



MINUTES

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JUNE 26, 2007

The Honorable Board of Supervisors of Lake County, California, met in regular session this 26th day of June, 2007, there being present Supervisors Denise Rushing, Anthony Farrington, Rob Brown, Ed Robey, Jeff Smith, Administrative Officer Kelly Cox, County Counsel Anita Grant, and Assistant Clerk of the Board Mireya Turner.

The meeting was called to order at 9:00 a.m. by Chair Smith. A moment of silence was dedicated to Ssgt. Stephen John Wilson, USMC, killed in Iraq. Supervisor Rushing 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-14, with the exception of C-11, C-12, and C-14, which will be taken up later in the day.

Approved Minutes of the Board of Supervisors meeting held on June 12, 2007.

Appointed Frank G. Noel, Jr. to the Glenbrook Cemetery District Board of Directors for a term expiring on June 26, 2011.

Authorized the destruction of Time Reports and Hours Proofs for Fiscal Year 2001/2002 and earlier; Vacation and Sick Leave Accruals for Fiscal Year 2001/2002 and earlier (retain year end balances); Health Insurance Reports for Fiscal Year 2001/2002 and earlier; Quarter-to-date Reports for Fiscal Year 2001/2002 and earlier; Department Time Sheets for Fiscal Year 2001/2002 and earlier; unsecured Tax Rolls for Fiscal Year 2001/2002 and earlier; secured Tax Rolls for Fiscal Year 1994/1995 and earlier; Paid Warrants for Fiscal Year 2001/2002 and earlier; Paid Claims and Invoices for Fiscal Year 2001/2002 and earlier; and Deposit Permits for Fiscal Year 2001/2002, pursuant to Government Code Sections 26202 and 26205.

Approved Agreement between the County of Lake and Marta Fuller for dental health education and prevention services for Fiscal Year 2007/2008 and authorized the Chair to Sign.

Adopted Resolution No. 2007-131 approving final parcel map and the signing of the Final Parcel Map (Kinaman).

Approved Purchase Agreement Amendment to extend the deadline for closure of escrow in the April 10, 2007, Purchase Agreement between the County and the Lucerne Alpine Seniors, Inc. (extending deadline to September 4, 2007), and authorized the Chair to sign.

Adopted Resolution No. 2007-132 revising the governing body resolutions for Emergency Management Performance Grant (EMPG) and Homeland Security grants, authorizing Sheriff Rodney Mitchell, Sheriff/Coroner Administrative Manager Mary Beth Strong and/or County Administrative Officer Kelly Cox to sign the Financial Reimbursement Request for Receipt of Expended Funds.

(A) Approved Budget Transfer B-377 for the purchase of a Nclock/GPS Master Clock System for Central Dispatch in the amount of \$7,976.77 (to be reimbursed by the State through State 911 monies), and authorized the Chair to sign; and (B) Authorized payment to the Department of General Services in the amount of \$2,026 for procurement fee on purchase of Dispatch furniture, Budget Unit No. 2202 - Sheriff/Central Dispatch.

Approved Contract between the County of Lake and Dazzling Janitorial Services for janitorial services at the Housing Administration Office located at 16170 D Main Street, Lower Lake, in the amount of \$375 per calendar month for a one year period and authorized the Chair to Sign.

Approved Contract between the County of Lake and Dazzling Janitorial Services for janitorial services at the Social Services office located at 15975 Anderson Marsh Parkway, Lower Lake, in the amount of \$4,160 per calendar month for a one year period and authorized the Chair to sign.

(A) Approved Revision to the Software License Agreement between the County of Lake and Columbia Ultimate, Inc. for utilization of a local dedicated server for the management of the collection of unpaid court fines and other debts (including on-site training), in the amount of \$35,200; and (B) Approved Software Support Agreement between the County of Lake and Columbia Ultimate, Inc. in the amount of \$6,800 annually (support is 20% of the value of the software), and authorized the Chair to sign both agreements.

2. **ITEM A-4 - CURRENT CONSTRUCTION PROJECTS - CONTRACT CHANGE ORDERS -**

CHANGE ORDER NO. 1 - GADDY LANE DRAINAGE IMPROVEMENTS, KELSEYVILLE - This change order reflects changes that were necessitated to provide the necessary erosion control at the storm drainage pipes discharge point into Kelsey Creek.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Change Order No. One, for an increase of \$1,000.00, Paulson Excavating, Inc., and authorized the Chair to sign.

3. **ITEM A-19 - CONSIDERATION OF PROPOSED AMENDMENT NO. TWO TO THE AGREEMENT BETWEEN THE COUNTY OF LAKE AND QUINCY ENGINEERING FOR SOUTH MAIN STREET/SODA BAY ROAD CORRIDOR IMPROVEMENT PROJECT IN LAKE COUNTY (AN INCREASE OF \$519,215.76)** – PublicWorks Director Gerry Shaul gave a brief summary.

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No Board action was taken.

This item was continued to July 3, 2007, 3:00 p.m.

4. **CITIZEN'S INPUT** - Gerry Shaul spoke on the Highway Safety Improvement Program grant awarded to the Department of Public Works, and commended Todd Mansell for his efforts in securing this grant.

Doug Wacker spoke on the completion of the 2007/2008 Tax Roll.

Kevin Todd spoke regarding the water conditions on Alterra Drive, Lakeport.

5. **ITEM A-5 - 9:15 A.M. - PRESENTATION OF REPORT FROM LAKE COUNTY TOBACCO CONTROL PROGRAM REPRESENTATIVES** - Lake Family Resource Center Tobacco Control Program Coordinator Michael Rupe, Promise Berinti, and Christina McKee were present.

Ms. Berinti and Ms. McKee gave the presentation.

No Board action was taken on this item.

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

6. **ITEM A-6 - 9:30 A.M. - DISCUSSION/CONSIDERATION OF PROPOSED THIRD AMENDMENT BETWEEN THE COUNTY OF LAKE AND CRITERION PLANNERS FOR DATA COLLECTION, TECHNICAL FEASIBILITIES, COST AND SCHEDULE ESTIMATING, SPECIALIZED ENVIRONMENTAL STUDIES AND REGULATORY AND FUNDING APPLICATION ASSISTANCE FOR A VARIETY OF LACOSAN CAPITAL IMPROVEMENT PROJECTS, INCLUDING THE KELSEYVILLE WASTEWATER SYSTEM AND THE FULL CIRCLE PROJECT** - Special Districts Administrator Mark Dellinger and Criterion Principal Elliott Allen were present.

Mr. Dellinger gave a brief summary.

A correction was noted on page three.

On motion of Supervisor Robey and by vote of the Board (3 ayes, Supervisors Rushing and Brown NO), approved the Third Amendment between the County of Lake and Criterion Planners for data collection, technical feasibilities, cost and schedule estimating, specialized environmental studies and regulatory and funding application assistance for a variety of LACOSAN capital improvement projects, including the Kelseyville wastewater system and the Full Circle Project, as amended, and authorized the Chair to sign.

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

7. **ITEM A-7 - 10:00 A.M. - (a) DISCUSSION/CONSIDERATION OF RECOMMENDATIONS FROM THE CLEAR LAKE ADVISORY SUBCOMMITTEE REGARDING ZEBRA (QUAGGA) MUSSELS; and (b) BOARD ACTION IN RESPONSE TO FURTHER INFORMATION FROM WATER RESOURCES DIVISION** - Deputy Public Works Director Water Resources Pam Francis gave a brief update.

Chair Smith asked if anyone was present wishing to speak and Janet Cawn spoke. No one else was present wishing to speak and this public portion of this item was closed.

This item was continued to July 10, 2007.

The Board of Supervisors adjourned and convened as the Board of Directors of the Lake County Watershed Protection District.

8. **ITEM A-16 - Continued From June 19, 2007 - CONSIDERATION OF STAFF RECOMMENDATIONS REGARDING COMMENTS TO THE U.S. DEPARTMENT OF INTERIOR'S ENVIRONMENTAL ASSESSMENT FOR THE HABEMATOLEL POMO TRIBE OF UPPER LAKE, RELATIVE TO THE TRIBE'S PROPOSED TRUST ACQUISITION OF LAND LOCATED IN UPPER LAKE** - Tribal Representative Sheri Bridges gave a brief summary.

Chair Smith asked if anyone was present wishing to speak and Janet Cawn 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) approved the letter of comments to the U.S. Department of Interior's Environmental Assessment for the Habematolel Pomo Tribe of Upper Lake, relative to the Tribe's proposed trust acquisition of land located in Upper Lake as written, and authorized the Chair to sign.

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

9. **ITEM A-11 - APPROVE OUT-OF-STATE TRAVEL FOR WATER RESOURCES ENGINEER TOM SMYTHE, TO SOUTH LAKE TAHOE, NEVADA, FROM SEPTEMBER 4-7, 2007, TO ATTEND THE FLOODPLAIN MANAGEMENT ASSOCIATION (FMA) 2007 ANNUAL CONFERENCE** - Deputy Public Works Director - Water Resources Pam Francis was present.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved out-of-state travel for Water Resources Engineer Tom Smythe, to South Lake Tahoe, Nevada, from September 4-7, 2007, to attend the Floodplain Management Association (FMA) 2007 Annual Conference.

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

10. **CONSENT AGENDA ITEM C-14 - CONSIDERATION OF AMENDMENT FIVE TO AGREEMENT BETWEEN THE LAKE COUNTY WATERSHED PROTECTION DISTRICT AND EOA, INC. FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II STORMWATER MANAGEMENT PLAN IN THE AMOUNT \$43,000, AND AUTHORIZE THE CHAIR TO SIGN** - This item was continued to a later date.

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

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11. **CONSENT AGENDA ITEM C-11 - CONSIDERATION OF AGREEMENT BETWEEN THE COUNTY OF LAKE AND MEGABYTE SYSTEMS, INC. FOR SQL SERVER DATABASE SUPPORT SERVICES FOR THE PROPERTY TAX SYSTEM IN THE AMOUNT OF \$22,631, AND AUTHORIZE THE CHAIR TO SIGN** - Treasurer-Tax Collector Sandra Kacharos, Assessor Doug Wacker, County Clerk-Auditor Pam Cochrane, and Deputy Information Technology Director Kent Austin were present.

Ms. Kacharos gave a summary.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Robey NO), approved the Agreement between the County of Lake and Megabyte Systems, Inc. for SQL Server Database Support Services for the Property Tax System in the amount of \$22,631, and authorized the Chair to sign.

12. **CONSENT AGENDA ITEM C-12 - CONSIDERATION OF SOFTWARE UPGRADE LICENSE ADDENDUM TO AGREEMENT BETWEEN THE COUNTY OF LAKE AND MEGABYTE SYSTEMS, INC. FOR MPTS2000+ MAINTENANCE/SUPPORT FOR THE MEGABYTE PROPERTY TAX SYSTEM IN THE AMOUNT OF \$56,100 ANNUALLY FOR THE NEXT FOUR YEARS, AND AUTHORIZE THE CHAIR TO SIGN** - Treasurer-Tax Collector Sandra Kacharos, Assessor Doug Wacker, County Clerk-Auditor Pam Cochrane, and Deputy Information Technology Director Kent Austin were present.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Robey NO), approved the Software Upgrade License Addendum to Agreement between the County of Lake and Megabyte Systems, Inc. for Mpts2000+ Maintenance/Support for the Megabyte Property Tax System in the amount of \$56,100 annually for the next four years, and authorized the Chair to sign.

13. **ITEM A-8 - 11:00 A.M. - PRESENTATION BY FIRE PROGRAM ASSOCIATE RICH FAIRBANKS REGARDING FIRE MANAGEMENT IN THE MENDOCINO NATIONAL FOREST AND CONSIDERATION OF REQUEST FOR BOARD SUPPORT OF FIRE MANAGEMENT EFFORTS** - The Wilderness Society California Nevada Region Fire Program Associate Rich Fairbanks gave a power point presentation.

Chair Smith asked if there was anyone present wishing to speak and the following people spoke: Julie Rodgers of the Mendocino County Fire Safe Council, and Air Quality Control Officer Bob Reynolds spoke.

The Board directed staff to bring a resolution of support of a fire management program in the Mendocino National Forest utilizing low-intensity fire.

14. **ITEM A-20 - CONSIDERATION OF PROPOSED APPOINTMENT TO FILL VACANCY ON SPRING VALLEY CSA #2 ADVISORY BOARD** - On motion of Supervisor Rushing and by vote of the Board (5 ayes), appointed Alice Riedle to the Spring Valley CSA #2 Advisory Board, for a term expiring on January 1, 2009.

15. **ITEM A-9 - Continued from May 22, 2007 1:30 P.M. - PUBLIC HEARING - DISCUSSION/CONSIDERATION OF A PROPOSED ORDINANCE RESCINDING THE GRADING ORDINANCE LOCATED IN CHAPTER 5 OF THE LAKE COUNTY CODE AND ADOPTING A NEW GRADING ORDINANCE TO BE ADDED AS CHAPTER 30 OF THE LAKE COUNTY CODE; THIS ORDINANCE WAS DEVELOPED AND REVIEWED BY THE GRADING ADVISORY COMMITTEE AND INCLUDES DETAILED DEFINITIONS, MORE CLEARLY DEFINED THRESHOLDS FOR ENVIRONMENTAL REVIEW BASED ON WATERCOURSE CORRIDORS AND MORE DETAILED GRADING DESIGN STANDARDS FOR EROSION AND STORMWATER CONTROL; THE PROPOSED GRADING ORDINANCE HAS BEEN FOUND TO BE CATEGORICALLY EXEMPT FROM CEQA, AS A CLASS 8 EXEMPTION: "ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF THE ENVIRONMENT"** - Community Development Director Rick Coel, Special Projects Consultant Melissa Floyd, Chief Building Official Mary Jane Fagalde, Chuck March and Roland Shaul were present.

Mr. Coel gave a brief summary.

Numerous amendments were made to the ordinance.

Chair Smith continued with the Public Hearing and the following people spoke: Peter Windrem, Victoria Brandon, Mike Shafer, Meyo Merrofo. No one else was present wishing to speak and the public hearing was closed.

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

On motion of Supervisor Brown and by vote of the Board (5 ayes), advanced the ordinance to July 10, 2007.

After a short recess, the Board reconvened at 4:40 p.m.

16. **ITEM A-10 - SUPERVISORS WEEKLY CALENDAR, TRAVEL, AND REPORTS** - On motion of Supervisor Brown and by vote of the Board (5 ayes), cancelled the July 3, 2007 Board of Supervisors meeting.

17. **ITEM A-18 - CONSIDERATION OF REQUEST FOR LANDFILL FEE WAIVER IN CONNECTION WITH HIGHLANDS PARK PROJECT IN THE CITY OF CLEARLAKE** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the landfill waiver in connection with Highlands Park Project in the City of Clearlake.

18. **ITEM A-13 - PROPOSED ORDINANCE INCREASING ENVIRONMENTAL HEALTH FEES FOR INSPECTION OF FOOD ESTABLISHMENTS** - On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the reading of the ordinance, as amended and had it read in title only (Clerk so did).

On motion of Supervisor Brown and by vote of the Board (5 ayes), advanced the ordinance to July 10, 2007.

19. **ITEM A-15 - Advanced From June 19, 2007 - PROPOSED ORDINANCE ESTABLISHING A PERMIT AND SERVICE FEE SCHEDULE FOR THE ENVIRONMENTAL HEALTH PROGRAMS OF THE LAKE COUNTY DEPARTMENT OF HEALTH SERVICES - (SECOND READING)** - Supervisor Brown offered Ordinance No. 2826, and it was passed by roll call vote (5 ayes).

20. **ITEM A-12 - PROPOSED RESOLUTION APPROVING THE MASTER GRANT AGREEMENT (MGA) WITH THE STATE OF CALIFORNIA FOR HIV PREVENTION, COUNSELING AND SURVEILLANCE, FOR FISCAL YEARS 2007/2010, AND AUTHORIZE THE DIRECTOR OF HEALTH TO SIGN** - Supervisor Robey offered Resolution No. 2007-133, and it was passed by roll call vote (5 ayes).

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21. **ITEM A-14 - Advanced From June 19, 2007 - (a) AN ORDINANCE ADDING ARTICLE IX TO CHAPTER 5 OF THE LAKE COUNTY CODE REGARDING SUMMARY ABATEMENT - (SECOND READING; and (b) AN ORDINANCE ADDING SECTION 13-7 TO CHAPTER 13 OF THE LAKE COUNTY CODE, REGARDING SUMMARY ABATEMENT (BOTH ORDINANCE PROVIDE THE COMMUNITY DEVELOPMENT DIRECTOR THE AUTHORITY TO ORDER A SUMMARY ABATEMENT OF A PUBLIC NUISANCE AND SET THE PROCEDURES TO BE FOLLOWED BY THE COMMUNITY DEVELOPMENT DIRECTOR) - (SECOND READING) -**

A) Supervisor Brown offered Ordinance No. 2827, adding Article IX to Chapter 5 of the Lake County Code regarding summary abatement, and it was passed by roll call vote (5 ayes).

B) Supervisor Brown offered Ordinance No. 2828, adding Section 13-7 to Chapter 13 of the Lake County Code, regarding summary abatement, and it was passed by roll call vote (5 ayes).

After a brief recess, the Board reconvened at 5 p.m.

22. **ITEM A-17 - UPDATE ON MENTAL HEALTH DEPARTMENT'S FINANCIAL ISSUES AND CONSIDERATION OF REQUEST FOR ADDITIONAL INTERIM FINANCING LOAN FROM THE GENERAL FUND** - Mental Health Director Kristy Kelly gave a power point presentation.

Supervisor Robey offered Resolution 2007-134 (amending Resolution No. 2006-163 to reduce General Fund Contingencies to provide an interim loan to the Mental Health Fund), and it was passed by roll call vote (5 ayes).

23. **ITEM A-21 - 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 the Board would 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 meeting was adjourned at 6:45 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Mireya G. Turner
Assistant Clerk of the Board