



# MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

## OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD DECEMBER 9, 2008

The Honorable Board of Supervisors of Lake County, California, met in regular session this 9<sup>th</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 Mireya Turner.

The meeting was called to order at 9:07 a.m. by Chair Robey. Following a moment of silence Supervisor Smith 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-10.

Adopted Resolution No. 2008-218 amending Lake County Personnel Rules to add Rule Nos. 1701.01 and 1701.02.

Adopted Resolution No. 2008-219 approving the Application and Certification Statement for the State Department of Health Services, CMS Branch's CCS Administration Plan Renewal Grant for Fiscal Year 2008/2009 and authorizing the Chair to sign.

Adopted Resolution No. 2008-220 approving the Application and Certification Statement for the State Department of Public Health Child Health and Disability Program (CHDP) Administration Plan and Health Care Program for Children in Foster Care (HCPCFC) Renewal Grant for Fiscal Year 2008/2009 and authorizing the Chair to sign.

Approved First Amendment to Agreement between the County of Lake and Redwood Children's Services for specialty mental health services (not to exceed \$720,000 per fiscal year), and authorized the Chair to sign.

Adopted Resolution No. 2008-221 amending the County of Lake's Salary and Classification Plan for the classification of Public Services Analyst I/II (moving the Public Services Analyst I salary into the current salary grade table and moving both the Public Services Analyst I/II classifications into Unit 3 Supervisory Unit).

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

Approved Grant Deed and direct Clerk to certify for recordation (a portion of Meadow Drive - Renea Diane Lacy, Successor Trustee under the Alma V. Polk Revocable Trust), and approved Purchase Agreement between the County of Lake and Renea Diane Lacy for Soda Bay Road/Big Valley Rancheria Road Rehabilitation Project and authorized the Chair to sign.

Approved Budget Transfer B-065, transferring \$7812.55 from Object Code 1.11 to Object Code 62.74, to fund purchase of an air conditioning unit for animal transport box on new Animal Control Truck and authorized the Chair to sign.

Adopted Resolution No. 2008-222 amending Resolution No. 2008-208, establishing position allocations for Fiscal Year 2008/2009, Budget Unit No. 8695 - Special Districts (deleting one (1) Water/Wastewater Treatment Plant Operator Trainee/I/II/III and adding one (1) Customer Service Technician I/II position allocation).

Sitting as the Board of Directors of the Lake County Redevelopment Agency, approved plans and specifications for construction of pier (Bid No. 09-22), curb, gutter, sidewalk and other improvements (Bid No. 09-21), for Lucerne 3<sup>rd</sup> Avenue Plaza Project and authorized the Purchasing Agent to advertise for bids.

**CITIZEN'S INPUT** - Kelly Risso spoke regarding redevelopment opportunities in Middletown.

Supervisor Brown introduced California Highway Patrol Commander Mark Loveless who spoke regarding 2009 CHP Strategies.

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

2. **ITEM A-5 - 9:15 A.M. - Discussion/consideration of Memorandum of Understanding between Lake County Watershed Protection District and Yolo County Flood Control and Water Conservation District to Facilitate Mutual Support for Water Supply, Water Quality and Flood Control Projects** - Public Works Director Brent Siemer and Yolo County Flood and Water Conservation District General Manager Tim O'Halloran were present.

Chair Robey asked if anyone was present wishing to speak and the following people spoke: Mike Benjamin, Cheri Holden, Darren Costner. No one else was present wishing to speak and the public input portion of this item was closed.

The gavel was passed to Vice-Chair Rushing.

A typographical error was corrected on the face of the document.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the Memorandum of Understanding between Lake County Watershed Protection District and Yolo County Flood Control and Water Conservation District to Facilitate Mutual Support for Water Supply, Water Quality and Flood Control Projects, and authorized the Chair to sign.

The gavel was returned to Chair Robey.

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

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3. **ITEM A-12 - Discussion/Consideration of Proclamation declaring the existence of a local emergency and requesting the Department of Fish and Game to take any action necessary to exempt the County of Lake from existing fish stocking prohibitions** - Arthur Cerini spoke regarding the criteria of the exemption and requested removal of Cache Creek, the Indian Valley Reservoir and the Pillsbury Reservoir from the proposed Proclamation.

Amendments were made to the face of the document to stress the lack of historical basis that Lake County water bodies provide critical habitat for Red-Legged Frogs.

Supervisor Rushing offered the Proclamation, as amended, and it was accepted by roll call vote (5 ayes).

After a brief recess, the Board reconvened at 10:29 a.m.

4. **ITEM A-6 - 10:00 A.M. - Appeal of Administrative Penalties Issued by Community Development, Code Enforcement Division (William Clee - APN 022-006-02)** - Community Development Director Rick Coel, Code Enforcement Manager Voris Brumfield, Assistant Resource Planner Ron Yoder and Code Enforcement Officer Kimberlee Heckard were sworn in by the Clerk.

Neither the owner nor a representative was present.

Ms. Brumfield and Mr. Yoder gave a power point presentation regarding the chronology of Code Enforcement actions concerning the property.

Chair Robey requested verification of property owner notification of today's hearing. The Assistant Clerk reported the return of a signed receipt of the hearing notice sent via certified mail.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), denied the appeal and directed County Counsel to prepare Findings of Fact.

By consensus, the Board directed staff to communicate with the property owner regarding outstanding abatement tasks.

5. **ITEM A-11 - Consideration of proposed Resolution declaring intent to adopt a Resolution of Public Use and Necessity for the Soda Bay Road Realignment/Big Valley Rancheria Road Rehabilitation Project** - Supervisor Farrington offered Resolution No. 2008-223 and it was passed by roll call vote (5 ayes).

6. **ITEM A-13 - Advanced from December 2, 2008 - An Ordinance amending the County Purchasing Ordinance to increase the current local vendor preference allowances - (Second Reading)** - Supervisor Smith offered Ordinance No. 2880 and it was passed by roll call vote (5 ayes).

7. **ITEM A-14 - 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** - Chair Robey announced there would be no negotiations today and this item was pulled from the agenda.

8. **ITEM A-7 - 11:00 A.M. - CLOSED SESSION - Public employee appointment (interviews of applicants for County Librarian)** - Chair Robey announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board recessed for lunch and reconvened at 1:28 p.m.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), appointed Susan Clayton Lake County Librarian, effective January 1, 2009.

The Board of Supervisors adjourned and convened as the Board of Directors of IHSS Public Authority.

9. **ITEM A-8 - 1:25 P.M. - (a) Consideration of request to appoint Denise Rushing as Chair of the In-Home Supportive Services (IHSS) Public Authority Board of Directors; and (b) Presentation of Certificate of Appreciation to outgoing Chair Ed Robey for his contributions to the IHSS Program** -

(B) Tom Gressley read a Certificate of Appreciation into the record and presented it to Chair Robey, who spoke. Other members of the In-Home Supportive Services (IHSS) Public Authority Board of Directors were present.

(A) On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Supervisor Rushing as Chair of the In-Home Supportive Services (IHSS) Public Authority Board of Directors.

The Board of Directors of IHSS Public Authority adjourned and reconvened as the Board of Supervisors.

10. **ITEM A-9 - 1:30 P.M. - PUBLIC HEARING - Appeal of Milton Heath and Ellen Heath (AB 08-09) of the Planning Commission's approval of Bonavita Estate (Kurt Steil and Gary Johnson) Merger Resubdivision (MRS 08-02) to merge and resubdivide 2 parcels totaling 534 acres into 5 parcels, a Deviation (DV 08-02) to construct a dead-end road longer than 1000 feet and Use Permit (UP 05-20) for construction of an 11-acre ski lake; and adoption of a Mitigated Negative Declaration based on Initial Study (IS 05-60); this project is located at 16756 & 17350 Butts Canyon Road, Middletown (APNs 014-003-83 and 014-140-05)** - Community Development Director Rick Coel and Water Resources Engineer Tom Smythe were present.

The following people were sworn in by the Clerk: Rick Coel, Helen Behn, Rob Sauer, Roger Rosenthal, Matt O'Connor, Scott DeLeon, Mary Jane Fagalde, Jim Fentress, Jack McManus, Milton Heath, Frieda Camotta, Victoria Brandon and Jim Comstock.

Chair Robey reopened the public hearing and the following people spoke: Helen Behn, Rob Sauer, Roger Rosenthal, Matt O'Connor, Scott DeLeon, Mary Jane Fagalde, Jim Fentress, Jack McManus, Milton Heath, Frieda Camotta, Victoria Brandon and Jim Comstock. No one else was present wishing to speak and the public hearing was closed.

After a brief recess, the Board reconvened at 3:30 p.m.

Modifications were made to the Use Permit Conditions to allow for an eight hour daily limit on the initial filling period, and allowing access and monitoring of water levels by County staff.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Rushing NO), made an intended decision to deny the appeal AB 08-09 filed by Milton and Ellen Heath of the Bonavita Estates merger-resubdivision and use permit for a ski lake approval by the Planning Commission, and directed County Counsel to prepared proposed Findings of Fact.

There being no further business, the Board adjourned at 3:50 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