

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD NOVEMBER 4, 2008

The Honorable Board of Supervisors of Lake County, California, met in regular session this 4th 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, Assistant Clerk of the Board Georgine Hunt and Secretary Lore Schneider.

The meeting was called to order at 9:00 a.m. by Chair Robey. Following a moment of silence, 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-16.

Adopted Proclamation designating the week of November 9-15, 2008, as In-Home Supportive Services Caregiver Week in Lake County.

Adopted Proclamation designating the month of November, 2008, as Alzheimer's Awareness Month in Lake County.

Appointed Cindy Adams (Public Agency Category) and Kim Gentle (Public Agency Category) to the Lake County Child Care Planning and Development Council for terms expiring on November 4, 2011.

Approved the composition of the ad-hoc Food Policy Council the ad-hoc Energy Policy Council as recommended in the Memorandum from Administrative Analyst Terre Logsdon dated October 21, 2008.

Approved Second Amendment to Conflict of Interest Code of the Lake County/City Area Planning Council (APC) and authorized the Chair to sign.

Waived the 900 hour limit for extra-help Park Maintenance Worker Joshua Blackwell and extra-help Waste Management Weighmaster Roget Dubose.

Adopted Resolution No. 2008-191 approving financial assurance for corrective action for the Eastlake Landfill.

Approved Amendment No. 1 to Agreement between the County of Lake and Doble-Thomas & associates, Inc. for engineering services for design of a 4-acre park at Riviera Elementary School in the amount of \$11,500 and authorized the Chair to sign.

Approved Grant Deed and directed Clerk to certify for recordation (a portion of Meadow Drive - Marvin L. Dixon and Coni F. Dixon), and approve Purchase Agreement between the County of Lake and Marvin L. Dixon and Coni F. Dixon for Soda Bay Road/Big Valley Rancheria Road Rehabilitation Project and authorized the Chair to sign.

Adopted Resolution No. 2008-192 order approving Final Parcel Map and the signing of the Final Parcel Map (Ellis).

Adopted Resolution No. 2008-193 appointing directors of certain special district boards in lieu of holding a General District Election on November 4, 2008.

Adopted Resolution No. 2008-194 appointing Directors to the East Lake Resource Conservation District.

Approved Minutes of the Board of Supervisors meetings held on October 14 and 28, 2008.

Adopted Resolution No. 2008-195 authorizing County Administrative Officer to execute documents in connection with Option to Purchase Agreement for acquisition of property located on Mt. Konocti.

Awarded Bid No. 08-27 to Granite Construction in the amount of \$346,317.50 for construction of Main Street pavement rehabilitation and accessibility improvements (from Gunn Street to First Street, Kelseyville), and authorized the Chair to sign all necessary documents.

Approved Amendment No. 4 to Contract between the County of Lake and California Engineering Company, Inc., for engineering and grant management services for Clearlake Oaks Plaza Project (adding new services per change orders authorized by the Board on September 23, 2008, and increasing compensation by \$48,977, funded by CDBG grant and CDBG program income revenues), and authorized the Chair to sign.

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

EXTRA #1 - Consideration of request for necessity of a closed session item not on the posted agenda - Conference with Legal Counsel - Existing Litigation - pursuant to Subdivision (a) of Section 54956.9 - Name of Case: Woll v. County of Lake - On motion of Supervisor Brown 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.

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

There is a need to take immediate action on this matter that arose on Friday, October 31, 2008, which requires discussion by the Board.

This item will be taken up during Closed Session for further discussion.

3. **CITIZEN'S INPUT** - Mr. Ron Raetz spoke on a dangerous bus stop at Blue Lakes.

Mr. Paul Kolb spoke on Quagga Mussel check-points in Lake County.

4. **ITEM A-5 - 9:15 A.M. - (a) PUBLIC HEARING - Protest Hearing for the Proposed Establishment of County Service Area (CSA) #23 - "Zone O" (Clear Lake Riviera) and imposing of assessments; and (b) proposed Resolution accepting and confirming ballot tabulation, all as set forth in the Engineer's Report - (Countywide County Service Area for Road Improvement/Maintenance Program)** - Public Works Director Brent Siemer was present.

Mr. Siemer stated that the ballot process for the possible establishment of CSA 23 -Zone "O" (Clear Lake Riviera), is not determined by the number of ballots received, but is determined by the appointment of costs based upon an analysis of the special and direct benefit to be received by each parcel in the benefit zone from that particular improvement.

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Chair Robey opened the public hearing and the following persons spoke: Mr. Peter Bloomer, Mr. Lois Townsend and Mr. Ed Smith. No one was present wishing to speak and the public hearing was closed.

The final ballot tally for the establishment of Zone "O" - Clear Lake Riviera:

Ayes: 453
Noes: 911

Total Assessment for Zone "O" - Clear Lake Riviera:

For: \$ 57,078
Against: \$114,786

After confirming the ballot tabulation for "Zone O", there was a majority protest and therefore the proposed assessment for Zone "O" - Clear Lake Riviera shall **not** be established.

Supervisor Brown offered Resolution No. 2008-196 accepting and confirming ballot tabulation for the establishment of Zone "O" - Clear Lake Riviera of County Service Area (CSA) No. 23 and it was passed by a roll-call vote (5 ayes).

5. **ITEM A-6 - 9:30 A.M. - Presentation of Proclamation designating the week of November 9-15, 2008, as In-Home Supportive Services Caregiver Week in Lake County** - Supervisor Rushing read the proclamation into the record. The proclamation was presented to Program Manager Michelle Dibble, IHSS Advisory Board members and numerous caregivers.
6. **ITEM A-7 - 9:35 A.M. - Presentation of Proclamation designating the month of November, 2008, as Alzheimer's Awareness Month in Lake County** - Chair Robey read the proclamation into the record. The proclamation was presented to Ms. Betsy Cawn.
7. **ITEM A-8 - 9:45 A.M. - Update on the mobile home park owner responses to proposed Rent Stability Lease Agreement** - Supervisor Farrington stated that letters were sent to the 85 mobile home parks in the unincorporated areas of Lake County, with a response form for the park owners to voice their agreement/disagreement with the lease agreement. There were 21 responses received with 16 "yes" and 5 "no" votes.

Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Ms. Mary Ann McQueen, Mr. Ron Bartolucci, Mr. Richard McCollum, Mr. Andy Rossoff, Mr. Gregory Cavness, Mr. Bob Wall and Mr. Ralph Cowden. No one else was present wishing to speak and the public portion of this item was closed.

This item was continued to December 2, 2008, at 11:00 a.m. for further discussion.

The Board of Supervisors will also be sitting as concurrently the Board of Directors of Lake County Redevelopment Agency.

8. **ITEM A-9 - 10:00 A.M. - PUBLIC HEARING - Consideration of proposed Agreement between the County of Lake, the Lake County Redevelopment Agency and Eskaton Properties, pertaining to transfer of land located at 14102 East Highway 20, Clearlake Oaks, CA - APN 006-550-24 - (pursuant to this agreement the County proposes to pay the Redevelopment Agency's Housing Fund \$145,000 to reimburse the Agency's prior contribution toward Eskaton's acquisition of this property and Eskaton will grant ownership of the property to the County, free of all liens)** - Chief Deputy Administrative Officer Matt Perry was present and gave a brief overview of the transfer.

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

On motion of Supervisor/Director Rushing and by vote of the Board (5 ayes), approved the Agreement between the County of Lake, the Lake County Redevelopment Agency and Eskaton Properties, pertaining to transfer of land located at 14102 East Highway 20, Clearlake Oaks, CA, APN 006-550-24 (pursuant to this agreement, the County will pay the Redevelopment Agency's Housing Fund \$145,000 to reimburse the Agency's prior contribution toward Eskaton's acquisition of this property and Eskaton will grant ownership of the property to the County, free of all liens), and authorize the Chair to sign.

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

Supervisor Rushing offered Resolution No. 2008-197 (accepting conveyance of real property located at 14102 East Highway 20, Clearlake Oaks), and it was passed by a roll-call vote (5 ayes).

9. **ITEM A-10 - 10:15 A.M. - Discussion/consideration of request to rename "Lower Lake Park" as "Russell Rustici Park" (located at 16375 Second Street, Lower Lake)** - Supervisor Smith stated that the Policies and Procedures for naming County buildings, parks and other facilities requires that a person must be deceased for a minimum of two years and asked if the Board could make an exception to this requirement.

County Counsel Anita Grant stated that the Board can waive the policy based on the exceptional contributions Mr. Rustici made to the park.

The gavel was passed to Vice-Chair Rushing.

On motion of Supervisor Robey and by vote of the Board (5 ayes), found that Mr. Rustici had made extraordinary contributions to the Lower Lake Park, which included volunteering his time, contribution of funds for improvements to the park and the purchase of equipment for maintenance of the park, and authorized the renaming of "Lower Lake Park" to "Russell Rustici Park."

The gavel was passed back to Chair Robey.

10. **ITEM A-11 - Advanced from October 21, 2008 - 10:30 A.M. - An Ordinance adding Article XIII to Chapter 9 of the Lake County Code prohibiting the cultivation of genetically engineered crops in Lake County - (Second Reading)** - Chair Robey stated that if the Board does not agree with the current ordinance that is being presented today, he has prepared two additional draft ordinances for the Board's consideration.

Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Mr. Phil Murphy, Mr. Steve Ellis, Ms. Michelle Scully, Mr. Ron Bartolucci, Mr. Tim Strong, Mr. Chuck March and Mr. Steve Hajik.

After a short recess, the Board reconvened at 12:05 p.m. and continued with Item A-11.

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BACK TO #10- ITEM A-11 - Advanced from October 21, 2008 - 10:30 A.M. - An Ordinance adding Article XIII to Chapter 9 of the Lake County Code prohibiting the cultivation of genetically engineered crops in Lake County - (Second Reading) - Chair Robey continued with the public input portion of this item and the following persons spoke: Mr. Broc Zoller, Ms. Joan Moss, Ms. Victoria Brandon, Ms. Sara Ryan, Mr. Larry Hayden, Ms. Martin Sawyer, Ms. Elizabeth Davis, Ms. Anna Ravenwood and Ms. Melissa Fulton. No one else was present wishing to speak and the public portion of this item was closed.

Before taking action, the Board agreed that more time is necessary for review of the two additional ordinances that were presented today.

This item was continued to November 18, 2008, at 1:30 p.m. for further consideration of the draft ordinances. Also, the Board will consider the formation of a Genetically Engineered Crops Task Force/Advisory Committee.

After a short recess, the Board reconvened at 2:03 p.m.

11. ITEM A-13 - (a) Consideration of request for Board direction regarding the level of involvement of the County Administrative Office in the 2010 Census; and (b) Consideration of request to form a "Complete Count Committee" for the purpose of developing and implementing a 2010 Census Awareness Campaign - Senior Administrative Analyst Jennifer Hammond was present and gave a brief overview.

There was consensus by the Board to authorize staff to continue working with the Census Bureau staff to provide room space for testing, hiring and training of Lake County residents who will be employed by the Census Bureau; authorize the 2009 Chair of the Board to appoint a "Complete Count Committee": as recommended by the Census Bureau; and authorize staff to continue working with the Census Bureau to assist the Bureau in its efforts to ensure a complete and accurate population count.

12. ITEM A-14 - Report of the Lake County Board of Supervisors of conditions justifying the extension of an Urgency Ordinance imposing a temporary moratorium in regard to new water connections and adopting emergency water conservation restrictions for County Service Area No. 2, Spring Valley Lakes - Special Districts Administrator Mark Dellinger was present.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the report of the Lake County Board of Supervisors of conditions justifying the extension of an Urgency Ordinance imposing a temporary moratorium in regard to new water connections and adopting emergency water conservation restrictions for County Service Area (CSA) No. 2, Spring Valley Lakes and authorized the Chair to sign.

13. ITEM A-15 - 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 - Chair Robey announced that the Board will now go into Closed Session for the reason stated on the agenda. Extra #1 will also be discussed during Closed Session.

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned at 2:40 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board