



MINUTES

COUNTY OF LAKE

BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD AUGUST 26, 2008

The Honorable Board of Supervisors of Lake County, California, met in regular session this 26th day of August 2008, there being present Supervisors Jeff Smith, Denise Rushing, Anthony Farrington, Rob Brown, Ed Robey, Administrative Officer Kelly Cox, County Counsel Anita Grant and Secretary/Deputy Clerk of the Board Lore Schneider.

The meeting was called to order at 9:04 a.m. by Chair Robey. Following a moment of silence, Chair Robey 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-14 with the exception of Consent Item C-5, which will be taken up later in the day.

Approved Minutes of the Board of Supervisors meeting held on August 12, 2008.

Approved Contract between the County of Lake and MGT America for 2008/2009 State Mandated Costs reimbursement claim (SB90) and Cost Plan (A-87) services in the amount of \$16,000 and authorized the Chair to sign.

Adopted Resolution No. 2008-154 fixing tax rates for local agencies, General Obligation Bonds, and other voter approved indebtedness for Fiscal Year 2008/2009.

Approved Agreement between the City of Lakeport and County of Lake for collection of City's Water and Sewer Delinquent Charges and perform related services and authorized the Chair to sign.

Approved request and ordered consolidation of the Northshore Fire Protection District and the Redbud Health Care District's elections with the General Municipal Election to be held on November 4, 2008, for the purpose of electing two Fire Protection District members and three Redbud Health Care District members.

Approved requests and ordered consolidation of the following Districts' Elections with the General District Election to be held on November 4, 2008: Governing Board of the Yuba Community College District; Board of Trustees of Konocti Unified School District; and Board of Trustees of Middletown Unified School District, pursuant to their respective Resolutions.

Approved plans and specifications for County wide Stop Sign and Street Name Sign Replacement Project No. HSIPL-5914(053), Bid No. 09-04, and authorized the Public Works Director/Assistant Purchasing Agent to advertise for bids.

Approved plans and specifications for Main Street Pavement Rehabilitation and Accessibility Improvements (from Gunn Street to First Street, Kelseyville) Project No. STPLE-5914(044), Bid No. 08-27, and authorized the Public Works Director/Assistant Purchasing Agent to advertise for bids.

Approved Grant Deed and directed Clerk to certify for recordation (a portion of Meadow Drive - James Dobson and Marcia Dobson), and approved Purchase Agreement between the County of Lake and James Dobson and Marcia Dobson for Soda Bay Road/Big Valley Rancheria Road Rehabilitation Project and authorized the Chair to sign.

Adopted Resolution No. 2008-155 approving final parcel map and the signing of the final parcel map (DeLeon and Havrilla).

Approved Engineering and Inspection Agreement between County of Lake and Eskaton Properties for construction of curb, gutter and sidewalk, located at 75 Lake Street, Clearlake Oaks, and authorized the Chair to sign.

Adopted Resolution No. 2008-156 authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under Agreement dated October 5, 2007, (Electric Meter Conversions for Upper Lake Utility Under grounding, Main Street, Upper Lake).

Adopted Resolution No. 2008-157 adopting the Air Quality Management District Final Budget for Fiscal Year 2008/2009.

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

Extra #1 - Community Development/Code Enforcement and Building Departments request approval of contract for Widgeon Way Slide Project to LACO Associates - On motion of Supervisor Rushing 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.

Dave Jezek gave a brief report.

The timing of the award of contract in regards to Geotechnical study that must be performed within 2 weeks and prior to the onset of rain was discussed. This project is a public health and safety issue. Staff recommended accepting the LACO Associates proposal for the Geotechnical study and the Engineering Mitigation Review for those properties on Widgeon Way.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the proposal for LACO Associates in the amount of \$21,000 for the Widgeon Way Slide Project and authorized the Chair to sign.

Extra #2 - Administration and County Counsel request a closed session item. Conference with Labor Negotiator -

Kelly Cox gave a brief report.

This item was inadvertently omitted from closed session agenda when agenda was prepared. Negotiations are scheduled for later in the week, which requires Board direction today.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved taking up this item in closed session due to the fact that the need arose after posting of the Agenda.

CITIZEN'S INPUT - Melissa and John Fulton presentation of awards for Lake County Exhibit at the State Fair.

John Stonebreaker discussed issues regarding CSA #2, Spring Valley.

Milos Luebner presented his ideas on creating a "Freedom of Speech" billboard for the County.

2. **ITEM A-4 - Consideration of proposed Resolution of Intention to establish "Zone P" (Clear Lake Keys) 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 28, 2008, at 9:15 a.m.** - Public Works Director Brent Siemer presented the staff report.

Chair Robey asked if anyone was present wishing to speak and Rosemarie Blackwell spoke. No one else was present wishing to speak and the public input portion of this item was closed.

Supervisor Brown offered Resolution No. 2008-158 and it was passed by roll call vote (5 ayes).

3. **ITEM A-5 - HEARING - 9:15 A.M. - Notice of Nuisance Abatement - 16853 Big Bear Road, Lower Lake, CA (APN 049-073-06-00 - Christine Van Zandt)** - Code Enforcement Manager Voris Brumfield and Code Enforcement Officer Roderic Hilliard were sworn in by the Clerk.

Neither the property owner, nor representation was present.

Ms. Brumfield presented a request for a continuance from Ms. Van Zandt .

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Rushing NO), denied the continuance.

On motion of Supervisor Smith and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 16853 Big Bear Road, Lower Lake, California, (APN049-073-06-00 - Christine Van Zandt), within thirty (30) days and authorized staff to abate the nuisance if it is not voluntarily abated, all cost associated with this case will become a charge against the property, and authorized the Chair to sign the abatement order.

4. **ITEM A-6 - Consideration of request for Board direction regarding application with Corrections Standards Authority (CSA) for funding to construct a new Juvenile Correctional Facility at an estimated cost of \$20 million, of which \$5 million would be required to be funded by the County General Fund** - Chief Probation Officer Steve Buchholz gave a brief presentation.

Pending review of the Needs Assessment by the Board of Supervisors and Administrative staff, this item will be carried over six weeks, to October 7, 2008 at 10:00 a.m.

After a brief recess the Board reconvened at 10:48 a.m.

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

5. **ITEM A-7 - Consideration of request for modification of Capacity Expansion Fee Payments (to be paid on eight quarterly installments of \$11,220 beginning at time of building occupancy) by Mohammed Hussain (Three Brothers Travel Plaza, Upper Lake)** - Special Districts Administrator Mark Dellinger, Mohammed Hussain, Barry Parkinson and Florence Peck were present.

The Board recommended Mr. Hussain contact Business Outreach and Response Team (BORT) for loan assistance prior to asking for additional assistance from the County.

This item was continued two weeks to September 9, 2008.

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

6. **ITEM A-8 - Consideration of proposed response to Fiscal Year 2007/2008 Grand Jury Final Report** - Sheriff Rod Mitchell, Mental Health Director Kristy Kelly and Senior Administrative Analyst Jennifer Hammond were present.

Ms. Hammond presented the draft response.

Chair Robey asked if anyone was present wishing to speak and Joan Moss spoke. No one else was present wishing to speak and the public input portion of this item was closed.

Amendments were made to the response.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the draft response to the 2007/2008 Grand Jury Final Report, as amended.

7. **ITEM A-12 - Consideration of proposed Resolution approving the Amendment to the Standard Agreement between the County of Lake and the State Department of Mental Health for Fiscal Years 06/07, 07/08, and 08/09, and authorizing the Director of Mental Health to sign Agreement No. 06-76027-000** - Mental Health Director Kristy Kelly gave a brief summary.

Supervisor Farrington offered Resolution No. 2008-159 and it was passed by roll call vote (5 ayes).

8. **ITEM A-13 - Consideration of proposed Resolution approving the Standard Agreement between the County of Lake and the State Department of Mental Health for Fiscal Years 07/08, 08/09, and 09/10, (for specialty mental health services to Medi-Cal beneficiaries in Lake County) and authorize the Director of Mental Health to sign Agreement No. 07-77179-000** - Director of Mental Health Kristy Kelly gave a brief summary.

Supervisor Smith offered Resolution No. 2008-160 and it was passed by roll call vote (5 ayes).

9. **ITEM A-14 - Consideration of request to approve State Domestic Preparedness Grant Application in the amount of \$231,362 to be allocated to Budget Unit No. 2704 - Office of Emergency Services, for enhancement of the Office of Emergency Services capabilities to prevent, respond to, recover from terrorist attacks, major disasters and other emergencies** - Sheriff Rod Mitchell gave a brief summary.

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On motion of Supervisor Smith and a vote of the Board (5 ayes), approved the State Domestic Preparedness Grant Application and authorized the Chair to sign.

After a lunch recess, the Board reconvened at 1:25 p.m.

10. **ITEM A-9 - Consideration of proposed Resolution of Intention to establish proposed "Zone O" (Clearlake Riviera) 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 November 4, 2008, at 9:15 a.m.** - Public Works Director Brent Siemer gave a brief summary.

Chair Robey asked if anyone was present wishing to speak and the following people spoke: Louise Townsend, Don Mueller, Phil Lovette and Angie Siegel. No one else was present wishing to speak and the public input portion of this item was closed.

Supervisor Brown offered Resolution No. 2008-161 and it was passed by roll call vote (5 ayes).

11. **ITEM A-10 - Discussion regarding the County wide Transportation Impact Fee Program Draft Report** - Area Planning Council Executive Director Lisa Davey-Bates and Phil Dow presented the draft report.

Chair Robey asked if anyone was present wishing to speak and Mark Mitchell spoke. No one else was present wishing to speak and the public input portion of this item was closed.

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

After a brief recess, the Board reconvened at 3:15 p.m.

12. **ITEM C-5 - Approve Lease Agreement between the County of Lake and Albert Moretti and Theresa Moretti for office space located at 525 North Main Street, Lakeport, in the amount of \$7420 per month (increasing each year by \$0.03 per square foot, \$234, during the time of the lease), and authorize the Chair to sign** - This item was carried over two weeks to September 9, 2008 and directed staff to contact the property owner to amend the proposed agreement in order to include a 60-day termination clause.

13. **ITEM A-15 - CLOSED SESSION - 1. Public Employee Performance Valuation: Title: Special District Administrator; 2. 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 with no action taken.

There being no further business, the Board adjourned at 4:21 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Lore Schneider
Secretary/Deputy Clerk of the Board