

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MARCH 4, 2014

The Honorable Board of Supervisors of Lake County, California, met in regular session this 4th day of March, 2014, there being present Supervisors Jim Comstock, Jeff Smith, Rob Brown and Denise Rushing, County Administrative Officer Matt Perry, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner. Supervisor Farrington was absent for a portion of the day.

The meeting was called to order at 9:00 a.m. by Chair Rushing. Following a moment of silence, Deputy County Administrative Officer Special Projects Eric Seely 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 (4 ayes, Supervisor Farrington ABSENT), approved Consent Agenda items C-1 through C-6, with the exception of Consent Agenda Item C-5, which was taken up immediately following.

Approved Minutes of the Board of Supervisors meetings held on February 11 and 18, 2014.

(a) Adopted Proclamation designating the month of March 2014 as March for Meals Month; and (b) Adopted Commendation to Brian Sumpter for his career as the Record-Bee Sports Editor.

Adopted Resolution No. 2014-22, amending Resolution No. 2013-95 to amend the Adopted Budget for FY 2013-14 to transfer money to Budget Unit 2711 - Spay-Neuter Programs to operate the Animal Control Clinic.

Authorized destruction of 2007-08 Deposit Permits, 2007-08 Receipts Duplicates Records, 2007-08 Department Time Cards/Time Off Requests, 2007-08 Time Reports & Hours Proof, 2007-08 Vacation & Sick Accruals (Year End), 1997-98 Warrant Registers, 2000-01 Tax Rolls - Secured, 2007-08 Tax Rolls - Unsecured and 2000-01 Tax Rolls - Delinquent Secured per Auditor-Controller/County Clerk memorandum dated February 12, 2014.

Consent Agenda Item C-5 - (a) Waive normal bidding process, determining no economic benefit; and (b) Approve Agreement between the County of Lake and SouthTech Systems for Form 700 processing system, total amount \$16,890, with annual cost of \$2,638, and authorize the Chair to sign - At staff request, this item was removed from the Consent Agenda and taken up immediately following.

Adopted Resolution No. 2014-23, approving Lake County Health Services Department to submit acceptance paperwork from the California Department of Public Health (CDPH) Tuberculosis Control Branch (TBCB) for real-time allotment funding for tuberculosis (TB) cases in Lake County in the amount of \$10,070 and authorizing the Director of Health Services to sign said paperwork.

Consent Agenda Item C-5 - (a) Waive normal bidding process, determining no economic benefit; and (b) Approve Agreement between the County of Lake and SouthTech Systems for Form 700 processing system, total amount \$16,890, with annual cost of \$2,638, and authorize the Chair to sign - County Administrative Officer Matt Perry presented the staff report.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), waived the normal bidding process, determining no economic benefit and approved the Agreement between the County of Lake and SouthTech Systems for Form 700 processing system, total amount \$16,890, with annual cost of \$2,638, and authorized the Chair to sign.

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

Change Order #1 - Lucerne Hotel Elevator - This change order addresses the following: credit due to elevator substitution, addition of electrical receptacles and lights and additional water proofing to pit.

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

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved Change Order #1 - Wagner Construction Group, Inc., a decrease of \$12,422, and authorized the Chair to sign.

Change Order #6 - Clearlake Oaks Senior Center - This change order addresses the following: addition of door, addition of wall lining behind range, extension of water line, addition of water leader drainage pipe, addition of walkway at existing church exit door, addition of handrail and modification of sidewalk, addition of soffit to meet suspended ceiling, addition of water supply line to dishwasher, addition of 12 bollards around transformer, relocation of electrical pedestal, addition of roofing fascia and boots and addition of electrical circuit for fire alarm.

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

On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved Change Order #6 - Randy Hill Construction, Inc., an increase of \$21,131.91, and authorized the Chair to sign.

PUBLIC INPUT - Ceva Giumelli spoke regarding In Home Supportive Services program.

3. **ITEM A-5 - 9:10 A.M. - (a) Presentation of Proclamation designating the month of March 2014 as March for Meals Month; and (b) Presentation of Commendation to Brian Sumpter for his career as the Record-Bee Sports Editor** - (a) Supervisor Smith read the proclamation into the record and presented it to Lakeport Senior Center Director Jonathan Brooks.

(b) Supervisor Brown read the proclamation into the record and presented it to Brian Sumpter. Supervisor Brown noted that Mr. Sumpter had previously received a Varsity Block "M" from Middletown High School. Supervisors Smith, Rushing and Brown presented a block Varsity letter from their district's high schools. Water Resources Director Scott De Leon presented the Varsity Block letter for Clear Lake High School, on behalf of Supervisor Farrington, who was absent.

4. **ITEM A-6 - Continued from January 28, 2014 - 9:15 A.M. - HEARING - Nuisance Abatement of 10546 East Road, Witter Springs, CA (APN 003-015-10 - Norman Valdez)** - Community Development Director Rick Coel, Norman Valdez, Jr. and David Valdez were sworn in/affirmed by the Clerk.

Mr. Coel presented the departmental update.

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

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On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the Abatement Plan and upheld the Notice of Nuisance and Order to Abate posted on September 11, 2013, for nuisance conditions at 10546 East Road, Witter Springs, CA (APN 003-015-10), and authorized staff to abate the nuisance conditions if the property owner fails to comply with the Notice and Order by completing the terms of the Abatement Plan approved by the Board and specified in the staff memorandum dated March 3, 2014, with all costs associated with abatement to become a charge against the property.

5. **ITEM A-19 - (a) Consideration of proposed Memoranda of Understanding between the County of Lake and the Lake County Employee's Association (LCEA) for Units 3, 4 and 5; (b) Consideration of proposed amendment to Resolution No. 2013-62 establishing Salaries and Fringe Benefits for Confidential Unit, Section A, for Fiscal Year 2013-14; (c) Consideration of proposed amendment to Resolution No. 2013-63 establishing Salaries and Fringe Benefits for Management Employees for Fiscal Year 2013-14; and (d) Consideration of proposed amendment to Resolution No. 2013-64 establishing Salaries and Fringe Benefits for Confidential Unit, Section B, for Fiscal Year 2013-14** - Deputy County Counsel Shanda Harry presented the staff report.

(a) Supervisor Smith offered Resolution No. 2014-24, Resolution adopting Memorandum of Understanding by and between the Lake County Employee's Association, Unit 3 and the County of Lake for Fiscal Year 2013-14, and it was passed by roll call vote (4 ayes, Supervisor Farrington ABSENT).

Supervisor Smith offered Resolution No. 2014-25, Resolution adopting Memorandum of Understanding by and between the Lake County Employee's Association, Unit 4 and the County of Lake for Fiscal Year 2013-14, and it was passed by roll call vote (4 ayes, Supervisor Farrington ABSENT).

Supervisor Smith offered Resolution No. 2014-26, Resolution adopting Memorandum of Understanding by and between the Lake County Employee's Association, Unit 5 and the County of Lake for Fiscal Year 2013-14, and it was passed by roll call vote (4 ayes, Supervisor Farrington ABSENT).

(b) Supervisor Brown offered Resolution No. 2014-27, Resolution amending Resolution No. 2013-63 establishing salaries and benefits for employees assigned to the Confidential Unit, Section A, for Fiscal Year 2013-2014, and it was passed by roll call vote (4 ayes, Supervisor Farrington ABSENT).

(c) Supervisor Brown offered Resolution No. 2014-28, Resolution amending Resolution No. 2013-64 establishing salaries and benefits for employees assigned to the Confidential Unit, Section B, for Fiscal Year 2013-2014, and it was passed by roll call vote (4 ayes, Supervisor Farrington ABSENT).

(d) Supervisor Brown offered Resolution No. 2014-29, Resolution amending Resolution No. 2013-62 establishing salaries and benefits for Management employees, for Fiscal Year 2013-2014, and it was passed by roll call vote (4 ayes, Supervisor Farrington ABSENT).

6. **ITEM A-7 - Continued from January 28, 2014 - 9:45 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** - Community Development Director Rick Coel presented the staff report.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Mary Jane Montana, Paula Borg, Cheryl Todd, Jerry Hanson, Jim Clement, Marc Hooper and David Borg. No one else was present wishing to speak and the public input portion of this item was closed.

There was consensus to direct staff to return with a comparison of the issues mentioned in the neighbors' presentation and the conditions of the Minor Use Permit MUP 06-63.

This item was continued two weeks, to March 18, 2014, at 9:45 a.m.

7. **ITEM A-8 - Continued from February 4, 2014 - 10:45 A.M. - Consideration of proposed Interim Inter-Facility Transfer Operating Procedures for Lake County ground ambulance providers** - Health Services Director Jim Brown and County Health Officer Karen Tait, MD presented the staff report.

Supervisor Farrington was present at 11:55 a.m.

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

Supervisor Brown offered Resolution No. 2014-30, and it was passed by roll call vote (5 ayes).

8. **ITEM A-21 - Consideration of request to award bid SD 13-30 for one new AquaTech Vacuum Truck** - Special Districts Administrator Mark Dellinger, Compliance Coordinator Jan Coppinger and Fiscal Officer Tanya Michel were present.

Mr. Dellinger presented the staff report.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), awarded Bid SD 13-30, for one new AquaTech Vacuum Truck, total amount \$343,113.84, to Nixon-Egli Equipment Company, and authorized the Chair to sign the Bid Award.

9. **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. Public Employee Evaluations: Titles: Agriculture Commissioner and Registrar of Voters** - Chair Rushing announced the Board would now go into Closed Session for the reasons stated on the agenda.

After a lunch recess, the Board returned to Closed Session at 1:30 p.m.

The Board reconvened into Regular Session at 1:39 p.m. with no action taken.

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

Supervisor Brown declared a conflict and was absent at 1:39 p.m.

Extra #1 - Sitting as the Board of Directors of the Lake County In Home Supportive Services (IHSS) Public Authority Closed Session - Conference with Labor Negotiator: (a) Agency Negotiator: Carol Huchingson and F. Buchanan (b) Employee Organization: California United Homecare Worker's Union AFSCME/SEIU Local 4034 - Social Services Director Carol Huchingson was present.

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On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved taking up this item due to the fact that it was brought to staff's attention after the posting of the agenda and must be considered by the Board before the next meeting.

This item will be taken up in Closed Session later in the day.

Supervisor Brown was present at 1:40 p.m.

11. **ITEM A-17 - Consideration of re-appointment of Agriculture Commissioner and Sealer of Weights and Measures Steve Hajik to four year term** - Supervisor Farrington offered Resolution No. 2014-31, and it was passed by roll call vote (5 ayes).

12. **ITEM A-9 - 11:00 A.M. - HEARING - Nuisance Abatement Assessment confirmation and proposed recordation of Notice of Lien in the amount of \$8,721.09, for 2983 Lakeview Drive, Nice (APN 031-113-440 - William Rapp)** - Community Development Director Rick Coel presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), confirmed the assessment of \$8,721.09 for nuisance abatement on property located at 2983 Lakeview Drive, Nice, CA (APN 031-113-44 - William Rapp), and the Enforcement Official was directed to prepare and have recorded in the office of the Lake County Recorder, a Notice of Lien in the amount of \$8,721.09 pursuant to Lake County Ordinance Code, Chapter 13, Section 13-43.

13. **ITEM A-10 - 11:10 A.M. - HEARING - Nuisance Abatement Assessment confirmation and proposed recordation of Notice of Lien in the amount of \$5,299.89, for 3180 Reed Street, Nice (APN 030-194-16 - Evie A. Soute)** - Community Development Director Rick Coel presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), confirmed the assessment of \$5,299.89 for nuisance abatement on property located at 3180 Reed Street, Nice, CA (APN 030-194-16 - Evie A. Soute), and the Enforcement Official was directed to prepare and have recorded in the office of the Lake County Recorder, a Notice of Lien in the amount of \$5,299.89 pursuant to Lake County Ordinance Code, Chapter 13, Section 13-43.

14. **ITEM A-11 - 11:20 A.M. - PUBLIC HEARING - Consideration of non-substantive changes requested by the Board of Equalization to the 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** - County Counsel Anita Grant presented the staff report.

Chair Rushing opened the public hearing. No one was present wishing to speak and the public hearing was closed.

On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the reading of the ordinance, to be read in title only (County Counsel so did).

Supervisor Brown offered Ordinance No. 3000, and it was passed by roll call vote (5 ayes).

15. **ITEM A-12 - 11:30 A.M. - PUBLIC HEARING - Consideration of proposed Urgency Ordinance adopting emergency water conservation restrictions for County Service Area No. 16, Paradise Valley Water System** - Special Districts Administrator Mark Dellinger, Compliance Coordinator Jan Coppinger and Fiscal Officer Tanya Michel were present.

Mr. Dellinger presented the staff report.

Chair Rushing opened the public hearing and Carol Schepper 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), waived the reading of the ordinance, to be read in title only (Clerk so did).

Supervisor Comstock offered Ordinance No. 3001, and it was passed by roll call vote (5 ayes).

16. **ITEM A-13 - 11:40 A.M. - PUBLIC HEARING - Consideration of proposed Urgency Ordinance adopting emergency water conservation restrictions for County Service Area No. 18, Starview Water System** - Special Districts Administrator Mark Dellinger, Compliance Coordinator Jan Coppinger and Deputy Special Districts Administrator - Fiscal Tanya Michel were present.

Mr. Dellinger presented the staff report.

Chair Rushing opened the public hearing and Kurt Miles 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), waived the reading of the ordinance, to be read in title only (Clerk so did).

Supervisor Comstock offered Ordinance No. 3002, and it was passed by roll call vote (5 ayes).

17. **ITEM A-14 - 11:50 A.M. - PUBLIC HEARING - Consideration of proposed Urgency Ordinance adopting emergency water conservation restrictions for County Service Area No. 7, Bonanza Springs Water System** - Special Districts Administrator Mark Dellinger, Compliance Coordinator Jan Coppinger and Deputy Special Districts Administrator - Fiscal Tanya Michel were present.

Mr. Dellinger presented the staff report.

Chair Rushing opened the public hearing. No one was present wishing to speak and the public hearing was closed.

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

Supervisor Brown offered Ordinance No. 3003, and it was passed by roll call vote (5 ayes).

18. **ITEM A-15 - 1:30 P.M. - (a) Presentation of countywide ground water use issues; and (b) Consideration of options to address drought conditions in Lake County; and (c) Consideration of request for Board direction regarding updates to Chapter 28 of the Lake County Code pertaining to the exportation of groundwater** - Water Resources Director Scott

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De Leon, Community Development Director Rick Coel, Special Districts Administrator Mark Dellinger, Water Resources Engineer Tom Smythe and Compliance Coordinator Jan Coppinger were present.

(a) Mr. De Leon and Mr. Smythe gave the presentation regarding groundwater and creek levels.

(b) Staff made the recommendation that the County become more active in management of water usage, a change from its historical position of monitoring only. Management ideas included educational outreach to water consumers and distribution of appliances designed to restrict water usage.

At Supervisor Brown's request, local well driller Dan McMullen spoke regarding local aquifer conditions recently encountered in his business activities.

Chair Rushing asked if anyone was present wishing to speak on this portion of the item and the following people spoke: Kim Jones, Paula Britton, Sarah Ryan, Nancy Ruzicka, Betsy Cawn and Joan Moss. No one else was present wishing to speak and the public input portion of this item was closed.

(c) Mr. Coel gave the staff presentation regarding groundwater conflict issues in terms of exportation and gave suggestions on how the ordinance could be amended to become a water usage management mechanism.

County Administrative Officer Matt Perry presented the staff report regarding the proclamation of a local state of emergency due to drought conditions.

Chair Rushing asked if anyone was present wishing to speak regarding the proposed resolution and the following people spoke: Sarah Ryan, Paul Zellman and State Senator Noreen Evans' Field Representative Jeff Tyrrell. No one else was present wishing to speak and public input was closed.

Chair Rushing read the resolution into the record.

Supervisor Brown offered Resolution No. 2014-32, and it was passed by roll call vote (5 ayes).

After a brief recess, the Board reconvened into Regular Session at 3:55 p.m.

19. ITEM A-20 - Consideration of recommendations to bolster Code Enforcement - Community Development Director Rick Coel was present.

Deputy County Administrative Officer Alan Flora presented the staff report.

Mr. Coel expressed his strong support of the staff recommendation.

Supervisor Smith offered Resolution No. 2014-33, Resolution amending Resolution No. 2013-95 to amend the Adopted Budget for FY 2013-14 to appropriate money for Code Enforcement, and it was passed by roll call vote (5 ayes).

There was Board consensus to amend the proposed resolution allocating an additional Community Development Technician to include a footnote to specify that this position is a limited term position for one year.

Supervisor Comstock offered Resolution No. 2014-34, Resolution amending Resolution No. 2013-96 establishing position allocations for Fiscal Year 2013-2014, Budget Unit No. 2602, Building and Safety, and it was passed, as amended, by roll call vote (5 ayes).

20. ITEM A-18 - Consideration of proposed Resolution in support of "Measure N", the County Ordinance regulating the cultivation of medical marijuana - Supervisor Brown introduced the item.

Amendments were made to the face of the resolution.

Supervisor Brown offered Resolution No. 2014-35, as amended, and it was passed by roll call vote (5 ayes).

BACK TO #10 - Extra #1 - Sitting as the Board of Directors of the Lake County In Home Supportive Services (IHSS) Public Authority Closed Session - Conference with Labor Negotiator: (a) Agency Negotiator: Carol Huchingson and F. Buchanan (b) Employee Organization: California United Homecare Worker's Union AFSCME/SEIU Local 4034 - Chair Rushing announced the Board would now go into Closed Session for the reason stated on the extra item.

Supervisor Brown declared a conflict and was absent at 4:13 p.m.

The Board reconvened into Regular Session with no action taken at 4:20 p.m.

There being no further business, the Board of Supervisors adjourned at 4:20 p.m.

MATT PERRY
Clerk of the Board

Chair - Lake County Board of Supervisors

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