

CARRE BROWN
1st District
Supervisor

JOHN MCCOWEN
2nd District
Supervisor

GEORGEANNE CROSKY
3rd District
Supervisor
Vice-Chair

DAN GJERDE
4th District
Supervisor

DAN HAMBURG
5th District
Supervisor
Chair



CARMEL J. ANGELO
Chief Executive Officer/
Clerk of the Board

KATHARINE L. ELLIOTT
County Counsel

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MENDOCINO COUNTY BOARD OF SUPERVISORS

ACTION MINUTES – January 9, 2018

**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 9:01 A.M.)

Present: Supervisor Carre Brown, Supervisor John McCowen, Supervisor Georgeanne Croskey, Dan Gjerde, and Chair Dan Hamburg. Chair Hamburg presiding.

Staff Present: Ms. Carmel J. Angelo, Chief Executive Officer; Ms. Katharine L. Elliott, County Counsel; and Ms. Karla Van Hagen, Senior Deputy Clerk of the Board.

The Pledge of Allegiance was led by: Mr. Lee Howard.

2A) ADOPTION OF PROCLAMATION RECOGNIZING JANUARY 15, 2018, AS THE REV. MARTIN LUTHER KING, JR. DAY IN MENDOCINO COUNTY - SUPERVISORS MCCOWEN AND HAMBURG

Presenter/s: Supervisor McCowen.

Public Comment: None.

Board Action: Adopted without objection.

AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

Presenter/s: Ms. Karen Horner; Ms. Karen Mattson; Mr. Louis Bigfoot; and Mr. Lee Howard.

AGENDA ITEM NO. 4 – APPROVAL OF CONSENT CALENDAR

Presenter/s: Chairman Hamburg.

Public Comment: None.

Board Directive: Consent Calendar item 4(c) removed for separate consideration.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Croskey, IT IS ORDERED that consent calendar items 4(a) – (b); 4(d) – 4(e); and 4(g) – 4(o) are rejected/approved as follows. The motion carried by the following vote:

Aye: 5 – Supervisor Brown, Supervisor McCowen, Supervisor Croskey, Supervisor Gjerde, and Supervisor Hamburg

No: 0 - None

4A) CLAIM OF LETICIA CORONA, AS GUARDIAN AD LITEM FOR NINA RAE CORONA, BENTLEY CASH CORONA, AND BENSON MAKAI CORONA AMENDED

Rejected;

4B) ADOPTION OF RESOLUTION DECLARING THE CONTINUATION OF A LOCAL EMERGENCY RELATED TO THE REDWOOD COMPLEX FIRE - SPONSOR: EXECUTIVE OFFICE

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 18-004

RESOLUTION 18-004

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS DECLARING THE CONTINUATION OF A LOCAL EMERGENCY RELATED TO THE REDWOOD COMPLEX FIRE

4D) ADOPTION OF RESOLUTION AUTHORIZING THE CONSOLIDATION OF ELECTION OF THE GOVERNING BOARD OF THE COVELO FIRE PROTECTION DISTRICT WITH THE GENERAL ELECTION TO BE HELD IN NOVEMBER DURING EVEN NUMBERED YEARS - SPONSOR: COUNTY COUNSEL

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 18-005

RESOLUTION 18-005

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE CONSOLIDATION OF ELECTION OF THE GOVERNING BOARD OF COVELO FIRE PROTECTION DISTRICT WITH THE GENERAL ELECTION TO BE HELD IN NOVEMBER DURING EVEN-NUMBERED YEARS

4E) ADOPTION OF RESOLUTION AUTHORIZING THE CONSOLIDATION OF ELECTION OF THE GOVERNING BOARD OF THE REDWOOD VALLEY COUNTY WATER DISTRICT WITH THE GENERAL ELECTION TO BE HELD IN NOVEMBER DURING EVEN NUMBERED YEARS - SPONSOR: COUNTY COUNSEL

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 18-006

RESOLUTION 18-006

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE CONSOLIDATION OF ELECTION OF THE GOVERNING BOARD OF REDWOOD VALLEY COUNTY WATER DISTRICT WITH THE GENERAL ELECTION TO BE HELD IN NOVEMBER DURING EVEN-NUMBERED YEARS

~~4F) ADOPTION OF RESOLUTION RATIFYING THE ORDINANCE OF THE UKIAH VALLEY FIRE DISTRICT ADOPTING THE 2016 EDITION OF THE CALIFORNIA FIRE CODE WITH AMENDMENTS, REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION AND FOR PROVIDING FOR THE ISSUANCE OF PERMITS, REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES OF THE UKIAH VALLEY FIRE DISTRICT IN CONFLICT HEREWITH - SPONSOR: COUNTY COUNSEL - WITHDRAWN~~**4G) ADOPTION OF RESOLUTION REAFFIRMING THE EXISTENCE OF LOCAL HEALTH EMERGENCY AS PROCLAIMED BY THE LOCAL HEALTH OFFICER - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY**

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 18-007

RESOLUTION 18-007

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS REAFFIRMING THE EXISTENCE OF LOCAL HEALTH EMERGENCY AS PROCLAIMED BY THE HEALTH OFFICER

4H) ADOPTION OF RESOLUTION APPROVING AMENDED MEMORANDUM OF UNDERSTANDING (15-MOU-00296 A 1) BETWEEN THE CA DEPARTMENT OF SOCIAL SERVICES AND MENDOCINO COUNTY HEALTH AND HUMAN SERVICES AGENCY, FAMILY AND CHILDREN'S SERVICES TO EXTEND THE RESIDENTIALLY BASED SERVICES PROGRAM THROUGH DECEMBER 31, 2018, AND TO AMEND THE LANGUAGE OF THE MOU - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Adopted and Chair is authorized to sign same;

Enactment Nos: Resolution 18-008; Agreement 18-001*

RESOLUTION 18-008

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING APPROVAL OF THE BOARD CHAIR TO SIGN AMENDED MEMORANDUM OF UNDERSTANDING (15-MOU-00296 A-1) WITH THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

- 4I) ADOPTION OF RESOLUTION AND APPROVAL OF RETROACTIVE GRANT AGREEMENT WITH CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES (DHCS) IN THE AMOUNT OF \$123,794.99 FOR THE PERIOD OF OCTOBER 12, 2017, THROUGH JUNE 30, 2018, TO PROVIDE CRISIS COUNSELING AND RELATED SERVICES; ADOPTION OF RESOLUTION AUTHORIZING THE BEHAVIORAL HEALTH AND RECOVERY SERVICES (BHRS) DIRECTOR TO SIGN AWARDED AGREEMENT AND ANY RENEWALS OR AMENDMENTS THAT DO NOT EXCEED THE ANNUAL MAXIMUM AMOUNT; AND DIRECTION FOR THE AUDITOR CONTROLLER TO CREATE THE BUDGET INFORMATION AND IMPLEMENT SPENDING - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY**

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 18-009

RESOLUTION 18-009

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO AUTHORIZE MENDOCINO COUNTY HEALTH AND HUMAN SERVICES AGENCY (HHSA), BEHAVIORAL HEALTH AND RECOVERY SERVICES (BHRS) TO ACCEPT AND SIGN FOR THE FEDERAL CRISIS COUNSELING ASSISTANCE AND TRAINING PROGRAM (CRISIS CCP) THROUGH THE CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES (DHCS) GRANT AND ALLOW THE BEHAVIORAL HEALTH AND RECOVERY SERVICES DIRECTOR TO SIGN ANY FUTURE RENEWALS OR AMENDMENTS THAT DO NOT EXCEED THE ANNUAL MAXIMUM AMOUNT ASSOCIATED WITH THE DHCS CRISIS CCP GRANT

- 4J) APPROVAL OF AMENDMENT TO PURCHASING AGENT AGREEMENT NUMBER 18 69 WITH ROBERT OCHS TO INCREASE THE AGREEMENT BY \$30,000 FOR TRAINING AND CONSULTATION SERVICES TO THE PROBATION DEPARTMENT FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED \$80,000 - SPONSOR: HUMAN RESOURCES**

Approved and Chair is authorized to sign same;

Enactment No: Agreement 18-002

- 4K) APPROVAL OF THIRD AMENDMENT TO PURCHASING AGENT AGREEMENT PA 14-27; PA 16-40 (AMENDMENT 1); BOS 16-090 (AMENDMENT 2) WITH PROFESSIONAL EVENTS SERVICES IN THE AMOUNT OF \$40,000, FOR A NEW TOTAL NOT TO EXCEED AGREEMENT OF \$150,000, FOR SECURITY OF INMATES TEMPORARILY HOUSED IN FACILITIES OUTSIDE OF THE MENDOCINO COUNTY JAIL THROUGH JUNE 30, 2018 - SPONSOR: SHERIFF-CORONER**

Approved and Chair is authorized to sign same;

Enactment No: Agreement 16-090-A1

4L) ADOPTION OF RESOLUTION APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 170057 WITH PACIFIC LEGACY, INC., IN THE AMOUNT OF \$180,000, FOR PROFESSIONAL ARCHAEOLOGICAL INVESTIGATION SERVICES FOR THE 2018 QUADRENNIAL ENVIRONMENTAL SERVICE ARCHAEOLOGICAL INVESTIGATION AGREEMENT, AND AUTHORIZING THE DIRECTOR OF TRANSPORTATION TO SIGN ANY AND ALL AMENDMENTS TO THE AGREEMENT NOT TO EXCEED \$30,000 (COUNTY WIDE) - SPONSOR: TRANSPORTATION

Adopted and Chair is authorized to sign same;

Enactment Nos: Resolution 18-010; Agreement 18-003

RESOLUTION 18-010

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 170057 WITH PACIFIC LEGACY, INC., IN THE AMOUNT OF \$180,000, FOR PROFESSIONAL ARCHAEOLOGICAL INVESTIGATION SERVICES FOR THE 2018 QUADRENNIAL ENVIRONMENTAL SERVICE ARCHAEOLOGICAL INVESTIGATION AGREEMENT, AND AUTHORIZING THE DIRECTOR OF TRANSPORTATION TO SIGN ANY AND ALL AMENDMENTS TO THE AGREEMENT NOT TO EXCEED \$30,000 (COUNTY-WIDE)

4M) ADOPTION OF RESOLUTION APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 170056 WITH SHN CONSULTING ENGINEERS & GEOLOGISTS, INC., IN THE AMOUNT OF \$250,000 FOR PROFESSIONAL ENVIRONMENTAL SERVICES FOR THE 2018 QUADRENNIAL ENVIRONMENTAL SERVICE BIOLOGICAL INVESTIGATION AGREEMENT, AND AUTHORIZING THE DIRECTOR OF TRANSPORTATION TO SIGN ANY AND ALL AMENDMENTS TO THE AGREEMENT NOT TO EXCEED \$30,000 (COUNTY WIDE) - SPONSOR: TRANSPORTATION

Adopted and Chair is authorized to sign same;

Enactment Nos: Resolution 18-011; Agreement 18-004

RESOLUTION 18-011

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 170056 WITH SHN CONSULTING ENGINEERS & GEOLOGISTS, INC., IN THE AMOUNT OF \$250,000 FOR PROFESSIONAL ENVIRONMENTAL SERVICES FOR THE 2018 QUADRENNIAL ENVIRONMENTAL SERVICE BIOLOGICAL INVESTIGATION AGREEMENT, AND AUTHORIZING THE DIRECTOR OF TRANSPORTATION TO SIGN ANY AND ALL AMENDMENTS TO THE AGREEMENT NOT TO EXCEED \$30,000 (COUNTY-WIDE)

4N) ADOPTION OF RESOLUTION APPROVING AND EXECUTING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 170083, PROFESSIONAL SERVICES AGREEMENT WITH SHN CONSULTING ENGINEERS & GEOLOGISTS, INC., IN THE AMOUNT OF \$141,100, FOR CONSULTING SERVICES TO ASSIST IN INDUSTRIAL GENERAL PERMIT COMPLIANCE FOR MENDOCINO COUNTY LANDFILLS, AND AUTHORIZING THE DIRECTOR OF TRANSPORTATION TO SIGN ANY AND ALL AMENDMENTS TO THE AGREEMENT NOT TO EXCEED \$14,000 (LAYTONVILLE, CASPAR, AND GUALALA AREAS) - SPONSOR: TRANSPORTATION

Adopted and Chair is authorized to sign same;

Enactment Nos: Resolution 18-015; Agreement 18-005

RESOLUTION 18-015

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING AND EXECUTING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 170083, PROFESSIONAL SERVICES AGREEMENT WITH SHN CONSULTING ENGINEERS & GEOLOGISTS, INC., IN THE AMOUNT OF \$141,100, FOR CONSULTING SERVICES TO ASSIST IN INDUSTRIAL GENERAL PERMIT COMPLIANCE FOR MENDOCINO COUNTY LANDFILLS, AND AUTHORIZING THE DIRECTOR OF TRANSPORTATION TO SIGN ANY AND ALL AMENDMENTS TO THE AGREEMENT NOT TO EXCEED \$14,000 (LAYTONVILLE, CASPAR, AND GUALALA AREAS)

40) 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 2018 - SPONSOR: TREASURER-TAX COLLECTOR

Adopted and Chair is authorized to sign same;

Enactment No: Ordinance 4401

ORDINANCE 4401

AMENDMENT OF MENDOCINO COUNTY CODE SECTION 5.130.010 DELEGATING AUTHORITY TO INVEST TO COUNTY TREASURER FOR CALENDAR YEAR 2018

4c) ADOPTION OF ORDINANCE AMENDING SECTION 3.04-071 OF THE MENDOCINO COUNTY CODE CHAPTER 3.04 - PERSONNEL AND SALARY, SETTING THE BOARD OF SUPERVISORS COMPENSATION FOR SERVICES YEARLY BASE SALARY OF \$85,500 - SPONSOR: EXECUTIVE OFFICE

Presenter/s: Supervisor McCowen.

Public Comment: None.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Croskey, IT IS ORDERED that the Board of Supervisors adopts Ordinance amending Section 3.04 071 of the Mendocino County Code Chapter 3.04 Personnel and Salary, setting the Board of Supervisors compensation for services yearly base salary at \$85,500; and authorizes Chair to sign same. The motion carried by the following vote:

Aye: 4 – Supervisor Brown, Supervisor McCowen, Supervisor Croskey, and Supervisor Hamburg

No: 1 – Supervisor Gjerde

ORDINANCE 4400

ORDINANCE AMENDING SECTION 3.04.071 OF THE MENDOCINO COUNTY CODE CHAPTER 3.04 - PERSONNEL AND SALARY

5A) DISCUSSION AND POSSIBLE ACTION REGARDING A DRAFT JOINT LETTER (FROM MENDOCINO, LAKE, NAPA, AND SONOMA COUNTIES) TO THE STATE OF CALIFORNIA, GOVERNOR'S OFFICE OF EMERGENCY SERVICES, ADDRESSING POLICY AND FISCAL IMPLICATIONS OF THE OCTOBER FIRE DISASTER IN OUR REGION - SPONSOR: EXECUTIVE OFFICE

Presenter/s: Ms. Carmel J. Angelo, Chief Executive Officer.

Public Comment: None.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Croskey, IT IS ORDERED that the Board of Supervisors authorizes the Chief Executive Officer to finalize said letter for the Chair's signature and subsequent transmission to the State of California, Governor's Office of Emergency Services as soon as possible; and authorizes Chair to sign same. The motion carried by the following vote:

Aye: 5 – Supervisor Brown, Supervisor McCowen, Supervisor Croskey, Supervisor Gjerde, and Supervisor Hamburg

No: 0 – None

5B) DISCUSSION AND POSSIBLE ACTION REGARDING UPDATES ASSOCIATED WITH FIRE RECOVERY EFFORTS IN MENDOCINO COUNTY - SPONSOR: EXECUTIVE OFFICE

Presenter/s: Ms. Tammy Moss Chandler, Recovery Director; Mr. Nash Gonzalez, Interim Director, Planning and Building Services; Colonel McFadden, United States Army Corps of Engineers; Mr. Norbert Suder; Deputy, United States Army Corps of Engineers; Ms. Carmel J. Angelo, Chief Executive Officer; and Mr. Steve Dunncliff, Deputy Chief Executive Officer.

Public Comment: Mr. Thomas Allman, Sheriff; and Mr. Lee Howard.

Board Directive: BY ORDER OF THE CHAIR the Executive Office shall prepare a letter to the California State Contractor Licensing Board for Chair's signature regarding lack of attention to issues regarding unlicensed contractors working in Mendocino County.

BOARD RECESS: 10:07 A.M. – 10:13 A.M.

5C) DISCUSSION AND POSSIBLE ACTION REGARDING APPOINTMENTS TO THE MENTAL HEALTH TREATMENT ACT CITIZEN'S OVERSIGHT COMMITTEE - SPONSOR: EXECUTIVE OFFICE

Presenter/s: Ms. Carmel J. Angelo, Chief Executive Officer.

Public Comment: Mr. Joel Soinila.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor McCowen, IT IS ORDERED that the Board of Supervisors make the following appointments of individuals representing each of the following districts and associations: First District, Dr. Ace Barash; Second District, Ms. Shannon Riley; Third District, Mr. Jed Diamond; Fourth District, Mr. Mark Mertle; Fifth District, Mr. Ross Liberty; Behavioral Health Advisory Board Member; Ms. Jan McGourtey; Mendocino Chapter of the National Alliance on Mental Illness (NAMI) Representative, Ms. Donna Moschetti. The motion carried by the following vote:

Aye: 5 – Supervisor Brown, Supervisor McCowen, Supervisor Croskey, Supervisor Gjerde, and Supervisor Hamburg

No: 0 – None

5D) DISCUSSION AND POSSIBLE ACTION REGARDING INFORMATIONAL UPDATE ON THE IMPLEMENTATION OF THE MENDOCINO COUNTY CANNABIS CULTIVATION PROGRAM AND CANNABIS COMPLIANCE AND CODE ENFORCEMENT UNIT - SPONSOR: AGRICULTURE

Presenter/s: Ms. Diane Curry, Interim Agricultural Commissioner.

Public Comment: Ms. Hannah Nelson; Mr. Casey O'Neill; Mr. Charles Sargenti; Mr. Ron Edwards; Mr. William Gross; and Mr. James Smalley.

Board Directive: GENERAL CONSENSUS OF THE BOARD that the working groups shall each meet once with consultant, then consultant shall proceed with development of draft Overlay Ordinance.

Board Directive: GENERAL CONSENSUS OF THE BOARD for staff to prepare an agenda item for the January 23, 2018, Board of Supervisors meeting to discuss development of Overlay Ordinance with consultant.

Board Directive: GENERAL CONSENSUS OF THE BOARD that a future agenda item be prepared with respect to State/Local Cannabis regulations with an invitation to participate sent to California Highway Patrol, Mendocino County Sheriff's Office, District Attorney, and Major Crimes Task Force.

LUNCH RECESS FOLLOWED BY CLOSED SESSION: 11:55 A.M. – 2:10 P.M.

9A) PURSUANT TO GOVERNMENT CODE SECTION 54956.9D(2) – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: SIGNIFICANT EXPOSURE TO LITIGATION – ONE CASE

RECONVENED IN OPEN SESSION: 2:10 P.M.

AGENDA ITEM NO. 9 – REPORT OUT OF CLOSED SESSION

Presenter: Chair Hamburg.

Board Action: In respect to agenda item 9a), direction was given to staff.

5E) ~~CHIEF EXECUTIVE OFFICER'S REPORT – SPONSOR: EXECUTIVE OFFICE- WITHDRAWN~~**5F) ~~DISCUSSION AND POSSIBLE ACTION INCLUDING REVIEW, ADOPTION, AMENDMENT, CONSIDERATION OR RATIFICATION OF LEGISLATION PURSUANT TO THE ADOPTED LEGISLATIVE PLATFORM – SPONSOR: EXECUTIVE OFFICE- WITHDRAWN~~****6A) SUPERVISORS' REPORTS REGARDING BOARD SPECIAL ASSIGNMENTS, STANDING AND AD HOC COMMITTEE MEETINGS, AND OTHER ITEMS OF GENERAL INTEREST**

Board Action: No action taken.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 2:35 P.M.

Attest: KARLA VAN HAGEN
Senior Deputy Clerk of the Board

DAN HAMBURG, 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