

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 6, 2011

The Honorable Board of Supervisors of Lake County, California, met in regular session this 6th 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-15.

Approved Minutes of the Board of Supervisors meeting held on August 23, 2011.

Adopted Proclamation declaring the week of October 30-November 5, 2011, as Bass Bowl Week.

Approved proposed County newsletter for inclusion in the September Collector 2011 Tax Collector mailing.

Approved Agreements between the County of Lake and Lake County Animal Services and Animal Coalition of Lake County for FY 2011-2012 administration of the Spay and Neuter Voucher Program, and authorized the Chair to sign the Agreements.

Approved Notice of Partial Non-renewal of Williamson Act Contract 74-09, established by Resolution No. 74-36, recorded on August 2, 1974, Book Number 772, pages 185-189, property located at 1365 & 1255 Van Sleeper Road and 1825 & 1235 Tule Lake Road, Upper Lake (APNs 003-032-10, 003-034-11, 003-040-04 and 003-041-01 - Steven Z. Jones, Trustee), as recommended in the staff memorandum dated August 23, 2011.

Approved First Amendment to Agreement between the County of Lake and Gallina LLP, for audit services for Fiscal Years 2011-2013 (modifying the payment schedule terms), and authorized the Chair to sign.

Adopted Resolution No. 2011-127, fixing tax rates for local agencies, general obligation bonds and other voter approved indebtedness.

Approved requests and order consolidation of the Anderson Springs, Butler-Keys and Hidden Valley Lake Community Services Districts, Kelseyville, Lake County and South Lake County Fire Districts, and the Buckingham Park, Callayomi County, Clearlake Oaks County, Cobb Area County, Konocti County, Scotts Valley and Upper Lake County Water Districts with the General District Election to be held on November 8, 2011, pursuant to their respective Resolutions.

Approved requests and order consolidation of school district elections with the General District Election to be held on November 8, 2011, pursuant to their respective Resolutions.

Authorized out-of County travel and related expenses for up to 12 non-County employees to attend the California Memorial Project event in Ukiah on September 19, 2011.

Approved Ground and Structure Lease Agreement between the County of Lake and the California Department of Forestry & Fire Protection to allow visitor use of the Cal Fire Lookout Tower located on Wright Peak, Mt. Konocti (in-lieu rent includes maintenance on the tower, ancillary building and road access), through Fiscal Year 2015-2016, and authorized the Chair to sign.

(a) Awarded Bid 11-03, Renovation of Lake County Courthouse Elevators, to Dreamride Elevator, Inc., in the amount of \$222,120 (Partially funded by USDA, \$100,000, and California Administrative Office of the Courts, \$73,000); and (b) Approved Change Order No. 1, for an increase of \$4,783, Dreamride Elevator, Inc., to cover equipment inadvertently omitted from the original bid package, and authorized the Chair to sign the Agreement and Change Order.

Adopted Resolution No. 2011-128, authorizing the Public Works Director to sign a Notice of Completion for work performed under Agreement dated July 7, 2009 (Clearlake Keys Cape Seal, Bid No. 09-38).

Approved Budget Transfer #B-473 (FY 2010-11) from Professional & Specialized Services and IHSS accounts in BU 5011 to BU 5282 IHSS Public Authority, due to higher than anticipated expenses, and authorized the Chair and County Administrative Officer to sign.

Sitting as the Lake County Local Board of Equalization, accepted Stipulation Change in Assessment for Kenai Equipment on personal property (Account # 800-001-976-000), for a change in the value of the personal property from \$7,400,230 to \$6,481,000 for the 2009/2010 tax year.

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

Change Order No. 1 - Morgan Valley Road PM 5.34 Storm Damage Repair, Bid No. 10-10, Federal Project No. ER 4402 (0018) - This change order addresses the change of the scope of repairs which took place between the time the project was designed and when it went to construction.

Public Works Director Scott De Leon presented the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Change Order No. 1 - Morgan Valley Road PM 5.34 Storm Damage Repair, Bid No. 10-10, Federal Project No. ER 4402 (0018), for an increase of \$118,146, Granite Construction Company, and authorized the Chair to sign.

CITIZEN'S INPUT - Hank Lescher spoke regarding the boat sticker program.

3. **ITEM A-6 - 9:15 A.M. - PUBLIC HEARING - Intention to vacate a portion of a roadway, Lakeview Terrace (Clear Lake Beach Subdivision No. 4, Lucerne), in the County of Lake** - County Surveyor Gordon Haggitt presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), accepted Irrevocable Offers of Dedication for roadway and public utility purposes, (a portion of APN 034-592-04 and 034-591-29 - Grant Murray and Richard Murray), for a portion of Lakeview Terrace, Lucerne, and directed Clerk to certify for recordation.

Supervisor Rushing offered Resolution 2011-129, and it was passed by roll call vote (5 ayes).

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 6, 2011

4. **ITEM A-11 - Consideration of proposed revisions to the County Travel Policy** - Senior Administrative Analyst Jennifer Hammond presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the revisions to the County Travel Policy, in concept, and directed staff to begin the Meet and Confer process.

5. **ITEM A-5 - 9:10 A.M. - Presentation of Proclamation declaring the week of October 30-November 5, 2011, as Bass Bowl Week** - Supervisor Farrington read the Proclamation into the record and presented it to Phil Smoley, who spoke.

6. **ITEM A-12 - (a) Consideration of proposed Resolution designating 15% of the full County payment amount received for Federal Fiscal Year 2011 pursuant to the Reauthorized Secure Rural Schools and Community Self-Determination Act of 2000 for County Fiscal Year 2011/12; and (b) Consideration of proposed Resolution designating the amount of funding to be allocated between Title II and Title III local projects pursuant to reauthorized Secure Rural Schools and Community Self-Determination Act of 2000 for County Fiscal Year 2011/12** - County Administrative Officer Kelly Cox presented the staff report.

(a) Supervisor Rushing offered Resolution No. 2011-130, designating 15% of the full County payment amount received for Federal Fiscal Year 2011 pursuant to the Reauthorized Secure Rural Schools and Community Self-Determination Act of 2000 for County Fiscal Year 2011/12, and it was passed by roll call vote (5 ayes).

(b) Supervisor Rushing offered Resolution No. 2011-131, designating the amount of funding to be allocated between Title II and Title III local projects pursuant to reauthorized Secure Rural Schools and Community Self-Determination Act of 2000 for County Fiscal Year 2011/12, and it was passed by roll call vote (5 ayes).

7. **ITEM A-15 - Consideration of proposed Ordinance rescinding Ordinance 2834 which established a Public Defender Legal Fee Reimbursement Program, Registration Fee and Reimbursement Fee Schedule (SECOND READING)** - Treasurer-Tax Collector Sandra Shaul gave a brief summary of the item.

Supervisor Smith offered Ordinance No. 2957, and it was passed by roll call vote (5 ayes).

8. **ITEM A-14 - (a) Consideration of request to waive the formal bidding process and make a determination that competitive bidding would produce no economic benefit to the County; and (b) Consideration of request to purchase three (3) Cascadian vaulted restrooms, in the amount of \$74,735.79, CXT Precast Products, for the Mt. Konocti Park, and authorize the Public Services Director/Assistant Purchasing Agent to sign the Purchase Order** - County Administrative Officer Kelly Cox presented the staff report.

This item was continued to later in the day.

9. **ITEM A-7 - Carried over from August 23, 2011 - 9:45 A.M. - HEARING - Consideration of the recommendation of the Agricultural Grievance Committee regarding the enforcement of the Agricultural Abatement Ordinance; location 9275 North State Highway 29, Upper Lake (APN 003-034-07 - Carpenter Orchard Inc.)** - Agricultural Commissioner Steve Hajik, James Carpenter and Chuck Carpenter were present.

No Board action was taken on this item.

10. **ITEM A-8 - 10:15 A.M. - Discussion/consideration of proposed addition of an in-house medical clinic to the Animal Care and Control Shelter** - Animal Control Director Bill Davidson presented the staff report.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Steve Sebastian, Victoria Chamberlain, Jeff Smith DVM, Grant Murray and Rita Doyle. 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 set a goal in the reduction of euthanasias performed in the County; and to add to the in-house medical clinic plan estimate on-going costs including labor, utilities and consumable items.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved, in concept, the addition of an in-house medical clinic to the Animal Care and Control Shelter.

After a brief recess, the Board reconvened into Regular Session at 11:30 a.m.

- BACK TO #8 - ITEM A-14 - (a) Consideration of request to waive the formal bidding process and make a determination that competitive bidding would produce no economic benefit to the County; and (b) Consideration of request to purchase three (3) Cascadian vaulted restrooms, in the amount of \$74,735.79, CXT Precast Products, for the Mt. Konocti Park, and authorize the Public Services Director/Assistant Purchasing Agent to sign the Purchase Order** - Public Services Director Kim Clymire presented the staff report.

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

(b) On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the purchase of three (3) Cascadian vaulted restrooms, in the amount of \$74,735.79, CXT Precast Products, for the Mt. Konocti Park, and authorized the Public Services Director/Assistant Purchasing Agent to sign the Purchase Order.

12. **ITEM A-13 - Consideration of proposed Acceptable Website Links Policy** - Information Technology Director Shane French presented the staff report.

There was Board consensus for the addition of tribal government and community-based organizations to the criteria of potential external site links.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Acceptable Website Links Policy, as amended.

13. **ITEM A-16 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, M. Perry and J. Hammond; and (b) Employee Organization: LCEA, DSA, LCCOA and DDAA Continued from August 23, 2011 - 2. Public Employee Performance Evaluations: Titles: Special Districts Administrator; and Continued from August 16 and August 23, 2011: Air Pollution Control Officer, and Animal Control Director** - 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 12:15 p.m.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 6, 2011

After a lunch recess, the Board reconvened into Regular Session at 1:33 p.m.

- 14. **ITEM A-9 - Continued from August 16, 2011 - 1:30 P.M. - PUBLIC HEARING - Consideration of appeal of John Nady (AB 10-04) of the Planning Commission's denial of a Mitigated Negative Declaration and decision to require a Focused Environmental Impact Report (EIR) focused on the impacts of cultural archeological resources associated with CEQA grading permit proposing grading to construct a residence, a caretaker's cabin, stand alone bathroom and associated utility trenching; and consideration of appellant's request to adopt a Mitigated Negative Declaration for this project based on Initial Study (IS 05-31) and authorizing the Community Development Director to issue the grading permit; project location Rattlesnake Island, 12900 Sulphur Bank Mine Road, Clearlake Oaks, CA (APN 010-002-010-000) -** Community Development Director Rick Coel, Senior Planner Emily Minton, John Nady, Diane Kindermann, Frederic Schrag, John Parker, Sarah Ryan, Kenneth Lord, Clayton Duncan, Jim Brown, Linda Fung, Batsulwin Brown, Ron Green, Joan Moss, Perry Matlock, Harvest McCampbell and John Johnson were sworn in by the Clerk.

Mr. Nady gave testimony.

Ms. Kindermann and Mr. Schrag spoke.

Chair Comstock re-opened the public hearing and the following people spoke: John Parker, Kenneth Lord, Sarah Ryan, Clayton Duncan, Jim Brown, Linda Fung, Batsulwin Brown and Ron Green.

After a brief recess, the Board reconvened into Regular Session at 3:40 p.m. and the following people spoke: Joan Moss, Perry Matlock, Harvest McCampbell and John Johnson. No one else was present wishing to speak and the public hearing was closed.

After a brief recess, the Board reconvened into Regular Session at 4:30 p.m.

On motion of Supervisor Brown and by vote of the Board (3 ayes, Supervisors Rushing and Farrington NO), made an intended decision to uphold appeal AB 10-04 of John Nady, and directed County Counsel to prepared proposed Findings of Fact.

On motion of Supervisor Brown and by vote of the Board (3 ayes, Supervisors Rushing and Farrington NO), made an intended decision to find that on the basis of the Initial Study No. 05-31, and the mitigation measures which have been added to the project, that the CEQA grading permit applied for by John Nady will not have a significant effect on the environment and, therefore a mitigated negative declaration shall be issued, and directed County Counsel to prepare proposed Findings of Fact.

On motion of Supervisor Brown and by vote of the Board (3 ayes, Supervisors Rushing and Farrington NO), made an intended decision to find that the CEQA grading permit applied for by John Nady on property located at 12900 Sulphur Bank Mine Road, Clearlake Oaks, CA meets the requirements of Chapter 30 of the Lake County Code and that the Board of Supervisors has reviewed and considered the Mitigated Negative Declaration which was adopted for this project and authorized the Community Development Director to issue the CEQA grading permit, and directed County Counsel to prepare proposed Findings of Fact.

BACK TO #13 - ITEM A-16 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, M. Perry and J. Hammond; and (b) Employee Organization: LCEA, DSA, LCCOA and DDAA Continued from August 23, 2011 - 2. Public Employee Performance Evaluations: Titles: Special Districts Administrator; and Continued from August 16 and August 23, 2011: Air Pollution Control Officer, and Animal Control Director - Chair Comstock announced the Board would now return to Closed Session for the reasons 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 5:57 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

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