



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MAY 8, 2007

The Honorable Board of Supervisors of Lake County, California, met in regular session this 8th day of May, 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 Mireya Turner.

The meeting was called to order at 9:00 a.m. by Chair Smith. Following a moment of silence, Supervisor Farrington 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.

Approved Minutes of the Board of Supervisors meetings held on April 10, 17 and 24, 2007.

Adopted Proclamation designating the month of May 2007, as Foster Parent Appreciation Month in Lake County.

Adopted Proclamation designating the week of May 6th Through May 12th, 2007, as Wildfire Awareness Week in Lake County.

Adopted Proclamation designating May 11, 2007, as National Child Care Provider Appreciation Day in Lake County.

Adopted Resolution No. 2007-93 approving Agreement No. 07-0015c and authorizing execution thereof for the electronic submission of pesticide use data during Fiscal Year 2007/2008.

Adopted Resolution No. 2007-94 approving Agreement No. 07-0010 with the State of California, Department of Food and Agriculture for compliance with the Pierce's Disease Contract Program and authorizing execution thereof.

Adopted Resolution No. 2007-95 amending Exhibit "A" to the County Conflict of Interest Code.

Adopted Resolution No. 2007-96 approving the Medi-Cal Targeted Case Management (TCM) Provider Participation Agreement between the County of Lake and the California Department of Health Services and authorized the Director of Health Services to sign.

Adopted Resolution No. 2007-97 to appropriate over-realized and unanticipated revenue (received from an outlawed check in the amount of \$4,192.05), for payment of the installation of encryption chips for portable radios - Budget Unit No. 2704 - Emergency Services.

Approved Third Amendment to the 2004/2005 Agreement between the County of Lake and Milhous Children's Services for mental health services (an increase of \$100,000 for a contract maximum of \$232,000 for Fiscal Year 2006/2007), and authorized the Chair to sign.

Approved Contract between the County of Lake and David H. Williams, MD for specialty mental health services (contract shall not exceed \$126,000), and authorized the Chair to sign.

Adopted Resolution No. 2007-98 approving application for Used Oil Recycling Block Grant 13th Cycle Fiscal Year 2007/2008.

Adopted Resolution No. 2007-99 approving application and designation of Lead Jurisdiction for California Beverage Container Recycling and Litter Reduction Grant for Fiscal Year 2007/2008.

(A) Determined and found that it is not in the public's interest to follow a competitive bidding procedure for the purchase of twelve (12) Pinnacle Armor Dragon Skin Tactical Body Armor Vests; and (B) Approved purchase of twelve (12) Pinnacle Armor Dragon Skin Tactical Body Armor Vests, and authorized the Sheriff/Coroner/Assistant Purchasing Agent to issue purchase order to Pinnacle Armor in the approximate amount of \$45,000 - Budget Unit No. 2201 - Sheriff/Coroner.

2. **ITEM A-2 - PRESENTATION OF ANIMALS THAT ARE AVAILABLE FOR ADOPTION AT THE LAKE COUNTY ANIMAL CARE AND CONTROL SHELTER** - Animal Control Officer Morgan Nelsen presented one (1) canine and one (1) feline available for adoption.

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 - EXISTING LITIGATION - PURSUANT TO SUBDIVISION (a) OF SECTION 54956.9 - NAME OF CASE: LEUZINGER V. LAKE COUNTY BOARD OF SUPERVISORS - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved taking up this item as an extra during Closed Session 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:

A matter had arisen since the posting of the current agenda concerning existing litigation which requires Board direction in Closed Session on May 8, 2007.

This item will be taken up in Closed Session.

4. **ITEM A-11 - CONSIDERATION OF PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND SMITH & NEWELL, CPAs FOR AUDIT SERVICES FOR FISCAL YEARS ENDING JUNE 30, 2007, JUNE 30, 2008 AND JUNE 30, 2009** - County Administrative Officer Kelly Cox gave a brief overview.

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On motion of Supervisor Robey and by vote of the Board (5 ayes), approved Agreement between the County of Lake and Smith & Newell, CPAs for audit services for fiscal years ending June 30, 2007, June 30, 2008 and June 30, 2009, and authorized the Chair to sign.

5. **ITEM A-12 - CONSIDERATION OF REQUEST FOR WAIVER OF THE 900 HOUR LIMIT FOR EXTRA-HELP LIBRARY ASSISTANT MARIBEL LOPEZ (AN ADDITIONAL 350 HOURS)** - County Administrative Officer Kelly Cox gave a brief overview.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), waived the 900 hour limit for extra-help Library Assistant Maribel Lopez (an additional 350 hours).

6. **ITEM A-5 - 9:15 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF MAY 2007, AS FOSTER PARENT APPRECIATION MONTH IN LAKE COUNTY** - Supervisor Brown read the Proclamation into the record and presented it to Denise Solgat, who spoke.

Redwood Children's Services Program Manager Toni Jones and Social Services Director Carol Huchingson also spoke. Many foster parents and children were present.

7. **ITEM A-13 - CONSIDERATION OF REQUEST FOR WAIVER OF THE 900 HOUR LIMIT FOR EXTRA-HELP OFFICE ASSISTANT SHARON PARKS** - County Administrative Officer Kelly Cox gave a brief overview.

On motion of Supervisor Robey and by vote of the Board (5 ayes), waived the 900 hour limit for extra-help Office Assistant Sharon Parks.

8. **ITEM A-6 - Continued From March 27, 2007, April 10, 2007 and APRIL 17, 2007 9:30 A.M. - PUBLIC HEARING - APPEAL OF DAMON FANUCCHI (COBB VISTA ESTATES - AB 07-03) OF THE PLANNING COMMISSION'S DECISION TO INCLUDE ROAD IMPROVEMENT REQUIREMENTS (CURB, GUTTER AND SIDEWALKS) IN CONJUNCTION WITH THE APPROVAL OF SUBDIVISION MAP (SD 06-14); LOCATED AT 15375 STONEFIELD COURT, MIDDLETOWN, CA (APN 014-111-22)** - Community Development Director Rick Coel, Senior Planner Penelope Shibley, Public Works Director Gerry Shaul, Damon Fanucchi, Scott DeLeon, and Robert Stark were sworn in by the Clerk.

Ms. Shibley gave a brief overview.

Mr. Fanucchi and Mr. DeLeon gave testimony.

Chair Smith continued the public hearing and Mr. Stark and Joan Moss spoke. No one else was present wishing to speak and the public hearing was closed.

On motion of Supervisor Robey and by vote of the Board (3 ayes, Supervisors Rushing and Farrington NO), partially approved the appeal to allow another means of pedestrian access as long as it is in compliance with County road standards, and is subject to approval by the Community Development and Public Works Departments, and directed County Counsel to prepare the findings of fact.

9. **ITEM A-7 - 10:00 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE WEEK OF MAY 6TH THROUGH MAY 12TH, 2007, AS WILDFIRE AWARENESS WEEK IN LAKE COUNTY** - Supervisor Rushing read the Proclamation into the record and presented it to Northshore Fire Chief Jim Robbins, who spoke.

Bureau of Land Management Jeff Tunnell and CalFire Deputy Kevin Colburn also spoke.

Many Lake County Fire Chiefs and Fire Fighters were present.

10. **ITEM A-8 - 10:20 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING MAY 11, 2007, AS NATIONAL CHILD CARE PROVIDER APPRECIATION DAY IN LAKE COUNTY** - Supervisor Robey read the Proclamation into the record and presented it to Julie Blevins who spoke.

Lake County Child Care Planning Council Director Susan Perry also spoke.

11. **ITEM A-14 - CONSIDERATION OF REQUEST FOR OUT-OF-STATE TRAVEL FOR CHAPLIN MIKE SUSKI TO GRAND RAPIDS, MICHIGAN, FROM JUNE 24-29, 2007, TO ATTEND THE POLICE CHAPLAIN ANNUAL TRAINING SEMINAR** - Sheriff Rod Mitchell gave a brief overview.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved out-of-state travel for Chaplain Mike Suski to Grand Rapids, Michigan, from June 24-29, 2007, in the amount of approximately \$2,000.00, to attend the Police Chaplain Annual Training Seminar.

12. **ITEM A-15 - CONSIDERATION OF REQUEST FOR OUT-OF-STATE TRAVEL FOR WARRANT/COURT LIAISON JAN SANDERS TO ORLANDO, FLORIDA, FROM JUNE 9-13, 2007, TO ATTEND THE NATIONAL ASSOCIATION OF EXTRADITION OFFICIALS 43RD ANNUAL TRAINING CONFERENCE** - Sheriff Rod Mitchell gave a brief overview.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved out-of-state travel for Warrant/Court Liaison Jan Sanders to Orlando, Florida, from June 9-13, 2007, in the amount of no more than \$1,500, to attend the National Association of Extradition Officials 43rd Annual Training Conference.

After a short break, the Board returned at 11:10 a.m.

13. **ITEM A-16 - CLOSED SESSION - 1. Conference with Legal Counsel - Anticipated Litigation - Public Employee Disciplinary/Dismissal/Release - Employee Appeal; and 2. Conference with Legal Counsel - Existing Litigation - (Pursuant to Subdivision (a) of Section 54956.9) (a) Name of Case: Leuzinger v. Lake County Board of Supervisors** - Chair Smith announced the Board would now go into Closed Session for the reasons stated on the agenda.

Extra #1 will be taken up at this time.

The Board returned to Open Session at 11:26 a.m.

14. **ITEM A-9 - 10:30 A.M. - (a) DISCUSSION/CONSIDERATION OF APPROVAL IN CONCEPT OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COUNTY OF LAKE AND THE YOLO FLOOD CONSERVATION DISTRICT TO FACILITATE MUTUAL SUPPORT FOR WATER SUPPLY, WATER QUALITY AND FLOOD CONTROL PROJECTS (b) DISCUSSION/CONSIDERATION OF APPROVAL IN CONCEPT OF PROPOSED AMENDMENT NO. 2 TO WATER SUPPLY AGREEMENT BETWEEN YOLO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AND LAKE COUNTY SANITATION DISTRICT AND THE COUNTY OF LAKE (c) CONSIDERATION OF PROPOSED AGREEMENT**

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BETWEEN THE COUNTY OF LAKE AND ANTONIO ROSSMAN FOR THE PROVISION OF LEGAL COUNSEL REGARDING WATER RELATED ISSUES PERTAINING TO LAKE COUNTY AND THE YOLO FLOOD CONTROL AND WATER CONSERVATION DISTRICT - Antonio Rossman of Rossmann and Moore, LLP was present.

Supervisors Robey and Farrington gave a brief overview.

Sitting as the Board of Supervisors:

(a) There were numerous amendments made to the Memorandum of Understanding.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved in concept the Memorandum of Understanding (MOU) between the County of Lake and the Yolo Flood Conservation District to facilitate mutual support for water supply, water quality and flood control projects, as amended, and authorized Supervisors Robey and Farrington to share the MOU with the Yolo Flood Conservation District, and authorized the Chair to sign.

Sitting as the Board of Supervisors and the Board of Directors of LACOSAN:

(b) There were numerous amendments made to the Amendment No. 2 to Water Supply Agreement.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved in concept Amendment No. 2 to Water Supply Agreement between Yolo County Flood Control and Water Conservation District and Lake County Sanitation District and the County of Lake, and authorized the Chair to sign.

Sitting as the Board of Supervisors:

(c) On motion of Supervisor Robey and by vote of the Board (5 ayes), appropriated funds in the amount of \$20,000.00 from Geothermal Royalties to fund the cost of a contract for legal services pertaining to water rights issues.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Antonio Rossman for the provision of legal counsel regarding water related issues pertaining to Lake County and the Yolo Flood Control and Water Conservation District, and authorized the Chair to sign.

15. **ITEM A-9 - CLOSED SESSION - 10:00 A.M. - HEARING - CLOSED SESSION - EMPLOYEE APPEAL HEARING** - Chair Smith announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session with no action taken.

There being no further business, the meeting was adjourned at 12:47 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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