



COUNTY OF LAKE

255 North Forbes Street
Lakeport, CA 95453

Meeting Minutes - Final BOARD OF SUPERVISORS

Tuesday, December 4, 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.

3. Pledge of Allegiance

Led by Chair Steele.

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

County Counsel Anita Grant presented an extra item for Closed Session, which came up after the posted agenda, and has a need for immediate action:

Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9, subd. (d)(2) (e)(1): One potential case.

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 extra item for closed session as stated, as it meets the criteria. The motion carried by the following vote:

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

5. Current Construction Projects - Contract Change Orders

There were no contract change orders.

6. Approval of the Consent Agenda

- 6.1** Approve Amendment to the Travel Policy Section 15 Subsection 4.1.C increasing the Threshold for Lodging Expenses Requiring County Administrative Officer Approval from "in excess of \$125 per night before taxes" to "in excess of \$175 per night before taxes"

- 6.2** Authorize the County Administrative Officer to execute side letters with Lake County Employee Association Units 3, 4, 5 and 10, Lake County Correctional Officers Association Unit 6, Lake County Deputy District Attorney Association Unit 8 and Lake County Deputy Sheriff Association Unit 16 to increase maximum monthly County contribution for insurance coverage from \$800.00 per month to \$1000.00 per month for employees who enroll in a County sponsored medical, dental, vision insurance plan, effective January 1, 2019

- 6.3** Adopt Resolution of the Board of Supervisors of the County of Lake Adopting an Amended Conflict of Interest Code for the County of Lake

Enactment No: Resolution No. 2018-157

- 6.4** Adopt Resolution of the Board of Supervisors of the County of Lake Approving Conflict of Interest Codes of Certain Local Agencies Located Wholly Within the County

Enactment No: Resolution No. 2018-158

- 6.5** Adopt Resolution Amending Resolution No. 2018-73, Establishing Position Allocations for Fiscal Year 2018-2019, Budget Unit No. 1121, Auditor-Controller/County Clerk

Enactment No: Resolution No. 2018-159

- 6.6** Adopt Resolution Authorizing the Konocti Unified School District to Issue its General Obligation Bonds, Election of 2016, Series 2019, in an Aggregate Principal Amount Not to Exceed \$9,500,000 Without Further Action of the Board of Supervisors or Officers of the County

Enactment No: Resolution No. 2018-160

- 6.7** Adopt Resolution Approving the Application and Certification Statement for the State Department of Health Care Services, CMS Branch's California Children's Services (CCS) Administration Plan Renewal Grant for FY 2018-2019 and Authorize the Board Chair to Sign Said Certification Statement

Enactment No: Resolution No. 2018-161

- 6.8** Adopt Resolution Approving the Application and Certification Statement for the State Department of Health Services, CMS Branch's Child Health & Disability Program (CHDP), Health Care Program for Children in Foster Care Program (HCPFC) and Monitoring Oversight of Foster Children Treated with Psychotropic Meds Grant for FY 2018-2019 and Authorize the Board Chair to Sign Said Certification Statement

Enactment No: Resolution No. 2018-162

6.9 (a) Waive the competitive bid process under Ordinance #2406, Section 38.2 as it is not in the public interest due to the unique nature of the goods; and (b) Approve the Special Districts Administrator acting as the Assistant Purchasing Agent to issue and sign a purchase order in an amount not to exceed \$88,000 to Smith & Loveless, Inc. for the purchase of a Everlast Series 1000 pumping station.

6.10 Adopt Resolution Authorizing the Director of Watershed Protection District to Sign a Notice of Completion for work performed under the agreement dated September 6, 2018, for the Levee Patrol Road Gravel Repair Project. Bid No. 18-01

Enactment No: Resolution No. 2018-163

6.11 Approve Advance Application Submission of FY2019 State Homeland Security Grant Application in the amount of \$139,563

6.12 (a) Approve Submission of FY2018 State Homeland Security Grant Application in the amount of \$139,563; (b) Authorize the Sheriff to sign the Grant Application and Grants Management Assessment; and (c) Authorize the Chairman of the Board or County Administrative Officer to sign the Grant Assurances, Governing Body Resolution and Federal Funding Accountability and Transparency Act (FFATA) Financial Disclosure

6.13 Approve Bid Award to Rogue Jet Boatworks in the amount of \$95,371 for the purchase of an Aluminum Patrol/Rescue Boat.

6.14 Approve the Second Amendment to the Contract Between the County of Lake and Regional Housing Authority for Housing Consultant Services in the Amount of \$117,518, from July 1, 2017 to June 30, 2019, and Authorize the Chair to Sign.

6.15 Adopt Resolution Amending the Resolution Establishing a Geothermal Impact Mitigation Fund and Combining the Anderson Spring and Cobb Valley Committees into the Geothermal Advisory Committee

On motion of Supervisor Scott, and by vote of the Board, approved Consent Agenda items 6.1 through 6.15. The motion carried by the following vote:

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

Enactment No: Resolution No. 2018-164

7. Timed Items

7.1 9:05 A.M. - Public Input

There was no public input.

7.2 9:13 A.M. - Consideration of Continuing a Proclamation of a Local Health Emergency by the Lake County Health Officer due to the Pawnee Fire Incident

Interim Public Health Officer Erin Gustafson presented the item to the Board. Environmental Health Director Jasjit Kang was also present and spoke. A total of 15 properties have been cleaned up and cleared for soil testing with a walk through scheduled for today. This will be the last renewal of a local health emergency due to the Pawnee Fire Incident.

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 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

7.3 9:14 A.M. - (a) Consideration of Continuing a Proclamation of a Local Health Emergency by the Lake County Health Officer due to the Mendocino Complex Fire

Interim Public Health Officer Erin Gustafson presented the item to the Board. Environmental Health Director Jasjit Kang was present and spoke. This item has a total of 171 properties, with 13 private clean ups and 20 modified clean ups. 119 properties have completed the debris removal process. The next step is soil testing.

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 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

7.4 9:15 A.M. - Consideration of Continuing a Proclamation of a Local Emergency due to the Mendocino Complex Fire Incident (River and Ranch Fires); and and (b) Update on the Mendocino Complex - River and Ranch Fires Recovery

Sheriff Brian Martin presented the item to the Board. Recovery Coordinator Nathan Spangler was also present and spoke. County Administrative Officer Carol Huchingson recognized Mr. Spangler for his work during the 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 Smith, 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

7.5 10:02 A.M. - Consideration of Continuing a Proclamation of a Local Emergency due to the Pawnee Fire Incident

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 Smith, 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

7.6 9:17 A.M. - Consideration of Continuing a Proclamation of a Local Emergency due to the Sulphur Fire Incident

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 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

7.7 9:18 A.M. - Consideration of Continuing a Proclamation of a Local Emergency due to Clayton Fire

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 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

7.8 9:19 A.M. - Consideration of Continuing a Proclamation of a Local Emergency due to the Atmospheric River Storm

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 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

- 7.9** 9:30 A.M. - (ERRATUM - This item will be continued to December 11, 2018 at 10:00 A.M.) PUBLIC HEARING - Consideration of a Draft Ordinance Adding Article VIII to Chapter 13 of the Lake County Code Regarding Hazardous Vegetation Abatement

Chair Steele introduced the item and announced that there was a request to continue this to the December 11, 2018 meeting at 10:00 a.m.

Chair Steele asked if anyone present wished to speak and the following people spoke: Tom Nixon, Roberta Lee and Phil Harley. 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 to continue this item to December 11, 2018 at 10:00 a.m. The motion carried by the following vote:

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

8. Non-Timed Items

8.1 Supervisors' weekly calendar, travel and reports

- 8.2** (Continued from November 20, 2018) - (a) Consideration of Report from the District Attorney on internal controls used with respect to County credit cards, expenses, reimbursements, mileage and maintenance of County vehicles, necessary to protect the public trust; and (b) Consideration of Report from the District Attorney on his use of limited County resources and justification to attend conferences and training himself, despite leaving office 12/31/18, with possible direction to the County Administrative Officer (CAO)/CalCard Administrator to review and approve his expense requests in advance and/or revoke his privilege to use a CalCard

Supervisor Brown presented the item to the Board. District Attorney Don Anderson, Administrative Coordinator Doris Lankford and Chief Investigator Bruce Smith were present. Mr. Anderson spoke and gave a report on the requested information. Supervisor Brown gave a PowerPoint presentation.

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

Supervisor Brown made a motion that further expenses of the District Attorney be approved in advance by the County Administrative Officer. This item failed for lack of a second motion.

No action taken.

8.3 Consideration of Resolution Declaring the Board of Supervisors Intent to Sell Property Not Required for Public Use, Located at 8695 Soda Bay Road, Kelseyville, California (APN 009-002-430), Pursuant to Government Code Section 25520 Et Seq.

County Administrative Officer Carol Huchingson 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.

County Administrative Officer Carol Huchingson requested to reopen this item. The memo has a typo error in Exhibit A. The percentage figure for the listing agent is incorrect, should read 9%. The total amount to be paid is correct.

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

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

Supervisor Brown recinded the prior resolution and offered the resolution as amended, and it was passed by roll call vote:

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

8.4 Consideration of Adoption of Vehicle Policy

County Administrative Officer Carol Huchingson introduced the item. Deputy County Administrative Officer Kathy Ferguson presented the item to the Board. Sheriff Brian Martin and Deputy District Attorney Susan Kronis spoke.

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 in concept the revised Vehicle Policy and directed the Human Resources Director to meet and confer with the appropriate bargaining units and Department Heads, as described. The motion carried by the following vote:

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

8.5 Consideration of Fiscal Crisis Management Plan

County Administrative Officer Carol Huchingson presented the item to the Board and gave a PowerPoint presentation reviewing the current Fiscal Crisis Management Plan.

Chair Steele asked if anyone present wished to speak and the following people spoke: Cheryl Carr, Joan Moss, Sheriff Brian Martin and Russ Scott.

On motion of Supervisor Simon, and by vote of the Board, adopted the Fiscal Crisis Management Plan. The motion carried by the following vote:

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

- 8.6** (Second Reading, as Amended) Consideration of Ordinance Amendment, AM 18-02 to Amend Chapter 21 of the Lake County Zoning Ordinance to allow Type N and P Cannabis Manufacturing License in the “C2, C3, M1, M2, and PDC” Districts subject to obtaining a Minor Use Permit, Type 6 Non-Volatile Cannabis Manufacturing License in the “APZ, A, TPZ, C3, M1, M2, and PDC” Districts subject to obtaining a Major Use Permit, Type 7 Volatile Cannabis Manufacturing License in the “M2” District subject to obtaining a Major Use Permit, Type 11 Cannabis Distributor License in the “C3, M1, M2, and PDC” Districts subject to obtaining a Major Use Permit, Type 13 Cannabis Distributor Transport Only License in the “C2, C3, M1, M2, and PDC” Districts subject to obtaining a Major Use Permit, Type 13 Cannabis Distributor Transport Only, Cannabis Self -Distribution License in the “APZ, A, TPZ, RL, RR, SR, C2, C3, M1, M2, and PDC” Districts subject to obtaining a Minor Use Permit, Cannabis Processor License in the “APZ, A, TPZ, and RL” Districts subject to obtaining a Major Use Permit, Type 8 Cannabis Testing Laboratory in the “C2, C3, M1, M2 AND PDC” Districts subject to obtaining a Minor Use Permit

Community Development Director Michalyn DelValle presented the item to the Board. Ms. DelValle is recommending an amendment to the item, which would advance the ordinance another week for a second reading. A PowerPoint presentation including maps of the different license types was given.

Chair Steele asked if anyone present wished to speak and the following people spoke: Noah Cornell. 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 amended language to the Ordinance, as stated. The motion carried by the following vote:

Ayes: Supervisors Simon, Smith, Scott and Steele

Nayes: Supervisor Brown

On motion of Supervisor Scott, and by vote of the Board, advanced the amended Ordinance for an additional week for a second reading to December 11, 2018. The motion carried by the following vote:

Ayes: Supervisors Simon, Smith, Scott and Steele

Nayes: Supervisor Brown

- 8.7** (Second Reading, as Amended) Consideration of an Ordinance Amending Article II of Chapter 13 of the Lake County Code regarding the Abatement of Garbage and Refuse and establishing Fines and Penalties for the Accumulation of Garbage and other Refuse

Chair Steele introduced the item. County Counsel Anita Grant presented the item to the Board and reviewed the amended language. The last sentence of the added paragraph will be removed.

Chair Steele asked if anyone present wished to speak and the following people spoke: Calvin Reeve, Joan Moss and Eddie Crandell. No one else wished to speak and the public input portion of this item was closed.

Supervisor Smith offered Ordinance No. 3078, as amended, and it was passed by roll call vote

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

Enactment No: 3078

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): Appointment of Interim Registrar of Voters

The Board reconvened into Regular Session at 1:52 p.m. having taken the following action.

On motion of Supervisor Scott, and by vote of the Board, appointed Maria Valadez as the Interim Registrar of Voters, effective December 29, 2018. The motion carried by the following vote:

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

9.2 Conference with Legal Counsel: Significant Exposure to Litigation pursuant to Gov. Code Sec. 54956.9(d)(2)(e)(3): California River Watch

Extra Item - Conference with Legal Counsel - Exisiting Litigation pursuant to Government Code Section 54956.9, subd. (d)(2) (e)(1): One potential case.

No action taken.

10. Adjournment

There being no further business, the Board of Supervisors adjourned at 1:53 p.m.

CAROL J. HUCHINGSON
Clerk of the Board

By: _____
Carolyn Purdy
Assistant Clerk of the Board

Chair-Lake County Board of Supervisors