

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JUNE 11, 2013

The Honorable Board of Supervisors of Lake County, California, met in regular session this 11th day of June, 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. Following a 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 Rushing and by vote of the Board (5 ayes), approved Consent Agenda items C-1 through C-3, with the exception of Consent Agenda Item C-3, which was taken up immediately following the Consent Agenda.

Approved Minutes of the Board of Supervisors meeting held on June 4, 2013.

Approved plans and specifications for Eastlake Land fill Gas (LFG) project and authorized the Public Services Director/Asst. Purchasing Agent to advertise for bids.

Consent Agenda Item C-3 - (a) Approve Grant Deed and direct Clerk to certify for recordation (a portion of APN 008-029-17 - Richard Sherwin and Dorinda Sherwin), and (b) Approve Purchase Agreement between the County of Lake and Richard Sherwin and Dorinda Sherwin for the Soda Bay Road/Cole Creek Bridge Project, and authorize the Chair to sign agreement - This item was removed from the Consent Agenda and taken up immediately following the Consent Agenda.

Consent Agenda Item C-3 - (a) Approve Grant Deed and direct Clerk to certify for recordation (a portion of APN 008-029-17 - Richard Sherwin and Dorinda Sherwin), and (b) Approve Purchase Agreement between the County of Lake and Richard Sherwin and Dorinda Sherwin for the Soda Bay Road/Cole Creek Bridge Project, and authorize the Chair to sign agreement - Supervisor Farrington announced a conflict with this item and was absent at 9:03 a.m.

(a & b) On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the Grant Deed and directed Clerk to certify for recordation (a portion of APN 008-029-17 - Richard Sherwin and Dorinda Sherwin); and approved the Purchase Agreement between the County of Lake and Richard Sherwin and Dorinda Sherwin for the Soda Bay Road/Cole Creek Bridge Project, and authorized the Chair to sign agreement.

2. **ITEM A-4 - Current Construction Projects - Contract Change Orders:**

Change Order No. 2 - Spring Valley Water Treatment System Improvements Project - This change order addresses the extension and replacement fencing at the water treatment plant and raw water pump station.

Special Districts Administrator Mark Dellinger presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved Change Order No. 2 - Spring Valley Water Treatment System Improvements Project, an increase of \$15,185, W.M. Lyles, and authorized the Chair to sign.

3. **ITEM A-14 - Carried over from November 6 and 13, 2012 - (a) Consideration of request to approve purchase of fixed assets: 10 Glock 17 duty weapons, 12 Glock 34 SWAT weapons, 20 Glock 17 magazines, 1 Model 40-XS .308W tactical weapon; and (b) Consideration of request to award bids to All State Police Equipment Co. in the amount of \$6565.10, LC Action Police Supply in the amount of \$8,481.24, ProForce Law Enforcement in the amount of \$2,649.25, and McMillan Firearms Manufacturing LLC, in the amount of \$9168.12** - At departmental request, this item was carried over to a future date.

4. **ITEM A-12 - Continued from April 23, 2013 - Consideration of proposed Resolution of support of SB 135 (Padilla) Earthquake Early Warning System Act** - This item was carried over two weeks, to June 25, 2013.

5. **ITEM A-10 - Continued from June 4, 2013 - Consideration of appointment of Treasurer-Tax Collector** - Chair Smith announced this item would be carried over one week, to June 18, 2013.

6. **ITEM A-13 - Carried over from April 23, May 7 and 14 and June 4, 2013 - Consideration of proposed Resolution authorizing the Chair to sign a Notice of Completion for the Middletown Library/Senior Center** - Deputy County Administrative Officer - Special Projects Eric Seely presented the staff report.

Supervisor Comstock offered Resolution No. 2013-55, and it was passed by roll call vote (5 ayes).

7. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - Consideration of Request for Rezone (RZ 12-07) from "R1-SC-WW" Single Family Residential-Scenic-Waterway TO "C1-DR" Local Commercial-Design Review; Project Applicant is Neal Bennett; located at 3946 E. State Highway 20, Nice, CA (APN 032-321-20) and proposed Negative Declaration based on Initial Study IS 12-37** - Community Development Director Rick Coel and Assistant Planner Michalyn Delvalle were present.

Ms. Delvalle presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), found that on the basis of the Initial Study No. 12-37 that the rezone as applied for by Neal Bennett will not have a significant effect on the environment and, therefore, adopted a negative declaration with the findings set forth in the Board Memorandum dated May 15, 2013.

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).

Supervisor Rushing offered Ordinance No. 2987, and it was passed by roll call vote (5 ayes).

8. **ITEM A-15 - Consideration of request for conceptual approval to send employees to change on limited paid County time for firsttime violation of new dress code policy** - Social Services Director Carol Huchingson presented the staff report.

No Board action was taken on this item.

After a brief recess, the Board reconvened into Regular Session at 9:55 a.m.

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9. **ITEM A-6 - Continued from June 4, 2013 - 9:30 A.M. - Consideration of proposed 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 \$170,000 to defray the cost relating to the eradication and suppression of illicit marijuana), authorize the Sheriff to sign the Letter of Agreement** - Sheriff Rivero and Captain Chris Macedo were present.

Chair Smith asked if anyone was present wishing to speak and the following people spoke: Ron Green, Cheryl Carr, Joan Moss, Jim Knox, Dan Rush, Dennis Heinrichs, Joe Fernandez, John Brosnan, Carline Cady, Rick Coel, Bonnie Goodwin, Alan Bloomer and Wendell Wells. 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 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 \$170,000 to defray the cost relating to the eradication and suppression of illicit marijuana), and authorized the Sheriff to sign the Letter of Agreement.

10. **ITEM A-7 - Continued from June 4, 2013 - 9:40 A.M. - (a) Consideration of proposed Resolution amending Resolution No. 2012-106 to amend the Adopted Budget for FY 2012-13 by adjusting revenues and appropriations in Budget Unit 2203 - Sheriff - Marijuana (\$20,000 for flight time); (b) Consideration of proposed First Amendment to Agreement between the County of Lake and A&P Helicopters for FY 2012-13 marijuana reconnaissance and eradication on public and private lands, an increase of \$20,000; and (c) Consideration of proposed Agreement between the County of Lake and A&P Helicopters for FY 2013-14 marijuana reconnaissance and eradication on public and private lands, in an amount not to exceed \$60,000** - Sheriff Rivero and Captain Chris Macedo presented the staff report.

Captain Macedo presented the staff report.

Chair Smith asked if anyone was present wishing to speak and the following people spoke: Ron Green, Gerry Morehouse and Joan Moss. No one else was present wishing to speak and the public input portion of this item was closed.

(a) Supervisor Comstock offered Resolution No. 2013-56, and it was passed by roll call vote (5 ayes).

(b) On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the First Amendment to Agreement between the County of Lake and A&P Helicopters for FY 2012-13 marijuana reconnaissance and eradication on public and private lands, an increase of \$20,000, and authorized the Chair to sign.

(c) On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and A&P Helicopters for FY 2013-14 marijuana reconnaissance and eradication on public and private lands, in an amount not to exceed \$60,000, and authorized the Chair to sign.

11. **ITEM A-8 - 9:50 A.M. - Consideration of County position on SB 439 (Steinberg, Leno) Medical Marijuana Collectives, Cooperatives and Business Entities** - Supervisor Rushing introduced this item.

Chair Smith asked if anyone was present wishing to speak and the following people spoke: Dan Rush and Ron Green. 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 compose a letter to State Senator Steinberg, requesting clarification of the bill and asserting the importance of retaining the County's discretion to enforce its zoning laws using local policing powers, and to return this letter to the Board for its consideration in one week, on June 18, 2013.

12. **ITEM A-18 - 11:00 A.M. - Consideration of request for extension of waiver of Environmental Health fees for Lake County Youth Center** - Environmental Health Director Ray Ruminski and Fiscal Officer Denise Pomeroy were present.

Mr. Ruminski presented the staff report.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), extended the waiver of Environmental Health fees for the Lake County Youth Center through FY 2013/14.

After a brief recess, the Board reconvened into Regular Session at 12:01 p.m.

13. **ITEM A-16 - Consideration of proposed First Amendment to Safe Drinking Water State Revolving Fund Agreement between the County of Lake and the State of California Department of Public Health (County Service Area #2 Spring Valley)** - Special Districts Administrator Mark Dellinger presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the First Amendment to Safe Drinking Water State Revolving Fund Agreement between the County of Lake and the State of California Department of Public Health (County Service Area #2 Spring Valley), and authorized the Chair to sign.

14. **ITEM A-19 - Consideration of Agreements between the County of Lake and Pestmaster Services of Lake and Mendocino and Aquatic Environments for weed abatement in Clear Lake** - Water Resources Director Scott DeLeon presented the staff report.

(a) On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Pestmaster Services of Lake and Mendocino, in the amount of \$138,875, for weed abatement in Clear Lake, and authorized the Water Resources Director to sign.

(b) On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Aquatic Environments, in the amount of \$135,465, for weed abatement in Clear Lake, and authorized the Water Resources Director to sign.

15. **ITEM A-17 - 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. Interview candidates for County Librarian 3. Conference with legal counsel: Significant Exposure to Litigation pursuant to Gov. Code Sec. 54956.9(d)(2),(e)(1): 7 potential claims 4. 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 5. Conference with legal counsel: Existing Litigation pursuant to Gov. Code Sec. 54956.9(d)(1): California Public Utilities Commission (CPUC) (CaWater)** - 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 1:32 p.m.

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16. **ITEM A-11 -Consideration of appointment of County Librarian** - On motion of Supervisor Rushing and by vote of the Board (5 ayes), appointed Christopher Veach County Librarian, effective on June 14, 2013.

There being no further business, the Board of Supervisors adjourned at 1:35 p.m.

MATT PERRY
Clerk of the Board

Chair - Lake County Board of Supervisors

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