

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD NOVEMBER 19, 2013

The Honorable Board of Supervisors of Lake County, California, met in regular session this 19<sup>th</sup> day of November, 2013, there being present Supervisors Jim Comstock, Denise Rushing, Anthony Farrington and Jeff Smith, County Administrative Officer Matt Perry, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner. Supervisor Brown was absent all day.

The meeting was called to order at 9:03 a.m. by Chair Smith. After a moment of silence, Voris Brumfield 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 (4 ayes, Supervisor Brown ABSENT), approved Consent Agenda items C-1 through C-17, with the exception of Consent Agenda Items C-13 and C-16. Consent Agenda Item C-13 was taken up later in the day and Item C-16 was taken up immediately following the Consent Agenda.

Approved Minutes of the Board of Supervisors meeting held on November 12, 2013.

Approved 2014 Board of Supervisors Regular Meeting Calendar.

Adopted Resolution No. 2013-123, reappointing Anita L. Grant, County Counsel for the County of Lake.

Approved First Amendment to Agreement between the County of Lake and the Heart Consciousness Church for payments in lieu of Transient Occupancy Tax, extending the terms of the original agreement for ten years, and authorized the Chair to sign.

Approved Fourth Amendment to Agreement between the County of Lake and Cerner-Anasazi Software, for FY 2013-14 software support services, with no change in cost, and authorized the Chair to sign.

Approved Agreement between County of Lake and Heritage Oaks Hospital for FY 2013-14 psychiatric inpatient hospital services, total amount \$34,200, and authorized the Chair to sign.

Adopted Resolution No. 2013-124, amending Resolution No. 2013-96 establishing position allocations for Fiscal Year 2013-2014, Budget Unit No. 7011, Parks and Recreation (adding one(1) full time Parks Maintenance Worker for a limited term).

Adopted Resolution No. 2013-125 amending Resolution No. 2013-96 establishing position allocations for Fiscal Year 2013-2014, Budget Unit No. 4121, Integrated Waste Management (deleting one 4/5 Account Clerk I/II and adding one 1.0 FTE Account Clerk I/II).

(a) Approved change of name of former Gibson Library to the Gibson Museum and Cultural Center; (b) Approved Memorandum of Understanding between the County of Lake and the Lake County Historical Society regarding the renovation and operation of the Gibson Museum and Cultural Center and authorized the Chair to sign; and (c) Approved Budget Transfer B-56, Budget Unit 1918 - Geothermal Reserve Royalties, for repairs to the Gibson Museum and Cultural Center, in the amount of \$15,000, and authorized the Chair to sign.

Adopted Resolution No. 2013-126, approving Right of Way Certification for the St. Helena Creek Bridge Replacement Project - State Agreement No. BROL - 5914(063).

Authorized out-of-state travel for Deputy Joe Dutra to attend Active Shooter Threat Instructor training in Artesia, New Mexico, from December 9-13, 2013 (tuition, meals and lodging sponsored by Department of Homeland Security, other travel costs to be paid by the County).

(a) Adopted Resolution No. 2013-127, amending Resolution No. 2013-95 to amend the Adopted Budget for FY 2013-14 by cancelling Obligated Fund Balance to make available for specific appropriation in Budget Unit 2214 (Sheriff - Asset Forfeiture, total amount \$20,500); (b) Waived formal bidding process, determining no economic benefit to the County; (c) Approved purchase of thirteen (13) Special Weapons and Tactics (SWAT) team TCI Liberator II Tactical Hearing protection/communication devices, and authorized the Sheriff/Assistant Purchasing Agent to issue a purchase order to TCI Inc., in the amount of \$8,342.41; and (d) Approved purchase of twelve (12) SWAT team LE2 body worn video cameras, and authorized the Sheriff/Assistant Purchasing Agent to issue a purchase order to VIEVU, Inc., in the amount of \$11,815.20.

**Consent Agenda C-13 - (a) Waive formal bidding process, determining no economic benefit to the County; (b) Approve budget transfer B-058 for BU 2203 Sheriff/Marijuana Suppression, from Professional Services to Fixed Assets/Equipment, in the amount of \$11,000, and (c) Approve request to purchase one (1) Cellebrite Mobile Forensic machine, and authorize the Sheriff/Assistant Purchasing Agent to issue a purchase order to Cellebrite, in the amount of \$10,084 plus sales tax** - This item was removed from the Consent Agenda and taken up later in the day.

Adopted Resolution No. 2013-128, approving the sale of surplus real property owned by the County (9549 Copsy Creek Way, Lower Lake, CA (APN 049-101-050-000)).

Approved advanced step salary hiring (career step) for extra help Eligibility Worker II Karen Kelley, due to applicant's extraordinary qualifications.

**Consent Agenda Item C-16 - Award Bid No. SD 13-20 for 60,000 gallon bolted steel potable water storage tank in Kono Tayee, CSA #13, to Whitehawk Construction, in the amount of \$193,768, and authorize the Special Districts Administrator/Assistant Purchasing Agent to issue a Notice of Award** - This item was removed from the Consent Agenda and taken up immediately following.

Adopted Resolution No. 2013-129, amending Resolution No. 2013-95 to amend the Adopted Budget for FY 2013-14 by cancelling Obligated Fund Balance in the Building and Infrastructure Reserve Fund to provide interim financing to purchase property in the Middle Creek Restoration Project Area (purchase agreement approved by the Board on October 8, 2013; total amount \$305,000)

**Consent Agenda Item C-16 - Award Bid No. SD 13-20 for 60,000 gallon bolted steel potable water storage tank in Kono Tayee, CSA #13, to Whitehawk Construction, in the amount of \$193,768, and authorize the Special Districts Administrator/Assistant Purchasing Agent to issue a Notice of Award** - Chair Smith declared a conflict and was absent at 9:06 a.m. The gavel was passed to Vice Chair Rushing.

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On motion of Supervisor Comstock and by vote of the Board (3 ayes, Supervisors Smith and Brown ABSENT), awarded Bid No. SD 13-20 for 60,000 gallon bolted steel potable water storage tank in Kono Tayee, CSA #13, to Whitehawk Construction, in the amount of \$193,768, and authorized the Special Districts Administrator/Assistant Purchasing Agent to issue a Notice of Award.

The gavel was returned to Chair Smith, who was present at 9:07 a.m.

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-4 - Current Construction Projects - Contract Change Orders:**

**Change Order #1 - Nice-Lucerne Cutoff Rehabilitation from Highway 29 to 0.27 miles east of Rodman Slough Bridge**  
- This change order addresses the balancing of actual in-place quantities.

Public Works Director Scott DeLeon presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved Change Order #1 - Nice-Lucerne Cutoff Rehabilitation from Highway 29 to 0.27 miles east of Rodman Slough Bridge, an increase of \$71,846.53, Granite Construction Company, and authorize the Chair to sign.

**PUBLIC INPUT** - Voris Brumfield spoke regarding the upcoming Lake County CAN Food Drive and the upcoming free Thanksgiving Dinner at the Middletown Baptist Church.

Craig Bach, Chair of Lucerne FLOW thanked the County for its efforts on behalf of the CalWater ratepayers living in Lucerne.

4. **ITEM A-5 - 9:15 A.M. - Presentation of 1<sup>st</sup> Five Lake activity report** - Executive Director Tom Jordan presented the report.

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

5. **ITEM A-11 - Advanced from October 22, November 5 and 12, 2013 - Consideration of proposed Ordinance establishing a fee schedule for Driving-Under-the-Influence Programs (SECOND READING)** - Behavioral Health Director Kristy Kelly was present.

Supervisor Comstock offered Ordinance No. 2994, and it was passed by roll call vote (4 ayes, Supervisor Brown ABSENT).

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

6. **ITEM A-6 - 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)** - Water Resources Director Scott DeLeon presented the staff report.

Chair Smith asked if anyone was present wishing to speak and the following people spoke: Jim Steele, Betsy Cawn, Melissa Fulton and Joan Moss. No one else was present wishing to speak and the public input portion of this item was closed.

There was consensus to make various amendments to the proposed ordinance.

This item was continued two weeks, to December 3, 2013, at 11:00 a.m. to allow staff to update the proposed ordinance to include today's amendments.

The Lake County Watershed Protection District Board of Directors adjourned.

7. **ITEM A-10 - Consideration of proposed Sixth Amendment between the County of Lake and Quincy Engineering for engineering services for the South Main Street and Soda Bay Road Corridor Improvement Project** - Public Works Director Scott DeLeon presented the staff report.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the Sixth Amendment between the County of Lake and Quincy Engineering for engineering services for the South Main Street and Soda Bay Road Corridor Improvement Project, an increase of \$1,962,432.44, and authorized the Chair to sign.

Supervisor Farrington declared a conflict with the next item and was absent at 12:13 p.m.

8. **ITEM A-12 - (a) Consideration of proposed Grant Deed and request to direct Clerk to certify for recordation (a portion of APN 008-027-25 - Gloria Hawley, Wesley Schalchli, Gerald Schalchli, Pamela Scully and Anthony Farrington), and (b) Consideration of proposed Purchase Agreement between the County of Lake and Gloria Hawley, Wesley Schalchli, Gerald Schalchli, Pamela Scully and Anthony Farrington, for the Soda Bay Road/Cole Creek Bridge Project** - Public Works Director Scott DeLeon presented the staff report.

(b) On motion of Supervisor Comstock and by vote of the Board (3 ayes, Supervisors Farrington and Brown ABSENT), approved the Purchase Agreement between the County of Lake and Gloria Hawley, Wesley Schalchli, Gerald Schalchli, Pamela Scully and Anthony Farrington, for the Soda Bay Road/Cole Creek Bridge Project, and authorized the Chair to sign.

(a) On motion of Supervisor Comstock and by vote of the Board (3 ayes, Supervisors Farrington and Brown ABSENT), approved the Grant Deed and directed the Clerk to certify for recordation (a portion of APN 008-027-25 - Gloria Hawley, Wesley Schalchli, Gerald Schalchli, Pamela Scully and Anthony Farrington).

Supervisor Farrington was present at 12:17 p.m.

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.

8. **ITEM A-7 - 10:00 A.M. Assessment Appeal Hearing:**

**Dominic Amara - Application No. 330-2011 - 2315 Westlake Drive, Kelseyville, CA (APN 044-191-150-000)** - This appeal was withdrawn by the appellant and not taken up by the Board.

**California Newspapers Partnership - dba Lake County Record-Bee - Application No. 430-2011 - 2150 South Main Street, Lakeport, CA (APN 005-050-010-000)** - Neither the owner, nor representation was present. On motion of Member Smith and by vote (4 ayes, Member Brown ABSENT), denied the appeal.

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**Davita, Inc. - Application No. 469-2011 - 14400 Olympic Drive, Clearlake, CA (APN 039-570-230-000)** - This appeal has been carried over to a future date.

**Veronica Fisher - Application No. 125-2011 - 15826 Joseph Trail, Lower Lake, CA (APN 122-041-230-000)** - This appeal was withdrawn by the appellant and not taken up by the Board.

**Ronald Fernandez - Application No. 474-2011 - 13079 Venus Village, Clearlake Oaks, CA (APN 035-803-030-000)** - Neither the owner, nor representation was present. On motion of Member Smith and by vote (4 ayes, Member Brown ABSENT), denied the appeal.

**Granite Construction Company - Application No. 425-2011 - 4300 State Highway 175, Lakeport, CA (APN 007-003-750-000)** - A stipulation to this appeal was approved by the Board last week. It was not taken up today.

**Mohammed Hussain - Application No. 462-2011 - 775 West Highway 20, Upper Lake, CA (APN 003-034-580-000)** - This appeal has been carried over to a future date.

**James Lujan - Application No. 336-2011 - 9378 Bonham Road, Lower Lake, CA (APN 012-035-120-000)** - Neither the owner, nor representation was present. On motion of Member Smith and by vote (4 ayes, Member Brown ABSENT), denied the appeal.

**Michael Mountanos, TTE - Application Nos. 472-2011 & 473-2011 - 2200 Point Land Farms Road & 1830 Nice-Luceme Cutoff, Nice, CA (APNs 031-031-090-000 & 031-041-320-000)** - This appeal was withdrawn by the appellant and not taken up by the Board.

**Dennis Neves - Application Nos. 218-2011 & 219-2011 - 18467 & 18495 Hidden Valley Road, Hidden Valley Lake, CA (APNs 141-052-030-000 & 141-052-050-000)** - Neither the owner, nor representation was present. On motion of Member Smith and by vote (4 ayes, Member Brown ABSENT), denied the appeal.

**Barbara Roumiguere - Application No. 311-2011 - 370 North Main Street, Lakeport, CA (APN 025-383-010-000)** - This appeal was withdrawn by the appellant and not taken up by the Board.

**Charles & Roxanne Samson - Application No. 233-2011 - 9215 Gray Road, Middletown, CA (APN 115-006-100-000)** - Neither the owner, nor representation was present. On motion of Member Comstock and by vote (4 ayes, Member Brown ABSENT), denied the appeal.

**Rick Sheldon - Application No. 456-2011 - 20756 State Highway 175, Middletown, CA (APN 014-002-280-000)** - Neither the owner, nor representation was present. On motion of Member Rushing and by vote (4 ayes, Member Brown ABSENT), denied the appeal.

**Angela Van Loan - Application No. 385-2011 - 4048 Manzanita Drive, Nice, CA (APN 032-271-240-000)** - Neither the owner, nor representation was present. On motion of Member Rushing and by vote (4 ayes, Member Brown ABSENT), denied the appeal.

**Bryan & Linda Walker - Application No. 447-2011 - 13289 Venus Village, Clearlake Oaks, CA (APN 035-812-330-000)** - This appeal was carried over to a future date.

**9. ITEM A-8 - 1:30 P.M. Assessment Appeal Hearing:**

**John McCormack - Application No. 455-2011 - 1410 Camdem Avenue, Lakeport, CA (APN 025-731-120-000)** - This appeal was withdrawn by the appellant and not taken up by the Board.

**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. Public Employee Evaluation: Title: County Counsel 4. Conference with Legal Counsel: Existing litigation pursuant to Gov. Code Sec. 54956.9, subd. (d)(1) - LACOSAN v. Choy - Chair Smith announced the Board would now go into Closed Session for the reasons stated on the agenda.**

Supervisors Comstock and Brown were absent.

The Board reconvened into Regular Session with no action taken at 12:45 p.m.

There being no further business, the Board of Supervisors adjourned at 12:45 p.m.

MATT PERRY  
Clerk of the Board

Chair - Lake County Board of Supervisors

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