



MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD DECEMBER 16, 2008

The Honorable Board of Supervisors of Lake County, California, met in regular session this 16th day of December, 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 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-12, with the exception of C-12, which will be taken up immediately following the Consent Agenda.

Adopted Proclamation commending Faith Hornby for her outstanding volunteerism.

Adopted Proclamation commending Jacqueline Armstrong upon her retirement from County Service.

Adopted Proclamation commending Kathleen Jansen upon her retirement from County Service.

Approved Agreement between the County of Lake and Thomson and Hendricks Architects and Planners for architectural services for the Clearlake Oaks Live Oak Senior Center in the amount of \$123,142 and authorized the Chair to sign.

Approved Agreement between the County of Lake and Spirit Wild for the purpose of providing funds in the amount of \$3000 to support the rescue and rehabilitation of Lake County wildlife and authorized the Chair to sign.

Approved Notice to Bidders package and sample lease agreement for Facility Space License Agreement for Buckingham Peak on top of Mt. Konocti (Mt. Konocti Communication Tower), as recommended in Memorandum dated December 2, 2008, from Public Services Director Kim Clymire.

Adopted Resolution No. 2008-224 approving the application for grant funds for the Environmental Enhancement and Mitigation Program under Section 164.56 of the Streets and Highways Code to construct a Wetlands Interpretative Center and public restrooms at Nice Community Park.

Adopted Resolution No. 2008-225 authorizing the Public Services Department to submit an application to the California Integrated Waste Management Board for a Local Government Waste Tire Cleanup and Amnesty Event Grant for Fiscal Year 2008/2009.

Adopted Resolution No. 2008-226 accepting Official Canvass of the Consolidated General Election held on November 4, 2008, and declaring certain County Officials duly elected.

Sitting as the Board of Directors of the Lake County Air Quality Management District, appointed Morton Levine as the Medical Professional Representative and Nancy Perrin as the Alternate of the Medical Professional Representative to the Lake County Air Quality Management District Hearing Board, for a term expiring December 16, 2011.

Sitting as the Board of Directors of the Lake County Redevelopment Agency, approved plans and specifications for construction of the Upper Lake arch, sidewalks, decorative street lights, streetscape and utility undergrounding for the Upper Lake Main Street Project and authorized the Purchasing Agent to advertise for bids.

The Board of Supervisors adjourned and convened as the Board of Directors of the Lake County Redevelopment Agency.

2. **CONSENT AGENDA ITEM C-12 - Consideration of proposed Resolution accepting conveyance of real property located in Lucerne, California (donation of paper Subdivision parcels)** - Administrative Analyst Doug Willardson was present.

Director Farrington offered Resolution No. 2008-11 (RD) and it was passed by roll call vote (5 ayes).

The Board of Directors of the Lake County Redevelopment Agency adjourned and reconvened as the Board of Supervisors.

3. **ITEM A-5 - 9:10 A.M. - Presentation of Proclamation commending Faith Hornby for her outstanding volunteerism** - Supervisor Farrington read the Proclamation into the record and presented it to Faith Hornby.

4. **ITEM A-2 - Presentation of animals that are available for adoption at the Lake County Animal Care and Control Shelter** - Animal Control Director Denise Johnson introduced Deputy Animal Control Director Bill Davidson and presented two canines currently available for adoption.

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.

5. **ITEM A-6 - 9:15 A.M. - ASSESSMENT APPEAL HEARING: (a) David and Guadalupe Acevedo - Application No. 2008-41 - Assessment Parcel No. 008-663-030-000; located at 5545 Single Spring Drive, Kelseyville, CA; and (b) Glenn Baxter - Application No. 2008-59 - Application No. 2008-59 - Assessment Parcel No. 031-242-470-000; located at 3339 Lakeview Drive, Nice, CA** - Chief Deputy Assessor Jim Campbell was present.

(a) Chair Rushing read the application into the record.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD DECEMBER 16, 2008

No owner representation was present.

The Clerk reported on the notification process and verified the signed Notice of Receipt of Certified Mail was from the applicant.

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

(b) 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 and the notice was unclaimed by the applicant.

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.

6. **ITEM A-22 - Consideration of request from Sheriff Mitchell for waiver of the formal bidding process and make a determination that competitive bidding would produce no economic benefit to the County and authorize the Sheriff/Coroner/Purchasing Agent to issue a purchase order in the amount of \$56,298.22 to Maita Chevrolet for purchase of two (2) 2009 Chevrolet Tahoe 2 wheel-drive Police Pursuits** - At the request of the Sheriff, this item was pulled from the agenda, to be sent out for re-bid after the new local vendor preference ordinance takes effect.

7. **ITEM A-17 - Report of the Lake County Board of Supervisors of conditions justifying the extension of an Urgency Ordinance imposing a temporary moratorium in regard to new water connections and adopting emergency water conservation restrictions for County Service Area No. 2, Spring Valley Lakes** - On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the conditions justifying the extension of an Urgency Ordinance imposing a temporary moratorium in regard to new water connections and adopting emergency water conservation restrictions for County Service Area No. 2, Spring Valley Lakes, and authorized the Chair to sign.

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

8. **ITEM A-23 - Consideration of the following proposed documents: (a) A Resolution regarding findings that the Solar Star LCI, LLC Solar Project is in conformity with the County of Lake General Plan; (b) A Joint Resolution of the County of Lake and the Lake County Sanitation District verifying approval of Site Lease Agreement and Power Purchase Agreement by the Board of Directors of the Lake County Sanitation District; (c) A Joint Resolution of the County of Lake and the Lake County Sanitation District approving Amendment to Site Lease Agreement; (d) A Joint Resolution of the County of Lake and the Lake County Sanitation District authorizing Special Districts Administrator to approve legal descriptions to amend Site Lease Agreement; (e) A Memorandum of Site Lease Agreement between the County of Lake, Lake County Sanitation District and Solar Star LCI, LLC; and (f) A Form of Power Purchaser Estoppel between the County of Lake, Lake County Sanitation District and Solar Star LCI LLC** - Special Districts Administrator Mark Dellinger and Chief Deputy Administrative Officer Matt Perry were present.

(a) Supervisor and Director Rushing offered Resolution 2008-228, regarding findings that the Solar Star LCI, LLC Solar Project is in conformity with the County of Lake General Plan, and it was passed by roll call vote (5 ayes).

(b) Supervisor and Director Rushing offered Resolution 2008-229, Joint Resolution of the County of Lake and the Lake County Sanitation District verifying approval of Site Lease Agreement and Power Purchase Agreement by the Board of Directors of the Lake County Sanitation District, and it was passed by roll call vote (5 ayes).

(c) Supervisor and Director Rushing offered Resolution 2008-230, Joint Resolution of the County of Lake and the Lake County Sanitation District approving Amendment to Site Lease Agreement, and it was passed by roll call vote (5 ayes).

(d) Supervisor and Director Rushing offered Resolution 2008-231, Joint Resolution of the County of Lake and the Lake County Sanitation District authorizing Special Districts Administrator to approve legal descriptions to amend Site Lease Agreement, and it was passed by roll call vote (5 ayes).

(e) On motion of Supervisor and Director Rushing and by vote of the Board (5 ayes), approved the Memorandum of Site Lease Agreement between the County of Lake, Lake County Sanitation District and Solar Star LCI, LLC, and authorized the Chair to sign.

(f) On motion of Supervisor and Director Rushing and by vote of the Board (5 ayes), approved A Form of Power Purchaser Estoppel between the County of Lake, Lake County Sanitation District and Solar Star LCI LLC, and authorized the Chair to sign.

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

9. **ITEM A-18 - Proposed Ordinance establishing a fee (\$15.00) for administration of the structural pest control applicator's examination** - On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the reading of the ordinance, 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 three weeks to January 6, 2008.

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

10. **ITEM A-19 - Proposed Resolution authorizing a modification of the Sewer Use Ordinance Lake County Sanitation District fee payment requirements due to special circumstances associated with those premises located at the intersection of State Highways 20 and 29 in Upper Lake (Three Brothers Travel Plaza)** - Special Districts Administrator Mark Dellinger gave the staff report.

Director Rushing offered Resolution No. 2008-232 and it was passed by roll call vote (5 ayes).

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

11. **ITEM A-7 - 9:45 A.M. - PUBLIC HEARING - Planning Commission's recommendations for approval of the following General Plan Amendment Proposal (GPAP 07-11) and a Rezone (RZ 07-19): GPAP 08-01 and RZ 08-01 proposing a**

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD DECEMBER 16, 2008

general plan amendment from Rural Residential to Suburban Residential Reserve and consideration of a proposed Ordinance rezoning 8.5 acres from "RR" (Rural Residential) to "SR" (Suburban Reserve), proposed for George Gibbs and Theresa Mather; and adoption of a Negative Declaration for said GPAP and Rezone (based on Initial Study IS 08-06), this project is located at 5650 and 5680 Kelsey Creek Drive, Kelseyville, CA (APNs 008-730-06 and 008-730-09) - Community Development Director Rick Coel and Associate Planner Kevin Ingram were present.

Mr. Ingram presented the staff report.

Chair Robey 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 (5 ayes), found that on the basis of the Initial Study IS 08-06, that the general plan amendment from Rural Residential to Suburban Residential Reserve and rezone from "RR" to "SR-BF" as applied for by George Gibbs and Theresa Mather will not have a significant effect on the environment and therefore adopted a negative declaration with the findings set forth in the Board Memorandum dated November 17, 2008.

Supervisor Brown offered Resolution No. 2008-233 and it was passed by roll call vote (5 ayes).

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

Supervisor Brown offered Ordinance No. 2881 and it was passed by roll call vote (5 ayes).

12. **ITEM A-8 - 10:00 A.M. - PUBLIC HEARING - (a) Consideration of proposed Resolution revising the amount of Community Development Block Grant (CDBG) Program Income allocated to the Clearlake Oaks Plaza Project and to Curb, Gutter and Sidewalk Projects in the Northshore Redevelopment Project Area and re-allocating Program Income back to the Business Expansion Revolving Loan Account; and (b) Consideration of Proposed Resolution amending Resolution No. 2008-152 to amend the Fiscal Year 2008/2009 Final Budget for Budget Unit No. 1796 - CDBG PI Capital Projects Fund and Budget Unit No. 1891 - CDBG PI Business Revolving Loan Fund; and (c) Proposed Contract Change Orders for various items for the Clearlake Oaks Plaza Project** - Chief Deputy Administrative Officer Matt Perry and Deputy Redevelopment Director Eric Seely were present.

Mr. Perry presented the staff report.

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

(a) Supervisor Rushing offered Resolution 2008-234, revising the amount of Community Development Block Grant (CDBG) program income allocated to the Clearlake Oaks Plaza Project and to curb, gutter and sidewalk projects in the Northshore Redevelopment Project Area and re-allocating program income back to the Business Expansion Revolving Loan Account, and it was passed by roll call vote (5 ayes).

(b) Supervisor Rushing offered Resolution 2008-235, amending Resolution No. 2008-152 to amend the Fiscal Year 2008/2009 Final Budget for Budget Unit No. 1796 - CDBG PI Capital Projects Fund and Budget Unit No. 1891 - CDBG PI Business Revolving Loan Fund, and it was passed by roll call vote (5 ayes).

(c) On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved Change Order No. 4, for various items for the Clearlake Oaks Plaza Project, KAT Construction, for an increase of \$63,061.55, and authorized the Administrative Officer to sign.

13. **ITEM A-24 - Consideration of recommendation by the Lake County Fish and Wildlife Advisory Committee for the purchase of a custom robotic wildlife mule deer figure in the amount of \$2,000, to be used by the California Department of Fish and Game (CDFG) to catch illegal, off-season hunters** - After board discussion, this item was continued four weeks to January 13, 2009, at 9:15 a.m., to allow for input by the Fish and Wildlife Advisory Committee.
14. **ITEM A-9 - 10:15 A.M. - Presentation of Proclamation commending Jacqueline Armstrong upon her retirement from County Service** - Supervisor Rushing read the proclamation into the record and presented it to Jacqueline Armstrong. Public Services Director Kim Clymire spoke. Many County staff were present.
15. **ITEM A-10 - 10:20 A.M. - Presentation of Proclamation commending Kathleen Jansen upon her retirement from County Service** - Chair Robey read the proclamation into the record and presented it to Kathleen Jansen, who spoke. Many County staff were present.

After a brief recess, the Board reconvened at 10:35 a.m.

16. **ITEM A-11 - 10:30 A.M. - Discussion/consideration of the following: (a) Proposed Contract between the County of Lake and Lucerne Alpine Seniors, Inc. for health-related senior support services in the amount of \$4,000; (b) Proposed Contract between the County of Lake and Middletown Senior Citizens, Inc. for health-related senior support services in the amount of \$4,000; (c) Proposed Contract between the County of Lake and Highlands Senior Service Center, Inc. for health-related senior center support services in the amount of \$9,136; (d) Proposed Contract between the County of Lake and Live Oak Senior Center for health-related senior support services in the amount of \$5,646; (e) Proposed Contract between the County of Lake and Lakeport Senior Center, Inc. for health-related senior support services in the amount of \$7,387; (f) Proposed Agreement between the County of Lake and Kelseyville Seniors, Inc. for basic operating expenses for Fiscal Year 2008/2009 in the amount of \$2,000; (g) Proposed Agreement between the County of Lake and Senior Support Services, Inc. for basic operating expenses for Fiscal Year 2008/2009 in the amount of \$1,000; and (h) Proposed Agreement between the County of Lake and the Area Agency on Aging to provide matching funds to enable the AAA to continue to receive federal and state grant funds for Fiscal Year 2008/2009 in the amount of \$23,857 and one-time funding in the amount of \$30,000** - Social Services Director Carol Huchingson, Live Oak Senior Center Director Pat Grabham, Highlands Senior Service Center Director Linda Burton, Lucerne Senior Center Director Lee Tyree and Upper Lake Senior Center Director of Outreach Janet Cawn were present.

Ms. Huchingson introduced the Senior Center staffmembers present and gave the staff report.

(a) On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Contract between the County of Lake and Lucerne Alpine Seniors, Inc. for health-related senior support services in the amount of \$4,000, and authorized the Chair to sign.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD DECEMBER 16, 2008

(b) On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Contract between the County of Lake and Middletown Senior Citizens, Inc. for health-related senior support services in the amount of \$4,000, and authorized the Chair to sign.

(c) On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Contract between the County of Lake and Highlands Senior Service Center, Inc. for health-related senior center support services in the amount of \$9,136, and authorized the Chair to sign.

(d) On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Contract between the County of Lake and Live Oak Senior Center for health-related senior support services in the amount of \$5,646, and authorized the Chair to sign.

(e) On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Contract between the County of Lake and Lakeport Senior Center, Inc. for health-related senior support services in the amount of \$7,387, and authorized the Chair to sign.

(f) On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Agreement between the County of Lake and Kelseyville Seniors, Inc. for basic operating expenses for Fiscal Year 2008/2009 in the amount of \$2,000, and authorized the Chair to sign.

(g) On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Agreement between the County of Lake and Senior Support Services, Inc. for basic operating expenses for Fiscal Year 2008/2009 in the amount of \$1,000, and authorized the Chair to sign.

(h) On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Agreement between the County of Lake and the Area Agency on Aging to provide matching funds to enable the AAA to continue to receive federal and state grant funds for Fiscal Year 2008/2009 in the amount of \$23,857 and one-time funding in the amount of \$30,000, and authorized the Chair to sign.

17. **ITEM A-20 - Proposed Ordinance amending Chapter 15 of the Lake County Code providing for dogs to be off leash if under the control of the owner in designated areas at six County parks and provides for horses to be ridden or lead in Middletown County Park Trailside Nature Preserve** - Public Services Director Kim Clymire was present.

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

On motion of Supervisor Smith and by vote of the Board (5 ayes), advanced the ordinance three weeks to January 6, 2008.

18. **ITEM A-21 - Consideration of request from Sheriff Mitchell for waiver of the formal bidding process and make a determination that competitive bidding would produce no economic benefit to the County and authorize the Sheriff/Coroner/Purchasing Agent to issue a purchase order in the amount of \$217,740.07 to Holder Ford for purchase of ten (10) 2009 Ford Crown Victoria Police Interceptor vehicles** - Administrative Officer Kelly Cox gave a brief summary.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), waived the formal bidding process and determined that competitive bidding would produce no economic benefit to the County, and authorized the Sheriff/Coroner/Purchasing Agent to issue a purchase order in the amount of \$217,740.07 to Holder Ford for purchase of ten (10) 2009 Ford Crown Victoria Police Interceptor vehicles.

19. **ITEM A-13 - Continued from December 2, 2008 - 11:00 A.M. - (a) Update on the mobile home park owner responses to the proposed Rent Stability Lease Agreement; and (b) Discussion/consideration of options regarding the enactment of a Rent Stability Lease Agreement in mobile home parks within the unincorporated areas of Lake County** - Mobile Home Task Force Member MaryAnn McQueen gave an update to the Board.

Chair Robey asked if anyone was present wishing to speak and the following people spoke: Richard Forbes, Richard McCullough, Andy Rossoff, Janet Cawn, Henry Bartolucci, Larry Whitehouse. No one else was present wishing to speak and the public input portion of this item was closed.

This item was continued four weeks, to January 13, 2008, at 1:30 p.m., at which time County Counsel will provide the Board with additional information and options for Board action.

20. **ITEM A-25 - 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 Legal Counsel - Anticipated Litigation - (a) Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9: Two Potential Cases** - Chair Robey announced the Board would now go into Closed Session for the reasons stated on the agenda.

After a lunch recess, the Board reconvened at 1:34 p.m.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Settlement Agreement between the County of Lake and the United States Department of Justice, whereby it is agreed that the monies already voluntarily reimbursed by the County in the amount of \$989,605.00 as unallowable funds under the Southwest Border Prosecution Initiative Grant is a full and complete settlement of any claims or civil or administrative action which the DOJ could initiate against the County as to grant reimbursements sought by the County in fiscal years 2006 and 2007, and authorized the Chair to sign.

21. **ITEM A-14 - 1:30 P.M. - Consideration of appointments to the Genetically Engineered Crops Advisory Committee** - Supervisor Brown gave a brief summary of the recommended appointments.

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

On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed the following people to the Genetically Engineered Crops Advisory Committee: Victoria Brandon, Marc Hooper, Sequoia Lyn-Franklin, Lorrie Gray, JoAnn Saccato, Broc Zoller, Paul Lauenroth, Deb Baumann, Elizabeth Weiss, Andre Ross, Steve Devoto, Lars Crail, Stephen Grammer, Glenn Benjamin, Michelle Scully, Schuyler "Sky" Hoyt, Larry Heine and Melissa Fulton.

The Board of Supervisors convened as the Board of Directors of the Lake County Redevelopment Agency while serving concurrently as the Board of Supervisors.

22. **ITEM A-15 - 1:45 P.M. - Consideration of proposed Agreements with the Lucerne Alpine Seniors, Inc to provide funding for repairs to the Lucerne Senior Center electrical system and to provide funding necessary to eliminate existing indebtedness on the Senior Center property** - Deputy Redevelopment Director Eric Seely presented the staff report.

Chair Robey asked if anyone was present wishing to speak and the following people spoke: Louise Talley, Lee Tyree, Donna Christopher and Treva Ryan. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Director Rushing and by vote of the Board (5 ayes), approved the Agreement between the Lake County Redevelopment Agency and the Lucerne Alpine Seniors, Inc. for the purpose of providing funding to make repairs to the Lucerne Senior Citizens Center Building, and authorized the Chair to sign.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and the Lucerne Alpine Seniors, Inc., for the purpose of providing funding to assist in Senior Center Operations, and authorized the Chair to sign.

The Board of Directors of the Lake County Redevelopment Agency adjourned and continued as the Board of Supervisors.

23. **ITEM A-16 - Supervisors' weekly calendar, travel and reports** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved travel for Supervisor Rushing and Planning Commissioner Clelia Baur to Sacramento on December 18, 2008 to meet with the Office of Planning and Research to discuss sustainability initiatives.

There being no further business, the Board adjourned at 2:30 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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