



MINUTES

COUNTY OF LAKE

BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD FEBRUARY 5, 2008

The Honorable Board of Supervisors of Lake County, California, met in Regular Session this 5th day of February 2008, there being present Supervisors Jeff Smith, Denise Rushing, Anthony Farrington, Rob Brown, and 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 9:05 a.m. by Chair Robey. After a moment of silence Supervisor Farrington led the salute to the flag of the United States of America.

Supervisor Brown was absent at 9:03 a.m. and present at 9:04 a.m.

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-19.

Adopted Proclamation designating February 2, 2008, as National Groundhog Job Shadow Day and February 2008, as Lake County Groundhog Job Shadow Month.

Reappointed Jim Wisterman to the Board of Directors of Lower Lake Cemetery District for a term expiring January 1, 2012.

Adopted Resolution No. 2008-26 amending Resolution No. 2007-177 establishing position allocations for Final Budget for Fiscal Year 2007/2008, Budget Unit No. 2110 - District Attorney (temporarily increasing the number of Deputy District Attorney I/II/III/Senior Allocations by one, due to an employee's extended military leave).

(A) Adopted Resolution No. 2008-27 appropriating unanticipated revenue in the amount of \$26,000 (received from refund payments from Microsoft court settlements) for purchase of office systems furniture - Budget Unit No. 1904 - Information Technology; and (B) Approved the issuance of a purchase order by Information Technology Director to Keller Group Office Environments (under the California Department of General Services Statewide Procurement Award Schedule) in the amount of \$26,000 for the purchase of office systems furniture.

Authorized Mental Health staff to provide County transportation for clients to Sacramento, on February 8-10, 2008, to attend the Annual California Network of Mental Health Clients, as requested in the Mental Health Director's memorandum dated January 3, 2008.

Adopted Resolution No. 2008-28 appropriating unanticipated revenue in the amount of \$23,500 (received from the Department of Social Services) for relocation of the CalWorks Behavioral Health Services (BHS) office site to 14671 Olympic Drive, Clearlake - Budget Unit No. 4015 - Alcohol and Other Drug Services).

Approved First Amendment to Agreement between the County of Lake and Drug Abuse Alternative Center (DAAC) Turning Point Residential Services for provision of residential treatment (increasing the amount from \$40,000 to \$60,000 for the purchase of more residential bed days for referrals through the Dependency Drug Court) and authorized the Chair to sign.

Approved Amendment No. 2 to the Contract between the County of Lake and Dazzling Janitorial Services for janitorial services for the Superior Court-Clearlake Division/Sheriff's Substation, Redbud Library and Lower Lake Schoolhouse Museum (an increase to service rates of \$76.14 per month) and authorized the Chair to sign.

Approved Leave of Absence (Medical) for Accountant Sherril Lolonis for the period of February 1, 2008 through February 1, 2009 and authorized the Chair to sign Leave of Absence Request Form.

Adopted Resolution No. 2008-29 authorizing the Director, Public Works Department, to sign a notice of completion for work performed under Agreement dated December 26, 2007 (storm damage repair: Elk Mountain Road MPM 5.0).

Approved Easement Deed and directed Clerk to certify for recordation (APN 043-071-26 - Stephen S. Meeker - Trustee and Terry Meeker - Trustee); and approved Right-of-way Agreement between the County of Lake and Stephen S. Meeker - Trustee and Terry Meeker - Trustee for Point Lakeview Road Storm Damage Project and authorized the Chair to sign.

Waived the 900 Hour Limit for extra-help Public Works Worker I's Joseph Carter, Brian Rick and California Howland.

Approved Plans and Specifications for application of cape seal coating on various roads in the Zone M - Riviera Heights Benefit Zone and authorized the Public Works Director/Assistant Purchasing Agent to advertise for bids.

Approved Agreement between the County of Lake and Northwest Biosurvey for technical studies for Er Storm Damage Repair Project in Lake County, in the amount of \$39,405, and authorized the Chair to sign.

Approved Amendment Two to Agreement between the County of Lake and Willdan, Incorporated, for consultation services for the review of plans for various private improvement projects (extending the term of the agreement for an additional year and modifying the rate of compensation to correspond with current hourly rates), and authorized the Chair to sign.

Approved the issuance of a Purchase Order by Treasurer-Tax Collector to Keller Group Office Environments (under the California Department of General Services Statewide Procurement Award Schedule) in the amount of \$40,057.53 for the purchase of office systems furniture.

Authorized the Treasure-Tax Collector to reissue a check for \$199.57 to Horne Ranch that was issued on July 31, 2000 (never cashed).

Approved Minutes of the Board of Supervisors meetings held on January 15 and 22, 2008.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD FEBRUARY 5, 2008

Sitting as the Board of Directors of the Lake County Watershed Protection District, adopted Resolution No. 2008-30 authorizing the Chair to execute lease agreement between the Lake County Watershed Protection District and John Irwin (for lease of property located at 1370 Reclamation Cutoff Road and 1405 Reclamation Cutoff Road for seeding, mowing and harvesting of hay.

2. ITEM A-4 - CURRENT CONSTRUCTION PROJECTS - CONTRACT CHANGE ORDERS -

CHANGE ORDER NO. 1 - CONSTRUCTION ON PERINI ROAD AT SEIGLER CANYON CREEK BRIDGE REPLACEMENT PROJECT - This change order addresses the balancing of the final in-place materials quantities.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Change Order No. 1, for an increase of \$12,700, RNR Construction, Inc., and authorized the Chair to sign.

3. ITEM A-5 - 9:10 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING FEBRUARY 2, 2008, AS NATIONAL GROUNDHOG JOB SHADOW DAY AND FEBRUARY 2008, AS LAKE COUNTY GROUNDHOG JOB SHADOW MONTH-
The following Job Shadow students were introduced: Thonyoon Chao, Maegan Taylor, Karina Acosta and Daniel Gildea.

Supervisor Rushing and Ms. Chao read the proclamation into the record and presented it to County Superintendent of Schools Dave Geck and ROP Program Administrator Allison Hillix who spoke.

4. ITEM A-6 - 9:15 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 12867 THIRD STREET, CLEARLAKE OAKS, CA (APN 035-381-04-00 - PETER HUOT and AMY HUOT) - Community Development Director Rick Coel, Code Enforcement Officer Voris Brumfield and Code Enforcement Officer Kim Heckard were sworn in by the Clerk.

No owner representation was present.

Ms. Heckard gave a power point presentation on the conditions of the property.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 12867 Third Street, Clearlake Oaks, California, (APN 035-381-04-00 - Peter Huot and Amy Huot), 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.

5. ITEM A-21 - Advanced from January 22, 2008 - AN ORDINANCE INCREASING FEES FOR THE REGISTRATION OF FARM LABOR CONTRACTORS (AN INCREASE FROM \$10.00 PER CALENDAR YEAR TO \$25.00 PER CALENDAR YEAR) - (SECOND READING) - Supervisor Smith offered Ordinance No. 2858 and it was passed by roll call vote (4 ayes, Supervisor Brown NO).

6. ITEM A-19 - UPDATE ON EMERGENCY ACTION TAKEN ON SEPTEMBER 11, 2007, REGARDING MT. HANNAH WATER TANK REPLACEMENT - On motion of Supervisor Brown and by vote of the Board (5 ayes), determined a state of emergency still exists.

7. ITEM A-7 - 9:30 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 1044 WATER TROUGH ROAD, CLEARLAKE OAKS, CA (APN 628-120-02-00 - JIMMY HEDGES) - Community Development Director Rick Coel, Code Enforcement Officer Voris Brumfield and Code Enforcement Officer Kim Heckard were sworn in by the Clerk.

No owner representation was present.

Ms. Heckard gave a power point presentation on the conditions of the property.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 1044 Watertrough Road, Clearlake Oaks, California, (APN 628-120-02-00 - Jimmy Hedges), 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.

8. ITEM A-22 - CONSIDERATION OF AN APPOINTMENT TO THE LOWER LAKE WATER DISTRICT BOARD OF DIRECTORS - On motion of Supervisor Smith and by vote of the Board (5 ayes), appointed John Spriete to the Lower Lake Water District Board of Directors, for a term expiring January 1, 2011.

9. ITEM A-18 - UPDATE ON EMERGENCY ACTION TAKEN ON SEPTEMBER 25, 2007, REGARDING WATER DAMAGE REPAIRS AT THE HILL ROAD CORRECTIONAL FACILITY - On motion of Supervisor Smith and by vote of the Board (5 ayes), determined a state of emergency still exists.

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

10. ITEM A-14 - APPROVE OUT-OF-STATE TRAVEL FOR WATER RESOURCES ENGINEER TOM SMYTHE, TO SPARKS, NEVADA, FROM MAY 19-23, 2008, TO ATTEND THE ASSOCIATION OF STATE FLOODPLAIN MANAGERS - On motion of Supervisor Farrington and by vote of the Board (5 ayes) approved out-of-state travel for Water Resources Engineer Tom Smythe, to Sparks, Nevada, from May 19-23, 2008, to attend the Association of State Floodplain Managers.

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

11. ITEM A-13 - PROPOSED ORDINANCE ESTABLISHING A FEE SCHEDULE FOR OUTPATIENT SUBSTANCE ABUSE COUNSELING - Mental Health Director Kristy Kelly and Alcohol and Other Drug Services Administrator Laura Solis were present.

Ms. Solis gave a brief summary.

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

On motion of Supervisor Farrington and by vote of the Board (5 ayes), advanced the ordinance one week to February 12, 2008.

12. ITEM A-15 - CONSIDERATION OF REQUEST FOR BOARD DETERMINATION UNDER ANTI-NEPOTISM POLICY REGARDING APPOINTMENT OF A PUBLIC WORKS WORKER I/II - On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the Anti-Nepotism Policy regarding the appointment of a Public Works Worker I/II.

13. **ITEM A-8 - Continued from January 15, 2008 - 9:45 A.M. - PUBLIC HEARING - APPEAL (AB 07-06) OF BRAD PETERS, JOHNNIE LEE AND HARRY WHITLOCK OF THE PLANNING COMMISSION'S APPROVAL OF MODIFIED TENTATIVE SUBDIVISION MAP (SD 07-02) TO ALLOW A 90+ ACRE PARCEL TO BE SUBDIVIDED INTO 4 RESIDENTIAL PARCELS BETWEEN 2.13 ACRES AND 3.00 ACRES (WITH BUILDING ENVELOPES TO MINIMIZE IMPACTS TO AGRICULTURE) AND ONE AGRICULTURAL PARCEL OF 76.15 ACRES. THIS PROJECT IS LOCATED AT 3454, 3565, 3585 AND 3595 HILL ROAD, LAKEPORT, CA (APNS 005-012-33, 005-015-35, 005-017-75 AND 005-017-77)** - Community Development Director Rick Coel gave a brief recap.

After a brief recess, the Board reconvened at 11:05 a.m.

Chair Robey re-opened the public hearing and the following people spoke: Mark Mitchell, Tom Powers, Shirley Brooks, Brad Peters, John Lee, Larry Heine, Carol Merritt, Melissa Fulton, Chuck Lamb, Jim Henderson, Steve Devoto, Victoria Brandon and Paul Kolb. No one else was present wishing to speak and the public hearing was closed.

On motion of Supervisor Farrington and by vote of the Board (3 ayes, Supervisors Smith and Brown NO), approved the appeal (AB 07-06) of Brad Peters, Johnnie Lee and Harry Whitlock of the Planning Commission's approval of Modified Tentative Subdivision Map (SD 07-02) to allow a 90+ acre parcel to be subdivided into 4 residential parcels between 2.13 acres and 3.00 acres (with building envelopes to minimize impacts to agriculture) and one agricultural parcel of 76.15 acres, located at 3454, 3565, 3585 and 3595 Hill Road, Lakeport, CA (APNs 005-012-33, 005-015-35, 005-017-75 and 005-017-77), and directed staff to prepared findings of fact.

14. **ITEM A-9 - 10:45 A.M. - DISCUSSION/CONSIDERATION OF REQUEST FOR AB 1905 GRANT FUNDING FOR REPLACEMENT OF THE WATER MAIN FOR COBB ESTATES** - Public Works Director Gerry Shaul, Cobb Area County Water District General Manager Robert Stark, and Cobb Area County Water District Board Members were present.

Mr. Stark gave a brief summary.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the grant for an amount up to \$80,000 for replacement of the water main for Cobb Estates, to be paid from AB 1905 Cobb Mitigation funds. Staff was directed to return to the Board with an actual agreement for formal Board consideration, after additional information is available regarding the project's actual cost.

15. **ITEM A-10 - 11:00 A.M. - CONSIDERATION OF REQUEST TO APPOINT TWO SUPERVISORS TO ATTEND THE FIRST CONSULTANT MEETING WITH FORESIGHT CONSULTING REGARDING RATE ANALYSIS/COST OF SERVICE STUDY FOR WATER AND WASTEWATER SYSTEMS MANAGED BY SPECIAL DISTRICTS** - Special Districts Administrator Mark Dellinger was present.

On motion of Supervisor Farrington and by vote of the Board (5 ayes) appointed Supervisors Smith and Rushing, with Supervisors Farrington and Brown as Alternates, to attend the first consultant meeting with Foresight Consulting regarding rate analysis/cost of service study for water and wastewater systems managed by Special Districts.

16. **ITEM A-20 - CONSIDERATION OF PROPOSED AMENDMENT NO. 2 TO THE AGREEMENT (IN THE AMOUNT OF \$533,000) BETWEEN THE COUNTY OF LAKE AND CH2M HILL FOR WATER SYSTEM ENGINEERING SERVICES** - Special Districts Administrator Mark Dellinger and Utility Systems Compliance Coordinator Peggie King were present.

Chair Robey asked if anyone was present wishing to speak and the following people spoke: Don Scott, Cherylyn Nutting, Monte Winters, Jim Hershey and Beth Tompkins.

After a short lunch recess, the Board reconvened at 2:20 p.m.

Mr. Dellinger presented the staff summary.

Chair Robey asked if anyone was present wishing to speak and the following people spoke: Jim Hershey, Flo Kinder, Monte Winters, Sandie Winters, Mark Currier, Joan Moss, Tim Jordan and Helen Mitchum. No one else was present wishing to speak and the public input portion of this item was closed.

This item was continued one week to February 12, 2008.

17. **ITEM A-12 - PRESENTATION OF THE FISCAL YEAR 2007-2008 MIDYEAR BUDGET REVIEW and CONSIDERATION OF PROPOSED RESOLUTION REVISING APPROPRIATIONS AND REVENUE ESTIMATES IN THE FISCAL YEAR 2007-2008 FINAL BUDGET** - County Administrative Officer Kelly Cox presented the staff summary.

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

Supervisor Smith offered Resolution No. 2008-31, revising appropriations and revenue estimates in the Fiscal Year 2007-08 Final Budget, and it was passed by roll call vote (5 ayes).

18. **ITEM A-16 - DISCUSSION/CONSIDERATION OF PROPOSED MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF LAKE, THE CITY OF LAKEPORT AND THE CITY OF CLEARLAKE FOR REMOVAL OF DEBRIS FROM CLEAR LAKE** - On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the Memorandum of Understanding between the County of Lake, The City of Lakeport and the City of Clearlake for removal of debris from Clear Lake, and authorized the Chair to sign.

19. **ITEM A-17 - PROPOSED ORDINANCE ESTABLISHING A PRIMA FACIE SPEED LIMIT ZONE ON HAMMOND AVENUE, NICE COUNTY ROAD NO. 306, IN ITS ENTIRETY (35 MPH)** - 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 February 12, 2008.

20. **ITEM A-23 - 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 - Public Employee Disciplinary/Dismissal/Release - employee Disciplinary Appeal (EDA2008-10) 3. Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Section 54956.9): Scott v. County of Lake, et al.** - Chair Robey announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened to Regular Session at 4:44 p.m.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD FEBRUARY 5, 2008

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the settlement agreement in the matter of Scott v. County of Lake et al, and authorized the Chair to sign. It was noted that the terms of the settlement provide that \$150,000 will be paid to the plaintiff by defendant Western Seaplane, and authorized the Chair to sign.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Findings of Fact in the matter of EDA 2008-10, authorized the Chair to sign, and denied the appeal as set forth in the Findings of Fact.

There being no further business, the Board adjourned at 4:46 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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