

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JANUARY 28, 2014

The Honorable Board of Supervisors of Lake County, California, met in regular session this 28th day of January, 2014, there being present Supervisors Jim Comstock, Jeff Smith, Anthony Farrington, Rob Brown and Denise Rushing, 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 Rushing. A moment of silence was dedicated to Ronnie Dekeyser. Following the moment of silence, Supervisor Farrington 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 Smith and by vote of the Board (5 ayes), approved Consent Agenda items C-1 through C-9, with the exception of Consent Agenda Item C-2, which was taken up immediately following.

Approved Minutes of the Board of Supervisors meetings held on January 14, 2014.

Consent Agenda Item C-2 - (a) Waive competitive selection process; and (b) Approve Agreement between the County of Lake and Karen MacDougall for research and grant application services, through December 2014, total amount not to exceed \$50,000, and authorize the Chair to sign - At Supervisor Farrington's request, this item was removed from the Consent Agenda and taken up immediately following.

Adopted Resolution No. 2014-10, amending Resolution No. 2013-96 establishing position allocations for Fiscal Year 2013-14, Budget Unit No. 1122, Treasurer-Tax Collector (delete one (1) Chief Deputy Treasurer-Tax Collector allocation and add one (1) Chief Deputy Treasurer-Tax Collector/IF flex allocation) as recommended by Classification and Compensation Committee in staff memorandum dated January 21, 2014.

Approved advanced step hiring of Staff Psychiatrist Dr. Lydia DiTirro, due to applicant's extraordinary qualifications (5th step salary range).

Approved advanced step hiring of Assistant Veterans Services Officer Saul Sanabria, due to applicant's extraordinary qualifications (5th step salary range).

Adopted Resolution No. 2014-11, approving submission of Anti-Drug Abuse (ADA) grant application to the California Board of State and Community Corrections (BSCC), for Edward Byrne Memorial Justice Assistance Grant Program funds, to be split between the Sheriff's Office and the District Attorney's Office.

Approved Agreement between the County of Lake and Lake Family Resource Center for the "Be Fresh" Project, through September 30, 2015, total amount \$98,499.96, and authorized the Chair to sign.

Approved Agreement between the County of Lake and the California Franchise Tax Board for court ordered debt collection services, at a rate in accordance with governing Revenue & Tax Code Section 19280-19283 (effective through January 31, 2017), and authorized the Treasurer-Tax Collector to sign.

Sitting as the Lake County Sanitation District Board of Directors, (a) Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 040-330-37 - Raymond Choy and Lorraine Choy, Trustees of the Raymond G. Choy and Lorraine J. Choy Revocable Trust dated August 6, 2007), and (b) Approved Purchase Agreement between the County of Lake and Raymond Choy and Lorraine Choy, Trustees of the Raymond G. Choy and Lorraine J. Choy Revocable Trust dated August 6, 2007 for the Southeast System Lift Station & Force Main, and authorized the Chair to sign agreement.

CONSENT AGENDA ITEM C-2 - (a) Waive competitive selection process; and (b) Approve Agreement between the County of Lake and Karen MacDougall for research and grant application services, through December 2014, total amount not to exceed \$50,000, and authorize the Chair to sign - County Administrative Office Matt Perry provided information to the Board.

(a) On motion of Supervisor Farrington and by vote of the Board (5 ayes), waived the competitive selection process.

(b) On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved Agreement between the County of Lake and Karen MacDougall for research and grant application services, through December 2014, total amount not to exceed \$50,000, 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 Bailey Nolan presented one canine currently available for adoption.

PUBLIC INPUT - Cheri Holden presented the Sierra Club Redwood Chapter Wilderness Guidebook.

3. **ITEM A-13 - Consideration of appointments to the following: Lower Lake Waterworks District #1 Board of Directors and Mental Health Board** - On motion of Supervisor Comstock and by vote of the Board (5 ayes), appointed Roland Ledoux to the Lower Lake Waterworks District #1 Board of Directors, for a term expiring January 1, 2016 (Note: This appointment was placed on the February 18, 2014, agenda for further consideration).

Behavioral Health Director Kristy Kelly recommended the appointment of Jolene Chappel to the Mental Health Board.

On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Jolene Chappel to the Mental Health Board, for a term to expire June 30, 2017.

4. **ITEM A-14 - Consideration of proposed ordinance amending and revising Article VIII of Chapter 9 of the County of Lake Code of Ordinances for regulation wells and preservation of groundwater (SECOND READING)** - Chair Rushing asked if anyone was present wishing to speak and Joan Moss spoke. No one else was present wishing to speak and the public input portion of this item was closed.

Supervisor Smith offered Ordinance No. 2998, and it was passed by roll call vote (5 ayes).

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

5. **ITEM A-5 - Consideration of proposed request to the Lake County Local Agency Formation Commission (LAFCO) to initiate proceedings to dissolve Levee District No. 2070** - Water Resources Director Scott DeLeon presented the staff summary.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD JANUARY 28, 2014

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

Supervisor and Director Brown offered Resolution No. 2014-12, and it was passed by roll call vote (5 ayes).

The Lake County Watershed Protection District Board of Directors adjourned.

6. **ITEM A-12 - Supervisors' weekly calendar, travel and reports** - Supervisor Rushing requested authorization for out-of-county travel on February 3, 2014, to travel to Sacramento to testify before the Assembly Committee on Utilities and Commerce and Assembly Committee on Aging and Long Term Care Joint Committee Meeting, at Senator Mariko Yamada's invitation.

7. **ITEM A-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**

Extra #1 - Consideration of request to authorize out-of-County travel - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved taking up this item as an extra, determining the item came to the attention of Supervisor Rushing after the posting of the agenda and requires consideration of the Board before the next meeting.

This item will be taken up later in the day.

After a brief recess, the Board reconvened into Regular Session at 9:48 a.m.

8. **ITEM A-6 - 9:45 A.M. - PUBLIC HEARING - Consideration of proposed Resolution calling an election to submit to the electors a measure to adopt an ordinance adding Article VI to Chapter 18 of the Lake County Code imposing a transaction and use tax pursuant to Revenue and Taxation Code Section 7285.5 of one-half of one percent for the Lake County Water Quality, Aquatic Invasive Species, and Nuisance Aquatic Weed and Algae Programs and establishing an expenditure plan for the revenues generated** - After a brief introduction by County Counsel Anita Grant, Water Resources Director Scott DeLeon provided the staff update.

Chair Rushing opened the public hearing and the following people spoke: Betsy Cawn, Mike Dunlap, Phil Murphy and Suzanne Lyons. No one else was present wishing to speak and the public hearing was closed.

Supervisor Farrington offered Resolution No. 2014-13, and it was passed by roll call vote (5 ayes).

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. 2999, pending approval by the electors, and it was passed by roll call vote (5 ayes).

9. **ITEM A-7 - 10:00 A.M. - Consideration of proposed Lease Agreement with the Kelseyville Unified School District for property located at 3980 Gard Street, Kelseyville (APN 024-081-01)** - Deputy County Administrative Officer Alan Flora presented the staff report.

Child Support Services Director Gail Woodworth presented departmental support of the proposed lease agreement.

Chair Rushing asked if anyone was present wishing to speak and Phil Murphy spoke. 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 (4 ayes, Supervisor Farrington NO), approved the Lease Agreement with the Kelseyville Unified School District for property located at 3980 Gard Street, Kelseyville (APN 024-081-01), and authorized the Chair to sign.

10. **ITEM A-8 - 10:15 A.M. - (a) Consideration of Resolution affirming the County's intent to provide water service to South Main Street/Soda Bay Road; and (b) Consideration of First Amendment to the engineering services agreement with Ruzicka Associates to design a community water system in the South Main/Soda Bay Road Corridor** - Supervisor Farrington presented the item.

Special Districts Administrator Mark Dellinger provided the staff report.

(a) Supervisor Farrington offered Resolution No. 2014-14, and it was passed by roll call vote (5 ayes).

(b) On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the First Amendment to the engineering services agreement with Ruzicka Associates to design a community water system in the South Main/Soda Bay Road Corridor, and authorized the Chair to sign.

After a brief recess, the Board reconvened into Regular Session at 11:09 a.m.

- BACK TO #7 - Extra #1 - Consideration of request to authorize out-of-County travel** - On motion of Supervisor Brown and by vote of the Board (5 ayes), authorized out-of-County travel for Supervisor Rushing to travel to Sacramento on February 3, 2014 to provide testimony to the Joint Committee regarding the experience of Lucerne water consumers in Public Utilities Commission proceedings.

11. **ITEM A-9 - 11:00 A.M. - HEARING - Nuisance Abatement of 10546 East Road, Witter Springs, CA (APN 003-015-10 - Norman Valdez)** - The following people were sworn in/affirmed by the Clerk: Community Development Director Rick Coel, Norman Valdez, Jr., Lisa Valdez and Joan Moss.

Mr. Valdez, Jr. testified to insufficient notification. County Counsel Anita Grant provided a response. There was Board consensus to move forward with the hearing.

Community Development Director Rick Coel presented the staff report.

Mr. Valdez, Jr. and Lisa Valdez gave testimony.

Ms. Moss spoke.

Assistant Clerk of the Board Mireya Turner spoke regarding the appellant's request for information.

This item was continued five weeks, to March 4, 2014, at 9:15 a.m.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD JANUARY 28, 2014

12. **ITEM A-10 - 11:30 A.M. - (a) Consideration of Compliance Review pursuant to Minor Use Permit (MUP 06-63); and (b) Consideration of staff request for Board direction regarding land use conflicts and amendments to MUP 06-63 - Supervisor Farrington recused himself and was absent at 12:13 p.m.**

This item was carried over five weeks, to March 4, 2014, at 9:45 a.m.

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

13. **ITEM A-11 - 11:35 A.M. - Consideration of proposed Lease Agreement with Duane Mahan and Connie Mahan for commercial property located at 14585 "B" Olympic Drive, Clearlake (APN 039-164-41) - Behavioral Health Director Kristy Kelly and Operations Manager Kevin Thom pson were present.**

Ms. Kristy presented the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Lease Agreement with Duane Mahan and Connie Mahan for commercial property located at 14585 "B" Olympic Drive, Clearlake (APN 039-164-41), and authorized the Chair to sign.

14. **ITEM A-15 - 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: Anticipated litigation pursuant to Gov. Code Sec. 54956.9(d)(2), (e)(3): Claim of Gamino/Cruz - Chair Rushing announced the Board would now convene in Closed Session for the reasons stated on the agenda.**

The Board reconvened into Regular Session at 12:30 p.m. with no action taken.

There being no further business, the Board of Supervisors adjourned at 12:30 p.m.

MATT PERRY
Clerk of the Board

Chair - Lake County Board of Supervisors

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