

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD DECEMBER 13, 2011

The Honorable Board of Supervisors of Lake County, California, met in regular session this 13<sup>th</sup> day of December, 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 a moment of silence, County Counsel Anita Grant 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-10, with the exception of Consent Agenda Item C-1, which was carried over one week, to December 20, 2011.

**Consent Agenda Item C-1 - Approve Minutes of the Board of Supervisors meeting held on December 6, 2011** - This item was carried over one week, to December 20, 2011.

Adopted Proclamation commending Proclamation commending Kelseyville School District Food Service Program and those involved with making this program successful in utilizing locally grown agricultural products.

Adopted Proclamation commending James Bauman for his years of service to the Lake County Sheriff's Department.

Adopted Resolution No. 2011-189, expressing support for Lower Lake Parade and Barbeque (May 27, 2012, 11:00 a.m through 3:00 p.m.)

Adopted Resolution No. 2011-190, approving Amendment #1 to Agreement No. 10-0333 with the State of California, Department of Food and Agriculture for compliance with the Pierce's Disease Control Program and authorizing execution thereof.

Adopted Resolution No. 2011-191, approving the Standard Agreement (SA) between the County of Lake and the State of California Department of Public Health for the AIDS Drug Assistance Program (ADAP), for Fiscal Year 2011-2012 and authorizing the Director of Health Services to sign.

Approved Agreement between the County of Lake and the City of Lakeport for information technology services, at a rate of \$65/hour for staff time, \$72/quarter/computer for access to County network and hosted services on a cost-per-project basis, and authorized the Chair to sign.

Approved request to waive 900 hour limit for four extra-help Parks Maintenance Workers: David Mangus, Jay Kale, Troy Lundsford and Jennifer Lyon.

Adopted Resolution No. 2011-192, amending Resolution No. 2011-124 to amend the Adopted Budget for FY 2011-12 by adjusting revenues and appropriations in Budget Unit 2301 - Sheriff - Jail Facilities (\$17,075 for the purchase of software for use by in-custody participants of the Jail Reporting and Education program at the Lake County Jail).

Adopted Resolution No. 2011-193, approving the application of Lake County Department of Social Services to the California Department of Social Services for innovative projects in the Supplemental Nutrition Assistance Program Education (SNAP-Ed) Program for Federal Fiscal Year 2012.

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

**Change Order Nos. 5 & 6 - Middletown Senior Center and Library** - Change Order No. 5 adds 19 additional calendar days to the contracted 300 calendar days. Change Order No. 6 addresses value engineering changes.

Deputy Redevelopment Director Eric Seely presented the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Change Order Nos. 5 & 6, Middletown Senior Center and Library, R.E. West Builders, Inc., for an increase of \$9,664.02, and authorized the Chair to sign.

**PUBLIC INPUT** - Haji Warf spoke regarding Rattlesnake Island.

3. **ITEM A-5 - 9:10 A.M. - Presentation of Proclamation commending Kelseyville School District Food Service Program and those involved with making this program successful in utilizing locally grown agricultural products** - Prior to the reading of the Proclamation, the Board viewed a segment from the CBS "The Early Show", highlighting the Kelseyville School District Food Service Program.

Supervisor Brown read the Proclamation into the record and presented copies of the Proclamation to Kelseyville School District Food Service Director Michelle Malm, Colleen Seely Rentsch and Susan Jen, all of whom spoke.

4. **ITEM A-6 - 9:15 A.M. - PUBLIC HEARING - Intention to change the name of an existing road in the County of Lake (Fredericksen Drive)** - County Surveyor Gordon Haggitt presented the staff report.

Chair Comstock opened the public hearing. No one was present wishing to speak and the public hearing was closed.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), changed the name of an existing road in the County of Lake (Fredericksen Drive).

5. **ITEM A-7 - 9:20 A.M. - Presentation of Proclamation commending James Bauman for his years of service to the Lake County Sheriff's Department** - Chair Comstock read the Proclamation into the record and presented it to Captain James Bauman, who spoke. Sheriff Francisco Rivero was present and also spoke.

Capt. Bauman's two sons, Nathaniel and Samuel, as well as many members of the Sheriff's Department and other County departments were also present.

6. **ITEM A-22 - Consideration of 2012 Drug Enforcement Administration Domestic Cannabis Eradication Suppression Operational Plan** - Sheriff Francisco Rivero presented a brief summary.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the 2012 Drug Enforcement Administration Domestic Cannabis Eradication Suppression Operational Plan.

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7. **ITEM A-8 - Continued from November 8, 2011 - 9:30 A.M. - PUBLIC HEARING - Consideration of proposed Ordinance adding Article Seven to Chapter Seven of the Lake County Code to provide support for Public, Educational and Governmental (PEG) Cable Television Access Facilities** - Deputy County Administrative Officer Jeff Rein presented the staff update.

There was Board consensus to continue this item to a future date, pending action by the City of Lakeport.

8. **ITEM A-9 - 9:45 A.M. - Update from BI Incorporated relative to Lake County Realignment Implementation process and operation of a Day Reporting Center and the (Jail Education and Employment) JEEP Program** - Interim Chief Probation Officer Steve Bucholz, and BI Incorporated representatives Matt Moore, Kathy Prismish and John Jong presented the update to the Board.

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

There was Board consensus to schedule the next update in April, 2012.

After a brief recess, the Board reconvened into Regular Session at 10:40 a.m.

9. **ITEM A-21 - Consideration of proposed Lease Agreement between the County of Lake and Donald A. Bordessa & Lesley J. Bordessa, Trustees, for real property located at 14954 Burns Valley Road, Clearlake, for FY 2011-2016, at \$950/month** - Mental Health Director Kristy Kelly presented the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Lease Agreement between the County of Lake and Donald A. Bordessa & Lesley J. Bordessa, Trustees, for real property located at 14954 Burns Valley Road, Clearlake, for FY 2011-2016, at \$950 per month, and authorized the Chair to sign.

10. **ITEM A-10 - 10:15 A.M. - (a) Presentation of Quarterly Report; and (b) Consideration of proposed amendments to CLAC Bylaws** - (a) CLAC Chair Melissa Fulton presented the Quarterly Report to the Board, including the presentation of the proposed 2012 Work Plan.

By consensus of the Board, the consideration of the proposed 2012 Clear Lake Advisory Committee was scheduled for January 3, 2011, at 9:30 a.m.

(b) On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the amendments to the CLAC bylaws.

11. **ITEM A-11 - 10:45 A.M. - Discussion/consideration of providing staff direction regarding 2012 Code Enforcement priorities** - Community Development Director Rick Coel was present.

Supervisor Rushing introduced the item.

There was Board consensus to approve Code Enforcement's priorities, as presented by Mr. Coel.

12. **ITEM A-12 - 11:15 A.M. - (a) Presentation of update of 2012 Summer of Peace project in Lake County; and (b) Consideration of request for funding** - (a) Taira St. John presented the update to the Board.

(b) No Board action was taken on this item.

13. **ITEM A-13 - Continued from December 6, 2011 - 11:30 A.M. - (a) Discussion/consideration of request to rescind "Economic Development Project Procedures"; (b) Discussion/consideration of request to rescind "Performance Based Development Incentive Policy"; (c) Discussion/consideration of request to approve amended "Policy on Fee Waivers"; and (d) Discussion/consideration of request to approve and adopt the "Fee Waiver and Deferral Policy for Economic Development Projects" (per Board direction of November 15, 2011)** - Chief Deputy County Administrative Officer Matt Perry presented the staff report.

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

(a) On motion of Supervisor Brown and by vote of the Board (5 ayes), rescinded "Economic Development Project Procedures".

(b) On motion of Supervisor Brown and by vote of the Board (5 ayes), rescinded "Performance Based Development Incentive Policy".

Amendments were made to Sections (c) and (d).

(c) On motion of Supervisor Brown and by vote of the Board (5 ayes), approved "Policy on Fee Waivers", as amended.

(d) On motion of Supervisor Brown and by vote of the Board (5 ayes), approved and adopted the "Fee Waiver and Deferral Policy for Economic Development Projects", as amended, with the effective dates of December 13, 2011 through December 31, 2012.

After a lunch recess, the Board reconvened into Regular Session at 1:45 p.m.

14. **ITEM A-14 - Continued from December 6, 2011 - 1:30 P.M. - Presentation of update and possible Board direction regarding Code Enforcement actions relative to marijuana dispensaries** - Community Development Director Rick Coel was present.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Jeri Spittler, Rhonda Chadwick, Daniel Chadwick, Trisha Vandenberg, Phil Murphy, Timothy Toyne, Mari Goodman, John Miller George, Peter Windrem, Joan Moss, Ron Green, Melissa Fulton, Dr. Rob Rosenthal, Al Blumer and Donna Webb. No one else was present wishing to speak and the public input portion of this item was closed.

After a brief recess, the Board reconvened into Regular Session at 3:41 p.m.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Rushing NO), directed staff to move forward directly with the abatement of all dispensaries in the unincorporated areas of the County.

15. **ITEM A-16 - Consideration of the following appointments: Kelseyville Cemetery District** - On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Richard Feiro to the Kelseyville Cemetery District, for a term to expire January 1, 2015.

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16. **ITEM A-17 - Consideration of proposed letter to the U.S. Postal Service opposing the proposed consideration of mail processing for the North Bay, which would result in mail service delays in Lake County** - Chair Comstock read the proposed letter into the record.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the letter to the U.S. Postal Service opposing the proposed consideration of mail processing for the North Bay, and authorized the Chair to sign.

17. **ITEM A-18 - Consideration of proposed Resolution amending Resolution No. 2011-125 establishing position allocations for Fiscal Year 2011-2012, Budget Unit No. 2202, Sheriff-Central Dispatch (adding one (1) Central Dispatch Manager)** - County Administrative Officer Kelly Cox presented the staff report.

Supervisor Brown offered Resolution No. 2011-194, and it was passed by roll call vote (5 ayes).

18. **ITEM A-20 - Consideration of Proposed Resolution amending Resolution No. 2011-125 establishing position allocations for Fiscal Year 2011-2012, Budget Unit No. 4121, Public Services (adding one (1) Deputy Public Services Director-Project Administrator and deleting one (1) Deputy Public Services Director position)** - Human Resources Analyst Sarah Jansen presented the staff report.

Supervisor Brown offered Resolution No. 2011-195, and it was passed by roll call vote (5 ayes).

19. **ITEM A-19 - Consideration of intended closure of the Lower Lake Building and Safety Division office, effective January 2, 2012** - Community Development Director Rick Coel presented the staff report.

Supervisor Brown was absent at 4:39 p.m. and present at 4:41 p.m.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved closure of the Lower Lake Building and Safety Division office, effective January 2, 2012, and directed staff to move forward with the development of online permitting and scheduling capabilities.

20. **ITEM A-23 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, S. Harry, L. Guintivano, M. Perry and J. Hammond; and (b) Employee Organization: LCEA, DSA, LCCOA and DDAA 2. Conference with Legal Counsel: Existing Litigation pursuant to Government Code Sec. 54956.9 (a): Coleman v. County of Lake; and Carried over from December 6, 2011 - 3. Public Employees Performance Evaluation: Title: Health Services and Veterans Services Director** - Chair Comstock announced the Board would now convene into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session at 5:10 p.m. and took the following action:

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the full and final settlement of the tort claim of Dawna Coleman against the County of Lake for damages resulting from a vehicular accident in the amount of \$20,000.

There being no further business, the Board of Supervisors adjourned at 5:11 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