

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JUNE 12, 2012

The Honorable Board of Supervisors of Lake County, California, met in regular session this 12th day of June, 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 Lora Tell. Following the moment of silence, Supervisor Farrington 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, with the exception of Consent Agenda Item C-4, which will be taken up immediately following the Consent Agenda.

Approved Minutes of the Board of Supervisors meeting held on June 5, 2012.

Adopted Proclamation commending Bob King on his contributions to the Lake County flying community.

Adopted Resolution No. 2012-61, approving Cooperative Agreement No. 12-0181-SA, The Organic Program, with the Department of Food and Agriculture during the period July 1, 2012 through June 30, 2013 and authorizing the execution thereof.

Consent Agenda Item C-4 - Authorize the Clerk of the Board to provide notice to Konocti Unified School District that the County of Lake will not authorize issuance of Tax and Revenue Anticipation Notes on behalf of the district, pursuant to Government Code Section 53853 - This item was pulled from the Consent Agenda and taken up immediately following approval of the Consent Agenda.

Approve First Amendment to the Agreement between the County of Lake and Archaeological Services, Inc., for archaeological services for Clearlake Oaks Safe Routes to School Sidewalk Project, for an increase of \$14,600, and an extension of the term, and authorize the Chair to sign.

Approve Agreement between the County of Lake and Pavement Engineering, Inc., for geotechnical engineering services for the Nice-Lucerne Cutoff and Lakeshore Boulevard Rehabilitation Projects in Lake County, in the amount of \$26,585, and authorize the Chair to sign.

Adopt Resolution No. 2012-62, amending Resolution No. 2011-125 establishing position allocations for Fiscal Year 2011-2012, Budget Unit No. 8695, Special Districts Administration (add one (1) Meter Reader/Connection Technician I/II and delete one (1) Customer Service Field Representative).

Consent Agenda Item C-4 - Authorize the Clerk of the Board to provide notice to Konocti Unified School District that the County of Lake will not authorize issuance of Tax and Revenue Anticipation Notes on behalf of the district, pursuant to Government Code Section 53853 - An omission of Kelseyville Unified School District was noted on the agenda. This portion of the item will be carried over one week, to June 19, 2012.

On motion of Supervisor Smith and by vote of the Board (5 ayes), authorized the Clerk of the Board to provide notice to Konocti Unified School District that the County of Lake will not authorize issuance of Tax and Revenue Anticipation Notes on behalf of the district, pursuant to Government Code Section 53853.

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 feline currently available for adoption.
3. **ITEM A-16 - Consideration of recommendation to approve Advanced Step placement of Chief Probation Officer** - County Administrative Officer Kelly Cox presented the staff report.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved Advanced Step placement (2nd step) of Chief Probation Officer Rob Howe, effective as of the date of appointment.

PUBLIC INPUT - Tom Slaight spoke regarding air quality issues.

Frank Parker requested a letter from the Board in support of a full-time Veteran's representative in the Lake County One Stop.

4. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - Consideration of proposed Holiday Harbor Market Development Plan and the Lake County Economic Development Strategic Marketing Plan** - Administrative Analyst Alan Flora introduced the item.

David Mogavero presented the plans to the Board.

Chair Brown opened the public hearing and the following people spoke: Renee Feliciano and Jim Bridges. 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), accepted the Holiday Harbor Market Development Plan, with mention of mature trees, and without binding the Board to any public improvements.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), accepted the Lake County Economic Development Strategic Marketing Plan.

5. **ITEM A-6 - 9:30 A.M. - HEARING - Nuisance Abatement of 8295 North Heights Drive, Kelseyville, CA (APN 045-082-16 - Orville Chambers)** - Community Development Director Rick Coel, Orville Chambers, Judy Stelges and Rick Oliva were sworn in by the Clerk.

Mr. Coel presented the staff report.

Mr. Chambers, Ms. Stelges and Mr. Oliva gave testimony.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 8295 North Heights Drive, Kelseyville, CA (APN 045-082-16 - Orville Chambers), by July 12, 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.

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6. **ITEM A-7 - 9:45 A.M. - Consideration of proposed Work and Financial Plan between the County of Lake and the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service Wildlife Services (APHIS-WS) for County trapping services** - Agricultural Commissioner Steve Hajik and California Wildlife Services Sacramento District Supervisor Mark Ono were present.
- Mr. Hajik presented the staff report.
- Chair Brown asked if anyone was present wishing to speak and the following people spoke: Dennis Pluth, Buster Jones, Randy Sternberg and Rick Jones spoke. No one else was present wishing to speak and the public input portion of this item was closed.
- Supervisor Comstock offered Resolution No. 2012-63, and it was passed by roll call vote (5 ayes).
7. **ITEM A-8 - 10:00 A.M. - PUBLIC HEARING - Consideration of proposed Ordinance amending Chapter 3 of the Lake County Code pertaining to the abatement of unmanaged, neglected and abandoned pear and apple trees** - Agricultural Commissioner Steve Hajik presented the staff report.
- Chair Brown opened the public hearing and the following people spoke: Marc Hooper and Broc Zoller. 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), waived the reading of the ordinance, to be read in title only (Clerk so did).
- On motion of Supervisor Farrington and by vote of the Board (5 ayes), advanced the ordinance one week, to June 19, 2012.
- After a brief recess, the Board reconvened at 11:21 a.m.
8. **ITEM A-12 - 11:15 A.M. - PUBLIC HEARING - Consideration of proposed Resolution approving Resolutions and Capital Fire Facility and Equipment Plans submitted by Lake County Fire Agencies and updating the Lake County Capital Fire Facility and Equipment Plan** - Deputy Administrative Officer Jeff Rein presented the staff report.
- Chair Brown opened the public hearing and Kelseyville Fire Chief Mike Stone spoke. No one else was present wishing to speak and the public hearing was closed.
- Supervisor Farrington offered Resolution No. 2012-64, and it was passed by roll call vote (5 ayes).
9. **ITEM A-9 - 10:15 A.M. - PUBLIC HEARING - Discussion/consideration of appeal (AB 12-01) of the Planning Commission's decision to deny the Use Permit (UP 11-09) for a five year time extension for an existing off-site advertising sign (billboard); appellant is La Monica Signs; site location is 255 Soda Bay Road, Lakeport (APN 008-019-64)** - Community Development Director Rick Coel, Senior Planner Kevin Ingram, Sam LaMonica and Andre Ross were sworn in by the Clerk.
- Mr. Ingram presented the staff report.
- Mr. LaMonica gave testimony.
- Chair Brown opened the public hearing and the following people spoke: Melissa Fulton and John Richardson. No one else was present wishing to speak and the public hearing was closed.
- This item was continued five weeks, to July 17, 2012, at 9:45 a.m.
- The Board adjourned for lunch recess at 12:43 p.m. and reconvened into Regular Session at 1:33 p.m.
10. **ITEM A-14 - 1:30 P.M. - Consideration of request for Board direction regarding marijuana cultivation** - Community Development Director Rick Coel was present.
- Chair Brown introduced the item.
- Chair Brown asked if anyone was present wishing to speak and the following people spoke: Dr. Rob Rosenthal, Fletcher Thornton, John Blakesly, Armand Urbano, Jack Laird, Doug Clark, Jane Cauley, Phil Murphy, Betsy Cawn, John Brosnan, Ron Green and Marilyn Holdenreid. 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 prepare an urgency ordinance prohibiting the following:
Marijuana cultivation on vacant lots or parcels
Outdoor cultivation of more than three mature female plants on any parcel smaller than ½ acre
Outdoor cultivation of more than six mature female plants on parcels ½ acre or larger
- The public hearing for the proposed ordinance is scheduled for June 26, 2012, at 1:30 p.m.
- After a brief recess, the Board reconvened into Regular Session at 3:46 p.m.
11. **ITEM A-10 - 10:30 A.M. - PUBLIC HEARING - Consideration of proposed Ordinance amending Article IX of Chapter Fifteen of the Lake County Code relating to the inspection program for all water vessels launched in Lake County** - Water Resources Director Scott De Leon presented the staff report.
- Chair Brown opened the public hearing and Betsy Cawn 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), waived the reading of the ordinance, to be read in title only (Clerk so did).
- On motion of Supervisor Farrington and by vote of the Board (5 ayes), advanced the ordinance one week, to June 19, 2012.
- The Board of Supervisors adjourned and convened as the Watershed Protection District Board of Directors.
12. **ITEM A-18 - (a) Consideration of proposed Agreement between the Lake County Watershed Protection District and the University of California - Santa Cruz, in the amount of \$114,578, for Clear Lake Limnological Analysis services; and (b) Consideration of proposed Agreement between the Lake County Watershed Protection District and the University of Southern California, in the amount of \$89,650, for Clear Lake Limnological Analysis services** - Water Resources Director Scott De Leon presented the staff report.

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

(a) On motion of Director Smith and by vote of the Board (5 ayes), approved the Agreement between the Lake County Watershed Protection District and the University of California - Santa Cruz, in the amount of \$114,578, for Clear Lake Limnological Analysis services, and authorized the Chair to sign.

(b) On motion of Director Rushing and by vote of the Board (5 ayes), approved Agreement between the Lake County Watershed Protection District and the University of Southern California, in the amount of \$89,650, for Clear Lake Limnological Analysis services, and authorized the Chair to sign.

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

13. **ITEM A-13 - 11:30 A.M. - Consideration of Sheriff's recommendation to not renew Agreement between the County of Lake and BI Incorporated to operate the Jail Education and Employment Program (JEEP)** - Undersheriff Pat Turturici, Lt. Jason Finley and Chief Deputy Administrative Officer Matt Perry were present.

Undersheriff Turturici presented the staff report.

Chair Brown 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.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the letter of nonrenewal to BI Incorporated to operate the Jail Education and Employment Program (JEEP), and authorized the Chair to sign.

14. **ITEM A-11 - 11:00 A.M. - PUBLIC HEARING - Consideration of proposed Ordinance amending Chapter 2 of the Lake County Code to amend various provisions of the Purchasing Code** - Deputy Administrative Officer Jeff Rein presented the staff report.

Chair Brown opened the public hearing. 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 June 19, 2012.

15. **ITEM A-17 - Consideration of proposed Resolution amending Resolution No. 2011-125 establishing position allocations for Fiscal Year 2011-2012, Budget Unit No. 4012, Health Services Administration (adding one Business Software Analyst position)** - This item was carried over one week, to June 19, 2012.

16. **ITEM A-19 - 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, DDAA 2. Conference with Legal Counsel: Existing Litigation pursuant to Government Code Section 54956.9: (a) Paulich v. County of Lake, et. al.; and (b) Lake County Deputy Sheriff's Association v. County of Lake (Sheriff's Department) 3. Public Employee Appointment: County Administrative Officer/Clerk of the Board** - 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 6:10 p.m. and took the following action:

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the settlement in the matter of Paulich v. County of Lake, et al. This settlement does not result in any monetary payment by either party, but does reach a mutually satisfactory resolution of a personnel matter.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the settlement in the matter of the Lake County Deputy Sheriff's Association v. County of Lake (Sheriff's Department) which is before the Public Employment Relations Board. This settlement does not result in any monetary payment by the County; and that pursuant to this settlement the Board Chair be authorized to execute the letter to the DSA that the County will not tolerate retaliatory action against any County employee as a consequence of that employee having engaged in a protected activity under the law.

On motion of Supervisor Smith and by vote of the Board (5 ayes) appointed Matt Perry as Interim County Administrative Officer, effective June 13, 2012.

Supervisor Farrington offered Resolution No. 2012-65, appointing Matt Perry Clerk of the Board of Supervisors of the County of Lake and it was passed by roll call vote (5 ayes).

There being no further business, the Board of Supervisors adjourned at 6:12 p.m.

MATT PERRY
Clerk of the Board

Chair - Lake County Board of Supervisors

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