



MINUTES

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD AUGUST 7, 2007

The Honorable Board of Supervisors of Lake County, California, met in regular session this 7th day of August, 2007, there being present Supervisors Ed Robey, Denise Rushing, Anthony Farrington, Rob Brown, Jeff Smith, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Georgine Hunt.

The meeting was called to order at 9:00 a.m. by Chair Smith. After a moment of silence Assistant Clerk of the Board Georgine Hunt led the salute to the flag of the United States of America.

1. **ITEM A-3 - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Robey and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-16, with the exception of Consent Item C-14 and C-15, which will be taken up later in the day.

Adopted Resolution No. 2007-153, extending deadline for public hearing on the proposed budget pursuant to Section 29080 of the Government Code.

Adopted Resolution No. 2007-154, amending the salary and classification plan for the classification of Chief Building Official (decreasing monthly salary to \$5,472.69 at entry step).

Adopted Resolution No. 2007-155, approving Amendment 1 of Agreement No. 06-0489 with the State of California, Department of Food and Agriculture for additional funding for the Pierce's Disease Agreement for Fiscal Year 2006/2007 and authorizing execution thereof.

Adopted Resolution No. 2007-156, of intention to convey real property to the City of Clearlake (APN's 41-141-40, 41-141-42, 41-141-15, 41-141-49, 41-142-34 and 41-142-35) and set public hearing to convey real property from the County of Lake to the City of Clearlake on August 21, 2007, at 10:00 a.m.

Adopted Resolution No. 2007-157, approving the Maternal and Child Health (MCH) grant application with the State of California, Department of Health Services for Fiscal Year 2007/2008, and authorizing the Director of Health Services to sign said application and grant.

Approved Leave of Absence (Medical) for Library Assistant Socorro Duncan for the period of July 22, 2007 through December 22, 2007, and authorized Chair to sign Leave of Absence Request Form.

Adopted Resolution No. 2007-158, authorizing application for Edward Byrn Memorial Justice Assistance Grant (JAG) Program funds (for Fiscal Year 2007/2008, in the amount of \$22,153).

Adopted Resolution No. 2007-159, of intention to establish proposed "Zone M" (Riviera Heights) of County Service Area No. 23, approve the Engineer's Report, the form of ballot and balloting process for the assessment, and setting a public hearing for protests and balloting determination, and set public hearing to consider protest against the proposed assessment zone for October 16, 2007, at 9:15 a.m.

Accepted Irrevocable Offers of Dedication for roadway and public utility purposes, (a short segment of road right-of-way that is needed to provide access to an approved tentative parcel map in the Rice Fork area near Lake Pillsbury) Reino I. Wantin and William H. McDonald, Successor Trustee under the McDonald Family Trust, and directed Clerk to certify for recordation.

Adopted Resolution No. 2007-160, notice of intention to transfer a 1996 Ford Aerostar Van (VIN #1FTDA14U2TZA64512) to the Lucerne Senior Center (for home delivery of meals) and set public hearing for August 21, 2007, at 10:15 a.m.

Approved Contract between the County of Lake and Fisher Wireless for maintenance of dispatch radios at the Central Dispatch Facility in the amount of \$14,440, and authorized the Chair to sign.

Approved Agreement between the County of Lake and the Regents of the University of California, Davis for training services in the amount of \$51,000 (state/federal funds \$43,350 and in-kind match by UCD \$7,650) and authorized the Chair to sign.

(A) Approved Medi-Cal Certificate of Compliance with the California Department of Veterans Affairs (CDVA) for Medi-Cal Cost Avoidance Program, Fiscal Year 2007/2008, and authorized the Chair to sign; and (B) approved Subvention Certificate of Compliance with the California Department of Veterans Affairs (CDVA) for County Subvention Program, Fiscal Year 2007/2008, and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Sanitation District, accepted dedication and conveyance of mainline sewer extension, for public utility purposes, Tom Snyder (14519 Burns Valley Road, Clearlake (APN 010-049-01) and directed Clerk to certify for recordation.

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

EXTRA #1 - DISCUSSION/CONSIDERATION OF PROPOSED RESOLUTION REVISING REVENUE ESTIMATES AND APPROPRIATIONS IN THE FISCAL YEAR 2006/2007 FINAL BUDGET - MENTAL HEALTH, BUDGET UNIT NO. 4014 -

On motion of Supervisor Farrington and by vote of the Board (5 ayes), 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:

Mental Health has requested that the Board consider this matter as an extra agenda item due to the fact that the need to take action arose after the posting of today's agenda and Board action cannot wait until the next regular agenda. The Lake County Mental Health has invoices which are currently due and the County Auditor's Office must have these invoices for processing immediately in order to be able to charge them to the proper fiscal year accounting period.

This item will be taken up later in the day for further consideration.

3. **ITEM A-22 - CONSIDERATION OF RECOMMENDATION TO AWARD BID NO. 08-01 TO PAPE MACHINERY, INC. FOR THE PURCHASE OF THREE (3) JOHN DEERE MODEL 624-J LOADERS IN THE AMOUNT OF \$516,999 - Public Works Director Gerry Shaul was present.**

On motion of Supervisor Robey and by vote of the Board (5 ayes), awarded Bid No. 08-01 to Pape Machinery, Inc. for the purchase of three (3) John Deere Model 624-J Loaders in the amount of \$516,999, and authorized the Chair to sign bid award.

4. **ITEM A-20 - Advanced from July 24, 2007 - AN ORDINANCE AMENDING CHAPTER 2 OF THE LAKE COUNTY CODE MODIFYING THE OFFICE HOURS OF THE DEPARTMENT OF SOCIAL SERVICES (DEPARTMENT WILL BE OPEN TO PUBLIC FROM 8:30 A.M. TO 4:30 P.M.) - (SECOND READING) - Supervisor Brown offered Ordinance No. 2833, and it was passed by a roll-call vote (5 ayes).**

5. **ITEM A-19 - CONSIDERATION OF REQUEST FOR APPROVAL OF ADVANCED STEP HIRING (5TH STEP) OF A COMMUNICATIONS OPERATOR II POSITION (PAULA "HARVEY" TOLLE) DUE TO EXTRAORDINARY QUALIFICATIONS - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the advanced step hiring (5th Step) of a Communications Operator II position (Paula "Harvey" Tolle) due to her extraordinary qualifications.**

6. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A TWO (2) YEAR EXTENSION OF TIME OF A TENTATIVE SUBDIVISION MAP TO CREATE 69 RESIDENTIAL LOTS ON 17 ACRES AND RECONSIDERATION OF THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION FOR THIS PROJECT BASED ON INITIAL STUDY (IS 03-47) APPLICANT DOMINIC AFFINITO; LOCATED AT 6965 HAMMOND AVENUE, NICE, CA (APN 031-052-17 AND 22) - Community Development Director Rick Coel and Senior Planner Emily Minton was present.**

Ms. Minton gave a brief overview of the proposed project, which included conditions of the grading permit and one of the conditions included an engineered retaining wall that is to be constructed at the base of the cut slope along the northern property line. The cut was completed in 2006, and according to the County Grading Inspector, erosion control measures were put in place prior to the end of the construction season. The applicant has been advised that a retaining wall, or other means of retaining the slope must be in place this construction season. During the Planning Commission hearing, the applicant agreed to this requirement.

Chair Smith opened the public hearing and the following persons spoke: Janet Cawn, Cliff Tooley, Stephanie Wayment, Jessie Thomas, John Eels and Ron Bergsen.

There was consensus by the Board that this item will be continued to October 16, 2007, and if the retaining wall has not been completed, the time extension will be denied and a grading violation will be issued.

The public hearing was continued to October 16, 2007, at 9:30 a.m.

7. **ITEM A-6 - 9:30 A.M. - (a) DISCUSSION/CONSIDERATION OF PROPOSED RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE 2007 HOME INVESTMENT PARTNERSHIPS PROGRAM; and**

(b) DISCUSSION/CONSIDERATION OF A PROPOSED RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE HOME INVESTMENT PARTNERSHIPS PROGRAM IN THE AMOUNT \$4 MILLION FOR A 50 UNIT AFFORDABLE HOUSING PROJECT TO BE LOCATED AT 6853 COLLIER AVENUE, NICE - Chief Deputy Administrative Officer Matt Perry and Housing Program Manager Steven Citron were present.

Chair Smith asked if anyone present wished to speak on these items and the following persons spoke: Janet Cawn and Mary Jane Fagalde. No one else was present wishing to speak and the public portion of this item was closed.

(A) Supervisor Farrington offered Resolution No. 2007-161 (authorizing submittal of an application to the California State Department of Housing and Community Development for funding under the 2007 Home Investment Partnerships Program; and if selected the execution of a standard agreement, any amendments thereto, and any related documents necessary to participate in the Home Investment Partnerships Program), and it was passed by a roll-call vote (5 ayes).

(B) Supervisor Rushing offered Resolution No. 2007-162 (authorizing the submission of an application to the California State Department of Housing and Community Development for funding under the Home Investment Partnerships Program; and if selected, the execution of a standard agreement, any amendments thereto, and of any related documents necessary to participate in the Home Investment Partnerships Program), and it was passed by a roll-call vote (5 ayes).

8. **ITEM A-7 - 10:00 A.M. - DISCUSSION/CONSIDERATION OF PROPOSED ORDINANCE ADOPTING A PUBLIC DEFENDER LEGAL FEE REIMBURSEMENT PROGRAM, REGISTRATION FEE AND REIMBURSEMENT FEE SCHEDULE - Senior Administrative Analyst Jennifer Hammond and Steve Carter of Lake Legal Defense Services were present.**

Chair Smith asked if anyone present wished to speak on this item and Lawrence Ratcliff spoke. No one else was present wishing to speak and the public portion of this item was closed.

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On motion of Supervisor Robey and by vote of the Board (5 ayes), waived the reading of the ordinance and had it read in title only (Clerk so did).

On motion of Supervisor Robey and by vote of the Board (5 ayes), advanced the ordinance one week to August 14, 2007.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the Public Legal Fee Reimbursement Program for a two-year trial bases and directed staff to present an updated report on the program back to the Board in one year.

After a short recess, the Board reconvened at 10:55 a.m.

9. **ITEM A-8 - 10:30 A.M. - DISCUSSION/CONSIDERATION OF INITIATING A PROPOSED AMENDMENT TO CHAPTER 21 OF THE LAKE COUNTY ZONING ORDINANCE REGARDING THE PARKING OF COMMERCIAL TRUCKS IN "SR" (SUBURBAN RESIDENTIAL) AREAS** - Community Development Director Rick Coel and Code Compliance Officer Anthony Howard were present.

Supervisor Robey gave a brief overview of the proposal.

Recommendations regarding this issue will be brought back to the Board at a later date for further consideration.

10. **ITEM A-9 - 11:00 A.M. - HEARING - APPEAL OF VICIOUS ANIMAL ABATEMENT ORDER, LOCATED AT 6928 BUTTE STREET, NICE (GLORIA SPARKS)** - The Clerk swore in Animal Control Officer Morgan Hermann, David Sparks, Gloria Sparks, Michelle Ellis, Don Turner and Charles Miller.

Ms. Hermann gave an overview of the Vicious Animal Abatement Order.

David Sparks, Gloria Sparks, Michelle Ellis, Don Turner and Charles Miller each presented testimony.

Supervisor Rushing made a motion to omit the requirement that canines are to be micro chipped. Supervisor Rushing withdrew her motion.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), denied the appeal of the Vicious Animal Abatement Order and allowed the canine "Ollie" to be kept at 3055 Lakeview Drive, Nice, in accordance with the conditions listed in the Vicious Animal Abatement Order, with the exception of the requirement that canine to be micro chipped, which is to be omitted from the conditions.

On motion of Supervisor Brown and by vote of the Board (3 ayes, Supervisor Rushing and Farrington NO), denied the appeal of the Vicious Animal Abatement Order and allowed the canines "Foxy" and "Girl" to be kept at 6928 Butte Street, Nice, in accordance with the conditions listed in the Vicious Animal Abatement Order, with the exception of the requirement that canine to be micro chipped, which is to be omitted from the conditions.

The Board adjourned for lunch at 12:31 p.m. and reconvened at 1:33 p.m. with Supervisor Brown absent the remainder of the day.

11. **ITEM A-10 - 1:30 P.M. - DISCUSSION/CONSIDERATION OF REQUEST FOR AUTHORIZATION TO NEGOTIATE WITH SUNPOWER CORPORATION TO DESIGN, INSTALL AND OPERATE SOLAR POWER PROJECTS FOR COUNTY FACILITIES** - Chief Deputy Administrative Officer Matt Perry, Special Districts Administrator Mark Dellinger and Public Services Director Kim Clymire were present.

Mr. Perry gave a brief overview of proposal.

Chair Smith asked if anyone present wished to speak on this item and Mr. Bill Barrows, representing Bay Solar spoke. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), authorized staff to continue negotiations with SunPower Corporation to design, install and operate solar power projects at the Northwest Treatment Plant, Southeast Treatment Plant and Hill Road Jail, and if for any reason negotiations with SunPower fail to conclude in a timely manner, authorized staff to begin negotiations with Stellar Energy Solutions.

The Board of Supervisors adjourned and reconvened as the Board of Directors of Lake County Sanitation District.

12. **ITEM A-12 - (a) DISCUSSION/CONSIDERATION OF PROPOSED DIRECT COLLECTION SYSTEM CONNECTION SPECIAL AGREEMENT BETWEEN THE LAKE COUNTY SANITATION DISTRICT AND MIDDLETOWN RANCHERIA OF POMO INDIANS OF CALIFORNIA TO PROVIDE SEWER SERVICE TO 22223 SOUTH STATE HIGHWAY 29, MIDDLETOWN (APN 014-005-08); and (b) REIMBURSEMENT AGREEMENT BETWEEN THE LAKE COUNTY SANITATION DISTRICT AND MIDDLETOWN RANCHERIA OF POMO INDIANS OF CALIFORNIA FOR MAINLINE EXTENSION TO PROVIDE SEWER SERVICE TO 22223 SOUTH STATE HIGHWAY 29, MIDDLETOWN (APN 014-005-08)** - Special Districts Administrator Mark Dellinger was present.

Chair Smith asked if anyone present wished to speak on this item and Jose Simon spoke. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Director Robey and by vote of the Board (3 ayes, Director Farrington NO, Director Brown ABSENT), approved Direct Collection System Connection Special Agreement between the Lake County Sanitation District and Middletown Rancheria of Pomo Indians of California to provide sewer service to 22223 South State Highway 29, Middletown (APN 014-005-08) and the Reimbursement Agreement between the Lake County Sanitation District and Middletown Rancheria of Pomo Indians of California for mainline extension to provide sewer service to 22223 South State Highway 29, Middletown (APN 014-005-08), and authorized the Chair to sign both agreements.

The Board of Directors of Lake County Sanitation District adjourned and reconvened as the Board of Supervisors.

BACK TO #2 - ITEM A-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:

EXTRA #1 - DISCUSSION/CONSIDERATION OF PROPOSED RESOLUTION REVISING REVENUE ESTIMATES AND APPROPRIATIONS IN THE FISCAL YEAR 2006/2007 FINAL BUDGET - MENTAL HEALTH, BUDGET UNIT NO. 4014 - Mental Health Director Kristy Kelly was present.

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Supervisor Rushing offered Resolution No. 2007-164, and it was passed by a roll-call vote (4 ayes, Supervisor Brown ABSENT).

13. **ITEM A-14 - CONSIDERATION OF PROPOSED BUDGET TRANSFER B-531 IN THE AMOUNT OF \$15,590 FROM MENTAL HEALTH CONTINGENCY FUNDS TO COVER HIGHER THAN ANTICIPATED COSTS FOR PROFESSIONAL SERVICES, FISCAL YEAR 2006/2007, BUDGET UNIT NO. 4014 - MENTAL HEALTH** - Mental Health Director Kristy Kelly was present.

On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved Budget Transfer B-531 from Mental Health Contingency funds to cover higher than anticipated costs for professional services, Fiscal Year 2006/2007, Budget Unit No. 4014 - Mental Health, and authorized the Chair to sign.

14. **ITEM A-15 - CONSIDERATION OF PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND KINGS VIEW CORPORATION FOR TELEPSYCHIATRY SERVICES FOR FISCAL YEAR 2007/2008 IN THE AMOUNT OF \$100,000** - Mental Health Director Kristy Kelly was present.

The following amendment was made to the agreement:

Changed the maximum reimbursement to the contractor from \$100,000 to \$50,000.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved Agreement, as amended, between the County of Lake and Kings View Corporation for Telepsychiatry services for Fiscal Year 2007/2008 (not to exceed \$50,000), and authorized the Chair to sign.

15. **ITEM A-16 - CONSIDERATION OF CANCELLATION OF CONTRACT BETWEEN THE COUNTY OF LAKE AND NORTH VALLEY BEHAVIORAL HEALTH FOR DEDICATED BED CAPACITY FOR A SAVINGS OF \$100,000** - Mental Health Director Kristy Kelly was present.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the cancellation of the Contract between the County of Lake and North Valley Behavioral Health for dedicated bed capacity for a savings of \$100,000, and authorized the Chair to sign a letter to North Valley Behavioral Health giving the required 60 days written notice of such termination.

16. **ITEM A-17 - CONSIDERATION OF PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND THE STATE DEPARTMENT OF MENTAL HEALTH FOR FUNDING IN THE AMOUNT OF \$2,206,297 FOR THE MENTAL HEALTH SERVICES ACT 3-YEAR PLAN FOR COMMUNITY SERVICES AND SUPPORT** - Mental Health Director Kristy Kelly was present.

On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the Agreement between the County of Lake and the State Department of Mental Health for funding in the amount of \$2,206,297 for the Mental Health Services Act 3-Year Plan for Community Services and Support, and authorized the Chair to sign.

17. **ITEM A-18 - CONSIDERATION OF PROPOSED RESOLUTION APPROPRIATING OVER-REALIZED REVENUE IN THE AMOUNT OF \$83,000 (RECEIVED FROM SACPA FUND 140) FOR FISCAL YEAR 2006/2007** - Supervisor Robey offered Resolution No. 2007-163, and it was passed by a roll-call vote (4 ayes, Supervisor Brown ABSENT).

18. **ITEM A-13 - DISCUSSION/CONSIDERATION OF ACCEPTANCE OF DONATED REAL PROPERTIES LOCATED IN VARIOUS "PAPER SUBDIVISIONS" LOCATED WITHIN THE REDEVELOPMENT AGENCY PROJECT AREA** - Senior Administrative Analyst Jennifer Hammond was present.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the acceptance of donated properties located at 5035 Ainslee Trail and 5747 Tully Trail, approved in concept the acceptance of donated real properties in various "paper subdivisions" which are located within the Lake County Redevelopment Agency Area, and directed staff to bring back a legal opinion and recommendations, including how to inform unsuspecting purchasers that property located within various "paper subdivisions" is essentially worthless land.

The Board of Supervisors adjourned and convened as the Board of Directors of Lake County Redevelopment Agency.

19. **ITEM A-21 - CONSIDERATION OF OPTION TO PURCHASE AGREEMENT BETWEEN THE LAKE COUNTY REDEVELOPMENT AGENCY AND JOHN T. KLAUS, AS TRUSTEE OF THE JOHN T. KLAUS 1994 TRUST, FOR PURCHASE OF PROPERTY IN THE AMOUNT OF \$560,000, LOCATED AT 75 LAKE STREET, CLEARLAKE OAKS, CA (APN 035-231-49) TO BE DEVELOPED FOR LOW INCOME SENIOR HOUSING** - Administrative Analyst Doug Willardson was present.

On motion of Director Rushing and by vote of the Board (4 ayes, Director Brown ABSENT), approved the Option to Purchase Agreement between the Lake County Redevelopment Agency and John T. Klaus, as trustee of the John T. Klaus 1994 Trust, for purchase of property in the amount of \$560,000, located at 75 Lake Street, Clearlake Oaks, CA (APN 035-231-49) to be developed for low income senior housing, and authorized the Chair to sign.

The Board of Directors of Lake County Redevelopment Agency adjourned and reconvened as the Board of Directors of Lake County Sanitation District.

20. **CONSENT ITEM C-14 - CONSIDERATION OF REQUEST TO AWARD BID NO. 07-33 TO UKIAH FORD FOR PURCHASE OF ONE (1) UTILITY BED TRUCK WITH CRANE IN THE AMOUNT OF \$45,485.87, AND AUTHORIZE THE CHAIR TO SIGN BID AWARD** - Director Farrington requested that this item be pulled for further discussion.

Special Districts Administrator Mark Dellinger and Supervising Accountant Wendy Thorn were present.

On motion of Director Farrington and by vote of the Board (4 ayes, Director Brown ABSENT), awarded Bid No. 07-33 to Ukiah Ford for purchase of one (1) utility bed truck with crane in the amount of \$45,485.87, and authorized the Chair to sign bid award.

21. **CONSENT ITEM C-15 - CONSIDERATION OF REQUEST TO AWARD BID NO. 07-34 TO UKIAH FORD FOR PURCHASE OF TWO (2) EXTENDED CAB COMPACT TRUCKS IN THE AMOUNT OF \$36,508, AND AUTHORIZE THE CHAIR TO SIGN BID AWARD** - Director Farrington requested that this item be pulled for further discussion.

Special Districts Administrator Mark Dellinger and Supervising Accountant Wendy Thorn were present.

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On motion of Director Farrington and by vote of the Board (4 ayes, Director Brown ABSENT), awarded Bid No. 07-34 to Ukiah Ford for purchase of two (2) extended cab compact trucks in the amount of \$36,508, and authorized the Chair to sign bid award.

The Board of Directors of Lake County Sanitation District adjourned and reconvened as the Board of Supervisors.

22. **ITEM A-23 - CLOSED SESSION - 1. Conference with Legal Counsel - Anticipated Litigation - (a) Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9: Two Potential Cases** - Chair Smith announced that the Board will now go into Closed Session for the reason stated on the agenda.

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned at 5:20 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board