

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JULY 19, 2011

The Honorable Board of Supervisors of Lake County, California, met in regular session this 19th day of July, 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 Tom Morrell and Bob Borghesani. Following the moment of silence, Public Works Director Scott De Leon 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-4.

Approved Minutes of the Board of Supervisors meeting held on July 12, 2011.

Adopted Proclamation designating the week of July 18-24, 2011, as Invasive Weed Awareness Week in Lake County.

Adopted Proclamation in appreciation of all supporters, donors and volunteers of the Ely Stage Stop and Country Museum Project.

Approved Letter of Support of the request of the Social Services Department to become a Peace Officers Standards and Training (POST) participating agency, and authorized the Chair 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-4 - Current Construction Projects - Contract Change Orders:**

Change Order No. 1 - Elk Mountain Road PM 27.53 to 27.55 Storm Damage Repair, Bid No. 09-12, Federal Project No. ER 4402 (007) - This change order addresses the balancing of Final In-Place Quantities.

Public Works Director Scott De Leon presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved Change Order No. 1 - Elk Mountain Road PM 27.53 to 27.55 Storm Damage Repair, Bid No. 09-12, Federal Project No. ER 4402 (007), for an increase of \$2,113.77, and authorized the Chair to sign.

4. **ITEM A-12 - Consideration of appointments to the following: Area 1 Developmental Disabilities Board, and Child Care Planning Council** - On motion of Supervisor Smith and by vote of the Board (5 ayes), appointed Jo Cunningham to the Area 1 Developmental Disabilities Board, for a term to expire January 1, 2014.

On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Louise Garrison to the Child Care Planning Council, for a term to expire January 1, 2014.

5. **ITEM A-13 - Advanced from July 12, 2011 - Consideration of proposed Ordinance electing to participate in the Voluntary Alternative Redevelopment Program, pursuant to ABx1 27(SECOND READING)** - Supervisor Farrington offered Ordinance No. 2955, and it was passed by roll call vote (5 ayes).

6. **ITEM A-11 - Supervisors' weekly calendar, travel and reports** - On motion of Supervisor Farrington and by vote of the Board (5 ayes), authorized retroactive out of County travel for Supervisor Comstock to attend the Mendocino Cannabis Farmers' Meeting last week.

7. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - Protest Hearings for: (a) Annual water standby charges and delinquent water fees in County Service Areas Nos. 2, 6, 7, 13, 16, 18, 20, 21 and 22; (b) Delinquent water fees in Kelseyville County Waterworks District #3; (c) Confirming collection of annual lighting fees in County Service Area No. 1 - Clear Lake Keys Lighting; and (d) Delinquent sewer fees in Lake County Sanitation District** - Special Districts Fiscal Officer Jan Coppinger and Accountant Marcy Harrison were present.

Ms. Coppinger presented the staff report.

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

(a) Supervisor Rushing offered Resolution No. 2011-109, and it was passed by roll call vote (5 ayes).

The Board of Supervisors adjourned and convened as the Board of Directors of the Kelseyville County Waterworks District #3.

(b) Director Brown offered Resolution No. 2011-110, and it was passed by roll call vote (5 ayes).

The Board of Directors of the Kelseyville County Waterworks District #3 adjourned and reconvened as the Board of Supervisors.

(c) Supervisor Rushing offered Resolution No. 2011-111, and it was passed by roll call vote (5 ayes).

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

(d) Director Smith offered Resolution No. 2011-112, and it was passed by roll call vote (5 ayes).

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

8. **ITEM A-6 - 9:30 A.M. - PUBLIC HEARING - (a) Consideration of the Community Development Block Grant Program Annual Grantee Performance Report for Program Income Activities, including Housing Rehabilitation RLF, Business Expansion and Retention RLF, and Public Works Activities (Middletown Senior Center); and (b) Consideration of the Community Development Block Grant Program Annual Grantee Performance Report for Grant No. 09-EDEF-6539** - Chief Deputy Administrative Officer Matt Perry presented the staff report.

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

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9. **ITEM A-7 - 9:45 A.M. - Presentation of Proclamation designating the week of July 18-24, 2011, as Invasive Weed Awareness Week in Lake County** - Supervisor Rushing read the Proclamation into the record and presented it to Agricultural Commissioner Steve Hajik, who spoke.

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

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

10. **ITEM A-8 - 10:00 A.M. - (a) Consideration of proposed Resolution approving, authorizing and directing execution of certain financing documents and directing certain related actions in connection with financing certain improvements to the District's wastewater system; and (b) Consideration of proposed Resolution authorizing the issuance of Wastewater Revenue Bonds in an initial aggregate principal amount not to exceed \$4,500,000 in connection with financing certain wastewater system improvements, authorizing and directing execution of an Indenture of Trust, an Installment Sale Agreement and certain other documents, authorizing the negotiation for the sale of bonds, approving an Official Statement, and authorizing other related actions** - Special Districts Administrator Mark Dellinger and Fiscal Officer Jan Coppinger were present.

Mr. Dellinger presented the staff report.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Scott Ferguson and Barrett Miller. No one else was present wishing to speak and the public input portion of this item was closed.

(a) Director Smith offered Resolution No. 2011-113, and it was passed by roll call vote (4 ayes, Director Brown ABSENT).

The Board of Directors of the Lake County Sanitation District adjourned and convened as the Board of Directors of the Lake County Public Financing Authority.

(b) Director Smith offered Resolution No. 2011-114, and it was passed by roll call vote (4 ayes, Director Brown ABSENT).

The Board of Directors of the Lake County Public Financing Authority adjourned and reconvened as the Board of Supervisors.

11. **ITEM A-14 - 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 Disciplinary Appeal No. EDA 2011-01, Government Code Section 54957** - 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 11:30 a.m. and took the following action.

Supervisor Brown was present at 11:31 a.m.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSTAIN), approved the Findings of Fact in the matter of Public Employee Disciplinary Appeal No. EDA 2011-01, and authorized the Chair to sign.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSTAIN), denied Public Employee Disciplinary Appeal No. EDA 2011-01, Government Code Section 54957.

- BACK TO #6 - ITEM A-11 - Supervisors' weekly calendar, travel and reports** - On motion of Supervisor Smith and by vote of the Board (5 ayes), approved out of County travel for Supervisor Rushing to attend the Eel/Russian River Commission meeting on July 29, 2011 in Mendocino County.

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.

12. **ITEM A-9 - 11:30 A.M. - Assessment Appeal Hearing:**

Michael Walsh - Application No. 107-2010 - 15590 Summit Drive, Cobb, (APN 051-132-030-000) - Chief Deputy Assessor-Recorder Jim Campbell and Appraiser III Debbie Olson were present.

Neither the owner, nor representation were present.

Assistant Clerk of the Board Mireya Turner reported the appellant had been notified of the hearing by certified mail.

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 brief recess, the Board reconvened into Regular Session at 11:50 a.m.

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

Extra #1 - Update of the Congressional District Maps NEBAY & YUBA, and consideration of request to approve letter to the California Citizens Redistricting Commission regarding the anticipated changes in Lake County's Congressional District - 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:

Staff was advised yesterday of the latest, and perhaps final version of the proposed Congressional District boundary map. The meeting to give input regarding the map is scheduled before the next meeting.

Supervisor Rushing introduced the item.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved a letter to the California Citizens Redistricting Commission regarding the proposed Congressional district boundaries between the NEBAY and YUBA Congressional Districts, and authorized all Supervisors to sign.

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After a lunch recess, the Board reconvened into Regular Session at 1:30 p.m. Supervisor Farrington was absent.

14. **ITEM A-10 - Continued from June 21, 2011 - 1:30 P.M. - PUBLIC HEARING - Discussion/consideration of proposed Ordinance amending Chapter 21 of the Lake County Code to add Article 72, "Regulations for the dispensing of medical marijuana" (Staff has requested a continuance to August 9, 2011 at 1:30 p.m.)** - Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Melissa Fulton, Ron Green, Richard Coel, Don Merrill, Richard Gilmore and Trisha Vandenberg. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), continued this item three weeks, to August 9, 2011, at 1:30 p.m.

There being no further business, the Board of Supervisors adjourned at 3:45 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

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