



# MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

## OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MAY 12, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 12<sup>th</sup> day of May, 2009, there being present Supervisors Jim Comstock, Jeff Smith, Anthony Farrington, Rob Brown and Denise Rushing, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner.

The meeting was called to order at 9:01 a.m. by Chair Rushing. Following the moment of silence, Supervisor Smith led the salute to the flag of the United States of America.

1. **ITEM A-1 - APPROVAL OF THE CONSENT AGENDA** - On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-8.

Adopted Proclamation designating May 8, 2009, as California Peace Officers' Memorial Day and the week of May 10-16, 2009, as National Police Week in Lake County.

Adopted Proclamation designating the week of May 16-22, 2009, as National Safe Boating Week in Lake County.

Approved letters to Congressman Thompson, Senator Barbara Boxer and Senator Diane Feinstein in support of the County of Mendocino's BIOMASS Project and authorized the Chair to sign.

Approved Letter to Bertha Russ Lytel Foundation in support of grant application for funding of the North Coast Emergency Medical Services Regional Medical Director's fee and authorized the Chair to sign.

Adopted Resolution No. 2009-69, changing mileage in County Maintained Road System.

Approved Amendment Two to Agreement between the County of Lake and TRC Engineers, Inc. for engineering services for the repair of storm damage sites on Morgan Valley Road at P.M. 4.14 ER 4402 (017), P.M. 5.34 ER 4402 (018), P.M. 5.91 ER 4402 (019) and P.M. 8.81 ER 4402 (020) in Lower Lake, for a decrease of \$40,460, and authorized the Chair to sign.

Adopted Resolution No. 2009-70, authorizing cancellation of Spring Valley Campground O & M Reserve Designation in the amount of \$5,000, to fund operation and maintenance of the campground and community center.

Sitting as the Board of Directors of the Lake County Redevelopment Agency, (a) approved Agreement between the Lake County Redevelopment Agency and the Clearlake Oaks County Water District for the purpose of funding a mural on the district's water tank; and (b) approved Agreement between the Lake County Redevelopment Agency and Gloria De La Cruz to paint a mural on a water tank in Clearlake Oaks, and authorized the Chair to sign both agreements.

2. **ITEM A-2 - Presentation of animals that are available for adoption at the Lake County Animal Care and Control Shelter** - Animal Care and Control Officer Eric Wood presented one canine currently available for adoption.

3. **ITEM A-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**

**Extra #1 - Consideration of proposed letter to Assemblyman Perez in opposition to AB1409 regarding the requirement to go out to bid on all small maintenance projects (including minor bridge repair, clearing brush, removing downed trees, cleaning plugged culverts, etc.)** - On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved taking up this item due to the fact that the need arose after the posting of today's agenda.

This item was taken up by the Board for the following reason:

AB 1409 did not come to the attention of the department until after the posting of the Agenda. It may be heard on the floor of the Legislature as early as this week. The department strongly recommends the Board take a formal position of opposition to this bill.

Public Works Director Brent Siemer gave the staff report.

On motion of Supervisory Comstock and by vote of the Board (5 ayes), approved the letter to Assemblyman Perez in opposition of AB 1409, and authorized the Chair to sign.

4. **ITEM A-17 - Update on the emergency action taken on December 9, 2008, regarding the prohibition of fish stocking by the Department of Fish and Game in water bodies of Lake County** - County Counsel Anita Grant gave a brief update.

On motion of Supervisor Smith and by vote of the Board (5 ayes), determined the state of emergency still exists.

5. **ITEM A-5 - 9:15 A.M. - Presentation of Proclamation designating May 8, 2009, as California Peace Officers' Memorial Day and the week of May 10-16, 2009, as National Police Week in Lake County** - Supervisor Brown read the proclamation into the record and presented it to Sheriff Rod Mitchell, who spoke.

6. **ITEM A-18 - Discussion/consideration of request by Genetically Engineered Crops Advisory Committee for the Board to provide a Minutes Taker** - County Administrative Officer Kelly Cox presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), denied the request by the Genetically Engineered Crops Advisory Committee for the Board to provide a Minutes Taker.

There was Board consensus to direct staff to remove Deputy Administrative Officer Marketing and Economic Development Debra Sommerfield from participation in the Genetically Engineered Crops Advisory Committee.

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7. **ITEM A-6 - 9:25 A.M. - Presentation of Proclamation designating the week of May 16-22, 2009, as National Safe Boating Week in Lake County** - Supervisor Smith read the proclamation into the record and presented it to members of the Lake County Coast Guard Auxiliary.
8. **ITEM A-7 - 9:30 A.M. - PUBLIC HEARING - Consideration of proposed Resolution approving Resolutions and Capital Fire Facility and Equipment Plans submitted by Lake County fire agencies and updating the Lake County Capital Fire Facility and Equipment Plan** - Deputy Administrative Officer Jeff Rein gave the staff report.  
  
Chair Rushing opened the public hearing. No one was present wishing to speak and the public hearing was continued two weeks, to May 26, 2009, to allow for input from the Lake County fire agencies.
9. **ITEM A-19 - Consideration of proposed Ordinance amending Section 2-2.3 of the Lake County Code to correct the designated business hours of the Lake County Redbud Library** - County Counsel Anita Grant gave the staff report.  
  
On motion of Supervisor Smith and by vote of the Board (5 ayes), waived the reading of the ordinance and had it read in title only. (Clerk so did).  
  
On motion of Supervisor Smith and by vote of the Board (5 ayes), advanced the ordinance one week, to May 19, 2009.
10. **ITEM A-8 - 9:45 A.M. - (a) Update on the status of the Building and Safety Division Budget and Board direction regarding the possibility of staff reductions and/or other options that would decrease the division's operating costs; and (b) Discussion/consideration of proposed Resolution amending Resolution No. 2009-16, establishing position allocations for Fiscal Year 2008/2009, Budget Unit No. 2702, Planning (deleting one (1) Grading and Stormwater Coordinator and adding one (1) Grading and Stormwater Inspector)** - (a) Community Development Director Rick Coel gave the staff report.  
  
Chair Rushing asked if anyone was present wishing to speak and Joseph Taylor spoke. No one else was present wishing to speak and the public input portion of this item was closed.  
  
No action was taken on this item.  
  
(b) Mr. Coel gave the staff report.  
  
Supervisor Brown offered Resolution No. 2009-71, and it was passed by roll call vote (5 ayes).
11. **ITEM A-9 - 10:15 A.M. - Discussion/consideration of request for waiver of Traffic Road Fees in the amount of \$342, associated with the construction of fire house/garage located at Lake Pillsbury** - Chair Rushing introduced the item.  
  
On motion of Supervisor Smith and by vote of the Board (5 ayes), waived the Traffic Road Fees in the amount of \$342, associated with the construction of fire house/garage located at Lake Pillsbury.  
  
The Board of Supervisors adjourned and convened as the Board of Directors of the Lake County Redevelopment Agency.
12. **ITEM A-22 - Consideration of staff recommendation and proposed agreement for construction management and inspection services for the Upper Lake Main Street Reconstruction Project** - County Administrative Officer Kelly Cox gave the staff report.  
  
This item was continued to later in the day.  
  
The Board of Directors of the Lake County Redevelopment Agency adjourned and reconvened as the Board of Supervisors.
13. **ITEM A-21 - Continued from April 21, 28 and May 5, 2009 - Consideration of award of Bid No. 09-32 to Coastline Equipment for the purchase of one (1) 2009 crane truck in the amount of \$100,000, and/or other options for the purchase of this equipment** - Special Districts Administrator Mark Dellinger and Deputy Special Districts Administrator Pete Preciado were present.  
  
Mr. Dellinger gave the staff summary.  
  
This item was continued to later in the day.
14. **ITEM A-20 - Continued from May 5, 2009 - Consideration of proposed Ordinance adding Section 2.5 to the Lake County Code, specifying particular office hours for Lake County Animal Care and Control** - County Administrative Officer Kelly Cox gave the staff report.  
  
This item was continued to later in the day.
15. **ITEM A-23 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: LCEA and DDAA 2. Public Employee Performance Evaluations: Titles: (1) Community Development Director (2) Social Services Director 3. Conference with Legal Counsel - Anticipated Litigation - (a) Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9: One Potential Case** - Chair Rushing announced the Board would now go into Closed Session for the reasons stated on the Agenda.  
  
The Board reconvened into Regular Session with no action taken.
16. **ITEM A-11 - Continued from April 21 and May 5, 2009 - (a) Update on drought management planning for the County's ten water systems; and (b) Request for Board direction regarding the finalization and institution of the proposed Drought Management Plan including mandatory water conservation measures and urgency ordinance adopting emergency water conservation restrictions for County Service Areas (CSAs)** - Special Districts Administrator Mark Dellinger and Utility Systems Compliance Coordinator John Thompson were present.  
  
(a) Mr. Dellinger gave the staff report.  
  
No action was taken on this item.  
  
(b) On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the reading of the ordinance and had it read in title only. (Clerk so did).

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Supervisor Brown offered Ordinance No. 2901, an urgency ordinance adopting emergency water conservation restrictions for County Service Area, No. 18, Starview, and it was passed by roll call vote (5 ayes).

(c) On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the reading of the ordinance and had it read in title only. (Clerk so did).

Supervisor Brown offered Ordinance No. 2902, an urgency ordinance adopting emergency water conservation restrictions for County Service Area No. 7, Bonanza Springs, and it was passed by roll call vote (5 ayes).

(d) On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the reading of the ordinance and had it read in title only. (Clerk so did).

Supervisor Brown offered Ordinance No. 2903, an urgency ordinance adopting emergency water conservation restrictions for County Service Area No. 22, Mt. Hannah, and it was passed by roll call vote (5 ayes).

17. **ITEM A-10 - 10:30 A.M. - Presentation by representatives of Chapter 951 Lake County regarding their endeavors to bring the Vietnam Veterans Memorial "The Moving Wall" to Lake County** - Vietnam Veterans of America, Lake County Chapter 951 President Dean Gotham gave a brief summary.

This item was informational only. No action was taken on this item.

After a brief recess, the Board reconvened at 10:39 a.m.

18. **ITEM A-12 - 11:30 A.M. - Continued from May 5, 2009 - Presentation by Sergeant Dennis Ostini on Boating Safety and discussion regarding miscellaneous law enforcement activities on Clear Lake** - Sergeant Ostini gave a power point presentation.

This item was informational only. No action was taken on this item.

After a lunch recess, the Board reconvened at 1:30 p.m.

19. **ITEM A-13 AND ADDENDUM A-1 - 1:30 P.M. - Discussion/consideration of permitting medical marijuana dispensaries in Lake County and zoning for cultivation of medical marijuana** - Community Development Director Rick Coel, Sheriff Rod Mitchell and Lieutenant David Garzoli were present.

Mr. Coel gave a power point staff report.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Helen Mitcham, Paula Vess, Linda Tellardan, Patricia Voulgaris, Mike Lawrence, Phyllis Murphy, Michelle Hart, Steve Hillman, Hiram Dukes, Greg Wright, Rhonda Mottlow, Richard Griffith, William Larson, David McCullick, Eddy Lepp, Bob Parker, Charles Jacobs, Sheila Thinness, Phil Gangwer, David Sprague, Jeanna Murphy, Ron Kiczenski, Steven Scott, Thomas Wahl, Joseph Merrill, Valerie Adase, Richard Barrett, Kathleen Brewer, Sarah Shrader, Steve Lawrence, Don Merrill, Ian O'Connor, Cody Bennett, Joe Halkyard, Martin Squire, Faye Conway and Ron Green. The public input portion of this item was closed.

There was Board consensus to direct staff to bring recommendations to the Board for consideration, regarding the permitting of medical marijuana dispensaries in Lake County and, as a separate item, zoning options for the cultivation of medical marijuana.

No action was taken on this item.

20. **ITEM A-14 - 3:00 P.M. - (a) Overview of the First 5 Regional Impact Report; and (b) Discussion/consideration of request to support First 5 Lake Commission's opposition to Proposition 1D** - First 5 Executive Director Tom Jordan gave a brief presentation to the Board.

(a) Due to time constraints, this portion of the item was continued two weeks, to May 26, 2009, at 9:30 a.m.

(b) On motion of Supervisor Brown and by vote of the Board (5 ayes), took an official position of neutrality on Proposition 1D.

21. **ITEM A-15 - 3:30 P.M. - Discussion/consideration of proposed Agreement between the County of Lake (County Service Area (CSA) #2 - Spring Valley), and Source Group, Inc. for groundwater resource assessment for CSA #2 - Spring Valley Water System Improvement Projects in the amount of \$56,672** - Special Districts Administrator Mark Dellinger gave the staff report.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Gary Broderick, John Stonebreaker and Nancy Ruzicka. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Agreement between the County of Lake (County Service Area (CSA) #2 - Spring Valley), and Source Group, Inc. for groundwater resource assessment for CSA #2 - Spring Valley Water System Improvement Projects in the amount of \$56,672, and authorized the Chair to sign.

The Board of Supervisors adjourned and reconvened as the Board of Directors of the Lake County Redevelopment Agency.

- BACK TO ITEM A-22 - Consideration of staff recommendation and proposed agreement for construction management and inspection services for the Upper Lake Main Street Reconstruction Project** - County Administrative Officer Kelly Cox gave the staff update.

At staff's request, this item was continued one week, to May 19, 2009.

The Board of Directors of the Lake County Redevelopment Agency adjourned and reconvened as the Board of Supervisors.

- BACK TO ITEM A-20 - Continued from May 5, 2009 - Consideration of proposed Ordinance adding Section 2.5 to the Lake County Code, specifying particular office hours for Lake County Animal Care and Control** - County Administrative Officer Kelly Cox gave the staff report.

No action was taken on this item.

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After a brief recess, the Board reconvened at 5:07 p.m.

**BACK TO ITEM A-21 - Continued from April 21, 28 and May 5, 2009 - Consideration of award of Bid No. 09-32 to Coastline Equipment for the purchase of one (1) 2009 crane truck in the amount of \$100,000, and/or other options for the purchase of this equipment** - Special Districts Administrator Mark Dellinger and Deputy Special Districts Administrator Pete Preciado were present.

Mr. Dellinger gave the staff report.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington NO), awarded Bid No. 09-32 to Coastline Equipment for the purchase of one (1) 2009 crane truck in the amount of \$100,000, and authorized the Chair to sign the bid award.

**BACK TO ITEM A-23 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: LCEA and DDAA 2. Public Employee Performance Evaluations: Titles: (1) Community Development Director (2) Social Services Director 3. Conference with Legal Counsel - Anticipated Litigation - (a) Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9: One Potential Case** - Chair Rushing announced the Board would now return to Closed Session for the reasons stated on the agenda.

The Board returned to Regular Session with no action taken.

There being no further business, the Board adjourned at 6:04 p.m.

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Chair - Lake County Board of Supervisors

KELLY F. COX  
Clerk of the Board

By: \_\_\_\_\_  
Mireya G. Turner  
Assistant Clerk of the Board