



# COUNTY OF LAKE

255 North Forbes Street  
Lakeport, CA 95453

## Meeting Minutes - Final BOARD OF SUPERVISORS

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Tuesday, August 22, 2017

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 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 Undersheriff Chris Macedo.*

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

*Animal Care and Control Officer Jonathan Armas presented one feline currently available for adoption.*

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

*County Counsel Anita Grant presented litigation for three potential cases to be heard in closed session 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 Brown, and by vote of the Board, approved litigation for three potential cases to be heard in closed session. The motion carried by the following vote:**

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

### 6. Current Construction Projects - Contract Change Orders

*There were no contract change orders to consider.*

### 7. Approval of the Consent Agenda

- 7.1 (a) Approve By-laws for the Scotts Valley Community Advisory Council; and (b) Amend Resolution 2017-27, a Resolution Establishing the Scotts Valley Community Advisory Council, for a typographical error in the body of the document (changing reference of District 5 to District 3).
- 7.2 Approve Agreement between the County of Lake and the Lake County Chamber of Commerce, from July 1, 2017 through June 30, 2018 in the amount of \$45,000; and authorize the Chair to sign.
- 7.3 (a) Waive the formal bidding process, pursuant to Lake County Section 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 Manzanita House for Adult Residential Support Services and Specialty Mental Health Services for Fiscal Year 2017-18 for the amount of \$120,450 and authorize the Board Chair to sign the Agreement.
- 7.4 (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 Agreement between the County of Lake and Clover Valley Guest Home for Adult Residential Support Services and Specialty Mental Health Services for Fiscal Year 2017-18 for the amount of \$80,300 and authorize the Board Chair to sign the Agreement.
- 7.5 (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 Agreement between the County of Lake and Redwood Community Services, Inc. for SUD Perinatal Program Services for Fiscal Year 2017-18 for a contract maximum of \$150,000 and authorize the Board Chair to sign the Agreement.
- 7.6 (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 Agreement between the County of Lake and Catholic Charities for Specialty Mental Health Services provided at St. Vincent School for Boys for a contract maximum of \$48,801 for Fiscal Year 2017-18; and authorize the Board Chair to sign the Agreement.
- 7.7 (a) Approve the District Attorney's Equitable Sharing Agreement and Certification for the Fiscal Year July 1, 2016 to June 30, 2017 and authorize the Chair to sign; and (b) Authorize Doris Lankford to electronically submit the report.
- 7.8 Approve Contract between the County of Lake and TPX Communication for the Purchase of SIP Trunking Service in the amount of \$1,600 per month and Authorize the Chair to Sign.

- 7.9** (Sitting as Lake County Air Quality Management District, Board of Directors) - Approve Agreement between the Lake County Air Quality Management District and Kelseyville Unified School District for the Year 16 & Year 17 Carl Moyer Program project funding, and authorize the Chair to sign.
- 7.10** Approve Agreement between the County of Lake and Far Western Anthropological Research Group, Inc. for Archaeological Services for the Eastlake Elementary Safe Routes to School and Community Development Block Grant Project, in Clearlake Oaks, CA in an amount not to exceed \$90,045.85; and authorize the Chair sign
- 7.11** Approve Agreement between the County of Lake and 4LEAF, Inc. for Construction Management Services for the Eastlake Elementary Safe Routes to School and Community Development Block Grant Project, in Clearlake Oaks, CA, in an amount not to exceed \$197,416.91; and authorize the Chair to sign.
- 7.12** Approve Agreement between the County of Lake and Forensic Medical Group, Inc. for Forensic Pathology Services for the period of July 1, 2017 through June 30, 2020 with a contract maximum of \$35,000 per year; and authorize the Chair to sign.
- 7.13** Approve Request to Appoint Extra Help Employees Karen Kelley and Phyllis Murphy From Eligibility Worker II to Eligibility Specialist II at Advanced Salary Step 4.
- 7.14** Approve Minutes of the Board of Supervisors meeting held June 20, 2017.

**On motion of Supervisor Steele, and by vote of the Board, approved Consent Agenda items 7.1 through 7.14. 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**

*There was no public input.*

- 8.2 9:16 A.M. -** (a) 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; and (b) Update on the Valley Fire Debris Insurance Collection Project and the Valley Fire Funding Status.

*(a) Undersheriff Chris Macedo presented the item to the Board.*

*(b) County Administrative Officer Carol Huchingson presented the item to the Board and gave a status update on the debris insurance collection project for the Valley Fire.*

*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 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 - Smith, Steele, Brown, Scott and Simon

**8.3 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 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 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 - Smith, Steele, Brown, Scott and Simon

**8.4 9:18 A.M. - Consideration of Continuation of a Proclamation of a Declaration of a Local Emergency due to the Atmospheric River Storm**

*Undersheriff Chris Macedo 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 Continuation of a Proclamation of a Declaration of a Local Emergency due to the Atmospheric River Storm. The motion carried by the following vote:**

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

**8.5 9:30 A.M. - PUBLIC HEARING (Continued from June 20, 2017) Consideration of Appeal (AB 17-03) of the Planning Commission's decision to deny the Administrative Appeal (AA 16-02) of the departmental issuance of a Categorical Exemption (CE 16-64) for the removal/replacement of a boating structure, for property located at 6460 Soda Bay Drive, Kelseyville; APNs 044-030-01, 044-040-01, 044-050-01 & 044-070-01. The project applicant is Lauri Dohring, on behalf of the Bell Haven Homeowners Association; appellant is Joan Sturges.**

*Community Development Associate Planner Mireya Turner and Principal Planner Michalyn DelValle presented the item to the Board. A PowerPoint presentation was given regarding the dock replacement project.*

*Chair Smith asked if anyone present wished to speak. Property owner Laurie Dohring 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, denied the appeal and sustained the Planning Commission's decision to deny the Administrative Appeal (AA 16-02) of the departmental issuance of a Categorical Exemption (CE 16-64) for the removal/replacement of a boating structure, for property located at 6460 Soda Bay Drive, Kelseyville and directed County Counsel to prepare Findings of Fact and Decision. The motion carried by the following vote:**

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

**8.6 9:45 A.M. - PUBLIC HEARING Consideration of Resolution Approving a Controlled Access Highway Agreement with the State of California - State Highway Route 29**

*County Counsel Anita Grant presented the item to the Board.*

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

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

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

Enactment No: Resolution No. 2017-91

**8.7 10:00 A.M. - PUBLIC HEARING - THIS ITEM WILL BE CONTINUED TO SEPTEMBER 19, 2017 @ 10:00 A.M. (Continued from August 1, 2017 and June 27, 2017) Consideration of Proposed Ordinance Amending Article 72 of the Lake County Code to Allow the Outdoor Collective Cultivation of Medical Cannabis in "RL" Rural Lands and to Create a Certification of Compliance Process for Cannabis Cultivation**

*Chair Smith presented the item to the Board and requested a continuance to September 19, 2017 @ 10:00 A.M.*

**On motion of Supervisor Steele, and by vote of the Board, continued the Public Hearing to September 19, 2017 at 10:00 a.m. for the Consideration of Proposed Ordinance Amending Article 72 of the Lake County Code to Allow the Outdoor Collective Cultivation of Medical Cannabis in "RL" Rural Lands and to Create a Certification of Compliance Process for Cannabis Cultivation. The motion carried by the following vote:**

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

**8.8 10:01 A.M. - Consideration of Update on Building Division Staffing Issues**

*Community Development Director Bob Massarelli presented the item to the Board. Mr. Massarelli discussed the new contractor, employee and volunteer status for this department. There was also an update on a 90 day pilot program proposed. County Administrative Officer Carol Huchingson spoke. Human Resources Director Kathy Ferguson was present and discussed the job fair scheduled later today for the Community Development Department.*

*Chair Smith asked if anyone present wished to speak and the following person spoke: William Russell. No one else wished to speak and the public input portion of this item was closed.*

**This item was informational only. No action was taken.**

## **9. Non-Timed Items**

**9A Supervisors' weekly calendar, travel and reports**

**9.1 Consideration of the Following Appointments:**  
**Western Regional Town Hall, (WRTH)**  
**Lower Lake Waterworks District One Board of Directors**

*Chair Smith introduced 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, appointed the following people to the Western Regional Town Hall (WRTH): Gene Paleno, Margaret Sanders, Dana DiRicco and Claudine Pedroncelli. The motion carried by the following vote:**

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

**On motion of Supervisor Simon, and by vote of the Board, appointed the following people to the Lower Lake Waterworks District One Board of Directors: Charlotte Raleigh and Stacey Armstrong. The motion carried by the following vote:**

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

**9.2 SECOND READING - Consideration of an Ordinance amending Subdivision (c) of Section 27-6 of Article 1 of Chapter 27 of the Lake County Code to Revise Fire Mitigation Fees for Cases of Locally Declared Emergencies**

*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.*

**Supervisor Steele offered Ordinance No. 3066, and it was passed by roll call vote:**

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

**9.3 (Sitting as Lake County Watershed Protection District, Board of Directors)  
Consideration of a Resolution Authorizing The Lake County Watershed Protection District to Lease Properties in the Middle Creek Restoration Project Area for Agricultural Use.**

*Water Resources Director Phil Moy 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 to close.*

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

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

**Enactment No: Resolution No. 2017-106**

- 9.4** Consideration of Amendment Two to the Contract between the County of Lake and the Middletown Rancheria Band of Pomo Indians for Tribal Cultural Monitoring in an amount not to exceed \$250,000; and authorize the Chair to sign.

*Public Services Director Lars Ewing 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 Simon recused himself from this item due to a conflict of interest.**

**On motion of Supervisor Steele, and by vote of the Board, approved Amendment Two to the Contract between the County of Lake and the Middletown Rancheria Band of Pomo Indians for Tribal Cultural Monitoring in an amount not to exceed \$250,000; and authorize the Chair to sign. The motion carried by the following vote:**

**Ayes- Supervisors:** 4 - Smith, Steele, Brown and Scott

**Recused- Supervisors:** 1 - Simon

- 9.5** Consideration of Resolution Approving Agreements for the Purchase of Right-of-Way for the South Main Street – Soda Bay Road Improvement Project and Authorizing the Chair to execute the purchase Agreements of Behalf of the County of Lake.

*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.*

**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

- 9.6** (a) Consideration and Approval of the FY 2017 Emergency Management Performance Grant application in the amount of \$138,200; (b) Authorization for Sheriff Brian Martin to sign the Grant SubAward Face Sheet; and (c) Authorization for County Administrative Officer, Carol J. Huchingson, to act as the Authorized Agent on behalf of the County to sign the Governing Body Resolution and Standard Grant Assurances.

*Undersheriff Chris Macedo 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.*

**(a) On motion of Supervisor Brown, and by vote of the Board, approved the FY 2017 Emergency Management Performance Grant application in the amount of \$138,200. The motion carried by the following vote:**

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

**(b) On motion of Supervisor Brown, and by vote of the Board, authorized Sheriff Brian Martin to sign the Grant SubAward Face Sheet. The motion carried by the following vote:**

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

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

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

Enactment No: Resolution No. 2017-108

- 9.7** Consideration of the submission of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program Application in the amount of \$15,565, to provide funding for an extra help employee to assist with forensic processing and data collection services; and authorize the County Administrative Officer to sign the grant documents.

*Undersheriff Chris Macedo 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 submission of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program Application in the amount of \$15,565, 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 the grant documents. The motion carried by the following vote:**

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

## **10. Closed Session**

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

### **10.1 Public Employee Evaluations**

Title: Air Pollution Control Officer



**10.2** 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.

**10.3** Conference with Legal Counsel: Significant Exposure to Litigation Pursuant to Gov. Code sec. 54956.9(d)(2)(e)(1): One Potential Case.

*Item 10.3 was not necessary.*

**10.4** Conference with Legal Counsel: Decision whether to Initiate Litigation Pursuant to Gov. Code sec. 54956.9(d)(4): Two Potential Cases.

*Closed Session Extra Items: Litigation, 3 potential cases.*

*The Board reconvened into Regular Session at 12:24 p.m. having taken no action.*

## 11. Adjournment

*There being no further business, the Board of Supervisors adjourned at 12:25 p.m.*

**CAROL J. HUCHINGSON**

Clerk of the Board

By:   
Carolyn Purdy  
Assistant Clerk of the Board

  
Chair-Lake County Board of Supervisors

