

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MARCH 8, 2011

The Honorable Board of Supervisors of Lake County, California, met in regular session this 8<sup>th</sup> day of March, 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. After a moment of silence, County Administrative Officer Kelly Cox 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-5, with the exception of C-1, which was carried over one week, to March 15 2011.

Adopted Proclamation designating the week of March 13-19, 2011 as Mediation Week in Lake County.

Adopted Resolution No. 2011-32, adjusting appropriation in General Fund Contingencies (Correcting error in Mid-Year Budget Resolution).

Adopted Resolution No. 2011-33, accepting insurance proceeds and appropriating said funds as unanticipated revenue.

Approved Plans and Specifications for Elk Mountain Road MPM 8.6 Storm Damage Repair in Lake County, Bid No. 11-15, and authorized the Public Works Director/Assistant Purchasing Agent to advertise for bids.

**CONSENT AGENDA ITEM C-1 - Approve Minutes of the Board of Supervisors meeting held on March 1, 2011.** - At departmental request, this item was carried over one week, to March 15, 2011.

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.

**CITIZEN'S INPUT** - Cheri Holden spoke regarding the Second Annual We Love Tules Film Festival.

3. **ITEM A-13 - Supervisors' weekly calendar, travel and reports** - On motion of Supervisor Smith and by vote of the Board (5 ayes) authorized out of County travel for two Supervisors to meet with PG&E representatives, in San Francisco, on a date to be announced, regarding the Bottle Rock power project.

4. **ITEM A-5 - 9:10 A.M. - PUBLIC HEARING - Consideration of proposed amendments to the Community Development Block Grants (CDBG) Program Income Reuse Plan (incorporating changes recommended by the California Department of Housing and Community Development (HCD))** - Chief Deputy Administrative Officer Matt Perry presented the staff report.

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

Supervisor Rushing offered Resolution No. 2011-34, and it was passed by roll call vote (5 ayes).

5. **ITEM A-6 - 9:15 A.M. - Presentation of Proclamation designating the week of March 13-19, 2011 as Mediation Week in Lake County** - Supervisor Rushing read the Proclamation into the record and presented it to Barbara Johnson and Terry Dereniuk, who spoke.

6. **ITEM A-7 - Continued from December 14 and January 18, 2011 - 9:20 A.M. - PUBLIC HEARING - Appeal (AB 10-05) of Robert and Becky Parker of the Planning Commission's allowance of a Residential Second Unit on property owned by Michael Macy; located at 13210 Ridge Road, Loch Lomond, CA (APN 011-067-42)** - Community Development Director Rick Coel, Associate Planner Brian Horn, William Macy and Peter Windrem were sworn in by the Clerk.

Mr. Macy and Mr. Windrem gave testimony.

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 (4 ayes, Supervisor Farrington NO), made the intended decision to approve the appeal and directed staff to prepare the Findings of Fact.

7. **ITEM A-8 - 9:45 A.M. - (a) Discussion/consideration of the 2010 California Statewide Local Streets and Roads Needs Assessment Update, California Transportation Funding and its impact on Lake County; and (b) Consideration of proposed Resolution urging the State Legislature and Governor to save transportation funding and supporting the findings of the 2010 California Statewide Local Streets and Roads Needs Assessment Update** - Interim Public Works Director Gerry Shaul and Assistant Public Works Director Lars Ewing were present.

Mr. Shaul gave the staff report.

Amendments were made to the proposed letter.

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

(a) On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the letter to our state representatives, in support of Governor Brown's budget proposal to re-validate the transportation tax swap, as amended, and authorized the Chair to sign.

(b) Supervisor Rushing offered Resolution No. 2011-35, and it was passed by roll call vote (5 ayes).

After a brief recess, the Board reconvened into Regular Session at 10:45 a.m.

8. **ITEM A-9 - 10:30 A.M. - Discussion/consideration of proposals for the 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 De Leon presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the proposal as described in the staff memorandum, dated February 22, 2011, and directed staff to pursue removal of the crane through a joint venture with the Falconer Brothers.

**OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MARCH 8, 2011**

9. **ITEM A-14 - Carried over from March 1, 2011 - Consideration of appointments to the following: Heritage Commission** - On motion of Supervisor Rushing and by vote of the Board (5 ayes), appointed Bud Shipley (Member at Large), David McMillen (District 1), John Parker (District 3), DeWitt "Buck" Boeker (Member at Large), and James Knox (District 4), to the Heritage Commission, for terms to expire January 1, 2013.

10. **ITEM A-16 - Consideration of request to send a letter to state representatives opposing the placement of Proposition 10 funding before the voters** - Lake First Five Executive Director Tom Jordan presented the request to the Board.

After discussion, there was Board consensus to take action via the following item.

11. **ITEM A-3 - Consideration of items not appearing on the posted agenda:**

**Extra Item #1 - Consideration of request to send a letter to state representatives requesting legislative protection against future use of Proposition 10 funds to balance the state budget** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved taking up this item due to the fact that the need arose after the posting of today's agenda.

This item was taken up by the Board for the following reason:

Due to changes in the state's budget negotiations, the letter requested by the Lake First Five Commission has changed from what was originally requested. In light of the anticipated approval of the state budget by this Friday, the Board must consider this item prior to the next meeting.

Amendments were made to the letter.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the letter to state representatives requesting legislative protection against future use of Proposition 10 funds to balance the state budget, and authorized the Chair to sign.

12. **ITEM A-10 - 11:00 A.M. - (a) Continued from March 1, 2011 - Consideration of proposed letter in support of Assembly Bill 37 - Smart Meters Opt Out; and (b) Consideration of proposed Moratorium on the installation of Smart Meters in the unincorporated areas of Lake County; and (c) Consideration of possible legal action to enjoin installation of Smart Meters** - Supervisor Rushing recused herself and was absent at 11:08 a.m.

Pacific Gas and Electric representatives Justin Real and Austin Sharp gave an update on the installation of Smart Meters in Lake County.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Al Duncan, Virginia De Plutis, Marie Hughes, Carol Stearitt, Steven Stevansky, Mary Perkins, Leslie Sheridan, Claudine Eskaton, Sybil Francis, Lori Petaska, Robert Cherry, Jerri Spitler, Marcy Long, Ron Green, Greg Peters and Lonnie Caldwell. No one else was present wishing to speak and the public input portion of this item was closed.

(a) Amendments were made to the letter. There was Board consensus to send copies of the letter to the Regional Council of Rural Counties (RCRC),

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Rushing ABSENT), approved the letter in support of Assembly Bill 37 - Smart Meters Opt Out, as amended, and authorized the Chair to sign.

(b) On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Rushing ABSENT) waived the reading of the ordinance, to be read in title only (Clerk so did).

Supervisor Brown offered Ordinance No. 2942, imposing a temporary moratorium on the installation of smart meters and related equipment in, along, across, upon, under and over the public streets and other places within the unincorporated area of Lake County, and it was passed by roll call vote (4 ayes, Supervisor Rushing ABSENT).

(c) On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Rushing ABSENT), authorized Supervisor Farrington to work with County Counsel to cover the necessary administrative steps to put the request of injunctive relief before the California Public Utility Commission; and to encourage other Counties to join in the effort; and to request a report from Pacific Gas and Electric regarding the number of Smart Meters which have been installed to date in both the incorporated and unincorporated areas of Lake County.

Supervisor Rushing was present at 12:20 p.m.

13. **ITEM A-11 - Carried over from February 15, February 22 and March 1, 2011 - 11:45 A.M. - Request to approve lease for an office building at 6302 13<sup>th</sup> Avenue, Lucerne, for the Mental Health Department** - Chief Deputy Administrative Officer Matt Perry, Mental Health Director Kristy Kelly and Fiscal Officer Bob Menicocci were present.

Mr. Perry presented the staff report.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Kim Pemberton, Suzanne Lyons, Nicole Wagner, Barbara Breunig, Joan Moss, Cliff Ruzicka and Bill Brunetti. No one else was present wishing to speak and the public input portion of this item was closed.

Mr. Ruzicka, owner of the current location of the Mental Health offices, presented an amended offer for the purchase of the property.

This item was continued one week, to March 15, 2011, at 2:30 p.m. to allow time for staff to analyze Mr. Ruzicka's offer and prepare a report for the Board to consider.

After a lunch recess, the Board reconvened into Regular Session at 2:00 p.m.

14. **ITEM A-15 - Consideration of proposed letter to our State representatives supporting pending legislation (SB 726 Berryhill) temporarily rescinding sprinkler requirements in California** - On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the letter to our State representatives supporting pending legislation (SB 726 Berryhill) temporarily rescinding sprinkler requirements in California, and authorized the Chair to sign.

**OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MARCH 8, 2011**

15. **ITEM A-12 - 1:30 P.M. - Discussion/consideration of public request to enact a ban on marijuana dispensaries in the unincorporated areas of Lake County** - District Attorney Don Anderson and Sheriff Francisco Rivero were present and spoke during the discussion of this item.

Peter Windrem presented the request to the Board.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Melissa Fulton, Pat Voulgaris, Jeri Spittler, Stephanie Green, Bill Brunetti, Phil Smoley, Trena Pauly, Craig Shannon, Tom Lincoln, Ron Greene, Richard Gilmore, Tony Oliveira, Gregory Giorgi, Tim O'Massey, Ed Robey, Tom Carter, Mishta Russell, Nemesis Vaikasis, Nancy Brier, Jon Nelson, Don Merrill, John Miller-George, Richard Grahn, Scotty O'Neill, John Mitchell, Mickey Giff, Nicole Wagner and Becky Martin.

District Attorney Don Anderson and Sheriff Fransico Rivero provided their positions on the issue of marijuana dispensaries in the unincorporated areas of Lake County.

After a brief recess, the Board reconvened into Regular Session at 5:22 p.m. and public input continued. Supervisor Brown was absent, and was present at 5:24 p.m.

The following people spoke: Bobby Wright, Richard Smith, Mary Perkins, Hugo Ramos, Betsy Cawn, Dave Moses, Chuck Stines, Joe Lewis, Marsha Morris, Gary Lewis, John Hanson and Joan Moss. No one else was present wishing to speak and the public input portion of this item was closed.

There was Board consensus to direct staff to continue with the development of a dispensary zoning ordinance, and to bring this proposed ordinance to the Board for its consideration at the earliest possible date.

16. **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 2. Conference with Legal Counsel - Existing litigation pursuant to Government Code Section 54956.9, subdivision (a): (a) In re Boeger Land Development; and (b) People v Richard Williams** - Chair Comstock announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session at 7:14 p.m. Supervisor Brown was absent.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), in the matter of People v. Williams, the Board agrees to accept the full amount of the judgment, \$20,000, and agrees that said funds shall be earmarked for the Public Services Youth Program, with the exact apportionment to be determined by this Board at a future date.

There being no further business, the Board adjourned at 7:15 p.m.

KELLY F. COX  
Clerk of the Board

\_\_\_\_\_  
Chair - Lake County Board of Supervisors

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