

BOARD OF SUPERVISORS MEETING  
December 2, 2014

**“For all items *NOT* on the agenda”**

**(Each Speaker Limited to 3 Minutes)**

**Voluntary Sign In Sheet**  
**(Public Appearances – 1:30pm)**

1. Charles L. Ciancio
2. Debra Carey
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- 15.
- 16.

# **Imagine A World**

Where Those Controlling Our Lives  
Used Input From  
Those Living The Real World

Involving Social, War,  
And  
Full And Proper Use of Natural Resources

Date: 12/3/14

To: Humboldt County Board of Supervisors and others

Subject: Current Messes

I watch, study, and learn. Getting a rise out of someone in the Times Standard newspaper shows those speaking-out can be attacked; however, I appreciate real world thoughts thrown my way. Other criticism wastes time.

Have you noticed in recent elections minorities control most outcomes, "wisdom is wasted on the youth", and "bad things can happen when experience is ignored regarding social, war, full and proper use of natural resources, and many other real life things."

Seeing little to no feedback, contact, or action on my and other experienced input, it is obvious bosses and simple voting gives minorities the power to control our lives. Real world experienced input from all ages and nonvoting minorities can be ignored which keeps an understanding of the real world from most. As a seventy year old fart, I may be considered a crackpot and just someone to put up with, but a lot is lost by not studying and learning from what I and other experienced folks bring to your attention. Placement of inexperienced real world folks on decision making committees shows Humboldt County Board of Supervisors is no exception to these thoughts.

If you look at my provided questions and information, your answers and reaction will tell a lot about your real world experiences and your openness to hearing from me and others experienced in the real world.

Things can end badly when experienced real world people are ignored

Respectfully,



Charles L. Ciancio

(An old tired field forester and someone who has lived in the real world no one gives much attention)

California Registered Professional Forester (RPF) #317

P.O. Box 172,

Cutten, CA 95534

707-445-2179

**In recent elections, did minorities of populace rule and determine most if not all outcomes?**

1. Did a minority of voters decide it is fair to force those living in the real world like taxpaying, family, working, low to middle income, with a little money, on social security, and trying to get-by folks to **pay more taxes without eliminating government waste and higher level pensions and salaries?**
2. With a grandfather who was highway patrolman, son who is fireman, son in-law who is policeman, family in law enforcement, friends in law enforcement, and working in the field regarding marijuana, fire, and law enforcement, I ask **“did the folks in the line of fire get their due?”**
3. Have you noticed this country’s voting map shows **higher voting minorities in populations areas control lower voting populations especially in rural areas?**
4. Is **larger voting minority winning** which lives off the government dole, routinely swayed by media, special interests, layman, unknowledgeable, inexperienced, poll driven, compromise, protectionism, politically correct thinking, and special interests, and routinely controlled by those in power like politicians, lawyers, and an unaccountable Fourth Branch of Government?
5. **Is the large minority of nonvoting taxpaying, family, low to middle income, working folks especially in rural areas losing? I emphasis taxpaying!**
6. Are the smart, educated, hi-tech electronic smaller minorities losing?
7. Are nonvoting rural folks too busy; or, too uneducated to utilize hi-tech communication?
8. Are those who smartly and effectively utilize simple democratic voting processes winning?
9. As shown by recently revealed truths, which media and Republican groups did not adequately expose for all to see, did a voting minority give us **flawed Obamacare?**

### Ciancio's real world realities

As a voter, working all my life though college and beyond, getting BA in Forestry, confrontation with a bear, experiencing marijuana situations, working going-on fifty years as field forester, raising a family, having disabled family members, lead supervisor over many, many timberland acres, many, many contractors, and many, many foresters and other employees, thinking person who has been on a few juries, grand jury, many boards and committees, given input to many board and committee meetings, participated in many legal and lawsuit matters, and lived a life as a working, taxpaying, middle income, family person, you learn many real world things. I try during my allowed public comment to help others learn about the real world.

1. I have learned politicians and many working, taxpaying low to middle income folks do not experience many real world things and do not get it!
2. I am painfully aware of the marijuana situation. You haven't lived until your hair stands on end when you accidentally walk into a marijuana garden, when a marijuana grower tries to bribe you, or you have friend and forester, Jere Melo, get killed in Fort Bragg marijuana garden.
3. College football and playing other sports has taught me a smart good defense can routinely give you a 0 to 0 breakeven result, but if you want to win, you need a good smart offense.
4. I see many truths not applied in a good smart way.
5. I have learned those on many decision making bodies do not come to the table with an open mind, are routinely not experienced in the real world, and do not fully utilize those experienced in the real world
6. Attendance at many meetings and involvement with law enforcement processes, has taught me we have too many laws where interpretations are becoming muddled and many innocents are wrongfully hurt.
7. Life's experiences show past actions by many decision makers are not based on adequate use of field experienced people regarding marijuana, how trees grow, dam and fish, private property, and other issues affecting rural folks.
8. Lacking real world experience, lawyers, Fourth Branch of Government, and all three branches of government especially Executive Branch are unqualified to make many decisions they make and they can not be trusted to do things they say will be done?
9. We have surrounded ourselves with a sea of darkness consisting of messes, negativity, protectionism, and closed minds preventing support for protecting special places and things and preventing many species and humans from having much, much, much more.
10. I have learned truth is not fair to everyone, and especially regarding foreign matters, the pen works better when the sword is not dull.
11. Fair and balanced exposes a lot for all to see, but truth is not always balanced

#### Random questions all sides should consider:

- Does forced minimum wage hurt small business and rural folks?
- Does minimum Timber Production Zoning acreage give more trees and open space?
- Do lead supervisors learn not listening to ground-pounders can lead to bad things?
- With dammed water wanted for fish, are all dams bad?
- Should unaccountable Executive Branch appointees control rural areas?
- Why didn't media and Republicans expose Obamacare truths sooner?
- When will Atlas shrug?

Date: 11/18/14

To: Humboldt County Board of Supervisors and others

Subject: Timber Production Zoning Laws and Marijuana Gardens

I am going to break with my reading my book "Rest In Peace Rural America" to cover something I heard about regarding Timber Production Zoning and marijuana.

Having been in many, many, many marijuana garden situations in the real world as a field forester, seen marijuana growing under trees, attending meetings where sheriff showed gardens all over the place, having my hair stand on end when I realized I had wandered into a garden, and knowing how a friend and fellow professional, Jere Mello, got shot and killed at Fort Bragg in a marijuana garden, I painfully understand how bad things can get, and I know security and protection is needed for those who wander in the woods.

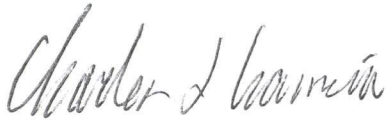
As someone who studies legal processes and as a field experienced person, I do not see marijuana gardens as a big deal in the world of growing of trees. I am having trouble adding to the powers of an unaccountable Fourth Branch of Government and mix of complicated laws being applied to average working, taxpaying, low to middle income, rural folks. Why are we trying to re-invent the wheel and make things more complicated and harder for the average person to understand? Why aren't we enforcing laws already on the books?

As far as letting landowners pollute and ruin the land, I think there are enough laws on the books to handle these problems, and I say go get them. We just need to get an unaccountable Fourth Branch of government which includes Water Quality and other public agencies to do their job and stop looking the other way.

I suggest we keep things simple by not making more complicated and hard to understand laws which are left to inexperienced lawyers and legal system to apply. Simply saying no one will be allowed to violate existing laws including Timber Production Zoning laws, should be enough.

I wish we would spend less time wasted on this matter, and spend more time understanding how to properly and more fully utilize our natural resources.

Respectfully,



Charles L. Ciancio

(An old tired field forester and someone who has lived in the real world no one gives much attention)

California Registered Professional Forester (RPF) #317

P.O. Box 172,

Cutten, CA 95534

707-445-2179

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SACRAMENTO

<b>DATE/TIME</b>	April 25, 2014, 9:00 a.m.	<b>DEPT. NO</b>	31
<b>JUDGE</b>	HON. MICHAEL KENNY	<b>CLERK</b>	S. LEE
<p><b>SUCCESSOR AGENCY TO THE BREA REDEVELOPMENT AGENCY, a public entity; CITY OF BREA, a California municipal corporation.</b></p> <p style="text-align: center;"><b>Petitioners/Plaintiffs,</b></p> <p>v.</p> <p><b>ANA J. MATOSANTOS, in her official capacity as Director of the State of California Department of Finance, et al.,</b></p> <p style="text-align: center;"><b>Respondents/Defendants.</b></p>		<p><b>Case No.: 34-2013-80001592</b></p>	
<b>Nature of Proceedings:</b>		<b>PETITION FOR WRIT OF MANDATE</b>	

The following shall constitute the Court's tentative ruling on the petition for writ of mandate, which is scheduled to be heard by the Court on Friday, April 25, 2014 at 9:00 a.m. in Department 31. The tentative ruling shall become the final ruling of the Court unless a party wishing to be heard so advises the clerk of this Department no later than 4:00 p.m. on the court day preceding the hearing, and further advises the clerk that such party has notified the other side of its intention to appear.

In the event that a hearing is requested, oral argument shall be limited to no more than 20 minutes per side.

Any party desiring an official record of this proceeding shall make arrangements for reporting services with the Clerk of the Department where the matter will be heard not later than 4:30 p.m. on the day before the hearing. The fee is \$30.00 for civil proceedings lasting under one hour, and \$239.00 per half day of proceedings lasting more than one hour. (Local Rule 9.06(B) and Government Code § 68086.) Payment is due at the time of the hearing.

**I. Introduction**

The City of Brea ("City") and its former redevelopment agency ("RDA") worked together for years to assemble disused railroad lines and other property to build a four-mile linear park with a bicycle and pedestrian path. The dissolution of redevelopment agencies disrupted that effort.

ground that the State Controller's Office, and not DOF, has sole and exclusive authority to determine the validity of the land transfer from the RDA to the City. In this instance, the Court is persuaded that petitioners' challenge has merit.

DOF clearly has statutory authority to review actions of a successor agency's oversight board under Health and Safety Code section 34179(h), which provides that DOF "may review an oversight board action taken pursuant to this part". At the same time, however, the reasonable meaning of this language is that DOF has the authority to review an action taken by an oversight board under the authority of the redevelopment dissolution laws.

In this case, it does not appear to the Court that the Oversight Board action ratifying the land transfer actually was a legitimate and legally necessary "action taken pursuant to this part". The redevelopment dissolution laws established oversight boards to supervise the actions of *successor agencies*, but not to supervise or ratify (after the fact) the actions of former redevelopment agencies. For example, Health and Safety Code section 34180 sets out a list of actions of the *successor agency* that must be approved by the oversight board, and Health and Safety Code section 34181 sets out a list of acts the oversight board shall direct the *successor agency* to take. Conversely, the Court has not located any provision of the redevelopment laws that requires or authorizes an oversight board retrospectively to review or ratify an action of a redevelopment agency taken before its dissolution. The Oversight Board thus appears to have had no legal authority or mandate to review actions of the RDA.

The evidence and the facts in this case establish that the land transfers at issue here were made by the RDA on January 17, 2012, which was before the RDA was dissolved by operation of law.<sup>39</sup> Neither the Successor Agency nor its Oversight Board legally existed at that time. Thus, in adopting a resolution to ratify the transfers more than a year later, on February 19, 2013, the Oversight Board was not approving an act of the Successor Agency. Instead, it attempted retroactively to approve an act of the RDA, which it had no legal authority to do. Accordingly, the Oversight Board performed a legally unauthorized and unnecessary act -- one that was, and is, of no legal force or effect.

Because the Oversight Board's resolution was not a legally valid action "taken pursuant to this part", it was not subject to review by DOF under Health and Safety Code section 34179(h). Instead, the action that was properly subject to administrative review was the RDA's action transferring the land to the City on January 17, 2012. The proper agency to perform that review was the State Controller's Office.

Under Health and Safety Code section 34167.5, the State Controller's Office, not DOF, has the specific authority to review asset transfers by a redevelopment agency after January 1, 2011, and the statutory power to order that the transferred assets be returned to the RDA or the Successor Agency. The State Controller's Office exercised that authority in this case. Thus, the legality of the land transfers did not escape administrative review. Indeed, even DOF recognized that the State Controller's Office was the agency with the legal authority to review the transfer. In its OFA DDR final determination letter dated May 4, 2013, DOF stated: "These non-liquid assets transferred to the City are subject to the California State Controller's Office review of asset transfers."<sup>40</sup>

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<sup>39</sup> Redevelopment agencies were dissolved by operation of law on February 1, 2012.

<sup>40</sup> See, Petitioners' Exhibit 31, page 2. DOF's May 4, 2013 final determination letter explicitly superseded its initial OFA DDR determination letter of April 1, 2013, and thus withdrew and voided any finding in the earlier letter that the land transfer was invalid and should be reversed. (See, Petitioners' Exhibit 29.)





JOHN CHIANG  
California State Controller

April 1, 2014

Randy Mendosa, City Manager  
City of Arcata  
736 F Street  
Arcata, CA 95521

Dear Mr. Mendosa:

Pursuant to Health and Safety (H&S) Code section 34167.5, the State Controller's Office reviewed all asset transfers made by the Arcata Community Development Agency (RDA) to the City of Arcata (City) or any other public agency after January 1, 2011. This statutory provision states, "The Legislature hereby finds that a transfer of assets by a redevelopment agency during the period covered in this section is deemed not to be in furtherance of the Community Redevelopment Law and is thereby unauthorized." Therefore, our review included an assessment of whether each asset transfer was allowable and whether it should be turned over to the Successor Agency.

Our review applied to all assets including, but not limited to, real and personal property, cash funds, accounts receivable, deeds of trust and mortgages, contract rights, and rights to payment of any kind. We also reviewed and determined whether any unallowable transfers of assets to the City or any other public agencies have been reversed.

Our review found that the RDA transferred \$30,586,012 in assets after January 1, 2011, including unallowable transfers totaling \$15,905,025 to the City, or 52% of transferred assets. However, on June 14, 2013, the Oversight Board retroactively approved \$7,153,857 in transfers. Therefore, the remaining amount of unallowable transfers, totaling \$8,751,168, must be turned over to the Successor Agency.

If you have any questions, please contact Elizabeth Gonzalez, Bureau Chief, Local Government Compliance Bureau, by telephone at (916) 324-0622.

Sincerely,

JEFFREY V. BROWNFIELD, CPA  
Chief, Division of Audits

JVB/sk



DEPARTMENT OF  
**FINANCE**

EDMUND G. BROWN JR. ■ GOVERNOR

915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

October 14, 2014

Mr. David Loya, Community Development Deputy Director  
City of Arcata  
736 F Street  
Arcata, CA 95221

Dear Mr. Loya:

Subject: Approval of Oversight Board Action

The City of Arcata Successor Agency (Agency) notified the California Department of Finance (Finance) of its August 21, 2014 Oversight Board (OB) resolution on August 29, 2014. Pursuant to Health and Safety Code (HSC) section 34179 (h), Finance has completed its review of the OB action.

Based on our review and application of the law, OB Resolution No. 2014-15-02 approving the acceptance of cash, investment funds, and a promissory note by the Agency, is approved.

Pursuant to the April 1, 2014 its Asset Transfer Review, the California State Controller's Office ordered the return of disallowed transfers made by the former redevelopment agency to the City of Arcata. With the OB Resolution No. 2014-15-02, the Agency is accepting \$4,156,328 in available cash and investments and a \$3,255,106 promissory note payable to the Agency.

This is our determination with respect to the OB action taken.

Please direct inquiries to Beliz Chappuie, Supervisor, or Todd Vermillion, Lead Analyst at (916) 445-1546.

Sincerely,

JUSTYN HOWARD

Acting Program Budget Manager

cc: Ms. Janet Luzzi, Finance Director, City of Arcata  
Mr. Joe Mellett, Auditor-Controller, Humboldt County  
Ms. Elizabeth Gonzalez, Bureau Chief, Local Government Audit Bureau, California State  
Controller's Office  
California State Controller's Office

**From:** [Redevelopment Administration](#)  
**To:** [David Loya](#)  
**Cc:** [Janet Luzzi](#); [jmellett@co.humboldt.ca.us](mailto:jmellett@co.humboldt.ca.us); [Krtil, Sarah](#); [Chappuie, Beliz](#)  
**Subject:** Arcata Successor Agency - Oversight Board Resolution 2014/15-03  
**Date:** Friday, September 05, 2014 9:07:10 AM

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Good morning,

Pursuant to HSC 34179 (h) the Department of Finance (Finance) may request a review of Oversight Board actions submitted to Finance. This email serves as notice that Finance is not initiating a review of OB Resolution No. 2014/15-03 approving the acceptance of real property interests by the Successor Agency.

Please direct any questions to Finance's redevelopment email address at:  
[Redevelopment\\_Administration@dof.ca.gov](mailto:Redevelopment_Administration@dof.ca.gov)

Sincerely,

Redevelopment Agency Administration  
Department of Finance