



MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JULY 22, 2008

The Honorable Board of Supervisors of Lake County, California, met in Regular Session this 22nd day of July, 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 9:00 a.m. A moment of silence was dedicated to the memory of PFC Ivan Wilson of Clearlake. PFC Wilson was killed in action on July 21, 2008, while serving with the United States Marine Corps in Afghanistan. Supervisor Brown spoke regarding PFC Wilson's service to our country. Following the moment of silence, Supervisor Farrington 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-8.

Adopted Proclamation designating the week of July 15th through 22nd, 2008, as Invasive Weed Awareness Week in Lake County.

Approved letter to the California Air Resources Board requesting the Final Draft Climate Change Scoping Plan include wildfire management and prevention and authorized the Chair to sign.

Adopted Resolution No. 2008-138 authorizing the Special Districts Administrator to sign a Notice of Completion for work performed under agreement dated October 11, 2007 (Mt. Hannah Emergency Water Tank Replacement Project).

Approved the request and order consolidation of the City of Lakeport election with the General Municipal Election to be held on November 4, 2008, for the purpose of electing three City Council Members.

Approved the Sheriff's Substation Lease Agreement between the County of Lake and Jim and Hettie Hendrickson for lease of property located at 21130 A Calistoga Street, Middletown, in the amount of \$9,300 per year, and authorized the Chair to sign.

Approved First Amendment to Contract between the County of Lake and Robinson Rancheria Citizens Business Council for prevention and early intervention services in the amount of \$43,378 and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Sanitation District, (a) Accepted Dedication and Conveyance of mainline sewer extension for public utility purposes for the following: David M. Schaal (15835 23rd Avenue, Clearlake - APN 042-163-06); (b) Peter Van Scherpe (15845 23rd Avenue, Clearlake - APN 042-163-07); and (c) Bruce Ravella, President of the Santa Rosa Investment Corporation (15855 23rd Avenue, Clearlake - APN 042-163-08), and directed the Clerk to certify for recordation.

Sitting as the Board of Directors of the Lake County Watershed Protection District, approved Amendment Two to Agreement between the Lake County Watershed Protection District and Winzler & Kelly Consulting Engineers for environmental site assessment for the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project (an increase of \$3,657), and authorized the Chair to sign.

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

Extra #1 - Consideration of a letter of opposition to State representatives regarding potential raid of Proposition 42 Road Maintenance Funds - On motion of Supervisor Smith 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.

Public Works Director Brent Siemer gave a brief summary.

This item was considered as an Extra for the following reason:

On Friday, July 18, 2008, the Department of Public Works was informed by the California State Association of Counties (CSAC) that the state legislature was considering taking Proposition 42 funds, dedicated for road repair, from the Counties in order to help with the state budget deficit. CSAC strongly urged the Department to send letters to the legislators, strongly urging against this proposed action.

Amendments were made to the text of the letter to express the strong opposition of the Board to the potential loss of Proposition 42 Road Maintenance Funds.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the letter of opposition to State representatives regarding potential raid of Proposition 42 Road Maintenance Funds, as amended, and authorized the Chair to sign.

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

Change Order No. 1 - 2005/2006 Storm Damage Repair: Bartlett Springs Road MPM 29.7; Bid No. PW 08-09 - This change order addresses the balancing of final in-place material quantities.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Change Order No. 1, for an increase of \$555.75, Case Excavating, Inc., and authorized the Chair to sign.

CITIZEN'S INPUT - Dante DeAmicis and Hiram Dukes spoke regarding the Public Education and Government Channel 8.

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4. **ITEM A-5 - 9:15 A.M. - HEARING - Nuisance Abatement Assessment Confirmation and proposed recordation of Notice of Lien in the amount of \$21,386.66 - 19872 Powder Horn Road, Hidden Valley, CA (APN 142-462-08-00 - Toni L. Day)** - Community Development Director Rick Coel and Code Compliance Manager Voris Brumfield were sworn in by the Clerk.

Neither the owner, nor a representative was present.

Ms. Brumfield gave a power point presentation on the abatement actions taken on the property.

On motion of Supervisor Brown and by vote of the Board (5 ayes), confirmed the assessment of \$21,386.66 for nuisance abatement on property located at 19872 Powder Horn Road, Hidden Valley, CA (APN 142-462-08-00 - Toni L. Day), pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10., and authorized the Chair to sign the Order Confirming Assessment of Costs.

5. **ITEM A-13 - Consideration of proposed Agreement between the County of Lake and SHN consulting Engineers & Geologists, Inc for engineering services for Victoria Drainage-Lucerne Channelization and Culvert Upgrade in the amount of \$27,760** - Public Works Director Brent Siemer gave a brief summary.

This item was continued two weeks, to August 8, 2008, to allow for clarification of the bidding process within the Public Works Department.

6. **ITEM A-6 - 9:30 A.M. - Presentation of Proclamation designating the week of July 15th through 22nd, 2008, as Invasive Weed Awareness Week in Lake County** - Supervisor Brown read the Proclamation into the record and presented it to Agricultural Commissioner Steve Hajik, who spoke.

7. **ITEM A-7 - 9:45 A.M. - HEARING - Notice of Nuisance Abatement - 17027 Highway 175, Whispering Pines, CA (APN 050-251-08-00 - Chris Pennock and Cynthia Pennock) - (Property owner Chris Pennock has requested a continuance of this hearing)** - Community Development Director Rick Coel, Code Enforcement Manager Voris Brumfield and Code Enforcement Officer Roderic Hilliard were sworn in by the Clerk.

Neither the owner, nor a representative was present.

Due to the urgent health and safety issues connected to this abatement, the Board denied the owner's request for a continuance.

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

Amendments were made to the Order to Abate.

On motion of Supervisor Brown and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 17027 Highway 175, Whispering Pines, California (APN 050-251-08-00 - Chris Pennock and Cynthia Pennock), as amended, within seven (7) 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-8 - 10:00 A.M. - PUBLIC HEARING - Review of: (1) Annual Grantee Performance Reports for Community Development Block Grants: Clearlake Oaks Plaza Restoration and Housing Rehabilitation - #05-STBG-1421; and (2) Program Income Activities, including Housing Rehabilitation Revolving Loan Fund, Business Expansion and Retention Revolving Loan Fund and Public Works Facilities** - Deputy County Administrative Officer Matt Perry presented the staff report.

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

This item was informational only. No Board action was taken on this item.

9. **ITEM A-15 - Consideration of proposed Lease Agreement between the County of Lake and Robert Schall for lease of property located at 809 South Main Street, Lakeport, for additional office space for Child Protective Services in the amount of \$23,125 including deposit** - Social Services Director Carol Huchingson gave a brief summary.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Lease Agreement between the County of Lake and Robert Schall for lease of property located at 809 South Main Street, Lakeport, for additional office space for Child Protective Services in the amount of \$23,125 including deposit, contingent on availability of funds granted in the 2008-2009 California State Budget, and authorized the Director of Social Services to sign.

After a brief recess, the Board reconvened at 10:37 a.m. Supervisor Brown was absent.

10. **ITEM A-9 - 10:30 A.M. - Consideration of approval of Amendment No. 1 to Agreement between the County of Lake and North Lakeport Water System, Inc. to extend the time for payment of delinquent property taxes, simplify the project design and reduce project costs (water system improvements), County Service Area 21 - North Lakeport Water** - Special District Administrator Mark Dellinger, Deputy County Administrative Officer Jeff Rein, North Lakeport Water Systems, Inc. Representatives Clint Wilson and Scott Beuchar were present.

Mr. Dellinger presented the staff report.

Supervisor Brown was present at 10:42 a.m.

Mr. Wilson and Mr. Beuchar spoke.

Supervisor Brown was absent at 11:18 a.m. and present at 11:26 a.m.

Supervisor Brown was absent at 11:37 a.m.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved Amendment No. 1 to Agreement between the County of Lake and North Lakeport Water System, Inc., to extend the time for payment of delinquent property taxes, simplify the project design and reduce project costs (water system improvements), County Service

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Area 21 - North Lakeport Water, authorized the Chair to sign, and directed staff to work with interested parties on developing a cost estimate for the completion of Phase 1 of the project.

11. **ITEM A-14 - Consideration of request for waiver of the 900 hour limit for extra-help Water/Wastewater Maintenance Worker Robert Salvador** - Special Districts Administrator Mark Dellinger gave a brief summary.

County Administrative Officer Kelly Cox clarified that this waiver request was for the 2007-2008 Fiscal Year.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), waived the 900 hour limit for extra-help Water/Wastewater Maintenance Worker Robert Salvador, for the the 2007-2008 Fiscal Year.

12. **ITEM A-11 - Consideration of proposed Contract between the County of Lake and Tracy Katelman (dba ForEverGreen Forestry), for development of the Lake County Community Wildlife Protection Plan in the amount of \$37,500** - Deputy County Administrative Officer Jeff Rein presented a brief summary.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the Contract between the County of Lake and Tracy Katelman (dba ForEverGreen Forestry), for development of the Lake County Community Wildlife Protection Plan in the amount of \$37,500, and authorized the Chair to sign.

13. **ITEM A-12 - Consideration of proposed Agreement between the County of Lake and Verizon Wireless for provision of cellular phone services** - Administrative Analyst Doug Willardson presented the staff summary.

Supervisor Brown was present at 11:59 a.m.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Verizon Wireless for provision of cellular phone services, and authorized the Chair to sign.

14. **ITEM A-16 - 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 Disciplinary Appeal (EDA 2008-02), as per Government Code Section 54957 3. Sitting as the Board of Directors of the Lake County IHSS Public Authority: Conference with Labor Negotiator: (a) Agency Negotiator: F. Buchanan (b) Employee Organization: California United Homecare Workers** - Chair Robey announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session at 12:46 p.m. with Supervisors Brown and Robey absent.

The gavel was passed to Vice Chair Rushing and the following action was taken out of Closed Session:

On motion of Supervisor Farrington, seconded by Supervisor Smith and by vote of the Board (3 ayes, Supervisors Brown and Robey ABSENT), approved Findings of Fact in Employee Disciplinary Hearing 2008-02 and affirmed the action of the department in taking disciplinary action consisting of termination of the Appellant.

There being no further business, the Board adjourned at 12:47 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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