



MINUTES

COUNTY OF LAKE

BOARD OF SUPERVISORS

MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JUNE 10, 2008

The Honorable Board of Supervisors of Lake County, California, met in Regular Session this 10th day of June, 2008, there being present Supervisors Jeff Smith, Denise Rushing, Anthony Farrington, and Ed Robey, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner. Supervisor Brown was absent all day.

The meeting was called to order at 9:05 a.m. After a 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 (4 ayes, Supervisor Brown ABSENT), approved Consent Agenda Items C-1 through C-15.

Approved Minutes of the Board of Supervisors meeting held on May 20, 27 and June 3, 2008.

Approved Amendment No. 4 to Agreement between the County of Lake and U.S. Cellular for provision of cellular phone services (extending the term to August 1, 2008), and authorized the Chair to sign.

Adopted Resolution No. 2008-109 appropriating unanticipated revenue in the amount of \$7,172 (received from Air Quality Management District in accordance with the agreement for prosecution assistance), to be used for expansion of record and file storage capacity and to provide prosecution assistance, Budget Unit No. 1231 - County Counsel.

Authorized the Mental Health Department to provide travel and training costs for ten (10) clients to attend the California Network of Mental Health Clients Far North Region Annual Meeting in Willows, from June 19 through June 20, 2008.

Adopted Resolution No. 2008-110 in support of the proposed modification by the Lake County Probation Department of the existing agreement regarding the Juvenile Probation and Camps Funding Program administered by the California Correction Standards Authority.

Adopted Resolution No. 2008-111 approving application and designation of lead jurisdiction for California Beverage Container Recycling and Litter Reduction Grant for Fiscal Year 2008/2009.

Adopted Resolution No. 2008-112 temporarily authorizing a road closure, prohibiting parking and authorizing removal of vehicles and ordering the Department of Public Works to post signs for purposes of conducting Middletown Days parade and events.

Adopted Resolution No. 2008-113 authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under agreement dated March 20, 2007, (construction on Merritt Road at Kelsey Creek - bridge replacement).

Approved Amendment Three to Agreement between the County of Lake and Mead & Hunt, Inc. for engineering services for Lampson Field Improvement Projects in Lake County (decreasing the original agreement by \$27,979), and authorized the Chair to sign.

Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 024-113-04 - Bernard L. Butcher, Trustee and Lynne C. Butcher, Trustee), and approve Purchase Agreement between the County of Lake and Bernard L. Butcher, Trustee and Lynne C. Butcher, Trustee), and authorized the Chair to sign.

Approved in concept the reclassification of Social Services Aide I/II to Social Services Aide I/II/III, subject to the meet and confer process.

(a) Waived the formal bidding process and make a determination that competitive bidding would produce no economic benefit to the County for the Aging and Adult Client Tracking System (AACTS); (b) Approved AACTS Software License and Support Agreement between the County of Lake and McWilliams Mailliard Technology Group, Inc. and authorized the Chair to sign; and (c) Approved Application Service Provider Agreement between the County and CareAccess Silicon Valley and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Air Quality Management District, authorized the return of unexpended Fiscal Year 2005/2006 Carl Moyer Program Lower-Emission School Bus Retrofit funds back to the State Air Resources Board in the amount of \$1,999.83, plus interest earned.

Approved Agreement between the Lake County Air Quality Management District and Clearlake Lava, Inc. for funding of a replacement diesel engine and installation of a diesel particulate filter device (Year 9 Carl Moyer Grant funding will be used to upgrade and retrofit a 1990 Redi-mix truck and a 1996 Redi-mix truck), in the amount of \$116,753 and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Redevelopment Agency, approved plans and specifications for construction of curb, gutter, sidewalk, landscaping, fountain, asphalt paving, pavement delineation and other miscellaneous work to complete the Clearlake Oaks Plaza Project, located at The Plaza Street, Clearlake Oaks, and authorize the Assistant Purchasing Agent to advertise for bids.

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 canine and one feline available for adoption.

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

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

Extra #1 - Discussion/Consideration of Resolution accepting conveyance of real property located in Nice (Holiday Harbor Acquisition) - On motion of Director Farrington and by vote of the Board (4 ayes, Director Brown ABSENT), approved taking up this item due to the fact that the need arose after to posting of today's agenda.

Lake County Redevelopment Director Kelly Cox was present.

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

In order to complete the previously approved purchase of Holiday Harbor, it is necessary for the Board to adopt a resolution authorizing the Executive Director to sign the certificate of acceptance for recordation of the deed, pursuant to Government Code Section 27281, as well as to formally authorize the deposit of funds into an escrow account.

To take this up at the next available agenda would not allow sufficient time to process the necessary paperwork prior to the close of the fiscal year and would also make it very difficult, if not impossible, to comply with the short time frame for closing escrow that is specified in the approved purchase agreement.

Director Rushing offered Resolution 2008-07 (RD), and it was passed by roll call vote (4 ayes, Director Brown ABSENT).

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

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

Change Order No. 2 - Electric Meter Conversions for Upper Lake Utility Undergrounding in Upper Lake, CA - This change order reflects the cost of extending the electric connection from the existing conduit, located under a residence to the meter main (approximately 70 LF).

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved Change Order No. 2, for an increase of \$2,590.00, Lawrence Electric, Inc., and authorized the Chair to sign.

Change Order No. 6 - The Construction on Merritt Road at Kelsey Creek Federal-Aid Bridge Replacement Project No. BRLO-NBIL (037) in Lake County, CA - This change order addresses the balancing of the final in-place material quantities.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved Change Order No. 6, for an increase of \$5,215.00, MCM Construction Inc., and authorized the Chair to sign.

CITIZEN'S INPUT - Deputy CAO Marketing and Economic Development Director Debra Sommerfield and Senior Analyst Jennifer Hammond spoke regarding the Lake County Booth at the Sunset Magazine Western Headquarters Open House weekend event.

5. **ITEM A-5 - 9:15 A.M. - HEARING - Notice of Nuisance Abatement - 16900 Big Bear Road, Lower Lake, CA (APN 049-081-09-00 - Stillman Bowden)** - Community Development Director Rick Coel, Code Enforcement Officer Roderic Hilliard, and Stillman Bowden were sworn in by the Clerk.

Mr. Hilliard gave a power point presentation on the conditions of the property.

Mr. Bowden gave testimony.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), adopted the order to complete abatement of the nuisance on property located at 16900 Big Bear Road, Lower Lake, California (APN 049-081-09-00 - Stillman Bowden), 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.

6. **ITEM A-10 - Consideration of request for out-of-state travel for Animal Control Officer Morgan Hermann to Upper Sandusky, Ohio, from July 23, through July 25, 2008, to attend the euthanasia by injection for horses training/certification** - This item was taken up and continued to later in the day to allow for input from the Animal Care and Control Director.

7. **ITEM A-11 - Update on emergency action taken on September 11, 2007, regarding Mt. Hannah water tank replacement** - On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), found the emergency still exists.

8. **ITEM A-12 - Consideration of request to approve late travel expense claims from Social Services Director Carol Huchingson in the amount of \$224 and Deputy Social Services Director Kathy Maes in the amount of \$224, submitted after the 45-day claiming period** - Social Services Director Carol Huchingson gave a brief summary.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved late travel expense claims from Social Services Director Carol Huchingson in the amount of \$224 and Deputy Social Services Director Kathy Maes in the amount of \$224, submitted after the 45-day claiming period.

9. **ITEM A-13 - Discussion/consideration of proposed Agreement between the County of Lake (CSA #21 - North Lakeport Water) and the City of Lakeport for the sale of potable water** - Supervisor Farrington gave a brief summary.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the Agreement between the County of Lake (CSA #21 - North Lakeport Water) and the City of Lakeport for the sale of potable water, and authorized the Chair to sign.

10. **ITEM A-6 - 9:45 A.M. - Discussion/consideration of proposed Ordinance adding Article V to Chapter 12 of the Lake County Code imposing liability on social hosts who allow minors to obtain, possess or consume alcoholic beverages** - Sheriff Rod Mitchell was present.

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

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), waived the reading of the ordinance, and had it read in title only. (Clerk so did).

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), advanced the ordinance one week, to June 17, 2008.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD JUNE 10, 2008

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

BACK TO A-10 - Consideration of request for out-of-state travel for Animal Control Officer Morgan Hermann to Upper Sandusky, Ohio, from July 23, through July 25, 2008, to attend the euthanasia by injection for horses training/certification - Animal Control Director Denise Johnson was present.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved out-of-state travel for Animal Control Officer Morgan Hermann to Upper Sandusky, Ohio, from July 23, through July 25, 2008, to attend the euthanasia by injection for horses training/certification.

11. ITEM A-14 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry; and (b) Employee Organizations: LCEA, LCCOA, SDA AND DDAA 2. Public Employee Performance Evaluation: Title: Animal Care and Control Director 3. Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Section 54956.9): Name of case: Residents for Responsible Solar Power, et al. 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 returned to Regular Session at 11:12 a.m.

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

On motion of Director Rushing and by vote of the Board (4 ayes, Supervisor Brown ABSENT) approved the Settlement Agreement between the Lake County Sanitation District and all named petitioners in Residents for Responsible Solar Power, et al, and authorized the Chair to sign.

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

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown ABSENT) approved the Settlement Agreement between the County of Lake and all named petitioners in Residents for Responsible Solar Power, et al, and authorized the Chair to sign.

12. ITEM A-7 - Continued from May 27, 2008 - 11:00 A.M. - (a) PUBLIC HEARING - Consideration of proposed Ordinance amending Section 21-27 and 21-68 and adding Section 21-71 to the Lake County Zoning Ordinance pertaining to telecommunication facilities, including cellular towers and antennae; the project applicant is the County of Lake (Application AM 07-03 and CE 07-110) (b) Status report and consideration of an extension of Interim Ordinance No. 2865 establishing a temporary moratorium on the approval of applications to construct, modify or place wireless communication facilities - Community Development Director Rick Coel and Assistant Resource Planner Ted Elliott were present.

Mr. Coel gave a brief summary.

Chair Robey opened the public hearing and the following people spoke: Peter Windrem, Kelly Pressley and Janet Cawn. No one else was present wishing to speak and the public hearing was closed.

(A) Various amendments were made on the face of the ordinance.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSENT), waived the reading of the ordinance, and had it read in title only. (Clerk so did).

Supervisor Farrington offered Ordinance No. 2868, and it was passed by roll call vote (4 ayes, Supervisor Brown ABSENT).

(B) On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the status report.

Supervisor Farrington offered Ordinance No. 2869, and it was passed by roll call vote (4 ayes, Supervisor Brown ABSENT).

13. ITEM A-8 - 11:30 A.M. - Site visit and update on the Soper-Reese Community Theater renovation, located at 275 South Main Street, Lakeport, CA - Chair Robey asked if there was any Soper-Reese Community Theater representatives wishing to speak and John Ross spoke.

After a brief recess, the Board reconvened at 11:50 a.m. at the Soper-Reese Community Theater located at 275 South Main Street, Lakeport, CA.

There being no further business, the Board adjourned at 11:48 a.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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