

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JUNE 7, 2011

The Honorable Board of Supervisors of Lake County, California, met in regular session this 7th 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. Following the moment of silence, Melissa Fulton 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-24, with the exception of Consent Agenda Items C-13, C-17 and C-18, which were taken up later in the day.

Approved Minutes of the Board of Supervisors meeting held on May 24, 2011.

Adopted Resolution No. 2011-76, approving Cooperative Agreement No. 11-0093-SA, The Organic Program, with the Department of Food and Agriculture during the period July 1, 2011 through June 30, 2012, and authorizing execution thereof.

Adopted Resolution No. 2011-77, approving Amendment No. 1 to Agreement #10-0575 with the State of California Department of Food and Agriculture and authorizing execution and signature for additional \$2,000 for pest detection/Light Brown Apple Moth (LBAM) activities for FY 2010-2011.

Adopted Resolution No. 2011-78, amending Resolution No. 2010-217, establishing position allocations for Fiscal Year 2010-2011, Budget Unit No. 2702, Planning (delete one FTE Assistant Resource Planner I/II/Associate Resource Planner, and add one 0.50 FTE Assistant Resource Planner I/II/Associate Resource Planner).

Adopted Resolution No. 2011-79, approving Agreement between the County of Marin and the County of Lake for Medi-Cal Administrative Activities (MAA) and Targeted Case Management (TCM), and authorizing the Director of Health Services to sign.

Adopted Resolution No. 2011-80, amending Resolution No. 2011-59 establishing position allocations for Fiscal Year 2010-2011, Budget Unit No. 4011, Public Health (delete one Office Aide/Office Assistant I/II and add one Staff Services Analyst I/II).

Approved Amendment to Lakeport Unified School District's school facilities fees, pursuant to district's approval on May 12, 2011.

Approved First Amendment to the Agreement between the County of Lake and Hallis, LLC, for cost report preparation services, for Fiscal Year 2010-2011 (for an increase of \$1,500), and authorized the Chair to sign.

Approved Budget Transfer B-291 from Permanent Salaries, in the amount of \$7,000, to purchase a dump trailer for the Parks Division.

Adopted Resolution No. 2011-81, accepting litigation proceeds and appropriating said funds as unanticipated revenue (\$12,400 for Agricultural Building roof repair).

Approved Plans and Specifications for Morgan Valley Road PM 8.81 Storm Damage Repair in Lake County, Bid No. 10-12, and authorized the Public Works Director/Assistant Purchasing Agent to advertise for bids.

Adopted Resolution No. 2011-82, temporarily authorizing a road closure prohibiting parking and authorizing the removal of vehicles and ordering the Department of Public Works to post signs (various roads for the Middletown Days Parade and events, from 12:00 p.m. June 17, 2011 through 8:00 p.m. June 19, 2011).

Adopted Resolution No. 2011-83, approving the Lake County Sheriff's Office to apply for grant funds for the State of California, Department of Parks and Recreation, Off-Highway Vehicle Grant Funds.

Approved Amendment to Agreement between the County of Lake and Cogent Systems, in the amount of \$27,350.41, for a LiveScan machine and maintenance services, and authorized the Sheriff/Assistant Purchasing Agent to sign the purchase order.

(a) Approved Amendment to the Agreement between the County of Lake and Jones Mortuary (adding mortuary transportation costs to the Sacramento Coroner's Department); (b) Approved Amendment to the Agreement between the County of Lake and Jones and Lewis Mortuary (adding mortuary transportation costs to the Sacramento Coroner's Department); and (c) Approved Amendment to the Agreement between the County of Lake and Chapel of the Lakes Mortuary (adding mortuary transportation costs to the Sacramento Coroner's Department); and authorized the Chair to sign all three agreements.

Approved the Lake County System Improvement Plan, for the time period July 1, 2011 through June 30, 2014, and authorized the Chair to sign.

Authorized distribution of excess proceeds from Tax Defaulted Land Sale #149 (Group 1 final) in the amount of \$118,238.07, in accordance with staff memorandum dated May 16, 2011.

Sitting as the Board of Directors of the Lake County Sanitation District, adopted Resolution No. 2011-84, authorizing correction of Exhibit 1 of the Lease and Easement Agreement entered into on March 17, 2009 by and between the Lake County Sanitation District (LACOSAN) and the Northern California Power Agency (NCPA).

Sitting as the Board of Directors of the Lake County Redevelopment Agency, approved Request for Proposal (RFP) to invite educational institutions to partner with the Agency for utilization of the Lucerne Hotel as an educational campus.

Sitting as the Board of Directors of the Lake County Redevelopment Agency, adopted Resolution No. 2011-85, accepting conveyance of real property located in Lucerne, California.

Sitting as the Board of Directors of the Lake County Redevelopment Agency, approved in concept the proposal to partner with United Native Housing Development Corporation to provide affordable owner-occupied housing in the Redevelopment Project Area, as recommended in the May 31, 2011 staff report from the Chief Deputy CAO, and directed staff to develop a formal agreement.

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Consent Agenda Item C-13 - Approve Amendment #3 to Agreement between the County of Lake and PJ Helicopters (an increase in the hourly rate, total amount not to exceed \$50,000), and authorize the Chair to sign. This item was taken up later in the day.

Consent Agenda Item C-17 - Approve Agreement between the County of Lake and Gary R. Buchholz Investigation and Consulting for professional services, in an amount not to exceed \$25,000, and authorize the Chair to sign. This item was taken up later in the day.

Consent Agenda Item C-18 - Approve Agreement between the County of Lake and Gary R. Buchholz Investigation and Consulting for Law Enforcement Pre-employment background investigatory services, in an amount not to exceed \$15,000, and authorize the Chair to sign. This item was taken up later in the day.

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 canine currently available for adoption.

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

Extra #1 - Consideration of request by the Sheriff's Department to convene the public hearing of the proposed amendments to the Zoning Ordinance regarding marijuana dispensaries in the unincorporated areas of the County of Lake, at the Lake County Jail - 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:

Publication of the Notice of Public Hearing must be completed before the next scheduled Board meeting.

Supervisor Rushing introduced the item.

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

On motion of Supervisor Rushing and by vote of the Board (5 ayes), determined to hold the entire June 21, 2011 Board of Supervisors meeting at the Lake County Courthouse Board Chambers.

4. **ITEM A-5 - Carried over from April 19, 2011 - 9:15 A.M. - PUBLIC HEARING - Appeal (AB 11-02) of Peter La Monica of the Planning Commission's decision to deny a request for deviation from Conditional Certificate of Compliance (CCC 93-1) and the County Subdivision Ordinance requirement that a 50-foot right-of-way be irrevocably offered for dedication to the public; located at 18764 Grange Road, Middletown, CA (APN 014-270-48) (The Appellant has requested the withdrawal of this appeal)** - Chair Comstock announced this item would not be taken up, due to the withdrawal of the appeal.

5. **ITEM A-6 - 9:20 A.M. - Consideration of request to establish and appoint members of the 2011 Supervisorial Redistricting Advisory Committee** - Registrar of Voters Diane Fridley presented the staff report.

Supervisor Brown offered Resolution No. 2011-86, 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.

6. **ITEM A-7 - 9:30 A.M. - Consideration of appeal of water and sewer charges for a second Single Family Dwelling (SFD) equivalent in North Lakeport CSA #21; located at 3690 Lakeshore Boulevard, Lakeport (APN 028-041-170 - Bob Samuelson and Gail Samuelson)** - Special Districts Administrator Mark Dellinger, Fiscal Officer Jan Coppinger, Bob Samuelson and Gail Samuelson were present.

Mr. Dellinger presented the staff report.

Mr. and Mrs. Samuelson spoke.

There was no Board action taken on this item.

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

7. **ITEM A-12 - Advanced from May 24, 2011 - Consideration of proposed Ordinance amending the charges and fees for County Service Area (CSA) #22 - Mt. Hannah (SECOND READING)** - Supervisor Brown offered Ordinance No. 2949, and it was passed by roll call vote (5 ayes).

8. **ITEM A-13 - Consideration of request for board direction regarding the extension of term of service for the Emergency Medical Care Committee** - Assistant Clerk of the Board Mireya Turner presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), authorized the extension of the term of service for the Emergency Medical Care Committee to two years.

9. **ITEM A-14 - Advanced from May 24, 2011 - Discussion/consideration of proposed ordinance amending gate fees to be charged at the Eastlake Landfill for County Solid Waste Services (SECOND READING)** - Supervisor Smith offered Ordinance No. 2950, and it was passed by roll call vote (4 ayes, Supervisor Farrington NO)

10. **ITEM A-15 - Consideration of request to designate the Lucerne Hotel as a Lake County Historical Building** - Supervisor Rushing offered Resolution No. 2011-87, and it was passed by roll call vote (5 ayes).

11. **ITEM A-16 - Discussion/consideration of proposed Resolution of Intention to change the name of two existing named roads in Lucerne (Thirteenth Avenue and Hotel Road to "Castle Drive"); and set hearing for June 21, 2011, at 10:15 a.m.** - Upon request of Supervisor Rushing, the public hearing date was scheduled for June 28, 2011, at 9:15 a.m.

Supervisor Rushing offered Resolution No. 2011-88, as amended, and it was passed by roll call vote (5 ayes).

After a brief recess, the Board reconvened into Regular Session at 10:26 a.m.

BACK TO #1 - Consent Agenda Item C-13 - Consideration of request to approve Amendment #3 to Agreement between the County of Lake and PJ Helicopters (an increase in the hourly rate, total amount not to exceed \$50,000) - On motion

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of Supervisor Rushing and by vote of the Board (5 ayes), approved Amendment #3 to Agreement between the County of Lake and PJ Helicopters (an increase in the hourly rate, total amount not to exceed \$50,000), and authorized the Chair to sign.

12. **ITEM A-8 - 10:15 A.M. - Consideration of property owner request to delay enforcement of the Agricultural Abatement Ordinance and to provide direction regarding requested zone change and general plan amendment; location 9275 North State Highway 29, Upper Lake (APN 003-034-07 - Carpenter Orchard Inc.)** - Community Development Director Rick Coel, Agricultural Commissioner Steve Hajik, Jim Carpenter and Charles Carpenter were present.

Mr. Charles Carpenter presented his request to the Board.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Craig Shannon, Betsy Cawn, David Weiss, Andrew Carpenter, Broc Zoller and Charles Fowler. No one else was present wishing to speak and the public input portion of this item was closed.

No Board action was taken on this item.

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

13. **ITEM A-9 - 10:30 A.M. - Presentation of the Geysers Effluent Conveyance System Capacity Analysis** - Special Districts Administrator Mark Dellinger and Water Works Engineer Sammy Kader presented the staff report.

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

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

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

- BACK TO #1 - Consent Agenda Item C-17 - Consideration of request to approve Agreement between the County of Lake and Gary R. Buchholz Investigation and Consulting for professional services, in an amount not to exceed \$25,000** - Sheriff Francisco Rivero gave a brief summary.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Gary R. Buchholz Investigation and Consulting for professional services, in an amount not to exceed \$25,000, and authorized the Chair to sign.

- BACK TO #1 - Consent Agenda Item C-18 - Consideration of request to approve Agreement between the County of Lake and Gary R. Buchholz Investigation and Consulting for Law Enforcement Pre-employment background investigatory services, in an amount not to exceed \$15,000** - Sheriff Rivero gave a brief summary.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Gary R. Buchholz Investigation and Consulting for Law Enforcement Pre-employment background investigatory services, in an amount not to exceed \$15,000, and authorized the Chair to sign.

14. **ITEM A-17 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert, M. Perry and J. Hammond; and (b) Employee Organization: LCEA, DSA, LCCOA and DDAA; and Carried over from May 10, 2011 - 2. Public Employee Performance Evaluations: Titles: Air Pollution Control Officer, Community Development Director 3. Conference with Legal Counsel: Existing Litigation pursuant to Government Code Section 54956.9, Subdivision (a): Decision Whether to Initiate Litigation Pursuant to Government Code Section 54956.9, subdivision (c) by Joining the Petition to State Office of Administrative Law Re Underground Regulations Relating to Payment of Ancillary Medical and Mental Health Services** - 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 2:08 p.m.

15. **ITEM A-10 - 1:30 P.M. - CLOSED SESSION - Public Employee Disciplinary Appeal No. EDA 2011-01, Government Code Section 54957** - Chair Comstock announced the Board would now go into Closed Session for the reason stated on the agenda.

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board of Supervisors adjourned at 5:00 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

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

