

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MAY 3, 2011

The Honorable Board of Supervisors of Lake County, California, met in regular session this 3rd day of May, 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 memory of victims of terrorism and to those who have given their lives in the service of our military. Following the moment of silence, Ginny Craven 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.

Approved Minutes of the Board of Supervisors meeting held on April 26, 2011.

Adopted Proclamation declaring May as National Military Appreciation Month.

Adopted Proclamation designating May as Perinatal Depression Awareness Month.

Adopted Proclamation designating May as Homeless Youth Awareness Month.

Adopted Proclamation commending Laura Solis for her years of service to the County.

Adopted Proclamation declaring May as Mental Health Month.

Adopted Resolution No. 2011-56, amending Adopted Budget to establish designations to set aside funding for Other Post-Employment Benefits (OPEB).

Approved letter to Tom Contreras, Forest Supervisor, Mendocino National Forest, supporting forest entrance checkpoints, and authorized the Chair to sign.

Adopted Resolution No. 2011-57, authorizing Lake County Health Services Department to submit a grant application to California Environmental Protection Agency for the Rural Underground Storage Tank Prevention Program Grant for Fiscal Years 2011-2012 and 2012-2013 and authorizing the Health Services Director to sign said application and grant documents.

Approved First Amendment to the Agreement between the County of Lake and Davis Guest Home for augmented residential support services for Fiscal Year 2010/2011 (for a decrease of \$19,350), and authorized the Chair to sign.

Approved Agreement #EW-2011-14, between the County of Lake and the Regents of the University of California, Davis, for training services in Fiscal Year 2011/2012, in the amount of \$62,700, and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Watershed Protection District, approved the updated Statement of Facts - Roster of Public Agencies Filing, pursuant to Government Code Section 53051 (noting the election of the 2011 Chair), and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Sanitation District, approved Amendment No. 1 to the Agreement between the County of Lake and CH2M Hill (in association with local sub-contractors) for engineering and construction inspection services for the construction of an upgraded pump station and a dedicated force main pipeline for the Southeast Regional Wastewater Collection System, for an increase of \$23,800, 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-14 - Consideration of proposed amendments to the Lake County Zoning Ordinance pertaining to wineries, wine tasting facilities, definition of wine-related special events, agricultural service establishments, green waste composting facilities, farmers' markets, multi-family maximum residential density, and revocation of zoning clearances and zoning permits (SECOND READING)** - After discussion, this item was continued to later in the day.
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-ft right-of-way be irrevocably offered for dedication to the public; located at 18764 Grange Road, Middletown, CA (APN 014-270-48)(Staff has requested this item be carried over to June 7, 2011, at 9:15 a.m.)** - Chair Comstock announced this item would be carried over five weeks, to June 7, 2011, at 9:15 a.m.
5. **ITEM A-11 - Supervisors' weekly calendar, travel and reports** - On motion of Supervisor Farrington and by vote of the Board (5 ayes), authorized out of county travel for Supervisor Rushing to attend Senate Legislative Committee meetings on Redevelopment and Habematolel land trust matters, on May 4, 2011, in Sacramento, California.
6. **ITEM A-6 - 9:20 A.M. - Presentation of Proclamation declaring May as National Military Appreciation Month** - Supervisor Comstock read the proclamation into the record and presented it to United Veterans Council President Frank Parker, who spoke. Many Service Personnel, both active duty and retired, were present.
7. **ITEM A-7 - 9:30 A.M. - Presentation of Proclamation designating May as Perinatal Depression Awareness Month** - Supervisor Farrington read the proclamation into the record and presented it to Mother-Wise Coordinator Jaclyn Ley, who spoke.

Many members of local service agencies were present.
8. **ITEM A-8 - 9:35 A.M. - Presentation of Proclamation designating May as Homeless Youth Awareness Month** - Supervisor Smith read the Proclamation into the record.
9. **ITEM A-9 - 9:40 A.M. - Presentation of Proclamation commending Laura Solis for her years of service to the County** - Supervisor Brown read the proclamation into the record and presented it to Laura Solis, who spoke.

Family, friends and county staff were present.

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10. **ITEM A-10 - 9:45 A.M. - Presentation of Proclamation declaring May as Mental Health Month** - Supervisor Rushing read the proclamation into the record and presented it to Mental Health Director Kristy Kelly, Team Leader June Wilson and Office Assistant Cindy Ahearn, who spoke.
11. **ITEM A-12 - Consideration of proposed Resolution amending Resolution No. 2010-165 establishing position allocations for Fiscal Year 2010-2011, Budget Unit No. 2112, Child Support Services (adding one Child Support Assistant I/II)** - County Administrative Officer Kelly Cox presented the staff report.

Supervisor Brown offered Resolution No. 2011-58, and it was passed by roll call vote (5 ayes).

12. **ITEM A-13 - (a) Consideration of request to exempt the Chief District Attorney Investigator position from the standard recruitment process; and (b) Consideration of request to appoint Craig Woodworth as Chief District Attorney Investigator** - District Attorney Don Anderson and Human Resources Director Kathy Ferguson were present.

District Attorney Anderson introduced the item.

The Board took no action on this item.

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

- BACK TO #3 - ITEM A-14 - Consideration of proposed amendments to the Lake County Zoning Ordinance pertaining to wineries, wine tasting facilities, definition of wine-related special events, agricultural service establishments, green waste composting facilities, farmers' markets, multi-family maximum residential density, and revocation of zoning clearances and zoning permits (SECOND READING)** - Community Development Director Rick Coel was present.

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

Supervisor Brown offered Ordinance No. 2947, and it was passed by roll call vote (4 ayes, Supervisor Rushing NO).

13. **ITEM A-15 - 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) Bouchey v. County of Lake** - 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 10:44 a.m. and took the following action:

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the settlement between the County of Lake and Western Surety Company in the matter of Freedom Mechanical Enterprise, Inc. v. Bouchey Roofing Inc., and County of Lake v. Western Surety Company (Case No. SCUKCVG 10-55981) whereby the County of Lake retains \$38,828.73 representing the final progress payment under the contract, agrees to accept \$12,400.00 from Western Surety Company, and agrees to file a voluntary dismissal of its Cross Complaint against Western Surety Company, and authorized the Chair to sign.

There being no further business, the Board adjourned at 10:45 a.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

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