

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD NOVEMBER 18, 2008

The Honorable Board of Supervisors of Lake County, California, met in regular session this 18th day of November, 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 9:02 a.m. by Chair Robey. Following a moment of silence dedicated to the memory of Mike Conser, Supervisor Brown 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-18, with the exception of C-10, which will be taken up immediately following the approval of the Consent Agenda.

Approved Minutes of the Board of Supervisors meeting held on November 4, 2008.

Adopted Resolution No. 2008-198 establishing repayment schedule of loans that the Mental Health Fund received from the General Fund.

Adopted Resolution No. 2008-199 approving the application for grant funds for the California River Parkways Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.

Adopted Resolution No. 2008-200 amending the fixed tax rate for Kelseyville Unified School District's General Obligation Bonds.

Adopted Resolution No. 2008-201 amending the fixed tax rate for Upper Lake High School General Obligation Bonds.

Authorized the destruction of Time Reports and Hours Proofs for Fiscal Year 2002/2003 and earlier; Vacation and Sick Leave Accruals for Fiscal Year 2002/2003 and earlier; Quarter to Date Reports for Fiscal Year 2002/2003 and earlier; Department Time Sheets for Fiscal Year 2002/2003 and earlier; Unsecured Tax Rolls for Fiscal Year 2002/2003 and earlier; Secured Tax Rolls for Fiscal Year 1995/1996 and earlier; Paid Warrants for Fiscal Year 2002/2003 and earlier; and Paid Claims and Invoices for Fiscal Year 2002/2003 and earlier; and Deposit Permits for Fiscal Year 2002/2003 and earlier.

Approved Agreement between the County of Lake and San Diego Center for Children for placement of children in a RCL 14 Residential Treatment Program (maximum amount of \$31,476), for Fiscal Year 2008/2009 and authorized the Chair to sign.

Approved Amendment to Northshore Fire Protection District's Conflict of Interest Code, pursuant to Resolution No. 2008-11 adopted by the District on October 1, 2008.

Adopted Resolution No. 2008-202 amending Resolution No. 2008-153 establishing position allocations for Fiscal Year 2008/2009, Budget Unit No. 4121 - Integrated Waste Management (deleting one (1) .8 FTE Public Services Director and adding one (1) 1.00 FTE Public Services Director).

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

Adopted Resolution No. 2008-203 approving an application for funding from the Fiscal Year 2008 Homeland Security Grant Program and authorizing the execution of a grant award and any amendment thereto with the State of California for the purposes of this grant.

Approved Agreement between the County of Lake and Forensic Medical Group, Inc. for forensic pathology services (approximately \$7,500 per year), and authorized the Chair to sign.

Approved Controlled Substance Operations Cooperative Agreement between the County of Lake and the United States Forest Service to defray cost relating to the suppression of manufacturing and trafficking of controlled substances (County's allocation of funding from the United States Forest Service will be \$5,000), and authorized the Chair to sign.

Approved Drug Analysis Agreement between the County of Lake and the California Department of Justice for blood alcohol/toxicology testing (expenditures for Fiscal Year 2008/2009 are approximately \$15,000), and authorized Sheriff Rodney Mitchell to sign.

Approved Contract between the County of Lake and California Engineering Company Inc. for administrative subcontractor housing services (maximum amount of \$46,800), and authorized the Chair to sign.

Adopted Resolution No. 2008-204 authorizing the Chair of the Board to approve and direct the Tax Collector to sell, at internet auction, tax defaulted property which is subject to the power to sell in accordance with Chapter 7 of Part 6 of Division 1 of the California Revenue and Taxation Code and approving sales below minimum price on specified cases.

Sitting as the Board of Directors of the Lake County Sanitation District, (a) Adopted Resolution No. 2008-205 appropriating unanticipated revenue received from Three Brothers Mini Mart development in a total amount of \$112,300 (\$39,000 for payment of restorative measures and \$73,000 shall be held in the mitigation reserve designation for future improvements), Northwest Regional Wastewater Treatment Facility Collection System, Budget Unit No. 8350 - LACOSAN; and (b) Adopted Resolution No. 2008-206 appropriating unanticipated revenue received from Carl's Junior Restaurant development in a total amount of \$130,515 (\$14,490 for restorative measures; \$8,589 for new alarms; \$86,000 for rental of pump station and force main; \$19,020 shall be held in the mitigation reserve designation for future improvements; and \$2,416 for staff time), Southeast Regional Wastewater Treatment Facility Collection System, Budget Unit No. 8695 - LACOSAN.

2. **CONSENT AGENDA ITEM C-10 - Consideration of request to Award Bid No. 09-13 to Holder Ford-Mercury for purchase of one (1) 4WD extended cab flat-bed truck in the amount of \$49,474.33** - Public Works Director Brent Siemer gave a brief summary.

This item was continued one week, to November 25, 2008, to allow for further consideration of the County's vehicle purchasing policy in light of today's automotive economic environment.

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

Change Order No. 1 - 2005/2006 Storm Damage Repair: Kelsey Creek Drive MPM 2.9 - This change order addresses the need to replace existing pavement damaged during construction of engineered fill and sub drain with new aggregate base section and asphalt concrete.

Public Works Director Brent Siemer gave a brief summary.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Change Order No. 1 - 2005/2006 Storm Damage Repair: Kelsey Creek Drive MPM 2.9, Epidendio Construction, Inc., for an increase of \$5,337.00, and authorized the Chair to sign.

CITIZEN'S INPUT - Pam Moberly spoke regarding provision of health insurance coverage for IHSS workers.

4. ITEM A-5 - 9:15 A.M. - Request for update on status of Request for Proposals (RFPs) for the implementation of Quagga/Zebra Mussel inspection sites at key entry points to Lake County and other efforts to prevent the Quagga/Zebra Mussel from invading Lake County waters - Public Services Director Brent Siemer presented an update.

Chair Robey asked if anyone was present wishing to speak and the following people spoke: Suzanne Lyons and Victoria Brandon. No one else was present wishing to speak and the public input portion of this item was closed.

The Board directed staff to proceed with the Request for Proposals with all due haste. By consensus, there was Board support, in concept, of operating the inspection sites prior to the 2009 Memorial Day holiday weekend.

Supervisor Rushing offered to survey the current team of trained volunteers on ways the current inspection process might be improved and present the results at the next Quagga Mussel team meeting.

5. ITEM A-10 - Consideration of proposed Agreement between the County of Lake and the Lakeport Regional Chamber of Commerce for marketing, economic development and visitor information services - Deputy Administrative Officer - Economic Development Debra Sommerfield gave a brief summary, after which she and Administrative Officer Kelly Cox answered questions.

Supervisor Farrington expressed concerns regarding the proposed agreement. Supervisors Rushing and Robey also expressed concerns, particularly in regard to the Chamber's past political activism.

This item was continued one week, to November 25, 2008, at 10:00 a.m., to allow for input from the Regional Chamber Executive Director Melissa Fulton.

6. ITEM A-6 - 10:00 A.M. - Presentation by Lakeside Wellness Foundation on the Mobile Health Services Unit Project and consideration of Board direction relative to pursuit of potential funding sources to support project - Lakeside Wellness Foundation Director Tammy Silva, Medical Director Diane Pege, MD and Morgen Lloyd & Associates Development Consultant Kathleen Morgan were present.

Ms. Silva provided information (including a power point presentation), regarding the Medical Health Services Unit Project and the project's benefits to the entire County. The Board expressed strong support of this project.

The Board requested another presentation by the Lakeside Wellness Foundation in December, to consider a pledge of financial support in the 2009/2010 Fiscal Year.

The Board authorized the Chair to sign a letter of support of the Mobile Health Services Unit Project to be sent to the Redbud Healthcare District Board of Directors, urging the District to participate in this project.

After a brief recess, the Board reconvened at 10:43 a.m.

7. ITEM A-7 - 10:30 A.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 hosting special events, 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, Special Projects Consultant Melissa Floyd, Water Resources Engineer Tom Smythe, Milton Heath, Peggy Walker, Bev Hilger, Ellen Heath, Joanne Toll, Kelly Risso, Les Hilger, Peter Bane, Mark Lawrence, Matt O'Connor, Scott DeLeon, Jim Fentress, Kurt Steil, Gary Johnson, Victoria Brandon, and Joan Moss were sworn in by the Clerk.

Ms. Floyd presented the staff summary.

Appellants Mr. Heath, Ms. Walker, Ms. Hilger, Ms. Heath, Ms. Toll, Ms. Risso, Mr. Hilger and Peter Bane presented testimony.

This item was continued to later in the day, at which time Chair Robey opened the public hearing.

8. ITEM A-12 - 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 Performance Evaluation: Titles: County Counsel Health Services Director 3. Sitting as the Board of Directors of the Lake County IHSS Public Authority: Conference with Labor Negotiator: (a) Agency Negotiator: Carol Huchingson and F. Buchanan (b) Employee Organization: United Domestic Workers of America 4. Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Section 54956.9): Woll v. County of Lake - 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.

The Board returned to Closed Session later in the day.

The Board adjourned for lunch and reconvened at 1:33 p.m.

- 9. ITEM A-8 - 1:30 P.M. - (a) Discussion/consideration of a proposed Ordinance adding Article XIII to Chapter 9 of the Lake County Code prohibiting the cultivation of genetically engineered crops in Lake County; and (b) Discussion/consideration of the formation of a Genetically Engineered Crops Task Force/Advisory Committee - Chair Robey introduced this item and withdrew his previous request to adopt an ordinance at this time and instead recommended that a committee be appointed to further study this issue and submit recommendations to the Board at a later date.

Chair Robey asked if anyone was present wishing to speak and the following people spoke: Victoria Brandon, Sarah Ryan, Joanne Saccato, Michelle Scully, Melissa Fulton and Phil Murphy. No one else was present wishing to speak and the public input portion of this item was closed.

Supervisors Rushing and Brown will meet with Deputy Administrative Officer Debra Sommerfield to construct proposed criteria for committee membership and will report to the Board in one week, on November 25, 2008.

- BACK TO ITEM A-7 - 10:30 A.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 hosting special events, 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) - Mr. Lawrence presented testimony.

Chair Robey opened the public hearing and the following people spoke: Mary Jane Fagalde, Matt O'Connor, Scott DeLeon, Jim Fentress, Kurt Steil, Gary Johnson, Victoria Brandon, Peggy Walker, and Joan Moss. No one else was present wishing to speak and the public hearing was closed.

After a brief recess, the Board reconvened at 3:56 p.m.

The Board took this matter under submission and continued this item one week, to November 25, 2008, at 10:30 a.m.

Supervisor Smith was absent at 6:07 p.m.

- 10. ITEM A-11 - Proposed Resolution accepting and confirming ballot tabulation for the establishment of Zone "P" (Clear Lake Keys) of County Service Area No. 23, approving formation of Zone "P" and assessments for Zone "P" road maintenance - Supervisor Rushing offered Resolution No. 2008-207, and it was passed by roll call vote (4 ayes, Supervisor Smith ABSENT).

Supervisor Smith was present at 6:10 p.m.

- BACK TO ITEM A-12 - 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 Performance Evaluation: Titles: County Counsel Health Services Director 3. Sitting as the Board of Directors of the Lake County IHSS Public Authority: Conference with Labor Negotiator: (a) Agency Negotiator: Carol Huchingson and F. Buchanan (b) Employee Organization: United Domestic Workers of America 4. Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Section 54956.9): Woll v. County of Lake - Chair Robey announced the Board would now return to 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 7:00 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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