

**MENDOCINO COUNTY CODE**

**Looseleaf Supplement**

This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 4341, passed August 4, 2015.**

See the Code Comparative Table and Disposition List for further information.

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Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.



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## PREFACE

The Mendocino County Code, has been kept current by regular supplementation by Municipal Code Corporation, its successor in interest.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the Title, chapter, and section. Thus, Section 2.12.040 is Section .040, located in Chapter 2.12 of Title 2. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification; and beginning with Supplement No. 22, legislation can be tracked using the "Code Comparative Table and Disposition List."

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

**This supplement brings the Code up to date through Ordinance No. 4341, passed August 4, 2015.**

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## SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Included/ Omitted	Supp. No.
4270	1- 4-2011	Included	29
4271	1-25-2011	Included	29
4272	1-25-2011	Included	29
4274	5- 3-2011	Included	29
4275	5-17-2011	Included	29
4276	5-17-2011	Included	29
4277	6- 7-2011	Included	30
4279	7-12-2011	Included	31
4283	9-13-2011	Included	30
4284	10- 4-2011	Included	30
4285	10- 4-2011	Included	30
4286	12- 6-2011	Included	31
4288	1-24-2012	Included	31
4289	1-31-2012	Included	31
4291	2-14-2012	Included	32
4292	4-10-2012	Included	32
4293	4-10-2012	Included	32
4294	4-10-2012	Included	32
4295	4-10-2012	Included	32
4296	4-10-2012	Omitted	32
4297	6-12-2012	Included	32
4298	7-10-2012	Included	32
4299	8-28-2012	Included	32
4300	9-25-2012	Included	33
4301	11- 6-2012	Included	33
4302	1-22-2013	Included	34
4303	1-22-2013	Included	34
4304	1-22-2013	Included	34
4305	2-12-2013	Included	34
4306	3-26-2013	Included	35
4307	5- 7-2013	Included	35
4308	7-30-2013	Included	35
4309	7-30-2013	Included	35

<b>Ord. No.</b>	<b>Date Adopted</b>	<b>Included/Omitted</b>	<b>Supp. No.</b>
4310	7-30-2013	Included	35
4312	8-13-2013	Included	36
4313	8-27-2013	Included	36
4316	12-10-2013	Included	37
4318	12-16-2013	Omitted	37
4319	1- 7-2014	Included	37
4320	1- 7-2014	Included	37
4206	10-28-2008	Included	38
4321	1-21-2014	Included	38
4323	1-21-2014	Included	38
4324	2-11-2014	Omitted	38
4325	2-25-2014	Included	38
4326	2-25-2014	Omitted	38
4329	7-22-2014	Included	39
4328	7-22-2014	Included	40
Ord. of	11- 4-2014(1)	Included	40
4330	1-20-2015	Included	41
4331	1-20-2015	Included	41
4333	3-17-2015	Included	41
4336	5-19-2015	Included	42
4337	6-16-2015	Omitted	42
4338	6-16-2015	Included	42
4339	6-16-2015	Included	42
4340	7- 7-2015	Included	42
4341	8- 4-2015	Included	42

## CHAPTER 2.32

### PURCHASING AGENT\*

#### **Sec. 2.32.010 Purchasing agent—office established.**

Pursuant to the provisions of Section 25500 et seq. of the Government Code of the State of California, the Office of Purchasing Agent of the County of Mendocino is established.  
(Ord. No. 4338, 6-16-2015)

#### **Sec. 2.32.020 General Duties.**

The Purchasing Agent shall have the duties and powers prescribed by laws of the State of California relating to the County Purchasing Agent, this Chapter and the resolutions of the Board of Supervisors. The Purchasing Agent shall be the Chief Executive Officer of the County or her/his designee. The Purchasing Agent shall furnish the Board of Supervisors with such reports and information as said Board may from time to time require and shall establish methods and procedures necessary for the proper functioning of the County in an efficient and economical manner.  
(Ord. No. 4338, 6-16-2015)

#### **Sec. 2.32.030 Specific Duties.**

The Purchasing Agent shall:

(A) Purchase for the County of Mendocino and its offices all materials, supplies, furnishings, equipment, livestock and other personal property of whatever kind and nature, and no purchasing of personal property by any person other than the Purchasing Agent shall be binding upon the County or constitute a lawful charge against any County funds.

(B) Rent for the County and its offices, furnishings, equipment, and livestock, excepting, however, road equipment, which the Road Commissioner is authorized by law to rent.

\***Editor's note**—Ord. No. 4338, adopted June 16, 2015, amended ch. 2.32, §§ 2.32.010—2.32.120, in its entirety. Former ch. 2.32 pertain to similar subject matter, and was derived from Ord. No. 3730, adopted 1990; Ord. No. 3782, adopted 1992; Ord. No. 3920, adopted 1995; Ord. No. 3989, adopted 1997; Ord. 4037, § II, adopted 1999; Ord. 4136, adopted 2005 and Ord. No. 4184 (part), adopted 2007.

(C) Negotiate and execute in the name of the County all equipment service contracts and lease purchase agreements of personal property.

(D) Negotiate and execute in the name of the County as lessee all rentals of real property, which the County may require.

(E) May by direct sale or otherwise sell, lease or dispose of any personal property belonging to the County not required for public use. The proceeds shall be paid into the County treasury for the use of the County. Where the property is exchanged or traded in, she/he shall secure its value on behalf of the County.

(F) Engage independent contractors to perform sundry services for the County and offices thereof with or without the furnishing of material when the aggregate cost does not exceed Fifty Thousand Dollars (\$50,000), pursuant to Section 25502.3 of the Government Code.

(G) Procure, when so authorized by resolution of the Board of Supervisors, construction materials pursuant to Government Code Section 25508 for the construction of facilities to be utilized by a regional opportunity program. Government Code Section 25508.8(b) exempts the County from requirements of Public Contract Code with respect to the construction of a facility if the majority of labor utilized for the construction of the facility described herein is provided by the regional opportunity program or volunteer labor, the facility is to be constructed for use by the regional opportunity program, and the land on which the facility is to be constructed is currently used by a county jail.

(H) When specifically authorized by law, sell or dispose of personal property of any special district and pay the proceeds thereof into the treasury of the district; or if an exchange or trade is made, return the proceeds to the special district.

(I) Perform such other services as the Board of Supervisors may from time to time by resolution require.

(Ord. No. 4338, 6-16-2015)

#### **Sec. 2.32.040 Emergency Purchases.**

Notwithstanding the provisions of Section 25502.3 of the Government Code and Section

2.32.030(F) the Board of Supervisors may, whenever it has proclaimed a local emergency pursuant to Section 8630 of the Government Code, direct the Purchasing Agent to engage independent contractors to perform services related to the local emergency for the County and officers thereof, with or without the furnishing of materials, within the amounts the Board of Supervisors may establish. Informal bidding procedures shall be observed to the extent that such procedures are feasible under emergency circumstances.

(Ord. No. 4338, 6-16-2015)

**Sec. 2.32.050 Purchasing Agent's Stores Inventory Account.**

There is hereby established from the unappropriated funds of the County a Stores Inventory Account in an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000), such account to be known as the Purchasing Agent's Stores Inventory Account. The Purchasing Agent may purchase supplies, materials and equipment in quantity to be issued to the several offices and departments of the County as needed and shall make payment therefor out of the funds of such Stores Inventory Account. As such supplies, materials and equipments are issued to an office or department, the account shall be reimbursed from the budgeted funds of the requisitioning department. The department shall certify availability of funds in the appropriate budget account of the department before such issues are made.

(Ord. No. 4338, 6-16-2015)

**Sec. 2.32.060 Purchasing Procedures.**

Except as otherwise provided by law, the Purchasing Agent may, without notice, advertisement, or the securing of competitive bids or quotations, make any purchase of personal property or do any other thing which is authorized to do in this Chapter; provided, however, that in the event the Purchasing Agent purchases any individual item (as distinct from the total contract) costing more than Ten Thousand Dollars (\$10,000) without securing competitive bids or quotations

thereon, the Purchasing Agent shall report such action to the Board of Supervisors, with his/her reasons therefor; and provided, further, that if the Purchasing Agent does call for competitive bids or quotations and accepts any bid or quotation other than the lowest upon any individual item costing more than Ten Thousand Dollars (\$10,000), the Purchasing Agent shall likewise report such fact to the Board of Supervisors.

(Ord. No. 4338, 6-16-2015)

**Sec. 2.32.070 Sale and Leaseback/Personal Property.**

The County Purchasing Agent, with the approval of the Board of Supervisors, and after publishing notice of his or her intended action pursuant to Section 6061, may, by direct sale or otherwise, sell to a purchaser any personal property owned by or to be owned by the County, provided the purchaser agrees to lease the equipment back to the County for use by the County following the sale. The approval by the Board of Supervisors of the sale and leaseback shall be given only if the Board of Supervisors finds, by resolution, that the sale and leaseback is the most economical means for providing such personal property to the County.

(Ord. No. 4338, 6-16-2015)

**Sec. 2.32.080 Posting Notices of Sale.**

Notices of sales of surplus personal property shall be posted for not less than five (5) business days preceding the day of sale in the office of the Purchasing Agent and in such other public place within the County as the Purchasing Agent may deem advisable.

(Ord. No. 4338, 6-16-2015)

**Sec. 2.32.090 Advertising Proposed Sale.**

In the disposition of any surplus personal property and upon approval of the Board of Supervisors, the Purchasing Agent may purchase advertising space and may advertise the proposed sale or other disposition of the personal property in such newspapers, magazines and other periodicals



as in the Purchasing Agent's judgment will best publicize the proposed sale or other disposition to those persons most likely to bid for or purchase the personal property. Within the limitation of the order of the Board of Supervisors approving the advertising, the Purchasing Agent shall decide upon the amount, nature, makeup and content of the advertising.

(Ord. No. 4338, 6-16-2015)

**Sec. 2.32.100 Surplus Pool.**

Whenever any item of personal property is no longer needed by the office, department or institution in possession thereof, such fact shall be reported to the Purchasing Agent who may transfer such item to a surplus pool to be maintained under the supervision of the Purchasing Agent; and whenever any office, department or institution is in need of an article, which has been placed in such surplus pool or has requisitioned the purchase of similar article, the Purchasing Agent may upon a properly drawn request transfer the article to such department.

(Ord. No. 4338, 6-16-2015)

**Sec. 2.32.110 Alternative Procedure for Leasing County Realty.**

(A) Pursuant to Government Code Section 25537, a procedure alternative to that required by Government Code Sections 25526 through 25535 for the leasing of any real property belonging to the County is hereby adopted.

(B) The Board of Supervisors shall accept the highest proposal for the proposed lease submitted in response to a call for bids posted in at least three (3) public places for not less than fifteen (15) days and published for not less than two (2) weeks in a newspaper of general circulation, if such newspaper is published in the County, or reject all bids.

(C) Leases of a duration not exceeding ten (10) years and having an estimated monthly rental of not exceeding Five Thousand Dollars (\$5,000) may be excluded from the bidding procedure specified in subsection (A) of this Section, except that

notice shall be given pursuant to Section 6061, posted in the office of the Clerk of the Board of Supervisors, and if the lease involves residential property, notice shall be given to the housing sponsors, as defined by Sections 50074 and 50074.5 of the Health and Safety Code. The notice shall describe the property proposed to be leased, the terms of the lease, the location where offers to lease the property will be accepted, the location where leases will be executed, and any County officer authorized to execute the lease. If a lease is excluded from the bidding procedure, the actual monthly rental in the executed lease shall not exceed Five Thousand Dollars (\$5,000), the term of the executed lease shall not exceed ten (10) years and the lease is not renewable. The Purchasing Agent or Purchasing Agent's designee may execute leases pursuant to this Section.

(D) Notice pursuant to this Section shall also be mailed or delivered at least fifteen (15) days prior to accepting offers to lease pursuant to this Section to any person who has filed a written request for notice with either the Clerk of the Board or with any other person designated by the Board to receive these requests. The County shall charge a fee, which is reasonably related to the costs of providing this service. The County requires each request to be annually renewed. The notice shall describe the property proposed to be leased, the terms of the lease, the location where offers to lease the property will be accepted, the location where leases will be executed, and any County Officer authorized to execute the lease.

(E) This Section shall be subject to Government Code Section 25537 as amended from time to time or any successor statute as amended from time to time.

(Ord. No. 4338, 6-16-2015)

**Sec. 2.32.120 Annual Inventory of All County Property.**

(A) On or before September 1st in each year, each County officer or person in charge of any office, department, service, or institution of the County, and the executive head of each special

district whose affairs and funds are under the supervision and control of the Board of Supervisors or for which the Board is ex officio the governing board shall file with the County Clerk pursuant to Government Code Section 24051 an inventory under oath showing in detail all County property in his or her possession or in his or her charge at the close of business on the preceding June 30th.

(B) To assure orderly and timely completion of inventories and submission of same to the County Clerk by each person required to file an inventory as above described, the Purchasing Agent shall provide in the County's Administrative Manual appropriate information management technology and clear guidelines for use in completing inventory tasks in a timely and efficient manner.

(C) Each person required to file an inventory as described above shall complete his or her inventory task in a timely and efficient manner in compliance with such information management technology and guidelines.

(Ord. No. 4338, 6-16-2015)

## CHAPTER 2.33

### ALTERNATIVE PROCEDURE FOR BIDDING FOR PUBLIC CONTRACTS

#### Sec. 2.33.010 Definition.

"Public project," as defined by Section 22002 of the Public Contract Code, shall mean the construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any County-owned, leased, or operated facility; and the painting or repainting of any County-owned, leased, or operated facility; provided, however, that "public project" shall not include maintenance work as defined in Section 22002 of the Public Contract Code. (Ord. No. 4037, Sec. III, adopted 1999; Ord. No. 4205 (part), adopted 2008.)

#### Sec. 2.33.020 Contracting Procedures—Dollar Amount Limitations.

(A) Public projects, with limits as defined by Section 22032 of the Public Contract Code, may be performed by County employees by force account, by negotiated contract, or by purchase order.

(B) Public projects with limits as defined by Section 22032 of the Public Contract Code, may be let to contract by informal procedures as set forth herein.

(C) Public projects, with limits as defined by Section 22032 of the Public Contract Code, shall, except as otherwise provided in Article 3 of Public Contract Code Section 22000 et seq., be let to contract by formal bidding procedure. (Ord. No. 4037, Sec. III, adopted 1999; Ord. No. 4205 (part), adopted 2008.)

#### Sec. 2.33.030 Informal Bidding Procedure.

Public projects may be let to contract by informal bidding procedures as established pursuant to Section 22032 et seq. of the Public Contract Code. If all bids received are in excess of the limits as set forth in Section 22032 et seq. of the Public Contract Code the Board of Supervisors may, by pas-

sage of a resolution by a four-fifths vote, award the contract, as set forth in Section 22032 et seq. of the Public Contract Code, to the lowest responsible bidder if it determines that the cost estimate of the County was reasonable. (Ord. No. 4037, Sec. III, adopted 1999; Ord. No. 4205 (part), adopted 2008.)

#### Sec. 2.33.031 Contractors List.

A list of qualified contractors, identified according to categories of work, shall be developed and maintained by the Purchasing Agent in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission. (Ord. No. 4037, Sec. III, adopted 1999; Ord. No. 4205 (part), adopted 2008.)

#### Sec. 2.33.032 Notice Inviting Informal Bids.

Where a public project is to be performed pursuant to the provisions of this section, a notice inviting informal bids, as set forth below, shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section 2.33.031, or to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code, or both all contractors on the list for the category of work being bid and all construction trade journals specified in Section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the agency head soliciting bids; provided, however, that if there is no list of qualified contractors maintained by the County for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the California Uniform Construction Cost Accounting Commission; or if the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclu-

sively to such contractor or contractors. All mailing of notices to contractors and construction trade journals shall be completed not less than ten (10) calendar days before bids are due. The notice inviting informal bids shall describe the project in general terms, how to obtain more detailed information about the project, and state the time and place for the submission of bids. (Ord. No. 4037, Sec. III, adopted 1999; Ord. No. 4205 (part), adopted 2008.)

**Sec. 2.33.033 Award of Bid.**

The County Purchasing Agent is authorized to award contracts for public projects, let by informal bid procedures up to the limits as set forth in Section 22032 et seq. of the Public Contract Code. The contract shall be awarded to the lowest responsible bidder if the Purchasing Agent considers the bid to be reasonable, sufficient funds have been appropriated, and the bid is within the limits prescribed for award. (Ord. No. 4037, Sec. III, adopted 1999; Ord. No. 4205 (part), adopted 2008.)

**Sec. 2.33.040 Formal Bidding Procedures.**

Formal Public projects, as set forth in Section 22032 et seq. of the Public Contract Code, shall, except as otherwise provided herein, be let to contract by formal bidding procedures. Notice inviting formal bids shall state the time and place for the receiving and opening of sealed bids and distinctly describe the project. The notice shall be published at least fourteen (14) calendar days before the date of opening the bids, in a newspaper of general circulation, printed and published in the county. The notice inviting formal bids shall also be mailed to all construction trade journals specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code. The notice shall be mailed at least thirty (30) calendar days before the date of opening the bids. In addition to notice required by this section, the agency head may also give such other notice as it deems proper. (Ord. No. 4037, Sec. III, adopted 1999; Ord. No. 4205 (part), adopted 2008.)

**Sec. 2.33.050 Public Projects Exempt From Bidding Procedures.**

The limits wherein Public projects may be performed by County employees by force account, by negotiated contract, or by purchase order by the Purchasing Agent are set forth in Section 22032 et seq. of the Public Contract Code. Public projects exceeding the limits as set forth in Section 22032 et seq. of the Public Contract Code shall be let to contract by formal or informal bidding procedures as set forth herein. (Ord. No. 4037, Sec. III, adopted 1999; Ord. No. 4205 (part), adopted 2008.)

**Sec. 2.33.060 Procedures for Maintenance Work.**

Pursuant to provisions of Section 22003 of the Public Contract Code, the Purchasing Agent may also utilize the above procedures when contracting for maintenance work as defined in Section 22002 of the Public Contract Code. (Ord. No. 4037, Sec. III, adopted 1999; Ord. No. 4205 (part), adopted 2008.)

**Sec. 2.33.070 Alternative Procedures.**

Pursuant to the provisions of Section 22031 of the Public Contract Code, nothing in Section 2.33 shall prohibit the Board of Supervisors or the County Road Commissioner from utilizing, as an alternative to the procedures set forth in this section, the procedures set forth in Article 25 (commencing with Section 20390) of Chapter 1 of the Public Contract Code. (Ord. No. 4037, Sec. III, adopted 1999; Ord. No. 4205 (part), adopted 2008.)

**Sec. 2.33.080 Emergencies.**

(A) In cases of emergency when repair or replacements are necessary, the Board of Supervisors may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the Board of Supervisors, by contractor, or by a combination of the two.

(B) In case of an emergency, if notice for bids to let contracts will not be given, the County shall comply with Chapter 2.5 (commencing with Section 22050) of the Public Contract Code. (Ord. No. 4037, Sec. III, adopted 1999; Ord. No. 4205 (part), adopted 2008.)

## CHAPTER 2.36

### COUNTY AUDITOR

#### **Sec. 2.36.010 Qualifications for the Office of County Auditor.**

No person shall hereafter be elected or appointed to the office of County Auditor of the County of Mendocino unless:

(a) He possesses a valid certificate issued by the California State Board of Accountancy under the provisions of Chapter 1, Division 3 of the Business and Professions Code, showing him to be, and a permit authorizing him to practice as, a certified public accountant or as a public accountant; or

(b) He possesses a valid certificate or diploma of graduation from a school of accountancy; or

(c) He has served as County Auditor or as Deputy County Auditor for a continuous period of not less than three (3) years. (Ord. No. 483, Sec. 1, adopted 1965.)

#### **Sec. 2.36.020 Applicability.**

The qualifications set forth in Section 2.36.010 shall not apply to any person duly elected or appointed as a County Auditor and actually serving as such officer on the effective date of the Chapter (July 1965), and such person shall be deemed to be eligible to hold and to be re-elected to said office, notwithstanding the provisions of said Section 2.36.010 (Ord. No. 483, Sec. 2, adopted 1965.)



## CHAPTER 3.04

### PERSONNEL AND SALARY\*

#### Sec. 3.04.010 Definitions.

The words and terms defined in this Section shall have the following meanings in the Title and in any other Title classifying and fixing the salaries

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\***Editor's note**—Ord. No. 4340, adopted July 7, 2015, amended ch. 3.04, §§ 3.04.010—3.04.220, in its entirety. Former ch. 3.04 pertain to similar subject matter, and was derived from Ord. No. 262, adopted 1956; Ord. No. 363, §§ 3, 5—9, 11, 12, 14—20, 22, adopted 1956; Ord. No. 501, adopted 1956; Ord. No. 421, adopted 1961; Ord. No. 451, adopted 1963; Ord. No. 460, adopted 1964; Ord. No. 499, adopted 1966; Ord. No. 501, adopted 1966; Ord. No. 502, adopted 1966; Ord. No. 504, adopted 1966; Ord. No. 526, adopted 1967; Ord. No. 552, adopted 1968; Ord. No. 553, adopted 1969; Ord. No. 587, adopted 1969; Ord. No. 588, adopted 1969; Ord. No. 589, adopted 1969; Ord. No. 595, adopted 1969; Ord. No. 600, adopted 1970; Ord. No. 802, adopted 1971; Ord. No. 952, adopted 1972; Ord. No. 803, adopted 1971; Ord. No. 968, adopted 1972; Ord. No. 1153, adopted 1973; Ord. No. 1297, adopted 1974; Ord. No. 1299, adopted 1974; Ord. No. 1510, adopted 1975; Ord. No. 1528A, adopted 1975; Ord. No. 1574, adopted 1975; Ord. No. 1610, adopted 1975; Ord. No. 1612, adopted 1975; Ord. No. 1673, adopted 1976; Ord. No. 1747, adopted 1976; Ord. No. 1768, adopted 1976; Ord. No. 1950, adopted 1977; Ord. No. 1961, adopted 1977; Ord. No. 1899, adopted 1977; Ord. No. 2014, adopted 1977; Ord. No. 2051-A, adopted 1977; Ord. No. 2068, adopted 1977; Ord. No. 3112, adopted 1978; Ord. No. 3145, adopted 1978; Ord. No. 3147, adopted 1978; Ord. No. 3193, adopted 1978; Ord. No. 3222, adopted 1978; Ord. No. 3241, adopted 1978; Ord. No. 1960, adopted 1979; Ord. No. 3253, adopted 1979; Ord. No. 3254, adopted 1979; Ord. No. 3258, adopted 1979; Ord. No. 3260, adopted 1979; Ord. No. 3269, adopted 1979; Ord. No. 3270, adopted 1979; Ord. No. 3271, adopted 1979; Ord. No. 3279, adopted 1979; Ord. No. 3281, adopted 1979; Ord. No. 3285, adopted 1980; Ord. No. 3286, adopted 1980; Ord. No. 3309, adopted 1980; Ord. No. 3314, adopted 1980; Ord. No. 3336, adopted 1981; Ord. No. 3340, adopted 1981; Ord. No. 3352, adopted 1981; Ord. No. 3359, adopted 1981; Ord. No. 3372, adopted 1982; Ord. No. 3392, adopted 1982; Ord. No. 3400, adopted 1982; Ord. No. 3479, adopted 1984; Ord. No. 3637 § 1, adopted 1987; Ord. No. 3778, adopted 1991; Ord. No. 3827, § 1, adopted 1992; Ord. No. 3886, adopted 1994; Ord. No. 3899, adopted 1994; Ord. No. 3931, adopted 1996; Ord. No. 3940, adopted 1996; Ord. No. 3984, adopted 1997; Ord. No. 4007, adopted 1998; Ord. No. 4068, adopted 2001; Ord. No. 4110, §§ 1, 2, adopted 2003; Ord. No. 4185 (part), adopted 2007; Ord. No. 4191 (part), adopted 2007; Ord. No. 4193 (part), adopted 2007; Ord. No. 4222, adopted June 2, 2009; Ord. No. 4289, 1-31-2012.

and compensation or authorizing the employment of personnel in any department or office of Mendocino County:

(A) "Allocation" means the official determination of the class in which a position shall be deemed to exist and the assignment of an individual position to an appropriate class.

(B) "Class" or "Class of positions" means a definitely recognized kind of employment in the County service designed to embrace all positions having duties and responsibilities sufficiently similar that the same title may be used, the same requirements for education, experience, knowledge and ability may be demanded of incumbents and the same schedule of compensation may be applied with equity.

(C) "Classified service" means all positions in the County service except those specifically exempted by Mendocino County Code Section 3.16.100.

(D) "Compensation" means the salary, wage, allowance and all other forms of valuable considerations, earned by or paid to any employee by reason of service in any position.

(E) "County service" or "service of the County" means all positions in all departments as herein defined that are subject to control and regulation by the Board of Supervisors of Mendocino County.

(F) "Employee" means those persons legally occupying positions in the County service.

(G) "Exempt service" refers to positions in the County service, as determined and maintained by the Human Resources Director, that meet the Executive, Administrative and/or Professional standards under the provisions of the Fair Labor Standards Act for exemption from overtime pay including, but not limited to: elective officials; incumbents of classifications represented by the Department Head collective bargaining unit; incumbents of classifications represented by the Management collective bargaining unit; incumbents of classifications represented by the Mendocino County Law Enforcement Management Association collective

bargaining unit; incumbents of classifications designated as unrepresented for the purpose of collective bargaining.

(H) The determination as to which positions are allocated to the exempt service in this Section shall be made by the Human Resources Director in accordance with the Fair Labor Standards Act, except that no position that receives time and one-half (½) overtime pay pursuant to Section 3.04.200 or pursuant to any labor agreement shall be designated as part of the exempt service. Exempt service employees shall be paid on a salary basis. Such employees shall regularly receive a predetermined salary each pay period constituting all or part of the employees' compensation, which amount is not subject to work performed. Exempt service employees shall account for a minimum of forty (40) hours per week.

(I) "Position" means a group of current duties and responsibilities assigned or delegated by competent authority, requiring the full- or part-time services of one (1) or more persons.

(J) "Title," "Class Title" or "Title of class" means the designation given to or name applied to a class or to each position allocated to the class and to the legally appointed incumbent of each position allocated to the class. Its meaning is set forth in the corresponding class specification.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.04.020 Applicability.**

The provisions of this Chapter shall apply to all County employees except those in the exempt service.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.04.030 Classification of Positions.**

(A) The classification of positions for the purpose of this Chapter shall be as contained in the official list of class specifications.

(B) The classification of positions may hereafter be amended by the addition, division, consolidation or abolishment of classes on adoption by the Board of Supervisors.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.04.040 Allocation of Positions.**

Each position shall be allocated to its appropriate class on the basis of duties and responsibilities.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.04.050 Use of Class Titles.**

The title of the class to which any position is allocated shall be used in all official personnel records and in all official personnel transactions in Mendocino County.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.04.060 Qualifications of Employees.**

(A) Officers and employees holding positions upon the taking effect of this Chapter (September 1956) are deemed to be qualified for the position to which they are assigned, subject to the right of the department head or the Board of Supervisors to dismiss any employee in accordance with law.

(B) No person shall be hereafter employed in or appointed to any position requiring full-time or part-time service and which position is included in the classification plan and for which a class specification exists establishing desirable qualifications, unless said person possesses the desirable qualifications of education and experience prescribed for that class; provided, however, that if qualified persons cannot be recruited, the Board of Supervisors may authorize the appointment of persons having less than the desirable qualifications.

(C) In the event any individual offered employment with the County is found to possess extraordinary qualifications for a position through former training or experience, the appointing authority may request, and the Chief Executive Officer may authorize the employment of such employee at Step "2," or if it is found that extraordinary circumstances exist and the public interest requires, a person possessing extraordinary qualifications may be employed at Step "3," "4," or "5" of the appropriate pay range on the recommendation of the appointing authority and when authorized by the Chief Executive Officer.



(D) No person shall be appointed to any law enforcement position unless at the time of the appointment he has passed his twenty-first birthday.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.04.061 Exemption from Age Restrictions.**

The maximum age provisions of Section 3.04.060(D), shall not apply to persons appointed in the classifications of corrections deputy, corrections corporal, bailiff, or undersheriff.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.04.070 Compensation Plan.**

(A) A five (5) step schedule of pay ranges as adopted by resolution of the Board of Supervisors shall constitute the compensation plan applicable to all classes of positions included in the classified service.

(B) All salaries are based on hourly rates.

(C) The compensation of officers and employees of the County shall be as set forth in the list of class titles and pay ranges with steps within each range as established by the Board of Supervisors in the Salary Resolution.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.04.071 Board Compensation.**

(A) For terms of office commencing January 2013 and following, each member of the Board of Supervisors shall receive as compensation for services the yearly base salary of Sixty-One Thousand Two Hundred Dollars (\$61,200), payable bi-weekly.

(B) At the first regularly scheduled meeting in April of every odd-numbered year, the Board of Supervisors shall review their compensation and adjust as determined to be appropriate.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.04.075 Expense Reimbursement for Supervisors.**

Members of the Board of Supervisors shall be reimbursed for expenses, made necessary in the performance of their duties as Board members,

provided that reimbursement for such expenses, is claimed within ninety (90) days of the incurring of the expense. Any claim not submitted within ninety (90) days shall require specific approval of the Board of Supervisors.

Official business of the Board of Supervisors includes, but is not limited to, attendance at regular Board meetings, special Board meetings, Board Workshops, Board committee meetings, Board of Equalization meetings, fulfillment of Board special committee assignments, serving as the official Board representative at ceremonial and official functions, Board of Supervisors training and orientation, including for supervisors-elect, and conduct of other County business.

In January of each year, the Board of Supervisors shall adopt by resolution, a policy containing an itemized list of reimbursable expenses and said rate of reimbursement.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.04.080 Application of Compensation Plan to Positions.**

The respective classes of positions and the pay schedules therefor shall be adopted from time to time by the Board of Supervisors by resolution and when so adopted shall have the force and effect and shall be interpreted and applied as follows:

(A) The salaries or rates of compensation prescribed are fixed on the basis of full-time service in full-time positions unless otherwise designated.

(B) The rate of pay prescribed shall be deemed to include pay in every form, except for necessary expenses authorized and incurred incident to employment, or except as herein provided.

(C) Upon progress and productivity, employees may be considered for increase from one (1) step in the pay range to the next step in the pay range according to the following plan:

(1) The Numbers 1, 2, 3, 4 and 5, respectively, denote the various steps in the pay range.

(2) Step "1" shall be paid upon initial employment except when a higher step in a pay range is authorized under Section 3.04.060(C), of this Chapter.

(3) Step "2" may be authorized upon satisfactory completion of twenty-six (26) pay periods (two thousand and eighty (2,080) hours) of employment at Step "1."

(4) At the satisfactory completion of twenty-six (26) pay periods (two thousand and eighty (2,080) hours) in Step "2," employees may be considered for increase to Step "3."

(5) At the satisfactory completion of twenty-six (26) pay periods (two thousand and eighty (2,080) hours) of service in Step "3," employees may be considered for increase to Step "4."

(6) At the satisfactory completion of twenty-six (26) pay periods (two thousand and eighty (2,080) hours) of service at Step "4," employees may be considered for increase to Step "5."

(7) An employee who has been laid off from County service because a position is abolished, or because of a lack of work or lack of funds, and who is re-employed in the same classification within the period provided for restoration or re-employment, shall return at the same step (1, 2, 3, 4 or 5) held as of the date of lay-off. Upon returning from lay-off, the employee shall receive credit for pay periods of service rendered prior to the lay-off in accumulating the total number of pay periods of employment required for advancement to the next step in the salary range. An employee who returns from lay-off to a classification with a pay range lower or higher than the range for the classification from which laid off shall receive a rate of pay as provided in Section 3.04.140.

(8) No advance in pay shall be automatic upon completion of the periods of service outlined hereinabove, and all increases shall be made only upon the written approval of the appointing authority which approval must be submitted to the Human Resources Department not later than ten (10) days after the proposed effective date. If the increase does not become effective on the proposed effective date due to a clerical error in pro-

cessing the approval, or if the appointing authority due to an oversight, fails to initiate a request for an advance in pay for which an employee may be otherwise eligible, these facts shall be reported to the Human Resources Department within forty-five (45) days thereafter, and the proposed increase shall be made effective as of the proposed effective date upon concurrence of the department head. Increase in pay shall be withheld in cases of inferior work, lack of application, or indifferent attitude, and the employee shall be notified within ten (10) days of the day on which the employee was eligible for a merit increase. The pay of any employee may be reduced to a lower step within the pay range established upon the recommendation of the department head and approval of the Board of Supervisors in cases where the quality and manner of performance of services do not justify the pay being received.

(D) In special cases of extraordinary merit, an appointing authority may recommend for an employee a special increase of one (1) or two (2) steps in the pay range assigned to the classification. To be eligible for a special increase, such employee must have been employed at least sixty (60) days in his or her current classification and in a department that has an on-going performance evaluation program in effect. Such recommendation by the appointing authority shall be expressed in a memorandum addressed to the Chief Executive Officer detailing the justification for the recommended increase and the memorandum shall be accompanied by the standard County "Employee Performance Report" and a "Special Request" form. Effective July 1, 1981, to be eligible employees must have had at least two (2) "standard" or better evaluations completed on the standard "Employee Performance Report." A special increase approved by the Chief Executive Officer shall become effective on the first day of the pay period following the date on which the Chief Executive Officer grants approval.

(E) Where a pay range for a given class or for several classes is revised upward or downward, the

incumbents of positions in classes affected shall have their existing pay adjusted to the same relative step in the new pay range.

(F) For purposes of calculating anniversary dates to determine eligibility for pay step increases, all persons employed by the County upon the effective date of this Chapter (September, 1956) shall have the anniversary date of July 1st. Employees hired before July 1, 1975, shall retain as their anniversary date the effective date of employment or promotion in the County service if it coincides with the first day of one (1) of the biweekly pay periods. If this anniversary date does not coincide with the start of a biweekly pay period, then the employee shall be given an anniversary date that coincides with the start of a pay period which is closest to the effective date of employment or promotion in the County service. Employees commencing work or being promoted on or after July 1, 1975, shall have as a merit pay step anniversary date the effective date of his employment or promotion if it coincides with the first working day of the biweekly pay period otherwise completion of the required twenty-six (26) pay periods as heretofore stipulated in subsection (C) of this Section, supra, calculated from the first working day of a biweekly pay period occurring next after the effective date of employment or promotion.

(G) Whenever the effect of reclassification is to reduce the pay of an incumbent, the Chief Executive Officer may direct that a capital "Y" be set opposite the reclassified position on all payroll and other personnel records. Whenever a capital "Y" is set opposite a position, the incumbent shall continue to receive his previously authorized pay until termination of his employment in the position or until a higher rate of pay may be authorized whichever first occurs.  
(Ord. No. 4340, 7-7-2015)

**Sec. 3.04.090 Initial Adjustments to Compensation Plan.**

(A) From and after the date this Title becomes effective (September, 1956) each employee

in the County service shall be paid the salary or compensation for services rendered on behalf of the County in accordance with the pay range prescribed for the class of positions to which his position is allocated.

(B) Upon the taking effect of this Title (September, 1956), all employees in the classified service shall be assigned to a step in the pay range to which their classification is assigned which is next higher in dollar amount above their current salaries.

(C) Upon the taking effect of this Title (September, 1956), all employees presently receiving a salary or rate of pay in excess of the maximum step of the new pay range for his class shall continue to receive such salary or rate of pay while employed in that class. Each salary paid under this provision shall be identified on the County payroll and on all other personnel and financial records wherein it appears by a capital "Y" following the salary rate. Any employee appointed to the position and class in the future shall be paid with the established rate.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.04.100 Hours of Work.**

(A) All County employment is based on a forty (40) hour week, or such other number of hours as the Board of Supervisors may designate by resolution. The County work week for all departments shall be computed from 0001 hours Sunday through 2400 hours the following Saturday (i.e., midnight Saturday through midnight Saturday) for pay purposes; provided, however, that the work week for any department may be changed to a different work week by resolution of the Board of Supervisors.

(B) All employees are allowed fifteen (15) minute rest periods for each period of work of four (4) consecutive hours. This period shall be considered as time worked. This provision shall not apply when the public good mandates that employees must work in emergency situations.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.04.110 Part-Time or "Extra Help" Positions.**

(A) "Part-time" service shall consist of a daily work schedule of less than eight (8) hours or a weekly work schedule of less than forty (40) hours. If the Board of Supervisors has by resolution designated a standard work day of less than eight (8) hours a day or a standard work week of less than forty (40) hours a week, "part-time" service shall consist of a daily work schedule of less than the standard number of hours per day or weekly work schedule which is less than the standard number of hours per week. "Extra-help" service shall consist of employment in service for a limited period of time. The compensation for "part-time" or "extra-help" service shall be the hourly rate corresponding to step "1" of the salary range for the appropriate class. In cases where the employee has previous experience, the Chief Executive Officer is authorized to approve an hourly rate equal to step "2", "3", "4", or "5" of the appropriate pay range. (B) Each part-time employee whose position is budgeted and allocated at a fixed percentage of full-time work shall be paid bi-weekly which shall be the same percentage of the regular full-time work. Such employees will be entitled to receive the various steps of the pay range, as provided in Section 3.04.080 of this Chapter.

(C) The Human Resources Director shall submit his or her recommendation to the Chief Executive Officer regarding the appropriate class for part-time or "extra help" positions.

(D) When a part-time or "extra help" employee, as defined in subsection (A) of this Section, has completed service equivalent to the length of service required for each pay step in Section 3.04.080 of this Chapter, the appointing authority may recommend said employee for a pay increase. With his recommendation, the appointing authority shall submit a certificate showing the number of hours of service that the employee has worked to be eligible for the pay increase.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.04.120 Additional Compensation.**

Appointment as Acting Department Head. When a vacancy as department head exists due to

death, resignation, retirement or incapacity, and the Board of Supervisors makes an appointment of an acting department head, the person so appointed shall receive a one (1) step increase or equivalent thereto in his existing salary. If it is known that such an appointment as acting department head will be of six (6) months, or longer duration, then the appointee shall receive an additional one (1) step increase or equivalent thereto in his existing salary. This increase shall continue during the term of his appointment as acting department head. During this appointment if the appointee is eligible for a merit salary increase as provided in Section 3.04.080 of this Title, he may receive such salary increase and additionally shall receive the aforementioned increase or equivalent thereto.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.04.130 Reimbursable Services.**

(A) **Meals.** Except as provided for kitchen employees, employees shall reimburse the County for meals provided on the basis of a rate schedule; provided, however, counselors at Juvenile Hall who are required to work a straight eight (8) hour shift may be allowed, at their option, a meal when obligated to eat with the juveniles, provided, however, that the allowed meal shall be the same as that of the juveniles.

(1) For employees working in the classification of Communications Dispatcher and employees working in classifications assigned to the Law Enforcement Unit and who are employed in the County Jail and/or Rehabilitation Center and who are unable to leave their posts for the mid-shift meal, the County shall furnish a meal. In such cases, a meal shall be provided for each eight (8) hour shift and the meal shall be the same as that provided to inmates. The employee shall also be provided with a reasonable time for a meal period.

(B) **Rent.** The housing provided County employees shall be charged for on the basis of reasonable value of such housing in each instance.

(Ord. No. 4340, 7-7-2015)



**Sec. 3.04.140 Applicable Pay Rates Following Promotion, Demotion or Transfer.**

(A) (1) In the case of the promotion of any employee to a position in a class with a higher pay range, such employee shall be entitled to receive the first step of the new range or a step in the new range or a step in the new range that is equal to one (1) step higher than the salary he was receiving prior to promotion, whichever is greater. If an amount equal to a one (1) step increase in the employee's pay range prior to promotion does not appear in the new range, then the employee will receive the step in the new range next above what would normally be a one (1) step increase in the employee's former range. If an increase equal to one (1) step should exceed the last step of the new range, he shall be promoted to the last step of the new range. In all cases, a new anniversary date shall be established for purposes of eligibility for future step increases as provided in Section 3.04.080(E), *supra*.

(2) The Chief Executive Officer may authorize placement of a promotional employee to a step higher than allowed by Section 3.04.140 when, in special cases, the employee possesses extraordinary qualifications for the position and is found that extraordinary circumstances exist in filling the position which is required to meet the public interest and need. Such placement shall be allowed up to Step "4."

(B) In the case of the demotion of any employee in the County service to a class with a lower pay range, the following shall apply:

(1) Probationary. An employee who, during his probationary period, is demoted to a class which he formerly occupied in good standing during his current period of continuous employment shall have his salary reduced to the salary (including merit increases) he would have received if he had remained in the lower class throughout his period in the higher class.

(2) Involuntary. An employee who, after his probationary period, is demoted involuntarily to a position in a class which is allocated to a lower salary range than the class from which he is de-

motored, shall have his salary reduced to the salary in the range for the new class which is next lower than the salary he was receiving before demotion; the anniversary date of such employee after demotion shall remain the same as before demotion.

(3) Voluntary. An employee who, after his probationary period requests and is demoted on a voluntary basis to a position in a class which is allocated to a lower salary range than the class from which he is demoted shall have his salary reduced to the salary in the range for the new class which is next lower than the salary he was receiving before the voluntary demotion; the anniversary date of such employee, after the voluntary demotion, shall remain the same as before the demotion.

(C) In the case of the transfer of any employee from one (1) position to another in the same class, or to another class to which the same pay range is applicable, the employee shall remain at the same pay step and shall retain his original anniversary date.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.04.150 Vacation Leave with Pay.**

**(A) Full-Time Employees.**

(1) Every permanent full-time employee of the County of Mendocino so employed, shall be credited with forty (40) hours of accrued vacation upon the completion of thirteen (13) bi-weekly pay periods of service. Thereafter, vacation shall accrue at the rate of 3.079 hours per pay period of service until the employee has completed (3) years of service; thereafter, vacation shall accrue at the rate of 4.616 hours every pay period until the employee has completed eight (8) years of service; thereafter, vacation shall accrue at the rate of 6.157 hours per pay period until the employee has completed fifteen (15) years of service; thereafter, vacation shall accrue at the rate of 7.694 hours per pay period.

**(B) Part-Time Employees.** Every part-time employee holding a budgeted position which is compensated at a bi-weekly rate and who is employed a minimum of twenty (20) hours per week, shall

receive a portion of the vacation benefits as set forth in subsections (A)(1) and (D)(1) of this Section in direct relation to the fixed percentage of full-time work to which the position is budgeted and allocated.

(C) **Years of Service.** Each year of service shall consist of twenty-six (26) bi-weekly pay periods as calculated from the first day of the pay period following the day on which the employee commenced County service, unless said service commenced on the first working day of the pay period, in which case, years of service shall be calculated from the day that the employee commenced County service. Paid sick leave, paid military leave, or other forms of leave with pay shall be counted in years of service. Any employee absent from his duties without pay for more than two (2) working days in a pay period shall neither accrue vacation leave for that pay period nor have that pay period counted toward a year of service.

(D) **Vacation Accrual.**

(1) An employee who has worked three (3) years, or less, may accrue up to two hundred forty (240) hours of vacation; an employee who has worked fifteen (15) years, or less, may accrue up to three hundred twenty (320) hours of vacation; thereafter, an employee may accrue up to four hundred (400) hours.

(2) When an employee who is receiving paid sick leave reaches the maximum number of accrued vacation hours set forth in subsection (D)(1) and this subsection, supra, during the period of such paid sick leave, the accrual limits shall be waived and the employee shall continue to accrue vacation at the normal rate. The waiver of the normal accrual limits, shall not become effective until the employee has filed with the Human Resources Department a valid statement from his or her physician stated that he or she cannot return to work. The waiver of the stated vacation accrual limits shall continue for thirteen (13) periods, if necessary, after the pay period in which the employee returns to work. During the waiver period the employee will use enough vacation so that the balance of accrued vacation will not exceed the

limits stated in subsection (D)(1) and this subsection, supra. Any such excess vacation accrual not used shall be forfeit, and removed from the employee's record, with no compensation being made for the employee. After the stated period of thirteen (13) pay periods, the vacation accrual limits will again be effective for that employee.

(3) When an employee terminates, the accrual of vacation shall cease as of the last day of work except when an employee is on paid sick leave. If an employee should be on paid sick leave, the accrual of paid vacation shall continue until paid sick leave has been exhausted.

(4) All former County employees who are re-employed by the County within ninety (90) days of having voluntarily terminated County employment shall be entitled to accrue vacation benefits at the same rate that he or she accrued benefits prior to their voluntary termination.

(5) An employee who has been laid off from County service because a position is abolished, or because of a lack of work or lack of funds, and who is re-employed within the period provided for restoration or re-employment, shall accrue vacation benefits at the same rate that he or she accrued benefits prior to the date of lay-off. Continuous County service immediately prior to the date of lay-off shall be added to future service after re-employment for purposes of calculating years of service, pursuant to this Section.

(E) **Compensation In Lieu of Unused Vacation Leave for Extreme Emergencies.** Except as hereafter provided, every effort shall be made to arrange vacation schedules so that each employee will take as much vacation in each year as accrued to him in that year. In exceptional circumstances, such as cases of extreme emergency, compensation in lieu of unused vacation leave, not to exceed the equivalent of eighty (80) hours, may be paid to an employee upon approval of the Chief Executive Officer provided that the employee consents and the department head submits a request to said Chief Executive Officer. "Extreme Emergency" is defined as severe financial hardship to the employee resulting from a sudden and unexpected

illness or accident of the employee or of his or her dependent; loss of the employee's property due to casualty, or other similar extraordinary and unforeseeable circumstances arising as a result of the events beyond the control of the employee. The amount of compensation paid to an employee shall be calculated at his current rate.

(F) **Vacation Scheduling.** The scheduling of vacations for employees shall be the responsibility of each department head who shall see that applications for vacation are made far enough in advance so as to achieve the most efficient functioning of his department and of the County service. Vacations may be allowed to a minimum of one (1) hour and to a maximum of the employee's accrual. The taking of split vacations, however, shall be discouraged except in cases where public service may be seriously impaired. Vacation leave accruing during the period of vacation may be taken in that time. No employee shall work for compensation for the County in any capacity during the period of his paid vacation from the County service.

(G) **Vacation Termination Pay.** Any employee after thirteen (13) pay periods of part-time service of twenty (20) hours or more per week in a regular allocated position or after thirteen (13) bi-weekly pay periods of full-time regular service shall be paid upon termination an amount of money equal to his or her accrued vacation. When an employee's effective date of termination occurs after the completion of one (1) full week in a given pay period, he or she shall be deemed to have accrued vacation leave for that pay period. A terminating employee may not be re-employed by the County for compensation in any capacity until the total number of working days of accrued vacation have elapsed. This Section shall not prevent a department head from filling a vacated position immediately following the effective date of the employee's separation from his or her department, provided funds are available.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.04.153 Vacation Leave with Pay in the Event of a Reduced Work Week.**

If the Board of Supervisors, by resolution, designates a standard work week of less than forty (40) hours per week, vacation credits granted pursuant to Section 3.04.150 of the Mendocino County Code shall be computed by reducing the number of vacation leave hours granted according to the percentage of reduction in the work week. (For example, should the standard work week be reduced to thirty (30) hours, then vacation leave granted will be computed seventy-five percent (75%) of those hours set forth in Mendocino County Code Section 3.04.150).

(Ord. No. 4340, 7-7-2015)

**Sec. 3.04.160 Sick Leave with Pay.**

(A) Each regular full-time employee of the County of Mendocino shall be entitled to have accrued to his or her credit for future use 4.616 hours of paid sick leave per pay period, and every part-time employee holding a budgeted position who is paid at a bi-weekly rate of pay and who is employed a minimum of twenty (20) hours a week shall have accrued to his or her credit a portion of the sick leave benefits in direct relation to the fixed percentage of full-time work to which the position is budgeted and allocated. Such accrual of paid sick leave may be accumulated without limit. Benefits provided for in this Section are conferred as a privilege and not as a right of the employee. In no case shall cash settlement be made in lieu of accumulated sick leave nor shall any such leave be granted except during the applicant's employment with the County. Effective July 1, 2015, part-time employees who are employed less than twenty (20) hours per week, and extra-help employees, if otherwise eligible, shall receive paid sick leave in accordance with applicable state or federal regulations.

(B) Each pay period of service shall be calculated from the first day of the pay period following the day on which the employee commenced County service unless such service commenced on the first working day of the pay period, in which case

bi-weekly pay period of service shall be calculated from the day that the employee commenced County service. Paid vacation leave, paid military leave, and other forms of leave with pay shall be counted in pay periods of service. A permanent full-time employee who is granted a leave without pay, who is absent without leave, or who is suspended without pay more than sixteen (16) hours in a pay period shall accrue paid vacation, sick leave, service credits, and other benefits during any pay period of such leave, absence, or suspension only for those hours in pay status. This provision shall be applied pro rata for permanent part-time employees.

(C) **Conditions for Allowance.** Sick leave with pay may be granted only for bona fide illness or injury, exposure to contagious disease, or dental, eye or other physical, psychiatric or medical examination or treatment by a licensed practitioner. Leave provided for in this Section is not to be used as a substitute for, or supplement to, vacations, holidays and days off. Such use by an employee shall be a ground for his discharge from County employment. Claims for sick leave shall be allowed only subject to the following conditions:

(1) The applicant must notify his direct superior at the first reasonable opportunity of his illness.

(2) If more than three (3) consecutive days of sick leave are claimed, the applicant must submit a statement from his physician to support his claim.

(3) If claim is made for sick leave for any day of the week, the applicant may be required by his department head to submit a statement from his physician to support his claim. Said requirement must be communicated to said employee within three (3) days after said employee's return to work. If a physician's statement is required and the employee does not submit it to the department head within one (1) week after requested to do so, the department head shall notify the County Auditor and the Human Resources Director for the purpose of having said employee's pay withheld for said day or days. The County Auditor shall withhold said pay accordingly.

(4) Absences from work due to medical, vision, or dental appointments may be charged to sick leave or CTO, at the employee's option. Such usage shall require the prior approval of the department head.

(D) **Denial of Application.** If an application for sick leave is denied, the subject absence shall be deemed to be leave without pay.

(E) **On-the-Job Injury.** An employee who is entitled to any temporary disability indemnity due to an injury or illness arising out of and in the course of his employment, and such injury is covered under the Workmen's Compensation provisions of the Labor Code, shall use as much of his accumulated sick leave as, when added to his disability indemnity, will result in a payment to him of his full salary.

(F) **Sick Leave upon Layoff.** An employee who is laid off because a position is abolished, or because of a lack of work or lack of funds, shall not accrue sick leave during the period of layoff. All accumulated sick leave shall be held for the employee's credit should he or she return to work during the period provided for restoration or lay-off re-employment.

(G) **Salary Continuance During Long Term Disability.** Employees working in a classification that is assigned to the Management unit and Department Head unit who are absent from work due to illness or injury and who have exhausted all of their sick leave and vacation benefits shall be eligible to receive one hundred percent (100%) salary for the first two (2) months after the paid leave has been exhausted; if still unable to work, the employee shall then receive seventy-five percent (75%) of full salary for a two (2) month period; and then if still disabled, shall receive fifty percent (50%) of salary for another two (2) month period. The County shall as a condition for receiving this benefit, require a doctor's certificate that the employee can reasonably be expected to recover sufficiently to return to work.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.04.163 Reduction in Sick Leave with Pay.**

Should the Mendocino County Board of Supervisors establish a standard work week of less



than forty (40) hours, the sick leave granted pursuant to Mendocino County Code Section 3.04.160 shall be reduced according to the ratio of the reduced work week to forty (40) hours. (For example, should the standard work week be reduced to thirty (30) hours, then employees would receive sick leave of seventy-five percent (75%) of the number of hours provided for in Mendocino County Code Section 3.04.160).

(Ord. No. 4340, 7-7-2015)

**Sec. 3.04.170 Court Leave.**

(A) **Jury Duty.** Any employee summoned for jury duty shall be entitled to leave of absence with full pay for such period of time as he or she may be required to attend the court in response to such summons. The employee may retain only such payment as may be allowed him for travel, lodging, and meal expenses, but, only where jurors who are not County employees are allowed such expenses. As a condition for entitlement to court leave, he or she shall waive the receipt of any and all fees which he or she may have been entitled to receive as payment for his or her services as a juror other than travel, lodging, and meal expenses as above described.

(B) **Appearance Regarding County Duties.** Whenever a regular employee is subpoenaed to appear in court for any reason pertaining to his or her regular County duties, he or she shall receive his or her regular County salary for such court appearance. Such court appearance shall be counted as hours worked by him or her and as part of his or her regular work week. Such employee shall make payable to the County any fee which he or she receives for serving as a witness, together with all allowances paid him or her for travel, meals, and lodging.

(C) **Appearance for Non-County Reasons.** Whenever a regular employee is subpoenaed to appear in court for a matter or reason not pertaining to his or her regular County duties, such appearance shall not be considered a part of his or her regular work week, and such employee shall not receive any County pay. Such employee shall,

however, be entitled to retain any fee paid to him or her for service as a witness, together with all allowances paid him or her for travel, meals, and lodging.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.04.180 Bereavement Leave.**

When a regular full-time or regular part-time employee is compelled to be absent from duty by reason of the death of his or her spouse, child, parent, brother, sister, grandparent or spouse's parent, he or she shall be entitled to be absent with pay chargeable to sick leave for not more than five (5) working days for each instance. Should the employee not have sufficient sick leave accrued, this absence may be charged to accrued vacation leave, compensating time off, or be considered leave without pay.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.04.190 Holidays.**

(A) The following are established as paid holidays within the meaning of this Chapter. All employees occupying a regular full time or regular part-time position shall receive their regular pay for these holidays.

January 1	New Year's Day
Third Monday in January	Martin Luther King Day
3rd Monday in February	Washington's Birthday
Last Monday in May	Memorial Day
July 4	Independence Day
1st Monday in September	Labor Day
2nd Monday in October	Columbus Day
November 11	Veterans' Day
Last Thursday in November	Thanksgiving Day
Day following Thanksgiving Day	
December 25	Christmas Day

Any additional days designated by the President or the Governor of the State of California and formally recognized by the Board of Supervisors as a holiday, day of Thanksgiving, or of public mourning.

(B) When a holiday listed herein falls on a Sunday, the Monday following shall be designated as a paid holiday in lieu thereof. When a holiday listed herein falls on a Saturday, the preceding Friday shall be designated as a paid holiday in lieu thereof.

(C) **Working on a Holiday.** A regular full-time employee who is required to and does work on a paid holiday or whose regular day off falls on a paid holiday shall, in addition to regular holiday pay, be paid or granted compensatory time off, as specified in Section 3.04.200 of this Chapter. A part-time employee occupying a regularly budgeted part-time position and who is paid at a bi-weekly rate of pay shall continue to receive his or her regular pay for the designated holiday. If required to work on a holiday, the provisions of Section 3.04.200, *infra*, shall be applied in direct relation to the total work week of the regular part-time position. This subsection shall not be applicable to those officers and employees designated in Section 3.04.200(G), *infra*.

(Ord. No. 4340, 7-7-2015)

### Sec. 3.04.200 Overtime.

(A) All County employment is based on a forty (40) hour work week. A work week shall be defined as a period of forty (40) hours worked in any calendar week. Paid vacation, sick, court or bereavement leave, and paid holidays, as defined in this Section, shall be computed as time worked.

(B) It is the policy of Mendocino County to avoid the necessity for overtime work whenever possible. When overtime work beyond the forty (40) hour week or normal work day is necessary to provide County service, such overtime calculated

to the nearest one-half ( $\frac{1}{2}$ ) hour of time worked, shall be compensated for under one (1) of the following provisions:

(1) **Paid Overtime.** Paid overtime shall be compensated at the rate of one and one-half ( $1\frac{1}{2}$ ) times the hourly equivalent of the employee's regular salary; or

(2) **Compensatory Time Off.** Compensatory time off, computed at the rate of one and one-half ( $1\frac{1}{2}$ ) times the hours worked, may be accumulated to a maximum of forty-eight (48) hours. Any overtime worked in excess of the accumulation shall be paid overtime.

At the time such overtime work is required, the employee shall be advised whether overtime work shall be paid or compensatory time off granted. Accumulated compensatory time off may be taken by an employee as time off with pay upon the request of the employee and approval of the appointing authority. Upon termination of employment for any reason, all accumulated compensatory time off shall be paid. All accumulated compensatory time off earned but not taken as time off with pay in the first six (6) months of a calendar year shall be paid in the last pay period of June or continued as accumulated compensatory time off at the election of the employee. However, all accumulated compensatory time off earned by employees in the Law Enforcement Unit, but not taken as time off with pay in the first six (6) months of a calendar year shall be continued as accumulated compensatory time off.

All accumulated compensatory time off earned but not taken as time off with pay in the last six (6) months of a calendar year, together with any accumulated compensatory time off continued but not taken from the first six (6) months, shall be paid in the last pay period of December of that calendar year. However, such accumulated compensatory time off earned by Law Enforcement Unit employees shall be continued as accumulated time off.

Employees in the Law Enforcement Unit shall have the option to request cash payment for compensatory time off that has accrued in each quar-

ter of a calendar year. If payment is requested it shall be paid in the last pay period of each quarter. If payment is not requested, the compensatory time off shall continue to accumulate.

(3) The maximum of accumulated compensatory time off for employees who are employed in a classification that has been placed in one (1) of the following representative units, Clerical, Fiscal and Administrative, or General Services, or Human Services, shall be forty-eight (48) hours in place of the twenty-four (24) hours shown in Subsection (B)(2), supra.

(C) **Working on a Holiday.** In addition to regular holiday pay, a regular full time or regular part-time employee who is required to work on a holiday shall be paid at a rate of one and one-half (1½) times his or her normal rate of pay for holiday hours worked or shall be granted compensatory time off at a rate of one and one-half (1½) hour for every holiday hour worked.

(D) **Working on a Regular Day Off.** A regular full-time employee who is required to work on his regularly scheduled day off shall be paid or granted compensatory time off at a rate of one and one-half (1½) for all hours worked on such day.

(E) The time one and one-half (1½) rate is the maximum allowed by this Chapter and not cumulative when the above situations are concurrent.

(F) The following officers and employees shall not receive payment for overtime nor for accumulated compensatory time off.

(1) Elected officials, County officers, and appointed department heads.

(2) Other management or supervisory positions as designated by the Board of Supervisors in an appropriate resolution. Provided, however, that such officers and employees may be granted compensatory time off. Provided, further, in cases of emergency and when the public interest requires, the Board of Supervisors may authorize by a four-fifths (4/5) vote and for a period not to exceed ninety (90) days the payment of overtime to management employees indicated in subsection (B)(2) of this Section.

(Ord. No. 4340, 7-7-2015)

#### **Sec. 3.04.210 Personnel Records.**

The Human Resources Director is directed to maintain such employee records as are necessary to the accomplishment of the various provisions of this Title. These records shall include a central roster of employees and positions which is to include the record of employment of each employee in the classified service, including dates of service, positions held, salaries or wages received, vacation, sick leave earned and taken, and other such information as may be deemed appropriate.

(Ord. No. 4340, 7-7-2015)

#### **Sec. 3.04.220 Annual Publication of Salary Range.**

On or about October 1st of each year, the Human Resources Director shall cause to be published on the County website, the pay range for each classification in the classified service.

(Ord. No. 4340, 7-7-2015)



property damage, personal injury or loss of life, must also be reported to the DMV within ten (10) days of the incident. It is the driver's responsibility to report the incident to the DMV.

(C) Drivers involved in any collision or incident in a County vehicle, or a privately owned vehicle being used on County business, shall make a complete report of such collision or incident to the County Risk Manager within one (1) business day. If the driver is unable to make the report because of injury or other incapacity, the appropriate supervisor or manager shall submit a report.

(D) Collision/incident reports shall contain information on other vehicles, drivers, property involved, witnesses, weather conditions, road conditions, and any other pertinent information regarding such collision. Collision/incident report forms are located in the glove compartment on all County vehicles or at the County Garage.

(Ord. No. 4236, 4-20-2010)

**Sec. 3.12.080. State of Emergency.**

When the County has declared a state of emergency, and an employee, at the determination of his/her department head, is likely to be required to respond directly to a site other than the employee's normal place of employment, and such response is of an emergency nature, the department head may authorize County vehicle use outside regular working hours and/or work-to-home/home-to-work use for the employee without prior approval of the Board of Supervisors.

(Ord. No. 4236, 4-20-2010)

**Sec. 3.12.090. Night and Weekend Storage.**

(1) Except as permitted under the preceding sections, all County vehicles shall be stored nights and weekends on County premises, at the County Garage, unless otherwise authorized by the County Garage Manager.

(2) All County vehicles shall be locked and keys shall not be left in cars under any circumstances.

(Ord. No. 4236, 4-20-2010)

**Sec. 3.12.100. Penalties.**

Failure to comply with this Chapter may result in disciplinary action, up to and including termination. It is up to the discretion of the department head to take appropriate corrective action."

(Ord. No. 4236, 4-20-2010)

## CHAPTER 3.16

### CIVIL SERVICE\*

#### Sec. 3.16.010 Adoption of Civil Service System.

Pursuant to 31100—31113, inclusive, of the Government Code of the State of California, there is hereby adopted a Civil Service System for the County of Mendocino, said system to be administered as hereinafter set forth. This Civil Service System shall operate as a merit-based system with governing principles which include recruiting, selecting and promoting employees on the basis of their ability; providing equitable and adequate compensation; training employees as needed; retaining employees on the basis of the adequacy of their performance; ensuring non-discrimination and fair treatment in all personnel operations; and ensuring employees are protected against coercion for partisan political purposes.

(Ord. No. 4340, 7-7-2015)

#### Sec. 3.16.020 Terms of Commissioners.

There is hereby created a Civil Service Commission consisting of five (5) members, one (1) from each Supervisorial District, who shall be appointed by the Board of Supervisors of the County of Mendocino. Each member appointed by the Board of Supervisors to the Civil Service Commission shall serve for a period of four (4) years and until his successor is appointed and

\*Editor's note—Ord. No. 4340, adopted July 7, 2015, amended ch. 3.16, §§ 3.16.010—3.16.220, in its entirety. Former ch. 3.16 pertain to similar subject matter, and was derived from Res. No. 66-120, adopted 1966; Ord. No. 437, adopted 1962; Res. No. 69-195, adopted 1969; Ord. No. 3240, adopted 1970; Ord. No. 748, adopted 1971; Ord. No. 1169, adopted 1973; Ord. No. 1611, adopted 1975; Ord. No. 2052, adopted 1975; Ord. No. 1613, adopted 1976; Ord. No. 1834, adopted 1976; Ord. No. 1861, adopted 1977; Ord. No. 3051, adopted 1978; Ord. No. 3066, adopted 1978; Ord. No. 3280, adopted 1979; Special Election on June 3, 1980; Ord. No. 3355, adopted 1981; Ord. No. 3361, adopted 1981; Ord. No. 3393, adopted 1982; Ord. No. 3404, adopted 1982; Ord. No. 3416, adopted 1983; Ord. No. 3440, adopted 1983; Ord. No. 3483, adopted 1984; Ord. No. 3508, adopted 1984; Ord. No. 3539, adopted 1985; Ord. No. 3614, adopted 1986; Ord. No. 3735, adopted 1990; Ord. No. 3777, adopted 1991; Ord. No. 4110, § 3, adopted 2003; Ord. No. 4131 § 2, adopted 2004; Ord. No. 4132, adopted 2004 and Ord. No. 4192 (part), adopted 2007.

qualified; provided, however, that the terms of office of two (2) members of the first Civil Service Commission shall be for one (1) year and the terms of office of the remaining three (3) members shall be for two (2), and three (3), and four (4) years, respectively; or until their successors are appointed and qualified. The members first appointed shall determine by agreement the relative order of the expiration of their terms of office.

(Ord. No. 4340, 7-7-2015)

#### Sec. 3.16.030 Qualifications of Commissioners.

The members of the Mendocino County Civil Service Commission shall be selected from among the qualified electors of the County of Mendocino and shall not have held any county office or position or shall not have been an officer of any political party within one (1) year prior to their appointment. In the event any vacancies occur during the term of office of any appointee, the Board of Supervisors shall fill such vacancy by appointment and such appointee shall serve for the remainder of the member's unexpired term of office only.

(Ord. No. 4340, 7-7-2015)

#### Sec. 3.16.040 Removal of Commissioners.

The Board of Supervisors may for good cause after public hearing by a four-fifths ( $\frac{4}{5}$ ) vote of all its members remove any member of the Mendocino County Civil Service Commission during his term of office. There shall be no less than ten (10) days public notice of such hearing and said notice shall specify the name of the member and the cause of proposed removal.

(Ord. No. 4340, 7-7-2015)

#### Sec. 3.16.050 Duties of the Commission.

The Mendocino County Civil Service Commission shall perform the duties and exercise the powers provided for in this Chapter and no member of said Commission shall hold any other county office whatsoever during his tenure as a Commissioner.

(Ord. No. 4340, 7-7-2015)



**Sec. 3.16.060 Duty to Provide Funds.**

Within ninety (90) days after the adoption of the ordinance codified in this Chapter the Board of Supervisors shall appropriate the necessary funds for the administration of the Mendocino County Civil Service System and shall annually provide the necessary funds for such administration in the annual budget of the County of Mendocino for the fiscal years subsequent to such adoption. The Civil Service Commission shall recommend to the Board of Supervisors prior to each fiscal year the amount of funds, which, in the opinion of the Commission, is reasonably necessary and adequate to administer the Civil Service System for each County department.  
(Ord. No. 4340, 7-7-2015)

**Sec. 3.16.070 Organization and Meetings of Commission.**

The Mendocino County Civil Service Commission shall hold at least one (1) regular meeting each month and shall keep minutes of its meetings and such other records as are necessary to the administration of the Civil Service System. Additional meetings as may be required may be held from time to time upon the call of the President or Vice-President. No such meeting of the Commission shall be held unless at least three (3) of the members of the Commission are in attendance. The Commission shall make an annual report to the Board of Supervisors setting forth the nature of its activities throughout the calendar year and any recommendations it may have with respect to changes or modifications in County employment with respect to personnel matters. At its first meeting after the appointment of the members thereof, the Commission shall elect one (1) of its members President and another Vice-President to serve for each calendar year thereafter, at the first meeting of each calendar year a President and Vice-President shall be elected and shall hold office until successors have been elected and qualified.  
(Ord. No. 4340, 7-7-2015)

**Sec. 3.16.080 Compensation of Commission.**

Members of the Civil Service Commission shall receive compensation at the rate of not more

than Twenty Dollars (\$20) per member for each meeting attended, shall receive reasonable traveling expenses from their place of residence to the place of the meetings and return, and such other actual and necessary expenses incurred in the performance of their duties. No payment of traveling expenses shall be made for meetings of the Commission held outside the County unless prior approval is given by the Board of Supervisors.  
(Ord. No. 4340, 7-7-2015)

**Sec. 3.16.090 Secretary of the Civil Service Commission.**

The Board of Supervisors hereby designates the Director of Human Resources to act as the Secretary of the Civil Service Commission to perform the duties prescribed by the Commission.  
(Ord. No. 4340, 7-7-2015)

**Sec. 3.16.100 Designation of Employees Covered.**

The provisions of this Chapter shall apply to and the County Civil Service shall include every officer and employee of the County except that officers and employees within the following categories will be excluded from Sections 3.16.010, 3.16.120, 3.16.130, 3.16.140, 3.16.150, 3.16.160 and 3.16.210:

(A) Elected officers, including but not limited to:

- (1) Assessor/Clerk Recorder,
- (2) Auditor-Controller,
- (3) District Attorney,
- (4) Sheriff-Coroner,
- (5) Treasurer/Tax Collector;

(B) All County officers whose terms and removal from office are governed by State statute specific to that office;

(C) All County officers and employees who are at-will and serve at the pleasure of the Board of Supervisors or the "Appointing Authority" as defined by Section 3.16.110, regardless of the bargaining unit to which their classification may be

assigned, including but not limited to, all Branch Managers within the Health and Human Services Agency;

(D) All persons serving without compensation;

(E) County Jail Inmates;

(F) All members of appointed boards and commissions;

(G) All appointed department heads, including but not limited to:

(1) Agricultural Commissioner/Sealer,

(2) Chief Probation Officer,

(3) Clerk of the Board of Supervisors,

(4) County Counsel,

(5) Director Child Support Services,

(6) Director of Museum,

(7) Farm Advisor,

(8) General Services Agency Director,

(9) Health and Human Services Agency Director,

(10) Human Resources Director,

(11) Director of Planning and Building,

(12) Public Defender,

(13) Director of Transportation;

(H) The following employees, regardless of bargaining unit, whose principal duties involve the practice of law and which classifications require membership in the California Bar Association:

(1) Chief Deputy County Counsel,

(2) Alternate Defender,

(3) Deputy County Counsel I-II-III-IV,

(4) Assistant District Attorney,

(5) Assistant Public Defender;

(I) All employees, regardless of bargaining unit, whose principal duties involve the practice of medicine and which classifications require licensure as a Medical Doctor (MD), including but not limited to:

(1) Psychiatrist,

(2) Public Health Officer;

(J) All unrepresented management employees including but not limited to:

(1) Chief Executive Officer,

(2) Assistant Chief Executive Officer;

(K) Mendocino County Air Pollution Control Officer;

(L) Water Agency General Manager;

(M) All employees covered under the California Administrative Code, (i.e., Merit Systems);

(N) The County Surveyor by reason that this position must report to the Board of Supervisors by law.

(Ord. No. 4340, 7-7-2015)

### **Sec. 3.16.110 Definition of "Appointing Authority."**

The appointing authority as that term is used in this Chapter shall be the appointed or elected head of the department in which the appointment is to be made.

(Ord. No. 4340, 7-7-2015)

### **Sec. 3.16.120 Rules—Contents of.**

The Civil Service Commission shall prescribe rules and regulations for the operation of the Civil Service System in accordance with 31113 of the Government Code of the State of California; and shall provide in such rules for the following:

(A) The classifications of all positions in the Civil Service System and the orderly periodic review of classifications;

(B) Establish minimum standards and qualifications for each classification;

(C) A public announcement of all examinations;

(D) Admittance to examinations of all applications that meet the minimum standards of qualifications;

(E) Open or promotional competitive examinations to test the relative fitness of applicants for positions in the classified service of the County;

(F) Promotional preference to those in the County Civil Service where consistent with the public interest;

(G) The establishment of eligible lists from competitive promotional and open examinations. Such lists shall remain in force for not less than six (6) months nor more than two (2) years to be determined by the Civil Service Commission;



(H) An extra credit of five percent (5%) of the total credits earned in any competitive open examination to all persons who shall have earned the minimum qualifying score and who shall have submitted proof of service in the United States Military Forces and honorable discharge or certificate of honorable act of service therefrom, and an additional five percent (5%) credit shall also be allowed on open examination to honorably discharged veterans with service disabilities;

(I) Certification of the eligible list to the appointing authority and appointment from the list whenever a position in the classified service is to be filled, provided that eligibles on promotional lists for any particular class shall be certified before eligibles on open lists. Each certification shall name the highest ranked standings on the eligible list for the position to be filled. The number of standings certified shall be no less than three (3) and no more than ten (10) as requested by the appointing authority. The appointing authority shall appoint from those so certified provided they are available; if any candidate on a certification waives or fails to respond to a certification to the appointing authority, additional names shall be certified to the extent that there are no less than three (3) available from which to appoint, unless the appointing authority elects to appoint from a certification of less than three (3) available eligible candidates;

(J) A normal probationary period for each class shall be twelve (12) months; subject to further provision that the Civil Service Commission may for good cause provide that the probationary period may be extended; during the probationary period the appointing authority may reject an appointee and the appointee shall have no right to a hearing on the issue of rejection; a rejected appointee shall be reinstated to the eligible list from which the appointment was made providing said list is still in existence; a rejected appointee who had permanent or probationary status in another class shall have the right to be immediately reinstated to his or her former permanent or probationary position held immediately prior to appointment to the class which rejected;

(K) Permanent status after completing of the probationary period subject to dismissal, suspension, or demotion for cause;

(L) Appointment to permanent or temporary positions on a provisional basis of persons who meet the minimum qualifications when there is no eligible list for the class, provided that such provisional appointments shall be terminated at the end of six (6) calendar months or within thirty (30) calendar days after certification of eligibles, whichever first occurs;

(M) Appointment to temporary or limited term positions or persons who meet the minimum qualifications provided, however, that acceptance or refusal to accept such appointment shall not bar an eligible from certification for permanent appointment; all employees now authorized by law to be employed in any County office for a portion of each year, or during certain seasons each year, who shall have been an employee of the County of Mendocino for two (2) successive seasons immediately prior to the time this Chapter takes effect shall be forthwith certified by the commission and shall be eligible for appointment to such seasonal positions without examination so long as they shall remain upon the certified or eligible list of commission;

(N) Appointments in emergencies or elections administered by the County Clerk without reference to eligible lists for periods not to exceed fifteen (15) calendar days, provided that each such appointment shall be reported in writing promptly to the Civil Service Commission stating specifically the situation that exists;

(O) Transfers, leave of absences, separation, and re-employment privileges;

(P) To establish rules and procedures for lay-off considering seniority and efficiency and for demotion to lower classes and for establishment of re-employment lists for the classes from which demoted or laid-off;

(Q) Open hearing on the adoption of rules and regulations and amendments thereto and other matters;

(R) Establish rules for sick leave and vacation and procedures for appeal from sick leave;

The Commission shall also perform additional powers and duties in relation to the operation of the Mendocino County Civil Service System as the Board of Supervisors may from time to time delegate to it.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.16.130 Dismissal, Suspension or Reduction.**

Any officer or employee in the classified civil service may be dismissed, suspended or reduced in rank or compensation by the appointing authority of the County after employment or promotion is complete by a written order, executed by such appointing authority, stating specifically the reasons for this action. The order shall be filed with the Director of Human Resources and a copy thereof shall be furnished to the person afflicted thereby. Such dismissal, suspension or reduction in rank or compensation shall be final unless such officer or employee files a reply in writing to such order with the Director of Human Resources and requests an appeal to the Civil Service Commission within ten (10) days after the receipt of the original order; appointing authority in a dismissal, demotion, or suspension may take the action effectively immediately.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.16.140 Appeals.**

If the employee affected by the order referred to in Section 3.16.130 hereof files a reply and request for appeal to the Civil Service Commission within the specified time, the Director of Human Resources shall forthwith transmit the order, reply and request for appeal to the Civil Service Commission for hearing. Within twenty (20) days from the filing of such appeal, the Commission or its referee shall hold a hearing which may be continued from time to time, and at the conclusion thereof either affirm, modify or revoke the order. The appellant may appear personally, produce evidence, be represented by counsel, and

have a public hearing if it is desired. If the Commission appoints a referee, a complete transcript shall be made and presented to the Commission.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.16.150 Hearing.**

At any hearing or investigation conducted by the Mendocino County Civil Service Commission or its referee, the Commission or its referee shall have the power of subpoena and may require the attendance of witnesses and the production thereby of books, records and other documents pertinent to the hearing and/or investigation. Each commissioner or referee shall have the power to administer oaths to witnesses. The Commission may employ a hearing officer or referee to act as the presiding officer at hearings and specify the rules of evidence in force. Any decision by the Commission shall specify a finding as to each ground and the finding and decision shall be certified to the appointing authority whose action was the subject of the hearing and be forthwith enforced and followed by him. If an order of suspension, dismissal or reduction in rank or compensation served upon an employee is reversed or modified by the Commission, such employee shall be restored to his previous position with all rights and privileges pertaining thereto except as the decision may affect the employee's status. The employee who is restored to his position shall be entitled to back salary less what he earned.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.16.160 Status of Current Employees.**

Every person employed by the County of Mendocino at the time of the operative date of the ordinance codified in this Chapter who was or has held an office of employment continuously for a period of six (6) months prior to such operative date shall be deemed to be appointed to such office and confirmed in such position until demoted, suspended, or dismissed in accordance with the terms of the ordinance codified in this Chapter. All persons under the scope and benefit of this Section shall finish out any probationary period

previously commenced, subject to the provisions hereof. The provisions of this Section shall not be applicable to those persons designated in Section 3.16.100(A) through (D).

(Ord. No. 4340, 7-7-2015)

**Sec. 3.16.170 Political Activity.**

(A) County officers and employees may not actively engage in political campaign activity during paid work hours.

(B) County officers and employees may not actively engage in political campaign activity on the premises of County offices.

(C) For purposes of this Section only, working hours mean the following:

(1) For employees, the hours during which the employee is supposed to be at work and not on leave of absence, paid time off or vacation.

(2) For elected officers other than County Supervisors, from 8:00 a.m. to 5:00 p.m. Monday through Friday except if the officer takes time off to engage in political activity.

(3) For County Supervisors, the time during which a Board of Supervisors' meeting is in session.

(D) For purposes of this Section, political campaign activities shall be defined as the following:

(1) Soliciting, receiving, collecting, handling, dispensing, or accounting for assessments, contributions;

(2) Soliciting voters in support of or in opposition to a particular candidate for public office or political party office; or

(3) Addressing, gathering in support of or in opposition to a particular candidate for public office or political party office.

(E) No County employee, elected or appointed, may use, directly or indirectly, any County funds or property in participating in any political campaign.

(F) An employee who seeks election to a County elective office in the County department in which the employee is employed, shall be granted, upon that employee's written request, an unpaid

leave of absence for all or any portion of the sixty (60) day period immediately preceding each election in which the employee is a candidate. The employee must submit a written request for unpaid leave pursuant to this Section sixty (60) days prior to the day that said leave is to commence.

(G) No County officer or employee shall participate in political activities while in uniform.

(H) Employees shall be protected from improper political influence or coercion and reprisal for the lawful disclosure of information in whistleblower situations such as reporting illegal and/or wasteful activities.

(I) If any of the above provisions of this Section are held to be invalid, it shall not affect the remaining sections thereof.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.16.180 Non-Discrimination.**

No person in the classified service of the County of Mendocino or seeking admission thereto shall be appointed, reduced or removed, or in any way favored or discriminated against because of race, color, religion, ancestry, national origin, age, sex, marital status, medical condition, disability, or any other consideration made unlawful by federal, state, or local law.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.16.190 Severability.**

If any section, subsection, clause or phrase of this Chapter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining sections of this Chapter. It is hereby declared that each section, subsection, clause or phrase of this Chapter would have been passed irrespective of the fact that any other portion of said ordinance might be declared unconstitutional. It is further provided that any other law or ordinances which affect the employees of Mendocino County are specifically maintained as governing law, except insofar as such other law conflicts either directly or indirectly with the ordinance herein.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.16.200 Amendment.**

This Chapter may be amended in either of the following ways, by:

(A) A vote of the people; or

(B) An ordinance initiated and adopted by the Board of Supervisors of Mendocino County by a favorable vote of not less than four-fifths ( $\frac{4}{5}$ ) of the members of the Board.

(Ord. No. 4340, 7-7-2015)

of Supervisors in the manner required by the law and complying in every respect with laws relating to the adoption and approval of such ordinances, notwithstanding any defect, irregularity, omission or ministerial error in the adoption or approval thereof.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.16.210 Status of Incumbent Upon  
Reclassification of Position.**

(A) When a person is reclassified from one (1) class to another class, any incumbent in such position shall continue in the position in the new class with the same probationary status as held in the former classification. If the reclassification results in a monetary change, an incumbent shall be placed at the salary step nearest the incumbent's current salary without a monetary loss.

(B) When a position is reclassified from one (1) class to more than one (1) class an alternate position, any incumbent in such position shall continue in the position, in the same class if the position is so classified, or in the classification in which the incumbent is currently performing based on the classification study. If the incumbent is performing at the journey level and is no longer on probation, a new probationary period is not required.

(C) When a position is abolished and replaced with a new position in a different class, any incumbent in such position may qualify for reassignment to the new position in the manner provided by these rules.

(D) Each classification action of the Commission shall be submitted to the Board of Supervisors and shall become effective upon approval by said Board.

(Ord. No. 4340, 7-7-2015)

**Sec. 3.16.220 Validation.**

All resolutions amending this Chapter are hereby validated and confirmed and shall have the full legal effect of ordinances adopted by the Board

## **CHAPTER 3.20**

### **TRANSFER OF STATE MENTAL HEALTH EMPLOYEES**

#### **Sec. 3.20.010 Status of Employee Upon Transfer.**

All persons holding State of California civil service positions in Mental Health Social Services, Department of Mental Health (Ukiah office) preceding the effective date of the assumption of this function by the County of Mendocino shall, on the effective date, be considered permanent employees of the County with waiver of medical examination and probationary period, and shall be allocated to County job classifications comparable to those in State service. (Ord. No. 3354, adopted 1981.)

#### **Sec. 3.20.020 Classification and Compensation of Employees Upon Transfer.**

Employees being transferred from State service who are receiving a salary at the top step of the State salary range for their classification shall be assigned to the top step in the salary range established for the comparable classification in County service. If the transfer to a County classification results in reclassification and assignment to a lower pay range, the Board of Supervisors may direct that the employee be "Y-rated" on payroll and personnel records, and that he/she continue to receive a salary at or nearest the authorized State salary in effect at the time of assumption of the State function. Such employee shall be "Y-rated" until termination of employment in the position or until a higher rate of pay may be authorized for the County classification, whichever occurs first. (Ord. No. 3354, adopted 1981.)

#### **Sec. 3.20.030 Credit for Prior State Service.**

State Mental Health employees brought into County service shall enter with credit for length of service going back to their most recent date of hire with the State. Such employees shall carry into County service their full sick leave balance and,

although entering with no vacation balance, shall accrue vacation at the schedule provided in Section 3.04.150 of this Ordinance. These employees shall be eligible to use vacation upon accrual of a balance. (Ord. No. 3354, adopted 1981.)



**CHAPTER 5.130****DELEGATING AUTHORITY TO INVEST TO  
TREASURER-TAX COLLECTOR****Sec. 5.130.010 Delegation of authority to invest  
for calendar year 2015.**

Pursuant to authority contained in Government Code Section 27000.1 and 53607 the Board of Supervisors hereby delegates to the Treasurer the authority to invest or reinvest the funds of the County and the funds of other depositors in the County Treasury pursuant to Government Code Sections 53600 to 53970 for the 2015 calendar year. Nothing in this section shall limit the Treasurer's authority pursuant to Government Code Sections 53635 or 53684. (Ord. No. 3924, 1996; Ord. No. 4009, 1998; Ord. No. 4034, 1999; Ord. No. 4055, 2000; Ord. No. 4069, 2001; Ord. No. 4085, 2002; Ord. No. 4107, 2003; Ord. No. 4122, 2004; Ord. No. 4142, 2005; Ord. No. 4167, 2006; Ord. No. 4180, 2007; Ord. No. 4198, 2008) (Ord. No. 4216, 1-27-2009; Ord. No. 4232, 1-26-2010; Ord. No. 4271, 1-25-2011; Ord. No. 4288, 1-24-2012; Ord. No. 4303, 1-22-2013; Ord. No. 4321, 1-21-2014; Ord. No. 4331, 1-20-2015)



## CHAPTER 5.140

### MENDOCINO COUNTY LODGING BUSINESS IMPROVEMENT DISTRICT\*

#### Sec. 5.140.020 Authority.

This Chapter is adopted pursuant to the "Parking and Business Improvement Area Law of 1989," being Section 36500 to 36551 of the California Streets and Highways Code and Resolution of Intention No. 06-062 adopted by the Board of Supervisors of the County of Mendocino on April 11, 2006, and entitled "A RESOLUTION OF THE COUNTY OF MENDOCINO DECLARING ITS INTENTION TO ESTABLISH A BUSINESS IMPROVEMENT DISTRICT WITHIN THE BOUNDARIES OF THE UNINCORPORATED PORTION OF THE COUNTY OF MENDOCINO AND THE INCORPORATED AREA OF THE CITY OF FORT BRAGG, THE CITY OF POINT ARENA, THE CITY OF UKIAH, AND THE CITY OF WILLITS TO PROVIDE FOR THE LEVYING OF ASSESSMENTS ON SPECIFIED HOTEL BUSINESSES CONDUCTED WITHIN SUCH DISTRICT, CLASSIFYING HOTELS FOR SUCH PURPOSES, DESCRIBING THE BOUNDARIES OF THE PROPOSED AREA, THE AUTHORIZED USES TO WHICH THE PROPOSED REVENUES SHALL BE PUT, THE RATE OF SUCH ASSESSMENTS, FIXING THE DATE, TIME AND PLACE OF A HEARING TO BE HELD BY THE COUNTY BOARD OF SUPERVISORS TO CONSIDER THE ESTABLISHMENT OF SUCH DISTRICT, AND DIRECTING THE GIVING OF NOTICE OF SUCH HEARING." Such resolution was published and mailed as provided by law, and hearings thereon were held by the Board of Supervisors of the County of Mendocino at its regular meeting on May 9, 2006 at which time all persons desiring to be heard, and all objections made or filed, were fully heard. The

\*Editor's note—Ord. No. 4336, adopted May 19, 2015, amended ch. 5.140, §§ 5.140.010—5.140.270, in its entirety. Former ch. 5.140 pertain to similar subject matter, and was derived from Ord. No. 4170 (part), adopted 2006.

Board of Supervisors of the County of Mendocino duly concluded the hearing on May 9, 2006, and determined that protests objecting to the formation of the District had not been made by a majority of the operators of Hotels within the District and that such protests are overruled and denied. The Board of Supervisors of the County of Mendocino finds that the operators of hotels in the District, in the opinion of the Board of Supervisors of the County of Mendocino, will be benefited by the expenditure of funds raised by the assessments proposed to be levied.

(Ord. No. 4336, 5-19-2015)

#### Sec. 5.140.030 Definitions.

Except where the context otherwise requires, the definitions given in this section govern the construction of this Chapter:

(a) **ADMINISTRATIVE FEE.** "Administrative fee" means a fee not to exceed three percent, which the County of Mendocino is entitled to retain from the assessments they collect within their respective boundaries to pay for the County's everyday administrative costs of the District.

(b) **ADVISORY BOARD.** "Advisory board" means the advisory board appointed by the Board of Supervisors of the County of Mendocino, and as recommended by the Board of Directors of the Mendocino County Lodging Association pursuant to this Chapter.

(c) **ANNUAL REPORT.** "Annual report" means the annual report as approved by the Board of Supervisors pursuant to the Business and Improvement Area Law of 1989.

(d) **ANNUAL MARKETING PLAN.** "Annual Marketing Plan" means the BID Advisory Board annual report as approved by the Board of Supervisors as it pertains to the improvements and activities to be provided, the estimate revenue, and the estimated costs of the improvements and activities to be provided.

(e) **ASSESSMENT.** "Assessment" means the levy imposed by this Chapter for the purpose of



providing services, activities and programs promoting hotel tourism in the District and marketing the District.

(f) **BOARD.** "Board" means the Board of Supervisors of the County of Mendocino.

(g) **BOARD OF SUPERVISORS.** "Board of Supervisors" means the Board of Supervisors of the County of Mendocino.

(h) **BUSINESS AND IMPROVEMENT AREA LAW OF 1989.** "Business and Improvement Area Law of 1989" means the provisions of California Streets and Highways Code Sections 36500 to 36551, as amended.

(i) **CITY or CITIES.** "City" or "cities" shall mean, individually or collectively, any incorporated area of the County, such as the City of Fort Bragg, the City of Point Arena, the City of Ukiah, and the City of Willits.

(j) **CONTRACTOR.** "Contractor means the individual or entity designated by the Board of Supervisors to administer the Business Improvement District (BID) including hiring and oversight of the individual or entity charged with implementation of the Annual Marketing Plan that is annually approved by the Board of Supervisors.

(k) **CORE BUSINESS OR ORGANIZATIONAL INTEREST.** "Core Business or Organizational Interest" means a governing board applicant's primary source of business or employment income or organizational representation.

(k) **CONTRACTOR.** "Contractor means the individual or entity designated by the Board of Supervisors to administer the Business Improvement District (BID) including hiring and oversight of the individual or entity charged with implementation of the Annual Marketing Plan that is annually approved by the Board of Supervisors.

(l) **COUNTY.** "County" means the County of Mendocino.

(m) **COUNTY CLERK.** "County Clerk" means the Clerk of the Board of Supervisors.

(n) **DISTRICT.** "District" means the Lodging Business Improvement District of the County of Mendocino created by this Chapter and as delineated in Section 5.140.040.

(o) **ENFORCEMENT FEE.** "Enforcement fee" means the reimbursable fee, in addition to the administrative fee and any other penalties or fines, which the County is entitled to retain from the assessments they collect, equal to its actual costs of audits and actions to collect, minus any costs of audits and enforcement actions collected from operators in default of this Chapter.

(p) **HOTEL or LODGING BUSINESS.** "Hotel" or "lodging business" means any structure or any portion of any structure which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes and includes any hotel, inn, tourist home or house, private residence, detached bedroom, motel, studio hotel, bachelor hotel, lodging houses, rooming houses, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure or portion thereof.

(q) **HOTEL REVENUES.** "Hotel revenues" means the gross revenues or gross rent collected from the occupancy of space prior to the levy of any tax or other charges.

(r) **LARGE LODGING OPERATORS.** "Large Lodging Operators" are those lodging operators who, in the aggregate, most nearly generate the top sixty percent (60%) of the assessment revenue on a calendar year basis.

(s) **LODGING BUSINESS IMPROVEMENT DISTRICT OF THE COUNTY OF MENDOCINO.** "Lodging Business Improvement District of the County of Mendocino" means the Mendocino County Lodging Business Improvement District that is created by this Chapter as a business improvement area pursuant to the Parking and Business Improvement Area Law of 1989 and as delineated in Section 5.140.040.

(t) **MCLA.** "MCLA" means the Mendocino County Lodging Association.

(u) **MEDIUM LODGING OPERATORS.** "Medium Lodging Operators" are those lodging operators ranked immediately below the Large Lodging Operators who, in the aggregate, most nearly generate the next twenty percent (20%) of the assessment revenue on a calendar year basis.

(v) **MENDOCINO COUNTY LODGING ASSOCIATION.** "Mendocino County Lodging Association" means the Mendocino County Lodging Association, Inc., an Internal Revenue Code 501(c)(6) organization.

(w) **MENDOCINO COUNTY LODGING BUSINESS IMPROVEMENT DISTRICT.** "Mendocino County Lodging Business Improvement District" means the Lodging Business Improvement District of the County of Mendocino created by this Chapter and as delineated in Section 5.140.040.

(x) **OPERATOR.** "Operator" means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sub lessee, mortgagee in possession, licensee, or any other capacity, including but not limited to use of a managing agent. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this Chapter and shall have the same duties and liabilities as his principal. Compliance with the provisions of this Chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

(y) **PENALTY ASSESSMENT.** "Penalty Assessment" means the Penalties provided for in Section 5.140.130 which are imposed in addition to the Assessment and any other penalties or costs of audits and enforcement actions.

(z) **REGIONAL PROMOTIONAL ORGANIZATION.** "Regional Promotional Organization" means an organization in Mendocino County with regular meetings and an ongoing promotional mission focused on a particular region."

(aa) **RENT.** "Rent" means the consideration charged, whether or not received, for the occupancy of space for a period of thirty (30) days or less, counting portions of calendar days as full days, in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, and property and services of any kind or nature, without any deduction there from whatsoever.

(bb) **SMALL LODGING OPERATORS.** "Small Lodging Operators" are those lodging operators ranked below the Medium Lodging Operators who, in the aggregate, most nearly generate the bottom twenty percent (20%) of the assessment revenue on a calendar year basis.

(cc) **TAX ADMINISTRATOR.** "Tax Administrator" means the Treasurer-Tax Collector of the County of Mendocino.

(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.040 Area Established—Description.**

The Board of Supervisors finds and determines that the public convenience and necessity require the establishment of the District herein described. It further finds that the operators of hotels within the District will benefit from the activities undertaken to generate hotel tourism and marketing of the District. Pursuant to the Parking and Business Improvement Area Law of 1989, a parking and business improvement area is established, to be known as the "Mendocino County Lodging Business Improvement District," herein called "District." The District encompasses all that area within the unincorporated area of the County of Mendocino and incorporated area within the City of Fort Bragg, the City of Point Arena, the City of Ukiah, and the City of Willits. (Ord. No. 4336, 5-19-2015)

**Sec. 5.140.050 Authorized Uses.**

The purpose of forming the District as a business improvement area under the Parking and Business Improvement Area Law of 1989 is to provide revenue to defray the costs of services, activities and programs promoting tourism which will benefit the operators of Hotels in the District through the promotion and marketing of the Hotels and related products, including scenic, recreational, cultural and other attractions in the District of benefit to the District. It is the intent of this Chapter to provide a supplemental source of funding for the promotion of tourism in the District and it is not intended to supplant any other existing sources of revenues that may be used by

the County of Mendocino for the promotion of tourism or marketing of products produced within the County. The specific services, activities and programs to be provided by the District are as follows:

(A) The general promotion of hotels operating within the District;

(B) The marketing of products and events that have a connection with the hotel industry operating in the District;

(C) The marketing of the District to the media and travel industry in order to benefit local tourism and the hotels in the District.

(D) Any activities permitted under the Parking and Business Improvement Law of 1989 that are included as costs as specified in the annual report to be prepared by the advisory board and adopted annually by the Board of Supervisors. Activities means, but is not limited to, all of the following:

1. Promotion of public events which benefit businesses in the area and which take place on or in public places within the area;

2. Furnishing of music in any public place in the area;

3. Promotion of tourism within the area;

4. Activities which benefit businesses located and operating in the area;

(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.060 Classification of Hotels and Assessments Imposed.**

(A) Each operator of a hotel who collects rent and benefits from tourist visits and operates in the District will be assessed a share of the costs of the aforementioned services, activities and programs according to the rent revenues and the benefit to be received, and the assessment is hereby levied as set forth as a one percent (1%) levy on gross rent.

(B) The above-described assessment is an assessment calculated on a daily basis from gross

rent revenues collected by each operator, is levied on the operators of the Hotels on a daily basis and is due to be collected on a quarterly basis.

(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.070 Operator's Duties.**

(A) The operator of a hotel may elect to pass on all or part of the assessment to customers of the hotel, in which case the operator of the hotel shall separately identify or itemize the assessment on any document provided to a customer. The amount of assessment levy shall be separately stated from the amount of the rent charged, and each customer shall receive a receipt for payment from the operator.

(B) If the operator performs his or her functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this Chapter and shall have the same duties and liabilities as his or her principal. Compliance with the provisions of this Chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

(C) Pursuant to Civil Code Section 2238, a proprietor performing his or her functions under this Chapter by a managing agent is responsible as principal for the negligence of his or her agent in the transaction of the business of the agency.

(D) Each operator of a hotel shall deliver a return to the Tax Administrator, on or before the last day of the month following the close of each calendar quarter or at the close of any shorter reporting period established by the Tax Administrator, which specifies the amount of gross rent collected during the previous three calendar months (calendar year quarterly basis) and pay the amount of the resulting assessment due from the operator to the County of Mendocino. The County of Mendocino shall collect the assessment from the operators of hotels within the District.

(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.080 Exemptions.**

The Board of Supervisors may elect to exempt a hotel business recently established in the area

subject to this assessment from a given year's levy of assessments. If the Board elects to do so, it shall so specify in its annual resolution of intention that it must adopt pursuant to the Business and Improvement Area Law of 1989.

(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.090 Reporting and Remitting.**

(A) Each operator shall, on or before the last day of the month following the close of each calendar quarter or at the close of any shorter reportings period which may be established by the Tax Administrator, make a return to the Tax Administrator, on forms provided by the Tax Administrator, of the total rent charged and received and the amount of assessment due. Each operator shall describe in such return the assessment attributable to each hotel under the operator's control, together with the name of the owner of each hotel, the address and location of each hotel for which assessments are reported in the return. The Operator shall execute such return under penalty of perjury and shall return it to the Tax Administrator under the laws of the State of California.

(B) The failure to file such return shall be subject to a civil fine of Five Hundred Dollars (\$500.00). The fine shall be payable to the Tax Administrator within thirty (30) days after the Tax Administrator gives notice to an operator of the operator's failure to file the return.

(C) At the time the return is filed, the full amount of the assessment shall be remitted to the Tax Administrator. The Tax Administrator may establish shorter reporting periods for any certificate holder if the Tax Administrator deems it necessary in order to insure collection of the assessment and the Tax Administrator may require further information in the return. Returns and payments are due immediately upon cessation of business for any reason. All assessments collected by operators pursuant to this Chapter shall be held in trust for the account of the County until payment thereof is made to the Tax Administrator.

(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.100 Registration Certificate.**

In order that the County will have an accurate record of parties being assessed a share of the costs of the District, each operator will be required to register as hereinafter provided.

(A) Each hotel owned or operated by the same owner or operator, at the time the District is formed, and located upon a separate parcel of property described by its own assessor's parcel number shall, within thirty days of the effective date of this ordinance, be automatically registered as such by the Tax Administrator. The Tax Administrator shall provide Hotel operators a Registration Certificate to be at all times posted in a conspicuous place on the premises. Each Hotel for which a separate business license is issued shall require a separate Registration Certificate.

(B) Prior to commencing business each operator, including each managing agent, of any Hotel shall register such hotel with the Tax Administrator and obtain from him or her a Registration Certificate to be at all times posted in a conspicuous place on the premises. The Registration Certificate shall, among other things, state the following:

- (1) Name and address of the hotel;
- (2) Name of the operator;
- (3) Name and address of owners;
- (4) Registration certificate number and date issued.

(C) The Registration Certificate shall not be transferable, and shall be returned to the Tax Administrator upon sale of property or cessation of business along with the final remittance of assessment due.

(D) The operator named on the face of the Registration Certificate shall be responsible for the assessment and shall remit such assessment to the Tax Administrator. The certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a Hotel without strictly complying with all local applicable laws,



including but not limited to permit requirements from any board, commission, department, or office in this County.

(E) The owner of the hotel shall report all changes of operators or operations to the Tax Administrator immediately including, but not limited to, any change in operations, mailing address, or changes in ownership.

(F) The Registration Certificate may be revoked by the Tax Administrator upon failure to comply with any provision of this Chapter. Revocation by the Tax Administrator may be appealed to the Board of Supervisors as provided in Section 5.140.150. An appeal of revocation as provided herein will stay the revocation until the Board of Supervisors issues its decision.

(G) Operation of a hotel business subject to this Chapter without a valid Registration Certificate shall be a misdemeanor and shall be punishable as provided by Section 5.140.200 (VIOLATION-MISDEMEANOR). Each day of operation without a valid Registration Certificate shall be deemed to be a separate offense.

(H) The Tax Administrator shall not charge a fee to issue the Registration Certificate. All administrative costs to issue the Registration Certificate shall be reimbursable from the administrative fee provided in this Chapter.

(Ord. No. 4336, 5-19-2015)

#### **Sec. 5.140.110 Review of Assessments.**

All of the assessments imposed pursuant to this Chapter shall be totaled in aggregate and reviewed by the Board of Supervisors and each assessment will be reviewed at least quarterly by the Tax Administrator to identify and notify operators in default of this Chapter. The Board of Supervisors shall review the assessments imposed pursuant to this Chapter based upon the annual report prepared by the advisory board appointed pursuant to this Chapter and Business and Improvement Area Law of 1989.

(Ord. No. 4336, 5-19-2015)

#### **Sec. 5.140.120 Imposition of Assessment.**

The assessment imposed by this Chapter is levied upon the operators of Hotels within the District, and the operator of each hotel shall be solely responsible for paying all assessments when due. Notwithstanding the foregoing, in the event that the operator of a Hotel elects to pass on some or all of the assessment to customers of the hotel, the operator of the hotel shall separately identify or itemize the assessment on any document provided to a customer. Assessments levied on the operators of a hotel pursuant to this Chapter and passed on to customers are not part of a hotel operator's gross receipts or gross revenues for any purpose, including the calculation of sales or use assessment, transient occupancy tax, or income pursuant to any lease. However, assessments that are passed on to customers shall be included in gross receipts for purposes of income and franchise assessments.

(Ord. No. 4336, 5-19-2015)

#### **Sec. 5.140.130 Penalties.**

(A) Any operator subject to assessment under this Chapter who fails to remit any assessment imposed by this Chapter within the time required shall pay a penalty of ten percent (10%) of the amount of the assessment in addition to the amount of the assessment.

(B) Any operator subject to assessment under this Chapter who fails to remit any delinquent remittance on or before a period of thirty (30) days following the date upon which the remittance first became delinquent shall pay a second delinquency penalty of ten percent (10%) of the amount of the assessment, in addition to the amount of the assessment and the ten percent (10%) penalty first imposed.

(C) If the Tax Administrator or applicable collecting entity determines that the nonpayment of any remittance due under this Chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the assessment due shall be added thereto, in addition to the penalties set forth in subsections (A) and (B) of this section.

(D) In addition to any penalties imposed hereunder, any operator who fails to remit any assessment imposed by this Chapter when due shall pay interest at the rate of one and one-half (1½) percent per month on the unpaid balance of the assessment, from the date on which the assessment first became delinquent until paid.

(E) The penalty assessment collected pursuant to this Section, including all penalties and interest, shall be added to the Assessment and shall be subject to the administrative fee and the fifty percent (50%) County match. (Ord. No. 4336, 5-19-2015)

**Sec. 5.140.140 Determination of Assessment by Tax Administrator Upon Default of Operator.**

(A) If any operator fails or refuses to calculate any assessment due, within the time provided in this Chapter, any report and remittance of an assessment, or any portion thereof required by this Chapter, the Tax Administrator shall proceed in such manner as he or she may deem best to obtain facts and information on which to base his or her estimate of the assessment due. If the Tax Administrator determines that any levy imposed by this Chapter and payable by any operator has not been paid as required by this Chapter, or that any operator has failed or refused to calculate the same, or to make any report or remittance required by this Chapter, the Tax Administrator shall determine the appropriate unpaid assessment, interest, and/or penalty for noncompliance, and shall notify the operator of the assessment, interest, and/or penalties as provided for by this Chapter. In case such determination is made, the Tax Administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his last known place of address.

(B) Such operator may within ten (10) days after the serving of such notice or within fifteen (15) days after the mailing of such notice make application in writing to the Tax Administrator

for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the assessment, interest and penalties, if any, determined by the Tax Administrator, shall become final and conclusive and immediately due and payable. If such application is made, the Tax Administrator shall give not less than five (5) days written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in the notice why said amount specified therein should not be fixed for such assessment, interest and penalties. At such hearing before the Tax Administrator, the operator may appear and offer evidence why such specified assessment, interest and penalties should not be so fixed.

(C) After such hearing, the Tax Administrator shall determine the proper assessment to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such assessment, interest and penalties. The Tax Administrator's determination shall be presumed to be correct. At any appeal before the Board of Supervisors described below, the operator has the burden of proving that the Tax Administrator's determination is incorrect, and the burden of producing sufficient evidence to establish the correct assessment liability. The amount determined to be due shall be payable within fifteen (15) days after such hearing, unless an appeal is taken to the Board of Supervisors as provided in Section 5.140.150 (APPEAL), below.

(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.150 Appeal.**

Any operator aggrieved by any decision of the Tax Administrator with respect to the amount of the assessment imposed by this Section, including interest and penalties, if any, may appeal to the Board of Supervisors by filing a notice of appeal with the County Clerk within fifteen (15) days of the serving or mailing of the determination of assessment due. The Board of Supervisors shall fix a time and place for hearing such appeal, and

the Tax Administrator shall give notice in writing to such operator at their last known place of address. The Tax Administrator shall present the matter to the Board and include evidence submitted by the operator. The Tax Administrator shall also include proposed findings and a resolution of the appeal. At the hearing, both the Tax Administrator and the owner or operator shall have an opportunity to explain their case and introduce other statements or evidence. The Board may impose reasonable time limits on each party's presentation. The findings of the Board of Supervisors shall be final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.160 Records.**

(A) Every operator shall keep and preserve for a period of five (5) years all records as may be necessary to determine the amount of any assessment levied for which the operator may be liable for the payment to the County. The records deemed necessary for this determination shall include but not be limited to general ledgers, income tax returns, a chronological cash journal showing sales and sale type separately, or other comparable means of summarizing the operator's monthly or quarterly revenue, supported by receipts, which may, with reasonable effort, be identified with the revenue summary. These records shall be available, during regular business hours, for inspection by the Tax Administrator or Auditor-Controller. Performance of an audit does not waive the County's right to any assessment or the five (5) year requirement of preserving records.

(B) The Tax Administrator at his or her sole discretion may require that these records shall be brought to the County Auditor's Office for review and examination.

(C) It is unlawful for any County official or any person having an administrative duty under this Chapter to make known in any manner what-

ever the business affairs, operations, or information obtained by an investigation of records and equipment of any operator or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any return or to permit any return or copy thereof to be seen or examined by any person. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amount of any unpaid assessment or amounts of assessment levy required to be collected, interest and penalties.

(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.170 Audit.**

(A) The County Auditor-Controller may audit the books and records of any operator to determine the adequacy of the assessment levy due.

(B) All operators shall keep and make available to the Tax Administrator and the County Auditor-Controller records including but not limited to lodging receipts, room or lodging registration records, sales tax returns, daily maid reports, linen service invoices, and all records described above in Section 5.140.160 (RECORDS).

(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.180 Refunds.**

(A) Whenever the amount of any assessment levied, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the County under this Chapter, it may be refunded as provided in Subparagraphs (B) and (C) of this Section, provided a claim in writing therefore, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Tax Administrator within three (3) years of the date of payment. The claim shall be on forms furnished by the Tax Administrator.



(B) In the event that the operator of a hotel elects to pass on some or all of the assessment to customers of the hotel, the operator of the hotel shall separately identify or itemize the assessment on any document provided to a customer. In this instance, any operator may claim a refund or take as credit against assessment levied and remitted to the County, the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established in a manner prescribed by the Tax Administrator that the person who paid the assessment was incorrectly charged. Neither a refund nor a credit shall be allowed, however, unless the amount of the assessment so levied has either been refunded to the customer or credited to the account and subsequently paid to the customer or operator.

(C) A customer may obtain a refund of an assessment overpaid or paid more than once or erroneously or illegally collected or received by the County by filing a claim in the manner provided in Subparagraph (A) of this Section, but only when the assessment was paid by the customer directly to the Tax Administrator or when the customer, having paid the assessment to the operator, establishes to the satisfaction of the Tax Administrator that the customer has been unable to obtain a refund from the operator who elected to pass on some or all of the assessment unto the customer.

(D) No refund shall be paid under the provisions of this Section unless the claimant establishes his or her right thereto by written records showing entitlement thereto.

(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.190 Actions to Collect.**

(A) Any assessment required to be paid by any operator under this Chapter shall be deemed a debt owed by the operator to the County. If the operator of a hotel elects to pass on some or all of the assessment to customers of the hotel, the amount collected by the operator that has not been paid to the County shall be deemed a debt owed by the operator to the County. Any person owing money to the County under this Chapter

shall be liable in an action brought in the name of the County of Mendocino for the recovery of such amount. The County shall be entitled to recover from anyone found liable for the debt, any costs, including attorney's fees, costs of enforcement, or other expenses incurred by the County because of the failure to timely remit assessment levy to the County.

(B) If judgment is obtained by the County, such judgment shall be recorded and shall constitute a lien against the property where the hotel is located.

(C) Whenever a debt owed by the operator to the County under this Chapter has not been paid to the County and the operator's Registration Certificate has been revoked under this Chapter, the County may obtain a court injunction against further operation of the hotel until the debt owed has been paid.

(D) The remedies for enforcement or collection provided in this Chapter shall be cumulative and not exclusive.

(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.200 Violations—Misdemeanor.**

(A) Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor which shall be punishable by a fine of not more than Five Hundred Dollars (\$500) or by imprisonment in the County jail for a period of not more than six (6) months or by both such fine and imprisonment.

(B) Any operator or other person who fails or refuses to register as required herein or to furnish any return required to be made or who fails or refuses to furnish a supplemental return or other data required by the Tax Administrator or who renders a false or fraudulent return or claim is guilty of a misdemeanor which is punishable as aforesaid.

(C) Any person making, rendering, signing or verifying any report or claim, who makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this Chapter is guilty of a misde-

meanor which is punishable as aforesaid. In addition, the Tax Administrator may pursue on behalf of the County, any civil or administrative remedy otherwise available for failure to comply with the requirements of this Chapter. If the County prevails, the County shall be entitled to recover any costs, including attorney's fees, costs of enforcement, or other expenses incurred because of failure to comply with the requirements of this Chapter. Failure to pay such costs upon demand shall be grounds for revocation of an operator's certificate of registration as provided in Section 5.140.100 (REGISTRATION CERTIFICATE) above.  
(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.210 Advisory Board.**

(A) Pursuant to the Business and Improvement Area Law of 1989, an advisory board with five members shall be appointed by the Mendocino County Board of Supervisors only for fulfilling the purposes of the Business and Improvement Area Law of 1989. Members of the advisory board shall be selected and appointed by the Mendocino County Board of Supervisors from a list of nominees prepared by the Board of Directors of the Mendocino County Lodging Association. All nominees must be owners or operators of Hotels within the District, or employed by the operator of a Hotel within the District. Two members shall be appointed to represent the inland area of the District. Two members shall be appointed to represent the coastal region of the District. One member shall be appointed to represent the Mendocino County Lodging Association. Members of the advisory board shall serve two year terms, with two members appointed in every even numbered year and three members appointed in every odd numbered year

(B) The advisory board shall convene to cause to be prepared the annual report for the purposes of the Business and Improvement Area Law of 1989.

(C) The advisory board shall attempt to submit its annual report to the Board of Supervisors at least ninety (90) days preceding the fiscal year

for which assessments are to be levied and collected to pay the costs of the improvements and activities described in the report.

(D) The Board of Supervisors hereby gives authority to the Chief Executive Officer or designee to convene the advisory board, approve the bylaws, and approve the annual work plan for the advisory board.

(E) Nothing in this Chapter shall preclude the advisory board from convening at a meeting with the Board of Directors of the Mendocino County Lodging Association to prepare and discuss the annual report with other countywide promotional and marketing organizations.  
(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.220 Annual Report.**

(A) Pursuant to the Business and Improvement Area Law of 1989, the advisory board shall cause to be prepared an annual report for each fiscal year for which assessments are to be levied and collected to pay the costs of the improvements and activities described in the report. The report may propose changes, including, but not limited to, the boundaries of the parking and business improvement area or any benefit zones within the area, the basis and method of levying the assessments, and any changes in the classification of businesses, if a classification is used.

(B) The report shall be filed with the clerk and shall refer to the parking and business improvement area by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following:

(1) Any proposed changes in the boundaries of the parking and business improvement area or in any benefit zones within the area.

(2) The improvements and activities to be provided for that fiscal year.

(3) An estimate of the cost of providing the improvements and the activities for that fiscal year.

(4) The method and basis of levying the assessment in sufficient detail to allow each business

owner to estimate the amount of the assessment to be levied against his or her business for that fiscal year.

(5) The amount of any surplus or deficit revenues to be carried over from a previous fiscal year.

(6) The amount of any contributions to be made from sources other than assessments levied pursuant to this part.

(C) The Board of Supervisors may approve the report as filed by the advisory board or may modify any particular contained in the report and approve it as modified. The Board of Supervisors shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments.

(D) The BID Advisory Board annual report, as approved by the Board of Supervisors, shall, as it pertains to the improvements and activities to be provided, the estimated revenue, and the estimated costs of the improvements and activities to be provided, be deemed the BID Annual Marketing Plan.

(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.230 Modification or Disestablishment of the District.**

(A) The Board of Supervisors, by ordinance, may modify the provisions of this Chapter and may disestablish the District, after adopting a resolution of intention pursuant to such procedures prescribed by law, including the "Parking and Business Improvement Area Law of 1989," being Section 36500 to 36551 of the California Streets and Highways Code. Such resolution shall describe the proposed change or changes, or indicate it proposes to disestablish the area, and shall state the time and place of a hearing to be held by the Board of Supervisors to consider the proposed action.

(B) If the operators of Hotels who pay fifty percent (50%) or more of the assessments in the District file a petition with the County Clerk requesting the Board of Supervisors to adopt a

resolution of intention to modify or disestablish the District, the Board of Supervisors shall adopt such resolution and act upon it as required by law. Signatures on such petition shall be those of a duly authorized representative of the operators of Hotels in the District.

(C) In the event the resolution proposes to modify any of the provisions of this Chapter, including changes in the existing assessments or in the existing boundaries of the District, such proceedings shall terminate if protest is made by the operators of Hotels who pay fifty percent (50%) or more of the assessments in the District, or in the existing boundaries of the District if it is proposed to be enlarged.

(D) If the resolution proposes disestablishment of the District, the Board of Supervisors shall disestablish the District; unless at such hearing, protest against disestablishment is made by the operators of Hotels paying fifty percent (50%) or more of the assessments in the District.

(E) In considering written protests submitted by owners of lodging businesses in an incorporated city to the formation of the District, the Board shall separately determine the number of written protests submitted by lodging business owners within the boundaries of each city. If written protests are received from lodging businesses operators who will pay more than fifty percent (50%) of the assessments proposed to be levied within the boundaries of the city where the operator conducts businesses, then the Board of Supervisors shall declare lodging businesses in the incorporated city excluded from the District and ineligible to benefit from the activities of the District.

(F) Within one year from receipt of a signed petition protesting the assessment and requesting the removal from the District boundaries by owners of lodging businesses in an incorporated city who will pay more than fifty percent (50%) of the assessments proposed to be levied in that incorporated city boundary, the Board shall remove the incorporated city and all lodging businesses con-

tained therein from the District pursuant to such procedures prescribed by law, including Streets & Highways Code section 36550 to 36551.  
(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.240 Administrative Fee.**

(A) The county shall be entitled to charge an amount equal to its actual costs of collection and administration, not to exceed three percent (3%) of the assessments collected from operators of Hotels in the District, to defer the administrative costs incurred for the operation of the District. Notwithstanding the foregoing, the three percent (3%) administrative fee limit shall not apply to audit and enforcement costs and other related unforeseeable costs.

(B) All assessments, less the aforementioned administrative fee and enforcement costs, shall be transferred to the Mendocino County Lodging Association ("MCLA") within thirty (30) days following collection of the assessment by the County. Prior to the expenditure of such funds, the MCLA shall enter into a contract with the County.  
(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.245 Business Improvement District (BID) Administration and Implementation.**

The Board of Supervisors shall designate a Contractor that shall be responsible for administration of the Business Improvement District (BID) including hiring and oversight of the individual or entity charged with implementation of the Annual Marketing Plan that is annually approved by the Board of Supervisors for countywide promotion and marketing.  
(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.250 Contract.**

A. Prior to the expenditure of any District funds, the Contractor shall enter into a contract with County for the services, activities and programs authorized by this Chapter. Pursuant to said contract, all assessments, including assessment penalties and interest, less the aforemen-

tioned administrative fee and audit and enforcement costs, shall be transferred to the Contractor within thirty (30) days following collection of the assessment by the County.

B. The scope of services of the contract will itemize the services, activities, and programs to be provided by the Contractor or subcontracted by the Contractor for the District.

C. This contract shall provide for a fifty percent (50%) County match of the assessment collected and expended pursuant to this Chapter for the purpose of countywide promotion. The fifty percent (50%) County match shall be calculated based on the prior calendar year's gross receipts and shall be directed to the Contractor in twelve equal monthly installments on a fiscal year basis. Increased matching funds generated by increased assessment receipts in the subsequent calendar year shall be allocated in the following fiscal year as recommended by the Annual Report, including establishment or addition to a District prudent reserve fund. Decreased income received in the subsequent calendar year may be covered, in whole or in part, by transfers from the prudent reserve, as recommended by the Annual Report contingent on available. The County may provide an advance in funds to the District and the contract shall provide for the terms and conditions of the advance.

D. The Contract shall provide that all copyright and other use rights in any and all promotional and marketing materials, including, but not limited to, any and all proposals, plans, specifications, designs, drawings, sketches, renderings, models, reports and related documents (including computerized or electronic copies) respecting in any way the subject matter of this Agreement, whether prepared by the County, the Contractor, the Contractor's subcontractors or third parties at the request of the Contractor which are currently held or controlled by the Contractor, or which may be created during the term of this contract, shall be provided to any subsequent contractor designated by the County and if there is none they shall be



assigned to the County and its assignees to assure their continued availability for use in the promotion and marketing of Mendocino County.

E. The Contract shall provide that all existing and unexpended material and financial assets of any kind derived from the BID assessment and match and transferred to Contractor by Visit Mendocino County, Inc., shall be provided to any subsequent contractor designated by the County and if there is none they shall be assigned to the County and its assignees to assure their continued availability for use in the promotion and marketing of Mendocino County;

F. The Contract shall require that all of the following conditions shall be incorporated into the bylaws of the Contractor's governing board and shall only be changed with the concurrence of the County and amendment of this section:

1. The governing board shall be subject to the Brown Act and provide for financial transparency in all promotional and marketing activities, including payroll;

2. The governing board shall be comprised of eleven (11) members of whom five (5) shall be directly elected by lodging operators as provided herein and six (6) shall be appointed by the Board of Supervisors as provided herein;

3. Governing board members:

a) Shall be required to submit a resume showing relevant experience, complete a questionnaire demonstrating their interest and commitment in promoting Mendocino County, and agree to actively participate in governing board meetings, committees, trainings and other scheduled board activities;

b) Shall be elected or appointed to three year terms based on their core business or organizational interest as defined herein except the At Large appointee shall be appointed based on their knowledge and commitment to promoting Mendocino County;

c) Shall be subject to terms limits of not more than two terms (except a member who has completed less than one half of a full term may serve two additional terms if duly elected or appointed);

d) Shall be ineligible to serve for three years after being termed out;

4. Lodging members of the governing board shall be directly elected by lodging operators, who shall be classified as "large," "medium," or "small," based on their gross receipts for the calendar year preceding the election, and who shall vote the percentage of the assessment paid by them, in a County conducted election, as follows:

a) One (1) member elected by and from all large lodging operators;

b) One (1) member elected by and from all large coastal lodging operators;

c) One (1) member elected by and from all large inland lodging operators;

d) One (1) member elected by and from all medium lodging operators;

e) One (1) member elected by and from all small lodging operators;

5. Non-lodging members of the governing board shall be appointed by the Board of Supervisors from applicants who have applied or been nominated as follows:

a) One (1) member nominated by and from a coastal chamber of commerce or coastal regional promotional organization;

b) One (1) member nominated by and from an inland chamber of commerce or inland regional promotional organization;

c) One (1) member nominated by and from a winery or winegrower organization or who applies from an individual winery or winegrower;

d) One (1) member who is nominated by and from an arts organization, by and from an attractions governing board, or who applies from an individual attraction;

e) One (1) member who applies from a food or beverage business, including culinary, beer or other spirits;

f) One (1) member who applies At Large

6. The terms of governing board members shall be staggered so that no less than three or more than four members shall be elected or appointed in any one year (except to fill a vacant

unexpired term) with initial terms elected or appointed as follows, with all subsequent terms to be for three years;

a) Large lodging elected by all large lodging operators: three (3) years;

b) Large lodging elected by all large inland lodging operators: two (2) years;

c) Large lodging elected by all large coastal lodging operators: one (1) year;

d) Medium lodging elected by all medium lodging operators: two (2) years;

e) Small lodging elected by all small lodging operators: three (3) years;

f) Coastal chamber of commerce or regional promotional organization: three (3) years;

g) Inland chamber of commerce or regional promotional organization: two (2) years;

h) Winery or winegrower or winery or wine-grower organization: three (3) years;

i) Arts or Attractions: (two (2) years);

j) Food and Beverage (including culinary, beer and other spirits): one (1) year;

k) At Large: one (1) year;

G. The BOS shall provide for public noticing of all vacancies; shall actively encourage multiple nominations for each open seat; and shall provide for geographical diversity.

(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.260 Enforcement Fee.**

The County shall be entitled to retain from the assessments they collect an enforcement fee equal to its actual costs of actions to collect including but not limited to attorney fees, minus any penalties collected from operators in default of this Chapter. The fee provided by this Section shall be in addition to the three percent Administrative Fee charged under Section 5.140.240 above.

(Ord. No. 4336, 5-19-2015)

**Sec. 5.140.270 Effective Date.**

The ordinance codified in this Chapter shall take effect and be in force on 18<sup>th</sup> day of June, 2015.

(Ord. No. 4336, 5-19-2015)

## CHAPTER 5.150

### ASSESSMENT APPEALS BOARD

#### **Sec. 5.150.010. Establishment of Board.**

Pursuant to the provisions of Section 16 of Article XIII of the California Constitution, an assessment appeals board is created and established for Mendocino County.

(Ord. No. 4286, 12-6-2011; Ord. No. 4308, 7-30-2013)

#### **Sec. 5.150.020. Members and Alternate Members of the Assessment Appeals Board.**

The assessment appeals board shall consist of three (3) members who shall be appointed and reappointed directly by the Board of Supervisors for terms as provided by law. The Board of Supervisors shall appoint and reappoint directly alternate members for terms as provided by law for regular members of the assessment appeals board. An alternate member shall serve whenever any regular member is temporarily unable to act as a member of the board.

(Ord. No. 4286, 12-6-2011; Ord. No. 4308, 7-30-2013)

#### **Sec. 5.150.030. Qualifications for Membership.**

A person shall not be eligible for nomination for membership on the assessment appeals board unless he or she has a minimum for five (5) years professional experience in this state of one (1) of the following: certified public accountant or public accountant; licensed real estate broker; attorney; property appraisers accredited by a nationally recognized professional organization; or a person who the nominating member of the Board of Supervisors has reason to believe is possessed of competent knowledge of property appraisal and taxation.

(Ord. No. 4286, 12-6-2011; Ord. No. 4308, 7-30-2013)

#### **Sec. 5.150.040. Jurisdiction and Duties of Assessment Appeals Board.**

The assessment appeals board shall constitute the board of equalization for Mendocino County and shall have the power to equalize the valuation of taxable property within the county for the purpose of taxation, as provided by applicable law.

(Ord. No. 4286, 12-6-2011; Ord. No. 4308, 7-30-2013)

#### **Sec. 5.150.050. Compensation.**

Compensation for members of the assessment appeals board shall be established by this board by resolution.

(Ord. No. 4286, 12-6-2011; Ord. No. 4308, 7-30-2013)

#### **Sec. 5.150.060. Clerical Assistance.**

The Clerk of the Board of Supervisors shall be the clerk of the assessment appeals board, keep a record of the proceedings, shall provide such clerical assistance as the assessment appeals board may require, and shall otherwise perform those duties prescribed by law for the clerk of the assessment appeals board.

(Ord. No. 4286, 12-6-2011; Ord. No. 4308, 7-30-2013)

#### **Sec. 5.150.070. Legal Advisor.**

The County Counsel shall, upon request, provide such legal assistance to the assessment appeals board as such counsel determines is appropriate and necessary.

(Ord. No. 4286, 12-6-2011; Ord. No. 4308, 7-30-2013)

#### **Sec. 5.150.080. Rules of Procedure.**

All proceedings before the assessment appeals board shall be conducted in accordance with the rules relating to local equalization as set forth in Title 18 of the Code of California Regulations, as well as such local rules as the Board of Supervisors may prescribe.

(Ord. No. 4286, 12-6-2011; Ord. No. 4308, 7-30-2013)



**Sec. 5.150.090. Assessment Appeal Board Fees.**

All fees and costs applicable to Assessment Appeal Board appeal applications and proceedings shall be set from time to time by Board of Supervisors' resolution.

(Ord. No. 4308, 7-30-2013)



(20) On Little Lake Road (CR 408), from mile post 0.00 to mile post 1.18 (one mile easterly of State Route 1).

(21) On Holquist Lane (CR 412), from mile post 0.00 to mile post 0.15.

(22) Repealed.

(23) On East Side Calpella Road (CR 227), from mile post 0.00 to mile post 1.50 and from mile post 2.75 to mile post 3.30.

(24) On Lake Mendocino Drive (CR 227B), from 0.75 miles easterly of North State Street to terminus.

(25) On Pinoleville Drive (CR 225), full length.

(26) On Black Bart Drive (CR 370), from mile post 1.51 to terminus.

(27) On Blackhawk Drive (CR 371), full length.

(28) On Ridgeview Road (CR 372), full length.

(29) On Baywood Way (CR 373), full length.

(30) On Bluejay Lane (CR 374), full length.

(31) On Comptche-Ukiah Road (CR 223), from mile post 14.13 to mile post 14.64.

(32) On Branscomb Road (CR 429), from mile post 25.00 to mile post 25.31.

(33) On the entire length of Brooktrails Drive (CR 311B).

(34) On Birch Street (CR 601), between Brooktrails Drive (CR 311B) mile post 0.00 and Clover Road (CR 603) mile post 0.13.

(35) On North State Street, CR 104 from mile post 4.57 to mile post 5.11.

(36) On Moore Street, CR 229B from mile post 0.10 to mile post 0.42.

(37) On Pomo Lake Drive (CR 551), full length.

(38) On Sea Cypress Drive (CR 568), full length.

**(C) Speed Zone Schedule/Thirty (30) Miles Per Hour Prima Facie Speed Limit.** Upon the streets designated in this subsection a prima facie speed limit of thirty (30) miles per hour is hereby declared to be reasonable, safe and more appropriate to facilitate the orderly movement of traffic.

(1) On Fort Bragg-Sherwood Road (CR 419), from the Fort Bragg City Limits easterly approximately, 0.50 miles to California Way.

(2) On Airport Road (CR 424), from the Fort Bragg City Limits mile post 0.00 to mile post 0.64.

(3) Repealed.

(4) On Little Valley Road (CR 426), full length.

(5) On Burris Lane (CR 243), from mile post 0.00 to mile post 0.80.

(6) On Simpson Lane (CR 414), from mile post 0.00 to mile post 1.50.

(7) On Albion Ridge Road (CR 402), from mile post 0.00 to mile post 2.00.

(8) On Black Bart Drive (CR 370), from mile post 0.00 to mile post 1.51.

(9) On East Side Calpella Road (CR 227), from mile post 1.50 to mile post 2.75.

(10) On Birch Street (CR 601), from Clover Road (CR 603) mile post 0.13 to Sherwood Road (CR 311) mile post 0.76.

(11) On Primrose Drive (CR 604), from Sherwood Road (CR 311) mile post 0.00 to Clover Road (CR 603) mile post 1.04.

(12) On Center Valley Road (CR 303), from the Willits City Limit mile post 0.00 to Bray Road (CR 305) mile post 0.52.

**(D) Speed Zone Schedule/Thirty-Five (35) Miles Per Hour Prima Facie Speed Limit.** Upon the streets designated in this subsection, a prima facie speed limit of thirty-five (35) miles per hour is hereby declared to be reasonable, safe and more appropriate to facilitate the orderly movement of traffic.

(1) On East Road (CR 230), from mile post 1.34 to mile post 1.79.

(2) On Heeser Drive (CR 407FF), full length.

(3) On Simpson Lane (CR 414), from mile post 1.50 to mile post 3.60.

(4) On Vichy Springs Road (CR 215), from the Ukiah City Limits mile post 0.00 to mile post 1.35.

(5) On Ward Avenue (CR 425B), from mile post 0.00 to mile post 0.7.

(6) On Laytonville Reservation Road (CR 319F), full length.

(7) On Airport Road (CR 424), from mile post 0.64 to terminus.

(8) On North Road (CR 319E), full length.

- (9) On Lakeside Drive (CR 319B), full length.
- (10) Repealed.
- (11) Repealed
- (12) On Little Lake Road (CR 408), from mile post 1.18 (State Highway 1) to mile post 4.0.
- (13) On Lansing Street (CR 500), from Heeser Drive (CR 407FF) northerly to State Route 1.
- (14) On East Side Calpella Road (CR 227), from mile post 3.30 to mile post 3.88 (terminus).
- (15) On Tomki Road (CR 237D), from mile post 0.00 to mile post 3.90.
- (16) On Lake Mendocino Drive (CR 227B), from North State Street (CR 104) to 0.75 miles easterly thereof.
- (17) Repealed.
- (18) On Caspar-Little Lake Road (CR 409), from mile post 1.80 to mile post 3.32.
- (19) On Hensley Creek Road (CR 225A), from mile post 0.00 to mile post 0.17.
- (20) On Orr Springs Road (CR 223), from North State Street (CR 104) to 0.84 miles westerly thereof.
- (21) On Central Avenue (CR 229), full length.
- (22) On South State Street (CR 104A), from mile post 0.63 to mile post 1.41.
- (23) On Ocean Drive (CR 436), from mile post 0.25 (Mitchell Creek) northerly to terminus.
- (24) On Uva Drive (CR 239), from mile post 0.00 (the end of Central Avenue) to mile post 2.05.
- (25) On Branscomb Road (CR 429), from mile post 23.00 to mile post 25.00.
- (26) On Powerhouse Road (CR 248A), from mile post 0.00 (Main Street, CR 245) to mile post 1.23 (Gibson Lane, CR 246).
- (27) On Road N (CR 238A), full length.
- (28) Repealed.
- (29) On Gielow Lane (CR 206), full length.
- (30) On Crispin Road (CR 511), full length.
- (31) On Little River Airport Road (CR 404), from the intersection of State Highway 1, mile post 0.00, to mile post 1.85 and from mile post 3.45 to the end of the road at its intersection with Comptche Ukiah Road.
- (32) On Navarro Ridge Road (CR 518) from the intersection of State Highway 1, mile post 0.00, to mile post 3.37.
- (33) On Pudding Creek Road (CR 421), from the intersection of State Highway 1, mile post 0.00, to mile post 0.55.
- (34) On Clover Road (CR 603), from Birch Street (CR 601) mile post 0.00 to Primrose Drive (CR 604) mile post 0.38.
- (35) On Daphne Way (CR 608), from Sherwood Road (CR 311) mile post 0.0 to Poppy Drive (CR 623) mile post 0.85.
- (36) On Airport Road (CR 126), from Estate Drive (CR 126A) mile post 0.23 to the end of Airport Road (CR 126) mile post 0.63.
- (37) On North State Street (CR 104), from mile post 0.00 to mile post 0.44.
- (E) **Speed Zone Schedule/Forty (40) Miles Per Hour Prima Facie Speed Limit.** Upon the streets designated in this subsection, a prima facie speed limit of forty (40) miles per hour is hereby declared reasonable, safe and more appropriate to facilitate the orderly movement of traffic.
- (1) On Hearst-Willits Road (CR 306), from Valley Road (CR 309) to 2.7 miles northeasterly thereof.
- (2) On Pudding Creek Road (CR 421), from the Fort Bragg City Limits to 1.55 miles east of State Route 1.
- (3) On West Road (CR 237), from School Way (CR 236) northerly to terminus.
- (4) On Redemeyer Road (CR 215A), from mile post 0.39 (Vichy Springs Road) to mile post 1.68.
- (5) On East Hill Road (CR 301), from the Willits City Limits to 0.25 miles east of Center Valley Road (CR 303).
- (6) On Caspar-Little Lake Road (CR 409), from mile post 0.00 to mile post 1.80.
- (7) Repealed.
- (8) Repealed.
- (9) On Little River Airport Road from mile post 1.85 to mile post 3.45.
- (10) On Pudding Creek Road (CR 421), from mile post 0.55 to the end of the road.

(11) On Sherwood Road (CR 311), from Primrose Drive (CR 604) mile post 2.17 to Crow Place (CR 699) mile post 3.89.

(12) On North State Street, CR 104 from mile post 5.11 to mile post 5.25.

(13) On Old Stage Road (CR 502), from Old State Highway, (CR 501A) mile post 0.00 to the northerly intersection of Gualala Court (CR 502A) mile post 1.06.

(14) On Pacific Woods Road (CR 524), full length.

(15) On Comptche-Ukiah Road, CR 223, one-half mile southerly of intersection of Little River Airport Road mile post 5.77.

(16) On Mountain House Road (CR 111), from mile post 7.99 to mile post 8.89.

**(F) Speed Zone Schedule/Forty-Five (45) Miles Per Hour Prima Facie Speed Limit.** Upon the streets designated in this subsection, a prima facie speed limit of forty-five (45) miles per hour is hereby declared to be reasonable, safe and more appropriate to facilitate the orderly movement of traffic.

(1) On East Side Potter Valley Road (CR 240), from State Route 1 to 3.85 miles north of Burris Road.

(2) Repealed.

(3) On the Eel River Road (CR 240B), from mile post 0.00 to mile post 2.57.

(4) On Vichy Springs Road (CR 215), from mile post 1.35 and mile post 2.58.

(5) On South State Street (CR 104A), from mile post 0.00 to mile post 0.63.

(6) On Ruddick Cunningham Road (CR 205), full length.

(7) On Sherwood Road (CR 311), from the Willits City Limits mile post 0.00 to Primrose Drive (CR 604) mile post 2.17.

(8) On Center Valley Road (CR 303), from mile post 1.45 to the end of the road at East Hill Road (CR 301) mile post 2.07.

(9) On North State Street (CR 104), from mile post 0.44 to mile post 2.45.

(10) On Old Stage Road (CR 502), from the northerly intersection of Gualala Court (CR 502A) mile post 1.06 to mile post 2.35.

**(G) Speed Zone Schedule/Fifty (50) Miles Per Hour Prima Facie Speed Limit.** Upon the streets designated in this subsection, a prima facie speed limit of fifty (50) miles per hour is hereby declared to be reasonable, safe and more appropriate to facilitate the orderly movement of traffic.

(1) On East Road (CR 230), from mile post 0.08 to mile post 1.34.

(2) On East Road (CR 230), from mile post 1.79 to mile post 5.39.

(3) On Center Valley Road (CR 303), from Bray Road (CR 305) mile post 0.52 to mile post 1.45.

(4) On North State Street (CR 104), from mile post 2.45 to mile post 4.57.

(5) On Old Stage Road (CR 502), mile post 2.35 to mile post 3.20. (Ord. No. 512, adopted 1966; Ord. No. 515, adopted 1967; Ord. No. 522, adopted 1967; Ord. No. 533, adopted 1968; Ord. No. 560, adopted 1969; Ord. No. 565, adopted 1969; Ord. No. 591, adopted 1969; Ord. No. 669, adopted 1970; Ord. No. 756, adopted 1971; Ord. No. 805, adopted 1971; Ord. No. 889, adopted 1972; Ord. No. 919, adopted 1972; Ord. No. 961, adopted 1972; Ord. No. 998, adopted 1972; Ord. No. 1469, adopted 1975; Ord. No. 1601, adopted 1975; Ord. No. 1900, adopted 1977; Ord. No. 1901, adopted 1977; Ord. No. 1922, adopted 1977; Ord. No. 2004, adopted 1977; Ord. No. 2031, adopted 1977; Ord. No. 3239, adopted 1978; Ord. No. 3256, adopted 1979; Ord. No. 3261, adopted 1979; Ord. No. 3262, adopted 1979; Ord. No. 3289, adopted 1980; Ord. No. 3333, adopted 1981; Ord. No. 3390, adopted 1982; Ord. No. 3402, adopted 1982; Ord. No. 3411, adopted 1982; Ord. No. 3492, adopted 1984; Ord. No. 3553, adopted 1985; Ord. No. 3564, adopted 1985; Ord. No. 3613, adopted 1986; Ord. No. 3660, adopted 1987; Ord. No. 3732, adopted 1990; Ord. No. 3748, adopted 1990; Ord. No. 3750, adopted 1990; Ord. No. 3824, adopted 1992; Ord. No. 3835, adopted 1992; Ord. No. 3894, adopted 1994; Ord. No.

3966, adopted 1997; Ord. No. 3976, adopted 1997; Ord. No. 4041, adopted 1999; Ord. No. 4042, adopted 1999; Ord. No. 4056, adopted 2000; Ord. No. 4081, adopted 2002; Ord. No. 4089, adopted 2002; Ord. No. 4109, adopted 2003; Ord. No. 4133, adopted 2004; Ord. No. 4173, adopted 2006; Ord. No. 4196, adopted 2008) (Ord. No. 4265, 7-13-2010; Ord. No. 4276, 5-17-2011; Ord. No. 4306, 3-26-2013; Ord. No. 4316, 12-10-2013; Ord. No. 4339, 6-16-2015)

**Sec. 15.04.031 is hereby repealed** (Ord. No. 3289, adopted 1980.)

**Sec. 15.04.032 is hereby repealed** (Ord. No. 3289, adopted 1980.)

**Sec. 15.04.033 is hereby repealed** (Ord. No. 3289, adopted 1980.)

**Sec. 15.04.034 is hereby repealed** (Ord. 3289, adopted 1980)

**Sec. 15.04.040 Speed Limit Changes.**

Any person who requests a change in a prima facie speed limit on any County road shall make application to the Commissioner, who, upon finding the application meritorious, shall conduct an engineering and traffic survey to determine the appropriate amendment to this Chapter shall be presented to the Local Authority for their consideration and determination pursuant to Section 15.04.030 (A) of this Chapter. (Ord. No. 512, Section 102, adopted 1966.)

**Sec. 15.04.050 Speed Zoning on Bridges and Structures.**

(A) **Authority to Establish the Maximum Limits on Bridges and Structures.** Pursuant to Sections 22403 and 22404 of the Vehicle Code, the Local Authority is hereby authorized to determine, upon the basis of an engineering and traffic investigation and properly noticed public hearing, the maximum speed which can be maintained with safety on any bridge or structure under its jurisdiction. (Ord. No. 512, Sec. 120, adopted 1966.)

(B) **Posting of Speed Signs for Bridges and Structures.** When such determination has been made, the Local Authority by resolution shall designate the maximum speed limit on such bridge and structures. The Commissioner is hereby authorized and directed to establish appropriate signs giving notice of the maximum speed limits established. When signs are erected giving notice thereof, the maximum speed limits set forth shall be in effect. (Ord. No. 512, Sec. 121, adopted 1966.)

(C) **Speed Limit Changes on Bridges and Structures.** Any person who requests a change in a maximum speed limit on any County bridge or structure shall make application to the Commissioner, who, upon finding the application meritorious, shall conduct an engineering and traffic survey to determine the appropriate maximum speed limit. Said engineering and traffic survey together with the recommendations of the Commissioner shall be presented to the Local Authority, who shall hold a public hearing. Notice of the time and place of the public hearing shall be posted upon the bridge or structure at least five (5) days prior to the date fixed for said hearing. Upon the conclusion of said hearing, a determination of the maximum speed limit shall be made pursuant to Section 15.04.050 (A) of this Chapter. (Ord. No. 512, Sec. 122, adopted 1966.)

**Sec. 15.04.060 Speed Zoning on Private Property.**

(A) **Authority to Establish Maximum Limits on Private Roads.** Any affected property owner who requests a change of an established maximum limit on a private road or the establishment of a maximum limit on a private road shall file with the Commissioner a petition signed by a majority of the affected property owners, setting forth a description of the private road, the maximum limit desired and the reasons therefor. The Commissioner shall determine if the petition is in compliance with this section. If the petition is in compliance, the matter shall be set on the agenda of the Local Authority on the second Tuesday following the filing of the petition. The Clerk of



the Board shall notify by mail all known affected property owners. When the matter is heard, the Local Authority may receive and consider testimony from the proponents and the opponents prior to the establishment of a maximum limit. (Ord. No. 512, Sec. 130, adopted 1966.)

**Sec. 15.04.070 Stop Signs.**

(A) **AUTHORITY TO ERECT STOP SIGNS.** Subject to the provisions of Sections 21353 and 21355 of the Vehicle Code, the local authority is hereby authorized to determine those County roads, intersections or railroad grade crossings at which there is a special hazard to life or property by reason of the volume of traffic upon such roads or at such intersections, or over such railroad grade crossings, or because of the lack of visibility to the drivers of the vehicles approaching such roads, intersections or railroad grade crossings, or because the number of reported accidents or the apparent probability thereof, or by reason of physical conditions which render any such roads, intersections or railroad grade crossings exceptionally dangerous or hazardous to life or property, and where the factors creating the special hazard are such that, according to the principles and experience of traffic engineering, the expectancy of accidents and that the use of warning signs would be inadequate. (Ord. No. 512, Sec. 140, adopted 1966.)

(B) **POSTING OF STOP SIGNS.** When such determination has been made, the Local Authority by resolution shall designate any such road as a through road between specified limits, or designate any such intersection as a stop intersection, or designate any such railroad grade crossing as a stop railroad grade crossing, subject to the approval of the Public Utilities Commission of this State, pursuant to the provisions of Section 21110 of the Vehicle Code; and it shall post such stop signs as are necessary to give effect to such designation. Stop signs at any intersection may be so posted as to stop either or any or all of the streams of traffic entering such intersection as the needs of

the particular location may require. (Ord. No. 512, Sec. 141, adopted 1966.)

(C) **ADDITION OR REMOVAL OF STOP SIGNS.** Any person who requests the addition or removal of stop signs authorized by this Chapter shall make application to the Commissioner who, upon finding the application meritorious, shall conduct an engineering and traffic survey to determine the need for any such addition or removal. Said engineering and traffic survey together with the recommendations of the Commissioner and an appropriate resolution shall be presented to the Local Authority for their consideration and determination, pursuant to Section 15.04.070 (A) of this Chapter. (Ord. No. 512, Sec. 142 adopted 1966, as amended by Ord. No. 592, adopted 1969.)

**Sec. 15.04.071 Simpson Lane a Through Street.**

Simpson Lane C.R. 414 between M.P. 0.00 to M.P. 3.60 is hereby designated as a through street and such stop signs may be posted as are necessary to establish this roadway as a through street. (Ord. No. 3262, adopted 1979.)

**Sec. 15.04.080 Yield Right of Way Signs.**

(A) **AUTHORITY TO ERECT YIELD RIGHT OF WAY SIGNS.** The Commissioner is hereby authorized to determine those approaches to intersections of streets and highways which are not through streets and which there is special hazard to life and property by reason of the volume of traffic at such intersections, or because of the lack of visibility to the drivers of the vehicles approaching such intersections, or because of the number or reported accidents or an apparent probability thereof, or by reason of physical conditions which render such intersections exceptionally dangerous or hazardous to life and property, and where the factors creating the special hazard are such that, according to the principles and experience of traffic engineering, the installation of "yield right of way" signs is reasonably calculated to reduce the expectancy of accidents, and that the use of warning signs would be inadequate. (Ord. No. 512, Sec. 150, adopted 1966.)



(B) **POSTING YIELD RIGHT OF WAY SIGNS.** When such determination has been made, the Commissioner is directed to designate any such approaches as "yield right of way" approaches and shall post such "yield right of way" signs as are necessary to give effect to such designation. (Ord. No. 512, Sec. 151, adopted 1966.)

**Sec. 15.04.090 Repealed by Ord. No. 3680, adopted 1988.**

**Sec. 15.04.100 Penalties.**

(A) It is unlawful for any person to do any act forbidden or fail to perform any act required in this Chapter.

(B) Any person violating any of the provisions of this Chapter shall be guilty of an infraction. (Ord. No. 512 Sec. 170, adopted 1966; Ord. No. 3550, adopted 1985.)

**Sec. 15.04.110 Existing Signs Ratified.**

All speed restriction signs, stop signs, yield right of way signs, and traffic control devices in place on the effective day of this Chapter (December, 1966) are hereby ratified and confirmed and shall constitute the applicable law until changed pursuant to this Chapter. (Ord. No. 512 Sec. 182, adopted 1966.)

## CHAPTER 15.08

### TRAFFIC REGULATION OVER CERTAIN BRIDGES

#### **Sec. 15.08.010 Declaration (Boonville Road-Feliz Creek Bridge).**

That the Boonville Road-Feliz Creek Bridge is suitable for one (1) lane traffic only and therefore will be posted a one (1) lane bridge. (Ord. No. 410, Sec. 1, adopted 1961.)

#### **Sec. 15.08.020 Stop Signs—Posted.**

It is necessary that an arterial stop sign be posted at the southwest corner of the intersection of the Feliz Creek Road and the Boonville Road. (Ord. No. 410, Sec. 2, adopted 1961.)

#### **Sec. 15.08.030 Penalties.**

Any person who may be convicted of violating Section 15.08.010 of this Chapter shall be punished by a sentence of not more than thirty (30) days in the County jail, or fined not more than Two Hundred Fifty Dollars (\$250.00) or by both such fine and imprisonment. (Ord. No. 410, Sec. 3, adopted 1961.)

#### **Sec. 15.08.040 Duty of County Road Commissioner.**

The County Road Commissioner is hereby authorized and directed to erect and maintain a suitable sign upon the Feliz Creek Bridge, stating that it is a "One Lane Bridge" and a suitable stop sign at the intersection of the Feliz Creek Road and the Boonville Road. (Ord. No. 410, Sec. 4, adopted 1961.)

#### **Sec. 15.08.050 Declaration (Steel Truss Bridge Across North Fork of the Gualala River).**

(A) The steel truss bridge across the North Fork of the Gualala River situated one and one-half (1½) miles easterly from the State Highway near the town of Gualala, is hereby declared to be in a dangerous condition for heavy travel and

unsafe for transporting over and upon said bridge any load, including vehicle, in excess of ten (10) tons in weight per vehicle, or in excess of eighteen (18) tons per semi-trailer combination, provided that such vehicle is operated at a speed in excess of five (5) miles per hour. (Ord. No. 344, Sec. 1, adopted 1953.)

(B) Sections 15.08.050 to 15.08.060, inclusive, are hereby declared to be necessary for the immediate preservation of the public safety for the reason that if loads in excess of the weight and excess of the speed herein provided for said bridge are carried or transported or attempted to be transported across or over said bridge, there is grave danger that said bridge, if so overloaded, may give way and result in injury to persons or property. (Ord. No. 344, Sec. 3, adopted 1953.)

#### **Sec. 15.08.060 Duty of County Engineer.**

It is hereby made the duty of the County Engineer, and he is hereby directed, to post and keep posted in a conspicuous place upon said bridge mentioned in Section 15.08.010 hereof and at each end thereof a sign warning people of the dangerous condition for heavy travel on said bridge, of the weight limit and speed limit of said bridge upon which the notice is so posted and the penalty for violation of Sections 15.08.050 to 15.08.060, inclusive, as herein provided. (Ord. No. 344, Sec. 2, adopted 1953.)

#### **Sec. 15.08.070 Repealed by Ord. No. 3852, adopted 1993.**

#### **Sec. 15.08.080 Repealed by Ord. No. 4071, adopted 2001.**



- Sec. 20.188.020 Development Projects Subject to Further Review.
- Sec. 20.188.025 Development Review Process.
- Sec. 20.188.030 Final Plans and Certification.
- Sec. 20.188.035 Appeals.
- Sec. 20.188.040 Prohibitions.
- Sec. 20.188.045 Nuisances.
- Sec. 20.188.050 Effect on Other Laws.
- Sec. 20.188.060 Exceptions.

**CHAPTER 20.192 ADMINISTRATIVE PERMITS**

- Sec. 20.192.005 Declaration.
- Sec. 20.192.010 Original Jurisdiction.
- Sec. 20.192.015 Application and Fee.
- Sec. 20.192.020 Review and Evaluation.
- Sec. 20.192.025 Decision and Notice.
- Sec. 20.192.030 Conditional Administrative Permits.
- Sec. 20.192.035 Appeal.
- Sec. 20.192.040 Discontinuance.
- Sec. 20.192.045 Expiration.
- Sec. 20.192.050 Application for Extension.
- Sec. 20.192.055 Application for Modification.
- Sec. 20.192.060 Revocation or Modification.
- Sec. 20.192.065 Automatic Revocation.
- Sec. 20.192.070 Reapplication.
- Sec. 20.192.075 Nuisance.

**CHAPTER 20.196 USE PERMITS**

- Sec. 20.196.005 Declaration.
- Sec. 20.196.010 Original Jurisdiction.
- Sec. 20.196.015 Application and Fee.
- Sec. 20.196.020 Findings.
- Sec. 20.196.025 Decision and Notice.

- Sec. 20.196.030 Conditional Use Permit.
- Sec. 20.196.035 Effective Date.
- Sec. 20.196.040 Expiration.
- Sec. 20.196.045 Application for Modification.
- Sec. 20.196.050 Renewal.
- Sec. 20.196.055 Revocation or Modification.
- Sec. 20.196.060 Automatic Revocation.
- Sec. 20.196.065 Reapplication.
- Sec. 20.196.070 Nuisance.
- Sec. 20.196.075 Notice to Assessor.

**CHAPTER 20.200 VARIANCES**

- Sec. 20.200.005 Declaration.
- Sec. 20.200.010 Original Jurisdiction.
- Sec. 20.200.015 Application and Fee.
- Sec. 20.200.020 Findings
- Sec. 20.200.025 Decision and Notice.
- Sec. 20.200.030 Conditional Variance.
- Sec. 20.200.035 Effective Date.
- Sec. 20.200.040 Expiration.
- Sec. 20.200.045 Application for Modification.
- Sec. 20.200.050 Revocation or Modification.
- Sec. 20.200.055 Automatic Revocation.
- Sec. 20.200.060 Reapplication.
- Sec. 20.200.065 Nuisance.

**CHAPTER 20.204 NONCONFORMING USES AND STRUCTURES**

- Sec. 20.204.005 Declaration.
- Sec. 20.204.010 Continuation and Maintenance.
- Sec. 20.204.015 Restoration of Damaged Structures.
- Sec. 20.204.020 Alterations and Additions to Nonconforming Uses and Structures.

- Sec. 20.204.025 Expansion of Nonconforming Uses and Structures.
- Sec. 20.204.030 Previous Use Permits in Effect.
- Sec. 20.204.035 Abandonment or Conversion of Nonconforming Uses.
- Sec. 20.204.040 Nuisances.

**CHAPTER 20.206 EXTENSION OF TIME FOR QUALIFYING CLEAN SLATE/BLUR II APPLICANTS**

- Sec. 20.206.005 Declaration.
- Sec. 20.206.010 Standards.
- Sec. 20.206.015 Repealer.

**CHAPTER 20.208 APPEALS**

- Sec. 20.208.005 Declaration.
- Sec. 20.208.010 Administrative Appeals.
- Sec. 20.208.015 Zoning Administrator and Planning Commission Appeal.

**CHAPTER 20.212 AMENDMENTS, ALTERATIONS, AND CHANGES IN DISTRICTS**

- Sec. 20.212.005 Declaration.
- Sec. 20.212.010 Conditions to Rezoning.
- Sec. 20.212.015 Initiation.
- Sec. 20.212.020 Planning Commission Hearing.
- Sec. 20.212.025 Action by the Planning Commission.
- Sec. 20.212.030 Action by the Board of Supervisors.
- Sec. 20.212.035 Abandonment of Proceedings.
- Sec. 20.212.040 Notice to County Assessor.

**CHAPTER 20.216 ENFORCEMENT, LEGAL PROCEDURE AND PENALTIES**

- Sec. 20.216.005 Officials, Duties.

- Sec. 20.216.010 Penalties.
- Sec. 20.216.015 Permit Conditions as Violations.
- Sec. 20.216.020 Cumulative Remedies.
- Sec. 20.216.025 Public Nuisance—Abatement.

**CHAPTER 20.220 GENERAL PLAN—ZONING ORDINANCE COMPATIBILITY**

- Sec. 20.220.005 General Plan—Zoning Compatibility Chart.

**CHAPTER 20.224 INTERIM URGENCY ORDINANCE PROHIBITING NEW OR EXPANDED INDUSTRIAL USES ON PINOLEVILLE RANCHERIA**

- Sec. 20.224.005 Pinoleville Rancheria—New Industrial Uses Prohibited.\*

**CHAPTER 20.228 INTERIM URGENCY ORDINANCE PROHIBITING SUBDIVISION OF LAND WITHIN THE NORTH FORT BRAGG/PUDDING CREEK PLANNED DEVELOPMENT AREA**

- Sec. 20.228.005 North Fort Bragg/Pudding Creek Planned Development Area—Division of Land Prohibited.

**CHAPTER 20.232 DEVELOPMENT REVIEW PROCESS FOR BROOKTRAILS TOWNSHIP**

- Sec. 20.232.010 Purpose.
- Sec. 20.232.015 Designation of Area.
- Sec. 20.232.020 Definitions.
- Sec. 20.232.025 Establishment of Development Review Board.
- Sec. 20.232.030 Work in District Requiring Approval.
- Sec. 20.232.035 Procedure for Submission to Development Review Board.
- Sec. 20.232.040 Standards.

- Sec. 20.232.045 Approvals.
- Sec. 20.232.050 Appeals.
- Sec. 20.232.055 Conduct of Appeal.
- Sec. 20.232.060 Conduct of Hearings.
- Sec. 20.232.065 Violations.
- Sec. 20.232.070 Severability.

**CHAPTER 20.236 TOWERS AND ANTENNAS**

- Sec. 20.236.005 Declaration.
- Sec. 20.236.010 Superseding Effect, Exceptions.
- Sec. 20.236.015 Exempt Facilities.
- Sec. 20.236.020 Permit process.
- Sec. 20.236.025 Development Standards.
- Sec. 20.236.030 Noticing.
- Sec. 20.236.035 Application requirements.
- Sec. 20.236.040 Validity.

**CHAPTER 20.238 INCLUSIONARY HOUSING**

- Sec. 20.238.005 Purpose.
- Sec. 20.238.010 Applicability.
- Sec. 20.238.015 Inclusionary Housing Unit Requirement.
- Sec. 20.238.020 Affordable Housing Standards.
- Sec. 20.238.025 Inclusionary Housing Credit.
- Sec. 20.238.030 Alternatives.
- Sec. 20.238.035 Affordable Housing In-Lieu Fees.
- Sec. 20.238.040 Incentives.
- Sec. 20.238.045 Density Bonus and Other Incentives.
- Sec. 20.238.50 Inclusionary Housing Plan Compliance.
- Sec. 20.238.055 Eligibility to Occupy Inclusionary Housing Units.
- Sec. 20.238.060 Equity Sharing.

- Sec. 20.238.065 Owner-occupied Units.
- Sec. 20.238.070 Renter-occupied Units.
- Sec. 20.238.075 Affordable Housing Trust Fund.
- Sec. 20.238.080 Adjustments, Modifications, or Waivers.
- Sec. 20.238.090 Ordinance Review.
- Sec. 20.238.095 Severability.

**CHAPTER 20.239 REQUESTS FOR REASONABLE ACCOMODATIONS UNDER THE FAIR HOUSING ACTS**

- Sec. 20.239.010 Purpose and Intent.
- Sec. 20.239.015 Definitions.
- Sec. 20.239.020 Applicability.
- Sec. 20.239.025 Application Requirements.
- Sec. 20.239.030 Review Authority.
- Sec. 20.239.035 Review Procedure.
- Sec. 20.239.040 Findings and Decision.
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**CHAPTER 20.240 DEVELOPMENT REVIEW WITHIN THE BRUSH STREET TRIANGLE**

- Sec. 20.240.003 Declaration.
- Sec. 20.240.005 Intent.
- Sec. 20.240.010 Designation of Area.
- Sec. 20.240.015 CEQA.
- Sec. 20.240.020 Site Development Permits.
- Sec. 20.240.025 Site Development Permit Processing.
- Sec. 20.240.030 Site Development Permit Findings
- Sec. 20.240.035 Conditions of Approval.
- Sec. 20.240.040 Effective Date.
- Sec. 20.240.045 Expiration, Revocation and Renewal
- Sec. 20.240.050 Sunset of Ordinance.

**Appendix A Industrial Uses Which Normally Will Not Require Development Review**



**Appendix B Industrial Uses Which Require  
Environmental Review**

**Appendix C Exterior Noise Limit Standards**

**DIVISION I MENDOCINO COUNTY  
ZONING CODE**

**Sec. 20-0**      **Repealed by Ord. No. 3787,  
adopted 1991.**

**CHAPTER 20.004**

**GENERAL**

**Sec. 20.004.005 Title.**

This Division shall be known and cited as the "Mendocino County Zoning Code—Division I." (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.004.010 Adoption of Zoning Enabling  
Plan—Declaration.**

There is adopted a Zoning Enabling Plan for the County of Mendocino, exclusive of those areas within the Coastal Zone. (Ord. No. 3639 (part), adopted 1987; Ord. No. 3787 (part), adopted 1991)

**Sec. 20.004.015 Purpose.**

This Division is adopted to protect and promote the public health, safety, morals, peace, comfort, convenience, prosperity and general welfare; and further, the purpose of this Division is to prescribe land use regulations and a zoning plan for the County of Mendocino deemed necessary to promote forestry and agriculture; to provide open space for light and air and to prevent and fight fires and other hazards; to prevent undue dispersion or concentration of population; to promote orderly community development; to lessen congestion of streets and highways; and to facilitate adequate provisions for community utilities such as transportation, schools, parks and other public requirements. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.004.020 Intent.**

This Division is intended to be in harmony with the Mendocino County General Plan and any area plans adopted pursuant thereto. Future amendments of these plans shall be reflected in

amendments of the Zoning Code, and future amendments to the Zoning Code shall only be made in conformity with the General Plan and adopted area plans. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.004.025 Findings.**

The Board of Supervisors finds that agriculture is a major industry of the County and that for the protection of agriculture and in order to prevent further encroachment upon it by incompatible uses of property and for the general welfare of the County as a whole, there are created zone classifications within which agriculture shall be encouraged to the exclusion of such other uses of land as may be in conflict therewith. Therefore, the provisions of this Division shall be liberally interpreted, insofar as they apply to agricultural pursuits and services, and shall not be deemed or construed to permit interference with any normal accessory use conducted in conjunction therewith. It is the intention of this Division to provide maximum protection to existing and future agricultural enterprises and to encourage the highest and best use of the lands so classified for agricultural purposes, including the necessary residential, recreational, educational, public utilities and other similar uses necessary and incidental thereto. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.004.030 Applicability of Mendocino  
County Zoning Code—Division I.**

The Board of Supervisors declares that the regulations of this Division are intended to apply to all properties within the unincorporated area of the County, exclusive of those areas known as the Coastal Zone. (Ord. No. 3639 (part), adopted 1987; Ord. No. 3787 (part), adopted 1991)

**Sec. 20.004.035 Conflict Resolution.**

(A) Where conflict occurs between the regulations of this Division and any building code or other regulations within the County, the more restrictive of any such regulations shall apply.

(B) In interpreting and applying the provisions of this Division, unless otherwise stated, requirements shall be held to be the minimum requirements for the promotion and protection of the public safety, health and the general welfare.

(C) It is not intended that this Division shall interfere with or abrogate or annul any easements, covenants or other agreements now in effect; provided, however, that where this Division imposes a greater restriction than are imposed or required by other ordinances, articles, chapters rules or regulations, or by easements, covenants, or agreements, the provisions of this Division shall apply except in the case of a development agreement entered into pursuant to Government Code Sections 65864 through 65869.5. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.004.040 Completion of Existing Buildings.**

Nothing herein shall require any change in the plans, construction or designated use of a building or structure for which a building permit has been issued prior to the effective date of the ordinance codified in this Division or any amendment of these regulations, provided that actual construction of such building or structure is commenced within six (6) months after the date of issuance of the building permit and is completed within one (1) year from the effective date of such amendment, and provided further that such construction and proposed use of such building or structure is not on said effective date in violation of any other code or law. Actual construction is hereby defined for purposes of this Section, to be the actual placing of construction materials in their permanent position, fastened in a permanent manner, except that where a basement is being excavated, such excavating shall be deemed to be actual construction, or where demolition or removal of an existing structure has been begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.004.045 Effect of Zoning Enabling Plan.**

To make effective a degree of zoning protection in the unincorporated area of the County, all uses of land within a particular district as defined by this Division (except those uses similar in scope and intensity to those uses cited as typical uses within Chapters 20.016 through 20.036) which are not permitted by the regulations established herein for that district are prohibited.

Except as hereinafter otherwise provided:

(A) No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land, building or premises to be used, designated or intended to be used for any purpose or in any manner other than is included among the uses listed in this Division as permitted, or uses permitted by use permit, in the district in which such building, land or premises is located.

(B) No building shall be erected, reconstructed or structurally altered to exceed in height the limit designated in this Division for the districts in which such building is located.

(C) No building shall be erected, nor shall any existing building be altered, enlarged or rebuilt, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area and building location regulations designated in this Division for the district in which such building or open space is located.

(D) No yard or other open space provided about any building for the purpose of complying with the provisions of this Division shall be considered as providing a yard or open space for any other building, and no yard or other open space on one building site shall be considered as providing a yard or open space for a building on any other building site. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.004.050 Severability.**

If any chapter, section, subsection, paragraph, sentence, clause or phrase of this Division, which is reasonably separable from the remaining por-

tion of this Division is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Division, it being herein expressly declared that this Division and each chapter, section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that any one or more sections, subsections, paragraphs, clauses or phrases be declared invalid or unconstitutional. (Ord. No. 3639 (part), adopted 1987)

## CHAPTER 20.008

### DEFINITIONS

#### Sec. 20.008.005 Declaration.

Provisions of this Chapter shall be known as the "definitions." The purpose of these provisions is to promote consistency and precision in the interpretation of the Zoning Code. The meaning and construction of words and phrases as set forth shall apply throughout the Zoning Code, except where the context of such words or phrases clearly indicates a different meaning or construction. Definitions contained in the Uniform Building Codes shall be applicable except when in conflict with definitions contained in the Zoning Code, in which case the Zoning Code definition shall prevail. (Ord. No. 3639 (part), adopted 1987)

#### Sec. 20.008.010 General Rules For Construction of Language.

The following general rules of construction shall apply to the textual provisions of the Zoning Code:

(A) Headings. Section and subsection headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision of the Zoning Code.

(B) Illustration. In case of any difference of meaning or implication between the text of any provision and any illustration, the text shall control.

(C) Shall and May. "Shall" is always mandatory and not discretionary. "May" is discretionary.

(D) Tenses and Numbers. Words used in the present tense include the future, and words used in the plural, include the singular, unless the context clearly indicates the contrary.

(E) Conjunctions. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

(1) "And" indicates that the connected items or provisions apply.

(2) "Or" indicates that the connected items or provisions may apply singly or in any combination.

(3) "Either ... or" indicates that the connected items or provisions shall apply singly but not in combination.

(F) All public officials, bodies, and agencies to which reference is made are those of the County of Mendocino unless otherwise indicated. (Ord. No. 3639 (part), adopted 1987)

#### Sec. 20.008.015 General Terms.

(A) "Department" means the Department of Planning and Building Services.

(B) "Board" or "Board of Supervisors" shall have the same meaning.

(C) "Commission" or "Planning Commission" shall have the same meaning.

(D) "City" means any city in the County of Mendocino.

(E) "County" means the County of Mendocino.

(F) "Federal" means the Government of the United States of America.

(G) "State" means the State of California.

(H) "Used" includes "arranged for," "designed for," "occupied," or "intended to be occupied for."

(I) "General Plan" means the Mendocino County General Plan.

(J) "Director" means the Director of Planning and Building Services.

(K) "Section" means a section of the Zoning Code unless otherwise indicated.

(L) "Division" means the entire Zoning Code—Division I unless otherwise indicated. (Ord. No. 3639 (part), adopted 1987)

#### Sec. 20.008.020 Definitions (A).

(A) "Accessory building" means a detached subordinate structure, the use of which is incidental to the established primary use or main structure located on the same lot or building site; i.e., private garage, storage shed, farm out buildings, etc. In no case shall such accessory structure dominate, in area, extent or purpose, the principal

lawful structure or use. Accessory buildings shall not contain any sleeping quarters or kitchen facilities and are therefore not intended for human occupancy. See Chapter 20.164 Accessory Use Regulations.

(B) Accessory Structure. See Accessory Building.

(C) "Accessory use" means a use of land or of a structure incidental or subordinate to the principal use located upon the same lot.

(D) "Administrative Permit" means a permit granted pursuant to Chapter 20.192 by an agency of Mendocino County or the Zoning Administrator for a use of a temporary nature, a second residential unit, or farm employee housing.

(E) Agricultural Employee. See Farm Employee.

(F) "Airport" means any area of land, water or a structure which is used or intended for use for the landing and taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(G) "Alley" means a public or private way permanently reserved as a secondary means of access to abutting property.

(H) "Amendment" means any change, modification, deletion, or addition to the wording, text or substance of the Zoning Code, or any change, modification, deletion, or addition to the application of the Zoning Code to property within Mendocino County, including any alteration in the boundaries of a zone, when adopted by ordinance passed by the Board of Supervisors in the manner prescribed by law.

(I) "Animals, large" is limited to bovine and equine animals, sheep, goats, swine and similar animals.

(J) "Animals, small" means dogs, cats, birds, poultry, rabbits, chinchillas, hamsters, and other small domesticated animals other than a large animal.

(K) "Apartment" means a portion of a building which is designed and built for occupancy by three (3) or more families living in separate dwelling units.

(L) "Automobile wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of three (3) or more motor vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, and from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard.

(M) "Affordable Housing" means housing capable of being purchased or rented by a household with extremely low, very low, low, or moderate income based on a household's ability to make payments necessary to obtain housing. Housing is considered affordable when a household pays less than 35% of its gross monthly income for housing.

(N) "Affordable Housing Unit" means a dwelling unit which meets the standards in Section 20.238 of this Code and is affordable to households having extremely low, very low, low, or moderate income.

(O) "Antenna" means a device used in communications designed to radiate and/or capture electromagnetic signals.

(P) "Antenna, building-mounted" means any antenna attached to and supported by a building or other structure more than ten (10) feet tall, other than an antenna tower, i.e., the exterior walls of a building, an existing parapet, the side of a water tank, the face of a church steeple, or the side of a freestanding sign.

(Q) "Antenna, roof-mounted" means an antenna directly attached to the roof of an existing building, water tank, tower or structure other than an antenna tower.

(R) "Antenna tower" means any pole, tower, or other structure, over ten (10) feet tall, erected



for the purpose of supporting one or more antennas. (Ord. No. 3639 (part), adopted 1987 (Ord. No. 4218, § 1, 3-23-2009; Ord. No. 4341, § 1, 8-4-2015))

**Sec. 20.008.022 Definitions (B).**

(A) "Bank" means an establishment for the custody, loan exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds.

(B) "Barn" means a building used for the shelter of livestock, the storage of agricultural products, or the storage and maintenance of farm equipment and agricultural supplies.

(C) "Block" means all property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a right-of-way, waterway, terminus of dead-end street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

(D) "Boarding house" means a building or portion thereof, other than an inn or hotel, where regular meals are provided to persons for compensation or profit.

(E) Boarding Stable. See Stable.

(F) "Building" means a structure having a roof, and which is constructed in a permanent position upon the ground and is designed and intended to be used for the shelter or enclosure of persons, animals or property. This definition does not include any type of mobile home, recreational vehicle, boat, or tent.

(G) "Building, height of" means the vertical distance from the average ground level of the building to the highest point of the roof ridge or parapet wall. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.008.024 Definitions (C).**

(A) Camping Area, Incidental. See Incidental Camping Area.

(B) "Campsite" means an area within an incidental camping area occupied by a camping party.

(C) "Chimney" means a hollow shaft containing one (1) or more passages vertical or nearly so, for conveying products of combustion.

(D) "Clinic" means any place, establishment or institution which operates under the name or title of clinic, dispensary, health center, medical center, or any other word or phrase of like or similar import, either independently or in connection with any other purpose, for the purpose of furnishing at the place, establishment, or institution, advice, diagnosis, treatment, appliances or apparatus, to persons or animals not residing or confined in the place, establishment, or institution, and who are afflicted with bodily or mental disease or injury.

(E) "Cluster" means the grouping of dwellings or parcels in suitable areas so as to insure the preservation of the valuable site resources as opposed to even dispersal over the project area.

(F) "College" means a college, junior college or university supported by public funds, or a private college, junior college or university which gives comparable general academic instruction and degrees.

(G) "Combining district" means a district providing special regulations which supplement or add to basic zoning district regulations.

(H) "Conservation easement" means a legally drafted and recorded agreement between a landowner and the County, land trust, or other qualified organization in which the owner agrees to place certain restrictions over all or portions of his/her land in perpetuity to retain it in a predominantly natural, scenic, agriculture or other open space condition. Except for the specific restrictions contained in the easement document, the owner retains all other rights in the property. The easement stays with the land and is therefore legally binding on present and future owners.

(I) "Construction" means the placement of construction materials in their permanent position and fastened in a permanent manner.

(J) "Contract zoning" means conditions to a rezoning which are not specified in the Zoning Ordinance but which conditions are binding to both the property owner and the County.

(K) Converted Mobile Home. See Mobile Home, Converted.

(L) Corner Lot. See Lot, Corner.

(M) "Cottage industry" means a small scale business operated in or around a residential use and which complies with Chapter 20.160.

(N) "Co-location" means the installation of antennas operated by different entities in close proximity so that use of substantial elements of the facility such as the antenna tower, equipment shelter or fenced enclosures are shared. Co-location includes replacement of an existing tower with one capable of supporting additional antennas provided the overall height of the facility is not increased. (Ord. No. 3639 (part), adopted 1987) (Ord. No. 4341, § 2, 8-4-2015)

**Sec. 20.008.026 Definitions (D).**

(A) "Day Care Home - Small Family" means a home providing day care for children under 18 years of age as defined by the California Health and Safety Code, but excluding overnight care

(B) "Day Care Home - Large Family" means a home providing day care for children under 18 years of age as defined by the California Health and Safety Code, but excluding overnight care.

(C) "Density" means the number of dwelling units per acre or square feet.

(D) "Detached bedrooms" means a separate incidental structure containing one (1) room only without a kitchen or sanitation facilities, designed for and intended to be used as a sleeping or living facility for family members to be used in conjunction with a main structure which includes kitchen and sanitation facilities. A detached bedroom shall be located no farther than one hundred Fifty (150) feet from the main structure, and shall not exceed five hundred (500) square feet of floor area. See Chapter 20.164 Accessory Use Regulations.

(E) "Development agreement" means an agreement between the County and an applicant entered into pursuant to Government Code Sections 65864 through 65869.5.

(F) "Dwelling" means a building or portion thereof used exclusively for residential purposes,

including one-family, two-family and multiple dwellings, but not including hotels or boarding houses.

(G) "Dwelling, single-family" means a building containing not more than one (1) dwelling unit. Included is a converted mobile home.

(H) "Dwelling, two family (duplex)" means a building containing two (2) dwelling units. Included is a converted mobile home.

(I) "Dwelling, multifamily (apartment)" means a building or portion thereof containing three (3) or more dwelling units.

(J) "Dwelling group" means a group of two (2) or more dwelling units located on a parcel of land which is held in one (1) ownership.

(K) "Dwelling unit" means a single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and having only one (1) kitchen. (Ord. No. 3639 (part), adopted 1987; Ord. No. 4206, 10-28-2008)

**Sec. 20.008.027 Definitions (E).**

(A) "Emergency Shelter" means a facility for the temporary shelter and feeding of indigents or disaster victims, operated by a public or non-profit agency.

(B) "Equity Sharing" means an agreement by which appreciation on the value of an affordable unit from the time of original purchase at an affordable price to the time of resale shall be shared between the owner and the County or its designated agency. Such an agreement will be a condition of financial assistance for income qualified households to purchase Affordable Housing Units. (Ord. No. 4218, § 2, 3-23-2009; Ord. No. 4225, 7-20-2009)

**Sec. 20.008.028 Definitions (F).**

(A) "Family" means either:

(1) A single person or two (2) or more persons related by blood, marriage or adoption living in a dwelling unit; or

(2) Two (2) or more persons living together who bear the generic character of a family unit as a relatively permanent household.

(B) "Family care home" means a state-authorized, certified, or licensed family care home, foster home, group home serving six or fewer mentally impaired or otherwise handicapped persons, persons recovering from alcoholism or drug addiction or dependent and neglected children. A family care home may provide care and service on a twenty-four-hour-a-day basis. No facility shall qualify as a family care home if it is operated in such a manner that facilities, activities, or events thereon are shared by more than six (6) mentally impaired or otherwise handicapped persons or dependent and neglected children.

(C) "Family care institution" means a state-authorized, certified, or licensed family care home, foster home, or group home which does not qualify as a family care home.

(D) "Family care unit" means the temporary use of a building, structure or trailer coach to provide housing for:

(1) Not more than two (2) adult persons who are sixty (60) years of age or older; or

(2) An immediate family member or members who require daily supervision and care; or

(3) A person or persons providing necessary daily supervision and care for the person or persons residing in the main residence.

(E) "Farm employee" means any person who derives employment in the service of another person as an employee engaged in farming in any of its branches, including cultivation and tilling of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural or horticultural

(C) "Trailer coach" means any vehicle, with or without motive power, designed or used for human occupancy for residential, recreational, industrial, professional or commercial purposes and shall include mobile home and recreational vehicle.

(D) "Transitional housing" means a shelter provided for the homeless for an extended period, often as long as eighteen (18) months, and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing.

(E) Travel Trailer. See Recreational Vehicle. (Ord. No. 3639 (part), adopted 1987) (Ord. No. 4225, 7-20-2009)

#### **Sec. 20.008.056 Definitions (U).**

(A) "Uniform Building Code (UBC)" means the UBC in use by Mendocino County.

(B) "Usable open space" means one (1) or more open areas adjacent to residential uses, the purpose of which is to provide an outdoor area designed for outdoor recreation.

(C) "Use" means the purpose for which land or a building is occupied, arranged, designed or intended, or which land or a building is or may be occupied or maintained.

(D) Use, Accessory. See Accessory Use.

(E) "Use classification" means a system of classifying uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics. All use types are grouped into the following categories: Residential, Civic, Commercial, Industrial, Agricultural, and Extractive.

(F) Use Group. See Use Classification.

(G) "Use, nonconforming" means the use of a building, structure, or site, or portion thereof, which was lawfully established and maintained, but which, because of the application of this ordinance to it, no longer conforms to the specific regulations applicable to the zone in which it is

located: Eligibility shall include one (1) of the following permits issued prior to March 24, 1982:

- (1) Prior Use Permit;
- (2) County Business License;
- (3) State Resale Permit.

(H) "Use Permit" means a permit which may be granted by the appropriate Mendocino County authority to provide for the accommodation of land uses with special site or design requirements, operation characteristics, or potential adverse effects on surroundings, which are not permitted by right but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the permit granting authority.

(I) "Use Permit, Major" means use permit under the original jurisdiction of the Planning Commission.

(J) "Use Permit, Minor" means use permit under the original jurisdiction of the Zoning Administrator.

(K) Use Type. See Use Classification. (Ord. No. 3639 (part), adopted 1987)

#### **Sec. 20.008.058 Definitions (V).**

(A) "Variance" means a departure from the specific requirements, excluding uses, of the Zoning Code which may be granted by the appropriate Mendocino County authority when the literal enforcement of these requirements would result in practical difficulties, unnecessary hardship, or results inconsistent with the general purposes of this Division. (Ord. No. 3639 (part), adopted 1987)

#### **Sec. 20.008.060 Definitions (W).**

(A) Wall Sign. See Sign, Wall.

(B) "Wireless communication facility" means structures and/or equipment, including antennas, antenna towers, equipment cabinets, buildings, generators, fencing, access roads and the land upon which they are situated, associated with wireless communications. (Ord. No. 3639 (part), adopted 1987) (Ord. No. 4341, § 3, 8-4-2015)

**Sec. 20.008.062 Definitions (Y).**

(A) "Yard" means an open, unoccupied space, other than a court, unobstructed from the ground to the sky, except as otherwise provided by this Division, on the lot on which a building is situated.

(B) "Yard, front" means the yard between a front lot line or lines and the line defined by the required front yard setback extending to the side lot lines.

(C) "Yard, rear" means the yard between a rear lot line or lines and the line defined by a required rear yard setback extending to the side lot lines.

(D) "Yard, side" means the yard between a side lot line or lines and the line defined by a required side yard setback, extending from the front yard to the rear yard.

(E) "Yard, side, exterior" means a side yard abutting a street.

(F) "Yard, side, interior" means any side yard other than an exterior side yard. (Ord. No. 3639 (part), adopted 1987)

**Sec. 20.008.064 Definitions (Z).**

(A) "Zone" means an area to which a uniform set of regulations relating to use of the land and the size of and location of buildings on the land, in order to assure the health, safety and general welfare of the County applies.

(B) "Zoning Administrator" means the Planning and Building Services Director or designated representative who shall have authority to render decisions on minor use permits, variances and administrative permits.

(C) "Zoning Map" means a map displaying zone district boundaries which is kept and maintained by the Planning and Building Services Department. (Ord. No. 3639 (part), adopted 1987)



**Sec. 20.232.030 Work in District Requiring Approval.**

None of the following work shall be commenced or continued within the District, nor shall any building or other permit necessary for such work be issued without prior approval of the Development Review Board.

(A) Construction of any structure where such work requires the issuance of a building permit relating to something other than interior alterations of an existing structure;

(B) Removal of vegetation where such action involves the removal of trees with a diameter of six (6) inches or more as measured at breast height;

(C) Any excavation of, or deposit of material upon a parcel in such manner as to materially alter the existing contour or condition of the land, including levelling, grading, piling or paving. (Ord. No. 3885 (part), adopted 1994; Ord. No. 3898 (part), adopted 1994; Ord. No. 3959 (part), adopted 1997)

**Sec. 20.232.035 Procedure for Submission to Development Review Board.**

Any person desiring to do or to have done any of the work mentioned in Section 20.232.030 of this Chapter, shall prior to the commencement of such work submit to the Development Review Board a comprehensive site plan, information sufficient for calculation of square footage, an elevation plan and a general list of materials to be used. All proposed and existing structures and other improvements and features shall be shown to scale including where relevant or when required by the Development Review Board or its agents:

(A) **Adjoining Features.** The location of all adjoining parcels including pavement, curb and sidewalk and for contiguous parcels, the location of principal and accessory buildings, curb cuts and driveways;

(B) **Architectural Elevations.** The proposed elevations including exterior materials to be used, showing all sides of the development. If the exterior of an existing building is to be changed or enlarged, the proposed and existing elevations of the buildings and additions shall be shown.

(C) **Parking, Loading and Circulation Plan.** All driveways, off-street parking and off-street loading areas, the locations of entrances and exits, and direction of traffic flow ingressing and egressing from off-street parking and off-street loading areas.

(D) **Existing Trees.** The location, type and approximate size of all trees over six (6) inches in diameter, as measured at breast height, proposed to be removed, which trees shall not be removed unless such removal is approved.

(E) **Utilities.** The description of any private water supplies and description of any private sewage disposal system.

(F) **Additional Information.** Any relevant additional information required by the Development Review Board, or its agents. (Ord. No. 3885 (part), adopted 1994; Ord. No. 3898 (part), adopted 1994; Ord. No. 3959 (part), adopted 1997)

**Sec. 20.232.040 Standards.**

The design guidelines and site development standards to be used by the Development Review Board in considering applications for approval are detailed in Chapter 10 of the adopted Brooktrails Specific Plan and are incorporated by reference and made part of this Chapter. A current version of the Specific Plan shall be kept on file at all times in the Brooktrails Community Services District office and the Department of Planning and Building Services. (Ord. No. 3885 (part), adopted 1994; Ord. No. 3898 (part), adopted 1994; Ord. No. 3959 (part), adopted 1997; Ord. No. 3986 (part), adopted 1997)

**Sec. 20.232.045 Approvals.**

The District Architect shall act upon each application for new construction deemed by him to be complete within ten (10) days of receipt. Upon accepting an application as complete, the District Architect shall certify in writing to the General Manager of the District that all information required by this Chapter has been included in the application. The General Manager shall thereupon cause Notice of Receipt of the Application



to be posted upon the subject parcel and posted in the District in the manner other notices are posted. The District Architect shall notify the General Manager of the District in writing of each action taken upon an application, therein specifying the reasons for such action. The decision of the District Architect shall be final unless such decision is appealed to the Brooktrails Architectural Review Commission within ten (10) days from the date that the District Architect notifies the applicant of his decision. (Ord. No. 3885 (part), adopted 1994; Ord. No. 3898 (part), adopted 1994; Ord. No. 3959 (part), adopted 1997))

**Sec. 20.232.050 Appeals.**

Any applicant may appeal the decision of the District Architect by delivering a written Notice of Appeal to the General Manager of the District within ten (10) days of the District Architect's decision. Each appeal filed with the General Manager shall be placed upon the agenda of the Architectural Review Commission and set for hearing within thirty-five (35) days after receipt of the Notice of Appeal. (Ord. No. 3885 (part), adopted 1994; Ord. No. 3898 (part), adopted 1994; Ord. No. 3959 (part), adopted 1997)

**Sec. 20.232.055 Conduct of Appeal.**

Appeal hearings shall be noticed in the same manner that the District notices the meetings of its governing body. The initial appeal shall be heard before the Architectural Review Commission. Either the District Architect or the Applicant may appeal the decision of the Architectural Review Commission by giving Notice of Appeal to the General Manager of the District within ten (10) days that the Architectural Review Commission renders its decision. Thereupon the appeal shall be heard and considered by the Board of Directors of the District acting as the Brooktrails Development Review Board and its decision shall be final, unless appealed to the Board of Supervisors in writing and submitted to the Clerk of the Board of Supervisors within ten (10) days of the

decision of the Board of Directors. (Ord. No. 3885 (part), adopted 1994; Ord. No. 3898 (part), adopted 1994; Ord. No. 3959 (part), adopted 1997)

**Sec. 20.232.060 Conduct of Hearings.**

Hearings shall be conducted in the following order:

(A) A staff report shall be presented by the General Manager of the District outlining the issues under consideration.

(B) The applicant shall then be given an opportunity to present a statement amplifying the Notice of Appeal or providing supplemental information. The applicant may appear on his own behalf, by written document, or by representative.

(C) The District Architect shall then state the basis for his decision.

(D) The applicant shall then be offered an opportunity to offer statements in rebuttal.

(E) The matter shall then be opened to input from the public at which time either the District Architect or applicant may participate.

(F) The appeal body shall then deliberate and either (1) defer taking action on the matter and continuing it until the earliest practicable time within thirty-five (35) days; (2) take action by either granting or denying the appeal; or (3) grant the appeal subject to condition or conditions. In any case, the action of the appeal body shall be in writing. (Ord. No. 3885 (part), adopted 1994; Ord. No. 3898 (part), adopted 1994; Ord. No. 3959 (part), adopted 1997)

**Sec. 20.232.065 Violations.**

Any new construction made without the approvals required herein is hereby declared a public nuisance. (Ord. No. 3885 (part), adopted 1994; Ord. No. 3898 (part), adopted 1994; Ord. No. 3959 (part), adopted 1997)

**Sec. 20.232.070 Severability.**

If any section, paragraph, sentence, clause or phrase of this Chapter is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall

not affect the validity or effectiveness of the remaining portions of this Chapter. (Ord. No. 3885 (part), adopted 1994; Ord. No. 3898 (part), adopted 1994; Ord. No. 3959 (part), adopted 1997)

## CHAPTER 20.236

### TOWERS AND ANTENNAS

#### Sec. 20.236.005 Declaration.

Radio, telephone, and other communication and transmission structures, towers, and antennas ("towers and antennas") are conditional uses subject to approval of a conditional use permit in all zoning districts, except as otherwise provided in the Mendocino County Code. (Ord. No. 3953 (part), adopted 1996)

#### Sec. 20.236.010 Superseding Effect, Exceptions.

Except for the Mendocino County Coastal Zoning Ordinance, Mendocino County Code Title 20, Division 11 and the Mendocino Town Zoning Code, Title 20, Division III, this Chapter supersedes all other County provisions or regulations affecting towers and antennas. This Chapter is not applicable to the coastal area within the Mendocino County Coastal Zoning Ordinance, and the Mendocino Town Zoning Code. (Ord. No. 3953 (part), adopted 1996)

#### Sec. 20.236.015 Exempt Facilities.

The following wireless communication facilities are exempt from the requirements of this Chapter:

(A) Private communication equipment utilized for personal use such as private radio, television, internet or ham radio reception antennas. Such facilities shall be limited in height by Section 20.152.025.

(B) Small scale, low powered, short-range and visually inconspicuous, wireless internet transmitter/receivers (e.g., "wi-fi hotspots").

(C) Government-owned communications facilities used exclusively to protect public health, safety and welfare.

(D) Facilities operated and used exclusively by providers of emergency medical services, including hospital, ambulance and medical air transportation services, for use in the provision of those services.

(E) Facilities operated and used exclusively by educational facilities for use in the provision of those services.

(F) Any facility specifically exempted under federal or state law as determined by the Director.

(G) Temporary facilities erected and operated for use in emergency situations which are approved in writing in by the Director. Use of such facilities shall not exceed two weeks unless an extension is granted by the Director. Notification shall be provided within 72 hours of installation.

(H) The Director may exempt minor modifications to existing legal wireless communication facilities, if project is limited to replacing equipment with similar or with smaller or less visible equipment that will have little or no change in the visual appearance of the facility.

The exemptions set forth in this section shall apply only to facilities demonstrating radio-frequency emission compliance with the Federal Communications Commission's limits for human exposure to radio frequency electromagnetic fields. Facilities determined to be exempt from this Chapter are required to obtain necessary building permits prior to commencing work.

Except as specifically noted, the exempt facilities set forth in this section shall be limited in height by the applicable zoning district height standard.

Wherever feasible, developers shall be encouraged to locate and design the exempt facilities set forth in this section to minimize aesthetic impacts by designing the facility to be compatible with their surroundings so as to be visually unobtrusive. (Ord. No. 3953 (part), adopted 1996) (Ord. No. 4341, § 4, 8-4-2015)

*Editor's note*—Ord. No. 4341, § 4, adopted August 4, 2015, amended § 20.236.015 to read as set out herein. Previously § 20.236.015 was titled "Prior Applications."

#### Sec. 20.236.020 Permit process.

(A) All projects that meet the definition of an "eligible facilities request" as defined in 47 Code of Federal Regulations ("C.F.R."). 1.40001 shall be permitted upon the issuance of an Administrative Permit. Applications for an "eligible facilities re-

quest" shall be processed pursuant to the definitions, requirements and procedures set forth in 47 C.F.R. 1.40001, as may be amended from time to time; for the purpose of reviewing an "eligible facilities request," the definitions and procedures of 47 C.F.R. 1.40001 shall control and supersede any contrary definitions or procedures of this Chapter. Any guidelines or regulations adopted by the County regarding wireless communications facilities shall incorporate or make reference to the provisions of 47 C.F.R. 1.40001.

(B) Provided a project is consistent with the Development Standards found in Section 20.236.025, as determined by the Director, the following types of wireless communication facilities and associated uses are permitted upon the issuance of an Administrative Permit:

1. Additional antennas and associated equipment to be located upon an existing wireless communication facility.
2. Building-mounted antennas.
3. Roof-mounted antennas.
4. New wireless communication facility.

(C) All other proposed wireless communication facilities that do not qualify for an exemption or the Administrative Permit process must apply for a Major Use Permit or as otherwise prescribed in the County Zoning Code. (Ord. No. 3953 (part), adopted 1996)

(Ord. No. 4341, § 5, 8-4-2015)

**Editor's note**—Ord. No. 4341, § 5, adopted August 4, 2015, amended § 20.236.020 to read as set out herein. Previously § 20.236.020 was titled "Private Antennas."

#### **Sec. 20.236.025 Development Standards.**

(A) Additional antennas and associated equipment to be located upon an existing wireless communication facility shall comply with all of the following standards:

1. The type and size of the new antennas, associated equipment, and any improvements shall be consistent with the requirements of the original use permit(s) and other governing permit(s).

2. The new antenna array shall not increase the height of the existing communication tower beyond what was approved by previous applicable permits.

3. The width of the proposed antenna array shall not exceed the width of the existing array or arrays.

4. The combined level of radio frequency radiation for all arrays shall not exceed the maximum permissible exposure level set by the Federal Communications Commission.

(B) Building-mounted antennas. Building-mounted antennas shall be located and designed to appear as an integral part of the structure. To this end, they must comply with the following standards:

1. The antenna and mountings shall not project more than thirty (30) inches from the building surface to which it is mounted.

2. Building-mounted antennas shall not exceed the maximum building height for the zoning district.

3. Antennas, connections and supports shall be treated to match or complement the color scheme of the building or structure to which they are attached, if visible from off-site.

4. Antennas and connections shall not project more than thirty-six (36) inches above the side of the building or structure upon which it is mounted.

5. Antennas, connections and supports shall be located on a legal structure that has obtained all necessary permits.

6. All equipment shelters, cabinets or other structures appurtenant to the facility shall be located either; 1) inside the building upon which facility is mounted, 2) on the ground outside the setback area or any required parking area, 3) on the roof or attached to building if screened from off-site views. Use of a fuel powered generator to power the site is prohibited unless evidence is provided that it will not be audible from beyond property boundaries.

7. The combined level of radio frequency radiation for all arrays does not exceed the maximum permissible exposure level set by the Federal Communications Commission.

8. Antennas mounted on the exterior walls of a building entirely below the roof line or parapet top may extend into any required yard setback a distance not exceeding two feet.

(C) Roof-mounted antennas. Roof-mounted antennas shall be located and designed to appear as an integral part of the structure. To this end, they must comply with the following standards:

1. Roof-mounted antennas shall not exceed the maximum building height for the zoning district and shall not extend more than ten feet above existing roof line.

2. Antennas, connections and supports shall be treated to match or complement the color scheme of the building or structure to which they are attached, if visible from off-site.

3. Antennas, connections and supports shall be located on a legal structure that has obtained all necessary permits.

4. All equipment shelters, cabinets or other structures utilized or built in connection with the facility shall be located inside the building being utilized for the facility, or on the ground outside the setback area or any required parking area, or on the roof or attached to building if screened from off-site views. Use of a fuel powered generator to power the site is prohibited unless evidence is provided that it will not be audible from beyond property boundaries.

5. Roof-mounted antennas shall be located as far back from the edge of the roof as technically possible to minimize visibility from street level locations.

6. The combined level of radio frequency radiation for all arrays does not exceed the maximum permissible exposure level set by the Federal Communications Commission.

(D) New wireless communication facility. A new wireless communication facility shall be located and designed so as to be visually unobtrusive and effectively unnoticeable and shall not re-

sult in any adverse environmental impacts. To this end, they must comply with the following standards:

1. No part of the facility shall exceed 50 feet in height above ground level.

2. The wireless communication facility must be located in such a way as to have a backdrop of terrain which obscures the visibility of the facility and shall be discouraged on ridge top sites where they will be silhouetted against the sky from the surrounding community, or from highly used public locations. Any such installation must also be found not to create the potential for adverse impacts from site development such as access limitations, significant vegetation removal, or operational impacts such as noise (from generators or other accessory equipment).

3. Every wireless communication facility, by itself and in combination with other nearby wireless communication facilities, shall comply with the Federal Communications Commission's limits for human exposure to radio frequency electromagnetic fields.

4. All exterior surfaces of structures and equipment associated with a wireless communications facility shall have subdued colors and non-reflective materials selected to blend with their surroundings.

5. Antenna towers shall not be built with guy wires in the absence of compelling evidence that there is no feasible construction alternative.

6. Towers shall not be so tall as to require Federal Aviation Administration lighting or markings.

7. Antenna towers shall be subject to setbacks required by the County Zoning Code and shall be setback a minimum of one hundred ten percent (110%) of their overall height from any property line, and a minimum of five hundred percent (500%) of their overall height from any off-site residence or school. Tower setbacks in excess of setback requirements by the Zoning Code may be reduced under any one of the following circumstances:

(a) All of the owners of affected properties agree to the reduced setback. A property is con-



sidered affected if its dwelling unit lies within a distance equivalent to the required setback for the subject tower prior to reduction and the reduced setback would result in the tower being located closer to the dwelling unit than the above setback would otherwise allow.

(b) Overall, the reduced setback enables greater mitigation of adverse visual and other environmental impacts than would otherwise be possible.

8. All wireless communications facilities shall comply with the applicable provisions of the California Building Code, California Electrical Code, California Plumbing Code, California Mechanical Code, California Fire Code, and rules and regulations imposed by state and federal agencies.

9. No trees that provide visual screening of the wireless communication facility shall be removed after project completion except to comply with fire safety regulations or to eliminate safety hazards. Tree trimming shall be limited to the minimum necessary for operation of the facility.

10. Use of a fuel powered generator to power the site is prohibited unless evidence is provided that it will not be audible from beyond property boundaries.

11. A road condition assessment for the wireless communication facility shall be required for any facility that relies on shared private road/access. When required, and prior to development of the site, the applicant shall provide to the Department, an assessment of the condition of the existing private road, serving the site to provide baseline data on the condition of the road. The assessment shall include photos and video as well as a written narrative to document the road's current or existing condition.

Prior to activation of the facility, or at a later date established by the Planning Director, any damage to the road associated with construction activity shall be repaired to condition that is equal to or better than the existing road condition.

Within two weeks after any road improvements are completed, the applicant shall provide to the Department, a post construction assess-

ment of the condition of the private road serving the site to verify that adequate road repairs have been completed. The post assessment shall include photos and video as well as a written narrative to document the road's condition.

Notice of project shall be provided by the Department of Planning and Building Services to all property owners that use the shared private road. (Ord. No. 3953 (part), adopted 1996) (Ord. No. 4341, § 7, 8-4-2015)

**Editor's note**—Ord. No. 4341, § 6, adopted August 4, 2015, renumbered § 20.236.025 as 20.236.040; and § 7 enacted a new § 20.236.025 to read as set out herein. Former § 20.236.025 pertained to "Validity."

### **Sec. 20.236.030 Noticing.**

(A) Use permits for wireless communication facility. All noticing for hearings on use permit applications for wireless communications facilities shall be in accordance with the California Environmental Quality Act, except that notice shall be provided to all owners and occupants of real property within 1,000 feet of the site proposed for the facility. Expanded public notice may be provided for applications for new antenna towers when deemed necessary by the Director.

(Ord. No. 4341, § 8, 8-4-2015)

### **Sec. 20.236.035 Application requirements.**

The following items shall be required for each permit for a wireless communications facility.

#### (A) Use Permits.

1. All application materials generally required for a use permit.

2. All materials listed in the County Guidelines for the Development of Wireless Communication Facilities.

3. The Director may require additional information based on factors specific to an individual project. The Director may, at the applicant's expense, require independent peer review of any technical claims or data submitted as part of the review process.

#### (B) Administrative Permits.

1. A description of the facility that includes:

(a) The types of services to be provided by the applicant to its customers.



(b) The numbers, types and dimensions of antennas and other equipment to be installed.

(c) The power rating for all antennas and equipment.

(d) A statement that the system will conform to radio frequency radiation emission standards adopted by the Federal Communications Commission.

2. A map showing the locations of all other existing and proposed antennas included in the applicant's system for provision of service within Mendocino County, showing the approximate area served by each antenna.

3. Evidence of ownership or authorization for use of the proposed site.

4. Evidence of easements or other authorization for proposed utility lines and for vehicular access between the site and a public road.

5. A site plan showing the location of all structures and equipment to be located on the site.

6. Elevations drawings of the facility including all structures and appurtenances.

7. The applicant shall submit any related information deemed necessary by the Director to determine that a proposed installation meets the Development Standards found in Section 20.236.035.

(Ord. No. 4341, § 9, 8-4-2015)

#### **Sec. 20.236.040 Validity.**

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Chapter. The Board of Supervisors hereby declares that it would have passed this Chapter and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

(Ord. No. 3953 (part), adopted 1996)

(Ord. No. 4341, § 6, 8-4-2015)

**Editor's note**—Ord. No. 4341, § 6, adopted August 4, 2015, renumbered § 20.236.025 as 20.236.040. See editor's note at § 20.236.025 for more information.

CODE COMPARATIVE TABLE

Ordinance Number	Date	Description	Section		Section this Code
4329	7-22-2014	MU-2 general mixed use district		Added	Ch. 20.085, §§ 20.085.005— 20.085.060
Ord. of	11- 4- 2014(1)	Community Bill of Rights (Measure S)	1—9	Added	Ch. 8.05, §§ 8.05.010—8.05.090
4330	1-20-2015	Fees for probation reports			2.65.010
4331	1-20-2015	Delegating authority to invest to county treasure for calendar year 2015			5.130.010
4333	3-17-2015	Building regulations	1	Rpld	Ch. 18.04, §§ 18.04.010— 18.04.095
				Added	Ch. 18.04, §§ 18.04.005— 18.04.085
			2		18.08.010
			3		10.08.030
			4	Added	Ch. 18.14, §§ 18.14.010— 18.14.090
			5	Added	Ch. 18.70, §§ 18.70.010— 18.70.150
4336	5-19-2015	Mendocino County lodging business improvements district			Ch. 5.140, §§ 5.140.010— 5.140.270
4338	6-16-2015	Purchasing agent			Ch. 2.32, §§ 2.32.010—2.32.120
4339	6-16-2015	Speed zoning on county roads		Added	15.04.030(B)(37), (38)
4340	7- 7-2015	Personnel and salary			Ch. 3.04, §§ 3.04.010—3.04.220
		Civil service			Ch. 3.16, §§ 3.16.010—3.16.220
4341	8- 4-2015	Wireless communications	1	Added	20.008.020(O)—(R)
			2	Added	20.008.024(N)
			3	Added	20.008.060(B)
			4		20.236.015
			5		20.236.020
			6	Rnbd	20.236.025
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