

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MAY 15, 2012

The Honorable Board of Supervisors of Lake County, California, met in regular session this 15th day of May, 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 Janis Paris. Following the moment of silence, Melissa Fulton 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-12.

Approved Minutes of the Board of Supervisors meeting held on May 1, 2012.

Adopted Proclamation designating the week of May 19-25, 2012, as National Safe Boating Week.

Approved the American Society for the Prevention of Cruelty to Animals (ASPCA) Grant Agreement, in the amount of \$10,000, for the FY 2012-2012 Free Feral Cat Neutering for the Public Project, and authorized the Animal Control Director to sign.

Approved Participation Agreement between the County of Lake and the California Mental Health Services Authority for data collection and evaluation training services as part of the Multiyear Regional Data Workgroup Program, through FY 2013-2014, in an amount not to exceed \$35,600, and authorized the Mental Health Director to sign.

Approved Drug Enforcement Administration Marijuana Eradication (DEA) Agreement between the County of Lake and Drug Enforcement Administration of the United States Department of Justice (DEA will pay Lake County \$175,000 to defray the cost relating to the eradication and suppression of illicit marijuana), and authorized the Sheriff to sign the Letter of Agreement and authorized the Chair to sign the Agreement, Workplace Certifications and Grant Assurances.

Sitting as the Board of Directors of the Lake County Sanitation District, approved the purchase and authorized the Special Districts Administrator/Assistant Purchasing Agent to issue purchase orders for one Prowler Jr. Easement Machine from 3T Equipment Company, in the amount of \$27,993, and one trailer from 101 Trailer & RV, in the amount of \$2,245.98, for the cleaning and maintenance of various wastewater collection system piping.

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-10 - Consideration of request to approve out of state travel for Facilities Maintenance Tech Aden Pierson to attend the West Coast Energy Management Congress, May 23-24, 2012, in Seattle, Washington** - On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved out of state travel for Facilities Maintenance Tech Aden Pierson to attend the West Coast Energy Management Congress, May 23-24, 2012, in Seattle, Washington.

PUBLIC INPUT - Ceva Giumelli and CJ LeBrun spoke regarding In Home Support Services.

4. **ITEM A-5 - 9:10 A.M. - Presentation of Proclamation designating the week of May 19-25, 2012, as National Safe Boating Week** - Supervisor Comstock read the Proclamation into the record and presented it to US Coast Guard Auxiliary Commander Gary Dromi, who spoke.

Many members of the US Coast Guard Auxiliary Flotilla 88 were present.

5. **ITEM A-11 - Consideration of proposed Third Amendment to the Agreement between the County of Lake and the Regents of the University of California for sediment sampling in Clear Lake (adding nitrogen analysis and extending the study one year, at an increase of \$19,577.88)** - Water Resources Director Scott De Leon and Water Resources Engineer Tom Smythe were present.

Mr. De Leon 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 Third Amendment to the Agreement between the County of Lake and the Regents of the University of California for sediment sampling in Clear Lake (adding nitrogen analysis and extending the study one year, at an increase of \$19,577.88), and authorized the Chair to sign.

6. **ITEM A-6 - 9:30 A.M. - HEARING - Nuisance Abatement of 8426 Lake Street, Lower Lake, CA (012-054-20 - A.C. Trary)** - Community Development Director Rick Coel and A.C. Trary were sworn in by the Clerk.

Mr. Coel presented the staff report.

Mr. Trary 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 8426 Lake Street, Lower Lake, CA (APN 012-054-20 - A.C. Trary), within 30 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.

7. **ITEM A-7 - 9:45 A.M. - Consideration of proposed resolution of direction to the Department of Public Works regarding encroachment permits in the South Main Street and Soda Bay Road Right-of-Way** - Public Works Director Scott De Leon, Special Districts Administrator Mark Dellinger, Lakeport Mayor Stacy Mattina, City Manager Margaret Silveira, Community Development Director Richard Knoll, Utilities Director Mark Brannigan and City Engineer Scott Harter were present.

Supervisor Farrington introduced the item.

Ms. Silveira, Mr. Brannigan and Mr. Harter presented the position of the City of Lakeport.

There was Board consensus to direct staff to bring all future permit applications from the City of Lakeport to the Board for its consideration.

After a brief recess, the Board reconvened into Regular Session at 11:09 a.m.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MAY 15, 2012

8. **ITEM A-8 - 10:15 A.M. - (a) Consideration of request to allocate \$35,000 in AB 1905 funds to conduct a noise study in the Southeast Geysers area (funds to be matched, if necessary, by Calpine and NCPA); and (b) Consideration of request to authorize Calpine to procure noise monitoring and evaluation services and manage the study -** Special Districts Administrator Mark Dellinger presented the staff report.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Bruce Carlson, Bob Young, Merial Medrano and Joan Clay. No one else was present wishing to speak and the public input portion of this item was closed.

(a) On motion of Supervisor Comstock and by vote of the Board (5 ayes), allocated \$35,000 in AB 1905 funds to conduct a noise study in the Southeast Geysers area (funds to be matched, if necessary, by Calpine and NCPA).

(b) On motion of Supervisor Comstock and by vote of the Board (5 ayes), authorized Calpine to procure noise monitoring and evaluation services and authorized the Anderson Springs Geothermal Mitigation Fund Committee to oversee the study.

9. **ITEM A-12 - 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, DDAA 2. Sitting as the Board of Directors of the Lake County IHSS Public Authority: Conference with Labor Negotiator: (a) Agency Negotiator: Carol Huchingson and F. Buchanan (b) Employee Organization: California United Homecare Workers Union Local 4034 3. Conference with Legal Counsel: Existing Litigation pursuant to Gov. Code Sec. 54956.9, Subd (a): 1. County of Lake v. David Moses dba Alternative Solutions 2. Lake County Deputy Sheriff's Association v. County of Lake (Sheriff's Department) (Public Employment Relations Board) 3. Hawley v. State of California, et al. 4. Public Employee Evaluation: Community Development Director -** Chair Brown announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session and took the following action at 12:37 p.m.

In the matter of the County of Lake v. David Moses dba Alternative Solutions, on motion of Supervisor Smith, seconded by Supervisor Rushing and by vote of the Board (5 ayes), approved the settlement proposal wherein Mr. Moses stipulates to a permanent injunction against the advertising, sale or distribution of medical marijuana at his Clearlake Oaks site.

There being no further business, the Board of Supervisors adjourned at 12:38 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

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