

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD DECEMBER 17, 2013

The Honorable Board of Supervisors of Lake County, California, met in regular session this 17th day of December, 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 9:02 a.m. by Chair Smith. A moment of silence was dedicated to former District 4 Planning Commissioner Cliff Swetnam. Following the moment of silence, Supervisor Farrington 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-14, with the exception of Consent Agenda Item C-9, which was carried over three weeks, to January 7, 2014.

Approved Minutes of the Board of Supervisors meeting held on December 10, 2013.

Adopted Proclamation commending Val Schweifler for her years of service to the County.

(a) Adopted Resolution No. 2013-138, amending Resolution No. 2013-96 establishing position allocations for Fiscal Year 2013-2014, Budget Unit No. 1781, Special Projects and Budget Unit No. 1014, Clerk of the Board of Supervisors (allocating the position of Assistant Clerk of the Board full-time through March 2014, and allocating the position of Deputy County Administrative Officer-Special Projects through March 2014); and (b) Adopted Resolution No. 2013-139, amending Resolution No. 2013-95 to amend the FY 2013-14 Adopted Budget by adjusting appropriations in BU 1781-Special Projects.

Adopted Resolution No. 2013-140, amending Resolution No. 2013-96 establishing position allocations for Fiscal Year 2013-2014, Budget Unit No. 2110, District Attorney (adding an asterisk to the Deputy District Attorney VII/III/Senior allocation reading "One (1) position funded by Department of Social Services (DSS) for welfare and IHSS fraud prosecution; continued allocation of said position is contingent upon continued funding from DSS"; and add double asterisk (**)) next to Office Aide/Office Assistant I/II allocation reading "***One (1) additional position allocated while clerical staff is on long term leave").

Adopted Resolution No. 2013-141, amending Resolution No. 2013-96 establishing position allocations for Fiscal Year 2013-2014, Budget Unit No. 2704, Emergency Services (adding one (1) Emergency Services Manager; and add an asterisk (*) to both positions to read "No more than one (1) allocation shall be filled simultaneously.").

Adopted Resolution No. 2013-142, amending Resolution No. 2013-96 establishing position allocations for Fiscal Year 2013-2014, Budget Unit No. 4010, Environmental Health and Budget Unit No. 4012, Health Services Administration (adding an asterisk next to Environmental Health Technician I/II and adding the following footnote "Reduce to one (1) allocation effective 12/28/2013.").

Adopted Resolution No. 2013-143, authorizing the Health Services Department to submit a grant application for the California Tobacco Control Program for Fiscal Years 2014-2017 and authorizing the Health Services Director to sign said application and grant.

Approved Agreement between the County of Lake and Glass Architects for facility design services for the expansion of the Southshore Behavioral Health Facility, total amount \$10,325, and authorized the Chair to sign.

Consent Agenda Item C-9 - Adopt Resolution approving Right of Way Certification for Soda Bay Road/Cole Creek - Bridge Replacement Project, State Agreement No. BROS-5914(025) - This item was carried over three weeks, to January 7, 2014.

(a) Waived formal bidding process, determining no economic benefit; (b) Authorized the purchase of Guard 1 cell check system; and (c) Authorized the Sheriff/Assistant Purchasing Agent to issue a purchase order, total amount \$25,251.83, to Time Keeping Systems, Inc.

(a) Approved purchase of one (1) 2014 AWD Ford Utility Police Interceptor, utilizing the State vehicle purchase contract; and (b) Authorized Sheriff/Assistant Purchasing Agent to issue purchase order, total amount \$26,600.77, to Downtown Ford.

(a) Waived formal bidding process, determining no economic benefit to the County; (b) Authorized the Sheriff/Asst. Purchasing Agent to issue a purchase order to Baker Distributing, Inc., for the purchase of seven Heating Ventilation Air Conditioning (HVAC) units, total amount \$44,513.13.

Adopted Resolution No. 2013-144, of Intent to transfer County property not required for public use, pursuant to Government Code Section 25365 (Police Canine), and set public hearing for January 7, 2014, at 9:10 a.m.

Adopted Resolution No. 2013-145, approving the sale of surplus real property owned by the County (5960 Roland Drive, Lucerne - APN 034-295-870, Sale Price \$8,000, plus escrow closing costs).

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 Bailey Nolan presented one canine currently available for adoption.

3. **ITEM A-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**

Extra #1 - Consideration of request for approval of 2014/15 grant application to California Natural Resources Agency Division of Boating and Waterways for operation of Marine Patrol - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved taking up this item as an extra, determining the item came to staff's attention after the posting of the agenda and consideration of the Board is necessary before the next meeting.

Captain Chris Macedo presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes) approved the submission of the 2014/15 grant application to California Natural Resources Agency Division of Boating and Waterways for operation of Marine Patrol.

PUBLIC INPUT - Fletcher Thornton presented requests from the Middletown Area Town Hall for additional signage for the Middletown Senior Center & Library, and for funding to finish the County park in Middletown.

4. **ITEM A-5 - 9:10 A.M. - Presentation of Proclamation commending Val Schweifler for her years of service to the County** - Supervisor Brown read the Proclamation into the record and presented it to Val Schweifler, who spoke.

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5. **ITEM A-6 - 9:15 A.M. - Consideration of re-allocation of funds for proposed Clearlake Riviera park to the proposed Kelseyville Skate Park, in the amount of \$377,475** - California Skatepark Representative Bill Minadeo, Jeremy Holt and John Tyson were present.

Supervisor Brown introduced the item.

Mr. Minadeo gave a presentation of the proposed Kelseyville Skate Park.

Chair Smith asked if anyone was present wishing to speak and the following people spoke: Valerie Sullivan, Jeanette Bartley, Molly Keithly, Toni Gazelle, Milos Leubner, Nino Keeney, Danelle Rogers and Cheryl Carr. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Brown and by vote of the Board (5 ayes), adopted an amended fixed assets list, reallocating the amount of \$377,475 from Clearlake Riviera Park to Kelseyville Skate Park.

The Lake County Watershed Protection District Board of Directors convened to sit concurrently with the Board of Supervisors.

6. **ITEM A-7 - Continued from November 19 and December 3, 2013 - 9:30 A.M. - Consideration of draft Ordinance adding Article II to Chapter 18 of the Lake County Code imposing a transaction and use tax (proposed lake sales tax measure for lake-related programs draft); and (b) Consideration of establishing a special purpose Authority to support said ordinance** - Water Resources Director Scott DeLeon introduced the item.

County Counsel Anita Grant presented the staff report regarding the creation of an Authority to support the ordinance.

Chair Smith asked if anyone was present wishing to speak and the following people spoke: Victoria Brandon, Betsy Cawn and Mike Dunlap. No one else was present wishing to speak and the public input portion of this item was closed.

An amendment was made to clarify annual appropriations throughout the proposed ordinance.

On motion of Supervisor and Director Rushing and by vote of the Board (5 ayes), directed staff to present the ordinance to the State Board of Equalization for its review and approval, and to bring a proposed Resolution calling for an election to the Board for its consideration at the earliest possible date.

The Lake County Watershed Protection District Board of Directors adjourned.

7. **ITEM A-8 - 9:45 A.M. - Presentation of 2013 Public Works Construction Summary and future Public Works Construction Plan** - Public Works Director Scott DeLeon and Assistant Public Works Director Lars Ewing gave the presentation to the Board.

Chair Smith asked if anyone was present wishing to speak and the following people spoke: Milos Leubner and Mike Salter. 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 10:58 a.m.

8. **ITEM A-9 - 10:00 A.M. - Consideration of (a) Replacement of current Automated Weather Observing System (AWOS) at Lampton Field with upgraded system; (b) Proposed Resolution appropriating Geothermal Resource Royalty funds in the amount of \$27,437 toward the purchase of an AWOS III to supplement the FAA grant; Authorization of staff to solicit contributions from private business and/or individuals; (c) Waive the formal bidding process, determining no economic benefit; and (d) Authorize the Public Works Director/Assistant Purchasing Agent to issue purchase order to Vaisala Inc., total amount \$82,662, for an AWOS III system** - Public Works Director Scott DeLeon, Assistant Public Works Director Lars Ewing and Deputy County Administrative Officer Alan Flora presented the staff report.

Chair Smith asked if anyone was present wishing to speak and the following people spoke: Damon Trimble, Bob Stack and Rick Long. No one else was present wishing to speak and the public input portion of this item was closed.

(a) Supervisor Farrington offered Resolution No. 2013-146, and it was passed by roll call vote (5 ayes).

(c) On motion of Supervisor Farrington and by vote of the Board (5 ayes), waived the formal bidding process, determining no economic benefit.

(d) On motion of Supervisor Farrington and by vote of the Board (5 ayes), authorized the Public Works Director/Assistant Purchasing Agent to issue purchase order to Vaisala Inc., total amount \$82,662, for an AWOS III system.

9. **ITEM A-10 - 10:30 A.M. - (a) Presentation of status report on Sheriff Substation in Clearlake Oaks; and (b) Consideration of installation of Sheriff substation in Lower Lake** - Captain Chris Macedo presented the staff report.

(b) Chair Smith asked if anyone was present wishing to speak and the following people spoke: Mike Salter, Jim Steele, Community Development Director Rick Coel and Herb Gura. No one else was present wishing to speak and the public input portion of this item was closed.

There was Board consensus to continue to pursue the possibility of installation of Sheriff substation in Lower Lake.

10. **ITEM A-11 - 10:45 A.M. - (a) Update on hard freeze event; and (b) Consideration of related fiscal actions** - (a) Social Services Director Carol Huchingson and Lake Family Resource Center Chief Executive Officer Gloria Flaherty presented the update to the Board.

(b) Chair Smith asked if anyone was present wishing to speak and the following people spoke: Cheryl Carr, Jeri Spitler, Adelia Leonard, Nino Keeney and Joan Philippe. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved two Social Services employees working their daily shift at the center through Sunday, December 22, 2013, and a commitment of up to \$7500 from Contingencies, directing staff to prepare a contract and budget transfer to be presented to the Board for its consideration on January 7, 2014.

There was Board consensus to extend an invitation to the City of Clearlake to financially support the warming center.

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11. **ITEM A-12 - Continued from December 10, 2013 - 11:00 A.M. - Consideration of proposed Ordinance amending Chapter 21 of the Ordinance Code of the County of Lake adding Article 72: Regulations for the Cultivation of Medical Marijuana (AM 13-01)** - Community Development Director Rick Coel, Deputy County Counsel Shanda Harry, Registrar of Voters Diane Fridley and Captain Chris Macedo provided information to the Board.

Following Board deliberation, this item was continued to later in the day.

After a lunch recess, the Board reconvened into Regular Session at 1:32 p.m. Supervisor Farrington was absent.

12. **ITEM A-17 - Consideration of the following items regarding Marymount California University-Lakeside Campus: (a) Proposed amendment to Americans with Disabilities Act (ADA) Compliance Transition Plan; (b) Request to waive formal bidding process and authorize staff to negotiate contract for elevator construction and installation; and (c) Proposed First Amendment to Lease Agreement between the County of Lake and Marymount California University; and (d) Proposed Amendment to Agreement with Kappe+Du for design services** - Deputy County Administrative Officers Alan Flora and Christopher Shaver and Marymount California University Executive Director Michelle Scully were present.

Mr. Flora and County Administrative Officer Matt Perry presented the staff report.

(a) On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the amendment to the Americans with Disabilities Act (ADA) Compliance Transition Plan.

(b) No Board action was deemed necessary for this portion of the item.

(c) On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved, in concept, the First Amendment to Lease Agreement between the County of Lake and Marymount California University.

(d) On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the Amendment to Agreement with Kappe+Du for design services, and authorized the Chair to sign.

13. **ITEM A-18 - (a) Consideration of request to approve advanced step hire of Road Superintendent Nathan Mayo, due to applicant's extraordinary qualifications (4th step salary range); and (b) Consideration of request to authorize daily take-home use of a County vehicle for Road Superintendent Nathan Mayo** - Public Works Director Scott DeLeon and Assistant Public Works Director Lars Ewing were present.

Mr. Ewing presented the staff report.

(a) On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the advanced step hire of Road Superintendent Nathan Mayo (4th step salary range), due to applicant's extraordinary qualifications.

(b) No Board action was taken on this portion of the item.

14. **ITEM A-19 - Consideration of request to amend County Policy #16, Part D to allow daily take-home use of permanently assigned vehicles by deputies residing outside of Lake County** - Captain Chris Macedo presented the staff report.

Supervisor Farrington was present at 2:10 p.m.

Supervisor Rushing made the motion to amend County Policy #16, Part D to allow daily take-home use of permanently assigned vehicles by deputies residing outside of Lake County. This motion did not receive a second.

No Board action was taken on this item.

- BACK TO #11 - ITEM A-12 - Continued from December 10, 2013 - 11:00 A.M. - Consideration of proposed Ordinance amending Chapter 21 of the Ordinance Code of the County of Lake adding Article 72: Regulations for the Cultivation of Medical Marijuana (AM 13-01)** - Community Development Director Rick Coel, Deputy County Counsel Shanda Harry and Captain Chris Macedo were present.

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

Supervisor Brown offered Ordinance No. 2997, and it was passed by roll call vote (5 ayes).

There was consensus to direct staff to prepare options for the zoning of medical marijuana dispensaries in the unincorporated areas of the County for the Board's consideration.

15. **ITEM A-14 - Consideration of appointments to the following: Mental Health Board** - On motion of Supervisor Rushing and by vote of the Board (5 ayes), appointed Leslie Wilson to the Mental Health Board (Member at Large category), for a term to expire June 30, 2014.

The Lake County Sanitation District Board of Directors convened to sit concurrently with the Board of Supervisors.

16. **ITEM A-15 - Consideration of proposed amendment to Fee Waiver and Deferral Policy for economic development projects** - County Administrative Officer Matt Perry presented the staff report.

On motion of Supervisor and Director Rushing and by vote of the Boards (5 ayes), adopted the amendment to Fee Waiver and Deferral Policy for economic development projects.

The Board of Supervisors adjourned.

17. **ITEM A-16 - Consideration of Capacity Expansion/System Capacity Fee Payment Plan for individuals** - Special Districts Administrator Mark Dellinger and Utility Systems Compliance Coordinator Jan Coppinger were present.

Mr. Dellinger presented the staff report.

On motion of Director Rushing and by vote of the Board (5 ayes), approved the Capacity Expansion/System Capacity Fee Payment Plan for individuals, as described in the staff memorandum dated December 10, 2013.

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

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18. **ITEM A-20 -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 Gov. Code Sec. 54956.9(d)(1): Beland v. County of Lake, et al. 4. Conference with Legal Counsel: Existing litigation pursuant to Gov. Code Sec. 54956.9(d)(1): Morshed v. County of Lake, et al. 5. Employee Grievance Hearing (Henderson) - 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 4:50 p.m.

There being no further business, the Board of Supervisors adjourned at 4:50 p.m.

MATT PERRY
Clerk of the Board

Chair - Lake County Board of Supervisors

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