



# MINUTES

## County of Lake

### Board of Supervisors

#### OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 25, 2007

The Honorable Board of Supervisors of Lake County, California, met in regular session this 25<sup>TH</sup> day of September, 2007, there being present Supervisors Ed Robey, Denise Rushing, Jeff Smith, Administrative Officer Kelly Cox, County Counsel Anita Grant, and Assistant Clerk of the Board Mireya Turner. Supervisor Farrington was absent.

The meeting was called to order at 9:00 a.m. by Chair Smith. After a moment of silence was dedicated to Bob Gayaldo, Deputy Redevelopment Director Eric Seely led the salute to the flag of the United States of America.

1. **ITEM A-1 - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved Consent Agenda Items C-1 through C-14.

Approved Minutes of the Board of Supervisors meetings held on August 28 and September 11, 2007.

Adopted Proclamation commending Dell Bergem upon her retirement from county service.

Approved Agreement between the County of Lake Marketing and Economic Development Program and the Lake County Winegrape Commission to fund marketing and economic development projects, in the amount of \$30,000, and authorized the Chair to sign.

Adopted Resolution No. 2007-186, approving Agreement 07-0414 with the State of California, Department of Food and Agriculture and authorizing execution and signature for pest exclusion activities for Fiscal Year 2007/2008.

Approved Addendum "B" to Memorandum of Understanding CSAC Excess Insurance Authority Primary Liability Program, and authorized the Chair to sign.

Adopted Resolution No. 2007-187, setting rate of pay for Election Officers for the November 6, 2007, General District Election pursuant to Section 12310 of the Elections Code.

Adopted Resolution No. 2007-188, declaring intent not to apply for Rural Health Services Program funding for Fiscal Year 2007/2008.

Approved Contract between the County of Lake and Bettina Woelbling as Coordinator of the Families for Literacy Program in the amount of \$14,640, and authorized the Chair to sign.

Approved First Amendment to the Agreement between the County of Lake and the County of Del Norte for placement of wards at the Bar-O Ranch for an increase of \$400 per month, per minor, and authorized the Chair to sign.

Adopted Resolution No. 2007-189, approving final parcel map and the signing of the Final Parcel Map (McMillen).

Approved Federal Annual Certification Report (pertaining to asset forfeiture funds), and authorized the Chair to sign.

Adopted Resolution No. 2007-190, adopting a labor compliance program for County Service Areas No. 2, Spring Valley Lakes; No. 6, Finley Water; No. 7, Bonanza Spring; No. 13, Kono Tayee; No. 16, Paradise Valley; No. 18, Starview Water; No. 20, Soda Bay Water; No. 21, North Lakeport Water; No. 22, Mount Hannah Water for projects funded by Proposition 50, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, and/or subsequent legislation requiring a labor compliance program.

Sitting as the Board of Directors for the Kelseyville Waterworks District No. 3, adopted Resolution No. 2007-191, adopting a labor compliance program for Kelseyville County Waterworks District No. 3 for projects funded by Proposition 50, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, and/or subsequent legislation requiring a labor compliance program.

Sitting as the Board of Directors of the Lake County Sanitation District, adopted Resolution No. 2007-192, adopting a labor compliance program for Lake County Sanitation District for projects funded by Proposition 50 the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, and/or subsequent legislation requiring a labor compliance program.

2. **ITEM A-3 - CURRENT CONSTRUCTION PROJECTS - CONTRACT CHANGE ORDERS:**

**Addendum No. 1 - Redevelopment Clearlake Oaks Plaza Project** - This change order addresses extra engineering services for additional curb, gutter and sidewalk improvements to the project, in order to extend curb, gutter and sidewalk improvements along the recently acquired Nylander Park property adjacent to The Plaza Project.

Deputy Redevelopment Director Eric Seely presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved Addendum No. 1, for an increase of \$36,764, California Engineering Company, and authorized the Chair to sign.

3. **CITIZEN'S INPUT** - Gehlen Palmer spoke regarding a past personnel question.

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4. **ITEM A-4 - 9:15 A.M. - PUBLIC HEARING - PROTEST HEARING REGARDING A PROPOSED AMENDMENT TO ORDINANCE NO. 2724 INCREASING THE STREET LIGHT FEE FOR COUNTY SERVICE AREA NO. 20 - SODA BAY WATER AND LIGHTING** - Special District Administrator Mark Dellinger, Special Districts Administrative Manager Karen Hanson and Supervising Accountant Wendy Thorn were present.

Chair Smith opened the Public Hearing. No one was present wishing to speak and the public hearing was closed.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), waived the reading of the ordinance, to be read in title only. (Clerk so did.)

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), advanced the ordinance to October 9, 2007.

Both of these motions were rescinded later in the day.

5. **ITEM A-14 - DISCUSSION/CONSIDERATION OF APPROVAL OF THE FALSE HEALTH CLAIM POLICY** - Human Resources Director Kathy Ferguson presented the staff report.

On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the False Health Claim Policy.

6. **ITEM A-5 - 9:30 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A TWO (2) YEAR EXTENSION OF TIME FOR THE VINTAGE FAIRE TENTATIVE SUBDIVISION MAP FOR 146 RESIDENTIAL LOTS; PROJECT APPLICANT VINTAGE FAIRE, LLC; LOCATED AT 20740 and 20830 STATE HIGHWAY 29, MIDDLETOWN, CA (APNs 014-430-07 AND 014-430-09)** - Community Development Director Rick Coel presented the staff report.

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

On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), ruled that the Mitigated Negative Declaration, previously prepared for SD 04-07 did meet the requirements of Section 15162(a) of the CEQA Guidelines, and that no additional environmental review need be prepared with the findings listed in the Memorandum dated August 23, 2007.

On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved an extension of time for Subdivision 04-07 for a period of two years to August 11, 2009, with the findings listed in the Memorandum dated August 23, 2007.

7. **ITEM A-16 - CONSIDERATION OF PROPOSED RESOLUTION AMENDING RESOLUTION NO. 2007-177, ESTABLISHING POSITION ALLOCATIONS FOR FISCAL YEAR 2007/2008, BUDGET UNIT NO. 2201, SHERIFF-CORONER (TEMPORARILY INCREASING THE NUMBER OF DEPUTY SHERIFF SERGEANTS BY TWO)** - County Administrative Officer Kelly Cox presented the staff report.

Supervisor Brown offered Resolution 2007-194, amending Resolution 2007-177, establishing position allocations for FY 2007/2008, Budget Unit No. 2201, Sheriff-Coroner (Temporarily increasing the number of Deputy Sheriff-Sergeants by two), and it was passed by roll call vote (4 ayes, Supervisor Farrington ABSENT).

After a brief recess, the Board reconvened at 9:40 a.m. Supervisor Brown was absent, and present at 9:48 a.m.

8. **ITEM A-12 - DISCUSSION/CONSIDERATION OF PROPOSED FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE COUNTY OF LAKE AND SEQUOIA PSYCHIATRIC CENTER FOR SPECIALTY MENTAL HEALTH SERVICES** - Mental Health Director Kristy Kelly and Mental Health Administrative Manager Caren Clifton were present.

Ms. Kelly presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the First Amendment to the Agreement between the County of Lake and Sequoia Psychiatric Center for specialty mental health services, in the amount of \$237,250, and authorized the Chair to sign.

9. **ITEM A-13 - DISCUSSION/CONSIDERATION OF PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND EDGEWOOD CENTER FOR CHILDREN AND FAMILIES FOR MENTAL HEALTH SERVICES (IN THE AMOUNT OF \$65,000)** - Mental Health Director Kristy Kelly and Mental Health Administrative Manager Caren Clifton were present.

Ms. Kelly presented the staff report.

On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the Agreement between the County of Lake and Edgewood Center for Children and Families for mental health services, in the amount of \$65,000, and authorized the Chair to sign.

10. **ITEM A-6 - 9:45 A.M. - PUBLIC HEARING - CONSIDERATION OF APPROVAL OF ESTABLISHING AN AGRICULTURAL PRESERVE AND THE APPROVAL OF A WILLIAMSON ACT CONTRACT AS REQUEST BY KEVIN AND EILEEN GOODWIN FOR 202 ACRES LOCATED AT 4554 EICKHOFF ROAD, LAKEPORT CA (APNs 003-046-09 AND 005-007-03)** - Community Development Director Rick Coel and Assistant Planner II Shelley Mills were present.

Ms. Mills presented the staff report.

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

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), found that this Agricultural Preserve is exempt from the CEQA Guidelines as a Class 17 exemption for Open Space contracts or easements.

Supervisor Brown offered Resolution No. 2007-193, establishing an agricultural preserve and the approval of a Williamson Act Contract as requested by Kevin and Eileen Goodwin for 202 acres located at 4554 Eickhoff Road, Lakeport, CA (APNs 003-046-09 and 005-007-03, and it was passed by roll call vote (4 ayes, Supervisor Farrington ABSENT).

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On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the Williamson Act Contract with Kevin Goodwin and Eileen Goodwin, Trustees of the Goodwin Family Revocable Trust, and authorized the Chair to sign.

11. **ITEM A-7 - 10:00 A.M. - PRESENTATION OF PROCLAMATION COMMENDING DELL BERGEM UPON HER RETIREMENT FROM COUNTY SERVICE** - Supervisor Robey read the Proclamation into the record and presented it to Dell Bergem, who spoke. Many County employees were present.

12. **ITEM A-17 - CONSIDERATION OF CHAIRMAN'S PROPOSED WRITTEN RESPONSE TO THE FISCAL YEAR 2006/2007 GRANT JURY FINAL REPORT** - Senior Administrative Analyst Jennifer Hammond presented the staff report.

This item was continued to October 2, 2007.

13. **ITEM A-19 - CLOSED SESSION - 1. Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Section 54956.9): In Re Bankruptcy of Calpine, Inc.** - Chair Smith announced the Board would now go into Closed Session for reasons stated on the agenda.

The Board reconvened to Regular Session with no action taken, at 10:17 a.m.

14. **ITEM A-8 - 10:15 A.M. PRESENTATION OF 2006 AGRICULTURAL CROP REPORT** - Agricultural Commissioner Steve Hajik presented the 2006 Crop Report.

No Board action was taken on this item.

15. **ITEM A-9 - 10:45 A.M. - CONSIDERATION OF PROPOSED ORDINANCE AMENDING CHAPTER 9 OF THE LAKE COUNTY CODE TO REQUIRE DEALERS OF MANUFACTURED HOMES TO PROVIDE CERTAIN INFORMATION TO CONSUMERS** - Community Development Director Rick Coel was present.

Supervisor Rushing gave a brief introduction.

Chair Smith asked if there was anyone present wishing to speak and the following people spoke: Janis Paris, Paul Frindt, Janice Hatfield, Grant Jaeger, Monte Winters, Diane Williamson, Linda Tolarden, Mary Blass and Dennis Lackey. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), waived the reading of the ordinance, to be read in title only. (Clerk so did.)

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), continued the ordinance to October 2, 2007.

Supervisor Brown was absent at 11:27 a.m, and present at 11:30 a.m.

- BACK TO ITEM A-4 - 9:15 A.M. - PUBLIC HEARING - PROTEST HEARING REGARDING A PROPOSED AMENDMENT TO ORDINANCE NO. 2724 INCREASING THE STREET LIGHT FEE FOR COUNTY SERVICE AREA NO. 20 - SODA BAY WATER AND LIGHTING** - On motion of Supervisor Rushing and by vote of the Board (3 ayes, Supervisors Farrington and Brown ABSENT), approved taking up this item again.

On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), rescinded the motion of waiving the reading of the ordinance and the motion of advancing the motion to October 9, 2007.

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

On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), advanced the ordinance to October 2, 2007.

16. **ITEM A-11 - SUPERVISORS WEEKLY CALENDAR, TRAVEL, AND REPORTS** - On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), cancelled the October 9, 2007 meeting of the Board of Supervisors.

17. **ITEM A-15 - DISCUSSION/CONSIDERATION OF APPROVAL IN CONCEPT OF MODIFICATIONS AND ADDITIONS TO THE WORKING ABOVE CLASSIFICATION POLICY (PERSONNEL RULES 905, 906 AND 1604.7)** - Human Resources Director Kathy Ferguson and Sheriff Rod Mitchell were present.

Ms. Ferguson presented a staff report.

On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved in concept, the modifications and additions to the Working Above Classification Policy (Personnel Rules 905, 906 AND 1604.7), and directed staff to begin the meet and confer process.

18. **ITEM A-18 - CONSIDERATION OF THE NEED TO TAKE EMERGENCY ACTION AND THE REQUEST FOR WAIVER OF THE FORMAL BIDDING PROCESS FOR WATER DAMAGE REPAIRS AT THE HILL ROAD CORRECTIONAL FACILITY** - Sheriff Rod Mitchell and Public Works Director Gerry Shaul were present.

Sheriff Mitchell made the presentation to the Board.

Supervisor Robey offered Resolution 2007-195, waiving the competitive bidding process for the emergency repair of jail facilities damaged by water intrusion, and it was passed by roll call vote (4 ayes, Supervisor Farrington ABSENT).

Updates will be provided to the Board on October 2, 2007 and October 16, 2007.

19. **ITEM A-10 - 1:30 P.M. - HEARING - EMPLOYEE APPEAL OF DISCIPLINARY ACTION (CLOSED SESSION)** - 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 1:39 p.m.

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Chair - Lake County Board of Supervisors

KELLY F. COX  
Clerk of the Board

By: \_\_\_\_\_  
Mireya G. Turner  
Assistant Clerk of the Board