

**BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA**

**OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD APRIL 10, 2012**

The Honorable Board of Supervisors of Lake County, California, met in regular session this 10<sup>th</sup> day of April, 2012, there being present Supervisors Jim Comstock, Jeff Smith, Denise Rushing, Anthony Farrington and Rob Brown, 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 Brown. A moment of silence was dedicated to the memory of Ann Card of Kelseyville. Following the moment of silence, Ed Calkins led the salute to the flag of the United States of America.

1. **ITEM A-2 - 9:05 A.M. - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Consent Agenda items C-1 through C-7.

Approved Minutes of the Board of Supervisors meetings held on April 3, 2012.

Adopted Proclamation designating the week of April 15-21, 2012 as Mediation Week.

Approved Bill of Sale between County of Lake and Pacific Bell Telephone Company for transfer of underground conduit to Pacific Bell, on Washington Street in Middletown, in connection with the Middletown Library Project, and authorized the Chair to sign.

Approved Agreement between the County of Lake and DNA Diagnostics Center, for paternity testing services through April 30, 2014, in an amount not to exceed \$25,000 annually, and authorized the Chair to sign.

Approved request to waive 900 hour limits for extra help Office Assistant I Sally Lambeth and Mental Health Specialist Ellen Bourne.

Accepted Irrevocable Offer of Dedication for roadway and public utility purposes (a portion of APN 044-340-24 - Riviera-West Country Club, a California Corporation), located at 8520 Soda Bay Road, Kelseyville; and directed Clerk to certify for recordation.

Sitting as the Board of Directors of the Lake County Sanitation District, (a) Approved Easement Deed and directed Clerk to certify for recordation (APN 039-371-04 - Robin Freeman), and approved Right of Way Agreement between the County of Lake and Robin Freeman for the construction of the wastewater force main sanitary sewer line; (b) Approved Easement Deed and directed Clerk to certify for recordation (APN 039-332-09 - Brett Freeman), and approved Right of Way Agreement between the County of Lake and Brett Freeman for the construction of the wastewater force main sanitary sewer line; and (c) Approved Easement Deed and directed Clerk to certify for recordation (APNs 039-485-51 & 54 - Christopher Ferrigno and Virginia Ferrigno), and approved Right of Way Agreement between the County of Lake and Christopher Ferrigno and Virginia Ferrigno for the construction of the wastewater force main sanitary sewer line; and authorized the Chair to sign agreements.

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.

The Board of Supervisors adjourned and convened as the Board of Directors of the Lake County Sanitation District.

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

**Change Order No. 3 - Southeast Force Main & Pump Station Project, Contract 11-21** - This change order includes the following six items: remove backflow prevention device, extra work around utilities at Pump Station #1, relocation of an existing utility at Pump Station #1, change backfill at Pump Station #1, schedule delays and extra work for unforeseen and mismarked utilities and two additional air release valves.

Special Districts Administrator Mark Dellinger presented the staff report.

On motion of Director Smith and by vote of the Board (5 ayes), approved Change Order No. 3 - Southeast Force Main & Pump Station Project, Contract 11-21, for an increase of \$47,189.45, Preston Pipelines, Inc., and authorized the Chair to sign.

**PUBLIC INPUT** - Larry Ratcliffe spoke regarding the winegrape industry and expressed appreciation to those who donate to Hospice.

4. **ITEM A-5 - 9:10 A.M. - Presentation of Proclamation designating the week of April 15-21, 2012 as Mediation Week** - Supervisor Comstock read the Proclamation into the record, and presented it to Barbara Johnson, who spoke.

Members of Lake County Mediation were present.

5. **ITEM A-6 - 9:15 A.M. - Presentation of Clear Lake Advisory Committee Quarterly Report** - Water Resources Director Scott De Leon was present.

Clear Lake Advisory Committee Chair Sarah Ryan presented the Quarterly Report to the Board.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Cheri Holden, Mike Dunlap, Paula Britton, Ed Calkins, Suzanne Lyons, Betsy Cawn, Nancy Ruzicka, Joan Moss and Phil Murphy. No one else was present wishing to speak and the public input portion of this item was closed.

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

After a brief recess, the Board reconvened into Regular Session at 10:52 a.m.

6. **ITEM A-7 - 9:45 A.M. - HEARING - Nuisance Abatement of 12800 Bottle Rock Road, Kelseyville, CA (APNs 011-068-43 & 011-068-45 - HSBC Bank USA National Association)** - Chief Building Official Dave Jezek and Building Inspector Dana McDonald were sworn in by the Clerk.

Neither the owner, nor representation were present.

Mr. McDonald presented the staff report.

**OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD APRIL 10, 2012**

On motion of Supervisor Smith and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 12800 Bottle Rock Road, Kelseyville, CA (APNs 011-068-43 and 011-068-45 - HSBC Bank USA National Association), by April 30, 2012, 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.

7. **ITEM A-8 - 10:00 A.M. - Consideration of the formation of a committee to review draft marijuana cultivation ordinance for Lake County** - Chair Brown and Supervisor Rushing introduced the item.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Victoria Brandon, Don Merrill, Phil Murphy and Fred Langston. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), formed a committee consisting of the following members: Two (2) marijuana growers, two (2) agriculture, Two (2) Supervisors, One (1) Patient, One (1) Physician, and One (1) Member-at-Large.

There was Board consensus to direct staff to advertise the vacancies and collect applications through April 27, 2012, to be placed on the May 1, 2012 agenda for Board consideration.

8. **ITEM A-9 - 10:30 A.M. - Appeal of a Nuisance Animal Abatement Order located at 855 Oak Park Way, A-13, Lakeport, CA (Dawn Ingalls - Wolfman)** - Animal Control Director Bill Davidson, Animal Control Officer Morgan Hermann, Dawn Ingalls, Judith Luchsinger, Peggy Butcher, Andrew Luchsinger and Reed James Ingalls were sworn in by the Clerk.

Ms. Hermann presented the staff report.

Ms. Ingalls gave testimony.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Judith Luchsinger, Peggy Butcher, Andrew Luchsinger and Reed James Ingalls. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), denied the appeal and sustained the Nuisance Animal Abatement Order located at 855 Oak Park Way, A-13, Lakeport, CA (Dawn Ingalls - Wolfman), and directed staff to work with Ms. Ingalls regarding a payment plan of impound fees.

9. **ITEM A-10 - Continued from April 3, 2012 - 10:45 A.M. - PUBLIC HEARING - Consideration of proposed Ordinance amending Article 1 Section 5-f.2 of Chapter 5 of the Lake County Code relating to the sale, use and display of fireworks in the unincorporated areas of the County of Lake** - Chair Brown introduced this item.

Chair Brown opened the public hearing and Northshore Fire Protection District Chief Mike Stone spoke. No one else was present wishing to speak and the public hearing was closed.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), waived the reading of the ordinance, to be read in title only (Clerk so did).

On motion of Supervisor Rushing and by vote of the Board (5 ayes), advanced the ordinance one week, to April 17, 2012.

10. **ITEM A-12 - Consideration of the following appointments: Lower Lake Water Works Board of Trustees, and North Bay Cooperative Library Advisory Board** - On motion of Supervisor Comstock and by vote of the Board (5 ayes), appointed Frank McElwain to the Lower Lake Water Works Board of Trustees, for a term to expire January 1, 2015.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), appointed David Gebhard to the North Bay Cooperative Library Advisory Board, for a term to expire January 1, 2014.

The Board of Supervisors adjourned and convened as the Board of Directors of the Lake County Watershed Protection District.

11. **ITEM A-15 - Consideration of proposed Agreement between the Lake County Watershed Protection District and Stetson Engineers, Inc., for engineering services for Water Availability Analysis-Middle Creek Flood Damage Reduction and Ecosystem Restoration Project** - Supervisor Farrington introduced this item.

Chair Brown asked if anyone was present wishing to speak and Betsy Cawn spoke. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Director Farrington and by vote of the Board (5 ayes), approved the Agreement between the Lake County Watershed Protection District and Stetson Engineers, Inc., for engineering services for Water Availability Analysis-Middle Creek Flood Damage Reduction and Ecosystem Restoration Project, and authorized the Chair to sign.

The Board of Directors of the Lake County Watershed Protection District adjourned and reconvened as the Board of Supervisors.

12. **ITEM A-13 - Consideration of Classification and Compensation Committee Recommendations for Area Agency on Aging requests** - Human Resources Analyst Sarah Jansen presented the staff report.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the Classification and Compensation Committee Recommendations for Area Agency on Aging, and authorized the Human Resources Director to initiate Meet and Confer process with the appropriate employee associations.

13. **ITEM A-11 - 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 Supervisor Rushing to attend the Marymount College Board of Trustees meeting on June 4, 2012, in Rancho Palos Verdes, CA.

14. **ITEM A-14 - Consideration of proposed First Amendment to Agreement between the County of Lake and Lake County Office of Education-Safe Schools Healthy Students Program for FY 2011-12 specialty mental health services** - Mental Health Director Kristy Kelly presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the First Amendment to Agreement between the County of Lake and Lake County Office of Education-Safe Schools Healthy Students Program for FY 2011-12 specialty mental health services, and authorized the Chair to sign.

**OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD APRIL 10, 2012**

15. **ITEM A-16 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, S. Harry, L. Guintivano, M. Perry and J. Hammond; and (b) Employee Organization: DSA, LCCOA and DDAA and 2. Employee Disciplinary Appeal EDA 2012-03** - Chair Brown announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session at 1:20 p.m., and took the following action:

On motion of Supervisor Farrington and by vote of the Board (5 ayes), amended the Findings of Fact in EDA 2012-03 to provide clarification as to the standard of proof in this matter which in no way alters, modifies or affects the decision of the Board to grant appeal.

There being no further business, the Board of Supervisors adjourned at 1:21 p.m.

KELLY F. COX  
Clerk of the Board

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Chair - Lake County Board of Supervisors

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