



MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD APRIL 15, 2008

The Honorable Board of Supervisors of Lake County, California, met in regular session this 15th day of April, 2008, there being present Supervisors Jeff Smith, Denise Rushing, Anthony Farrington, Rob Brown, Ed Robey, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner.

The meeting was called to order at 9:03 a.m. by Chair Robey. Following a moment of silence, Mireya Turner 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 (5 ayes), approved Consent Agenda Items C-1 through C-16.

Adopted Proclamation designating the week of April 13 through 19, 2008, as National Crime Victims' Rights Week in Lake County.

Adopted Proclamation designating the week of April 13 Through 19, 2008, as National Public Safety Communications Week in Lake County.

Adopted Proclamation designating the week of April 19-27, 2008, as Earth Day Celebration Week for Recycling Education and Awareness.

Approved Endorsement of the Save Our Parks Campaign and authorized the County of Lake/Lake County Board of Supervisors to be listed as an endorsing local governmental entity on the Save Our Parks Campaign website.

Approved Lease Agreement between the County of Lake and the Mendocino County Sealer of Weights and Measures for the use of Lake County vehicle (weight truck) and authorized the Chair to sign.

Adopted Resolution No. 2008-73 approving Agreement No. 07-0852 with the State of California, Department of Food and Agriculture and authorizing execution of the contract and signature for insect (LBAM) trapping activities for Fiscal Year 2007/2008.

Adopted Resolution No. 2008-74 cancelling designated reserves in the District Attorney Drug Asset Forfeiture Fund (to cover the balance on remodel expenses and for the purchase of office furniture).

Adopted Resolution No. 2008-75 amending Resolution No. 2008-26 establishing position allocations for Fiscal Year 2007/2008, Budget Unit No. 2110 - District Attorney (temporarily increasing the number of Chief District Attorney Investigator allocations by one).

Adopted Resolution No. 2008-76 to appropriate unanticipated revenue in the amount of \$68,998, Budget Unit No. 4011 - Public Health (received from the State of California Department of Public Health) for performing additional services in the HIV Prevention Program.

Approved First Amendment to the Agreement between the County of Lake and Manzanita House for adult residential treatment services (reducing the total maximum compensation to \$160,000 per fiscal year) and authorized the Chair to sign.

Adopted Resolution No. 2008-77 approving the Standard Agreement between the County of Lake and the State Department of Mental Health for state hospital beds, Fiscal Year 2007/2008 and authorizing the Director of Mental Health to sign Agreement Number 07-77250-000.

Approved Amendment Two to the Agreement between the County of Lake and Mead & Hunt, Inc. for engineering services for Lampson Field improvement projects and authorized the Chair to sign.

Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 008-013-05 - Lawrence Colondres); and approved Purchase Agreement between the County of Lake and Lawrence Colondres for Soda Bay Road Curve Realignment Project and authorized the Chair to sign.

Approved Form of Power Purchase Estoppel in connection with solar power projects for the Hill Road Jail and Northwest and Southeast Wastewater Treatment Plants and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Sanitation District, approved Form of Power Purchase Estoppel in connection with solar power projects for the Hill Road Jail and Northwest and Southeast Wastewater Treatment Plants 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 purpose of providing sewer service, to property located at 3614 Mountain View Street, Clearlake (APN 039-652-07 - Donald Tripp) authorized the Chair to sign and directed Clerk to certify for recordation.

2. **ITEM A-17 - CONSIDERATION OF (a) LETTER FROM LAKE COUNTY AIR POLLUTION CONTROL OFFICER BOB REYNOLDS NOTIFYING THE BOARD OF HIS INTENTION TO RETIRE IN AUGUST, 2008; and (b) DIRECTION TO HUMAN RESOURCES DEPARTMENT TO INITIATE THE RECRUITMENT PROCESS TO FILL THE PENDING VACANCY** - The Board praised the dedication and service of Air Pollution Control Officer Bob Reynolds during his time of service to the County.

On motion of Supervisor Brown and by vote of the Board (5 ayes), accepted the letter of retirement of Air Pollution Control Officer Bob Reynolds to take effect in August 2008.

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On motion of Supervisor Brown and by vote of the Board (5 ayes), directed Human Resources Department to initiate the recruitment process to fill the pending vacancy.

3. **ITEM A-5 - 9:15 A.M. - HEARING - NUISANCE ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$1,461.51 - 14002 APPLE LANE, CLEARLAKE OAKS, CA (APN 351-111-02-00 - BRIAN and BARBARA OLIVEIRA)** - Community Development Director Rick Coel, Code Enforcement Manager Voris Brumfield, Code Enforcement Officer Kimberly Heckard and Code Enforcement Officer Allison Garrett were sworn in by the Clerk.

Ms. Garrett gave a power point presentation on the abatement of the property.

Mr. Coel, Ms. Brumfield and Ms. Garrett offered testimony.

On motion of Supervisor Rushing and vote of the Board (5 ayes), confirmed the assessment of \$1,461.51 for nuisance abatement on property located at 14002 Apple Lane, Clearlake Oaks, CA (APN 351-111-02-00 - Brian and Barbara Oliveira), pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

4. **ITEM A-6 - 9:20 A.M. - UPDATE BY HUMAN RESOURCES DIRECTOR KATHY FERGUSON REGARDING THE NACO PRESCRIPTION DRUG DISCOUNT CARD PROGRAM** - Human Resources Director Kathy Ferguson presented an update regarding the NACO Prescription Drug Discount Card Program, available to any Lake County resident.

This item was informational only. No Board action was taken on this item.

5. **ITEM A-7 - 9:45 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 6294 SIXTH STREET, LUCERNE, CA (APN 034-113-30-00 - JAYNE CORONADO aka JAYNE MOSSER)** - Community Development Director Rick Coel, Code Enforcement Manager Voris Brumfield and Code Enforcement Officer Kimberly Heckard were sworn in by the Clerk.

Staff testified the structure was not currently inhabited.

At the request of Rowland Mosser, this item was continued three weeks, to May 6, 2008, at 9:15 a.m.

6. **ITEM A-8 - 10:00 A.M. - PRESENTATION OF ANNUAL REPORT FROM THE FISH AND WILDLIFE ADVISORY COMMITTEE** - Committee Chairman Greg Giusti presented the Annual Report of the Fish and Wildlife Advisory Committee.

This item was informational only. No Board action was taken on this item.

7. **ITEM A-18 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: LCEA, LCCOA, SDA and DDAA 2. Conference with Real Property Negotiators: (a) Property: APNs 009-003-09, 19, 40, 41 and 45, APN 009-002-09 (Property situated on Mt. Konocti) (b) County Negotiator: Kim Clymire and Kelly Cox (c) Negotiating Parties: County of Lake and Michael Fowler, Diana Madura, individually and as successor trustee of the Elsa/Fowler Revocable Trust of 2002 and Buckingham Peak, LLC (d) Under Negotiation: Price and terms 3. Conference with Legal Counsel - Anticipated Litigation - (a) Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9: One Potential Case - Chair Robey announced the Board would now go into Closed Session for the reasons stated on the agenda.**

The Board returned to Regular Session at 10:46 a.m. with no action taken.

8. **ITEM A-9 - 10:30 A.M. - PUBLIC HEARING - DISCUSSION/CONSIDERATION OF REQUEST OF THE LAKE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT TO EXEMPT FROM THE HAZARDOUS MATERIALS REGULATORY REQUIREMENT PETROLEUM FUEL WHEN STORED IN INDUSTRY STANDARD ABOVE GROUND CONTAINERS AND USED AT BUSINESS LOCATIONS FOR SPACE HEATING OR DOMESTIC HOT WATER HEATING PURPOSES -** Environmental Health Director Ray Ruminiski and Hazardous Materials Specialist Ken Williams were present.

Mr. Ruminiski presented the staff summary.

This item was informational only. No Board action was taken on this item.

9. **ITEM A-10 - 11:00 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE WEEK OF APRIL 13 THROUGH 19, 2008, AS NATIONAL CRIME VICTIMS' RIGHTS WEEK IN LAKE COUNTY** - Victim Witness Director Sam Laird gave a power point presentation on the progress of the new Lake County Multidisciplinary Interview Center.

Supervisor Brown read the Proclamation into the record and presented it to Victim Witness Director Sam Laird, who recognized the various staff members and helpers present.

10. **ITEM A-11 - 11:05 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE WEEK OF APRIL 13 THROUGH 19, 2008, AS NATIONAL PUBLIC SAFETY COMMUNICATIONS WEEK IN LAKE COUNTY** - Supervisor Farrington read the Proclamation into the record and presented it to Sheriff Rod Mitchell, who spoke. Many County staff were present.

11. **ITEM A-12 - 11:10 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE WEEK OF APRIL 19-27, 2008, AS EARTH DAY CELEBRATION WEEK FOR RECYCLING EDUCATION AND AWARENESS** - Supervisor Rushing read the Proclamation into the record and presented it to Public Services Analyst Jacqueline Armstrong.

The Board of Supervisors adjourned and convened as the Lake County Board of Equalization.

The gavel was passed to Lake County Board of Equalization Chair Rushing.

12. **ITEM A-13 - 11:15 A.M. - ASSESSMENT APPEAL HEARING: JAMES AND KRISTINA WATSON - APPLICATION NO. 2007-65; ASSESSMENT PARCEL NO. 050-864-020 - LOCATED AT 10055 MEADOW DRIVE, COBB, CA** - Chair Rushing read the application into the record.

No owner representation was present.

The Clerk reported on the notification process and verified the address on the returned notice was the same as listed on the application.

Assessor Jim Campbell reported repeated attempts to reach the applicant via phone, without a return call.

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On motion of Board Member Brown and by vote of the Board (5 ayes), dismissed the appeal, without prejudice.

The Lake County Board of Equalization adjourned and reconvened as the Board of Supervisors.

The gavel was returned to Supervisor Robey

BACK TO ITEM A-18 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: LCEA, LCCOA, SDA and DDAA 2. Conference with Real Property Negotiators: (a) Property: APNs 009-003-09, 19, 40, 41 and 45, APN 009-002-09 (Property situated on Mt. Konocti) (b) County Negotiator: Kim Clymire and Kelly Cox (c) Negotiating Parties: County of Lake and Michael Fowler, Diana Madura, individually and as successor trustee of the Elsa/Fowler Revocable Trust of 2002 and Buckingham Peak, LLC (d) Under Negotiation: Price and terms 3. Conference with Legal Counsel - Anticipated Litigation - (a) Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9: One Potential Case - Chair Robey announced the Board would now go back into Closed Session for the reasons stated on the agenda.

After a lunch recess, the Board returned to Closed Session at 1:30 p.m.

13. ITEM A-14 - 1:30 P.M. - CLOSED SESSION - MEETING WITH THE LAKE COUNTY GRAND JURY PURSUANT TO GOVERNMENT CODE SECTION 54953.1 - The Board returned to Regular Session at 3:03 p.m. with the following action taken:

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved payment of back rent in the amount of \$12,500 to be paid by the County of Lake and \$12,500 to be paid by Lake County Sanitation District for the period of time both entities were allowed to maintain communications equipment at a location on Mt. Konocti and for which Buckingham Peak has not yet been compensated.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the lease agreement between the County of Lake and the Buckingham Peak, Ltd., and authorized the Chair to sign.

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

On motion of Director Rushing and by vote of the Board (5 ayes), approved the lease agreement between the Lake County Sanitation District and the Buckingham Peak, Ltd., and authorized the Chair to sign.

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

14. ITEM A-15 - Carried over from April 1 and April 8, 2008 3:00 P.M. - PUBLIC HEARING - APPEAL OF WILLIAM T. SULLIVAN (AB 08-07) OF THE PLANNING COMMISSION'S APPROVAL OF A SOLAR GENERATION FACILITY FOR NORTHERN CALIFORNIA POWER AGENCY AND SUNPOWER INC.; PROJECT IS LOCATED AT 2485 OLD HIGHWAY 53, CLEARLAKE, CA (APN 010-042-02 - SOUTHEAST REGIONAL WASTEWATER TREATMENT PLANT) - Community Development Director Rick Coel, Special Districts Administrator Mark Dellinger, Special Projects Consultant Melissa Floyd, Assistant Resource Planner Ted Elliott and William Sullivan were present.

Mr. Sullivan spoke.

Chair Robey asked if anyone was present wishing to speak. No one was present wishing to speak and the public hearing was closed.

Supervisor Smith made a motion to approve the appeal and direct staff to prepare Findings of Fact. This motion did not pass (2 ayes, Supervisors Rushing, Farrington and Brown NO).

On motion of Supervisor Farrington and by vote of the Board (3 ayes, Supervisors Smith and Robey NO), denied the appeal, directed staff to prepare Findings of Fact and place on a future Board agenda consideration of refunding Mr. Sullivan's appeal filing fees.

BACK TO ITEM A-18 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: LCEA, LCCOA, SDA and DDAA 2. Conference with Real Property Negotiators: (a) Property: APNs 009-003-09, 19, 40, 41 and 45, APN 009-002-09 (Property situated on Mt. Konocti) (b) County Negotiator: Kim Clymire and Kelly Cox (c) Negotiating Parties: County of Lake and Michael Fowler, Diana Madura, individually and as successor trustee of the Elsa/Fowler Revocable Trust of 2002 and Buckingham Peak, LLC (d) Under Negotiation: Price and terms 3. Conference with Legal Counsel - Anticipated Litigation - (a) Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9: One Potential Case - Chair Robey announced the Board would now go back into Closed Session for the reasons stated on the agenda.

The Board returned to Regular Session with no action taken.

There being no further business, the Board adjourned at 4:50 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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