

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

**OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD AUGUST 13, 2013**

The Honorable Board of Supervisors of Lake County, California, met in regular session this 13<sup>th</sup> day of August, 2013, there being present Supervisors Jim Comstock, Denise Rushing, Anthony Farrington, Rob Brown and Jeff Smith, 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 Smith. There was a moment of silence dedicated to the memory of Danny Lua. After the moment of silence, Supervisor Comstock led the salute to the flag of the United States of America.

1. **ITEM A-1 - 9:00 A.M. - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved Consent Agenda items C-1 through C-11.

(a) Approved Minutes of the Board of Supervisors meeting held on August 6, 2013; and (b) Approved amended Minutes of the Board of Supervisors meeting held on April 23, 2013.

Adopted Resolution No. 2013-86, modifying the amount of matching funds for the United States Department of Agriculture's Rural Development Community Facilities Program Grant for computer equipment, audiovisual materials and books at the Redbud Library.

Adopted Resolution No. 2013-87, approving submission of application for Homeland Security Grant Program (HSGP) (\$109,917) for Fiscal Year 2013 and authorizing the Chair to sign grant assurances.

Adopted Resolution No. 2013-88, approving submission of application for Emergency Management Performance Grant (EMPG) (\$138,135, with 50% County match) for Fiscal Year 2013, and authorizing the Chair to sign grant assurances.

Approved Agreement between County of Lake and Davis Guest Home for FY 2013 residential support services, maximum amount of \$20,000, and authorized the Chair to sign.

Approved Agreement between County of Lake and Women's Recovery Services, for FY 2013-14 residential addiction services (AODS), maximum amount of \$40,000, and authorized the Chair to sign.

(a) Approved Budget Transfer B-007 for BU 1671 - Buildings & Grounds in the amount of \$25,000 from Object Code 18.00 - Building Maintenance to Object Code 61.60 - Current Buildings & Improvements, for the repair of the wheelchair lift at the Lower Lake Museum, and authorized the Chair to sign; and (b) Authorized the Public Services Director/Asst. Purchasing Agent to issue a purchase order to Dream Ride Elevator, in the amount of \$25,000, for wheelchair lift repair.

Approved Third Amendment to Lease Agreement between the County of Lake and New Cingular Wireless PCS, LLC, extending the term for three consecutive five (5) year periods and adjusting the rent, and authorized the Chair to sign the Lease Agreement and the Memorandum of the Third Amendment to the Lease Agreement.

Approved Easement Deed to Pacific Gas & Electric (PG&E) for a portion of APN 010-153-52, 7175 South Center Drive, Clearlake, for a service extension to St. Helena Hospital, Clearlake (Adventist Health), and authorized the Chair to sign.

Sitting as the Lake County Local Board of Equalization, (a) accepted Stipulation Change in Assessment for Westwind MH Resort, LLC A CA LLC (APN 009-018-180-000) for a change in the value of Land from \$33,291 to \$25,000, for the 2011 tax year; (b) accepted Stipulation Change in Assessment for Westwind MH Resort, LLC A CA LLC (APN 009-018-210-000) for a change in the value of Land from \$585,951 to \$525,000, and Improvements from \$1,078,682 to \$940,000, for a change in total value from \$1,664,633 to \$1,465,000, for the 2011 tax year; and (c) accepted Stipulation Change in Assessment for Westwind MH Resort, LLC A CA LLC (APN 043-320-050-000) for a change in the value of Land from \$160,914 to \$135,000, and Improvements from \$27,743 to \$25,000, for a change in total value from \$188,657 to \$160,000, for the 2011 tax year.

Sitting as the Lake County Sanitation District Board of Directors, approved Bid Document for Bid #SD 13-16 for biosolids sludge removal at the Southeast Regional Wastewater Treatment Plant, and authorized the Special Districts Administrator/Asst. Purchasing Agent to advertise for bids.

2. **ITEM A-2 - Presentation of animals that are available for adoption at the Lake County Animal Care and Control Shelter** - Animal Care and Control Officer Kyle O'Brien presented one canine currently available for adoption.
3. **ITEM A-11 - Advanced from August 6, 2013 - Consideration of proposed ordinance which provides for a one-percent fee on the cable operator's gross revenue collected with the unincorporated areas of the County to provide funding for operations of the PEG channel (SECOND READING)** - Supervisor Rushing offered Ordinance No. 2991, and it was passed by roll call vote (3 ayes, Supervisors Comstock and Brown NO).
4. **ITEM A-12 - Carried over from August 6, 2013 - Consideration of request to (a) Waive the normal bidding process; (b) Approve Agreements between the County of Lake and Netsmart Technologies, Inc and Geneva Software Company for Systems Software Upgrade** - On motion of Supervisor Comstock and by vote of the Board (5 ayes), waived the normal bidding process and approved the Agreements between the County of Lake and Netsmart Technologies, Inc and Geneva Software Company for Systems Software Upgrade, and authorized the Chair to sign.
5. **PUBLIC HEARING - Consideration of Appeal (AB 13-02) of the Planning Commission's decision to deny the Major Use Permit (UP 12-04) to allow retreat operation; and to deny Minor Use Permit (MUP 12-22) to allow reduction in "WW" (Waterway Combining District) rear yard setback requirements; appellant is Andrzej Skwira; site located at 16235 Roberts Road, Middletown (APN 013-054-07)** - Community Development Director Rick Coel, Associate Planner Keith Gronendyke, Appraiser Jim Campbell, Andrzej Skwira, Robert Hall, Richard Lacy, John Brosnan and Joan Moss were sworn in by the Clerk.

Mr. Gronendyke presented the staff report.

Peter Laques, counsel for Mr. Skwira, presented the appeal.

Mr. Campbell spoke.

Chair Smith opened the public hearing and the following people spoke: Robert Hall, Glennis Dunbar, Victoria Brandon, John Brosnan, Joan Moss and Richard Lacy. No one else was present wishing to speak and the public hearing was closed.

Mr. Laques gave closing arguments.

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On motion of Supervisor Comstock and by vote of the Board (5 ayes), made the intended decision to deny appeal AB 13-02 of Andrzej Skwira, and directed County Counsel to prepare proposed findings of fact.

After a brief recess, the Board reconvened into Regular Session at 11:22 a.m.

6. **ITEM A-6 - 9:45 A.M. - (a) Presentation of Upper Lake School and Community Partnership Children and Family Center Plan; and (b) Consideration of options for County involvement in the Children and Family Center** - (a) Lake County Office of Education Superintendent Wally Holbrook presented the plan to the Board.

Chair Smith asked if anyone was present wishing to speak and Upper Lake Elementary School District Board member Ron Raetz spoke. No one else was present wishing to speak and the public input portion of this item was closed.

(b) On motion of Supervisor Rushing and by vote of the Board (5 ayes), expressed its support, in concept, of the Children and Family Center and directed staff to support the effort.

7. **ITEM A-7 - 10:00 A.M. - Presentation of 2012 Crop Report** - Agricultural Commissioner Steve Hajik presented the report.

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

8. **ITEM A-8 - 10:10 A.M. - Consideration of bid award for Landfill Gas Collection and Control (Bid 13-11)** - Public Services Director Caroline Chavez and Deputy Public Services Director Jeff Rein were present.

Mr. Rein presented the staff report.

(a) On motion of Supervisor Rushing and by vote of the Board (5 ayes), awarded Bid No. 13-11, for construction of the Landfill Gas Collection and Control System to SCS Field Services, in the amount of \$1,140,740, and authorized the Chair to sign the agreement.

(b) On motion of Supervisor Rushing and by vote of the Board (5 ayes), authorized the approval of any change order not exceeding \$25,000, by mutual consent of the Public Services Director and the County Administrative Officer.

9. **ITEM A-9 - 10:20 A.M. - Consideration of the formation of an advisory group to develop a plan and provide recommendations regarding the placement of a sales tax proposal in the June 2014 general election** - Water Resources Director Scott DeLeon was present.

Supervisor Farrington introduced the item.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), directed the Water Resources Director to form an ad hoc working group to bring forward a proposal, including a detailed expenditure plan, for Board consideration for placement in the June 2014 general election.

There was Board consensus to encourage Supervisor Farrington to work with the ad hoc working group.

10. **ITEM A-13 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, L. Guintivano, S. Harry, M. Perry, A. Flora and C. Shaver; and (b) Employee Organization: DDAA, DSA, LCCOA, LCEA and LCSEA 2. Conference with real property negotiator (a) Property located at: 3980 Gard Street, Kelseyville (APN 024-081-01) (b) Negotiating Parties: For County: Supervisor Rob Brown, Child Support Services Director Gail Woodworth, County Administrative Officer Matt Perry and Deputy County Administrative Officer Alan Flora For seller: Kelseyville Unified School District representatives (c) Under Negotiation: Lease terms 3. Conference with Legal Counsel: Existing Litigation pursuant to Government Code Section 54956.9(d)(1): City of Lakeport v. County of Lake, et al.** - Chair Smith 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 12:27 p.m.

There being no further business, the Board of Supervisors adjourned at 12:27 p.m.

MATT PERRY  
Clerk of the Board

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Chair - Lake County Board of Supervisors

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