partners.

5. CLOSED SESSION

Any public reports of action taken in the closed session will be made in accordance with Government Code sections 54957.1.

- 5a) Pursuant to Government Code Section 54956.9(d)(1) - Conference with Legal Counsel - Existing Litigation: One Case - Mendocino County Sheriff Matthew Kendall v. Mendocino County Board of Supervisors - Case No. 21-cv00561**

ADJOURNMENT

Additional Meeting Information for Interested Parties

Effective March 20, 2020, the Mendocino County Board of Supervisors meetings will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). Meetings are live streamed and available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo> or via toll-free telephonic live stream by calling 888-544-8306

Clerk of the Board staff remains dedicated to finding new and innovative civic engagement methods during this challenging time. For a complete list of the latest available options by which to engage with agenda items, please visit <https://www.mendocinocounty.org/government/board-of-supervisors/agendas-and-minutes>

All public comment will be available to the Supervisors, staff, and the general public, and can be viewed as attachments to this meeting agenda at <https://mendocino.legistar.com/Calendar.aspx>

LIVE WEB STREAMING OF BOARD MEETINGS is available at <https://mendocino.legistar.com> or visit the Mendocino County YouTube channel. Meetings are also livestreamed from the Mendocino County Facebook page. For technical assistance, please contact the Clerk of the Board at (707) 463-4441. Please reference the departmental website to obtain additional resource information for the Board of Supervisors: www.mendocinocounty.org/bos.

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



Mendocino County Board of Supervisors Agenda Summary

Item #: 3a)

To: Board of Supervisors

From: Water Agency

Meeting Date: August 24, 2021

Department Contact: Howard N. Dashiell

Phone: 463-4363

Item Type: Regular Agenda

Time Allocated for Item: 30 Minutes

Agenda Title:

Discussion and Possible Action Including Adoption of Resolution Authorizing the Grant Application, Acceptance and Execution of Agreements by the Department of Transportation Water Agency Division for the Mendocino County Community Water Supply Replacement Project and to Advertise for Bids and Award Contracts to Implement Said Project at an Initial Estimated Cost of \$3,840,000 (Countywide) And Grant Matching Funds to be Allocated From PG&E Settlement Funds to Disaster Recovery Budget Unit 2910 (Sponsor: Water Agency)

Recommended Action/Motion:

Adopt Resolution authorizing the grant application, acceptance and execution of agreements by the Department of Transportation Water Agency Division for the Mendocino County Community Water Supply Replacement Project and to advertise for bids and award contracts to implement said Project at an initial estimated cost of \$3,840,000 (Countywide) and grant matching funds to be allocated from PG&E Settlement Funds to Disaster Recovery Budget Unit 2910; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

By Resolution Number (No.) 21-051 (April 20, 2021) the Board of Supervisors declared the existence of a local emergency related to drought; and creates an ad hoc committee comprised of Supervisors McGourty and Haschak to work on drought related issues.

Summary of Request:

The Department of Transportation (DOT) desires authorization to implement the Mendocino County Community Water Supply Replacement Project (the "Project") in response to the drought conditions facing the County. This Project is being implemented pursuant in response to a drought scenario as defined by Water Code section 13198(a) and may: (1) address immediate impacts on human health and safety; (2) address immediate impacts on fish and wildlife resources; or, (3) provide water to persons or communities that lose or are threatened with the loss or contamination of water supplies.

The Project will initially involve the delivery of replacement water supply and distribution from the inland portion of the County to the coastal areas of the County at an estimated cost of \$3,840,000. However, the Project is intended to have the ability to respond to water supply replacement needs that may arise in other areas of the County. This resolution would also authorize DOT to enter into any agreements related to either storing and/or treating the water that may be necessary in order to fully accomplish the provision of

Item #: 3a)

replacement water.

Funding in the amount of \$960,000 to be allocated from PG&E Settlement Funds to Disaster Recovery Budget Unit (BU) 2910. DOT is seeking authorization to use up to this amount of money for any required local match for grant funds, which funds would be spent in accordance to the requirements of the grant program.

This resolution would authorize the Chief Executive Officer (CEO) or designee to apply for, accept and execute agreements for grant funds to implement the Project. The California Department of Water Resources (DWR) has grant funding available, which is anticipated to be up to 100% reimbursable, and the CEO and DOT are requesting authorization to apply for, accept and execute documents for grant funds from DWR.

The CEO and DOT are additionally requesting authorization to apply for, accept and execute agreements for other grant funding that could be used to implement the Project. DOT believes it is prudent to seek out additional grant funding given the seriousness of the drought conditions facing the County and to ensure that the County has the ability to quickly respond to additional needs for water supply replacement. It is anticipated that other sources of grant funding would provide for 75% reimbursement.

Eligibility for grant funding will be confirmed prior to contracting.

Alternative Action/Motion:

Postpone advertising for bids and award of contracts and delay commencement of project.

How Does This Item Support the General Plan? N/A

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: DWR BU 2910

budgeted in current f/y: No

current f/y cost: To be allocated from PG&E Settlement Funds to Disaster Recovery Budget Unit 2910: Local share

if no, please describe:

of \$960,000; Estimated cost of \$3,765,000, with anticipated 100% reimbursement through DWR grant programs and anticipated 75% reimbursement through other grants

annual recurring cost: N/A

revenue agreement: N/A

budget clarification: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Judy Morris, Deputy CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Final Status: Item Status

Executed Item Type: item Number:

Item #: 3a)

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement

Delivered to Auditor? Choose an item.

RESOLUTION NO. 21-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE GRANT APPLICATION, ACCEPTANCE AND EXECUTION OF AGREEMENTS BY THE DEPARTMENT OF TRANSPORTATION WATER AGENCY DIVISION FOR THE MENDOCINO COUNTY COMMUNITY WATER SUPPLY REPLACEMENT PROJECT AND TO ADVERTISE FOR BIDS AND NEGOTIATE AND AWARD CONTRACTS TO IMPLEMENT SAID PROJECT AT AN INITIAL ESTIMATED COST OF \$3,840,000 (COUNTYWIDE), AND GRANT MATCHING FUNDS TO BE ALLOCATED FROM PG&E SETTLEMENT FUNDS TO DISASTER RECOVERY BUDGET UNIT 2910

WHEREAS, on April 20, 2021, the Board of Supervisors declared the existence of a Local Emergency related to the 2021 Drought; and

WHEREAS, the County of Mendocino proposes to implement the Mendocino County Community Water Supply Replacement Project, which will involve the water supply replacement of water to communities with drought caused water loss or contamination of water supplies; and

WHEREAS, the Mendocino County Project is being implemented in response to a drought scenario, as defined by Water Code section 13198(a) and is intended to: (1) address immediate impacts on human health and safety; (2) address immediate impacts on fish and wildlife resources; or (3) provide water to persons or communities that lose or are threatened with the loss or contamination of water supplies; and

WHEREAS, the County of Mendocino has the legal authority and is authorized to enter into a funding agreement with the State of California; and

WHEREAS, the County of Mendocino intends to apply for grant funding from the California Department of Water Resources for the Mendocino County Community Water Supply Replacement Project; and

WHEREAS, water delivery costs are currently estimated to be some \$3,840,000 and are anticipated to be approximately 75% reimbursable through various state and federal grants; and

WHEREAS, the Director of Transportation recommends and requests authorization to identify, apply for and accept additional sources of grant funding for the Mendocino County Community Water Supply Replacement Project, which sources of grant funding are anticipated to provide 75% reimbursement, so that the County will have the resources to quickly respond to additional need for water supply replacement and timely further implement the Mendocino County Community Water Supply Replacement Project; and

WHEREAS, the Director of Transportation recommends and requests authorization to negotiate and enter into agreements for water storage and/or treatment that may be necessary to implement the Mendocino County Community Water Supply Replacement Project; and

WHEREAS, funding to accommodate water supply replacement costs prior to reimbursement in the amount of \$960,000 to be allocated from PG&E Settlement Funds to Disaster Recovery Budget Unit 2910; and

WHEREAS, the Director of Transportation recommends and requests authorization to proceed with grant applications, acceptance, execution and the advertisement and award of contracts to deliver water upon receiving the authorization to proceed from granting agencies.

NOW, THEREFORE, BE IT RESOLVED by the Mendocino County Board of Supervisors as follows:

1. That pursuant and subject to all of the terms and provisions of Budget Act of 2021 (Stats. 2021, ch. 69, § 112), the County of Mendocino Chief Executive Officer, or designee is hereby authorized and directed to prepare and file an application for funding with the Department of Water Resources and take such other actions as necessary or appropriate to obtain grant funding.
2. The County of Mendocino Chief Executive Officer or designee is hereby authorized and directed to execute the funding agreement with the Department of Water Resources and any amendments thereto.
3. The County of Mendocino Chief Executive Officer or designee is hereby authorized and directed to prepare and file applications for grant funding from any other state or federal agency offering grant funding which could be used for further implementation of the Mendocino County Community Water Supply Replacement Project, take such other actions as necessary or appropriate to obtain grant funding, and is authorized and directed to execute necessary funding agreements and any amendments thereto.
4. The County of Mendocino Chief Executive Officer, or designee is hereby authorized and directed to submit any required documents, invoices, and reports required to obtain grant funding.
5. Authorizes and directs the Director of Transportation to sign the Notice to Bidders, inviting bids for water supply replacement services for the Mendocino County Community Water Supply Replacement Project, upon receiving the funding authorization from approving agencies to proceed with such action.
6. Authorizes and directs the Director of Transportation to negotiate and enter into agreements for water storage and/or treatment that may be necessary to implement the Mendocino County Community Water Replacement Project, pursuant to acceptable contract documents by County Counsel and Risk Management, and report results to the Board through the applicable Director's Report.
7. Authorizes and directs the Director of Transportation to award contracts for water replacement services for the Mendocino County Community Water Supply Replacement Project, upon confirmation of appropriate low bidders and acceptable contract documents by County Counsel and Risk Management, and report results to the Board through the applicable Director's Report.
8. Authorize and directs Auditor Controller to appropriate funds in the amount of \$960,000 from PG&E Settlement Funds According to Attachment A.

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

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

ATTEST: CARMEL J. ANGELO
Clerk of the Board

Deputy

APPROVED AS TO FORM:

CHRISTIAN M. CURTIS
County Counsel

DAN GJERDE, 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: CARMEL J. ANGELO
Clerk of the Board

Deputy

ATTACHMENT A

FUND	Org	BU	Dept.	Account	Account Name	Adjust Request	Justification
1100	ND	1000	Non Departmental Revenue	865802	Operating Transfer Out	960,000	Allocate Pacific Gas and Electric Disaster Settlement Funds
1225	DR	2910	Disaster Recovery	827802	Operating Transfer In	(960,000)	Allocate Pacific Gas and Electric Disaster Settlement Funds
1225	DR	2910	Disaster Recovery	862189	Professional Services	960,000	Allocate Pacific Gas and Electric Disaster Settlement Funds
						960,000	



Mendocino County Board of Supervisors Agenda Summary

Item #: 4a)

To: Board of Supervisors

From: Supervisor Williams

Meeting Date: August 24, 2021

Department Contact: Supervisor Williams

Phone: 4441

Item Type: Regular Agenda

Time Allocated for Item: 2 hours

Agenda Title:

Discussion and Possible Action Including Presentation Regarding Increasingly Dire Drought Conditions and Abrupt Loss of Coastal Water Sale to Haulers; and Direction to Staff to Allocate Budget for Immediate Assistance Including the Implementation of a Water Hauling Assistance Program, Structured for Best Success in Future Reimbursement from State and Federal Partners
(Sponsor: Supervisor Williams)

Recommended Action/Motion:

Accept presentation regarding increasingly dire drought conditions and abrupt loss of coastal water sale to haulers; and direct staff to allocate budget for immediate assistance including the implementation of a water hauling assistance program, structured for best success in future reimbursement from State and Federal partners.

Previous Board/Board Committee Actions:

The Board of Supervisors declared a Local Drought Emergency on April 20, 2021.

County formed the Mendocino County Drought Task Force consisting of Supervisors Haschak and McGourty.

The Drought Task Force met with the Mendocino City Community Service District in June, when MCCSD explained the urgency of the situation. The county has been able to secure 6 port-a-potties to reduce water demands within the town, but mitigation efforts alone will not address the magnitude of dwindling water supply.

On August 17, 2021, the Drought Task force expressed optimism in regard to coastal water hauling potential.

Summary of Request:

Within 24 hours of the August 17, 2021 BoS meeting, Supervisor Williams became aware of imminent halting of offsite water sales from Elk, Irish Beach, Mendocino Unified School District and Westport, leaving coast residents and businesses without the ability to purchase water. Restaurants and hotels have begun cancelling reservations and closing a few nights per week due to the shortage of drinking water. The town of Mendocino has become the epicenter of acute drought crisis, but residents across our rural landscape are not immune to

Item #: 4a)

dry wells.

Water Operator Charlie Acker said, “never seen it this bad, there is no flow in Greenwood Creek” and he was here for the historic drought of 1976-77. Fort Bragg discontinued water sales on July 18, 2021. Westport will stop their two loads per day sales any minute. The coast is now left without an affordable place to purchase water.

Last week, Mendocino Volunteer Fire Department responded to a mutual aid request for a fire in Ukiah. Firefighters left their jobs and families, raced to the station and drove a water tender full of water from drought stricken Mendocino to Ukiah. Like fire, drought requires application of pooled resources.

Ryan Rhoades, Mendocino City Community Services District, will describe current conditions and immediate needs within the town of Mendocino.

Howard Dashiell, Director of Department of Transportation, will present short term concerns of all impacted communities.

Josh Metz, Drought Task Force staff, will share regulatory hurdles in regard to moving water from one basin to another.

Darcie Antle, Assistant CEO, will share possible grants, ARPA funding options/limitations, remaining PG&E funds and general fund options.

Supervisors should be prepared to discuss business, agricultural and domestic use as well as the county’s role in providing assistance. The town of Mendocino generates millions of county dollars per year through sales tax and transient occupancy tax (bed tax). Inaction will result in lost revenue and impact wage earners, the very people who have recently transitioned from post-COVID sheltering unemployment to the workforce. The crisis at hand demands State and Federal assistance, but the local economy and public welfare require immediate action which only the county can provide. While the town of Mendocino is leading acute symptoms of drought, it is anticipated other communities will follow. The board should provide clear guidance to staff and set public expectations. If adequate assistance cannot or will not be provided, guidance will allow residents and businesses can plan accordingly.

Time is of the essence. We must transition from brainstorming to action.

Alternative Action/Motion:

Advise public that county will not provide financial assistance.

How Does This Item Support the General Plan? N/A

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: N/A

current f/y cost: \$1-3M

annual recurring cost: N/A

budget clarification: N/A

budgeted in current f/y: N/A

if no, please describe: N/A

revenue agreement: N/A

Item #: 4a)

Agreement/Resolution/Ordinance Approved by County Counsel: N/A

CEO Liaison: Executive Office

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Deputy Clerk

Final Status:Item Status

Date: Date Executed

Executed Item Type: item Number:

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement Delivered
to Auditor? Choose an item.



Mendocino County Board of Supervisors Agenda Summary

Item #: 5a)

To: Board of Supervisors

From: County Counsel

Meeting Date: August 24, 2021

Item Type: Closed Session

Time Allocated for Item: 30 min.

Agenda Title:

Pursuant to Government Code Section 54956.9(d)(1) - Conference with Legal Counsel - Existing Litigation: One Case - Mendocino County Sheriff Matthew Kendall v. Mendocino County Board of Supervisors - Case No. 21-cv00561

FOR COB USE ONLY

Executed By: Deputy Clerk

Final Status: Item Status

Date: Date Executed

Executed Item Type: item Number:

Note to Department Number of Original Agreements

Returned to Dept: Choose an item. Original Agreement Delivered
to Auditor? Choose an item.