

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 20, 2011

The Honorable Board of Supervisors of Lake County, California, met in regular session this 20th day of September, 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 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-7, with the exception of Consent Agenda Item C-7, which was carried over two weeks, to October 4, 2011.

Approved Minutes of the Board of Supervisors meetings held on August 17 and September 13, 2011.

Adopted Certificates of Appreciation to Gregory and Marianne Graham and Clay and Margarita Shannon for their support of Konocti Regional Trails.

Adopted Resolution No. 2011-134, in support of declaring Sundays as Eat Local, Buy California Grown Day.

Adopted Resolution No. 2011-135, approving Public Health's Application to the California Department of Public Health for the Community Nutrition Expansion Project for Federal Fiscal Year 2011/2012.

Adopted Resolution No. 2011-136, approving the 2011-2012 CDC Public Health Emergency Preparedness (PHEP), State General Fund (GF) Pandemic Influenza and HHS Hospital Preparedness Program (HPP), and authorizing the Chair to sign a Non-Supplantation Certification.

Approved Agreement between the County of Lake and North Valley Behavioral Health for psychiatric health facility support services provided during Fiscal Year 2008-09, in the amount of \$23,400, and authorized the Chair to sign.

Consent Agenda Item C-7 - Approve First Amendment to Agreement between the County of Lake and California Judicial Investigations, for investigative services, an increase of \$5,974.31, and authorize the Chair to sign - This item was carried over two weeks, to October 4, 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 Ben Cheek presented one canine currently available for adoption.

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

Extra #1 - Consideration of proposed Resolution establishing new County Local Revenue Fund 2011 and revising revenue estimates and appropriations in certain other funds for the Fiscal Year 2011-12 Adopted Budget - On motion of Supervisor Smith 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: The funding for the proposed contracts with BI Incorporated (Item A-11 on today's agenda) has not been appropriated in the FY 2011-12 Adopted Budget. This funding must be appropriated before the Board considers the proposed contracts for services the County will be responsible to provide beginning October 1, 2011.

This item will be taken up later in the day.

4. **ITEM A-15 - Consideration of proposed Findings of Fact in the Appeal of La Monica Signs (AB 11-03)** - County Counsel Anita Grant presented the staff report.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Rushing NO), approved the Findings of Fact and authorized the Chair to sign.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Rushing NO), granted the appeal.

Supervisor Brown was absent at 9:18 a.m.

5. **ITEM A-14 - Supervisors' weekly calendar, travel and reports** - On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), authorized out of County travel for Supervisor Rushing to attend the Regional Food System Business Alliance for Local Living Economies (BALLE) meeting, on September 26, 2011, in Sacramento.

Supervisor Brown was present at 9:20 a.m.

6. **ITEM A-16 - Advanced from September 13, 2011 - Consideration of proposed Ordinance amending Article II of Chapter 2 of the Lake County Code establishing the boundaries of the Supervisorial Districts for the County of Lake pursuant to Sections 21500 et seq. of the Elections Code (SECOND READING)** - Supervisor Smith offered Ordinance 2958, and it was passed by roll call vote (5 ayes).

7. **ITEM A-20 - Advanced from September 13, 2011 - Consideration of proposed Ordinance amending the charges and fees for County Service Area No. 20 - Soda Bay (SECOND READING)** - Supervisor Smith offered Ordinance No. 2959, and it was passed by roll call vote (4 ayes, Supervisor Farrington NO).

8. **ITEM A-5 - 9:15 A.M. - Presentation of the Library Advisory Board Annual Report** - This item was carried over to later in the day.

9. **ITEM A-18 - (a) Consideration of proposed Contract between the County of Lake and Lucerne Alpine Seniors, Inc. for health-related senior support services in the amount of \$4,400; and (b) Consideration of proposed Contract between the County of Lake and Middletown Senior Citizens, Inc. for health-related senior support services in the amount of \$4,400; and (c) Consideration of proposed Contract between the County of Lake and Highlands Senior Service Center, Inc., for health-related senior support services in the amount of \$10,050; and (d) Consideration of proposed Contract between the County of Lake and Live Oak Senior Center for health-related senior support services in the amount of \$6,211; and (e) Consideration of proposed Contract between the County of Lake and Lakeport Senior Center, Inc. for health-related senior support services in the amount of \$8,125; and (f) Consideration of proposed Contract between the County of Lake and Kelseyville Seniors, Inc. to provide basic operating expenses in the amount of \$2,000; and (g) Consideration of proposed Contract between the County of Lake and Senior Support Services to provide basic operating expenses in the amount of \$1,000 -**

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 20, 2011

(a) On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and the Lucerne Alpine Seniors, Inc. for health-related senior support services in the amount of \$4,400, and authorized the Chair to sign.

(b) On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Middletown Senior Citizens, Inc. for health-related senior support services in the amount of \$4,400, and authorized the Chair to sign.

(c) On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Highlands Senior Service Center, Inc., for health-related senior support services in the amount of \$10,050, and authorized the Chair to sign.

(d) On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Live Oak Senior Center for health-related senior support services in the amount of \$6,211, and authorized the Chair to sign.

(e) On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Lakeport Senior Center, Inc. for health-related senior support services in the amount of \$8,125, and authorized the Chair to sign.

(f) On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Kelseyville Seniors, Inc. to provide basic operating expenses in the amount of \$2,000, and authorized the Chair to sign.

(g) On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Senior Support Services to provide basic operating expenses in the amount of \$1,000, and authorized the Chair to sign.

10. ITEM A-17 - (a) Waive the formal bidding process and make a determination that competitive bidding would produce no economic benefit to the County; and (b) Consideration of proposed Agreement between the County of Lake and Stantec Consulting Services, for No Further Action Report and Well Decommissioning services for the Central Garage Maintenance Yard, for an amount not to exceed \$28,965 - Public Works Director Scott De Leon presented the staff report.

(a) On motion of Supervisor Rushing and by vote of the Board (5 ayes), waived the formal bidding process, determining that competitive bidding would produce no economic benefit to the County.

(b) On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Stantec Consulting Services, for No Further Action Report and Well Decommissioning services for the Central Garage Maintenance Yard, for an amount not to exceed \$28,965, and authorized the Chair to sign.

11. ITEM A-6 - Continued from July 26 and August 16, 2011 - 9:30 A.M. - HEARING - Nuisance Abatement of 7298, 7290, 7282 and 7274 East Butte Street, Upper Lake, CA (APN 031-132-26, 27, 28 & 29 - Sean J. Silvestro) - Community Development Director Rick Coel and Sean Silvestro were sworn in by the Clerk.

Mr. Coel presented the staff report, requesting withdrawal of the staff recommendation for the Order to Abate the property.

No action was taken on this item.

After a brief recess, the Board reconvened into Regular Session at 9:47 a.m. Supervisor Brown was absent.

12. ITEM A-7 - 9:45 A.M. - HEARING - Nuisance Abatement of 12595 Highway 175, Loch Lomond, CA (APN 011-067-10 - Deutsche Bank National Trust Company) - Community Development Director Rick Coel and Assistant Resource Planner Roderic Hilliard were sworn in by the Clerk.

Neither the owner, nor representation was present.

Supervisor Brown was present at 9:50 a.m.

Mr. Hilliard presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 12595 Highway 175, Loch Lomond, CA (APN 011-067-10 - Deutsche Bank National Trust Company), within ten (10) 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-8 - Continued from August 23, 2011 - 10:00 A.M. - PUBLIC HEARING - Consideration of an appeal of the Planning Commission's partial denial of a modified version of the following project: GPAP 11-01, RZ 11-01 and MMU 10-06 proposing a general plan amendment of 0.8 acres from Service Commercial to Community Commercial and 4.2 acres from Agriculture to Service Commercial; a rezone from "C3" Service Commercial to "CH" Highway Commercial and "A" Agriculture to "C3" Service Commercial; and a Minor Modification to existing permits (Res. 69-83, UP 88-42 and MUP 09-23) to allow a convenience store and construction of a 30,000 gallon propane tank; appellant is Westgate Petroleum; project located at 3740 Highland Springs Road, Lakeport (APN 008-002-31) - Supervisor Brown introduced this item.

This item was continued to January 10, 2012, at 9:15 a.m.

14. ITEM A-5 - 9:15 A.M. - Presentation of the Library Advisory Board Annual Report - On motion of Supervisor Brown and by vote of the Board (5 ayes), accepted the Library Advisory Board Annual Report.

15. ITEM A-21 - CLOSED SESSION - 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. Conference with Legal Counsel: Existing Litigation pursuant to Government Code Section 54956.9, Subdivision (a): Application of Pacific Gas and Electric Company for approval of modifications to its SmartMeter Program and increased revenue requirements to recover the costs of the modifications - Chair Comstock announced the Board would now go into Closed Session for the reasons stated on the agenda.

Supervisor Rushing recused herself from Item 2, and was absent at 10:15.

The Board reconvened into Regular Session with no action taken at 10:50 a.m. Supervisor Rushing was present.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 20, 2011

BACK TO #13 - ITEM A-9 - 10:30 A.M. - Presentation of Certificates of Appreciation to Gregory and Marianne Graham and Clay and Margarita Shannon for their support of Konocti Regional Trails - Supervisor Rushing read the Proclamation of Appreciation to Clay and Margarita Shannon into the record and presented it to Margarita Shannon, who spoke.

Chair Comstock read the Proclamation of Appreciate to Gregory and Marianne Graham into the record and presented it to Gregory Graham, who spoke.

16. **ITEM A-10 - 10:40 A.M. - Consideration of request for Board direction regarding the enforcement of Williamson Act Contract compliance for Grazing Land** - Community Development Director Rick Coel and Associate Planner Bill Stockton were present.

Mr. Stockton presented the staff report.

There was Board consensus to direct staff to move forward in the enforcement of Williamson Act Contract compliance for grazing land.

17. **ITEM A-11 - 10:50 A.M. - (a) Consideration of the proposed Lake County Realignment Implementation Plan and request to designate BI Incorporated as a sole provider; and (b) Consideration of proposed Agreements between the County of Lake and BI Incorporated for the operation of a Day Reporting Center and the (Jail Education and Employment) JEEP Program** - Interim Probation Officer Steve Buchholz, Sheriff Francisco Rivero and Social Services Director Carol Huchingson were present.

Mr. Buchholz presented the staff report.

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.

This item was continued to later in the day.

BACK TO #3 - ITEM A-3 - Extra #1 - Consideration of proposed Resolution establishing new County Local Revenue Fund 2011 and revising revenue estimates and appropriations in certain other funds for the Fiscal Year 2011-12 Adopted Budget - Supervisor Brown offered Resolution No. 2011-137, and it was passed by roll call vote (5 ayes).

BACK TO #17 - ITEM A-11 - (a) Consideration of the proposed Lake County Realignment Implementation Plan and request to designate BI Incorporated as a sole provider; and (b) Consideration of proposed Agreements between the County of Lake and BI Incorporated for the operation of a Day Reporting Center and the (Jail Education and Employment) JEEP Program - (a) On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the formal bidding process, determining that competitive bidding would produce no economic benefit to the County.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Lake County Realignment Implementation Plan and designated BI Incorporated as a sole provider, requesting an update from BI Incorporated at the December 6, 2011 Board of Supervisors Meeting.

(b) On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and BI Incorporated for the operation of a Day Reporting Center, and authorized the Chair to sign.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and BI Incorporated for the operation of the Jail Education and Employment (JEEP) Program, and authorized the Chair to sign.

18. **ITEM A-12 - 11:00 A.M. - Consideration of request for Board support of application for establishment of two new Viticultural Areas in Lake County (Big Valley and Kelsey Bench)** - Terry Dereniuk and Rick Gunnier presented the request to the Board.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the letter of Board support of application for establishment of a new Viticultural Area in Lake County (Kelsey Bench), and authorized the Chair to sign.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the letter of Board support of application for establishment of a new Viticultural Area in Lake County (Big Valley), and authorized the Chair to sign.

19. **ITEM A-19 - (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 presented the staff report.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Andy Rossoff, Marilyn Johnson, Carol Bettencourt and Buck Bouker. No one else was present wishing to speak and the public input portion of this item was closed.

This item was continued two weeks, to October 4, 2011, at 11:30 a.m., to allow for input from the IHSS Advisory Committee.

After a lunch recess, the Board reconvened into Regular Session at 1:50 p.m.

20. **ITEM A-13 - Continued from August 23, 2011 - 1:30 P.M. - PUBLIC HEARING - Discussion/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)** - Community Development Director Rick Coel was present.

Mendocino County Sheriff Sergeant Randy Johnson presented a report to the Board.

Chair Comstock opened the public hearing and the following people spoke: Ed Robey, Ed Sebula, Duane Harper, Dan Howard, Mary Draper, Paula Vess, John Bowling, Michael LaVelle, Joe Fernandez, Riverson, Joe Wells and David Armstrong.

After a brief recess, the Board reconvened into Regular Session at 3:45 p.m. and the following people spoke: Rob Rosenthal, Ron Green, Matt McCullough, Charles Fowler and Don Merrill. No one else was present wishing to speak and the public hearing was closed.

Amendments were made to the proposed ordinance.

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).

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 20, 2011

On motion of Supervisor Brown and by vote of the Board (5 ayes), advanced the ordinance, as amended, two weeks, to October 4, 2011.

There being no further business, the Board of Supervisors adjourned at 6:00 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

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