



COUNTY OF LAKE

255 North Forbes Street
Lakeport, CA 95453

Meeting Minutes - Final BOARD OF SUPERVISORS

Tuesday, February 28, 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 Carol Huchingson, County Counsel Anita Grant, and Assistant Clerk of the Board Carolyn Purdy were present, along with the following Supervisors:

Present: 5 - Chair Smith, Vice Chair Steele, Supervisor Brown, Supervisor Scott and Supervisor Simon

2. Moment of Silence

A moment of silence was observed.

3. Pledge of Allegiance

Led by Moke Simon.

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

Animal Care and Control was not present.

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

There were no contract change orders to consider.

7. Approval of the Consent Agenda

- 7.1 Adopt Proclamation Designating the Month of March 2017 as March for Meals Month in Lake County, CA
- 7.2 Approve the First Amendment to the Agreement between the County of Lake and Center Point DAAC for Substance Use Disorder Residential Treatment and Detoxification Services for Fiscal Year 2016-2017 which will increase the contract by \$30,000 for a new contract maximum of \$60,000 and authorize the Chair to sign
- 7.3 Approve Renewal of Westlaw Legal Research Subscriber Agreement for a Two Year Period in the Amount of \$26,208; and authorize County Counsel to sign.

- 7.4 Approve Request to Pay Travel Claims for Elections Officers from the November 8, 2016 Presidential General Election in the total amount of \$186.42; and authorize the Auditor to process payment
- 7.5 Approve Agreement Between the County of Lake and Martin Franusich, for Information Technology Support of IBM AS/400 Software, Amount not to Exceed \$60,000 and Authorize the Chair to Sign.
- 7.6 Approve Long Distance Travel from March 29, 2017 through March 30, 2017 to Reno, Nevada for Kris Byrd, Landfill Manager, Public Services Solid Waste Division to attend a SWANA Landfill Gas and Biogas Symposium
- 7.7 Adopt Resolution Temporarily Prohibiting Parking and Authorizing Removal of Vehicles and Ordering the Department of Public Works to Post Signs on Hartmann Road on April 15, 2017 for the Community Easter Egg Hunt.

Enactment No: Reso. No. 2017-23

- 7.8 Approve Resolution Delegating to the County Public Works Director the Ministerial Authority to Obtain Temporary Construction Easement Required for the Replacement of Harbin Creek Bridge on Harbin Springs Road.

Enactment No: Reso. No. 2017-24

- 7.9 Authorize Destruction of Documents in the Sheriff's Office, Pursuant to Government Code Section 26202 and 26205.
- 7.10 (a) Waive the formal bidding process, pursuant to Lake County Code Section 38.2, as it is not in the public interest due to the unique nature of goods or services; and (b) Approve the purchase one (1) Utility Police Interceptor from Downtown Ford in the amount of \$28,793 from the Sheriff/Civil budget 2207/62.72
- 7.11 Approve Request to Pay Travel Claim of Carl Jasper, Information System Technician due to Lost Paperwork in the Amount of \$118; and authorize the Auditor to process payment
- 7.12 Approve Mainline Extension Contract with William Stone and Alvaro Valencia to Provide Sewer Service to APN 024-231-12/9535 State Hwy 53, Lower Lake, and Authorize the Chair to Sign.
- 7.13 Approve Long Distance Travel to the Western Aquatic Plant Management Society from March 13, 2017 Through March 17, 2017 to Coeur D' Alene, Idaho for Carolyn Ruttan, Invasive Species Program Coordinator

On motion of Supervisor Steele, and by vote of the Board, approved Consent Agenda items 7.1 through 7.13. The motion carried by the following vote:

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

8. Timed Items

8.1 9:05 A.M. - Public Input

Ben Hittle and Josephine Augustus spoke.

8.2 9:10 A.M. - Presentation of Proclamation Designating the Month of March 2017 as March for Meals Month in Lake County, CA.

Supervisor Scott read the proclamation into the record and presented it to the representatives from March for Meals. Many volunteers were present for the ceremony.

This Ceremonial Item was read into the record and presented

8.3 9:15 A.M. - Consideration of Resolution Confirming the Existence of a Local Emergency

Sheriff Brian Martin presented the item to the Board. A series of Atmospheric River storms in California have caused this need for an emergency proclamation. Clear Lake has been in excess of flood stage for two weeks, and is now at 10.4' Rumsey. The lake level is lowering at 1/10th of a foot per day. The Rumsey Dam is releasing 4,710 feet per second. Flooding has caused sewage spills around the lake due to the high water levels. Approximately 2,000 people have been evacuated around Lake County. Emergency shelters throughout the County have been opened to assist the areas of evacuation. The warming shelter at the Seventh Day Adventist Church has opened as an emergency shelter and housed 63 people on Sunday night and 51 people on Monday night. The Red Cross opened a secondary shelter at the National Guard Armory. All shelters will be consolidating tomorrow at 11:00 AM to the Seventh Day Adventist Church in Lakeport, CA.

Public Works Director Scott DeLeon was present and spoke. Mr. DeLeon reported that the Nice-Lucerne cut off has had levees overtopped and the basin is full of water.

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

No action taken. The resolution for a local emergency will be amended and brought back before the Board on March 7, 2017.

8.4 9:20 A.M. - Consideration of a) Resolution Adopting the C. Gibson Museum and Cultural Center into the County of Lake Museum Family; and b) Approving the MOU between the Friends of Gibson and the County of Lake; and authorize the Chair to sign

Public Services Director Lars Ewing presented the item to the Board. Lake County Historical Society President Voris Brumfield was present and spoke.

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

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

On motion of Supervisor Simon, and by vote of the Board, approved the the MOU between the Friends of Gibson Museum and the County of Lake; and authorized the Chair to sign.

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

- 8.5 9:30 A.M. - HEARING - (Continued from January 24, 2017) 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 Striritz)**

Community Development Code Enforcement Officer Mike Penhall presented the item to the Board and gave a PowerPoint presentation. Deputy County Counsel Shanda Harry was present and spoke. Ken Striritz and Attorney Andre Ross were present and Mr. Ross spoke.

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

This hearing will be continued to March 14, 2017 at 9:45 a.m.

- 8.6 9:45 A.M. - PUBLIC HEARING - Consideration of Appeal of Planning Commission's Approval of Use Permit (UP 16-01), for a Billboard located at 131 Soda Bay Road, Lakeport (APN 008-019-69); applicant is La Monica Signs**

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

Community Development Senior Planner Michalyn DelValle presented the item to the Board. Attorney Andre Ross and Tony Murphy from La Monica signs were present and Mr. Ross spoke. Community Development Director Bob Massarelli was present and spoke.

Chair Smith opened the public hearing and the following people spoke: Melissa Fulton and Trudy La Monica. No one else wished to speak and the public hearing was closed.

On motion of Supervisor Steele, and by vote of the Board, denied the appeal and upheld the previous approval of Use Permit (UP 16-01), for a Billboard located at 131 Soda Bay Road, Lakeport (APN 008-019-69); applicant is La Monica Signs. The motion carried by the following vote:

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

Nayes- Supervisors: 1 - Brown

- 8.7 10:00 A.M. - PUBLIC HEARING - Consideration of Appeal of Planning Commission's Approval of Use Permit (UP 16-06), for a Billboard located at 255 Soda Bay Road, Lakeport (APN 008-019-64); applicant is La Monica Signs**

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

Community Development Senior Planner Michalyn DelValle presented the item to the Board and gave a PowerPoint presentation. Attorney Andre Ross and appellant Tony Murphy of La Monica Signs were present. Mr. Ross spoke. Community Development Director Bob Massarelli was present and spoke.

Chair Smith opened the public hearing. No one wished to speak and the public hearing was closed.

On motion of Supervisor Steele, and by vote of the Board, denied the appeal and upheld the previous approval of Use Permit (UP 16-06), for a Billboard located at 255 Soda Bay Road, Lakeport (APN 008-019-64); applicant is La Monica Signs. The motion carried by the following vote:

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

Nayes- Supervisors: 1 - Brown

9. Non-Timed Items

9 A Supervisors' weekly calendar, travel and reports

9.1 Consideration of Resolution Establishing the Scotts Valley Community Advisory Council

Supervisor Tina Scott 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.

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

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

Absent- Supervisors: 1 - Brown

Enactment No: Reso. No. 2017-27

9.2 Progress Report from Treasurer-Tax Collector on tax sale process for delinquent properties including plans and timelines for tax sale to be conducted during 2016-2017

Treasurer-Tax Collector Barbara Ringen gave a report on the upcoming tax sale. The sale will be held June 9th - 12th. This Department is currently finalizing the list and submitting a resolution for the March 14th agenda. Starting May 5, 2017 registered voters will be able to view properties for sale. June 8, 2017 will be the last day to pay past due property tax. The sale should include a total of 150 properties. Bid 4 Assets will list the auction information for the County.

Chair Smith 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. No action was taken.

- 9.3** Consideration of (a) Waiving the formal bidding process, pursuant to Lake County Code Section 38.2, as it is not in the public interest due to the unique nature of goods or services; and (b) Approval of the Agreement between the County of Lake and Redwood Community Services, Inc. for SUD Perinatal Program Services for FY16-17 for a contract maximum of \$299,655; and authorize the Chair to sign

Interim Behavioral Health Director Todd Metcalf presented the item to the Board.

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

- (a) On motion of Supervisor Scott, and by vote of the Board, waived the formal bidding process, pursuant to Lake County Code Section 38.2, as it is not in the public interest due to the unique nature of goods or services. The motion carried by the following vote:**

Ayes- Supervisors: 4 - Smith, Steele, Scott and Simon
Absent- Supervisors: 1 - Brown

- (b) On motion of Supervisor Scott, and by vote of the Board, approved the Agreement between the County of Lake and Redwood Community Services, Inc. for SUD Perinatal Program Services for FY16-17 for a contract maximum of \$299,655; and authorized the Chair to sign. The motion carried by the following vote:**

Ayes- Supervisors: 4 - Smith, Steele, Scott and Simon
Absent- Supervisors: 1 - Brown

9.4 ERRATUM: Consideration of the Following Appointments:

Middletown Cemetery District
Emergency Medical Care Committee (EMCC)
Library Advisory Board
Lake County Resource Conservation District
Maternal Child and Adolescent Health Board

Chair Smith 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, appointed the following person to the Middletown Cemetery District: Kari Donley. The motion carried by the following vote:

Ayes- Supervisors: 4 - Smith, Steele, Scott and Simon
Absent- Supervisors: 1 - Brown

On motion of Supervisor Scott, and by vote of the Board, appointed the following people to the Emergency Medical Care Committee: Cynthia Forbes, Janell Rivera, Dr. John Stein, Beth Brown, Zach Pindell, Robert Ray, James Doudy, Willie Sapeta and Jeffery Cress. The motion carried by the following vote:

Ayes- Supervisors: 4 - Smith, Steele, Scott and Simon
Absent- Supervisors: 1 - Brown

On motion of Supervisor Supervisor Simon, and by vote of the Board, appointed the following people to the Library Advisory Board: Randa L. Fish, Trudy Nagy and Robin C. Harris. The motion carried by the following vote:

Ayes- Supervisors: 4 - Smith, Steele, Scott and Simon
Absent- Supervisors: 1 - Brown

On motion of Supervisor Steele, and by vote of the Board, appointed the following person to the Lake County Resource Conservation District: Merry Jo Velasquez. The motion carried by the following vote:

Ayes- Supervisors: 4 - Smith, Steele, Scott and Simon
Absent- Supervisors: 1 - Brown

On motion of Supervisor Steele, and by vote of the Board, appointed the following person to the Maternal Child and Adolescent Health Board: Angela Knight. The motion carried by the following vote:

Ayes- Supervisors: 4 - Smith, Steele, Scott and Simon
Absent- Supervisors: 1 - Brown

9.5 Consideration of Notice of Settlement Between Various State Attorneys General and Barclays Bank, PLC and Barclays Capital, Inc.

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 was closed

On motion of Supervisor Scott, and by vote of the Board, approved the Notice of Settlement Between Various State Attorneys General and Barclays Bank, PLC and Barclays Capital, Inc. and authorized the County Administrative Officer to sign. The motion carried by the following vote:

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

Absent- Supervisors: 1 - Brown

9.6 Consideration of Approval of New Extra Help Classification and Salary for Extra Help Clerical Support

Deputy Human Resources Director Sarah Jansen 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, approved the New Extra Help Classification and Salary for Extra Help Clerical Support. The motion carried by the following vote:

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

Absent- Supervisors: 1 - Brown

9.7 Consideration of Approval of Classification and Compensation Committee Findings and Recommendations

Deputy Human Resources Director Sarah Jansen 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, approved the Classification and Compensation Committee Findings and Recommendations. The motion carried by the following vote:

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

Absent- Supervisors: 1 - Brown

9.8 Consideration and Discussion of Hoberg's Historical Association Gate Fee Charge Account at Eastlake Landfill

Public Services Director Lars Ewing presented the item to the Board. Mr. Ewing asked for a continuance to March 7, 2017 to gather additional information.

This item was continued to March 7, 2017.

9.9 Consideration of Modification of the Urgency Ordinance Temporarily Prohibiting Specified Operations on Clear Lake of February 14th

Water Resources Director Phil Moy presented the item to the Board. Mr. Moy would like to establish an idle speed zone 1/4 mile from shore when the lake is at 8.0' Rumsey or higher. The Ordinance would automatically terminate once the lake is at 7.99" Rumsey for a period of 24 hours. The lake could then be open immediately for boating. Sheriff Brian Martin was also present and spoke.

The title to the Ordinance will be modified to read, "An Urgency Ordinance Authorizing an Extended Idle Speed Zone Near Shore During High Water".

Chair Smith asked if anyone present wished to speak and the following people spoke: Paul Racine, Ken Sifax and Sarah Ryan. 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, approved the title of the Ordinance to be modified to read, "An Urgency Ordinance Authorizing an Extended Idle Speed Zone Near Shore During High Water". The motion carried by the following vote:

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

On motion of Supervisor Steele, 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: 5 - Smith, Steele, Brown, Scott and Simon

Supervisor Steele offered Ordinance No. 3060, as amended, and it was passed by roll call vote:

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

- 9.10** Consideration of (a) Agreement Between the County of Lake and Quincy Engineering, Inc. for Engineering Services for Replacement of Clover Creek Bridge at First Street; (b) Agreement Between the County of Lake and Quincy Engineering, Inc. for Engineering Services for Replacement of Clover Creek Bridge at Bridge Arbor North Road; (c) Agreement Between the County of Lake and Quincy Engineering, Inc. for Engineering Services for Replacement of Clayton Creek Bridge at Clayton Creek Road; and (d) Agreement Between the County of Lake and Quincy Engineering, Inc. for Engineering Services for Replacement of Cooper Creek Bridge at Witter Springs Road.

Public Works Director Scott DeLeon presented the items 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.

(a) On motion of Supervisor Steele, and by vote of the Board, approved the Agreement Between the County of Lake and Quincy Engineering, Inc. for Engineering Services for Replacement of Clover Creek Bridge at First Street; and authorized the Chair to sign. The motion carried by the following vote:

Ayes- Supervisors: 4 - Smith, Steele, Scott and Simon
Absent- Supervisors: 1 - Brown

(b) On motion off Supervisor Steele, and by vote of the Board, approved the Agreement Between the County of Lake and Quincy Engineering, Inc. for Engineering Services for Replacement of Clover Creek Bridge at Bridge Arbor North Road; and authorized the Chair to sign. The motion carried by the following vote:

Ayes- Supervisors: 4 - Smith, Steele, Scott and Simon
Absent- Supervisors: 1 - Brown

(c) On motion of Supervisor Steele, and by vote of the Board, approved the Agreement Between the County of Lake and Quincy Engineering, Inc. for Engineering Services for Replacement of Clayton Creek Bridge at Clayton Creek Road; and authorized the Chair to sign. The motion carried by the following vote:

Ayes- Supervisors: 4 - Smith, Steele, Scott and Simon
Absent- Supervisors: 1 - Brown

(d) On motion of Supervisor Steele, and by vote of the Board, approved the Agreement Between the County of Lake and Quincy Engineering, Inc. for Engineering Services for Replacement of Cooper Creek Bridge at Witter Springs Road; and authorized the Chair to sign. The motion carried by the following vote:

Ayes- Supervisors: 4 - Smith, Steele, Scott and Simon
Absent- Supervisors: 1 - Brown

9.11 Consideration of Letters of Support for Assembly Bill AB1 (Frazier) and Senate Bill SB1 (Beall) for Transportation Funding and Reform

Public Works Director Scott DeLeon 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, approved the Letters of Support for Assembly Bill AB1 (Frazier) and Senate Bill SB1 (Beall) for Transportation Funding and Reform; and authorized the Chair to sign. The motion carried by the following vote:

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

Absent- Supervisors: 1 - Brown

10. Closed Session

Chair Smith announced that 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: County Administrative Officer

Title: Interim Behavioral Health Director

Title: Registrar of Voters

10.3 Public Employee Appointment pursuant to Gov. Code Section 54957(b)

(1): Interviews and Appointment of Social Services Director.

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

The Board reconvened into Regular Session at 4:00 p.m. having taken the following action:

On motion of Supervisor Steele, and by vote of the Board, approved the settlement agreement in the matter of Hittle v. County of Lake, et al. The motion carried by the following vote:

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

Absent- Supervisors: 1 - Brown

10.5 Conference with Legal Counsel: Existing litigation pursuant to Gov. Code sec. 54956.9(d)(1): Loberg v. County of Lake, et al.

10.6 Conference with Legal Counsel: Existing litigation pursuant to Gov. Code sec. 54956.9(d)(1): Lakeside Heights HOA, et al. v. County of Lake, et al.

- 10.7** Conference with Real Property Negotiator pursuant to Gov. Code section 54956.8
Property: 9930 Lake Street, Lower Lake, CA. APN 024-242-02

Negotiating Parties:

County of Lake – Lars Ewing and/or Stephen Carter

Owner – Richard H. Ward

Under Negotiation: Purchase price and terms of payment

11. Adjournment

There being no further business, the Board of Supervisors adjourned at 4:37 p.m.

CAROL J. HUCHINGSON

Clerk of the Board

By: 

Carolyn Purdy

Assistant Clerk of the Board


Chair, Lake County Board of Supervisors

