

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD NOVEMBER 5, 2013

The Honorable Board of Supervisors of Lake County, California, met in regular session this 5th 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 9:03 a.m. by Chair Smith. After a moment of silence, County Administrative Officer Matt Perry 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 C-3, which was taken up immediately following the Consent Agenda.

Approved Minutes of the Board of Supervisors meeting held on October 22, 2013.

(a) Adopted Proclamation designating the week of November 3-9, 2013 as California Retired Teachers Week; and (b) Adopted Proclamation designating the month of November 2013 as In-Home Supportive Services Caregiver Recognition Month.

Consent Agenda Item C-3 - Approve Contract between the County of Lake and Groundwork Institute to conduct a comprehensive Neighborhood Housing Rehabilitation and Infrastructure Improvement Project, total amount of \$51,025, and authorize the Chair to sign - At staff request, this item was removed from the Consent Agenda and taken up immediately following.

Approved letter to Governor Brown encouraging payment of Payment in Lieu of Taxes funds owed to Lake County, and authorized the Chair to sign.

Approved request for out-of-state travel for Deputy Director Linda Morris to tour the Recovery Opportunity Center in Phoenix, Arizona on November 14, 2013 (travel costs to be paid by the Hospital Council of Northern Central California, travel to Sacramento Airport and per-diem meal allowance to be paid by department).

Adopted Resolution No. 2013-117, appointing Directors of certain Special District Boards in lieu of holding a General District Election on November 5, 2013 (Adams Springs Water District, Buckingham Park Water District, Callayomi County Water District, Clearlake Oaks County Water District, Cobb Area County Water District, Konocti County Water District, Scotts Valley Water Conservation District, Upper Lake County Water District, Villa Blue Estates Water District, Kelseyville Fire Protection District, Lake County Fire Protection District, South Lake County Fire Protection District, Anderson Springs Community Services District and Butler-Keys Community Services District).

Authorized the Health Services Director to sign any additional licenses, contracts, payment requests and amendments hereto (provided there is no fiscal impact greater than \$10,000 over the agreement's original total amount) for the purposes of system upgrade and maintenance of new software with Netsmart and Geneva.

Approved out-of-state travel for Sign & Painting Maintenance Supervisor Jim Stuckert and Heavy Equipment & Fleet Superintendent Don Hoberg to Orange City, Iowa, on November 5-6, 2013, to inspect the County-purchased road paintstripping truck.

Approved permit to conduct aeronautical activities at Lampson Field Airport (Jack Olof), and authorized the Chair to Sign.

Adopted Resolution No. 2013-118, authorizing the Director, Public Works Department, to sign a notice of completion for work performed under agreement dated July 9, 2013 (Nice-Lucerne Cutoff Rehabilitation).

Adopted Resolution No. 2013-119, authorizing the Director, Public Works Department, to sign a notice of completion for work performed under agreement dated July 9, 2013 (Construction of Rehabilitation on Lakeshore Boulevard).

Approved Amendment #3 to Agreement between the County of Lake and MGI-Madeira Group International, for FY 2013-14 pre-employment background investigation services, amount not to exceed \$15,000, and authorized the Chair to sign.

Approved Leave of Absence request for Deputy Sheriff Kellie Joseph from November 19, 2013 through January 6, 2014, and authorized the Chair to sign.

Adopted Resolution No. 2013-120, authorizing cancellation of Kono Tayee, CSA #13, Capital Improvement Reserve Designation in the amount of \$26,000 to provide funds for a 60,000 gallon bolted steel tank.

Consent Agenda Item C-3 - Approve Contract between the County of Lake and Groundwork Institute to conduct a comprehensive Neighborhood Housing Rehabilitation and Infrastructure Improvement Project, total amount of \$51,025, and authorize the Chair to sign - County Administrative Officer Matt Perry presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Contract between the County of Lake and Groundwork Institute to conduct a comprehensive Neighborhood Housing Rehabilitation and Infrastructure Improvement Project, total amount of \$51,025, and authorized the Chair to sign.

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 Nehemiah White introduced Animal Care and Control Officer Bailey Shulman and presented one canine currently available for adoption.

3. **ITEM A-16 - Consideration of proposed Ordinance establishing a fee schedule for Driving-Under-the-Influence Programs (SECOND READING)** - Deputy Behavioral Health Director Linda Morris noted and corrected a typographical error on the face of the ordinance.

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

On motion of Supervisor Comstock and by vote of the Board (5 ayes), advanced the ordinance one week, to November 12, 2013.

4. **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 John Johnson to the Mental Health Board, term to expire June 30, 2016.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD NOVEMBER 5, 2013

5. **ITEM A-5 - 9:10 A.M. - (a) Presentation of Proclamation designating the week of November 3-9, 2013 as California Retired Teachers Week; and (b) Presentation of Proclamation designating the month of November 2013 as In-Home Supportive Services Caregiver Recognition Month** - (a) Supervisor Farrington read the proclamation into the record and presented it to Mr. Merchen. Each Supervisor noted a teacher who made a difference in their childhoods.
- (b) Supervisor Rushing read the Proclamation into the record and presented it to Marilyn Johnson and Willowoak Istarwood, who spoke.
6. **ITEM A-6 - 9:15 A.M. - PUBLIC HEARING - Consideration of proposed Ordinance amending Chapter 2 of the Lake County Code Changing Library Hours** - County Librarian Christopher Veach presented the staff report.
- Chair Smith opened the public hearing. No one was present wishing to speak and the public hearing was closed.
- 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 (5 ayes).
- On motion of Supervisor Farrington and by vote of the Board (5 ayes), advanced the ordinance one week, to November 12, 2013.
- The Lake County Sanitation District Board of Directors convened to serve concurrently with the Board of Supervisors.
7. **ITEM A-21 - (a) Consideration of request to approve mitigation fees (\$2,000 per parcel paid by previous owner) to be applied as a credit by current owner for water service at Crystal Lake Estates subdivision; and (b) Consideration of request to approve mitigation fees (\$2,000 per parcel paid by previous owner) to be applied as a credit by current owner for sewer service at Crystal Lake Estates subdivision** - Special Districts Administrator Mark Dellinger, Special Districts Utility Systems Compliance Coordinator Jan Coppinger, Customer Service Coordinator Jill Shaul and Isaac Aimaq were present.
- Ms. Shaul presented the staff report.
- (a) On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the mitigation fees (\$2,000 per parcel paid by previous owner) to be applied as a credit by current owner for water service at Crystal Lake Estates subdivision.
- (b) Sitting as the Lake County Sanitation District Board of Directors, on motion of Director Farrington and by vote of the Board (5 ayes), approved the mitigation fees (\$2,000 per parcel paid by previous owner) to be applied as a credit by current owner for sewer service at Crystal Lake Estates subdivision.
- The Lake County Sanitation District Board of Directors adjourned and continued as the Board of Supervisors.
8. **ITEM A-19 - Continued from October 15 and 22, 2013 - (a) Consideration of request to waive formal bidding process, determining no economic benefit to the County; (b) Consideration of request to purchase twelve (12) Special Weapons and Tactics (SWAT) team vests, and authorize the Sheriff/Assistant Purchasing Agent to issue a purchase order to LPS Tactical and Personal Security Supply for \$51,345.60** - Captain Christopher Macedo was present.
- Supervisor Brown introduced the item.
- (a) On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the formal bidding process, determining no economic benefit to the County.
- (b) On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the purchase twelve (12) Special Weapons and Tactics (SWAT) team vests, and authorized the Sheriff/Assistant Purchasing Agent to issue a purchase order to LPS Tactical and Personal Security Supply for \$51,345.60.
9. **ITEM A-7 - 9:45 A.M. - Presentation of donation of Grebe interpretive panels to be displayed at five shoreline parks around Clear Lake** - Audobon Society President Marilyn Waits made the presentation to the Board.
- This item was informational only. No Board action was taken on this item.
10. **ITEM A-8 - 10:00 A.M. - Presentation of results of the 2013 Konocti Challenge** - Race Director Jennifer Strong made the presentation to the Board.
- This item was informational only. No Board action was taken on this item.
11. **ITEM A-20 - Consideration of Treasurer-Tax Collector's recommendation regarding minimum bid price for APN 004-029-330, 5880 Lakeshore Boulevard, Lakeport, CA** - Auditor-Controller/County Clerk Cathy Saderlund and Chief Deputy Treasurer-Tax Collector Barbara Ringen were present.
- Ms. Ringen presented the staff report.
- Supervisor Farrington offered Resolution No. 2013-121, and it was passed by roll call vote (5 ayes).
12. **ITEM A-9 - Carried over from October 22, 2013 - 10:15 A.M. - Consideration of proposed Lake County Comprehensive Economic Development Strategy** - Deputy County Administrative Officer Alan Flora presented the staff report.
- On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the Lake County Comprehensive Economic Development Strategy.
- The Lake County Watershed Protection District Board of Directors convened to serve concurrently with the Board of Supervisors.
13. **ITEM A-10 - Continued from October 22, 2013 - 10:30 A.M. - Workshop regarding a proposed lake sales tax measure to provide funding for lake-related programs** - Water Resources Director Scott DeLeon presented the staff report.
- Chair Smith asked if anyone was present wishing to speak and the following people spoke: Paula Britton, Sarah Ryan, Joan Moss, Betsy Cawn, Phil Murphy and Victoria Brandon. 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 present the proposed ordinance for the lake sales tax measure for Board consideration on November 19, 2013.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD NOVEMBER 5, 2013

The Lake County Watershed Protection District Board of Directors adjourned and continued as the Board of Supervisors.

After a brief recess, the Board reconvened into Regular Session at 11:25 a.m.

14. **ITEM A-11 - 11:15 A.M. - Consideration of proposed ordinance regarding Senior Rent Control County Initiative Petition, as certified by the Registrar of Voters** - Registrar of Voters Diane Fridley presented the staff report.

Chair Smith asked if anyone was present wishing to speak and the following people spoke: Nelson Strasser, Bill Eaton, MaryAnn McQueen, Heather Powers, Doug Johnson, John Mitchell, Joyce Pearson, Tony Pascali, Jerry McQueen and Betty Cherkow. 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), directed County Counsel, Social Services, Community Development and Economic Development to create reports to be presented to the Board for its consideration on December 3, 2013, at 9:15 a.m.

After a lunch recess, the Board reconvened into Regular Session at 1:36 p.m. Supervisors Farrington and Brown were absent.

The Board of Supervisors adjourned and convened as the Lake County Local Board of Equalization. The gavel was passed to Local Board of Equalization Vice Chair Rushing.

15. **ITEM A-12 - 1:30 P.M. Assessment Appeal Hearing:**

Chief Deputy Assessor-Recorder Debbie Olson was present.

Stephen Kapner - Application No. 380-2011 - 10215 East Highway 20, Clearlake Oaks, CA (APN 035-532-140-000) - On motion of Member Smith and by vote of the Board (3 ayes, Members Farrington and Brown ABSENT), denied the appeal.

Bruce Fleming - Application No. 461-2011 - 10485 Twin Oaks Drive, Cobb, CA (APN 050-691-120-000) - On motion of Member Smith and by vote of the Board (3 ayes, Members Farrington and Brown ABSENT), denied the appeal.

Lovett, Philip - Application No. 256-2011 - 10634 Edgewater Drive, Kelseyville, CA (APN 009-004-270-000) - On motion of Member Smith and by vote of the Board (3 ayes, Members Farrington and Brown ABSENT), denied the appeal.

Yarbrough, Tim - Application No. 361-2011 - 12002 Spruce Grove Road, Lower Lake, CA (APN 049-290-070-000) - On motion of Member Comstock and by vote of the Board (3 ayes, Members Farrington and Brown ABSENT), denied the appeal without prejudice.

Abendroth, Denny - Application No. 354-2011 - 8591 Paradise Valley Boulevard, Lucerne, CA (APN 060-332-090-000) - On motion of Member Comstock and by vote of the Board (3 ayes, Members Farrington and Brown ABSENT), denied the appeal without prejudice.

Burbank Investor Services - Application Nos. 258-2011 & 259-2011 - 15522 & 15498 Spruce Grove Road, Middletown, CA (APNs 013-060-360-000 & 013-014-020-000) - On motion of Member Smith and by vote of the Board (3 ayes, Members Farrington and Brown ABSENT), denied the appeal.

Crawford, Zelte - Application No. 429-2011 - 13961 Lakeshore Drive, Lakeport, CA (APN 039-131-100-000) - This item was withdrawn by the appellant and not taken up by the Board.

Hebein-Shute, Sharon & Shute, Jeffrey - Application No. 384-2011 - 10650 Bottle Rock Road, Kelseyville, CA (APN 011-068-610-000) - This item was carried over to a future date.

Richard Kuehn - Application No. 270-2011 - 14085 Walnut Way, Clearlake Oaks, CA (APN 351-111-150-000) - This item was withdrawn by the appellant and not taken up by the Board.

Adrian Vance - Application No. 268-2011 - 1400 Ricca Court, Lakeport, CA (APN 015-007-340-000) - On motion of Member Smith and by vote of the Board (3 ayes, Members Farrington and Brown ABSENT), denied the appeal.

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

The gavel was returned to Chair Smith.

16. **ITEM A-17 - Continued from September 17 and October 22, 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** - At departmental request, this item was carried over one week, to November 12, 2013.

17. **ITEM A-18 - (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** - At departmental request, this item was carried over one week, to November 12, 2013.

18. **ITEM A-15 - Consideration of amending Policy regarding extra help to comply with the Patient Protection and Affordable Care Act** - County Administrative Officer Matt Perry presented the staff report.

On motion of Supervisor Comstock and by vote of the Board (3 ayes, Supervisors Farrington and Brown ABSENT), amended the Policy as recommended in the staff memo, dated November 4, 2013.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD NOVEMBER 5, 2013

19. **ITEM A-22 -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): Michael Fowler and Emily Ford v. County of Lake, et al., Case No. CV412464 5. Conference with legal counsel: Existing Litigation pursuant to Gov. Code Sec. 54956.9(d)(1): Cocco v. Fetzer, 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 1:57 p.m. and took the following action:

On motion of Supervisor Rushing and by vote of the Board (3 ayes, Supervisors Farrington and Brown ABSENT), in the matter of Cocco v. Fetzer, et al, approved the settlement in the amount of \$75,000, and authorized the Chair to sign the Settlement Agreement.

There being no further business, the Board of Supervisors adjourned at 1:58 p.m.

MATT PERRY
Clerk of the Board

Chair - Lake County Board of Supervisors

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