

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

**OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JANUARY 4, 2011**

The Honorable Board of Supervisors of Lake County, California, met in regular session this 4<sup>th</sup> day of January, 2011, there being present Supervisors Jim Comstock, Jeff Smith, Denise Rushing, Rob Brown and Anthony Farrington, 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 Farrington. Following the moment of silence, Supervisor Rushing led the salute to the flag of the United States of America.

1. **ITEM A-1 - 9:00 A.M. - Administer Oath of Office to County Clerk/Auditor-Controller** - County Administrative Officer and Clerk of the Board Kelly Cox administered the Oath of Office to County Clerk/Auditor-Controller Pam Cochrane.

2. **ITEM A-2 - (a) Administer Oath of Office to all incoming elected officials; and (b) Remarks from elected officials -**

(a) County Clerk/Auditor-Controller Pam Cochrane administered the Oath of Office to the following incoming elected officials: Supervisor Jeff Smith, Supervisor Denise Rushing, Assessor-Recorder Doug Wacker, Treasurer/Tax Collector Sandra Shaul, Sheriff Francisco Rivero, District Attorney Don Anderson and Lake County Office of Education Superintendent of Schools Wally Holbrook.

(b) The following elected officials spoke: Sheriff Francisco Rivero, Lake County Office of Education Superintendent of Schools Wally Holbrook, District Attorney Don Anderson, Supervisor Denise Rushing, Supervisor Jeff Smith and Supervisor Anthony Farrington.

3. **ITEM A-3 - (a) Election of Chair of the Board of Supervisors and Vice-Chair of the Board of Supervisors for 2011; (b) Election of Chair and Vice-Chair of the Lake County Local Board of Equalization for 2011; and (c) Election of Chair and Vice-Chair of the Lake County In-Home Support Services Public Authority Board of Directors for 2011 -**

(a) On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown NO), appointed Supervisor Comstock as Chair and Supervisor Brown as Vice Chair for 2011.

Supervisor Brown respectfully declined the appointment of Vice Chair.

On motion of Supervisor Smith and by vote of the Board (5 ayes), appointed Supervisor Comstock as Chair of the Board of Supervisors for 2011.

On motion of Supervisor Brown and by vote of the Board (5 ayes) appointed Supervisor Smith as Vice Chair of the Board of Supervisors for 2011.

The gavel was passed to Chair Comstock.

After a brief recess, the Board reconvened into Regular Session at 9:23 a.m.

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

(b) On motion of Member Smith and by vote of the Board (5 ayes), appointed Director Farrington as Chair of the Lake County Local Board of Equalization.

On motion of Member Smith and by vote of the Board (5 ayes), appointed Director Brown as Vice Chair of the Lake County Local Board of Equalization.

The Lake County Local Board of Equalization adjourned and convened as the Lake County In-Home Support Services Public Authority Board of Directors .

(c) On motion of Director Smith and by vote of the Board (5 ayes), appointed Director Comstock as Chair of the Lake County In-Home Support Services Public Authority Board of Directors.

On motion of Director Brown and by vote of the Board (5 ayes), appointed Director Smith as Chair of the Lake County In-Home Support Services Public Authority Board of Directors.

The Lake County In-Home Support Services Public Authority Board of Directors adjourned and reconvened as the Board of Supervisors.

4. **ITEM A-4 - 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-12.

Approved Minutes of the Board of Supervisors meeting held on December 14, 2010.

Approved letter to State Department of Mental Health in support of appointment of Doug Pike to the Napa State Hospital Advisory Board, and authorized the Chair to sign.

Adopted Resolution No. 2011-01, approving Agreement #10-0506 with the State of California; Department of Food and Agriculture and authorizing execution and signature for pest exclusion activities for Fiscal Year 2010/11.

Adopted Resolution No. 2011-02, to appropriate unanticipated revenue for the County of Lake Health Services Dental Disease Prevention Program (\$6700 received from the Lake County Wine Alliance).

Adopted Resolution No. 2011-03, supporting Extended Producer Responsibility (supporting legislative initiatives and efforts of California Product Stewardship Council to shift fiscal responsibility for disposal of landfill-banned products onto the producers of those products).

Adopted Resolution No. 2011-04, authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under agreement dated October 12, 2010 (Repair of storm damage site on Morgan Valley Road at PM 5.97, Lake County).

(a) Adopted Resolution No. 2011-05, to appropriate unanticipated revenue to Budget Unit 2205 for Marine Patrol for the purchase of a three-person personal watercraft and double personal watercraft trailer; and

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(b) Awarded bid for purchase of three-person personal watercraft and double personal watercraft trailer to Motosports of Ukiah, in the amount of \$10,940, and authorized the Chair to sign bid award.

Approved submission of the 2011/12 Department of Boating and Waterways financial aid application, and authorized the Sheriff to sign.

Approved Agreement between the County of Lake and Lakeport Fire Protection District, Kelseyville Fire Protection District, Lake County Fire Protection District and Northshore Fire Protection District, for dispatch services, and authorized the Chair to sign (from July 1, 2010 to June 30, 2011, and renewable annually).

Approved Agreement between the County of Lake and the California Department of Boating and Waterways, in the amount of \$27,000, for the re-power of an engine and outdrive for the 1993 Almar patrol rescue boat and the purchase of two heavy duty suspension seats, authorized the Sheriff to sign the agreement, (retroactive authorization) and authorized the Chair to sign the Certification documents.

Approved the Annual Financial Report of Granted Tidelands and Submerged Lands for Fiscal Year 2009/2010, and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Sanitation District, approved Temporary Grant of Easement and Right of Way Agreement and direct Clerk to certify for recordation (APN 040-352-18 -Mike Vandiver and Rachelle Greer Vandiver), and authorized the Chair to sign.

**5. ITEM A-7 - Current Construction Projects - Contract Change Orders:**

Change Order Nos. 2 & 3 for 2005/2006 Storm Damage Repair: Morgan Valley Road (PM 5.91) - Change order No. 2 addresses the need to remove unsuitable soil and a deeper section of asphalt and backfill with engineered fill. Change Order No. 3 addresses the need to remove the traffic stripe bid item and balances the final in-place quantities of all other bid items.

Public Works Director Brent Siemer presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Change Order No. 2 for 2005/2006 Storm Damage Repair: Morgan Valley Road (PM 5.91), for an increase of \$22,060.54, Gregg Simpson Trucking, and authorized the Chair to sign.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Change Order No. 3 for 2005/2006 Storm Damage Repair: Morgan Valley Road (PM 5.91), for a decrease of \$3,639, Gregg Simpson Trucking, and authorized the Chair to sign.

The Board of Supervisors adjourned and convened as the Board of Directors of the Lake County Redevelopment Agency.

**Change Order No. 1 - Lucerne Third Avenue Plaza Project** - This change order addresses the following twelve billing items of extra work performed by the Contractor:

1. Additional ADA ramp
2. Additional rebar
3. Modify GO Inlet
4. Remove & replace asphalt paving
5. Remove steel tank
6. Additional demolition
7. Backfill retaining wall
8. Seal retaining wall gaps
9. Add stone wall foundation
10. Modify drainage pipe
11. Add rebar to parking lot curb
12. Modify sidewalk slope

Deputy Redevelopment Director Eric Seely presented the staff report.

On motion of Director Rushing and by vote of the Board (5 ayes), approved Change Order No. 1 - Lucerne Third Avenue Plaza Project, for an increase of \$37,706.81, KAT Construction, and authorized the Chair to sign.

The Board of Directors of the Lake County Redevelopment Agency adjourned and reconvened as the Board of Supervisors.

**CITIZEN'S INPUT** - Pat Voulgaris spoke regarding underground installation of utility lines.

**6. ITEM A-13 - Consideration of Chairman's recommended 2011 committee assignments for members of the Board of Supervisors** - By consensus, miscellaneous amendments were made to the recommended committee assignments.

On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Supervisors Farrington and Smith to the Yolo County 2x2 Board, with Supervisor Rushing as Alternate.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the 2011 committee assignments for members of the Board of Supervisors, as amended.

**7. ITEM A-8 - 9:45 A.M. - HEARING - Nuisance Abatement Assessment confirmation and proposed recordation of Notice of Lien in the amount of \$2,518.90 - 19062 Hidden Valley Road, Hidden Valley Lake, CA (APN 141-301-10 - Richard Mellott)** - Community Development Director Rick Coel and Code Enforcement Officer Roderic Hilliard were sworn in by the Clerk.

Neither the owner, nor representation were present.

Mr. Hilliard presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), confirmed the assessment of \$2,518.90, for nuisance abatement on property located at 19062 Hidden Valley Road, Hidden Valley Lake, CA (APN 141-301-10 - Richard Mellott), pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

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8. **ITEM A-14 - Consideration of applications from members of the public for appointment to miscellaneous Lake County committees, commissions and advisory boards** - On motion of Supervisor Farrington and by vote of the Board (5 ayes), appointed Shirley Templeton to the Hartley Cemetery District Board of Trustees, for a term to expire January 1, 2015.
- On motion of Supervisor Farrington and by vote of the Board (5 ayes), appointed Linda Hedstrom to the Housing Element Update Advisory Committee (This is an Ad Hoc committee, and as such, has no term expiration date).
- On motion of Supervisor Farrington and by vote of the Board (5 ayes), appointed the following people to the Library Advisory Board, for a term to expire January 1, 2013: Penelope Navone, Jo Bennett, Sarah (Sally) David, Irehne Dishman and Trudy Nagy.
- On motion of Supervisor Farrington and by vote of the Board (5 ayes), appointed Curt Giambruno to the Lower Lake Cemetery Board, for a term to expire January 1, 2015.
- On motion of Supervisor Smith and by vote of the Board (5 ayes), appointed James Cox and Carolyn Manley to the Mental Health Board, for terms to expire June 30, 2014.
- On motion of Supervisor Rushing and by vote of the Board (5 ayes), appointed Donna Christopher to the Solid Waste Task Force, for a term to expire June 30, 2012.
- On motion of Supervisor Rushing and by vote of the Board (5 ayes), appointed the following people to the Spring Valley CSA#2 Advisory Board, for terms to expire January 1, 2013: Mark Currier, Toni Field, Loren Freeman, Florence Kinder, Helen Mitchum, Edward Smith and Luther (Monte) Winters.
- There was Board consensus to carry over consideration of appointments to the Heritage Commission and Vector Control District Board of Trustees to a future date.
9. **ITEM A-9 - 9:55 A.M. - Presentation of Commendation to Water Resources Engineer Tom Smythe** - Water Resources Director Scott DeLeon presented the commendation to Water Resources Engineer Tom Smythe, who spoke.
- Chair Comstock asked if anyone was present wishing to speak and Joan Moss spoke.
10. **ITEM A-15 - (a) Discussion/consideration of request to waive the formal bidding process and make a determination that competitive bidding would produce no economic benefit to the County for the purchase of two vehicles; and (b) Consideration of request to authorize the Sheriff/Coroner/Assistant Purchasing Agent to issue a purchase order to Holder Ford in the amount of \$55,703.46, for the purchase of two 2011 Ford F-150 4x4 V-8 trucks** - Sheriff Francisco Rivero gave a brief summary.
- (a) On motion of Supervisor Farrington and by vote of the Board (5 ayes), waived the formal bidding process and made a determination that competitive bidding would produce no economic benefit to the County for the purchase of two vehicles.
- (b) On motion of Supervisor Farrington and by vote of the Board (5 ayes), authorized the Sheriff/Coroner/Assistant Purchasing Agent to issue a purchase order to Holder Ford in the amount of \$55,703.46, for the purchase of two 2011 Ford F-150 4x4 V-8 trucks.
11. **ITEM A-16 - CLOSED SESSION - 1. Conference with Legal Counsel - Existing litigation pursuant to Government Code Section 54956.9, subdivision (a): (a) Bouchey v. County of Lake (b) In re Boeger Land Development; and 2. Public Employee Performance Evaluations: Titles: County Librarian and Human Resources 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 11:29 a.m.
- The Board of Supervisors adjourned and reconvened as the Lake County Local Board of Equalization.
- The gavel was passed to Lake County Local Board of Equalization Chair Farrington.
12. **ITEM A-10 - 11:30 A.M. - Assessment Appeal Hearing:**
- Kenneth Cirillo - Application No.s 10-2010, 11-2010, 12-2010 and 13-2010 - 352 Fifteenth Street, 344 15<sup>th</sup> Street, 364 15<sup>th</sup> Street and 322 15<sup>th</sup> Street, Lakeport, CA (APNs 026-191-220-000, 026-191-210-000, 026-191-230-000 and 026-191-200-000)** - Chief Deputy Assessor-Recorder Jim Campbell and Appraiser III Debbie Olson were sworn in by the Clerk.
- Neither the appellant, nor representation was present.
- On motion of Member Brown and by vote of the Board (5 ayes), denied the appeal without prejudice.
- The Lake County Local Board of Equalization adjourned and reconvened as the Board of Supervisors.
- The gavel was returned to Chair Comstock.
- After a lunch recess, the Board reconvened into Regular Session at 1:30 p.m.
13. **ITEM A-11 - 1:30 P.M. - Update and request for direction regarding development of medical marijuana dispensary ordinance** - Community Development Director Rick Coel presented the staff report.
- Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Scotty MacNeil, Ron Green, Rhonda Chadwick, Daniel Chadwick, Charles Jacobs, Don Merrill, Richard Durham, Peter Windrem, Nancy Brier, Olga Martin-Steele, Gary Lewis, Trena Pauly, David Moses, Mary Morris, Connie Wright, Sharon Zoller, Bill Kearney, John Jaquint, Bill Brunetti, Armand Pauly, Gary Tripiet, Carol Prather, Tom Carter, Jill Ruzicka, Tom Lincoln, Vincent Reese and John Hanson.
- After a brief recess, the Board reconvened into Regular Session at 3:24 p.m.
- There was Board consensus to direct staff to move forward with the development of the medical marijuana dispensary ordinance and to return it to the Board for its consideration at a future date.

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There being no further business, the Board adjourned at 4:20 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