

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD OCTOBER 4, 2011

The Honorable Board of Supervisors of Lake County, California, met in regular session this 4th day of October, 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, Supervisor Rushing 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-7, with the exception of Consent Agenda Items C-1 and C-7. Consent Agenda Item C-1 will be taken up immediately following the Consent Agenda. Consent Agenda Item C-7 was carried over one week, to October 11, 2011.

Consent Agenda Item C-1 - Approve Minutes of the Board of Supervisors meeting held on September 27, 2011 - At Supervisor Rushing's request, this item was removed from the Consent Agenda and will be taken up immediately following the Consent Agenda.

Adopted Proclamation designating the month of October 2011 as Domestic Violence Awareness Month.

Adopted Agreement between the County of Lake and the Kelseyville Unified School District for repairs to the Hells Bend School, for an amount not to exceed \$10,000, and authorized the Chair to sign.

Adopted Resolution No. 2011-146, authorizing the Public Works Director to sign a Notice of Completion for work performed under Agreement dated June 28, 2011 (Elk Mountain Road Improvements MPM 27.00 to 27.19, Bid No. 10-04).

Adopted Resolution No. 2011-147, authorizing the Public Works Director to sign a Notice of Completion for work performed under Agreement dated June 28, 2011 (Elk Mountain Road Storm Damage Repair PM 8.6, Bid No. 11-15).

Approved Agreement between the County of Lake and People Services Inc., for grounds maintenance services (Social Services Department) at a rate of \$632.91 per month, (through June 30, 2012, with the potential of a cost of living adjustment thereafter), and authorized the Chair to sign.

Consent Agenda Item C-7 - Adopt Proclamation commending Gary Frace - At Supervisor Brown's request, this item was carried over one week, to October 11, 2011.

Consent Agenda Item C-1 - Approve Minutes of the Board of Supervisors meeting held on September 27, 2011 - On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Rushing ABSTAIN), approved the Minutes of the Board of Supervisors meeting held on September 27, 2011.

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

Change Order No. 1 - Elk Mountain Road PM 8.6 Storm Damage Repair, Federal Project No. ER 4402 (014) Bid No. 11-15 - This change order addresses the need to change the limits of the existing aggregate base and asphalt removal in order to allow a proper transition, widening the original limits of the project in order to include a southbound lane, and lengthening the northbound lane and south bound lane.

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 8.6 Storm Damage Repair, Federal Project No. ER 4402 (014) Bid No. 11-15, for an increase of \$35,408.95, Bouthillier's Construction, and authorized the Chair to sign.

CITIZEN'S INPUT - Greg Scott spoke regarding the upcoming Lakeport Disaster Preparedness Expo.

Tom Slight spoke regarding his comments before the Board on August 16, 2011.

3. **ITEM A-5 - 9:10 A.M. - Presentation of Proclamation designating the month of October 2011 as Domestic Violence Awareness Month** - Supervisor Brown read the Proclamation into the record and presented it to Rae Eby-Carl, who spoke. Many victims' advocates were present.

4. **ITEM A-6 - 9:15 A.M. - Presentation of Domestic Violence Services Annual Report** - Lake Family Resource Center Deputy Director of Programs Rae Eby-Carl presented the report to the Board.

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

5. **ITEM A-19 - Carried over from September 20, 2011 - Consideration of proposed First Amendment to Agreement between the County of Lake and California Judicial Investigations, for investigative services, an increase of \$5,974.31** - Sheriff Rivero provided a brief summary.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the First Amendment to Agreement between the County of Lake and California Judicial Investigations, for investigative services, an increase of \$5,974.31, and authorized the Chair to sign.

6. **ITEM A-7 - 9:30 A.M. - PUBLIC HEARING - Consideration of application MMU 11-05 proposing a minor modification to an existing general plan of development for the removal and replacement of 15 employee recreational vehicle housing units with cabins to be used by resort patrons in addition to the designation of a 0.23 acre area to be used as a private cemetery, with 27 single depth burial plots; applicant is Heart Consciousness Church; project located at 18424 Harbin Springs Road, Middletown (APN 013-009-24)** - Community Development Director Rick Coel and Senior Planner Kevin Ingram were present.

Mr. Ingram presented the staff report.

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

On motion of Supervisor Farrington and by vote of the Board (5 ayes), adopted a mitigated negative declaration for Minor Modification (MMU 11-05) with the findings listed in the staff memorandum dated September 7, 2011.

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On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Minor Modification (MMU 11-05) to the previously approved General Plan of Development (PDC 93-1) subject to the conditions listed in Exhibit D and with the findings listed in the staff memorandum dated September 7, 2011.

7. **ITEM A-20 - Consideration of proposed Resolution authorizing transfer of loan reserve funds in the amount of \$31,500, to cover loan payment due by CSA #21 - North Lakeport.** - Deputy Administrative Officer Jeff Rein presented the staff report.

Supervisor Farrington offered Resolution No. 2011-148, and it was passed by roll call vote (5 ayes).

8. **ITEM A-15 - Consideration of declaring/confirming a vacancy on the Animal Control Advisory Board, pursuant to Government Code Section 1770 (g)** - Supervisor Rushing introduced the item.

This item was carried over to later in the day.

9. **ITEM A-21 - Continued from September 27, 2011 - Consideration of proposed Lease Agreement between the County of Lake and the State of California - California State Lands Commission, to suction dredge hydrilla tubers from the top twelve inches (12") of sediment from the bed of Clear Lake (5 year term; no cost to the County)** - County Counsel Anita Grant gave the staff report.

Amendments were made to the agreement.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved, as amended, the Lease Agreement between the County of Lake and the State of California - California State Lands Commission, to suction dredge hydrilla tubers from the top twelve inches (12") of sediment from the bed of Clear Lake (5 year term; no cost to the County), and authorized the Chair to sign.

The Board of Supervisors adjourned and convened as the Lake County Housing Commission. Commissioner Deborah Figueroa was present.

10. **ITEM A-8 - 9:50 A.M. - Consideration of proposed Resolution to delete signatories to the Lake County Housing Commission Bank Accounts** - County Administrative Officer Kelly Cox presented the staff report.

Commissioner Farrington offered Resolution No. 2011-149, and it was passed by roll call vote (6 ayes).

The Lake County Housing Commission adjourned and reconvened as the Board of Supervisors.

- BACK TO #7 - ITEM A-15 - Consideration of declaring/confirming a vacancy on the Animal Control Advisory Board, pursuant to Government Code Section 1770 (g)** - On motion of Supervisor Rushing and by vote of the Board (5 ayes), declared a vacancy on the Animal Control Advisory Board (Ellen Tobin), pursuant to Government Code Section 1770 (g).

11. **ITEM A-18 - (a) Consideration of request for conceptual approval of the transfer of the administration of the Lake-Mendocino Area Agency on Aging (AAA) from Mendocino County Department of Health and Human Services to the Lake County Department of Social Services; and (b) Consideration of commitment to fund the AAA program pending approval of the State budget each year** - Social Services Director Carol Huchingson presented the staff report.

(a) On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved, in concept, the transfer of the administration of the Lake-Mendocino Area Agency on Aging (AAA) from Mendocino County Department of Health and Human Services to the Lake County Department of Social Services.

(b) On motion of Supervisor Rushing and by vote of the Board (5 ayes), affirmed County commitment to fund the AAA program pending approval of the State budget each year.

After a brief recess, the Board reconvened into Regular Session at 10:15 a.m.

12. **ITEM A-9 - 9:55 A.M. - Presentation of Proclamation commending Gary Frace** - At Supervisor Brown's request, this item was carried over one week, to October 11, 2011, at 10:20 a.m.

13. **ITEM A-10 - 10:00 A.M. - Interviews of applicants for County Clerk/Auditor-Controller** - Deputy Auditor-Controller Cathy Saderlund was interviewed by the Board. None of the other applicants were present for the interviews.

On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Cathy Saderlund County Clerk/Auditor-Controller, effective October 15, 2011, to complete the unexpired term of the current County Clerk/Auditor-Controller, who will be retiring on October 14, 2011.

14. **ITEM A-16 - Advanced from September 20, 2011 - Consideration of proposed Ordinance amending Chapter 21 of the Ordinance Code of the County of Lake adding Article 72A: Regulations for the Cultivation of Medical Marijuana (AM 11-03) (SECOND READING)** - Community Development Director Rick Coel and Sheriff Francisco Rivero were present.

Mr. Coel gave the staff report.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Ron Green, Henry Glum, Al Blume, Walter Zurich, Joan Moss and Jim Miller. No one else was present wishing to speak and the public input portion of this item was closed.

Amendments were made to the proposed Ordinance.

On motion of Supervisor Brown and by vote of the Board (5 ayes), advanced the ordinance, as amended, one week, to October 11, 2011, at 10:25 a.m.

15. **ITEM A-11 - Continued from September 20, 2011 - 11:30 A.M. - (a) Consideration of proposed Resolution rescinding Resolution 2004-04 abolishing the In-Home Supportive Services Advisory Committee; and (b) Consideration of appointments to Advisory Committee if not abolished** - Social Services Director Carol Huchingson was present.

County Counsel Anita Grant presented the staff report.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke in support of retaining the Advisory Board: Andy Rossoff and Betsy Cawn. No one else was present wishing to speak and the public input portion of this item was closed.

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(a) No Board action was taken on this section of the item .

(b) Ms. Huchingson presented the staff report.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Carol Bettencourt, Dana Spahn, Bonnie Trumble and Glen Trumble. 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), appointed Dana Spahn to the IHSS Advisory Board, for a term expiring January 1, 2013.

16. **ITEM A-12 - 11:45 A.M. - (a) Consideration of proposed Resolutions adopting Memorandums of Understanding by and between the Lake County Employees' Associations, Units 3, 4 and 5, and the County of Lake, for Fiscal Years 2011-13; and (b) Consideration of proposed Resolutions establishing salaries and fringe benefits for employees in Management, Confidential Unit, Section A, and Confidential Unit, Section B, for Fiscal Years 2011-13** - Chief Deputy Administrative Officer Matt Perry presented the staff report. Board members and staff thanked and commended the Lake County Employees' Association (LCEA) and its negotiating team for working cooperatively with the County relative to the proposed Memorandums of Understanding. LCEA negotiation team members Linda Lepp, Cindy Silva and Donna Gitchell were present.

(a) Supervisor Brown offered Resolution No. 2011-150 , and it was passed by roll call vote (5 ayes).

Supervisor Brown offered Resolution No. 2011-151 , and it was passed by roll call vote (5 ayes).

Supervisor Brown offered Resolution No. 2011-152 , and it was passed by roll call vote (5 ayes).

(b) Supervisor Brown offered Resolution No. 2011-153 , and it was passed by roll call vote (5 ayes).

Supervisor Brown offered Resolution No. 2011-154 , and it was passed by roll call vote (5 ayes).

Supervisor Brown offered Resolution No. 2011-155 , 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 Redevelopment Agency.

17. **ITEM A-17 - Consideration of recommendations relative to the selection of proposal submitted in response to the Request for Proposals (RFP) for utilization of the Lucerne Hotel as an educational campus** - County Administrative Officer Kelly Cox presented the staff report.

On motion of Director Rushing and by vote of the Board (5 ayes), approved the selection of the proposal submitted by Marymount College.

On motion of Director Rushing and by vote of the Board (5 ayes), authorized the Redevelopment Agency Executive Director to enter into formal negotiations with Marymount College.

On motion of Director Rushing and by vote of the Board (5 ayes), authorized travel expenditures by Task Force members Wally Holbrook and Wilda Shock for participation in the Marymount College site visit.

On motion of Director Farrington and by vote of the Board (5 ayes), approved a letter of County support of the Marymount College proposal, and authorized signature by all Supervisors.

The Board of Directors of the Lake County Redevelopment Agency adjourned and reconvened as the Board of Supervisors.

18. **ITEM A-22 - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, S. Harry, M. Perry and J. Hammond; and (b) Employee Organization: LCEA, DSA, LCCOA and DDAA 2. Public Employee Performance Evaluations: Titles: County Administrative Officer** - 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.

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

19. **ITEM A-14 - CLOSED SESSION - (a) Public Employee Disciplinary Appeal No. EDA 2011-03, Government Code Section 54957; and (b) Continued from September 27, 2011 - Public Employee Disciplinary Appeal No. EDA 2011-02, Government Code Section 54957** - 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 3:15 p.m. and took the following action:

(a) On motion of Supervisor Smith and by vote of the Board (5 ayes), denied Public Employee Disciplinary Appeal No. EDA 2011-03, and upheld the employee's discharge.

(b) This portion of the item was continued one week, to October 11, 2011.

There being no further business, the Board of Supervisors adjourned at 3:16 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

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