



# MINUTES

## COUNTY OF LAKE

### BOARD OF SUPERVISORS

#### OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD DECEMBER 2, 2008

The Honorable Board of Supervisors of Lake County, California, met in regular session this 2<sup>nd</sup> 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 Georgine Hunt.

The meeting was called to order at 9:01 a.m. by Chair Robey. Following a moment of silence dedicated to the memory of Joyce Lynch and Greg Johnson, Jr., Water Resources Engineer Tom Smythe 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.

Approved Agreement between the County of Lake and the Children's Museum of Arts & Science and the Anderson Marsh Interpretive Association for start up costs for establishing a discovery center at Anderson Marsh State Historic Park in the amount of \$2,500 and authorized the Chair to sign.

Approved Agreement between the County of Lake and the Lake County Arts Council for the purpose of providing funding to the Soper Reese Community theater Renovation Project in the amount of \$15,000 and authorized the Chair to sign.

Approved Agreement between the County of Lake and the East Lake and West Lake Resource Conservation Districts for the purpose of providing match funding for a grant application submitted to the California Department of Conservation's Watershed Coordinator Grant Program (grant funding to be used for management of the Upper Cache Creek Watershed), in the amount of \$30,000 (\$10,000 per year for three years), and authorized the Chair to sign.

Approved Agreement between the County of Lake and the Lake County Community Action Agency for the purpose of providing funding to the Lake County Community Action Agency Food Bank in the amount of \$5,000 and authorized the Chair to sign.

Adopted Resolution No.2008-212 approving Agreement 08-0393 with the State of California, Department of Food and Agriculture and authorizing execution and signature for pest exclusion activities for Fiscal Year 2008/2009.

Adopted Resolution No. 2008-213 declaring intent to contract back the Emergency Medical Services Appropriation (EMSA) Program funding for Fiscal Year 2008/2009 to the California Department of Public Health.

Waived the 900 hour limit for extra-help Juvenile Correctional Officers Becky Willson, Matthew Rooney and Dauna Boisselle.

Adopted Resolution No. 2008-214 temporarily prohibiting parking and authorizing removal of vehicles and ordering the Department of Public Works to post signs (temporarily prohibiting parking on Hartmann Road from Coyote Valley Road to Hidden Valley Road, on December 6, 2008, from 4:00 p.m. to 9:00 p.m., during the Annual Community Holiday Tree Lighting event).

Adopted Resolution No. 2008-215 authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under agreement dated July 15, 2008 (2005/2006 storm damage repair on Bartlett Springs Road at PM 7.8, 12.0, 12.35, 16.8, and 17.2 and Twin Valley Road at PM 1.3).

Adopted Resolution No. 2008-216 authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under agreement dated October 14, 2008 (2005/2006 storm damage repair on Kelsey Creek Drive at MPM 2.9).

Adopted Resolution No. 2008-217 Order approving Final Parcel Map and the signing of the Final Parcel Map (13520 Point Lakeview Road, L.L.C.).

(a) Approved Amendment to claims for payment of excess proceeds from Tax Sale #146 (Group One), held on January 29, 2007, per Section 4675 of the Revenue and Taxation Code, as recommended in Memorandum dated November 13, 2008, from Treasurer-Tax Collector Sandra Kacharos; and (b) Approved claims for excess proceeds from Tax Sale #146 (Group Two), held on January 31, 2007, per Section 4675 of the Revenue and Taxation Code, as recommended in Memorandum dated November 13, 2008, from Treasurer-Tax Collector Sandra Kacharos.

Sitting as the Board of Directors of Lake County Air Quality Management District appointed Cameron Reeves as the Legal Professional Representative to the Lake County Air Quality Management District Hearing Board, for a term expiring December 2, 2011.

Sitting as the Board of Directors of Lake County Air Quality Management District approved District/State Air Resources Board Subvention Application for Fiscal Year 2008/2009 and Fiscal Year 2007/2008 Final Financial Report and authorize the Air Pollution Control Officer to sign and submit application and report to the State Air Resources Board.

2. **ITEM A-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**

**Extra #1 - Consideration of proposed letter to Assembly Member Chesbro requesting state legislation authorizing the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project** - 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.

This item was considered as an extra for the following reasons:

Assembly Member Chesbro's staff contacted the Department of Public Works on December 1, 2008, regarding the need for a letter from the Lake County Board of Supervisors that requests state legislation to authorize the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project. Assembly Member Chesbro may introduce this legislation by December 5, 2008, therefore the letter needs to be sent prior to the next Board meeting.

Water Resources Engineer Tom Smythe was present.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved letter to Assembly Member Chesbro requesting legislation authorizing the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project and authorized the Chair to sign.

**Extra #2 - Consideration of proposed letter to the Department of Fish and Game regarding the Fishing Stocking Program** - On motion of Supervisor Farrington 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.

This item was considered as an extra for the following reasons:

As a result of ongoing litigation between the California Department of Fish and Game and the Pacific Rivers Council and Center for Biological Diversity, the Pacific Rivers Council has challenged the fact that the Department has not completed an Environmental Impact Report (EIR), for its fishing stocking programs, the Sacramento Superior Court has entered an order which limits the water bodies which the Department may stock with any nonnative fish while the necessary environmental documents are being prepared. There have been some delays in the preparation of these documents because the EIR process in this case requires that the EIR be combined with a federal Environmental Impact Statement. It is anticipated that environmental documents will be completed by January 1, 2010. Although the Department sought and achieved some significant expansion of the court order limiting the water bodies which could be stocked until the environmental documents are completed, that expansion did not include water bodies in Lake County, specifically, Blue Lakes, Upper Cache Creek, the Indian Valley Reservoir and the Pillsbury Reservoir. The failure to stock these water bodies could have extremely negative impacts on the economy of Lake County given that many local business concerns depend up the tourist dollars associated with fishing.

Chair Robey asked if anyone present wished to speak on this item and Mr. Arthur Cerini spoke. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved letter to the Department of Fish and Game and state representative regarding the Fishing Stocking Program and authorized the Chair to sign.

**3. ITEM A-4 - Current Construction Projects - Contract Change Orders:**

**Change Order No. 2 - 2005/206 Storm Damage Repair on Kelsey Creek Drive at MPM 2.9** - This change order addresses the need for drainage improvements to prevent future failure of the repair. The shoulder will be widened to allow placement of an asphalt dike and over side drain to move runoff away from the repair and provide erosion and sediment control.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Change Order No. 2 for an increase of \$6,500, Epidendio construction, Inc., 2005/2006 Storm Damage Repair on Kelsey Creek Drive at MPM 2.9 and authorized the Chair to sign.

**4. CITIZEN'S INPUT** - Ms. Nancy Ruzicka stated to the Board that during the remodeling of the Safeway store located in Lakeport, there were thirty-eight contracting companies hired. Out of those thirty-eight contracting companies, only two were local contracting companies, which means that the majority of the money employees earned did not stay in Lake County. Ms. Ruzicka asked the Board to somehow encourage Lake County citizens to spend locally, and by doing so, this will support the local economy.

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

**5. ITEM A-5 - 9:15 A.M. - Annual Meeting of the Lake County Redevelopment Agency and presentation of the Agency's Annual Report for Fiscal Year 2007/2008 (Northshore Project Area)** - Redevelopment Director Kelly Cox and Deputy Redevelopment Director Eric Seely were present. Mr. Seely presented a brief overview of the Annual Report and also gave a power-point presentation on projects that have been undertaken by the Redevelopment Agency, which included Nylander Park, the Clearlake Oaks Plaza, Clark's Island, the Lucerne Third Avenue Plaza, Upper Lake Main Street and the Eskaton senior-housing project.

There was no action taken on this item.

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

**6. ITEM A-6 - 9:30 A.M. - Discussion and request for Board action to address blighted/abandoned properties located at 6335 and 6339 East Highway 20, Lucerne (the former Lake Sands Motel and Lucerne Motel)** - Deputy Redevelopment Director Eric Seely, Water Resources Engineer Tom Smythe, Community Development Director Rick Coel and Code Enforcement Manager Voris Brumfield were present.

Supervisor Rushing explained to the Board that these two properties are highly visible along Highway 20 and they are in the heart of Lucerne and are in a very deteriorated and blighted condition and stated that a plan of action needs to be made by the Board that would remove this blight from the community.

Mr. Seely gave a power-point presentation showing the deteriorated conditions of the properties, which included a pier and sea wall that has collapsed, a soda machine that has been submerged in the lake, rotting floats for a dock system, a metal rod that was part of the retaining wall has started protruding up out of the ground, boarded up lodging structures and some of these conditions are creating a health and safety hazard.

Mr. Coel explained to the Board that Ordinance No. 2824, Section 5-37. 1(f) includes a provision that the property owner must apply for a boarding permit, which authorizes the boarding or other securing of a structure for a period of no greater than six months from the date the permit was issued. When the boarding permit expires, the owner may renew the permit up to an additional six months.

Supervisor Rushing stated that Ordinance No. 2824, needs to be amended to incorporate stronger mechanisms that would increase the County's ability to regulate abandoned and vacant buildings.

Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Mr. Robert Affinito and Mr. Leander Peterson. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), directed the Community Development Department to prepare amendments to Ordinance No. 2824, to incorporate stronger mechanisms that would increase the County's ability to regulate abandoned and vacant buildings.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), directed the Community Development Department to take immediate action on the health and safety issues currently existing on both properties.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), directed the Community Development Department that as soon as the boarding permit expires to immediately begin the abatement process on both properties.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), directed the Community Development Department to prepare amendments to Ordinance No. 2824, to incorporate stronger mechanisms that would increase the County's ability to regulate abandoned and vacant buildings and bring back to the Board at a later date for consideration.

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

7. **ITEM A-7 - 10:00 A.M. - Consideration of various recommended actions to provide an economic stimulus to local businesses and the local economy, including a proposed Ordinance amending the County Purchasing Ordinance to increase the current local vendor preference allowances** - Deputy CAO for Economic Development Debra Sommerfield and Deputy County Administrative Officer Jeff Rein were present.

Ms. Sommerfield gave an overview of the various recommended actions that would provide an economic stimulus to local businesses and the local economy.

Mr. Rein gave a brief overview of the proposed increase for local vendor preference allowances and what the benefits this increase would have on the local economy. These benefits include tax able transactions, retains and creates local jobs, increases local profits, provides for greater involvement and contributions to local charities, increase procurement of local goods and services for resale and operations and increases individual disposable income.

Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Ms. Jill Ruzicka and Mr. Andy Russoff. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the recommendations as presented in the Memorandum dated November 24, 2008, from County Administrative Officer Kelly Cox and Deputy CAO for Economic Development Debra Sommerfield.

On motion of Supervisor Rushing 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 Rushing and by vote of the Board (5 ayes), advanced the ordinance one week to December 9, 2008.

8. **ITEM A-8 - 10:30 A.M. - Presentation regarding the State Water Resources Control Board proposed amendments establishing state-wide regulations for onsite wastewater treatment systems (septic systems), and an overview of the impact these regulations would have on the County's Local Septic Permit Program** - Environmental Health Director Ray Ruminski was present and gave a brief overview of the proposed amendments establishing state-wide regulations and the impact the these regulations would have on the County's Local Septic Permit Program.

There was no action taken on this item.

9. **ITEM A-11 - (a) Consideration of request for waiver of the Consultant Selection Policy based on the finding that it is not in the public interest to follow the Consultant Section Board Policy to contract for services of a Geothermal Coordinator; and (b) Consideration of recommendation for approval of a proposed Contract between the County of Lake and Melissa Floyd in an amount not to exceed \$60,000 for Geothermal Coordinator services and recommendation to reimburse the cost thereof with Geothermal Royalty Revenues** - Community Development Director Rick Coel was present.

Chair Robey asked if anyone was present wishing to speak on this item and Ms. Gerri Finn spoke. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the request for waiver of the Consultant Selection Policy based on the finding that it is not in the public interest to follow the Consultant Section Board Policy to contract for services of a Geothermal Coordinator and approved the Contract between the County of Lake and Melissa Floyd in an amount not to exceed \$60,000 for Geothermal Coordinator services and authorized the Chair to sign, and authorized the reimbursement of the cost for services with Geothermal Royalty Revenues.

10. **ITEM A-9 - 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** - Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Ms. Mary Ann McQueen, Ester Tarin-Flores, Mr. Richard McCollum, Ms. Bobby Rivas, Mr. Gregory Cavness, Mr. Steve Anderson, Ms. Cynthia Beacher, Ms. Karen Carlson, Ms. Elsa Arts, Ms. Kelly Roy and Ms. Betty Chirco. No one else was present wishing to speak and the public portion of this item was closed.

Supervisors Farrington and Brown will renotify mobile home park owners who have not responded to the Rent Stability Lease Agreement.

This item was continued to December 16, 2008, at 11:00 a.m. for further discussion/consideration.

11. **ITEM A-12 - Consideration of approval of Findings of Fact and deny the appeal of the Sierra Club Lake Group (AB 08-08) of the Eachus View Estates Parcel Map and rezone approved by the Planning Commission** - On motion of Supervisor Farrington and by vote of the Board (3 ayes, Supervisors Rushing and Robey NO), approved the Findings of Fact, denied the appeal of the Sierra Club Lake Group (AB 08-08) of the Eachus View Estates Parcel Map and rezone approved by the Planning Commission and authorized the Chair to sign Findings of Fact.

12. **ITEM A-13 - 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. Public Employee Performance Evaluation: Title: Information Technology Director** - Chair Robey announced that the Board of Supervisors will 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 Board adjourned at 1:25 p.m.

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Chair - Lake County Board of Supervisors

KELLY F. COX  
Clerk of the Board

By: \_\_\_\_\_  
Georgine Hunt  
Assistant Clerk of the Board