



# COUNTY OF LAKE

255 North Forbes Street  
Lakeport, CA 95453

## Meeting Minutes - Draft BOARD OF SUPERVISORS

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Tuesday, May 21, 2019

9:00 AM

Board Chambers

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### 1. Call to Order

*The meeting was called to order at 9:00 a.m. by Chair Scott. 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 Sabatier, Supervisor Crandell, Supervisor Brown and Chair Scott*

### 2. Moment of Silence

*A moment of silence was observed.*

### 3. Pledge of Allegiance

*Led by Supervisor Sabatier.*

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

*There were no extra items to consider.*

### 5. Approval of the Consent Agenda

- 5.1 Adopt Proclamation designating the Week of May 19th - 25th, 2019 as Wildfire Awareness Week in Lake County
- 5.2 Approve Second Amendment to Side Letter with the Lake County Deputy Sheriff's Association for On-Call Status for Patrol Deputies
- 5.3 Adopt Resolution Approving a Cooperative Agreement No. 19-0040-000-SA with the California Department of Food and Agriculture Farmer's Market Program for the County of Lake

Enactment No: Resolution No. 2019-71

- 5.4 Adopt Resolution Approving a Cooperative Agreement No. 19-73-06-0256-RA with the U.S. Department of Agriculture to Provide an Animal Damage Control Program for the County of Lake

Enactment No: Resolution No. 2019-72

- 5.5** Approve Advanced Salary Step appointment of Richard Bachman to County Veterinarian
- 5.6** Adopt Proclamation designating the Month of May 2019 as Mental Health Awareness Month
- 5.7** Approve Advance Step 5 Hiring of Ms. Judith Krings in the position of Registered Nurse, Extra Help 900-Hour
- 5.8** Approve Contract between the County of Lake Health Services and Trina Maia, for Physical Therapy Services in Support of the California Children's Services Program (CCS) and the Medical Therapy Program (MTP) for a term starting July 1, 2019 through June 30, 2020 and a maximum amount of \$108,500.00; and Authorize the Board Chair to Sign
- 5.9** Approve Contract between the County of Lake Health Services and Sheila McCarthy, for Occupational Therapy Services in Support of the California Children's Services Program (CCS) and the Medical Therapy Program (MTP) for a term starting July 1, 2019 through June 30, 2020 and a maximum amount of \$27,245.00; and Authorize the Board Chair to Sign
- 5.10** Award of Bid for the Clark Drive Pavement Repair Project; Bid No. 18/24; Federal Aid Project No.: BRLS-5914(025)
- 5.11** Approve budget transfer in the amount of \$28,937 in the Sheriff/Marine Patrol budget 2205, transferring funds from object code 17.00 into 62.74, in the amount of \$28,937
- 5.12** (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 Agreement between the County of Lake and PJ Helicopters for Calendar Year 2019 in the amount of \$60,000 and authorize the Chair to sign; (c) Approve Agreement between the County of Lake and A&P Helicopters for Fiscal Year 2019-20 in the amount of \$100,000 and authorize the Chair to sign; and (d) Approve Agreement between the County of Lake and Sierra Air Helicopters in the amount of \$30,000 and authorize the Chair to sign
- 5.13** Adopt Resolution to Appropriate Revenue from the Drug Enforcement Agency to the Sheriff/Marijuana budget 2203, in the amount of \$75,000 for marijuana eradication.

Enactment No: Resolution No. 2019-73

- 5.14** Approve First Amendment to the Contract between County of Lake and North Coast Opportunities, Inc. for the Housing Support Program in the amount of \$1,927.60, from January 1, 2018 to December 31, 2021 and authorize the Chair to sign

**On motion of Supervisor Sabatier, and by vote of the Board, approved Consent Agenda Items 5.1 through 5.14. The motion carried by the following vote:**

**Ayes- Supervisors:** 5 - Simon, Sabatier, Crandell, Scott and Brown

## 6. Timed Items

### 6.1 9:05 A.M. - Public Input

*There was no public input.*

- 6.2** 9:10 A.M. - (a) Presentation of Proclamation designating the Month of May 2019 as Mental Health Awareness Month; and (b) Presentation of Proclamation designating the Week of May 19th - 25th, 2019 as Wildfire Awareness Week in Lake County

*(a) Supervisor Scott read the proclamation into the record and presented it to the members of Behavioral Health Services.*

*(b) Supervisor Simon read the proclamation into the record and presented it to Sheriff Brian Martin, Captain Wink, and two other attendees.*

**Ceremonial Item only.**

- 6.3** 9:11 A.M. - Consideration of Continuing a Proclamation of a Local Emergency due to an Atmospheric River Event 2019

*Sheriff Brian Martin presented the item to the Board.*

*Chair Scott 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 an Atmospheric River Event 2019. The motion carried by the following vote:**

**Ayes- Supervisors:** 5 - Simon, Sabatier, Crandell, Scott and Brown

- 6.4** 9:12 A.M. - Consideration of Continuing a Proclamation of a Local Emergency due to the Mendocino Complex Fire Incident (River and Ranch Fires)

*Sheriff Brian Martin presented the item to the Board.*

*Chair Scott 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 Crandell, 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, Sabatier, Crandell, Scott and Brown

- 6.5** 9:13 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 Scott 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 Crandell, and by vote of the Board, approved the continuation of a Local Emergency due to the Pawnee Fire Incident. The motion carried by the following vote:**

**Ayes- Supervisors:** 5 - Simon, Sabatier, Crandell, Scott and Brown

**6.6** 9:14 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 Scott 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 Sabatier, 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, Sabatier, Crandell, Scott and Brown

**6.7** 9:15 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 Scott 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, Sabatier, Crandell, Scott and Brown

**6.8** 9:16 A.M. - Consideration of Continuing a Proclamation of a Local Emergency due to the Atmospheric River Storm 2017

*Sheriff Brian Martin presented the item to the Board.*

*Chair Scott 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 Atmospheric River Storm 2017. The motion carried by the following vote:**

**Ayes- Supervisors:** 5 - Simon, Sabatier, Crandell, Scott and Brown

**6.9 9:17 A.M. - Consideration of Continuing the Declaration of a Local Health Emergency and Order Prohibiting the Endangerment of the Community through the Unsafe Removal, Transportation, and Disposal of Fire Debris for the Mendocino Complex Fire**

*Public Health Director Denise Pomeroy presented the item to the Board. The local health emergency will continue as there are currently 17 properties still under clean up. Environmental Health Director Jasjit Kang was also present.*

*Chair Scott 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 Sabatier, and by vote of the Board, approved the continuation of a Declaration of a Local Health Emergency and Order Prohibiting the Endangerment of the Community through the Unsafe Removal, Transportation, and Disposal of Fire Debris for the Mendocino Complex Fire. The motion carried by the following vote:**

**Ayes- Supervisors:** 5 - Simon, Sabatier, Crandell, Scott and Brown

**6.10 9:20 A.M. - PUBLIC HEARING - Consideration of a Resolution amending the Master Fee Schedule for Departmental Services Rendered by the County**

*Assistant County Administrative Officer Susan Parker presented the item to the Board. Community Development Director Michalyn DelValle was present and spoke.*

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

**Supervisor Simon offered the Resolution and it passed by roll call vote:**

**Ayes- Supervisors:** 5 - Simon, Sabatier, Crandell, Scott and Brown

Enactment No: Resolution No. 2019-74

**6.11 9:30 A.M. - PUBLIC HEARING: (Sitting as the Lake County Housing Commission) - 5 Year Plan for 2019 - 2024, and Administrative Plan for 2019**

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

*Department of Social Services Director Crystal Markytan presented the item to the Board. A PowerPoint presentation was given by Housing Program Manager Kelli Page. Program Coordinator Teresa Wold was present and spoke.*

*Chair Scott opened the public hearing and asked if anyone present wished to speak. No one wished to speak and the public hearing was closed.*

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

**Public Hearing only. No action taken.**

**6.12 9:45 A.M. - (Continued from April 9, 2019) Consideration of Discussion and Direction to Staff concerning the County Regulation of Industrial Hemp**

*Community Development Director Michalyn DelValle presented the item to the Board. Byron Turner was also present and spoke. A PowerPoint presentation regarding Industrial Hemp regulations was given. Agriculture Deputy Director Katherine Vanderwall was present and spoke.*

*Chair Scott asked if anyone present wished to speak and the following people spoke: Tony Perkins, Eddie Lepp, Boris Dealey, Crystal from Eastside Consulting, Noah Cornell, Michael Green, Mike Mitzel, Tamara Thorn, Joey, Jonathan Eising, Alex Beck, Erin Clearly, Lance Williams, Bob Scala, Hank Leshner, Larry from Loch Lomand and Rob Shurgis. No one else wished to speak and the public input portion of this item was closed.*

*Chair Scott announced that the meeting would now go into recess for lunch at 12:00 p.m. and would reconvene at 1:00 p.m.*

**No action taken. This item will be continued to June 11, 2019.**

- 6.13** 10:00 A.M. - (a) Public Hearing - Consideration of Ordinance Amendment, AM 19-02 to Amend Chapter 21 of the Lake County Zoning Ordinance to allow amendments to Article 27 pertaining to adult personal use, qualified patient and primary caregiver cultivation, commercial cannabis cultivation and to establish a permit process for microbusiness and amendments to Article 18 to allow retail sales of cannabis subject to obtaining a Major Use Permit and amend Article 19 allow retail sales of Cannabis as a permitted use; and (b) (Sitting as Lake County Air Quality Management District, Board of Directors) Discussion and Consideration of a Resolution Establishing a Temporary Deferral of the Collection of Fees for Processing Air Quality Management District Cannabis Cultivation Permits

*The meeting reconvened at 1:00 p.m. Supervisor Brown was absent for the afternoon session.*

*(a) Community Development Director Michalyn DelValle presented the item to the Board. Principal Planner Byron Turner was also present. County Counsel Anita Grant spoke.*

*Chair Scott asked if anyone present wished to speak and the following people spoke: Michael Green, Michael Donahue, Emily Chavez, Lance Williams, Mike Mitzel, Bobby Dutcher and Michael Wagner. No one else wished to speak and the public input portion of this item was closed.*

*(b) County Counsel Anita Grant presented the item to the Board.*

*Chair Scott asked if anyone present wished to speak and Mike Mitzel spoke. No one else wished to speak and the public input portion of this item was closed.*

**(a) On motion of Supervisor Simon, and by vote of the Board, moved that the Zoning Ordinance text amendment (AM 19-02) is exempt from CEQA Guidelines pursuant to 15061(b)(3). The motion carried by the following vote:**

**Ayes: Supervisors Simon, Sabatier, Crandell and Scott**  
**Absent: Supervisor Brown**

**On motion of Supervisor Simon, and by vote of the Board, approved the Zoning Ordinance text amendment (AM 19-02), as amended, applied for by the County of Lake for the reasons listed in the memorandum. The motion carried by the following vote:**

**Ayes: Supervisors Simon, Sabatier, Crandell and Scott**  
**Absent: Supervisor Brown**

**On motion of Supervisor Simon, and by vote of the Board, approved the reading of the Ordinance be waived, to be read in title only. The motion carried by the following vote:**

**Ayes: Supervisors Simon, Sabatier, Crandell and Scott**  
**Absent: Supervisor Brown**

**Supervisor Simon offered the Ordinance and it was passed by roll call vote:**

**Ayes: Supervisors Simon, Sabatier, Crandell and Scott**  
**Absent: Supervisor Brown**

**(b) Supervisor Simon offered the Resolution and it was passed by roll call vote:**

**Ayes: Supervisors Simon, Sabatier, Crandell and Scott**  
**Absent: Supervisor Brown**

Enactment No: Ordinance No. 3084

## 7. Non-Timed Items

### 7.1 Supervisors' weekly calendar, travel and reports

#### 7.2 Consideration of Presentation to Update the Board on Development Projects currently in process

*Community Development Department Principal Planner Byron Turner presented the item to the Board. A PowerPoint presentation was given on current projects by their department. Director Michalyn DelValle and Senior Planner Mark Roberts were also present and spoke.*

*Chair Scott asked if anyone present wished to speak and Public Works Director Scott DeLeon and Public Services Director Lars Ewing spoke. No one else wished to speak and the public input portion of this item was closed.*

**Presentation only. No action taken.**

#### 7.3 Consideration of the Award of Bid No. 18-14 for the Southshore Behavioral Health Re-Roofing Project in the amount of \$217,700 to Solano County Roofing, Inc. and authorize the Chair to sign the Agreement and Notice of Award

*Public Services Director Lars Ewing presented the item to the Board.*

*Chair Scott 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 Award of Bid No. 18-14 for the Southshore Behavioral Health Re-Roofing Project in the amount of \$217,700 to Solano County Roofing, Inc. and authorized the Chair to sign the Agreement and Notice of Award. The motion carried by the following vote:**

**Ayes- Supervisors:** 4 - Simon, Sabatier, Crandell and Scott

**Absent- Supervisors:** 1 - Brown



**7.4** Consideration of Resolution Declaring the Board of Supervisors Intent to Sell Property Not Required for Public Use, Located at Arabian Lane, Hidden Valley Lake, California Pursuant to Government Code Section 25520 Et.Seq.

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

*Chair Scott asked if anyone present wished to speak and Ken Porter spoke. No one else wished to speak and the public input portion of this item was closed.*

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

**Ayes: Supervisors Simon, Sabatier, Crandell and Scott**

**Absent: Supervisor Brown**

**On motion of Supervisor Simon, and by vote of the Board, authorized County Administrative Officer Carol Huchingson and Public Works Director Scott DeLeon to negotiate the sale of the property located at Arabian Lane, Hidden Valley Lake, Ca. The motion carried by the following vote:**

**Ayes: Supervisors Simon, Sabatier, Crandell and Scott**

**Absent: Supervisor Brown**

**Ayes- Supervisors: 4 - Simon, Sabatier, Crandell and Scott**

**Absent- Supervisors: 1 - Brown**

Enactment No: Resolution No. 2019-76

## **8. Closed Session**

*Chair Scott announced that the Board would now go into Closed Session at 3:05 p.m. for the reasons stated on the agenda.*

**8.1** Public Employee Evaluations

Title: County Administrative Officer

Community Development Director

**This closed session item will be continued to June 4, 2019.**

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

*The Board reconvened into Regular Session at 3:50 p.m. having taken the following action.*

**On motion of Supervisor Simon, and by vote of the Board, approved retaining the law firm of Downey Brand to represent LACOSAN in regard to the Notice of Violation and Intent to Sue issued by California River Watch under the Federal Pollution Control Act and authorize the Special Districts Administrator and County Counsel to sign. The motion carried by the following vote:**

**Ayes- Supervisors: 4 - Simon, Sabatier, Crandell and Scott**

**Absent- Supervisors: 1 - Brown**

- 8.3** Conference with Legal Counsel: Existing Litigation pursuant to Gov. Code sec. 54956.9(d)(1): County of Lake, et al. v. PG&E, et al

This Closed Session Item was not acted on.

## **9. Adjournment**

*There being no further business, the Board of Supervisors adjourned at 3:51 p.m.*

**CAROL J. HUCHINGSON**

Clerk of the Board

By: \_\_\_\_\_

Carolyn Purdy

Assistant Clerk of the Board

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Chair-Lake County Board of Supervisors