



# MINUTES

## COUNTY OF LAKE

### BOARD OF SUPERVISORS

#### OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JANUARY 22, 2008

The Honorable Board of Supervisors of Lake County, California, met in Regular Session this 22<sup>nd</sup> day of January 2008, there being present Supervisors Ed Robey, Denise Rushing, Anthony Farrington, Rob Brown, and Jeff Smith, 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. 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-14.

Approved Minutes of the Board of Supervisors meeting held on January 8, 2008.

Appointed Bonnie Trumble (Senior Community Representative), Jackie Hill (Senior Consumer Representative), Beverly Bergstrom (Senior Consumer Representative) Chloe Karl (Disabled Community Representative) and Jeanne Morin (IHSS Provider Representative) to the IHSS Public Authority Advisory Board for terms ending on January 1, 2010.

Adopted Resolution No. 2008-16 supporting development and placement of winery directional/way-finding signage at locations throughout Lake County.

Approved the issuance of a purchase order by the Animal Care and Control Director to Keller Group Office Environments (under the California Department of General Services Statewide Procurement Award Schedule) in the amount of \$29,170.88 for the purchase of office systems furniture for the new animal shelter.

Adopted Resolution No. 2008-17 setting rate of pay for Election Officers for the February 5, 2008 Presidential Primary Election pursuant to Section 12310 of the Elections Code.

Authorized the Chair to sign the California Department of Education Certification Statement regarding the composition of the Lake County Child Care and Development Planning Council Membership.

Approved Contract between the County of Lake and Community Care HIV/AIDS Program for Provision of HIV/AIDS counseling and case management services for Lake County residents for Fiscal Year 2007/2008 in the amount of \$12,000 and authorized the Chair to sign.

Approved advanced step hiring of extra-help Substance Abuse Counselor II Fernna Butcher (5<sup>th</sup> Step of the salary range).

Approved Indemnification Agreement between the County of Lake and Regina Legoski to allow emergency vehicles and certain members of the public to pass over a portion of her property known as APNs 03-047-05 and 03-047-07, due to an emergency situation caused by the flooding of Scotts Valley and Eickhoff Roads and authorized the Chair to sign.

Approved Permit to conduct aeronautical activities at Lampson Airport (Westgate Petroleum Company, Inc., dba: Lampson Field Gas) and authorized the Chair to sign.

Approved Grant Deed and directed Clerk to certify for recordation (APN 115-002-03 - Keith White) and approved purchase agreement between the County of Lake and Keith White for the Mt. Hannah Emergency Water Tank Replacement Project and authorized the Chair to sign.

Approved Budget Transfers B-112 and B-113, transferring existing appropriations for the Nylander Park Project within the Capital Projects and Marketing and Economic Development budgets to fixed asset accounts for Nylander Park Building Acquisition approved by the Board on January 15, 2008.

Sitting as the the Board of Directors of the Lake County Watershed Protection District, approved Amendment #1 to Agreement between the Lake County Watershed Protection District and Sonoma Ecology Center for the Arundo Donax Eradication and Coordination Program for an increase of \$8,854 and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Redevelopment Agency, adopted Resolution No. 2008-01 (RD) adopting the State of California Relocation Guidelines for agency implementation of the California Relocation Assistance Act.

2. **ITEM A-2 - ITEM A-2 - PRESENTATION OF ANIMALS THAT ARE AVAILABLE FOR ADOPTION AT THE LAKE COUNTY ANIMAL CARE AND CONTROL SHELTER** - Animal Control Officer Morgan Hermann presented one dog and one cat available for adoption.

3. **ITEM A-17 - UPDATE BY ANIMAL CONTROL ON THE PROGRESS OF YVONNE L. METZLER REGARDING COMPLIANCE WITH BOARD DIRECTION TAKEN ON JANUARY 15, 2008, TO IMMEDIATELY REMOVE ALL DOGS TO LEGAL LOCATIONS WITH THE EXCEPTION OF FOUR ADULT DOGS AND PUPPIES UNDER FOUR MONTHS OF AGE** - Animal Control Officer Morgan Hermann was present.

Supervisor Brown and Officer Hermann provided a brief update regarding the compliance of Ms. Metzler with the Board direction taken on January 15, 2008.

No Board action was taken on this item.

4. **CITIZEN'S INPUT** - Joan Moss spoke regarding lighting conditions at the Lake County Jail.

5. **ITEM A-18 - CONSIDERATION OF PROPOSED RESOLUTION AUTHORIZING ENTERING INTO AN AGREEMENT WITH THE STATE OF CALIFORNIA AND DESIGNATING A REPRESENTATIVE TO SIGN THE AGREEMENT AND ANY AMENDMENTS THERETO FOR IMPLEMENTATION OF THE ABOVEGROUND PETROLEUM STORAGE TANK ACT (APSA)** - Supervisor Farrington offered Resolution No. 2008-18, authorizing Environmental Health Services to enter into an agreement with the State of California and designating a representative to sign the agreement and any amendments thereto for implementation of the Aboveground Petroleum Storage Tank Act (APSA), and it was passed by roll call vote (5 ayes).
6. **ITEM A-19 - CONSIDERATION OF PROPOSED RESOLUTION AUTHORIZING THE SUBMISSION OF WASTE TIRE ENFORCEMENT GRANT APPLICATION TEA 15** - Supervisor Brown offered Resolution No. 2008-19, authorizing the submission of Waste Tire Enforcement Grant Application TEA 15, and it was passed by roll call vote (5 ayes).
7. **ITEM A-20 - CONSIDERATION PROPOSED RESOLUTION AUTHORIZING THE SUBMISSION OF WASTE TIRE ENFORCEMENT GRANT APPLICATIONS FOR THE PERIOD OF JULY 1, 2008 THROUGH JUNE 30, 2013, NOT TO EXCEED FIVE YEARS FROM THE DATE OF ADOPTION** - Supervisor Brown offered Resolution No. 2008-20, authorizing the submission of waste tire enforcement grant applications for the period of July 1, 2008 through June 30, 2013, not to exceed five years from the date of adoption, and it was passed by roll call vote (5 ayes).
8. **ITEM A-21 - CONSIDERATION OF PROPOSED RESOLUTION AMENDING RESOLUTION NO. 2007-177 ESTABLISHING POSITION ALLOCATIONS FOR FISCAL YEAR 2007/2008, BUDGET UNIT NO. 4011 - PUBLIC HEALTH (ADDING ONE .5 FTE PUBLIC HEALTH OFFICER ALLOCATION FOR A TEMPORARY PERIOD UNTIL THE FULL TIME ALLOCATION RECRUITMENT IS COMPLETED AND THE POSITION IS FILLED)** - Supervisor Brown offered Resolution No. 2008-21, amending Resolution No. 2007-177 establishing position allocations for Fiscal Year 2007/2008, Budget Unit No. 4011 - Public Health (adding one .5 FTE Public Health Officer allocation for a temporary period until the full time allocation recruitment is completed and the position is filled), and it was passed by roll call vote (5 ayes).
9. **ITEM A-5 - 9:15 A.M. - CONSIDERATION OF PROPOSED RESOLUTION ADOPTING "YEAR 10" CARL MOYER PROGRAM, AUTHORIZING THE AIR POLLUTION CONTROL OFFICER TO SUBMIT GRANT APPLICATION AND SIGN PROGRAM DOCUMENTS** - Air Pollution Control Officer Bob Reynolds and Deputy Air Pollution Control Officer Doug Gearhart were present.

Mr. Gearhart presented the staff summary.

Supervisor Rushing offered Resolution No. 2008-22, adopting "Year 10" Carl Moyer Program, authorizing the Air Pollution Control Officer to submit grant application and sign program documents, and it was passed by roll call vote (5 ayes).

10. **ITEM A-6 - 9:30 A.M. CONSIDERATION OF REQUEST TO AUTHORIZE THE EXPENDITURE OF \$1,850 FROM THE FISH AND GAME BUDGET FOR A CONTRIBUTION TO WEST LAKE RESOURCE CONSERVATION DISTRICT TO FUND THE CEQA FILING FEE FOR THE COORDINATED PERMIT PROGRAM IN LAKE COUNTY** - Agricultural Commissioner Steve Hajik was present.

East Lake and West Lake Resource Conservation District Project Coordinator Linda Juntunen presented a brief summary.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the expenditure of \$1,850 from the Fish and Game budget for a contribution to West Lake Resource Conservation District to fund the Fee for the Coordinated Permit Program in Lake County.

11. **ITEM A-12 - (a) CONSIDERATION OF REQUEST TO INCREASE (BY TWO) THE NUMBER OF VEHICLE REPLACEMENTS PREVIOUSLY APPROVED IN THE FISCAL YEAR 2007/2008 FINAL BUDGET AND PROPOSED RESOLUTION TO APPROPRIATE UNANTICIPATED REVENUE IN THE AMOUNT OF \$51,600 TO BE USED FOR THE ACQUISITION OF REPLACEMENT VEHICLES FOR THE CENTRAL GARAGE FLEET, BUDGET UNIT NO. 9905 - CENTRAL GARAGE; and (b) CONSIDERATION OF REQUEST TO WAIVE THE FORMAL BIDDING PROCESS AND MAKE A DETERMINATION THAT FORMAL COMPETITIVE BIDDING WOULD PRODUCE NO ECONOMIC BENEFIT TO THE COUNTY, AND AUTHORIZE THE PUBLIC WORKS DEPARTMENT TO ISSUE PURCHASE ORDER FOR PROCUREMENT OF CERTAIN VEHICLES THROUGH THE STATEWIDE BID CONTRACT AND BASED ON INFORMAL COMPETITIVE QUOTES FROM KATHY FOWLER CHEVROLET AND HOLDER FORD** - Public Works Director Gerry Shaul presented the staff summary.

The Board directed staff to return to the Lake County vendors to negotiate for improved pricing on the 6 vehicles previously assigned for purchase outside of Lake County. Amendments were made to the resolution to reflect this direction.

Supervisor Farrington offered Resolution 2008-23, to appropriate unanticipated revenue to the Central Garage Budget, as amended, and it was passed by roll call vote (5 ayes).

On motion of Supervisor Rushing and by vote of the Board (5 ayes), waived the formal bidding process for the vehicles allocated for purchase within Lake County and made the determination that the formal competitive bidding would produce no economic benefit to the County, and authorized the Public Works Department to issue purchase order for the procurement of certain vehicles through Kathy Fowler Chevrolet and Holder Ford.

12. **ITEM A-15 - STATUS REPORT AND DISCUSSION REGARDING COURT FACILITY TRANSFER NEGOTIATIONS** - Deputy Administrative Officer Matt Perry presented the staff summary.

Supervisors Rushing and Brown joined the staff team handling the ongoing negotiations.

No Board action was taken on this item.

13. **ITEM A-7 - 10:00 A.M. - POSED ORDINANCE INCREASING FEES FOR THE REGISTRATION OF FARM LABOR CONTRACTORS (AN INCREASE FROM \$10.00 PER CALENDAR YEAR TO \$25.00 PER CALENDAR YEAR)** - Agricultural Commissioner Steve Hajik presented a brief summary.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown NO), waived the reading of the ordinance, to be read in title only. (Clerk so did.)

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown NO), advanced the ordinance two weeks, to February 5, 2008.

14. **ITEM A-16 - CONSIDERATION OF PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND THE ANIMAL COALITION OF LAKE COUNTY FOR A SPAY AND NEUTER VOUCHER PROGRAM** - Animal Control Director Denise Johnson presented the staff summary.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the agreement between the County of Lake and the Animal Coalition of Lake County for a spay and neuter voucher program, and authorized the Chair to sign.

15. **ITEM A-14 - 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), found an emergency still exists.

16. **ITEM A-13 - UPDATE ON EMERGENCY ACTION TAKEN ON SEPTEMBER 25, 2007, REGARDING WATER DAMAGE REPAIRS AT THE HILL ROAD CORRECTIONAL FACILITY** - 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.

On motion of Supervisor Brown and by vote of the Board (5 ayes), found an emergency still exists.

17. **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)** - Chair Robey announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board returned to Regular Session at 10:35 a.m. with no action taken.

18. **ITEM A-8 - 10:30 A.M. - CONSIDERATION OF PROPOSED RESOLUTION OPPOSING PROPOSED CLOSURE OF CLEAR LAKE STATE PARK AND ANDERSON MARSH STATE HISTORIC PARK** - Administrative Officer Kelly Cox and Deputy CAO for Economic Development Debra Sommerfield presented a brief summary.

Supervisor Brown offered Resolution 2008-24, opposing proposed closure of Clear Lake State Park and Anderson Marsh State Historic Park, and it was passed by roll call vote (5 ayes).

19. **ITEM A-22 - CONSIDERATION OF PROPOSED RESOLUTION AMENDING RESOLUTION NO. 2007-206 ESTABLISHING POSITION ALLOCATIONS FOR FISCAL YEAR 2007/2008, BUDGET UNIT NO. 8695 - SPECIAL DISTRICTS ADMINISTRATION (REPLACING THE DEPUTY SPECIAL DISTRICT ADMINISTRATOR CLASSIFICATION WITH A DEPUTY SPECIAL DISTRICTS ADMINISTRATOR I/II CLASSIFICATION WITH AN INCREASED SALARY RANGE FOR THE II CLASSIFICATION)** - Special Districts Administrator Mark Dellinger and Administrative Manager Karen Hanson were present.

Mr. Dellinger presented a brief summary.

Supervisor Brown was absent at 10:45 a.m. and present at 10:50 a.m.

Supervisor Smith offered Resolution No. 2008-25, amending Resolution No. 2007-206 establishing position allocations for Fiscal Year 2007/2008, Budget Unit No. 8695 - Special Districts Administration (replacing the Deputy Special District Administrator classification with a Deputy Special Districts Administrator I/II classification with an increased salary range for the II classification), and it was passed by roll call vote (4 ayes, Supervisor Brown ABSENT).

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

20. **ITEM A-9 - 11:00 A.M. - CONSIDERATION OF REQUEST FOR APPROVAL TO EXPEND REDEVELOPMENT AGENCY FUNDS FOR EMERGENCY REPAIRS TO THE ROOF OF THE LUCERNE SENIOR CENTER** - Administrative Officer Kelly Cox and Deputy Redevelopment Director Eric Seely were present.

Mr. Cox presented the staff summary.

Supervisor Brown was absent at 11:07 a.m. He remained absent for the rest of the day.

Chair Robey asked if anyone was present wishing to speak and the following people spoke: Scotty MacNeil, Wanda Quitiquit, Debbie Blake, Margie Ingham, J.J. Jackson, Jack Bettencourt, Howard Stuckey, Wendy White, Janet Cawn and Kenneth Kent. 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 (4 ayes, Supervisor Brown ABSENT), authorized the Redevelopment Agency Director to enter into an agreement between the County of Lake and the Lucerne Senior Center to expend Redevelopment Agency funds for emergency repairs to the roof of the Lucerne Senior Center, and authorized the Chair to sign.

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

After a short recess, the Board reconvened at 11:41 a.m.

The Board of Supervisors adjourned and convened as the Lake County Board of Equalization.

21. **ITEM A-10 - 11:30 A.M. - ASSESSMENT APPEAL HEARINGS:**

**(a) DAVID WOODALL - APPLICATION NO. 2007-04 - ASSESSMENT PARCEL NO. 009-014-38 - LOCATED AT 9129 SODA BAY, KELSEYVILLE, CA** - Chief Deputy Assessor Jim Campbell and Supervising Appraiser Stan Beach were sworn in by the Clerk.

Neither the property owner nor a representative was present.

On motion of Board Member Smith and by vote of the Board (3 ayes, Supervisors Rushing and Brown ABSENT), denied Assessment Appeal 2007-04, David Woodall, for lack of appearance.

**(b) TERESA ENTZ - APPLICATION NO. 2007-12 - ASSESSMENT PARCEL NO. 142-372-040 - LOCATED AT 16176 EAGLE ROCK ROAD, HIDDEN VALLEY LAKE, CA** - Chief Deputy Assessor Jim Campbell, Supervising Appraiser Stan Beach, and Theresa Entz were sworn in by the Clerk.

Mr. Campbell presented the staff summary.

Ms. Entz gave testimony.

On motion of Board Member Farrington and by vote of the the Board (3 ayes, Supervisors Rushing and Brown ABSENT), denied Assessment Appeal 2007-12, Teresa Entz, based on the evidence provided by staff.

The Board of Equalization adjourned and reconvened as the Board of Supervisors.

22. **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 (EDA 2008-10)** - 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 12:30 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