

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD NOVEMBER 12, 2013

The Honorable Board of Supervisors of Lake County, California, met in regular session this 12th day of November, 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. After a moment of silence, Health Services Director Jim 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 Comstock and by vote of the Board (5 ayes), approved Consent Agenda items C-1 through C-6.

Approved Minutes of the Board of Supervisors meeting held on November 5, 2013.

Approved Agreement between the County of Lake and Modesto Residential Living Center for final payment of FY 2012-13 services, in the amount of \$7,500, and authorized the Chair to sign.

Approved Lakeport Main Street's Facility Use Permit for the Tree Lighting Ceremony to allow for the consumption of alcoholic beverages at Courthouse Square (255 North Main Street, Lakeport).

Authorized the Social Services Director to complete the following actions (as previously authorized by Resolution 2013-90): (a) open an escrow account; and (b) execute all documents to complete the sales transaction of 4855 Heidi Way, Kelseyville, including the Purchase Agreement.

Adopted Resolution No. 2013-122, authorizing cancellation of Upper Lake Lighting District, Revitalization Reserve Designation in the amount of \$3,500 to provide funds for maintenance of light facilities.

Sitting as the Lake County Local Board of Equalization, (a) accepted Stipulation Change in Assessment for Granite Construction (APN 007-003-750-000) for a change in the value of the Land from \$188,766 to \$90,000 and Improvements from \$6781 to \$0, for a change in the total value from \$195,547 to \$90,000, for the 2011 tax year; and (b) accepted Stipulation Change in Assessment for Granite Construction (APN 007-003-750-000) for a change in the value of Land from \$187,356 to \$120,000 and Improvements from \$6731 to \$0, for a change in the total value from \$194,087 to \$120,000, for the 2010 tax year.

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 Officers Nehemiah White and Bailey Nolan presented one canine currently available for adoption.

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

Change Order #2 - Clearlake Oaks Senior Center - This change order addresses the removal and replacement of power line, relocation of HD and anchor bolts, addition of trim around exterior doors, addition of vision lights to kitchen doors, addition of "Z" flashing along exterior of building and the lowering of ceilings to provide clearances.

Deputy County Administrative Officer Special Projects Eric Seely presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved Change Order #2 - Clearlake Oaks Senior Center, for an increase of \$12,580.67, Randy Hill Construction, Inc., and authorized the Chair to sign.

PUBLIC INPUT - County Surveyor Gordon Haggitt spoke regarding the honoring of Lake County's veterans.

4. **ITEM A-16 - Carried over from November 5, 2013 - (a) Consideration of request to approve purchase of three vehicles utilizing the State vehicle purchase contract: One (1) 2014 Ford F-250 4x4 Crew Cab Pickup, and Two (2) 2014 Ford F150 Supercab Pickups, to replace vehicles used by the Narcotics Task Force, Marine Patrol and Enforcement; and (b) Consideration of request to authorize Sheriff/ Assistant Purchasing Agent to issue purchase order, total amount of \$82,095.66, to Downtown Ford** - Captain Chris Macedo presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the purchase of three vehicles utilizing the State vehicle purchase contract: One (1) 2014 Ford F-250 4x4 Crew Cab Pickup, and Two (2) 2014 Ford F150 Supercab Pickups, to replace vehicles used by the Narcotics Task Force, Marine Patrol and Enforcement; and authorized the Sheriff/ Assistant Purchasing Agent to issue a purchase order, total amount of \$82,095.66, to Downtown Ford.

5. **ITEM A-17 - Carried over from November 5, 2013 - (a) Consideration of request to approve purchase of ten vehicles utilizing the State vehicle purchase contract: Four (4) 2014 Ford Sedan Police Interceptor AWD Base (unmarked vehicles) and six (6) 2014 Ford Sedan Police Interceptor AWD Base for Enforcement; and (b) Consideration of request to authorize Sheriff/ Assistant Purchasing Agent to issue purchase order, total amount of \$229,529.88, to Downtown Ford** - Captain Chris Macedo presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the purchase of ten vehicles utilizing the State vehicle purchase contract: Four (4) 2014 Ford Sedan Police Interceptor AWD Base (unmarked vehicles) and six (6) 2014 Ford Sedan Police Interceptor AWD Base for Enforcement and authorized the Sheriff/ Assistant Purchasing Agent to issue a purchase order, total amount of \$229,529.88, to Downtown Ford.

6. **ITEM A-5 - Continued from October 15, 2013 - 9:15 A.M. - Consideration of proposed permit of Mercy Air Services to operate an air ambulance within Lake County** - Health Services Director Jim Brown was present.

Mercy Air representative William Baker spoke.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Rushing NO), approved the permit of Mercy Air Services to operate an air ambulance within Lake County, contingent upon the completion of EMS Plan requirements.

7. **ITEM A-6 - 9:30 A.M. - HEARINGS - Nuisance Abatement Assessment confirmation and proposed recordation of Notice of Lien:**

Salvador Diaz and Delfina Diaz - \$1616.67 - 5542 Hilltop Drive, Kelseyville, CA (APN 008-701-260-000) - Community Development Director Rick Coel was sworn in by the Clerk, and gave the staff report.

Neither the owner, nor representation was present.

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On motion of Supervisor Brown and by vote of the Board (5 ayes), confirmed the assessment of \$1,616.67 for nuisance abatement on property located at 5542 Hilltop Drive, Kelseyville, CA (APN 008-701-260-000 - Salvador Diaz and Delfina Diaz) and directed the Enforcement Official to prepare and have recorded in the office of the Lake County Recorder, a Notice of Lien in the amount of \$1,616.67 pursuant to the Lake County Ordinance Code Chapter 13, Section 13-43.

Javier Gloria and Alejandra Gloria - \$3,997.41 - 3035 Soda Bay Road, Kelseyville, CA (APN 008-025-010-000) - Community Development Director Rick Coel gave the staff report.

Neither the owner, nor representation was present.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), confirmed the assessment of \$3,997.41 for nuisance abatement on property located at 3035 Soda Bay Road, Kelseyville, CA (APN 008-025-010 - Javier G. Gloria & Alejandra Gloria), and directed the Enforcement Official to prepare and have recorded in the office of the Lake County Recorder, a Notice of Lien in the amount of \$3,997.41 pursuant to the Lake County Ordinance Code Chapter 13, Section 13-43.

Richard Sherwin and Dorinda Sherwin - \$4,842.63 - 5555 Konocti Road, Kelseyville, CA (APN 008-053-420-000) - Community Development Director Rick Coel gave the staff report.

Neither the owner, nor representation was present.

On motion of Supervisor Brown and by vote of the Board (5 ayes), confirmed the assessment of \$4,842.63 for nuisance abatement on property located at 5555 Konocti Road, Kelseyville, CA (APN 008-053-420-000 - Richard Sherwin & Dorinda Sherwin) and directed the Enforcement Official to prepare and have recorded in the office of the Lake County Recorder, a Notice of Lien in the amount of \$4,842.63 pursuant to the Lake County Ordinance Code Chapter 13, Section 13-43.

Anthony Tucciarelli - \$6,605.82 - 5845 East State Highway 20, Lucerne, CA (APN 034-421-280-000) - Community Development Director Rick Coel gave the staff report.

Neither the owner, nor representation was present.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), confirmed the assessment of \$6,605.82 for nuisance abatement on property located at 5845 East State Highway 20, Lucerne, CA (APN 034-421-280-000 - Anthony Tucciarelli) and directed the Enforcement Official to prepare and have recorded in the office of the Lake County Recorder, a Notice of Lien in the amount of \$6,605.82 pursuant to the Lake County Ordinance Code Chapter 13, Section 13-43.

8. **ITEM A-7 - 9:50 A.M. - (a) Consideration of staff request for permission to enter negotiations with franchise haulers; and (b) Consideration of staff request for appointment of Board members to negotiating team** - Public Services Director Caroline Chavez presented the staff report.

(a & b) On motion of Supervisor Brown and by vote of the Board (5 ayes), authorized staff to enter negotiations with franchise haulers and appointed Supervisors Smith and Rushing to the negotiating team.

9. **ITEM A-13 - Advanced from October 22 and November 5, 2013 - Consideration of proposed Ordinance establishing a fee schedule for Driving-Under-the-Influence Programs (SECOND READING)** - Behavioral Health Director Kristy Kelly presented the staff report.

The amendment approved at the November 5, 2013 meeting was removed from the face of the proposed ordinance.

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

On motion of Supervisor Rushing and by vote of the Board (5 ayes), advanced the ordinance one week, to November 19, 2013.

10. **ITEM A-12 - Continued from June 4, 11, 18 and July 9, 2013 - Consideration of appointment of Treasurer-Tax Collector** - Interim Treasurer-Tax Collector Kay Lytton, Auditor-Controller/County Clerk Cathy Saderlund and Chief Deputy Treasurer-Tax Collector Barbara Ringen were present.

County Administrative Officer Matt Perry presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Barbara Ringen Treasurer-Tax Collector for the remainder of the unexpired term.

11. **ITEM A-8 - 10:05 A.M. - Consideration of proposed Bylaws of the CSA #2 Spring Valley Advisory Board** - CSA #2 Chair Mark Currier was present.

Typographical errors were noted and an amendment was made to the proposed bylaws.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Bylaws of the CSA #2 Spring Valley Advisory Board, as amended.

12. **ITEM A-15 - Advanced from November 5, 2013 - Consideration of proposed Ordinance amending Chapter 2 of the Lake County Code Changing Library Hours (SECOND READING)** - Supervisor Brown offered Ordinance No. 2993, and it was passed by roll call vote (5 ayes).

13. **ITEM A-11 - Consideration of appointments to the following: In Home Support Services (IHSS) Public Authority Advisory Committee** - On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown ABSTAIN), appointed Leslie Wilson (Senior Consumer) and Cheryl Nielsen (Disabled Community Representative) to the In Home Support Services (IHSS) Public Authority Advisory Committee, for terms to expire January 1, 2015.

14. **ITEM A-14 - Consideration of proposed Agreement between the County of Lake and Alpha Omega Wireless for Microwave Wide Area Network Connectivity services** - Information Technology Director Shane French presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes) approved the Agreement between the County of Lake and Alpha Omega Wireless for Microwave Wide Area Network Connectivity services, and authorized the Chair to sign.

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15. **ITEM A-18 - 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): California Public Utilities Commission (CPUC) (CalWater) Application 12-07-007 4. Conference with Legal Counsel: Existing Litigation pursuant to Gov. Code Sec. 54956.9(d)(1): 45 Tort Claims: Lakeside Heights 5. Conference with Legal Counsel: Existing litigation pursuant to Gov. Code Sec. 54956.9, subd. (d)(1) - LACOSAN v. Choy - A typographical error was noted on the agenda. Item 4 was corrected to read: Conference with Legal Counsel: Existing Litigation pursuant to Gov. Code Sec. 54956.9(d)(1): *County of Lake v. Lakeside Heights Home Owners Association 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 at 11:01 a.m. and took the following action.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Settlement Agreement in the matter of Application of California Water Services Company, A-12-07-007, and authorized the Chair to sign, and noted that this does not yet address the affordability issues in Lucerne, though it is a step in the right direction.

The Board of Supervisors reconvened into Closed Session at 11:03 a.m. Supervisor Brown was absent.

The Board of Supervisors reconvened into Regular Session at 11:18 a.m. with no action taken.

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

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

The gavel was passed to Lake County Local Board of Equalization Chair Farrington.

16. **ITEM A-9 - 1:30 P.M. - Assessment Appeal Hearing:**

Chief Deputy Assessor-Recorder Debbie Olson was present.

Michael Amendola - Application No. 289-2011 - 6120 Gold Dust Drive, Kelseyville, CA (APN 017-003-180-000) - This appeal was rescheduled for a future date at the request of the appellant.

Renata Basso - Application No. 288-2011 - 10809 Witter Springs Road, Witter Springs, CA (APN 003-011-060-000) - Neither the owner nor representation were present.

Chair Farrington confirmed appellant's receipt of the hearing notification.

On motion of Member Smith and by vote of the Board (4 ayes, Member Brown ABSENT), denied the appeal.

Jack Bond and Janet Bond - Application No. 308-2011 - 3336 Southlake Court, Kelseyville, CA (APN 044-272-200-000) - This appeal was withdrawn by the appellant and not taken up by the Board.

Pamela Bullock - Application No. 286-2011 - 7965 Golf Drive, Kelseyville, CA (APN 044-532-110-000) - This appeal was withdrawn by the appellant and not taken up by the Board.

Lyza Chavez - Application No. 377-2011 - 3412 Jackson Street, Clearlake, CA (APN 039-496-030-000) - Neither the owner nor representation were present.

Chair Farrington confirmed appellant's receipt of the hearing notification.

On motion of Member Smith and by vote of the Board (4 ayes, Member Brown ABSENT), denied the appeal.

Clear Lake Riviera Community Association - Application Nos. 484-2011 and 485-2011 - 9366 Paloos Court and 4839 Iroquois Trail, Kelseyville, CA (APNs 430-112-300-000 and 043-674-080-000) - Neither the owner nor representation were present.

Chair Farrington confirmed appellant's receipt of the hearing notification.

On motion of Member Smith and by vote of the Board (4 ayes, Member Brown ABSENT), denied the appeals.

Fontenot Builders, Inc. - Application No. 275-2011 - 17323 Greenridge Road, Hidden Valley Lake, CA (APN 142-201-110-000) - Neither the owner nor representation were present.

Chair Farrington confirmed staff's attempt at notification.

On motion of Member Smith and by vote of the Board (4 ayes, Member Brown ABSENT), denied the appeal without prejudice.

Tamara Fontenot - Application No. 276-2011 - 17329 Greenridge Road, Hidden Valley Lake, CA (APN 142-182-210-000) - Neither the owner nor representation were present.

Chair Farrington confirmed staff's attempt at notification.

On motion of Member Comstock and by vote of the Board (4 ayes, Member Brown ABSENT), denied the appeal.

Asif Ghias - Application No. 291-2011 - 12626 Shoreview Drive, Clearlake Oaks, CA (APN 035-711-130-000) - Neither the owner nor representation were present.

Chair Farrington confirmed staff's attempt at notification.

On motion of Member Smith and by vote of the Board (4 ayes, Member Brown ABSENT), denied the appeal.

Sam LaMonica - Application No. 297-2011 - 1150 North Brush Street, Lakeport, CA (APN 026-233-160-000) - Neither the owner nor representation were present.

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Chair Farrington confirmed appellant's receipt of the hearing notification.

On motion of Member Smith and by vote of the Board (4 ayes, Member Brown ABSENT), denied the appeal.

Jack King - Application No. 292-2011 - 3945 Main Street, Kelseyville, CA (APN 024-125-090-000) - Neither the owner nor representation were present.

Chair Farrington confirmed appellant's receipt of the hearing notification.

On motion of Member Smith and by vote of the Board (4 ayes, Member Brown ABSENT), denied the appeal.

James Oliver - Application No. 334-2011 - 2775 Eastlake Drive, Kelseyville, CA (APN 044-211-140-000) - Neither the owner nor representation were present.

Chair Farrington confirmed staff's attempt at notification.

On motion of Member Comstock and by vote of the Board (4 ayes, Member Brown ABSENT), denied the appeal.

RBC Real Estate Finance, Inc. - Application Nos. 463-2011 through 468-2011 - 4851 Cascade Way, 9931 Fairway Drive, 10204 Del Monte Way, 9972 El Dorado Way, 5611 Ponca Way, 9719 Tenaya Way, Kelseyville, CA (APNs 043-683-080-000, 043-573-030-000, 043-603-160-000, 043-722-060-000, 430-102-010-000 and 043-732-060-000) - Neither the owner nor representation were present.

Chair Farrington confirmed appellant's receipt of the hearing notification.

On motion of Member Smith and by vote of the Board (4 ayes, Member Brown ABSENT), denied the appeals.

Michael Rizzio - Application No. 277-2011 - 20 Rocky Point Road, Lakeport, CA (APN 029-242-100-000) - Neither the owner nor representation were present.

Chair Farrington confirmed appellant's receipt of the hearing notification.

On motion of Member Smith and by vote of the Board (4 ayes, Member Brown ABSENT), denied the appeal.

Creston Rudolph - Application No. 373-2011 - 17845 Diamond Ridge Road, Lower Lake, CA (APN 122-211-040-000) - Neither the owner nor representation were present.

Chair Farrington confirmed appellant's receipt of the hearing notification.

On motion of Member Comstock and by vote of the Board (4 ayes, Member Brown ABSENT), denied the appeal.

SA California Group, Inc. - Application Nos. 386-2011 through 422-2011 - 210, 270, 390, 395, 405 & 410 Island View Drive, 230, 250, 255, 265, 280, 285, 290, 300, 310, 315, 320, 325, 330, 340, 345, 350, 360, 365, 370, 380, 390, 395, 400 & 405 Lakeview Drive, 4120, 4125, 4150 & 4155 Limbaugh Street, 4150 & 4155 Herschel Street and 4150 Roger Street - (APNs 029-181-590-000, 029-181-550-000, 029-181-430-000, 029-181-660-000, 029-181-630-000, 029-181-400-000, 029-201-130-000, 029-201-150-000, 029-202-290-000, 029-202-220-000, 029-201-160-000, 029-202-280-000, 029-201-170-000, 029-201-180-000, 029-201-030-000, 029-202-260-000, 029-201-040-000, 029-202-230-000, 029-201-050-000, 029-201-060-000, 029-202-310-000, 029-201-070-000, 029-201-080-000, 029-202-270-000, 029-201-090-000, 029-201-100-000, 029-201-110-000, 029-202-240-000, 029-201-120-000, 029-202-250-000, 029-181-650-000, 029-181-640-000, 029-181-420-000, 029-181-410-000, 029-181-460-000, 029-181-450-000 and 029-181-540-000) - Neither the owner nor representation were present.

Chair Farrington confirmed staff's attempt at notification.

On motion of Member Smith and by vote of the Board (4 ayes, Member Brown ABSENT), denied the appeals without prejudice.

Benjamin Schafer and Diana Schafer - Application No. 435-2011 - 11918 Old Spruce Grove Road, Lower Lake, CA (APN 049-251-020-000) - Neither the owner nor representation were present.

Chair Farrington confirmed appellant's receipt of the hearing notification.

On motion of Member Comstock and by vote of the Board (4 ayes, Member Brown ABSENT), denied the appeal.

Donna Schwartz - Application No. 476-2011 - 20492 Powder Horn Road, Hidden Valley Lake, CA (APN 141-592-070-000) - Neither the owner nor representation were present.

Chair Farrington confirmed appellant's receipt of the hearing notification.

On motion of Member Comstock and by vote of the Board (4 ayes, Member Brown ABSENT), denied the appeal.

Dr. Ian Van Zyl - Application Nos. 313-2011 through 315 - 2011 - 21038 & 21048 Calistoga Street, Middletown and 9633 Drebach Lane, Cobb, CA (APNs 024-365-080-000, 024-365-020-000 and 051-263-120-000) - These appeals were withdrawn by the appellant and not taken up by the Board.

Christopher Weston - Application No. 482-2011 - 3007 Buckingham Drive, Kelseyville, CA (APN 044-392-100-000) - This appeal was withdrawn by the appellant and not taken up by the Board.

There being no further business, the Board of Supervisors adjourned at 1:46 p.m.

MATT PERRY
Clerk of the Board

Chair - Lake County Board of Supervisors

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