

**BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA**

**OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD AUGUST 16, 2011**

The Honorable Board of Supervisors of Lake County, California, met in regular session this 16<sup>th</sup> day of August, 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. A moment of silence was dedicated to the memory of the U.S. soldiers killed in a helicopter accident in Afghanistan. After the moment of silence, Mental Health Director Kristy Kelly led the salute to the flag of the United States of America.

1. **ITEM A-2 -Presentation of animals that are available for adoption at the Lake County Animal Care and Control Shelter** -Animal Control Officer Nehemiah White presented one canine currently available for adoption.
2. **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, with the exception of Item C-5, which will be taken up immediately following the Consent Agenda.

Approved Minutes of the Board of Supervisors meeting held on August 9, 2011.

Re-appointed Antoinette Jordan to the Mental Health Advisory Board, for a term to expire June 30, 2013.

Appointed Supervisor Rushing to represent the Board of Supervisors on the North Coast Regional Food Systems Network.

Approved Agreement between the County of Lake and Marta Fuller, RN, for FY 2011/12 dental health education and prevention services, in the amount of \$20,000, and authorized the Chair to sign.

**Consent Agenda Item C-5 - Authorize Out-of County travel and related expenses for up to 20 Non-County employees to attend State Capitol Recovery Happens Month in Sacramento on September 1, 2011** - This item will be taken up immediately following the Consent Agenda.

Approved First Amendment to the Agreement between the County of Lake and Milhous Children's Services for FY 2011-12 specialty mental health services, for a total reduction of \$75,000, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Rau and Associates, for retroactive engineering services for the repair of storm damage sites on Bartlett Springs Road (PM 21.1) and Elk Mountain Road (PM 35.7 and 35.9), in the amount of \$29,200, and authorized the Chair to sign.

Adopted Resolution No. 2011-121, declaring intent to vacate a portion of a roadway, Lakeview Terrace (Lucerne), in the County of Lake; and set public hearing for **September 6, 2011, at 9:15 a.m.**

**Consent Agenda Item C-5 - Consideration of request to authorize Out-of County travel and related expenses for up to 20 Non-County employees to attend State Capitol Recovery Happens Month in Sacramento on September 1, 2011** - Mental Health Director Kristy Kelly and Deputy Mental Health Director - AODS Linda Morris presented the staff report and introduced AODS Treatment Coordinator Jim Gessner and Substance Abuse Counselor Stephanie Odney, who spoke.

On motion of Supervisor Farrington and by vote of the Board (5 ayes) approved Out-of County travel and related expenses for up to 20 Non-County employees to attend State Capitol Recovery Happens Month in Sacramento on September 1, 2011.

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

**Extra #1 - (a) Consideration of proposed Resolution rescinding Resolution No. 2011-120, pertaining to a request that the Governor declare a statewide emergency resulting from infestation of dreissenid mussels into the water bodies of the State of California; and (b) Consideration of proposed Resolution requesting the Governor declare a statewide emergency resulting from infestation of dreissenid mussels into the water bodies of the State of California** - On motion of Supervisor Rushing and by vote of the Board (5 ayes) approved taking up this item as an extra.

This item was taken up for the following reason: After the Board adopted Resolution No. 2011-120, last Tuesday, staff was approached by members of the Clear Lake Advisory Committee, requesting certain sections of the Resolution be modified. Supervisor Farrington is scheduled to present the Resolution to CSAC prior to the next available Board agenda.

Supervisor Farrington introduced the item.

Supervisor Farrington offered Resolution No. 2011-122, and it was passed by roll call vote.

Supervisor Farrington offered Resolution No. 2011-123, and it was passed by roll call vote.

**CITIZEN'S INPUT** - Phil Murphy spoke regarding the Clear Lake Hitch population.

Ed Tiscornia spoke regarding his ongoing house project.

The Board of Supervisors adjourned and convened as the Board of Directors of the Lake County Air Quality Management District.

4. **ITEM A-5 - 9:15 A.M. - Review of District Rule 226.5 - Fire Season Burn Ban and request for Board direction regarding adjustments to the current burn program** - Air Pollution Control Officer Doug Gearhart presented the staff report.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Bob Reynolds, Tom Slaight and Phil Murphy. No one else was present wishing to speak and the public input portion of this item was closed.

No Board action was taken.

The Board of Directors of the Lake County Air Quality Management District adjourned and reconvened as the Board of Supervisors.

5. **ITEM A-6 - 9:30 A.M. - PUBLIC HEARING - Discussion/consideration of the formation of an Energy and Water Efficiency Assessment District and Adoption of the California Property Assessed Clean Energy (California PACE) Program (This item has been carried over one week, to August 23, 2011, at 10:00 A.M.)** - Chair Comstock announced this item would be carried over one week, to August 23, 2011, at 10:00 A.M.

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After a brief recess, the Board reconvened into Regular Session at 10:40 a.m. Supervisor Brown was absent, and was present at 10:41 a.m.

6. **ITEM A-13 - Advanced from August 9, 2011 - Discussion/consideration of proposed Ordinance amending Chapter 21 of the Lake County Code to add Article 72, "Regulations for the dispensing of medical marijuana" (SECOND READING)** - Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Ron Green, Rhonda Chadwick, Daniel Chadwick, John Hanson and Scott Green. No one else was present wishing to speak and the public input portion of this item was closed.

Supervisor Brown offered Ordinance No. 2956, and it was passed by roll call vote (3 ayes, Supervisors Smith and Rushing NO).

7. **ITEM A-7 - Continued from July 26, 2011 - 10:15 A.M. - HEARING - Nuisance Abatement of 7298, 7290, 7282 and 7274 East Butte Street, Upper Lake, CA (APN 031-132-26, 27, 28 & 29 - Sean J. Silvestro)** -Community Development Director Rick Coel, Mitch Hauptmann and Sean Silvestro were sworn in by the Clerk.

Mr. Silvestro gave testimony.

Mr. Hauptmann spoke.

This item was continued five weeks, to September 20, 2011 at 9:15 a.m.

8. **ITEM A-8 - 10:30 A.M. - Consideration of request to appoint Slick Hulquist as Lake County Veteran's Recovery Officer** -Health Services Director and Veteran's Services Officer Jim Brown, Assistant Veteran's Services Officer Bob Penny and Slick Hulquist were present.

Mr Brown presented the staff report.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), appointed Slick Hulquist as Lake County Veteran's Recovery Officer.

There was Board consensus to direct staff to research the cost of compliance with AB 1644's mandate of interment of the body of any veteran, spouse or eligible dependent of a veteran who dies in the County of Lake; and to bring this information to the Board at a future date, for its consideration.

9. **ITEM A-12 - Consideration of endorsement of applicants to serve on the Napa-Lake Workforce Investment Board (WIB)** - Social Services Director Carol Huchingson presented the staff report.

Chair Comstock asked if anyone was present wishing to speak and Seth DeSimone spoke. 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), endorsed the appointment of the following people to serve on the Napa-Lake Workforce Investment Board (WIB):

One-Stop Partner Representatives

Anthony Farrington  
Carol Huchingson

Private Sector Business Representatives

Lynne Butcher  
Trena Pauly  
Monica Rosenthal  
John Ussey  
Sandra West

Community Based Organization Representatives

Tonya Bravo

On motion of Supervisor Brown and by vote of the Board (5 ayes), directed staff to write thank you notes to those applicants not endorsed at this time, and authorized the Chair to sign.

10. **ITEM A-9 - Continued from July 12, July 26, August 2 and August 9, 2011 - Consideration of Bid Award for Bid No. 11-02, Middletown Senior Center and Library Project, and consideration of alternatives to awarding bid in order to reduce project costs** - Deputy Administrative Officer Jeff Rein presented the staff report.

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

Supervisor Brown recused himself, citing a conflict of interest due to one of the proposed subcontractors and was absent at 12:00 p.m.

The gavel was passed to Vice Chair Smith.

On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Brown ABSENT), awarded Bid No. 11-02, Middletown Senior Center and Library Project, to R.E. West, in the amount of \$3,680,304, and directed staff to return to the Board in one week, on August 23, 2011, with the contract and proposed deductive change orders.

The gavel was returned to Chair Comstock.

Supervisor Brown was present at 12:10 p.m.

11. **ITEM A-17 - Consideration of proposed Agreement between the County of Lake and the University of Nevada - Las Vegas (UNLV) for quagga mussel research** - Water Resources Engineer Gary Hansen presented the staff report.

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

This item was continued to later in the day.

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12. **ITEM A-15 - Consideration of request for Board determination under Anti-Nepotism Policy regarding appointment of Public Works Worker I/II** - On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the Anti-Nepotism Policy regarding the appointment of Public Works Worker I/II.
13. **ITEM A-16 - Consideration of request to award bid for Orchard Shores CSA Road Improvement Project** - On motion of Supervisor Rushing and by vote of the Board (5 ayes) awarded Bid No. 11-18, Pavement Rehabilitation Project CSA #23 - Zone of Benefit Q (Orchard Shores, Clearlake Oaks), to Team Ghilotti of Petaluma, in the amount of \$249,385.10, and authorized the Chair to sign the Notice of Award and Agreement.

**BACK TO #11 - ITEM A-17 - Consideration of proposed Agreement between the County of Lake and the University of Nevada - Las Vegas (UNLV) for quagga mussel research** - Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Jim Steele, Sarah Ryan, Victoria Brandon, John Parker and Gary Hansen. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown NO), approved the Agreement between the County of Lake and the University of Nevada - Las Vegas (UNLV) for quagga mussel research, in the amount of \$21,452.

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

14. **ITEM A-14 - Consideration of request to award Bid No. 11-21 for Southeast System Lift Station & Force Main Project, authorize the Chair to sign the Notice of Award and the Agreement, and authorize the Special Districts Administrator to issue the Notice to Proceed** - Special Districts Administrator Mark Dellinger and Fiscal Officer Jan Coppinger were present.

Mr. Dellinger presented the staff report.

This item was continued one day, to August 17, 2011, at 3:00 p.m.

15. **ITEM A-4 - Current Construction Projects - Contract Change Orders:**

**Change Order #1 - Southeast System Lift Station and Forcemain Project, for a decrease of \$167,808.74, Preston Pipelines, Inc.** - This item was carried over one day, to August 17, 2011, at 3:00 p.m.

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

16. **ITEM A-10 - 1:30 P.M. - PUBLIC HEARING - Consideration of appeal of John Nady (AB 10-04) of the Planning Commission's denial of a Mitigated Negative Declaration and decision to require a Focused Environmental Impact Report (EIR) focused on the impacts of cultural archeological resources associated with CEQA grading permit proposing grading to construct a residence, a caretaker's cabin, stand alone bathroom and associated utility trenching; and consideration of appellant's request to adopt a Mitigated Negative Declaration for this project based on Initial Study IS 05-31 and authorizing the Community Development Director to issue the grading permit; project location Rattlesnake Island, 12900 Sulphur Bank Mine Road, Clearlake Oaks, CA (APN 010-002-010-000)** - Community Development Director Rick Coel, Senior Planner Emily Minton, Dr. Thomas Gates, Frederic Schwag, Dr. Kenneth Lord, Diane Kindermen, Jim Brown, Clayton Duncan, Kathleen Harris, Clelia Baur, Victoria Brandon, Dr. John Parker, Mike Shaver, Valerie Stanley, Morningstar Cauley, Christine Sterione, Howard Chavez, Harvest McCampbell, Robin Thomas, Wounded Knee, Amaryllis Gudmundson, Marion Mendoza, Marcy Lon, Mark Hardy, Nathan LeRoy Costello, Tobi Nady and Betsy Cawn were sworn in by the Clerk.

After introductions, Dr. Gates, Mr. Schrag, Dr. Lord and Ms. Kindermen gave testimony.

After a brief recess, the Board reconvened to Regular Session at 3:30 p.m.

Chair Comstock opened the public hearing and the following people spoke: Jim Brown, Clayton Duncan, Kathleen Harris, Clelia Baur, Victoria Brandon, Dr. John Parker, Mike Shaver, Valerie Stanley, Morningstar Cauley, Christine Sterione, Howard Chavez, Harvest McCampbell, Robin Thomas, Wounded Knee, Amaryllis Gudmundson, Marion Mendoza, Marcy Lon, Mark Hardy, Nathan LeRoy Costello, Tobi Nady and Betsy Cawn. No one else was present wishing to speak and the public hearing was closed.

This item was continued three weeks, to September 6, 2011, at 1:30 p.m.

17. **ITEM A-18 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, M. Perry and J. Hammond; and (b) Employee Organization: LCEA, DSA, LCCOA and DDAA 2. Public Employee Performance Evaluations: Titles: Air Pollution Control Officer and Animal Control Director** - Chair Comstock announced there would be no labor negotiations today and the Public Employee Performance Evaluations would be carried over one week, to August 23, 2011.

There being no further business today, at 5:30 p.m. the Board adjourned for the day after announcing that Items A-4 and A-14 would be continued to 3:00 p.m. on August 17, 2011.

The Board was in session on August 17, 2011 to conduct a public hearing on the Recommended County Budget (see minutes of Board of Supervisors meeting of August 17, 2011). At 3:00 p.m. the Board announced that Items A-4 and A-14 would be continued until later in the day. At 4:30 p.m., the Board of Supervisors adjourned and reconvened as the Board of Directors of the Lake County Sanitation District.

**BACK TO #14 - ITEM A-14 - Consideration of request to award Bid No. 11-21 for Southeast System Lift Station & Force Main Project, authorize the Chair to sign the Notice of Award and the Agreement, and authorize the Special Districts Administrator to issue the Notice to Proceed** - On motion of Director Smith and by vote of the Board (5 ayes), awarded Bid No. 11-21 to Preston Pipelines, Inc., in the amount of \$5,070,336, and authorized the Chair to sign the Bid Award and Agreement, and directed the Special Districts Administrator to issue the Notice to Proceed.

**BACK TO #15 - ITEM A-4 - Current Construction Projects - Contract Change Orders:**

**Change Order #1 - Southeast System Lift Station and Forcemain Project, for a decrease of \$167,808.74, Preston Pipelines, Inc.** - This item modifies the pipe zone, trench and backfill material details, eliminates the need for trench cutoff walls, given the use of CLSM, and replaces the 60-inch manholes with 48-inch manholes.

On motion of Director Smith and by vote of the Board (5 ayes), approved Change Order #1 - Southeast System Lift Station and Forcemain Project, for a decrease of \$167,808.74, Preston Pipelines, Inc. and authorized the Chair to sign.

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

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There being no further business, the Board of Supervisors adjourned at 4:45 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