

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD APRIL 26, 2011

The Honorable Board of Supervisors of Lake County, California, met in regular session this 26<sup>th</sup> day of April, 2011, there being present Supervisors Jeff Smith, Denise Rushing, Anthony Farrington, Rob Brown and Jim Comstock, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner.

The meeting was called to order at 9:00 a.m. by Chair Comstock. Following the moment of silence, Assistant Clerk of the Board Mireya Turner 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-18, with the exception of Item C-2, which will be taken up directly following the approval of the Consent Agenda.

Approved Minutes of the Board of Supervisors meeting held on April 19, 2011.

Approved Plans and Specifications for Middletown Senior Center & Library Project, Bid No. 11-02, and authorized the Purchasing Agent to advertise for bids.

Approved waiver of 900-hour limit for extra help Pest Detection Trapper Alice McCombs, as per staff memorandum dated April 26, 2011.

Approved Budget Transfer B-218 from Office Expense/Postage, in the amount of \$8,600, for the purchase of one (1) Elections Server, and authorized the Chair to sign.

Approved Election Information Management System (EIMS) Lease Agreement Modification between the County of Lake and DFM Associates, for software support, maintenance and update service, and authorized the Chair to sign.

Adopted Resolution No. 2011-52, approving a request from the Lake County Health Services Department to submit a grant application to California Environmental Protection Agency (CalEPA) for state required Electronic Reporting Transition funding for Fiscal Years 2010-2013, and authorizing the Health Services Director to sign said application and grant.

Adopted Resolution No. 2011-53, approving a request from Lake County Environmental Health Division to submit a grant application for a Certified Unified Program Agency (CUPA) Trust Fund Grant for FY 2011/2012 and authorized the Director of Health Services to sign said application.

Adopted Resolution No. 2011-54, authorizing the submission of Waste Tire Enforcement Grant applications for the Fiscal Years 2010/11 through 2015/16 not to exceed five years from the date of adoption.

Approved the Contract between the County of Lake and Dazzling Janitorial Services for janitorial services at the Lakeport Library in the amount of \$10,200 and authorized the Chair to sign.

Approved First Amendment to Agreement between the County of Lake and Modesto Residential Living Center, LLC, for residential care services for Fiscal Year 2010/2011 (an increase of \$14,350), and authorized the Chair to sign.

Approved First Amendment to Agreement between the County of Lake and Manzanita House, Adult Residential Facility (ARF) for residential support services for Fiscal Year 2010/2011 (a decrease of \$50,000), and authorized the Chair to sign.

Adopted Resolution No. 2011-55, approving application for California Beverage Container Recycling and Litter Reduction Grant for FY 2010/11.

Approved Rental Agreement between the County of Lake and Lake Aero Styling and Repair for a metal storage hangar and breeze way at Lampson Field Airport (monthly rate of \$500 per month), and authorized the Chair to sign.

Awarded Bid No. 10-22 to Argonaut Constructors, for construction of the Hot Mix Asphalt Overlay to facilitate ice and snow removal on Bottle Rock Road, from Harrington Flat Road to 1.0 miles North of Harrington Flat Road, in the amount of \$388,131, and authorized the Chair to sign.

Awarded Bid No. 09-12 to Gregg Simpson Trucking, for construction of the Elk Mountain Road PM 27.53 to 27.55 Storm Damage Repair project in Lake County, in the amount of \$72,224.55, and authorized the Chair to sign.

Approved the expansion of membership of the Seismic Monitoring Advisory Committee (SMAC) (adding one additional public member from the Middletown area), and appointed Linda Diehl Darms to the committee.

Sitting as the Board of Directors of the Lake County Sanitation District, approved Easement Deed and directed Clerk to certify for recordation (APN 040-303-22 - Bradley Bergen), and approved Right of Way Agreement between the County of Lake and Bradley Bergen for the construction of the temporary force main sanitary sewer line, and authorized the Chair to sign.

**CONSENT AGENDA ITEM C-2** - Consideration of proposed letter of support for proposed Walker Ridge Wind Farm Project - Amendments were made to the letter.

On motion of Supervisors Rushing and by vote of the Board (5 ayes), approved, as amended, the letter of support for proposed Walker Ridge Wind Farm Project, and authorized the Chair to sign.

2. **ITEM A-13 - Consideration of appointments to the following: Maternal, Child and Adolescent Health Advisory Board** - On motion of Supervisor Farrington and by vote of the Board (5 ayes), appointed Bonnie Bonnett to the Maternal, Child and Adolescent Health Advisory Board, for a term to expire January 1, 2013.

3. **ITEM A-14 - Consideration of letters of opposition to Assembly Bill 720 (potentially prohibiting the use of County employees on new road work projects)** - On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the letters to our state representatives of opposition to Assembly Bill 720 (potentially prohibiting the use of County employees on new road work projects), and authorized the Chair to sign.

4. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - Consideration of Application AM 11-01, proposing amendments to the Lake County Zoning Ordinance pertaining to wineries, wine tasting facilities, definition of wine-related special events, agricultural service establishments, green waste composting facilities, farmers' markets, multi-family maximum residential density, and revocation of zoning clearances and zoning permits (Amendments pertaining to commercial stables and riding academies, and cargo containers have been removed from these proposed amendments)** - Community Development Director Rick Coel and Associate Planner Brian Horn were present.

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Mr. Horn presented the staff report.

Chair Comstock opened the public hearing and the following people spoke: Victoria Brandon, Dave Morin and Monica Rosenthal. No one else was present wishing to speak and the public hearing was closed.

Supervisor Rushing made the motion to waive the reading of the ordinance, amended to have a 5 acre minimum on Suburban-Residential "SR" zoning designation. This motion died for lack of a second.

The ordinance was amended to increase the retail square footage to 750 square feet (Section 4.4 of Chapter 21).

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Rushing NO), 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 (4 ayes, Supervisor Rushing NO), advanced the ordinance one week, to May 3, 2011.

After a brief recess, the Board reconvened into Regular Session at 9:45 a.m.

5. **ITEM A-6 - 9:45 A.M. - Consideration of request of cash match support for the Districts' grant application to the California Department of Conservation's Watershed Coordinator Grant Program (\$10,000 per year for three years) -** Watershed Coordinator Greg Dills presented the request to the Board.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Victoria Brandon, Chuck Morse and Phil Smoley. No one else was present wishing to speak and the public input of this item was closed.

Supervisor Farrington requested Mr. Dills join him for a special meeting of the Yolo County 2x2 committee to discuss the possibility of Yolo County's support of the East and West Lake Watershed Conservation Districts.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved, in concept, a cash match support for the Districts' grant application to the California Department of Conservation's Watershed Coordinator Grant Program (\$10,000 per year for three years), contingent on budget appropriations.

6. **ITEM A-8 - 10:20 A.M. - Consideration of proposed First Amendment to the Agreement between the County of Lake and First Five Lake Commission for the Mother-Wise Program (Post Partum Depression Initiative), for an increase of \$14,092, for Fiscal Year 2010-2011 -** Mental Health Director Kristy Kelly and Managed Care Administrative Coordinator Sheila Roseneau were present.

Ms. Kelly presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the First Amendment to the Agreement between the County of Lake and First Five Lake Commission for the Mother-Wise Program (Post Partum Depression Initiative), for an increase of \$14,092, for Fiscal Year 2010-2011, and authorized the Chair to sign.

7. **ITEM A-9 - 10:30 A.M. - Update on status of Lake County Community Action Agency and state selection process of new eligible entity to receive State grant funds for food and shelter services -** Social Services Director Carol Huchingson presented the staff report.

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

8. **ITEM A-10 - 10:45 A.M. - (a) Discussion/consideration of request for budget transfer to cover additional hours for extra help employees; and Continued from April 19, 2011 - (b) Consideration of request to waive the 900-hour limit for extra help Deputy District Attorney Catherine Walker, extra help Office Assistant Darla Lewis, extra help Office Assistant Sharon Parks and extra help Victim Advocate Geraldine Brown, as per staff memorandum, dated March 31, 2011 -** District Attorney Don Anderson and Administrative Coordinator Doris Gorospe were present.

District Attorney Don Anderson presented a summary of the item.

(a) No Board action was taken on this portion of the item.

(b) On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the 900-hour limit for extra help Deputy District Attorney Catherine Walker, extra help Office Assistant Darla Lewis, extra help Office Assistant Sharon Parks and extra help Victim Advocate Geraldine Brown, as per staff memorandum, dated March 31, 2011.

9. **ITEM A-15 - Consideration of proposed Ordinance amending Article IX to Chapter 15 of the Lake County Code establishing a fee-based inspection program for all water vessels launched in the County of Lake (SECOND READING) -** Supervisor Smith offered Ordinance No. 2946, and it was passed by roll call vote (5 ayes).

10. **ITEM A-12 - Supervisors' weekly calendar, travel and reports -** Supervisor Farrington requested authorization to use the County credit card to place travel reservations to speak at a Smart Meter panel discussion in Santa Barbara on April 29, 2011. All costs will be reimbursed to the County.

Supervisor Rushing recused herself from consideration of this request.

On motion of Supervisor Smith and by vote of the Board (3 ayes, Supervisor Brown NO, Supervisor Rushing ABSTAIN), approved use of the County credit card to place travel reservations for Supervisor Farrington to speak at the Smart Meter panel discussion in Santa Barbara, CA on April 29, 2011.

11. **ITEM A-11 - 11:00 A.M. - (a) Consideration of request to approve a letter opposing the State's proposed design and layout for construction of a new courthouse on Lakeport Boulevard that would block the scenic view from the Vista Point visitor area; and (b) Consideration of request to approve a letter to the Lakeport City Council to oppose the State's current proposal -** Supervisor Farrington introduced this item.

Administrative Office of the Courts Project Manager Anne Ording and Senior Manager Rona Rothenberg were present.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Sarah Barnes, Melissa Fulton, Victoria Brandon and Joan Moss. No one else was present wishing to speak and the public input portion of this item was closed.

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(a) On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved a letter to our state legislators opposing the State's proposed design and layout for construction of a new courthouse on Lakeport Boulevard that would block the scenic view from the Vista Point visitor area, and authorized the Chair to sign.

(b) On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved a letter to the Lakeport City Council to oppose the State's current proposal, and authorized the Chair to sign.

**12. ITEM A-7 - 10:00 A.M. - Discussion/consideration of changing the yearly burn ban initiation date for years with heavy rainfall and temporarily suspending this year's burn ban** - Air Pollution Control Officer Doug Gearhart was present.

Supervisor Brown showed a video excerpt of the June 10, 2011 Board of Supervisors meeting, discussing this item previously.

Chair Comstock asked if anyone was present wishing to speak and Joan Moss spoke. No one else was present wishing to speak and the public input portion of this item was closed.

Mr. Gearhart reported his staff is prepared to hold a public workshop mid-July 2011 to discuss options enabling the change of the yearly burn ban initiation date and could bring the item before the Board in late July or early August, 2011.

There was Board consensus to direct staff to hold the public workshop and to return this item to the Board for its consideration no later than August 2011.

**13. ITEM A-16 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert, M. Perry and J. Hammond; and (b) Employee Organization: LCEA, DSA, LCCOA and DDAA 2. Public Employee Performance Evaluations: Titles: Public Works Director and Social Services Director 3. Conference with Legal Counsel - Existing litigation pursuant to Government Code Section 54956.9, subdivision (a): Paradise v. Ferguson, et al (County of Lake)** - Chair Comstock announced the Board would now go into Closed Session for the reason stated on the Agenda.

The Board reconvened into Regular Session at 1:25 p.m. and took the following action:

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the stipulation for dismissal with prejudice of the County of Lake as a defendant in the matter of Paradise v. Ferguson, City of Lakeport, Lake County, et al. and authorized the Chair to sign.

There being no further business, the Board adjourned at 1:26 p.m.

KELLY F. COX  
Clerk of the Board

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Chair - Lake County Board of Supervisors

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