

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD AUGUST 28, 2012

The Honorable Board of Supervisors of Lake County, California, met in regular session this 28th day of August, 2012, there being present Supervisors Jim Comstock, Jeff Smith, Denise Rushing, Anthony Farrington and Rob Brown, Interim County Administrative Officer Matt Perry, 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. Following a moment of silence, Chief Engstrom 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.

Approve Minutes of the Board of Supervisors meeting held on August 21, 2012.

Approve Equitable Sharing Agreement and Certification between the County of Lake and the U.S. Department of Justice, for the sharing of federally seized asset forfeiture monies, and authorize the Chair to sign.

Approve Tenth Amendment to Agreement authorizing North Coast Emergency Medical Services as the "Local EMS Agency" and authorization of powers pursuant thereto, and authorize the Chair to sign.

Approve Agreement between the County of Lake and Hilltop Recovery Services for FY 2011-2012 residential services, in the amount of \$8,000, and authorize the Chair to sign.

Approve Agreement between the County of Lake and Remi Vista, Inc., for FY 2012-2013 specialty mental health services, in the amount of \$20,000 (with the 25% modification clause), and authorize the Chair to sign.

Adopt Resolution authorizing Release of Lien pursuant to Welfare and Institutions Code Section 17405.

Approve Agreement between the County of Lake and California Department of Boating and Waterways for the 2012/13 patrol boat and trailer grant, in the amount of \$30,000, and authorize the Sheriff to sign.

Sitting as the Lake County Watershed Protection District Board of Directors, Approve Real Property Purchase Contract and direct Clerk to certify Grant Deed for recordation (004-016-35 - Ruth E. Embry) (Middle Creek Flood Damage Reduction and Ecosystem Restoration Project), and authorize the Chair to sign the agreement.

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-12 - Consideration of request from the Lake County Regional Chamber of Commerce to hold their Chamber mixer at the Lucerne Hotel** - Interim County Administrative Officer Matt Perry presented the staff report.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the request from the Lake County Regional Chamber of Commerce to hold their Chamber mixer at the Lucerne Hotel.

4. **ITEM A-13 - Consideration of proposed Findings of Fact and decision in the appeal of La Monica Signs** - 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), upheld the appeal.

PUBLIC INPUT - Audrey Beudreaux spoke regarding the water rates in CSA #20 (North Lakeport).

5. **ITEM A-14 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, L. Guintivano, M. Perry, J. Hammond and A. Flora; and (b) Employee Organization: DDAA 2. Public Employee Performance Evaluations: Titles: Animal Control Director, and Special Districts Administrator 3. Conference with Legal Counsel: Existing Litigation pursuant to Government Code Sec. 54956.9(a): Merrill et al. v. Lake County Board of Supervisors** - Chair Brown 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 9:45 a.m.

5. **ITEM A-5 - 9:30 A.M. - Presentation of Clear Lake Advisory Committee Quarterly Report** - Water Resources Director Scott DeLeon was present.

Clear Lake Advisory Committee Chair Sarah Ryan presented the quarterly report.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Betsy Cawn, Cheri Holden, Mike Dunlap, and Tom Engstrom. No one else was present wishing to speak and the public input portion of this item was closed.

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

6. **ITEM A-6 - Continued from November 8, December 13, 2011 and August 21, 2012 - 10:15 A.M. - PUBLIC HEARING - Consideration of proposed Ordinance adding Article Seven to Chapter Seven of the Lake County Code to provide support for Public, Educational and Governmental (PEG) Cable Television Access Facilities** - Chair Brown introduced the item.

This item was continued two weeks, to September 11, 2012, at 9:30 a.m.

After a brief recess, the Board reconvened into Regular Session at 11:00 a.m.

7. **ITEM A-7 - 10:45 A.M. - PUBLIC HEARING - Consideration of proposed Ordinance amending specified provisions of Article I of Chapter 4 of the Lake County Code relating to Animal Control** - Animal Control Director Bill Davidson presented the staff report.

Chair Brown opened the public hearing. No one was present wishing to speak and the public hearing was closed.

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On motion of Supervisor Smith 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 Smith and by vote of the Board (5 ayes), advanced the Ordinance one week, to September 4, 2012.

Supervisor Brown was absent at 11:05 a.m. The gavel was passed to Vice Chair Smith.

8. **ITEM A-8 - 11:00 A.M. - (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; (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; (c) Consideration of proposed Contract between the County of Lake and Highlands Senior Service Center, Incl, for health-related senior support services in the amount of \$10,050; (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; (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; (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; (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; (h) Consideration of proposed Lease Agreement between the County of Lake and Senior Support Services, Inc., for FY 2012-2013 use of 9460 Mendenhall, Upper Lake (rent free in lieu of an equivalent cash match toward operations of the AAA); (i) Presentation of the Area Agency on Aging Report; and (j) Consideration of proposed Resolution adopting a Side Letter of Agreement to the Memorandum of Understanding (MOU) by and between the Lake County IHSS Public Authority and the California United Homecare Workers Union (CUHW) Local 4034 - Social Services Director Carol Huchingson, AAA Coordinator Mike Parkinson and Janice Hubbell were present.**

Ms. Huchingson presented the staff report.

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

(b) On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the Contract 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 Vice Chair to sign.

(c) On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the Contract between the County of Lake and Highlands Senior Service Center, Incl, for health-related senior support services in the amount of \$10,050, and authorized the Vice Chair to sign.

(d) On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the Contract 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 Vice Chair to sign.

(e) On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the Contract 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 Vice Chair to sign.

(f) On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the Contract between the County of Lake and Kelseyville Seniors, Inc., to provide basic operating expenses in the amount of \$2,000, and authorized the Vice Chair to sign.

(g) On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the Contract between the County of Lake and Senior Support Services to provide basic operating expenses, in the amount of \$1,000, and authorized the Vice Chair to sign.

(h) On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the Lease Agreement between the County of Lake and Senior Support Services, Inc., for FY 2012-2013 use of 9460 Mendenhall, Upper Lake (rent free in lieu of an equivalent cash match toward operations of the AAA), and authorized the Chair to sign.

(i) Mr. Parkinson presented the staff report.

Vice Chair Smith 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 portion of the item was informational only. No action was taken on this item.

(j) IHSS Negotiator Fran Buchanan presented the report.

Supervisor and Member Farrington offered Resolution No. 2012-105, and it was passed by roll call vote (4 ayes, Supervisor Brown ABSENT).

9. **ITEM A-9 - Continued from August 14, 2012 - 11:15 A.M. - PUBLIC HEARING - Consideration of appeal (AB 12-02) of the Planning Commission's decision to approve a mitigated negative declaration and minor use permit to allow a small winery (MUP 11-03, IS 11-09) in an existing metal building for a property located at 8200 South Highway 29, Kelseyville, CA; APN 009-006-75; appellant is Old Muddy II, LLC; project applicant is Red Lava Vineyard and Winery, LLC - Community Development Director Rick Coel and Assistant Resource Planner Peggy Barthel were present.**

Assistant Clerk of the Board Mireya Turner confirmed the public hearing had been closed on August 14, 2012.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSENT), denied appeal AB 12-02, of the Planning Commission's decision to approve a mitigated negative declaration and minor use permit to allow a small winery (MUP 11-03, IS 11-09) in an existing metal building for a property located at 8200 South Highway 29, Kelseyville, CA; APN 009-006-75.

BACK TO #5 - ITEM A-14 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, L. Guintivano, M. Perry, J. Hammond and A. Flora; and (b) Employee Organization: DDAA 2. Public Employee Performance Evaluations: Titles: Animal Control Director, and Special Districts Administrator 3. Conference with Legal Counsel: Existing Litigation pursuant to Government Code Sec. 54956.9(a): Merrill et al. v. Lake County Board of Supervisors - Vice Chair Smith announced the Board would now go into Closed Session for the reasons stated on the agenda.

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The Board reconvened into Regular Session with no action taken at 12:15 p.m. .

After a lunch recess, the Board reconvened into Regular Session at 1:31 p.m. Supervisor Brown was present.

10. **ITEM A-10 - Continued from August 14, 2012 - 1:30 P.M. - PUBLIC HEARING - Consideration of Planning Commission's recommendation to deny application GPAP 12-01 and RZ 12-01 proposing a general plan amendment from Low Density Residential to Suburban Residential Reserve and a rezone from "R1-B3" Single-Family Residential - 20,000 square foot minimum parcel size to "SR" Suburban Reserve for property located at 8255 Point Drive, Kelseyville, CA; APN 044-331-24; applicant is Dennis De La Montanya - Community Development Director Rick Coel and Senior Planner Emily Minton were present.**

Chair Brown re-opened the public hearing and Tony Braitto spoke. No one else was present wishing to speak and the public hearing was closed.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), denied the general plan amendment and rezone (GPAP 12-01, RZ 12-01) applied for by Dennis De La Montanya for property located at 8255 Point Drive, Kelseyville, for the reasons listed in the Board memorandum dated August 1, 2012.

- BACK TO #5 - ITEM A-14 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, L. Guintivano, M. Perry, J. Hammond and A. Flora; and (b) Employee Organization: DDAA 2. Public Employee Performance Evaluations: Titles: Animal Control Director, and Special Districts Administrator 3. Conference with Legal Counsel: Existing Litigation pursuant to Government Code Sec. 54956.9(a): Merrill et al. v. Lake County Board of Supervisors - Chair Brown announced the Board would return to Closed Session for the reasons stated on the agenda.**

The Board reconvened into Regular Session at 3:00 p.m. and took the following action:

On motion of Supervisor Smith and by vote of the Board (5 ayes), waived any exemptions from disclosure available to it under the Public Records Act and disclose copies of all documents exchanged in May in June 2012, between members of the Board of Supervisors and the City of Clearlake regarding the handling of the City of Clearlake's animal control contract and treatment of animals.

There being no further business, the Board of Supervisors adjourned at 3:03 p.m.

MATT PERRY
Clerk of the Board

Chair - Lake County Board of Supervisors

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