

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

**OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JUNE 21, 2011**

The Honorable Board of Supervisors of Lake County, California, met in regular session this 21<sup>st</sup> day of June, 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 victims of the recent shooting in Clearlake. 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-13, with the exception of Consent Agenda Items C-1, which was taken up later in the day.

**Consent Agenda Item C-1 - Approve Minutes of the Board of Supervisors meeting held on June 7, 2011 (carried over from June 14, 2001), and June 14, 2011** - This item was carried over to later in the day.

Adopted the Proclamation Commemorating the 25<sup>th</sup> Anniversary of the Lakeport Elks Lodge #2704.

Re-appointed Francis Noel to the Glenbrook Cemetery District Board of Directors, for a term to expire January 1, 2015.

Appointed Gordon Haggitt as County Surveyor, pursuant to Chapter 2, Article V of the Lake County Code.

Adopted Resolution No. 2011-96, adopting Fund Balance Policy for financial statement reporting.

Adopted Resolution No. 2011-97, authorizing The Grant Project - Lake County Victim-Witness Assistance Program (authorizing submission of grant application).

Adopted Resolution No. 2011-98, approving the Standard Agreement between the County of Lake and the State of California for Immunization Assistance Program (IAP) for Fiscal Years 2011/2011 through 2012/2013, and authorized the Director of Health Services to sign.

Approved First Amendment to the Agreement between the County of Lake and Crestwood Behavioral Health for Fiscal Year 2010/2011 adult residential and mental health services (for an increase of \$25,000), and authorized the Chair to sign.

Approved Agreement between the County of Lake and Victor Treatment Centers, Inc., for specialty mental health services, in an amount not to exceed \$53,655 for Fiscal Year 2011-12, and authorized the Chair to sign.

Adopted Agreement between the County of Lake and Remi Vista, Inc., for specialty mental health services, in an amount not to exceed \$70,000, for Fiscal Year 2011/2012, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Milhous Children's Services for specialty mental health services, in an amount not to exceed \$80,000, for Fiscal Year 2011/12, and authorized the Chair to sign.

Approved Agreement between the County and the California Department of Transportation (CalTrans) for the exchange of Federal Transportation Dollars for State Exchange and Matching Dollars, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Precision Wireless Service to furnish and install repeater equipment at CalPine site, in the amount of \$37,971.84, 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 Morgan Hermann presented one feline currently available for adoption.

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

**Change Order No. 1 - Middletown Decorative Lighting** - This change order addresses the balancing of final in-place quantities.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved Change Order No. 1 - Middletown Decorative Lighting - Steiny and Company, for a decrease of \$29,742, and authorized the Chair to sign.

**CITIZEN'S INPUT** - Tom Slight spoke regarding Lake County Air Quality.

4. **ITEM A-5 - 9:10 A.M. - Presentation of Proclamation Commemorating the 25<sup>th</sup> Anniversary of the Lakeport Elks Lodge #2704** - Supervisor Farrington read the Proclamation into the record and presented it to Mark McDougall, who spoke.

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

5. **ITEM A-6 - 9:15 A.M. - (a) PUBLIC HEARING - Draft Budget Hearing for Lake County Air Quality Management District, for review and public comment on the proposed 2011/2012 District Budget, Units #8798 and #8799, in accordance with the California Public Health and Safety Code, Section 40131; and (b) Consideration of request to: (1) oppose further state subvention reductions; (2) set a policy directive that health based complaints, health risks, and mandated programs/requirements be given top priority, followed by activities that have regulatory time frames, and other activities, or as directed by this Board** - Air Pollution Control Officer Doug Gearhart and Senior Air Quality Specialist Elizabeth Knight were present.

Mr. Gearhart presented the staff report.

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

On motion of Director Rushing and by vote of the Board (5 ayes), approved the 2011/2012 District Budget, Units #8798 and #8799.

(b) On motion of Director Rushing and by vote of the Board (5 ayes), opposed further state subvention reductions and confirmed a policy directive that health based complaints, health risks, and mandated programs/requirements be given top priority, followed by activities that have regulatory time frames, and other activities, or as directed by this Board.

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

6. **ITEM A-7 - 9:30 A.M. - PUBLIC HEARING - Public bid opening for the sale of County Surplus real property, vacant property located at 4960 Roland Drive, Lucerne, CA - (APN 034-292-87); the minimum bid price of the real property is twelve thousand dollars (\$12,000)** - Social Services Director Carol Huchingson presented the staff report.

Assistant Clerk of the Board Mireya Turner reported no bids received.

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

No Board action was taken on this item.

7. **ITEM A-19 - Discussion/consideration of the proposed "Vacation Donation and Catastrophic Compensation Benefit Policy"** - County Administrative Officer Kelly Cox presented the staff report.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the "Vacation Donation and Catastrophic Compensation Benefit Policy".

8. **ITEM A-8 - 9:45 A.M. - HEARING - Nuisance Abatement Assessment confirmation and proposed recordation of Notice of Lien in the amount of \$770.89 - 6596 Cheviot Road, Lucerne, CA (APN 034-343-23 - Gary Rahmer and Patricia Rahmer)** - Community Development Director Rick Coel and Code Enforcement Officer Dana McDonald were sworn in by the Clerk.

Neither the owner, nor representation, were present.

Mr. McDonald presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), confirmed the assessment of \$770.89, for nuisance abatement on property located at 6596 Cheviot Road, Lucerne, CA (APN 034-343-23 - Gary Rahmer and Patricia Rahmer), pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

9. **ITEM A-9 - 9:50 A.M. - HEARING - Nuisance Abatement Assessment confirmation and proposed recordation of Notice of Lien in the amount of \$770.90 - 6586 Cheviot Road, Lucerne, CA (APN 034-343-01 - Gary Rahmer and Patricia Rahmer)** - Community Development Director Rick Coel and Code Enforcement Officer Dana McDonald were sworn in by the Clerk.

Neither the owner, nor representation, were present.

Mr. McDonald presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), confirmed the assessment of \$770.90, for nuisance abatement on property located at 6596 Cheviot Road, Lucerne, CA (APN 034-343-23 - Gary Rahmer and Ellen Rahmer), pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

10. **ITEM A-10 - 9:55 A.M. - HEARING - (a) Nuisance Abatement - 2338 Harding Drive, Nice, CA (APN 030-061-20 - Richard Limpert); and (b) Nuisance Abatement - 2344 Harding Drive, Nice, CA (APN 030-061-21 - Richart Limpert)** - Community Development Director Rick Coel and Code Enforcement Officer Dana McDonald were sworn in by the Clerk.

Neither the owner, nor representation, were present.

Mr. McDonald presented the staff report.

(a) On motion of Supervisor Rushing and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 2338 Harding Drive, Nice, CA (APN 030-061-20 - Richard Limpert), within fifteen (15) days and authorized staff to abate the nuisance if it is not voluntarily abated, all cost associated with this case will become a charge against the property, and authorized the Chair to sign the abatement order.

(b) On motion of Supervisor Rushing and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 2344 Harding Drive, Nice, CA (APN 030-061-21 - Richard Limpert), within fifteen (15) days and authorized staff to abate the nuisance if it is not voluntarily abated, all cost associated with this case will become a charge against the property, and authorized the Chair to sign the abatement order.

11. **ITEM A-11 - 10:05 A.M. - HEARING - (a) Nuisance Abatement - 2314 Harding Drive, Nice, CA (APN 030-061-15 - April Small); and (b) Nuisance Abatement - 2318 Harding Drive, Nice, CA (APN 030-061-16 - April Small)** - Community Development Director Rick Coel and Code Enforcement Officer Dana McDonald were sworn in by the Clerk.

Neither the owner, nor representation, were present.

Mr. McDonald presented the staff report.

(a) On motion of Supervisor Rushing and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 2314 Harding Drive, Nice, CA (APN 030-061-15 - April Small), within fifteen (15) days and authorized staff to abate the nuisance if it is not voluntarily abated, all cost associated with this case will become a charge against the property, and authorized the Chair to sign the abatement order.

(b) On motion of Supervisor Rushing and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 2318 Harding Drive, Nice, CA (APN 030-061-16 - April Small), within fifteen (15) days and authorized staff to abate the nuisance if it is not voluntarily abated, all cost associated with this case will become a charge against the property, and authorized the Chair to sign the abatement order.

After a brief recess, the Board reconvened into Regular Session at 10:33 a.m.

12. **ITEM A-12 - 10:30 A.M. - HEARING - Nuisance Abatement - 15891 Douglas Street, Middletown, CA (APN 024-413-03 - David Pedro and Kindra Pedro)** - Community Development Director Rick Coel, Code Enforcement Officer Roderic Hilliard and Gerry Pedro were sworn in by the Clerk.

Mr. Hilliard presented the staff report.

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Mr. Pedro gave testimony.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 15891 Douglas Street, Middletown, CA (APN 024-413-03 - David Pedro and Kindra Pedro), within thirty (30) days and authorized staff to abate the nuisance if it is not voluntarily abated, all cost associated with this case will become a charge against the property, and authorized the Chair to sign the abatement order.

13. **ITEM A-13 - 10:45 A.M. - PUBLIC HEARING - Consideration of request to appoint Public Works Director Scott DeLeon as the County Road Commissioner, pursuant to Section 2006 of the Streets and Highway Code** - County Administrative Officer Kelly Cox presented the staff report.

Supervisor Brown offered Resolution No. 2011-99, and it was passed by roll call vote (5 ayes).

14. **ITEM A-20 - CLOSED SESSION - 1. Sitting as the Board of Directors of the Lake County IHSS Public Authority: Conference with Labor Negotiator: (a) Agency Negotiator: Carol Huchingson and F. Buchanan (b) Employee Organization: California United Homecare Workers Union Local 4034 2. Conference with Legal Counsel - Anticipated Litigation pursuant to Gov. Code Sec. 54956.9, subd. (b) One potential case** - 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 11:14 a.m.

15. **ITEM A-14 - 11:00 A.M. - PUBLIC HEARING - Discussion/consideration of a proposed ordinance adding Article XXVI to Chapter 2 of the Lake County Code regarding alternative procedures for the leasing or licensing of County real property** - Public Services Director Kim Clymire 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 Brown and by vote of the Board (5 ayes), waived the reading of the ordinance, to be read in title only (Clerk so did).

On motion of Supervisor Brown and by vote of the Board (5 ayes), advanced the ordinance one week, to June 28, 2011.

16. **ITEM A-15 - 11:15 A.M. - HEARING - Appeal of a Nuisance Animal Abatement Order located at 1050 Scotts Valley Road, Lakeport, CA (Veronica Anderson)** - Animal Control Director Bill Davidson, Animal Control Officer Morgan Hermann, Animal Control Officer Nehemiah White and Veronica Anderson were sworn in by the Clerk.

Mr. White presented the staff report.

Ms. Anderson gave testimony.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), made the intended decision to deny the appeal and directed County Counsel to prepare Findings of Fact.

17. **ITEM A-16 - 11:30 A.M. - PUBLIC HEARING - Discussion/consideration of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program for funding of a Special Victims/Vulnerable Persons Unit** - Sheriff Rivero gave a brief summary.

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

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Edward Byrne Memorial Justice Assistance Grant (JAG) Program for funding of a Special Victims/Vulnerable Persons Unit.

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

- BACK TO #1 - Consent Agenda Item C-1 - Approve Minutes of the Board of Supervisors meeting held on June 7, 2011 (carried over from June 14, 2001), and June 14, 2011** - On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Minutes of the Board of Supervisors meeting held on June 7, 2011 (carried over from June 14, 2001), and June 14, 2011, and authorized the Chair to sign.

18. **ITEM A-17 - 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"** - Community Development Director Rick Coel and Health Services Director Jim Brown presented the staff report.

Chair Comstock opened the public hearing and the following people spoke: Ed Robey, Ron Greene, Patricia Voulgaris, Julia Carrera, Agricultural Commissioner Steve Hajik, Lalenia Dubois, Chelnesa Bayles, Jack Troyer, Tom Wall, John Zebelean, Lori Bernards, Jeremy Mayfield, Richard Dohm, Linda Saur and Alan Bloomer.

After a brief recess, the Board reconvened into Regular Session at 3:35 p.m. and the following people spoke: John Nelson, Daniel Chadwick, Peggy Tomorrow, Sharon Distan, Nancy Brier, Charles Fowler, John Hanson, Jerri Spittler, Brian McCracken, Betsy Cawn, Tom Carter, John Mitchell, Dave Moses, Peter Windrem, Marilyn Holdenreid and Melissa Fulton. No one else was present wishing to speak and the public hearing was closed.

This item was continued four weeks, to July 19, 2011, at 1:30 p.m.

There being no further business, the Board of Supervisors adjourned at 5:50 p.m.

KELLY F. COX  
Clerk of the Board

Chair - Lake County Board of Supervisors

By: \_\_\_\_\_  
Mireya G. Turner  
Assistant Clerk of the Board