

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JANUARY 25, 2011

The Honorable Board of Supervisors of Lake County, California, met in regular session this 25th day of January, 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 9:01 a.m. by Chair Comstock. A moment of silence was dedicated to the memory of Glade Manwell. Following the moment of silence, Supervisor Brown 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-8.

Approved Minutes of the Board of Supervisors meeting held on January 18, 2011, and amended Minutes of the Board of Supervisors meeting held on January 4, 2011 (changing the term expiration date of Donna Christopher's appointment to the Solid Waste Task Force from June 30, 2012 to January 1, 2013, as per staff Memorandum dated January 14, 2011).

Adopted Resolution 2011-11, expressing support for the Lower Lake Parade and barbeque in the community of Lower Lake (to be held from 11:00 a.m. through 4:00 p.m. on May 29, 2011).

(a) Appointed Mary Prather and Gloria Bradford to the Lake County Child Care Planning and Development Council (Community category and Public Agency categories respectively), for terms expiring on January 1, 2014; and

(b) Authorized the Chair to sign the California Department of Education Certification Statement regarding the composition of the Lake County Child Care Planning and Development Council membership.

Adopted Resolution No. 2011-12, approving Agreement No. 10-0225-1 with the State of California, Department of Food and Agriculture and authorizing execution of the contract and signature for insect trapping activities for Fiscal Year 2010/11.

Approved Amendment No. 2 to Memorandum of Understanding by and between the County of Lake and the Deputy Sheriff's Association (DSA) increasing the number of employees assigned to the Police Dog Program from two to four, and authorized the Chair to sign.

Approved Plans and Specifications for Middletown Lighting Project in Middletown (Bid No. 11-07), and authorized the Public Works Director/Assistant Purchasing Agent to advertise for bids.

Approved Agreement between the County of Lake and Bid4Assets, Inc., for public auction services, in an amount not to exceed \$12,500 for Fiscal Year 2010/11, and at a rate not to exceed \$150 per parcel sold or redeemed plus website setup/edit fees in Fiscal Year 2011/12, and authorized the Chair to sign.

Approved Agreement between the County of Lake and the California Franchise Tax Board for court ordered debt collection services, at a rate in accordance with governing Revenue & Tax Code Section 19280-19283 (effective through July 31, 2014), and authorized the Tax Collector 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 Officer Allison Mewborn presented one canine currently available for adoption.

3. **ITEM A-13 - Advanced from January 18, 2011 - Discussion/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 2936, and it was passed by roll call vote (5 ayes).

4. **ITEM A-14 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert, M. Perry and J. Hammond; and (b) Employee Organization: DSA 2. Conference with Legal Counsel - Existing litigation pursuant to Government Code Section 54956.9, subdivision (a): Alvarez et al. v. Lake County Board of Supervisors et al. AND ADDENDUM AD-2 - Public Employee Appointment - Consideration of appointment of Interim Public Works Director** - Chair Comstock announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session with no action taken at 9:30 a.m.

The Board returned to Closed Session later in the day.

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

5. **ITEM A-5 - 9:30 A.M. - PUBLIC HEARING - Discussion/consideration of proposed Ordinance amending Section 721(A) of the Sewer Use Ordinance (Appendix A), of the Lake County Code, increasing sewer use fees for dumping of septic tank effluent at the Southeast and Northwest Regional Wastewater Treatment Facilities** - Special Districts Utilities Systems Compliance Coordinator John Thompson and Fiscal Officer Jan Coppinger presented the staff report.

Chair Comstock opened the public hearing and the following people spoke: Joe Butcher and Betsy Cawn. No one else was present wishing to speak and the public hearing was closed.

By consensus, the Board supported the proposed ordinance, in concept, and directed staff to schedule a public hearing on February 15, 2011, at 9:30 a.m.

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

After a brief recess, the Board reconvened into Regular Session at 10:00 a.m.

6. **ITEM A-6 - 10:00 A.M. - PUBLIC HEARING - Discussion/consideration of the County of Lake's application for a General Plan Amendment (GPAP 10-06), Minor Modification to a Use Permit (MMU 10-05), and adoption of a negative declaration for the proposals based on Initial Study IS 10-36; proposing to amend Lake County General Plan Policy LU-6.12 concerning mixed use resorts, and a Modification to the General Plan of Development for Cristallago Development Corporation's General Plan of Development (GPD 05-05) proposing additional mitigation measures for community benefits, greenhouse gas emissions, water, asbestos, traffic and biological and cultural resources; project location: 3580, 3595, 3851, 3907, 4051, 4141, 4151, 4161, 4283, & 4483 Hill Road, Lakeport, CA and further described as APNs 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 and Senior Planner Emily Minton were present.

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Ms. Minton presented the staff report.

Supervisor Brown was absent at 10:08 a.m. and present at 10:09 a.m.

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

Supervisor Farrington offered Resolution No. 2011-13, and it was passed by roll call vote (5 ayes).

On motion of Supervisor Farrington and by vote of the Board (5 ayes), determined the Board has reviewed and considered the environmental effects of this minor modification as set forth in the negative declaration which has been prepared for this project, and approved the minor modification to the Cristallago General Plan of Development with the findings listed in the staff memorandum dated January 21, 2010.

7. **ITEM A-7 - 10:15 A.M. - HEARING - Nuisance Abatement of sunken crane in the waters of Clear Lake at 10951 Lakeshore Drive, Clearlake (APN 036-441-01 - Larry Sibbitt and Virginia Sibbitt); owner of the crane is Martin Scheel - Konocti Marine Construction** - Water Resources Director Scott DeLeon, Martin Scheel and Larry Sibbits were sworn in by the Clerk.

Mr. DeLeon presented the staff report.

Mr. Scheel gave testimony.

On motion of Supervisor Brown and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance by February 4, 2011, and authorized the staff to abate the nuisance if it is not voluntarily abated; and further, all costs associated with this case to be included in an action taken against Mr. Martin Scheel - Konocti Marine Construction.

8. **ITEM A-12 - Consideration of applications from members of the public for appointment to miscellaneous Lake County committees, commissions and advisory boards** - On motion of Supervisor Rushing and by vote of the Board (5 ayes), appointed Marilyn Johnson, Melissa Bentley and Beverly Chapman to the In-Home Support Services Public Authority Advisory Committee, for a term expiring January 2, 2013.

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

The gavel was passed to Vice Chair Smith.

On motion of Supervisor Comstock and by vote of the Board (3 ayes, Supervisors Rushing and Farrington NO), appointed Rob Bostock to the Vector Control District Board of Trustees, for a term expiring January 1, 2013.

The gavel was returned to Chair Comstock.

Supervisor Brown was absent at 10:52 a.m. and present at 10:53 a.m.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), appointed Betsy Cawn to the Clear Lake Advisory Committee, for a term expiring January 1, 2013.

9. **ITEM A-8 - 10:45 A.M. - Update regarding proposed construction of a new public road connecting Wildcat Road and State Route 175; and consideration of staff recommendation to conduct a biological study (estimated cost of \$10,000, to be drawn from Budget Unit 3011 - Roads)** - Assistant Public Works Director Lars Ewing presented the staff report.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Francis Schutz, Joan Moss and Bobby Dutcher. No one else was present wishing to speak and the public input portion of this item was closed.

This item was continued two weeks, to February 8, 2011, at 9:50 a.m.

10. **ITEM A-9 - 11:00 A.M. - Discussion/consideration of formation of an exploratory committee charged with the creation of an Office of Quality Assurance for the Lake County Sheriff's Office** - Sheriff Rivero introduced the item.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), established an exploratory committee charged with the creation of the Office of Quality Assurance for the Lake County Sheriff's office, consisting of Supervisor Rushing, Supervisor Brown, two members of the public, and representatives of the following: County Counsel, Sheriff's Office, Correctional Officers' Association and Deputy Sheriffs' Association.

The Board, by consensus, directed staff to advertise for vacancies for the public member category, collect the applications and submit these applications to the Board for consideration in four weeks, on February 22, 2011. (This item was later carried over to March 1, 2011).

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

The gavel was passed to Lake County Local Board of Equalization Chair Farrington.

11. **ITEM A-10 - 11:30 A.M. Assessment Appeal Hearing:**

Douglas Clarke - Application Nos. 47-2010 and 57-2010 - 1986 Alden Avenue, Lakeport, CA (APN 026-511-150-000) - At departmental request, this item was carried over to six weeks, to March 8, 2011, at 11:30 a.m.

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

The gavel was returned to Chair Comstock.

ADDENDUM ITEM AD-1 - Update regarding the Robinson Rancheria gas station project meeting with tribal representatives; and consideration of further action by the Board - Robinson Rancheria Tribe of Pomo Indians Tribal Chairperson Tracey Avila and Lester Marston were present.

Supervisor Rushing introduced the item.

Ms. Avila and Mr. Marston spoke.

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

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

BACK TO #4 - ITEM A-14 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert, M. Perry and J. Hammond; and (b) Employee Organization: DSA 2. Conference with Legal Counsel - Existing litigation pursuant to Government Code Section 54956.9, subdivision (a): Alvarez et al. v. Lake County Board of Supervisors et al. AND ADDENDUM AD-2 - Public Employee Appointment - Consideration of appointment of Interim Public Works Director - Chair Comstock announced the Board would now return to Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session at 1:30 p.m. and took the following action:

On motion of Supervisor Smith and by vote of the Board (5 ayes), appointed Gerald R. Shaul, Jr., as Interim Public Works Director, effective January 26, 2011, at the 5th step of the Public Works Director salary range, and directed the County Administrative Officer to begin the formal recruitment process for a permanent Public Works Director.

There being no further business, the Board adjourned at 1:31 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

By: _____
Mireya G. Turner
Assistant Clerk of the Board