



COUNTY OF LAKE

255 North Forbes Street
Lakeport, CA 95453

Meeting Minutes - Draft BOARD OF SUPERVISORS

Tuesday, December 6, 2016

9:00 AM

Board Chambers

1. Call to Order

The meeting was called to order at 9:00 a.m. by Chair Brown. 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: Chair Brown, Vice-Chair Smith, Supervisor Comstock, Supervisor Steele and Supervisor Farrington

2. Moment of Silence

A moment of silence was dedicated to John Fulton, Mike Stevenson and John Wright.

3. Pledge of Allegiance

Led by Ray Ruminski.

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

Animal Care and Control Officer Holly Bray presented one canine currently available for adoption.

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

There were no extra items to consider.

6. Current Construction Projects - Contract Change Orders

- 6.1** Consideration of Approval of Contract Change Order No. 1 for Lake County Fire Damage Sign Replacement Project, Bid No. 15-16, to update the project special provisions with no change in contract amount; and authorize Chair to sign

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

Chair Brown 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 Comstock, and by vote of the Board, approved Contract Change Order No. 1. for Lake County Fire Damage Sign Replacement Project, Bid No. 15-16, to update the project special provisions with no change in contract amount; and authorized Chair to sign. The motion carried by the following vote:

Ayes: Supervisors Comstock, Smith, Steele, Farrington, and Brown

- 6.2** Consideration of Approval of Contract Change Order No. 2 for Lake County Fire Damage Sign Replacement Project, Bid No. 15-16, for an increase of \$1,517.55 and a New Contract Amount of \$107,457.03; and authorize Chair to sign

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

Chair Brown 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 Comstock, and by vote of the Board, approved Contract Change Order No. 2 for Lake County Fire Damage Sign Replacement Project, Bid No. 15-16, for an increase of \$1,517.55 and a New Contract Amount of \$107,457.03; and authorized Chair to sign. The motion carried by the following vote:

Ayes: Supervisors Comstock, Smith, Steele, Farrington, and Brown

7. Approval of the Consent Agenda

- 7.1** Approve Amended Golden State Finance Authority (GSFA) Agreement for Residence Emergency Disaster Assistance Program Member County: Lake
- 7.2** Adopt Resolution Amending Resolution No. 2016-174 Pertaining to Tax Revenue Exchange for Annexation to County Service Area No.2 – Spring Valley Water System (Annexation – LAFCO Project # 2016-02).

Enactment No: Reso. No. 2016-178

- 7.3** Adopt Resolution Pertaining to Tax Revenue Exchange for Annexation to Callayomi County Water District (Annexation – LAFCO Project # 2016-03)

Enactment No: Reso. No. 2016-179

- 7.4** (a) Waive the formal bidding process, pursuant to Lake County Code 38.2, as it is not in the public interest due to the unique nature of goods or services; and (b) Approve the Third Amendment to the Agreement between the County of Lake and Mountain Valley Child and Family Services for Fiscal Year 2016-17 for a contract maximum of \$76,000 and authorize the Board Chair to sign the Amendment.
- 7.5** (a) Waive the formal bidding process, per Ordinance #3043, 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 Agreement between the County of Lake and Humboldt County Department of Health and Human Services for Acute Inpatient Psychiatric Hospital Services for Fiscal Year 2016-17 for a contract maximum of \$33,429.38 and authorize the Board Chair to sign the Agreement.

- 7.6 (a) Waive the formal bidding process, per Ordinance #3043, 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 First Amendment to the Agreement between the County of Lake and Catholic Charities for Specialty Mental Health Services provided at St. Vincent School for Boys for Fiscal Year 2016-17 for a contract maximum of \$85,000 and authorize the Chair sign the Amendment.

- 7.7 Adopt Resolution Approving and Accepting Final Parcel Map for Bridges Parcel Map PM 14-04

Enactment No: Reso. No. 2016-180

- 7.8 Adopt Resolution Amending Resolution No. 2016-145 Establishing New Classifications and Position Allocations for Fiscal Year 2016-17 to Conform to the Adopted Budget for Budget Unit 2201, Sheriff/Coroner

Enactment No: Reso. No. 2016-181

- 7.9 Approve Appointment of Tavi Granger as Interim Program Manager for Adult Services

On motion of Supervisor Smith, and by vote of the Board, approved Consent Agenda items 7.1 through 7.9. The motion carried by the following vote:

Ayes: Supervisors Comstock, Smith, Steele, Farrington, and Brown

8. Timed Items

- 8.1 9:05 A.M. - Public Input

There was no public input.

- 8.2 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 Dr. Karen Tait presented the item to the Board. Environmental Health Director Ray Ruminski reported that 149 properties are currently part of the Cal Recycle clean up operation for the Clayton Fire. Out of those properties, 146 have completed the debris removal and continue with soil samples and erosion control. 44 properties are registered with private clean up companies and most are complete. 13 properties are candidates for abatement with notices and due process starting December 13, 2016. The clean up operation should be finished by the end of February 2017.

On motion of Supervisor Comstock, and by vote of the Board, approved the Continuation of a Proclamation of a Local Health Emergency by the Lake County Health Officer. The motion carried by the following vote:

Ayes- Supervisors: 5 - Comstock, Smith, Steele, Farrington and Brown

- 8.3** 9:16 A.M. - 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

Undersheriff Chris Macedo presented the item to the Board.

Chair Brown 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 Comstock, and by vote of the Board, approved the Continuation of a Proclamation of a Declaration 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 - Comstock, Smith, Steele, Farrington and Brown

- 8.4** 9:17 A.M. - Consideration of Continuation of a Proclamation of a Declaration of a Local Emergency due to Clayton Fire

Undersheriff Chris Macedo presented the item to the Board.

Chair Brown 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 Comstock, and by vote of the Board, approved the Continuation of a Proclamation of a Declaration of a Local Emergency due to Clayton Fire. The motion carried by the following vote:

Ayes- Supervisors: 5 - Comstock, Smith, Steele, Farrington and Brown

- 8.5** 9:30 A.M. - Presentation by North Coast Opportunities (NCO) regarding their Food and Health Related Programs in Lake County with a report on current projects.

Representatives from North Coast Opportunities were present and gave a presentation regarding the many food programs offered within Lake County.

This item was informational only. No action was taken.

- 8.6** 10:00 A.M. - PUBLIC HEARING - Consideration of Appeal (AB 16-04) of Planning Commission's certification of Environmental Impact Report and adoption of Water Supply Assessment (SCH# 2016022084), and Appeal (AB 16-08) of Planning Commission's approval of Major Use Permit (UP 16-02) and Grading Permit (GP 16-029) for Wild Diamond Vineyards; project location 15015, 15087, 15373, 15375, 15591, 15663 & 15807 Spruce Grove Road (APNs 013-060-04, 07, 09, 10, 11 & 12); appellant is HVL Watershed

All parties to the hearing were sworn in by the Clerk.

Community Development Assistant Planner Joshua Dorris presented the item to the Board and gave a PowerPoint presentation. Senior Planner Michalyn DelValle and Director Robert Masserelli were also present and spoke.

Attorney Tina Wallace representing Wild Diamond Vineyards presented the project information to the Board. Mark Chaney from SHN Engineering and Doug Hilberman, President of Axia Architects were also present and spoke. Mark Dominowski from DB Engineering gave a ground water report. Kirk Cloyd, Hidden Valley Lake CSD's General Manager spoke.

Appellant Elizabeth Montgomery representing Hidden Valley Lake Watershed spoke.

Chair Brown opened the public hearing and the following persons spoke: Diana Merrill, Doug Gearhart, Julie Crease, Steve Hajik, Tom Nickel, Betsy Cawn, D'Alene Whitlock. No one else wished to speak and the public hearing was closed.

On motion of Supervisor Comstock, and by vote of the Board, Denied Appeal AB 16-04 and Appeal AB 16-08, and sustained the Planning Commission's certification of Environmental Impact Report (SCH# 2016022084), adopted the Water Supply Assessment, approved Major Use Permit UP 16-02 and approved Grading Permit GR 16-029 for the Wild Diamond Vineyards project on property located at 15015, 15087, 15373, 15375, 15591, 15663 and 15807 Spruce Grove Road, Middletown, and directed County Counsel to prepare findings of fact. The motion carried by the following vote:

Ayes- Supervisors: 5 - Comstock, Smith, Steele, Farrington and Brown

- 8.7** 10:15 A.M. - PUBLIC HEARING - (Continued from November 22, 2016) Consideration of Appeal (AB 16-05) of the Planning Commission's approval of a mitigated negative declaration based on Initial Study (IS 15-35) and Major Use Permit (UP 15-16) to allow a large animal kennel on property located at 11767 Candy Lane, Lower Lake (APN 122-032-24); project applicant is Blythe Lucero

Chair Brown announced that the public hearing would not be heard before 1:00 p.m. today due other ongoing items. The option was given to come back at 1:00 p.m. today or to continue the hearing to December 13, 2016 at 10:01 a.m. Attorney Andre Ross, representing the appellant, agreed to continue the hearing to the agreed date/time.

On motion of Supervisor Smith, and by vote of the Board, approved to continue the Public Hearing to December 13, 2016 at 10:01 A.M. The motion carried by the following vote:

Ayes- Supervisors: 5 - Comstock, Smith, Steele, Farrington and Brown

9. Non-Timed Items

9.1 Supervisors' weekly calendar, travel and reports

9.2 Informational Report by County Administrative Officer on securing a consultant to support the Behavioral Health Department

County Administrative Officer Carol Huchingson presented the item to the Board.

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

This item was informational only.

9.3 Consideration of an Ordinance Establishing Article XXVIII in Chapter 2 of the County Code Providing the Authority and Procedures for Adopting and Administering a Master Fee Schedule

Deputy County Administrator Stephen Carter Jr. presented the item to the Board.

Chair Brown asked if anyone present wished to speak and the following person spoke: Andre Ross. No one else wished to speak and the public input portion of this item was closed.

On motion of Supervisor Farrington, and by vote of the Board, waived the reading of the ordinance, to be read in title only (Clerk did so). The motion carried by the following vote:

Ayes: Supervisors Comstock, Smith, Steele, Farrington and Brown

On motion of Supervisor Farrington, and by vote of the Board, advanced the ordinance two weeks to December 20, 2016. The motion carried by the following vote:

Ayes: Supervisors Comstock, Smith, Steele, Farrington and Brown

9.4 (Continued from November 22, 2016) Consideration of Adopting Resolution Pertaining to Rebuilding of Anderson Springs

Bob Massarelli presented the item to the Board.

Chair Brown asked if anyone present wished to speak and the following person spoke: Joan Clay. No one else wished to speak and the public input portion of this item was closed.

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

Ayes: Supervisors Comstock, Smith, Steele, Farrington and Brown

Enactment No: Reso. No. 2016-182

- 9.5** (Second Reading) - Consideration of an Ordinance Amending Chapter 5 of the Lake County Code and Adopting by Reference the 2016 California Building Standards Code, known as the California Code of Regulations, Title 24, Parts 1 through 6, 8 through 12, Incorporating the 2016 Edition of the California Building Code; the 2016 Edition of the California Residential Code; the 2016 Edition of the California Electrical Code; the 2016 Edition of the California Plumbing Code; the 2016 Edition of the California Mechanical Code; the 2016 Edition of the California Green Building Code; the 2016 Edition of the California Energy Code; the 2016 Edition of the California Fire Code; the 2016 Edition of the California Administrative Code; the 2016 Edition of the California Historical Building Code; the 2016 Edition of the California Existing Building Code; the 2015 Edition of the International Property Maintenance Code; and the 2015 Edition of the International Wildland-Urban Interface Code.

Bob Massarelli presented the item to the Board.

Chair Brown 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, waived the reading of the ordinance, to be read in title only (Clerk did so).

Ayes- Supervisors: 5 - Comstock, Smith, Steele, Farrington and Brown

Supervisor Smith offered Ordinance No. 3055, and it was passed by roll call vote:

Ayes- Supervisors: 5 - Comstock, Smith, Steele, Farrington and Brown

Enactment No: Ordinance 3055

- 9.6** Consideration of a Resolution for an Exception to the 180-Day Wait Period Pursuant to Government Code sections 7522.56 and 21224 for Mark Dellinger

County Counsel Anita Grant presented the item to the Board.

Chair Brown 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 - Comstock, Smith, Steele, Farrington and Brown

Enactment No: Reso 2016-183

- 9.7** Consideration of a Second Amendment to the Agreement with Porter Scott for Specialized Legal Services in Connection with Lakeside Heights HOA, et al. v. County of Lake, et al.

Chair Brown recused himself from this agenda item and passed the gavel to Supervisor Smith.

County Counsel Anita Grant 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 Farrington, and by vote of the Board, approved the Second Amendment to the Agreement with Porter Scott for Specialized Legal Services in Connection with Lakeside Heights HOA, et al. v. County of Lake, et al.. The motion carried by the following vote:

Ayes- Supervisors: 4 - Comstock, Smith, Steele and Farrington

Recused- Supervisors: 1 - Brown

- 9.8** Consideration of approval of side letters with all bargaining groups and amendments to Management and Confidential A & B Resolutions related to the payment of County sponsored basic life insurance and Opt Out provisions for the 2017 plan year and authorize the Board Chair to sign all.

Human Resources Director Kathy Ferguson presented the item to the Board.

Chair Brown 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 Comstock, and by vote of the Board, approved side letters with all bargaining groups and amendments to Management and Confidential A & B Resolutions related to the payment of County sponsored basic life insurance and Opt Out provisions for the 2017 plan year; and authorized the Board Chair to sign all. The motion carried by the following vote:

Ayes- Supervisors: 5 - Comstock, Smith, Steele, Farrington and Brown

- 9.9** Consideration of delegating authority to the Human Resources Director to take whatever steps are necessary to amend the Flexible Spending Account (FSA) and the Health Savings Account (HSA) agreements to reflect maximum contributions consistent with those allowed by the IRS for that plan year.

Human Resources Director Kathy Ferguson presented the item to the Board.

Chair Brown 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, delegated authority to the Human Resources Director to take whatever steps are necessary to amend the Flexible Spending Account (FSA) and the Health Savings Account (HSA) agreements to reflect maximum contributions consistent with those allowed by the IRS for that plan year. The motion carried by the following vote:

Ayes- Supervisors: 5 - Comstock, Smith, Steele, Farrington and Brown

9.10 Consideration of Conceptual Approval for the Purchase of Real Property for the Lower Lake Parks Maintenance Shop

Lars Ewing presented the item to the Board.

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

By consensus of the Board, recommended the Conceptual Approval for the Purchase of Real Property for the Lower Lake Parks Maintenance Shop.

9.11 Consideration of Approval of the Department of Boating and Waterways 2017/18 Application for Financial Aid in the amount of \$370,829.57

Undersheriff Chris Macedo presented the item to the Board.

Chair Brown 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 Department of Boating and Waterways 2017/18 Application for Financial Aid in the amount of \$370,829.57. The motion carried by the following vote:

Ayes- Supervisors: 5 - Comstock, Smith, Steele, Farrington and Brown

10. Closed Session

Chair Brown announced that the Board would now go into Closed Session at 1:00 p.m. 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 Appointment pursuant to Gov. Code Section 54957(b)(1): Interview and Appointment of Water Resources Director

The Board reconvened into Regular Session at 1:30 p.m. having taken no action.

11. Adjournment

There being no further business, the Board of Supervisors adjourned at 5:10 p.m.

CAROL J. HUCHINGSON
Clerk of the Board

By: _____
Carolyn Purdy
Assistant Clerk of the Board

Chair-Lake County Board of Supervisors