

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JUNE 25, 2013

The Honorable Board of Supervisors of Lake County, California, met in regular session this 25th 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 Brown 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-12, with the exception of Consent Agenda Item C-11, which was taken up immediately following the Consent Agenda.

Approved Minutes of the Board of Supervisors meeting held on June 18, 2013.

Adopted Proclamation commending Shannon Gunier for her years of service to the Winegrape Commission.

Adopted Resolution No. 2013-67, appropriating unanticipated revenue to Budget Unit 2601, Agriculture Commissioner to fund weed control programs (\$30,800 in unclaimed gas tax).

(a) Adopted Resolution No. 2013-68, approving a Cooperative Service Agreement with the U.S. Department of Agriculture to continue the legal framework for the Wildlife Services Program for the County of Lake; and (b) Adopted Categorical Exemption Class 8 for the Wildlife Services Program, pursuant to California Environmental Quality Act (CEQA).

Adopted Resolution No. 2013-69, approving the Amendment to the Standard Agreement between the County of Lake and the California Department of Health Care Services for the period between May 1, 2013 and June 30, 2018.

(a) Accepted grant funds from the Redbud Health Care District in the amount of \$17,415; (b) Waived the formal bidding process, determining that competitive bidding would produce no economic benefit to the County; (c) Approved purchase of Case Cracker audio/visual system for the Multidisciplinary Interview Center, in the amount of \$17,415 and authorized the District Attorney/Asst. Purchasing Agent to issue a purchase order to Cardinal Peak in the amount of \$17,415; and (d) Authorized the County Administrative Officer and the Chair to sign the Grant Agreement and Certification of Grant Terms and Conditions.

Adopted Resolution No. 2013-70, authorizing the submission of a grant application to the California Department of Public Health HIV/AIDS Program for Fiscal Year 2013-2014 through 2015-2016 and authorizing the Health Services Director to sign said application and grant.

Approved the completion of County Bridge 14C-0248 using county employees, as authorized by the California Uniform Construction Cost Accounting Act.

Approved Agreement between the County of Lake and the California Department of Transportation to participate in the FY 2012/13 Optional RSTP Federal Exchange and State Match Program, and authorized the Chair to sign.

Approved Lease Agreement between the County of Lake and the Lillian Allen Trust, for office space located at 1216, 1218 and 1222 South Main Street, Lakeport, CA, at a rate of \$1300 per month, and authorized the Social Services Director to sign.

Consent Agenda Item C-11 - Adopt Resolution appropriating unanticipated revenue to Budget Unit 6131, University of California Cooperative Extension (\$2,586.78 from the University of California) - This item was pulled from the Consent Agenda and was taken up immediately following.

Sitting as the Lake County Sanitation District Board of Directors, awarded Bid SD 13-09 to 3T Equipment Company, Inc., for sewer pipeline camera system, in the amount of \$33,362.63, and authorized the Special Districts Administrator/Asst. Purchasing Agent to issue a purchase order.

Consent Agenda Item C-11 - Adopt Resolution appropriating unanticipated revenue to Budget Unit 6131, University of California Cooperative Extension (\$2,586.78 from the University of California) - County Administrative Officer Matt Perry noted and corrected typographical errors on the face of the resolution.

Supervisor Rushing offered Resolution No. 2013-71, as amended and it was passed by roll call vote (5 ayes).

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

Change Order No. 1 - Riviera Heights CSA Pavement Improvements - This change order addresses the addition of centerline and fog line striping to the project area and adds a portion of Bergesen Drive to the slurry seal area of the project.

Public Works Director Scott DeLeon presented the staff report.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved Change Order No. 1 - Riviera Heights CSA Pavement Improvements, Central Valley Engineering & Asphalt, Inc., for an increase of 21,279.71, and authorized the Chair to sign.

3. **ITEM A-13 - Consideration of proposed Lease Agreement between the County of Lake and Big Oak Center for office space located at 13300 East Highway 20, Suite O, Clearlake Oaks, to use as a Sheriff Substation** - This item was carried over to a future date.
4. **ITEM A-16 - (a) Consideration of proposed Memorandum of Understanding between the County of Lake and Marymount California University for educational programs; and (b) Consideration of policy providing for County Employee Scholarships to Marymount California University for professional and educational development** - This item was carried over to a future date.
5. **ITEM A-18 - Carried over from November 6 and 13, 2012, and June 11, 2013 (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** - This item was removed initially from the agenda, but then taken up later in the day.

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Supervisor Brown cited a conflict of interest and was absent at 9:14 a.m.

6. **ITEM A-5 - 9:10 A.M. - (a) Update on Lakeside Heights Subdivision; and (b) Consideration of continued state of local emergency and any other actions** - Public Works Director Scott DeLeon, Special Districts Administrator Mark Dellinger and Fiscal Officer Jan Coppinger were present.

(a) County Administrative Officer Matt Perry presented the staff report regarding the lack of state declaration of emergency.

Mr. Dellinger presented an update to the Board.

(b) There was Board consensus to determine the emergency still exists.

Supervisor Brown was present at 9:38 a.m.

7. **ITEM A-6 - 9:15 A.M. - PUBLIC HEARING - (a) Consideration of request for a General Plan Amendment (GPAP 12-06) of approximately 10 acres from Low Density Residential, Suburban Residential Reserve, Public Facilities and Resource Conservation to Community Commercial, Public Facilities and Resource Conservation and a Rezone (RZ 12-06) from "PDR-FF" Planned Development Residential-Floodway Fringe and "O-FF-FW-WW" Open Space-Floodway Fringe-Floodway-Waterway to "C2-FF" Community Commercial-Floodway Fringe and "O-FF-FW-WW" Open Space-Floodway Fringe-Floodway-Waterway; Project Applicant is Valley Oaks Land and Development, Inc.; located at 18765 Hartmann Road, Middletown, CA (APN 014-260-24); and (b) Consideration of proposed Lakeport Area Plan Update (GPAP 13-01), proposing revisions to the zoning and general plan maps within the Lakeport Planning Area (RZ 13-01) and a proposed Addendum to the Environmental Impact Report (EIR) previously prepared for the Area Plan** - Community Development Director Rick Coel, Principal Planner Kevin Ingram and Resource Planner Peggy Barthel were present.

(a) Ms. Barthel presented the staff report.

Chair Smith opened the public hearing and Kevin Porter spoke. No one else was present wishing to speak and the public hearing was closed.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), found that on the basis of the Initial Study IS 12-36, that the general plan amendment from Low Density Residential to Community Commercial and rezone from "PDR" to "C2-DR" applied for by Valley Oaks Land and Development, Inc. will not have a significant effect on the environment and therefore a negative declaration shall be adopted with the findings set forth in the Board Memorandum dated June 13, 2013.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), made a motion of intended decision to approve the general plan amendment for Valley Oaks Land and Development, Inc., and deferred offering the resolution until after hearing the general plan amendment and rezone proposal of the County of Lake (GPAP 13-01, RZ 13-01).

(b) Mr. Coel presented the staff report.

Chair Smith opened the public hearing and the following people spoke: Paula Gold-Nocella, Cie Callaway and Roseann Tragani. 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 (4 ayes, Supervisor Rushing NO), certified the Addendum to the Environmental Impact Report (EIR) has been completed in compliance with CEQA with the findings in the staff memorandum dated May 7, 2013.

Supervisor Farrington offered Resolution No. 2013-72, and it was passed by roll call vote (4 ayes, Supervisor Rushing NO).

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).

Supervisor Farrington offered Ordinance No. 2988, and it was passed by roll call vote (5 ayes).

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

Supervisor Comstock offered Ordinance No. 2989, and it was passed by roll call vote (5 ayes).

After a brief recess, the Board reconvened into Regular Session at 11:17 a.m.

8. **ITEM A-7 - 9:30 A.M. - HEARING - Nuisance Abatement Assessment confirmation and proposed recordation of Notice of Lien in the amount of \$10,639.02 - 2213 New Long Valley Road, Clearlake Oaks, CA (APN 620-091-20 - Melvin Dooley and Frances Dooley)** - Community Development Director Rick Coel, Building Inspector Brandon Holleran and James Mathews were sworn in by the Clerk.

Mr. Coel presented the staff report.

Mr. Mathews gave testimony.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), confirmed the assessment of \$10,639.02, for nuisance abatement on property located at 2213 New Long Valley Road, Clearlake Oaks, CA (APN 620-091-20 - Melvin Dooley and Frances Dooley), pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

9. **ITEM A-8 - 9:45 A.M. - Consideration of the Lake County Weed Management Plan** - Agricultural Commissioner Steve Hajik presented the staff report.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the Lake County Weed Management Plan.

The Board of Supervisors adjourned and convened as the Lake County Local Board of Equalization.

10. **ITEM A-9 - 10:00 A.M. Assessment Appeal Hearing:**

Karl Petermann - Application Nos. 329-2010 and 330-2010 - 5201 Lake Road, Lower Lake, CA (APN 010-033-090-000) and 5230 Panorama Road, Lower Lake, CA (APN 010-033-100-000) - This appeal was withdrawn by the appellant. The Board did not take up this appeal.

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Susan Jaeger - Application No. 05-2011 - 9875 Nancy Drive, Kelseyville, CA (APN 114-100-111-000) - This appeal was withdrawn by the appellant. The Board did not take up this appeal.

The Lake County Local Board of Equalization adjourned and reconvened as the Board of Supervisors.

11. **ITEM A-10 - 11:00 A.M. - Consideration of request to allocate \$30,000 from the AB 1905 account for the completion of the Anderson Springs noise study** - Special Districts Administrator Mark Dellinger presented the staff report.

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

On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the appropriation of \$30,000 from the AB 1905 account for the completion of the Anderson Springs noise study.

Supervisor Brown cited a conflict of interest with the next item and was absent at 11:59 a.m.
12. **ITEM A-19 - Consideration of request to transfer water meter connections from the Lakeside Heights Subdivision to three other parcels within CSA #21** - Special Districts Administrator Mark Dellinger presented the staff report.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the transfer of water meter connections from the Lakeside Heights Subdivision to three other parcels within CSA #21.

Supervisor Brown was present at 12:05 p.m.
13. **ITEM A-12 - Consideration of appointments to the following boards/committees: Emergency Medical Care Committee** - On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Mary Cardinale-Stein, Chrissy Pittman, Bryan Schwartz and Steve Shifflett, MD, to the Emergency Medical Care Committee, for terms to expire on January 1, 2015.
14. **ITEM A-14 - Carried over from June 11, 2013 - Consideration of proposed letters to Senators Steinberg and Leno regarding SB 439 relating to medical marijuana cooperatives, collectives and business entities** - The Board continued this item to a later date.
15. **ITEM A-15 - Continued from April 23 and June 11, 2013** - Consideration of proposed Resolution of support of SB 135 (Padilla) Earthquake Early Warning System Act - Supervisor Farrington introduced the item.

Supervisor Farrington offered Resolution No. 2013-73, and it was passed by roll call vote (5 ayes).
16. **ITEM A-17 - (a) Consideration of request to waive the formal bidding process, determining that the unique nature of the system precludes competitive bidding, pursuant to Article X, Section 2-38.2 of the Lake County Code; and (b) Approve purchase of surveillance system for the Narcotics Task Force facility and authorize the Sheriff/Asst. Purchasing Agent to issue a purchase order for the surveillance system** - Captain Chris Macedo presented the staff report.

Chair Smith asked if anyone was present wishing to speak and John Brosnan spoke. No one else was present wishing to speak and the public input portion of this item was closed.

(a & b) On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the formal bidding process, determining that the unique nature of the system precludes competitive bidding, pursuant to Article X, Section 2-38.2 of the Lake County Code, and approved purchase of surveillance system for the Narcotics Task Force facility and authorized the Sheriff/Asst. Purchasing Agent to issue a purchase order for the surveillance system.
17. **ITEM A-18 - Carried over from November 6 and 13, 2012, and June 11, 2013 (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 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** - Captain Chris Macedo was present.

Supervisor Brown introduced the item.

Captain Macedo presented the staff report.

Chair Smith asked if anyone was present wishing to speak and the following people spoke: John Brosnan and John Jensen. No one else was present wishing to speak and the public input portion of this item was closed.

(a & b) On motion of Supervisor Brown and by vote of the Board (5 ayes) approved the 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 awarded bids to 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, pending County Administrative Officer and Auditor-Controller approval of adequate documentation from the Sheriff, previously requested by the Auditor-Controller.
18. **ITEM A-22 - Consideration of proposed letters to state representatives requesting amendments to SB740 and AB1299: California Advanced Services Fund for developing broadband service in unserved areas of California** - Supervisor Rushing introduced the item.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the letter in concept, and authorized staff to sign.
19. **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 Carried over from June 18, 2013 2. Conference with legal counsel: Existing Litigation pursuant to Gov. Code Sec. 54956.9(d)(1): California Public Utilities Commission (CPUC) (CalWater) 3. Existing litigation pursuant to Gov. Code Sec. 54956.9(d)(1) - Rivero v. Board of Supervisors 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): City of Lakeport v. County of Lake, et. al. 6. Conference with Legal Counsel - Existing Litigation pursuant to Gov. Code Sec. 54956.9(d)(1): Jensen and Larson v. Lake County Sheriff's Office, et al. 7. Conference with Legal Counsel - Decision whether to initiate litigation pursuant to Gov. Code Sec. 54956.9(d)(4): Cal Water Rulemaking Proceeding 11-11-008 (CPUC)** - Chair Smith announced the Board would go into Closed Session for the reasons stated on the agenda.

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The Board reconvened into Regular Session at 1:25 p.m. and took the following action:

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the initiation of litigation in the Cal Water Rulemaking Proceeding 11-11-008 (CPUC) to intervene as a party.

20. **ITEM A-21 - Consideration of budget transfer from general fund contingencies or other source to pay court ordered attorney fees in the matter of Jensen and Larson v. Sheriff Rivero** - County Administrative Officer Matt Perry presented the staff report.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved a budget transfer from general fund contingencies to pay court ordered attorney fees in the matter of Jensen and Larson v. Sheriff Rivero.

There being no further business, the Board of Supervisors adjourned at 1:38 p.m.

MATT PERRY
Clerk of the Board

Chair - Lake County Board of Supervisors

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