

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD APRIL 27, 2010

The Honorable Board of Supervisors of Lake County, California, met in regular session this 27th day of April, 2010 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 Georgine Hunt.

The meeting was called to order at 9:01 a.m. by Chair Farrington. After a moment of silence in memory of Don Emerson, Administrative Officer Kelly Cox led the salute to the flag of the United States of America.

The Senior Class from Upper Lake High School was present.

1. **ITEM A-1 - APPROVAL OF THE CONSENT AGENDA** - On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Consent Agenda items C-1 through C-6, with the exception of Consent Item C-1, Minutes of the Board of Supervisors meeting held on April 20, 2010, which will be placed on the May 11, 2010, agenda for approval.

Approved Minutes of the Board of Supervisors meeting held on April 13, 2010.

Adopted Proclamation designating the week of May 2-8, 2010 as Wildfire Awareness Week in Lake County.

Adopted Proclamation designating the month of May, 2010 as Watershed Awareness Month in Lake County.

Adopted Resolution No. 2010-71, approving Agreement No. 10-0024 with the State of California, Department of Food and Agriculture and authorizing execution and signature of advertising and labeling of petroleum and automotive products as well as inspection of public weighmasters.

Adopted Resolution No. 2010-72, approving Agreement #09-0796 with the State of California, Department of Food and Agriculture and authorizing execution and signature for pest detection/European Grapevine Moth activities from March 1, 2010 through June 30, 2010.

Approved Engineering and Inspection Agreement between the County of Lake and the Middletown Unified School District for review of plans and specifications and inspection of work for an Encroachment Permit located at 20931 and 20771 Big Canyon Road, Middletown, CA (APNs 014-490-13 and 014-490-15), and authorized the Chair to sign.

2. **ITEM A-2 - Presentation of animals that are available for adoption at the Lake County Animal Care and Control Shelter** - Animal Control Officers Morgan Herman and Ben Cheek presented three canines currently available for adoption.

3. **ITEM A-15 - Discussion/consideration of proposed Amendment Seven to the Agreement between the County of Lake and Pavement Engineering, Inc. for engineering services for Big Valley Rancheria Transportation Project (an increase of \$6,264.59, total amount of agreement \$373,224.74)** - Principal Civil Engineer Ken Brown was present and gave a brief overview of the amendment. This amendment provides additional work to complete a composite survey map for the Bureau of Indian Affairs that has been identified and needs to be addressed.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Amendment Seven to the Agreement between the County of Lake and Pavement Engineering, Inc. for engineering services for Big Valley Rancheria Transportation Project (an increase of \$6,264.59, total amount of agreement \$373,224.74), and authorized the Chair to sign.

4. **ITEM A-5 - 9:10 A.M. - (a) Presentation of Proclamation designating the week of May 2-8, 2010 as Wildfire Awareness Week in Lake County** - Supervisor Comstock read the proclamation into the record. The proclamation was presented to Lake County Fire Safe Council Coordinator Linda Juntunen.

(b) Presentation of Proclamation designating the month of May, 2010 as Watershed Awareness Month in Lake County - Supervisor Rushing read the proclamation into the record. The proclamation was presented to Lake County Fire Safe Council Coordinator Linda Juntunen.

5. **ITEM A-6 - 9:15 A.M. - Presentation by California State Association of Counties (CSAC) regarding the state budget, CSAC programs and services, CSAC's new communication tools and other items of interest to counties** - California State Association of Counties Legislative Analyst Geoffrey Neill was present and gave an update on the proposed state budget, state funding of the Williamson Act, the Marijuana Working Group for Dispensaries and Cultivation, the NACO Annual Conference and various CSAC programs.

There was no action taken on this item. This was an informational item only.

6. **ITEM A-10 - Discussion/consideration of proposed Resolution approving an application for funding under the United States Department of Agriculture's Rural Development Community Facilities Program for the Middletown Library and Senior Center** - Chief Deputy Administrative Officer Matt Perry gave an overview of the grant requirements.

Supervisor Comstock offered Resolution No. 2010-73, and it was passed by a roll-call vote (5 ayes).

7. **ITEM A-7 - 9:45 A.M. - Discussion/consideration of recommendations regarding investigation of a violation committed by an Animal Control Officer** - Animal Care and Control Advisory Board Chair Susan Cannon, DVM was present and gave an overview of the Animal Care and Control Advisory Board's recommendations regarding the investigation of a violation committed by an Animal Control Officer.

County Counsel Anita Grant stated to the Board that an independent investigation of the violation will be concluded on April 28, 2010, and the Sheriff's Department is also doing a criminal investigation regarding negligence and/or abuse by the Animal Control Officer.

There was no action taken on this item. This was an informational item only.

After a short recess, the Board reconvened at 10:06 a.m.

8. **ITEM A-8 - 10:00 A.M. - (a) Discussion/consideration of proposed draft Ordinance regarding regulations for the dispensing of medical marijuana; and**

(b) Discussion/consideration of proposed draft Ordinance regarding regulations for the cultivation of medical marijuana - Community Development Director Rick Coel was present and gave a power-point presentation of: (a) the proposed draft Ordinance regarding regulations for the dispensing of medical marijuana, which included proposed regulations for the dispensing of medical marijuana, including setbacks, a required distance from schools, residential areas and recreational areas.

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Mr. Coel explained to the Board that the proposed ordinance would require a major use permit for a dispensary, the dispensary could only be located in C3, M1 and M2 zoning districts. The regulations will ensure protection and privacy of all medical records from the Sheriff's Department, Also, the sale of edible marijuana would require the same permits as a food establishments, including commercial kitchens.

Chair Farrington asked if anyone present wished to speak on the proposed Dispensary Ordinance and the following persons spoke: Ms. Lisa Irwin, Mr. John Hansen, Ms. Leah Palmer, Mr. Mike Lawrence, Mr. Don Merrill, Ms. Jo Gossett, Ms. Jeri Spittler, Mr. Daniel Chavez, Ms. Cheryl Hutchinson, Mr. Martin Squier, Mr. Robert Weldin, Mr. Santos Modesto, Mr. Ron Green, Mr. Gary Lewis, Ms. Janet Weiss, Mr. Jim Jones Moreno, Mr. Joey Luiz, Mr. Bill McKeil, Tiffany Criss, Mr. Rob Rosenthal, Ms. Rhonda Mottlow, Mr. Joe Fernandez, Mr. Jason Burger, Mr. Kenneth Moss and Mr. Charles Fowler. No one else was present wishing to speak and the public portion of this item was closed.

The Board recessed for lunch at 12:15 p.m. and reconvened at 1:30 p.m.

BACK TO #8 - ITEM A-8 - 10:00 A.M. - (a) Discussion/consideration of proposed draft Ordinance regarding regulations for the dispensing of medical marijuana; and

(b) Discussion/consideration of proposed draft Ordinance regarding regulations for the cultivation of medical marijuana - Community Development Director Rick Coel was present and gave a power-point presentation of: (b) the proposed draft Ordinance regarding regulations for the cultivation of medical marijuana, which included permit requirements, size of area to be cultivated, zoning permits, lighting regulations, security measures and floor plans.

Chair Farrington asked if any present wished to speak on the proposed Regulations for the cultivation of Medical Marijuana Ordinance and the following persons spoke: Mr. Don Westphal, Mr. Kenneth Moss, Mr. Jose Fernandez, Ms. Jeri Green, Mr. Conrad Kaminsky, Mr. Charles Fowler, Mr. Ron Green, Ms. Janet Weiss, Mr. Chris Beck, Mr. Bill McKeil, Mr. Kermit Sergeant, Mr. Jason Burger, Mr. Chris Nickels, Mr. Martin Squier, Mr. Santos Modesto, Mr. Ron Kaminsky, Ms. Rhonda Mottlow, Mr. Don Merrill and Mr. Dennis Hindricks.

This item will be brought back at a later date for further discussion.

After a short recess, the Board reconvened at 4:47 p.m.

9. **ITEM A-11 - Update from the Code Enforcement Division concerning current case load, examples of voluntary compliance and other statistical information** - Chair Farrington announced that this item was continued to May 4, 2010.

10. **ITEM A-12 - Discussion/consideration of proposed Resolution approving a Cooperative Agreement with the U.S. Department of Agriculture to provide an Animal Damage Control Program for the County of Lake** - Agricultural Commissioner Steve Hajik was present.

U.S.D.A. Aphis Wildlife Services Sacramento District Supervisor Jack Parriott was also present.

The following amendment was made to the agreement:

Decreased the amount of contract from \$84,969 to \$81,000.

Supervisor Rushing offered Resolution No. 2010-74, as amended, and it was passed by a roll-call vote (5 ayes).

11. **ITEM A-13 - Discussion/consideration of request to transfer Child Support Services main telephone line to an out-of-county call center** - Director of Child Support Services Gail Woodworth was present and gave a brief overview of the proposal.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington NO), approved the request to transfer Child Support Services main telephone line to an out-of-county call center.

12. **ITEM A-14 - Discussion/consideration of proposed Memorandum of Understanding by and between the County of Lake and the Lake County Hunger Task Force for use of the property behind Nylander Park restroom for temporary gardening privileges (annual rental of \$1.00)** - Public Services Director Kim Clymire was present.

The following amendment was made to the agreement:

Added to page one, paragraph one - The cultivation of marijuana is prohibited.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved Memorandum of Understanding, as amended, by and between the County of Lake and the Lake County Hunger Task Force for use of the property behind Nylander Park restroom for temporary gardening privileges (annual rental of \$1.00), and authorized the Chair to sign.

The Board of Supervisors adjourns and convenes as the Lake County Housing Commissioners and Commissioner Deborah Figuerea was absent.

13. **ITEM A-16 - Discussion/consideration of request to sign proposed HUD-50077-CR: Civil Rights Certification Form** - On motion of Commissioner Brown and by vote of the Board (5 ayes, Commissioner Feguerea ABSENT), approved the request and authorized the Chair to sign the HUD-50077-CR: Civil Rights Certification Form.

14. **ITEM A-17 - CLOSED SESSION1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert, M. Perry and J. Hammond; and (b) Employee Organization: LCCOA, SDA and DDAA** - Chair Farrington announced that the Board will now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned at 5:35 p.m .

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board