



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD FEBRUARY 14, 2006

The Honorable Board of Supervisors of Lake County, California, met in regular session this 14th day of February, 2006, there being present Supervisors Jeff Smith, Gary Lewis, Rob Brown, Anthony Farrington, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Georgine Hunt. Supervisor Robey was in Washington, D.C., seeking Federal funding for the Full Circle Project and will not be attending today's meeting.

The meeting was called to order at 9:03 a.m. by Chair Farrington. Following a moment of silence, Administrative Officer Kelly Cox led the salute to the flag of the United States of America.

1. **ITEM A-1 - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Robey ABSENT), approved Consent Agenda Items C-1 through C-9.

Approved Minutes of the Board of Supervisors meetings held on January 10, 17 and 24, 2006.

Appointed Iris Hudson to the Lower Lake Cemetery Board of Trustees to fill an unexpired term ending January 1, 2009.

(a) Approved the midyear budget review as submitted by Administrative Officer Kelly Cox, dated January 28, 2006; and (b) Adopted Resolution No. 2006-32, revising appropriations and revenue estimates in the Fiscal Year 2005-2006 Final Budget.

Approved Amendment No. 2 to Solid Waste Handling and Recycling Services Contract between the County of Lake and Southlake Refuse-Recycling, LLC, to include Quakenbush Facility Clean Green and Woodwaste Rate, and authorize the Chair to sign.

Approved Agreement between the County of Lake and Pavement Engineering, Inc., for engineering services for design of rehabilitation improvements in Downtown Upper Lake, and authorized the Chair to sign (\$45,915).

Approved Plans and Specifications for construction of Lake Street Bikeway from 550 feet south of Tish-A-Tang Road to 90 feet south of Cache Creek Bridge, Lower Lake, and authorized the Assistant Purchasing Agent to advertise for bids.

Adopted Resolution No. 2006-33, accepting the dedication of roadway easement in the County of Lake (Piner Court).

Approved Annual Report for County Service Area #2, Spring Valley Lake Special Tax.

Sitting as the Board of Directors of Lake County Sanitation District, approved Annual Report for the Clear Lake Basin 2000 Effluent Pipeline Project.

2. **ITEM A-2 - PRESENTATION ON ANIMALS THAT ARE AVAILABLE FOR ADOPTION AT THE LAKE COUNTY ANIMAL CARE AND CONTROL SHELTER** - Animal Control Officer Morgan Nelsen was present and showed three (3) dogs and two (2) cats that are available for adoption at the Lake County Animal Care and Control Center.

3. **ITEM A-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**

EXTRA #1 - CONSIDERATION OF REQUEST FOR NECESSITY OF A CLOSED SESSION ITEM NOT ON THE POSTED AGENDA - CONFERENCE WITH LEGAL COUNSEL - PERSONNEL MATTER - PUBLIC EMPLOYEES' DISCIPLINARY APPEAL - PROPOSED FINDINGS OF FACT AND DECISION - On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Robey ABSENT), approved taking up this item due to the fact that the need arose after the posting of today's agenda.

This item was considered as an extra for the following reasons:

This item was inadvertently omitted from today's agenda and the Board needs to take action today on the proposed Findings of Fact.

This item will be taken up during Closed Session.

EXTRA #2 - CONSIDERATION OF REQUEST TO APPROVE LETTER TO CONGRESSMAN THOMPSON IN SUPPORT OF THE LOWER LAKE COUNTY WATERWORKS DISTRICT #1 GRANT APPLICATION FOR FEDERAL FUNDS TO REPLACE AGING WATER MAINS AND OTHER INFRASTRUCTURE - On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Robey ABSENT), approved taking up this item due to the fact that the need arose after the posting of today's agenda.

This item was considered as an extra for the following reasons:

On February 10, 2006, Mr. Brad Onorato of congressman Thompson's office asked for a letter of support from the Board, in order to demonstrate local support for this project. The Federal Legislature is in the process of considering what projects are to receive federal funding and the letter of support needs to be submitted as soon as possible.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Robey ABSENT), approved a letter to Congressman Thompson in support of the Lower Lake County Waterworks District #1 Grant Application for Federal funds to replace aging water mains and other infrastructure, and authorized the Chair to sign.

4. **CITIZEN'S INPUT** - Ms. Gloria DeVoe, FEMA representative, announced that a mobile disaster recovery center has been set up in the parking lot at Upper Lake County Park. Ms. DeVoe stated that all County residents who suffered damages due to the floods and severe weather earlier this year may qualify for federal loans and grants to cover repair and replacement costs for damaged property. Residents had sixty days from February 3, 2006, to register with the FEMA and encouraged anyone who has suffered damages to do so.

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Clearlake City Council Member Judy Thein introduced Ms. Kathy Kivley, who has been hired as the Clearlake's City Administrator.

5. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - REVIEW OF ANNUAL GRANTEE PERFORMANCE REPORTS FOR COMMUNITY DEVELOPMENT BLOCK GRANTS: (1) ON-SITE INFRASTRUCTURE IMPROVEMENTS IN THE HARMONY PARK SUBDIVISION IN UPPER LAKE - GRANT #98-STBG-1248; and (2) HOUSING REHABILITATION - GRANT #03-STBG-1829** - Social Services Director Carol Huchingson and Housing Program Manager Steve Citron were present.

Ms. Huchingson stated that Community Development Block Grant regulations require a this public hearing and submission of a "Close Out Certification", a "Financial Accomplishment Report" and a "Grantee Performance Report", to close out open grants. After the public hearing has been closed, the Social Services Director will approve and sign all the necessary documents that are required by the State Department of Housing. There is no action required to be taken by the Board.

Mr. Citron gave a brief overview of the Community Development Block Grants as follows:

98-STBG-1248 - ON-SITE INFRASTRUCTURE IMPROVEMENTS IN HARMONY PARK SUBDIVISION - The 1998 grant provided \$325,000 of infrastructure funding for the Harmony Park is a 30-unit self-help housing project in Upper Lake. The project was constructed in phases of approximately ten homes at a time. Therefore, it became far behind schedule and the County has had four grant extensions. The second phase of construction was completed in January 2005 which brought the total completions to twenty-one homes. The final phase of nine homes began construction in November 2004, and is still not completed. Dramatic increases in building materials/subcontractor costs have caused the families to assume more of the labor responsibilities, now doing their own foundations and roofing. Although the project is not yet complete, County funds were spent years ago and the State has instructed the County to close the grant out.

03-STBG-1829 - OWNER-OCCUPIED REHABILITATION GRANT - In December 2003, two-year grant provided funding for low-income owner-occupied housing rehabilitation and public sidewalk improvements in targeted geographic areas. Of the \$500,000 available, \$492,952 was spent: \$330,114 for home rehabilitation or replacement, \$42,550 for a sidewalk project in Lucerne and the balance (\$120,288) for activity delivery/grant administration. Ten homes received rehabilitation or were replaced as follows: (1) Three grants of less than \$3,000 (two in Kelseyville and one in Lucerne); and (2) Two mobile home replacement loans (one in Nice and one in Clearlake Oaks).

Chair Farrington opened the public hearing. No one was present wishing to speak and the public hearing was closed.

There was no action taken on this item.

6. **ITEM A-8 - CONSIDERATION OF FISCAL YEAR 2006-2007 BUDGET MANUAL, BUDGET PROCEDURES CALENDAR AND BUDGET FORMS; and PROPOSED RESOLUTION EXTENDING THE DEADLINE FOR ADOPTION OF THE FINAL BUDGET** - Administrative Officer Kelly Cox asked if the Board wishes to continue receiving individual copies of the initial budget packets submitted by department heads.

There was consensus by the Board that only one copy of the initial budget packet will be provided to the Board.

Supervisor Lewis offered Resolution No. 2006-31, and it was passed by a roll-call vote (4 ayes, Supervisor Robey ABSENT).

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Robey ABSENT), approved Fiscal Year 2006-2007 Budget Manual, Budget Procedures Calendar and Budget Forms.

7. **ITEM A-6 - 9:30 A.M. - PRESENTATION BY THE OFFICE OF EMERGENCY SERVICES (OES) REGARDING THE FUNCTION OF OES WHEN A DISASTER OCCURS** - Sheriff Rodney Mitchell requested that this item be carried over to a later date.

8. **ITEM A-12 - CONSIDERATION OF REQUEST TO PURCHASE A USED 2004 CHEVY SILVERADO 2500 CREW CAB 4X4 PICK-UP, FROM SHELLY GUNTER (PRIVATE CITIZEN), IN THE AMOUNT OF \$34,335 (PURCHASE WILL BE MADE FROM SEARCH AND RESCUE TRUST FUND 694)** - Sheriff Rodney Mitchell and Deputy Sheriff Sergeant Gary Basor were present.

Chair Farrington asked if anyone present wished to speak on this item and the following persons spoke: Mr. Phil Murphy and Mr. John Roddy. No one else was present wishing to speak and the public portion of this item was closed.

The Board asked Sheriff Mitchell to find out from the owner if this vehicle is under any type of warranty and if the vehicle is sold, whether or not the warranty is also transferred to the new owner. Also, since this item was going to be continued, Sheriff Mitchell will again contact local dealerships to see if they have received any similar vehicles.

This item was continued to a later date.

After a short recess, the Board reconvened at 10:16 a.m.

9. **ITEM A-11 - (a) CONSIDERATION OF REQUEST TO WAIVE THE CONSULTANT SELECTION POLICY AND DETERMINE AND FIND THAT IT IS NOT IN THE PUBLIC INTEREST TO FOLLOW THE CONSULTANT SELECTION BOARD PROCESS FOR PROFESSIONAL SERVICES; and (b) PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND JOHN S. MILLS, TO PROVIDE WATER RESOURCE TEXT AND THE INTEGRATION OF WATER RESOURCE INFORMATION INTO THE PROPOSED GENERAL PLAN** - Chair Farrington stated that Supervisor Robey submitted a Memorandum dated February 13, 2006, in support of this contract.

Mr. John Mills was present.

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Robey ABSENT), approved the request to waive the Consultant Selection Policy and determined and found that it is not in the public interest to follow the Consultant Selection Board Process for professional services.

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Robey ABSENT), approved the Agreement between the County of Lake and John S. Mills, to provide water resource text and the integration of water resource information into the proposed General Plan, and authorized the Chair to sign.

10. **ITEM A-9 - CONSIDERATION OF REQUEST TO WAIVE THE \$350 APPLICATION FEE TO INITIATE THE FORMATION OF PINER COURT BENEFIT ZONE (COUNTYWIDE COUNTY SERVICE AREA FOR ROAD IMPROVEMENT/MAINTENANCE PROGRAM)** - Public Works Director Gerry Shaul was present.

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On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Robey ABSENT), approved the request to waive the \$350 application fee to initiate the formation of Piner Court Benefit Zone (Countywide County Service Area for Road Improvement/Maintenance Program).

11. **ITEM A-10 - PROPOSED ORDINANCE ESTABLISHING A FOUR-WAY STOP AT ARGONAUT ROAD (COUNTY ROAD NO. 524), AT ITS INTERSECTION WITH THOMAS DRIVE (COUNTY ROAD 507A)** - Public Works Director Gerry Shaul was present.

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Robey ABSENT), waived the reading of the ordinance and had it read in title only (Clerk so did).

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Robey ABSENT), advanced the ordinance two weeks to February 28, 2006.

12. **ITEM A-14 - Carried Over From January 24, 2006 and February 7, 2006 - DISCUSSION/CONSIDERATION OF STAFF REPORT REGARDING THE PROPOSAL TO SEPARATE THE WATER RESOURCES DIVISION FROM THE PUBLIC WORKS DEPARTMENT AND MAKE IT AN INDEPENDENT DEPARTMENT** - Chief Deputy Administrative Officer Matt Perry and Public Works Director Gerry Shaul were present.

Mr. Perry provided a brief overview of the fiscal implications to Water Resources, the fiscal implications to roads and other programs, recruitment issues and policy issues.

Mr. Shaul stated that he does not agree with this proposal and did not believe this separation would have any fiscal savings to the proposed Department of Water Resources (DWR).

Supervisor Brown and Chair Farrington expressed support for further pursuing separation of the departments.

After a lengthy discussion, the Board asked that Public Works Director Gerry Shaul meet with County Administrative Officer Kelly Cox to review alternative formulas for spreading Public Works' administrative cost and bring this matter back to the Board for a final discussion at a later date, when all five Supervisors would be present.

The Board asked that Public Works Director Gerry Shaul to provide a comparison of costs if the Water Resources Division remains under Public Works and if the Water Resources Division was separated from Public Works

This item was carried over to a later date.

13. **ITEM A-13 - Carried Over From February 7, 2006 - DISCUSSION OF THE COUNTY'S SANDBAG DISTRIBUTION POLICY AND CONSIDERATION OF REQUEST TO PROVIDE FUNDING FOR SANDBAGS AND SAND DURING A FLOODING EMERGENCY** - Supervisor Lewis stated that earlier today, the Board carried over the presentation by the Office of Emergency Services (OES), regarding the function of OES when a disaster occurs, and would like to have this item placed on the agenda on the same date as the OES item.

This item was continued to a later date. (This item will be placed on the same agenda as the presentation by the Office of Emergency Services).

14. **ITEM A-15 - CLOSED SESSION - 1. Conference with Labor Negotiator Counsel, (a) County Negotiators: A. Grant and M. Perry, (b) Employee Organization: DDAA, LCCOA, LCEA and SDA ; and 2. Public Employee Performance Evaluations, Titles: Registrar of Voters and Community Development Director** - Chair Farrington announced that the Board will now go into Closed Session for the reasons stated on the agenda, including Extra #1.

The Board reconvened into Regular Session with the following action taken: On motion of Supervisor Lewis and by vote of the Board (3 ayes, Supervisor Brown NO, Supervisor Robey ABSENT), approved the Findings of Fact in the matter of the Public Employees' Disciplinary Appeal, and authorized the Chair to sign.

There being no further action, the Board adjourned at 1:31 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board