



COUNTY OF LAKE

255 North Forbes Street
Lakeport, CA 95453

Meeting Minutes - Draft BOARD OF SUPERVISORS

Tuesday, August 21, 2018

9:00 AM

Board Chambers

1. Call to Order

The meeting was called to order at 9:00 a.m. by Chair Steele. County Administrative Officer Carol Huchingson, County Counsel Anita Grant, and Assistant Clerk of the Board Carolyn Purdy were present, along with the following Supervisors:

Present: Supervisor Simon, Supervisor Smith, Supervisor Scott, Supervisor Brown and Chair Steele

2. Moment of Silence

A moment of silence was observed in memory of Deputy Sheriff Rob Rumfelt whose End of Watch was August 22, 2017.

3. Pledge of Allegiance

Led by Supervisor Simon.

4. Consideration of Extra Items Not Appearing on the Posted Agenda

There were no extra items to consider.

5. Current Construction Projects - Contract Change Orders

- 5.1** Consideration of (a) Contract Change Order No. 7 to Contract between the County of Lake and Granite Construction Company for Eastlake Elementary SRTS & CDBG Project, in Clearlake Oaks, CA, Bid No 16-16, Federal Aid No. SRTSL-5914(097) for an increase of \$38,310.58; (b) Contract Change Order No. 8 to Contract between the County of Lake and Granite Construction Company for Eastlake Elementary SRTS & CDBG Project, in Clearlake Oaks, CA, Bid No 16-16, Federal Aid No. SRTSL-5914(097) for an increase of \$10, 735.25; (c) Contract Change Order No. 9 to Contract between the County of Lake and Granite Construction Company for Eastlake Elementary SRTS & CDBG Project, in Clearlake Oaks, CA, Bid No 16-16, Federal Aid No. SRTSL-5914(097) for an increase of \$8,600.63; (d) Contract Change Order No. 10 to Contract between the County of Lake and Granite Construction Company for Eastlake Elementary SRTS & CDBG Project, in Clearlake Oaks, CA, Bid No 16-16, Federal Aid No. SRTSL-5914(097) for an increase of \$18,919.72; (e) Contract Change Order No. 11 to Contract between the County of Lake and Granite Construction Company for Eastlake Elementary SRTS & CDBG Project, in Clearlake Oaks, CA, Bid No 16-16, Federal Aid No. SRTSL-5914(097) for an increase of \$18,197.56; (f) Contract Change Order No. 12 to Contract between the County of Lake and Granite Construction Company for Eastlake Elementary SRTS & CDBG Project, in Clearlake Oaks, CA, Bid No 16-16, Federal Aid No. SRTSL-5914(097) for an increase of \$10,944.19

Public Works Director Scott DeLeon presented the item to the Board.

Chair Steele 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, approved Contract Change Order No. 7 with Granite Construction Company for Eastlake Elementary SRTS & CDBG Project, in Clearlake Oaks, CA, Bid No 16-16, Federal Aid No. SRTSL-5914(097) for an increase of \$38,310.58. The motion carried by the following vote:

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

On motion of Supervisor Simon, and by vote of the Board, approved Contract Change Order No. 8 with Granite Construction Company for Eastlake Elementary SRTS & CDBG Project, in Clearlake Oaks, CA, Bid No 16-16, Federal Aid No. SRTSL-5914(097) for an increase of \$10, 735.25. The motion carried by the following vote:

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

On motion of Supervisor Simon, and by vote of the Board, approved Contract Change Order No. 9 with Granite Construction Company for Eastlake Elementary SRTS & CDBG Project, in Clearlake Oaks, CA, Bid No 16-16, Federal Aid No. SRTSL-5914(097) for an increase of \$8,600.63. The motion carried by the following vote:

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

On motion of Supervisor Simon, and by vote of the Board, approved Contract Change Order No. 10 with Granite Construction Company for Eastlake Elementary SRTS & CDBG Project, in Clearlake Oaks, CA, Bid No 16-16, Federal Aid No. SRTSL-5914(097) for an increase of \$18,919.72. The motion carried by the following vote:

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

On motion of Supervisor Simon, and by vote of the Board, approved Contract Change Order No. 11 with Granite Construction Company for Eastlake Elementary SRTS & CDBG Project, in Clearlake Oaks, CA, Bid No 16-16, Federal Aid No. SRTSL-5914(097) for an increase of \$18,197.56. The motion carried by the following vote:

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

On motion of Supervisor Simon, and by vote of the Board, approved Contract Change Order No. 12 with Granite Construction Company for Eastlake Elementary SRTS & CDBG Project, in Clearlake Oaks, CA, Bid No 16-16, Federal Aid No. SRTSL-5914(097) for an increase of \$10,944.19. The motion carried by the following vote:

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

6. Approval of the Consent Agenda

- 6.1** Approve Increase to the Salary of Staff Services Analyst II Nathan Spangler during his Temporary Assignment as Recovery Coordinator for the River/Ranch Fires by Ten Percent, (or two steps above his normal rate)

This agenda item was pulled at the request of the department.

- 6.2** (Sitting as the Lake County Watershed Protection District, Board of Directors) Award of Bid No. WR 18-01 for Levee Patrol Road Gravel Repair Project, Upper Lake, CA. in the amount of \$62,884 and authorize the Water Resources Director to execute the Agreement and Notice of Award

RECOMMENDED ACTION:

Award of Bid No. WR 18-01 for Levee Patrol Road Gravel Repair Project, Upper Lake, CA. in the amount of \$62,884 and authorize the Water Resources Director to execute the Agreement and Notice of Award.

- 6.3** Approve Encroachment Permit #18-26 - Temporary closure of a portion of Clear Lake between Library Park and Skylark Shores Resort from September 6 thru September 9, 2018 for the 2018 Splash-In Seaplane Show

On motion of Supervisor Smith, and by vote of the Board, approved consent agenda items 6.1 through 6.3, with the exception of 6.1, which was pulled at the request of the department. The motion carried by the following vote:

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

7. Timed Items

7.1 9:05 A.M. - Public Input

There was no public input.

- 7.2** 9:06 A.M. - (Sitting as the Lake County Housing Commission) – Consideration of Resolution to Authorize the Executive Director of Lake County Housing Authority to Sign the Conciliation Agreement/Voluntary Compliance Agreement Between U.S. Department of Housing and Urban Development and Delfina Gonzales and Lake County Housing Commission

The Board of Supervisors adjourned and convened as the Lake County Housing Commission. Commissioner Deborah Figueroa was present.

Deputy Social Services Director Micki Dolby presented the item to the Board.

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

Commissioner Smith offered the Resolution and it was passed by roll call vote:

Ayes: Commissioners Figueroa, Simon, Smith, Scott, Brown and Steele

The Lake County Housing Commission adjourned and reconvened as the Board of Supervisors.

- 7.3** 9:09 A.M. - Consideration of Continuing a Proclamation of a Local Health Emergency by the Lake County Health Officer due to the Pawnee Fire Incident

Deputy Public Health Officer Erin Gustafson presented the item to the Board. Environmental Health Director Jasjit Kang was present and spoke. Mr. Kang reported that no soil testing has been done on the Pawnee Fire. Environmental Health can assist and coordinate with the landfill for private clean up disposal. Environmental Health Specialist Amir Gholami was present and spoke. Public Services Director Lars Ewing was present reported on the landfill protocol for debris from fire.

Chair Steele 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 Scott, and by vote of the Board, approved the continuation of a proclamation of a Local Health Emergency by the Lake County Health Officer due to the Pawnee Fire Incident. The motion carried by the following vote:

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

- 7.4** 9:10 A.M. - Consideration of Continuing a Proclamation of a Local Health Emergency by the Lake County Health Officer due to the Mendocino Complex Fire

Deputy County Health Officer Erin Gustafson presented the item to the Board. Environmental Health Director Jasjit Kang reported on the fire debris removal. County Administrative Officer Carol Huchingson spoke.

Chair Steele 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 Scott, and by vote of the Board, approved the continuation of a proclamation of a Local Health Emergency by the Lake County Health Officer due to the Mendocino Complex Fire. The motion carried by the following vote:

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

7.5 9:11 A.M. - (a) Consideration of Continuing a Proclamation of a Local Emergency due to the Mendocino Complex Fire Incident (River and Ranch Fires); and (b) Update and Discussion on the Mendocino Complex - River and Ranch Fires Response and Recovery

(a) Sheriff Brian Martin presented the item to the Board. The Mendocino Complex Fire has not been fully contained at this time.

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

(b) Cal Fire Incident Management Team Member Bob Farias spoke. The Mendocino Complex fire is still actively burning in the forest. The fire is pushing to the north and northeast. The upcoming weather change will improve conditions. Recovery Coordinator Nathan Spangler reported that the Disaster Recovery Center (DRC) is opening at 9760 Main Street, Upper Lake today. CalOES Regional Administrator Jodi Traversaro stated the preliminary damage assessments start today. Debris clearing for household hazardous waste will be first and foremost. Registrations for FEMA taken at the Disaster Recovery Center are as follows: 82 prior registrations, 276 additional registrations and 117 registrations over the weekend at the Courthouse. A total of 41 inspections have been completed and \$385,000 has been issued to survivors to date. Public Information Officer for the Small Business Association, Dave Reets discussed disaster assistance loans for underinsured, uninsured, homeowners and renters. Behavioral Health Administrator Todd Metcalf was present and spoke. FEMA will be offering crisis counseling to disaster survivors. Undersheriff Chris Macedo was present as Sheriff Martin had to be excused.

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

On motion of Supervisor Scott, and by vote of the Board, approved the continuation of a proclamation of a Local Emergency due to the Mendocino Complex Fire Incident (River and Ranch Fires). The motion carried by the following vote:

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

7.6 9:12 A.M. - Consideration of Continuing a Proclamation of a Local Emergency due to the Pawnee Fire Incident

Undersheriff Chris Macedo presented the item to the Board.

Chair Steele 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, approved the continuation of a proclamation of a Local Emergency due to the Pawnee Fire Incident. The motion carried by the following vote:

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

7.7 9:13 A.M. - Consideration of Continuing a Proclamation of a Local Emergency due to the Sulphur Fire Incident

Undersheriff Chris Macedo presented to item to the Board.

Chair Steele 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 Smith, and by vote of the Board, approved the continuation of a proclamation of a Local Emergency due to the Sulphur Fire Incident. The motion carried by the following vote:

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

7.8 9:14 A.M. - Consideration of Continuing a Proclamation of a Local Emergency due to Clayton Fire

Undersheriff Chris Macedo presented to item to the Board.

Chair Steele 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, approved the continuation of a proclamation of a Local Emergency due to Clayton Fire. The motion carried by the following vote:

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

7.9 9:15 A.M. - Consideration of Continuing a Proclamation of a Local Emergency due to the Atmospheric River Storm

Undersheriff Chris Macedo presented to item to the Board.

Chair Steele 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 Scott, and by vote of the Board, approved the continuation of a proclamation of a Local Emergency due to the Atmospheric River Storm. The motion carried by the following vote:

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

7.10 9:30 A.M. - (Continued from August 7, 2018) - Consideration of Resolution Declaring the Results of the Majority Protest Proceedings and Establishing the Lake County Tourism Improvement District (LCTID) (THIS ITEM WILL BE CONTINUED TO SEPTEMBER 18, 2018 @ 9:30 A.M.)

Chair Steele presented the item to the Board. County Administrative Officer Carol Huchingson requested the item be continued to September 18, 2018.

Chair Steele 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 Smith, and by vote of the Board, approved to continued the item to September 18, 2018 at 9:30 a.m. . The motion carried by the following vote:

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

- 7.11** 9:31 A.M. - Discussion and Consideration of Draft for Right to Geothermal Exploration and Development Ordinance

This item will be continued to September 18, 2018 at 9:45 a.m.

- 7.12** 9:45 A.M. - PUBLIC HEARING: Consideration of Application for Funding for the Cobb Area Water District Improvements to Water Systems to Improve Water Quality and Fire Suppression Capacity, known as Hill 9&10, Branding Iron Systems Improvements and Summit Area Improvements, under the 2016 Butte and Valley Wildfire Recovery Disaster Notice of Funding Availability (NOFA)

Contractor Jeff Lucas presented the item to the Board. Special Districts Administrator Jan Coppinger and Cobb Water Company Manager Ben Murphy were present and spoke.

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

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

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

- 7.13** 10:00 A.M. - PUBLIC BID OPENING – (Continued from August 14, 2018) Consideration of Bids to Purchase the property known as the Lucerne Hotel, located at 3700 Country Club Drive, Lucerne, CA (APN'S 034-182-030 & 040, AND 034-867-010 through 070) pursuant to Government Code Section 25520 et seq.

County Administrative Officer Carol Huchingson presented the item to the Board. Written and oral bids will be received for this property. Deputy County Administrative Officer Stephen Carter opened and read the one sealed bid received from the Romero Institute in the amount of \$2,500,000. Chair Steele asked for any oral bids of at least 5% over the proposed offer. No oral bids were received.

Chair Steele asked if anyone present wished to speak and the following people spoke: Bill Stranger and Tom Slate. No one else wished to speak and the public input portion of this item was closed.

On motion of Supervisor Smith, and by vote of the Board, approved to close the bid on the property known as the Lucerne Hotel, located at 3700 Country Club Drive, Lucerne, CA (APN'S 034-182-030 & 040, AND 034-867-010 through 070). The motion carried by the following vote:

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

On motion of Supervisor Steele, and by vote of the Board, accepted the bid as written from the Romero Institute in the amount of \$2,500,000. The motion carried by the following vote:

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

8. Non-Timed Items

8.1 Supervisors' weekly calendar, travel and reports

8.2 Consideration of a Resolution Adopting the Position of the County of Lake Regarding the Future of Lake Pillsbury and the Potter Valley Project on the Eel River

Chair Steele presented the item to the Board.

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

Supervisor Smith offered the Resolution, as amended to include all Board signatures, and it was passed by roll call vote:

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

Enactment No: Resolution No. 2018-114

8.3 Consideration of Argument in Favor of a Cannabis Business Tax Ballot Measure for the November 4, 2018 Election

Chair Steele presented the item to the Board.

Chair Steele 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, approved the Argument in Favor of a Cannabis Business Tax Ballot Measure for the November 4, 2018 Election. The motion carried by the following vote:

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

8.4 Consideration of an Urgency Interim Ordinance Authorizing a Temporary Deferral of Certain Provisions of Section 21-27.3, Subdivision (P) due to the Pawnee, River and Ranch Fires

Community Development Director Michalyn DelValle presented the item to the Board. The Governor's Executive Order B5318 states an urgency ordinance is not necessary for temporary dwellings. An Urgency Ordinance is not necessary at this time.

No action necessary.

8.5 (Second Reading) Consideration of an Ordinance Amending Certain Sections of Chapter 13 to Establish Administrative Fines for Violations of the Lake County Code Relating to the Failure to Obtain and/or Maintain Any Permit Related to Cannabis Operations

County Counsel Anita Grant presented the item.

Chair Steele asked if anyone 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 Smith offered the Ordinance and it passed by roll call vote:

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

Enactment No: Ordinance 3000

8.6 Consideration of Findings of Fact and Final Decision in the Appeal of Patrick Smythe of the Planning Commission's approval of Deviation DV 16-01 for Parcel Map PM 15-03 (AB 18-01)

County Counsel Anita Grant presented the item to the Board.

Chair Steele 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, approved in part and denied in part the Findings of Fact and Final Decision in the Appeal of Patrick Smythe of the Planning Commission's approval of Deviation DV 16-01 for Parcel Map PM 15-03 (AB 18-01). The motion carried by the following vote:

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

8.7 Consideration of (a) the Submission of the FY18 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Application in the amount of \$14,255, to provide funding for an extra help employee to assist with forensic processing and data collection services; and (b) authorize the County Administrative Officer to sign all grant documents for the FY17 and FY18 JAG grants

Sheriff Brian Martin presented the item to the Board.

Chair Steele 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 Brown, and by vote of the Board, approved the Submission of the FY18 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Application in the amount of \$14,255, to provide funding for an extra help employee to assist with forensic processing and data collection services; and authorized the County Administrative Officer to sign all grant documents for the FY17 and FY18 JAG grants. The motion carried by the following vote:

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

9. Closed Session

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

9.1 Public Employee Appointment Pursuant to Gov. Code Section 54957(b)(1):

Interviews of Interim Public Health Officer

9.2 Conference with Legal Counsel: Decision Whether to Initiate Litigation Pursuant to Government Code section 54956.9(d)(4): County of Lake v. United States, Department of Interior

The Board reconvened into Regular Session at 11:17 a.m. having taken the following action:

On motion of Supervisor Scott, and by vote of the Board, approved to initiate litigation by joining in the existing class action with other Federal PILT (Payment in Lieu of Taxes) recipients of Kane County v. United States to recover underpaid federal monies. The motion carried by the following vote:

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

- 9.3** Conference with Legal Counsel: Existing Litigation pursuant to Gov. Code section 54956.9(d)(1): Navarro v. County of Lake, et al.

This Closed Session Item was not acted on.

10. Adjournment

There being no further business, the Board of Supervisors adjourned at 11:18 a.m.

CAROL J. HUCHINGSON
Clerk of the Board

By: _____
Carolyn Purdy
Assistant Clerk of the Board

Chair-Lake County Board of Supervisors