



COUNTY OF LAKE

255 North Forbes Street
Lakeport, CA 95453

Meeting Minutes - Draft BOARD OF SUPERVISORS

Tuesday, January 24, 2017

9:00 AM

Board Chambers

1. Call to Order

The meeting was called to order at 9:00 a.m. by Chair Smith. County Administrative Officer/Clerk of the Board Carol Huchingson, County Counsel Anita Grant and Asst. Clerk of the Board Alicia Flores were present along with the following Supervisors:

Present: Supervisors Simon, Steele, Scott, Brown and Smith

2. Moment of Silence

3. Pledge of Allegiance

Led by Eric Seely

4. Presentation of Animals Available for Adoption at the Animal Care and Control Shelter

Animal Care and Control Officer Alvarez presented one feline currently available for adoption.

5. Consideration of Items Not Appearing on the Posted Agenda (Extra Items)

Extra Item #1 - Consideration of Urgency Ordinance Authorizing a Temporary Specified Speed Limit on Clear Lake.

Water Resources Director Phil Moy requested that this item be taken up as an Extra Item, due to the fact that the need for the item came up after the posting of the agenda and the need to take action before the next Board meeting is crucial for both public safety and property damage reasons.

On motion of Supervisor Brown and by vote of the Board, approved taking this item up as Extra Item #1. The motion carried by the following vote:

Ayes: Supervisors Simon, Steele, Scott, Brown and Smith

5. Consideration of Items Not Appearing on the Posted Agenda (Extra Items)

Water Resources Director Phil Moy presented the item to the Board. Sheriff Brian Martin was also present and spoke.

County Counsel Anita Grant suggested the language in the ordinance be amended in Section 15-2 to reflect the suggestion of lake levels above 7.9' rumsey warranting a 5 mph speed limit. Ms. Grant also addressed a typo in the draft ordinance.

Chair Smith asked if any one present wished to speak and Joan Moss spoke. No one else wished to speak and the public input portion of this item was closed.

Supervisor Brown offered the Urgency Ordinance (No. 3057) and it was passed by roll call vote:

Ayes- Supervisors: 5 - Smith, Steele, Brown, Scott and Simon

6. Current Construction Projects - Contract Change Orders

There were no Contract Change Orders presented.

7. Approval of the Consent Agenda

- 7.1 Adopt Proclamation Commending Toastmasters International, Tenacious Talkers Club 8731 for 20 Years of Service to Lake County Residents.

- 7.2 Adopt Resolution Amending Resolution No. 2016-178 Pertaining to Tax Revenue Exchange for Annexation to County Service Area No.2 – Spring Valley Water System (Annexation – LAFCO Project # 2016-01) to Correct a Typographical Error.

Enactment No: Resolution No. 2017-07

- 7.3 (a) Adopt Resolution Amending Resolution No. 2016-144 to Amend the FY 2016-17 Adopted Budget by Adjusting Revenues and Appropriations in Budget Unit 2703 - Animal Control; and (b) Authorize the Asst. Purchasing Agent/Animal Care and Control Director to sign a purchase order for the custom built 24' Charmac Trailer from California Custom Trailers of Elk

Enactment No: Resolution No. 2017-08

- 7.4 Adopt Resolution to the Board Amending Exhibit "A" and adopting Title 2, California Code of Regulations, §18730 to the County Conflict of Interest Code

Enactment No: Resolution No. 2017-09

- 7.5 (a) Waive the formal bidding process, Per Ordinance #2406, Purchasing Code 38.2, as it is not in the public interest due to the unique nature of goods or services; and (b) Approve the Second Amendment to the Agreement between the County of Lake and Victor Treatment Centers, Inc. for Specialty Mental Health Services for Fiscal Year 2016-17 in the amount of \$155,000 and authorize the Board Chair to sign the Amendment.

- 7.6 Approve Advanced Step Hire for Mr. Teale Love as an Extra Help Hazardous Materials Specialist II due to his extraordinary qualifications.

- 7.7 Approve Long Distance Travel April 24, 2017 through April 28, 2017 to Atlanta, Georgia for Kimberly Baldwin, Program Coordinator Emergency Preparedness, Public Health Division. Travel and all associated costs, including airfare, meals, airline baggage fees, ground transportation, hotel and airport parking are fully funded through the Emergency Preparedness grant.

- 7.8** Approve Long Distance Travel February 5, 2017 through February 7, 2017 to the Centers for Disease Control (CDC) in Atlanta, Georgia for Jessica Hamner, Program Coordinator Public Health Division to participate in the 2017 CDC E-Learning Institute. Travel and all associated costs, including airfare, meals, airline baggage fees, ground transportation, hotel and airport parking are covered by the Public Health Foundation.
- 7.9** Rescind the "Interim Inter-Facility Transfer Operating Procedures for Lake County Ground Ambulance Providers". Due to changes which occurred in 2016, the interim procedure presently serves no useful purpose and will be of no assistance in the future.

Staff will meet with the Fire Agencies and bring back to the Board in two weeks.

On motion of Supervisor Brown, and by vote of the Board, approved reconsidering the Consent Agenda to revisit item 7.9. The motion carried by the following vote:

Ayes: Supervisors Simon, Steele, Scott, Brown and Smith

- 7.10** Adopt Resolution Amending Resolution No 2016-145 Establishing Position Allocations for Fiscal Year 2016-2017 for Budget Unit 2201, Sheriff-Coroner to correct a typographical error and establish the OES Assistant position in County service at grade A18

Enactment No: Resolution No. 2017-10

- 7.11** Approve the Renewal and Extension of Current Lease Agreement between the County of Lake and Suburban Propane for the property located at 7200 South Center Drive, Clearlake, CA. in the amount of \$1,000 per month for the use as a temporary parks maintenance operations facility; and authorize the Public Services Director to sign.
- 7.12** Adopt Resolution Approving the Application for Grant Funds from the Harbors and Watercraft Revolving Fund Program in the amount of \$434,000 for the Lucerne Harbor Boat Launch Improvements Project, and authorize the Public Services Director to submit and sign the application.
- 7.13** Adopt Resolution accepting the CSA-22 Mt. Hannah Water Main Project as complete and authorize the CSA-22 Administrator to sign the Notice of Completion

Enactment No: Resolution No. 2017-12

- 7.14** (ADDENDUM) - Adopt Proclamation Honoring Eric Seely for his Years of Dedicated Service to Lake County.

On motion of Supervisor Steele, and by vote of the Board, approved Consent Agenda Items 7.1 through 7.14. The motion carried by the following vote:

Ayes: Supervisors Simon, Steele, Scott, Brown and Smith

On motion of Supervisor Brown, and by vote of the Board, approved Consent Agenda Items 7.1 through 7.14 with the exception of 7.9 which will be brought back in 2 weeks. The motion carried by the following vote:

Ayes: Simon, Steele, Scott, Brown and Smith

8. Timed Items

8.1 9:05 A.M. - Public Input

There was no public input.

8.2 9:10 A.M. - Appoint/reappoint members of the Lake County Planning Commission (District 2 and District 3)

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

On motion of Supervisor Steele, and by vote of the Board, appointed Eddie Crandle as Planning Commissioner, District 3. The motion carried by the following vote:

Ayes: Supervisors Simon, Steele, Scott, Brown and Smith.

Chair Smith passed the gavel to Vice Chair Steele.

On motion of Supervisor Smith, and by vote of the Board, appointed Bob Malley as Planning Commissioner, District 2. The motion carried by the following vote:

Ayes: Supervisors Simon, Smith, Scott, Brown and Steele.

8.3 9:12 A.M. - Presentation of (a) Proclamation Commending Toastmasters International, Tenacious Talkers Club 8731 for 20 Years of Service to Lake County Residents; and (b) Proclamation Honoring Eric Seely for his Years of Dedicated Service to Lake County.

(a) Supervisor Steele read the proclamation into the record and presented it to Greg Scott and Tenacious Talkers Club members. Mr. Scott spoke.

(b) Supervisor Brown read the proclamation into the record and presented it to Eric Seely, who also spoke. Carol Huchingson read a statement from former CAO Kelly Cox, Public Works Director Scott DeLeon commended Mr. Seely for his time at Public Works, and Carolyn Ruttan also spoke.

8.4 9:15 A.M. - Consideration of Continuation of a Proclamation of a Local Health Emergency by the Lake County Health Officer

Lake County Health Officer Karen Tait presented the item to the Board. Environmental Health Director Ray Ruminski was present and also spoke, providing an update surrounding clean up efforts for the Clayton fire, which was as follows:

Only 3 lots are currently under notice of nuisance order to abate, and 4 late sign ups for the Cal Recycle program were received. Cal Recycle has cleared 155 lots + 3 abatement ordered properties, private contractors have cleared 49 lots. Mr. Ruminski introduced Alan Grossburg and Todd Thalhamer of CalRecycle. The Board thanked the crew and commended them for their efforts with regard to all fires during the last two years in Lake County.

On motion of Supervisor Simon, and by vote of the Board, continued the Declaration of a Proclamation of a Local Health Emergency by the Lake County Health Officer. The motion carried by the following vote:

Ayes- Supervisors: 5 - Smith, Steele, Brown, Scott and Simon

- 8.5** 9:16 A.M. - ADDENDUM - Consideration of Continuation of a Proclamation of a Declaration of a Local Emergency due to Wildfire Conditions, pertaining to the Rocky, Jerusalem and Valley Fires

Sheriff Brian Martin presented the item to the Board.

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

On motion of Supervisor Steele, and by vote of the Board, continued the Declaration of a Proclamation of a Local Emergency due to Wildfire Conditions, pertaining to the Rocky, Jerusalem and Valley Fires. The motion carried by the following vote:

Ayes- Supervisors: 5 - Smith, Steele, Brown, Scott and Simon

- 8.6** 9:17 A.M. - ADDENDUM - Consideration of Continuation of a Proclamation of a Declaration of a Local Emergency due to Clayton Fire

Sheriff Martin presented the item to the Board.

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

On motion of Supervisor Simon, and by vote of the Board, continued the Declaration of a Proclamation of a Local Emergency due to Clayton Fire. The motion carried by the following vote:

Ayes- Supervisors: 5 - Smith, Steele, Brown, Scott and Simon

- 8.7** 9:45 A.M. - HEARING - Consideration of Notice of Nuisance and Order to Abate for property located at 7180 Bartlett Springs Rd (APN 027-135-03 -Walter Niesen and/or Wendy Fetzer, by Ken Stritz)

Attorney Andre Ross was in attendance representing the parties of Walter Niesen and/or Wendy Fetzer, by Ken Stritz. Mr. Ross requested staff postpone this hearing to a later date so as to have a freedom of information act request fulfilled, deadline on use permit, as well as other factors.

County Counsel Anita Grant clarified the typical process of who presents first at hearings, noting that staff had yet to provide their report.

On motion of Supervisor Steele, and by vote of the Board, approved postponement of this hearing to February 28, 2017 at 9:30 a.m. The motion carried by the following vote:

Ayes: Supervisors Simon, Steele, Scott, Brown and Smith

- 8.8** 10:00 A.M. - PUBLIC HEARING - (Continued from January 3, 2017, December 13, 2016, September 13, 2016, August 23, 2016, July 26, 2016 and June 28, 2016) - Consideration of Appeal (AB 16-01) of Planning Commission's denial of Use Permit (15-10) to construct a new seventy-five foot (75') monopole cellular antenna; project located at 5660 Staheli Drive, Kelseyville (APN 008-050-22); applicant is Epic Wireless Group for Verizon Wireless.

Associate Planner Keith Gronendyke presented the item to the Board. Principal Planner Michaelyn DelValle was also present and spoke. The following people from Epic Wireless Group for Verizon Wireless staff were also present and spoke: Paul Albright, Andrew Lesa and Ed Godfrey.

Chair Smith asked if anyone present wished to speak and the following people spoke: Peggy King, Mark Borghesani, Ron Chips and Mike Powers. No one else wished to speak and the public input portion of this item was closed.

On motion of Supervisor Steele, and by vote of the Board, granted appeal AB 16-01 and overturned the Planning Commission's denial of Use Permit UP 15-10 applied for by Epic Wireless Group for Verizon Wireless for property located at 5660 Staheli Drive in Kelseyville, adopting a Negative Declaration, and directed County Counsel to prepare findings of fact before remanding the project back to the Planning Commission for completion of the Environmental review. The motion carried by the following vote:

Ayes- Supervisors: 4 - Smith, Steele, Scott and Simon

Nayes- Supervisors: 1 - Brown

9. Non-Timed Items

- 9.1** Supervisors' weekly calendar, travel and reports

9.2 Consideration of the Following Appointments:

Fish & Wildlife Advisory Council
Middletown Cemetery District
MCAH Advisory Board
Spring Valley CSA #2 Advisory Board

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

On motion of Supervisor Brown, and by vote of the Board, appointed Kirk Andrus to the Fish & Wildlife Advisory Council. The motion carried by the following vote:

Ayes: Supervisors Simon, Steele, Scott, Brown and Smith

On motion of Supervisor Simon, and by vote of the Board, appointed Linda Diehl-Darms to the Middletown Cemetery District. The motion carried and the following vote:

Ayes: Supervisors Simon, Steele, Scott, Brown and Smith

On motion of Supervisor Scott, and by vote of the Board, appointed Teresa Stewart to the MCAH Advisory Board. The motion carried by the following vote:

Ayes: Supervisors Simon, Steele, Scott, Brown and Smith

On motion of Supervisor Steele, and by vote of the Board, appointed Luther "Monte" Winters to the Spring Valley CSA#2 Advisory Board. The motion carried by the following vote:

Ayes: Supervisors Simon, Steele, Scott, Brown and Smith

On motion of Supervisor Steele, and by vote of the Board, appointed Helen Mitcham to the Spring Valley CSA#2 Advisory Board. The motion carried by the following vote:

Ayes: Supervisors Simon, Steele, Scott, Brown and Smith

9.3 Consideration of Proposed Findings of Fact and Decision in the Appeal of Durand Duin - AB 15-16 [Project Applicants Blythe Lucero and Vincent A. Corbella]

Attorney Andre Ross spoke. County Counsel Anita Grant clarified that both attorneys in the matter testified to having vetted the documentation.

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

On motion of Supervisor Steele, and by vote of the Board, approved the Findings of Fact and Decision in the Appeal of Durand Duin - AB 15-16 [Project Applicants Blythe Lucero and Vincent A. Corbella]. The motion carried by the following vote:

Ayes- Supervisors: 5 - Smith, Steele, Brown, Scott and Simon

9.4 Discussion and Consideration of Potential Conflict of Legal Representation in the Matter of Lake County Correctional Officers Association v. County of Lake, et al.

County Counsel Anita Grant presented the item to the Board stating Sheriff Martin has identified a conflict of interest. Sheriff Martin was present and requested independent counsel, indicating there is an irreconcilable conflict of interest and an ethical wall may not exist.

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

The Board declined to take action to approve outside counsel for the Sheriff's office.

- 9.5** Consideration of Amendment Three to the Management Resolution (2015-135) clarifying the Board's Original Intent with Regard to Section 1.2.2 Longevity Steps for Elected Department Heads; and authorize Chair to sign.

Human Resources Deputy Director Sarah Jansen presented the item to the Board, clarifying that the original Management Resolution was not clear whether to stack or compound the longevity steps. The Board's intent was to compound the steps.

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

Supervisor Steele offered the Resolution and it was passed by roll call vote:

Ayes- Supervisors: 5 - Smith, Steele, Brown, Scott and Simon

Enactment No: Resolution No. 2017-13

- 9.6** Consideration of Agreement between the County of Lake and The California State Franchise Tax Board for FY 2017-20; and authorize the Treasurer-Tax Collector to sign.

Treasurer-Tax Collector Barbara Ringen presented the item to the Board. Collections Supervisor Beth Balentine was also present.

County Administrative Officer Carol Huchingson requested that the Tax Collector meet with Chief Deputy CAO Jeff Rein to discuss whether this was a mandated function and to determine how much revenue is generated specific to this agreement. Ms. Huchingson requested this item be taken back up later in the day.

Staff requested to postpone this item.

10. Closed Session

Prior to going into Closed Session, Attorney Terry Leonie requested to speak regarding Item 10.5, urging the Board to grant the appeal. County Counsel Anita Grant and Sheriff Brian Martin also spoke.

Chair Smith announced the Board would now go into Closed Session for the reasons stated on the agenda.

10.1 Conference with Labor Negotiator: (a) County Negotiators: A. Grant, S. Harry, C. Huchingson, K. Ferguson and S. Jansen; and (b) Employee Organizations: DDAA, DSA, LCCOA, LCEA and LCSEA

10.2 Public Employee Evaluations

Title: Health Services Director

10.3 Conference with Legal Counsel: Existing Litigation pursuant to Government Code section 54956.9 (d)(1): Bond v. County of Lake, et al

10.4 Conference with Legal Counsel: Existing Litigation pursuant to Government Code section 54956.9 (d)(1): Hittle v. County of Lake, et al

10.5 Employee Disciplinary Appeal (EDA-16-04) pursuant to Government Code sec. 54957

The Board reconvened into Regular Session at 12:27 p.m. and took the following action:

Chair Smith asked if anyone from the public wished to speak and Attorney Terry Leonie spoke, urging the Board to grant the appeal. County Counsel Anita Grant and Sheriff Brian Martin also spoke. No one else wished to speak and the public input portion of this item was closed.

On motion of Supervisor Steele, and by vote of the Board, denied Employee Disciplinary Appeal (EDA-16-04) pursuant to Government Code sec. 54957. The motion carried by the following vote:

Ayes- Supervisors: 5 - Smith, Steele, Brown, Scott and Simon

10.6 Conference with legal counsel: Existing litigation pursuant to Gov. Code Sec. 54956.9(d)(1): Lake County Correctional Officers Association v. County of Lake, et al.

10.7 Conference with Legal Counsel: Significant exposure to litigation: Gov. Code sec. 54956.9 (d)(2), (e)(5)

10.8 ADDENDUM - (Sitting as the Lake County IHSS Public Authority Board of Directors) - Conference with Labor Negotiator: (a) Agency Negotiator: Kathy Maes and F. Buchanan (b) Employee Organization: California United Homecare Workers Union AFSCME/SEIU Local 4034

11. Adjournment

There being no further business, the Board of Supervisors adjourned at 12:28 p.m.

CAROL J. HUCHINGSON
Clerk of the Board

By: _____
Alicia Flores
Assistant Clerk of the Board

Chair-Lake County Board of Supervisors