

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MARCH 2, 2010

The Honorable Board of Supervisors of Lake County, California, met in regular session this 2nd day of March, 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 Mireya Turner.

The meeting was called to order at 9:03 a.m. by Chair Farrington. After a moment of silence, County Administrative Officer Kelly Cox 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 Smith and by vote of the Board (5 ayes), approved Consent Agenda items C-1 through C-7.

Approved Minutes of the Board of Supervisors meeting held on February 23, 2010.

Appointed incumbent Bob Ray (Fire Department category) to the Emergency Medical Care Committee for a term expiring on January 1, 2011.

Approved letter of support to Congressman Mike Thompson and other federal representatives in support of a comprehensive reform of the fee-to-trust land process for tribal lands to ensure that the program flaws, as well as the needs of tribes and local governments are addressed and authorized the Chair to sign.

Adopted Resolution No. 2010-41 appropriating unanticipated revenue in the amount of \$2,000 (received from Air Quality Management District in accordance with the Agreement for Prosecution Assistance), to be used for additions to computer hardware and software, equipment that is needed and utilized in prosecution assistance for the Air Quality Management District, Budget Unit No. 1231 - County Counsel.

Adopted Resolution No. 2010-42 appropriating unanticipated revenue in the amount of \$5,000 (received from the National Association of County and City Health Officials), to be used to increase the effectiveness of the Local Medical Reserve Corps.

Approved the submittal of the Anti-Drug Abuse (ADA) Enforcement Team Recovery Act Program Grant to the California Emergency Management Agency to fund a Sergeant and Department Sheriff position, in the amount of \$286,232 and authorized the Chair to sign.

Approved the submittal of the California Multi-Jurisdictional Methamphetamine (Cal-MMET) Enforcement Team Recovery Act Program Grant to the California Emergency Management Agency to fund joint training and/or exercise amongst the grant disciplines, which include the District Attorney, Sheriff's Office, Probation, Clearlake Police Department and Lakeport Police Department, in the amount of \$29,718 and authorized the Chair to sign.

2. **ITEM A-2 - Presentation of animals that are available for adoption at the Lake Control Services** - Animal Control Officer Ben Cheek presented one canine currently available for adoption.

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

Extra #1 - Consideration of request for necessity of a Closed Session item not on the posted agenda - Conference with Legal Counsel - Decision whether to initiate litigation pursuant to Section 54956.9, Subdivision (b)(c): One potential case - On motion of Supervisor Brown 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:

This issue came to the staff's attention after the posting of the agenda and a decision must be made by the Board before the next meeting.

This item will be taken up later in the day, during Closed Session.

4. **ITEM A-15 - Consideration of proposed Resolution continuing the existing reallocation of expenses of Lake LAFCO between the cities, the County of Lake and independent special districts** - Supervisors Smith and Rushing presented this item.

Supervisor Rushing offered the resolution, but the motion died due to lack of a second.

There was Board consensus to pursue an incremental increase in the share of cost for the independent special districts, or the provision of in-kind services that would reduce LAFCO expenditures.

5. **ITEM A-5 - 9:10 A.M. - Discussion/consideration of proposed First Amendment between the County of Lake and Ford Street Project Residential and Social Model Detoxification Services (an increase of \$10,000), to provide intensive residential treatment and detoxification services for residents of Lake County** - Mental Health Director Kristy Kelly and Alcohol and Other Drug Services Coordinator Laura Solis were present.

Ms. Kelly presented the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the First Amendment between the County of Lake and Ford Street Project Residential and Social Model Detoxification Services (an increase of \$10,000), to provide intensive residential treatment and detoxification services for residents of Lake County, and authorized the Chair to sign.

6. **ITEM A-6 - 9:15 A.M. - Discussion/consideration of proposed Ordinance amending Section 4-3 and adding Section 4-19 to Chapter 4 of the Lake County Code relating to nuisance animals** - Animal Control Director Denise Johnson and Deputy Animal Control Director Bill Davidson were present.

Ms. Johnson presented the staff report to the Board.

Typographical errors were corrected on the proposed ordinance.

On motion of Supervisor Smith and by vote of the Board (5 ayes), waived the reading of the ordinance, to be 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 March 9, 2010.

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7. **ITEM A-7 - 9:30 A.M. - Discussion/consideration of proposed Agreement between Animal Care and Control and PetData Inc. for the operation of the Pet Licensing Program** - Animal Control Director Denise Johnson and Deputy Animal Control Director Bill Davidson were present.

Mr. Davidson presented the staff report to the Board.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Agreement between Animal Care and Control and PetData Inc. for the operation of the Pet Licensing Program, and authorized the Chair to sign.

8. **ITEM A-14 - Request for clarification as to which positions or groups of positions the Board has designated as exempt from classified service other than appointed and elected department heads** - Human Resources Director Kathy Ferguson presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), declared all management positions exempt from classified service.

After a brief recess, the Board returned to Regular Session at 10:08 a.m.

9. **ITEM A-8 - 10:00 A.M. - Discussion/consideration of approval of the Clear Lake Integrated Watershed Management Plan** - Deputy Public Works Director Water Resources Pam Francis, Water Resources Engineer Tom Smythe, East Lake and West Lake Resource Conservation District Watershed Coordinator Greg Dills and Plan Coordinator Erika Lundquist were present.

Mr. Dills and Ms. Lundquist presented the Clear Lake Integrated Watershed Management Plan to the Board.

Supervisor Comstock was absent at 10:34 a.m. and present at 10:35 a.m.

Chair Farrington asked if anyone was present wishing to speak and the following people spoke: John Zabelean and Betsy Cawn. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Clear Lake Integrated Watershed Management Plan as presented.

10. **ITEM A-9 - 10:45 A.M. - Appeal of Human Resources decision to deny the formation of a new District Attorney Investigator Association** - Human Resources Director Kathy Ferguson, District Attorney Investigator Martina Santor and Deputy Sheriff Gary Frace were present.

Ms. Ferguson presented the staff report.

Ms. Santor presented the appeal to the Board.

There was Board consensus to take this item under submission and to return with a decision within 45 days.

The Board of Supervisors adjourned and convened as the Board of Directors of the Lake County Sanitation District.

11. **ITEM A-10 - 11:00 A.M. - (a) Consideration of urgency action establishing temporary restrictions on connection to the Southeast Regional Wastewater System; and (b) Consideration of Resolution authorizing LACOSAN Administrator to take emergency action to effect repairs to the Southeast Regional Wastewater System** - Special Districts Administrator Mark Dellinger and Fiscal Officer Janet Coppinger were present.

Mr. Dellinger presented the staff report.

(a) On motion of Director Rushing and by vote of the Board (5 ayes), waived the reading of the ordinance, to be read in title only. (Clerk so did).

Director Rushing offered Ordinance No. 2918, and it was passed by roll call vote (5 ayes).

(b) Director Rushing offered Resolution No. 2010-43, waiving the formal bidding process and delegating to the Administrator of the Lake County Sanitation District the authority to take immediate action to effectuate emergency repairs of the Southeast Regional Wastewater Treatment Plant, and it was passed by roll call vote (5 ayes).

Director Rushing offered Resolution No. 2010-44, cancelling mitigation and capital improvement reserve designations in the amount of \$230,000 and \$70,000 respectively in Budget Unit 8350 (LAKECOSAN) to pay for the emergency measures required to address sewer spills in the Southeast Regional Wastewater System, and it was passed by roll call vote (5 ayes).

The Board of Directors of the Lake County Sanitation District adjourned and convened as the Lake County Local Board of Equalization.

12. **ITEM A-11 - 11:30 A.M. - Assessment Appeal Hearings:**

Reynalda Grainger - Application No. 147-2009, 148-2009 and 149-2009 - APNs 034-591-32, 034-591-31 and 034-671-13 - located at 3855 Lakeview Terrace, Lucerne, CA - Assessor-Recorder Doug Wacker, Chief Deputy Assessor-Recorder Jim Campbell and Reynalda Grainger were sworn in by the Clerk.

Mr. Campbell presented the staff report.

Ms. Grainger gave testimony.

On motion of Member Smith and by vote of the Board (5 ayes) denied appeal 147-2009.

On motion of Member Brown and by vote of the Board (5 ayes), denied appeals 148-2009 and 149-2009.

The Lake County Local Board of Equalization adjourned and reconvened as the Board of Supervisors.

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

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13. **ITEM A-12 - 1:30 P.M. - PUBLIC HEARING - Planning Commission's recommendation for approval of Cristallago Development Corporation's application for the following General Plan Amendment (GPAP 05); Rezone (RZ 07-18) and General Plan of Development (GPD 05) proposals: GPAP 05-09, RZ 05-12 and GPD 05-05 are proposing the following: (1) General Plan Amendment from Rural Lands, Rural Residential, Suburban Residential Reserve & Resource Conservation to Rural Residential, Suburban Residential Reserve, Commercial Resort & Resource Conservation; (2) Rezone from "RL" Rural Lands, "RR" Rural Residential, "O" Open Space & "A" Agriculture to "PDR" Planned Development Residential & "PDC-DR" Planned Development Commercial – Design Review ("SC" Scenic Combining District will not be applied to commercial zoning, but will otherwise remain unchanged; no change is proposed to the "FF" Floodway Fringe or "WW" Waterway Combining Districts); (3) General Plan of Development for approximately 860 acres to create a subdivision of up to 650 single family residential lots, an 18-hole golf course and clubhouse, community center, spa, restaurant, conference facility, nature preserve, and 325 resort units, including timeshares, fractional share units, condominium hotels and a hotel on property located at 3595, 3851, 3907, 4051, 4141, 4151, 4161, 4283, 4483, 4637 & 4687 Hill Road, and 3580 Scotts Valley Road, Lakeport, Assessor's Parcel Numbers 003-046-66 & 67, 005-009-04, 05, 06 & 07, 005-010-05, 16 & 17, 005-011-06 & 07 and 005-012-33 - Community Development Director Rick Coel, Special Districts Administrator Mark Dellinger and Senior Planner Emily Minton were present.**

Mr. Coel presented the staff report.

Matt Boeger and Richard Warfel gave a power point presentation regarding the aspects of the proposed Cristallago project.

After a brief recess, the Board reconvened into Regular Session at 3:25 p.m.

Chair Farrington opened the public hearing and the following people spoke: Ron Rose, Bob Rumfelt, Dave Lushedo, Suzanne Lyons, John Lee, Nancy Ruzicka, Shirley Brooks, Norm Ihle, Betsy Cawn, Phil Murphy, Mike Dunlap, Melissa Fulton, Gary Lewis, Brad Peters, Chuck Lamb, Victoria Brandon, Tim Williams, Joan Moss and David Nelson. No one else was present wishing to speak and the public hearing was closed.

After a brief recess, the Board reconvened into Regular Session at 4:54 p.m.

Amendments were made to the General Plan Amendment.

Supervisor Brown offered Resolution No. 2010-45 and it was passed by roll call vote (3 ayes, Supervisors Rushing and Farrington NO)

On motion of Supervisor Brown and by vote of the Board (3 ayes, Supervisors Rushing and Farrington NO), waived the reading of the ordinance, to be read in title only. (Clerk so did).

Supervisor Brown offered Ordinance No. 2918 and it was passed by roll call vote (3 ayes, Supervisors Rushing and Farrington NO).

On motion of Supervisor Brown and by vote of the Board (3 ayes, Supervisors Rushing and Farrington NO), moved that the Board of Supervisors has reviewed and considered the environmental effects of this general plan of development as set forth in the Environmental Impact Report which has been prepared for this project and that the Planning Commission recommends approval of the proposal for the reasons listed in "Exhibit B" Findings of Fact.

14. **ITEM A-16 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: LCCOA, SDA and DDAA 2. Conference with Legal Counsel - Decision whether to initiate litigation pursuant to Government Code Section 54956.9(c) 3. Conference with Legal Counsel - Existing Litigation - Government Code Section 54956.9(a) - County of Lake v. Bouchey - Chair Farrington announced the Board would now go into Closed Session for the reasons stated on the agenda, including Extra #1.**

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned at 7:46 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Mireya Turner
Assistant Clerk of the Board