

**BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA**

**MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD OCTOBER 21, 2008**

The Honorable Board of Supervisors of Lake County, California, met in regular session this 21<sup>st</sup> day of October 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 9:04 a.m. by Chair Robey. Following a moment of silence, Chair Robey 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-13.

Approved Minutes of the Board of Supervisors meeting held on October 7, 2008.

Adopted Proclamation designating the week of October 23<sup>rd</sup> through October 31<sup>st</sup>, 2008, as Red Ribbon Week in Lake County.

Adopted Proclamation designating the month of October, 2008, as Toastmasters Month in Lake County.

Adopted Resolution No. 2008-184 approving Agreement 08-0502 with the State of California, Department of Food and Agriculture and authorizing execution and signature for pest exclusion activities for Fiscal Year 2008/2009.

Approved First Amendment to Agreement between the County of Lake and Konocti Senior Support, Inc. for senior peer counseling services (increasing the maximum total amount per fiscal year to \$42,000; monthly disbursements of \$3,500), and authorized the Chair to sign.

Approved First Amendment to Agreement between the County of Lake and Lake Family Resource Center for specialty mental health services (increasing the total amount not to exceed \$125,000), and authorized the Chair to sign.

Approved Amendment No. 1 to Agreement between the County of Lake and ZFA Structural Engineers for engineering services for seismic strengthening of Lower Lake Historic Schoolhouse Museum (an increase of \$8,000), and authorized the Chair to sign.

Approved Engineering and Inspection Agreement between County of Lake and Gerald and Gayland Shephard (Lucerne Pharmacy) for review of plans and specifications and inspection of work for a Development Review Permit (DR 08-01), located at 6242 East Highway 20, Lucerne (APN 034-151-10), and authorized the Chair to sign.

Adopted Resolution No. 2008-185 cancelling \$200,000 of the General Fund designation for Lampson Airport Infrastructure Improvements (funds will be made available for a loan to the Lampson Field Capital Project Fund No. 923).

Adopted Resolution No. 2008-186 order approving Final Parcel Map and the signing of the Final Parcel Map (Venge).

Adopted Resolution No. 2008-187 revising the Governing Body Resolutions for Emergency Management Performance Grant (EMPG) and Homeland Security Grants, authorizing Sheriff Rodney Mitchell, Sheriff/Coroner Administrative Manager Mary Beth Strong and/or County Administrative Officer Kelly Cox to sign the financial reimbursement request for receipt of expended funds.

Approved advanced step hiring of Social Worker Tessa Walker due to applicant's extraordinary qualifications (4<sup>th</sup> step of the salary range).

Approved Budget Transfer B-038 in the amount of \$35,000 for replacement of the granular Activated Carbon in the filtration units at the Soda Bay Water Treatment Facility, Budget Unit No. 8480 - CSA #20 Soda Bay Water and authorized the Chair to sign.

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

**Change Order No. 1 - Bear Canyon Zero Booster Pump Station Project** - This change order addresses an upgrade from electrical switchgear from 1600 amp to 4000 amp service.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Change Order No. 1, Terracon Pipelines, Inc., \$24,920.70 (entire amount to be paid by Northern California Power Agency), and authorized the Chair to sign.

3. **ITEM A-14 - Advanced from October 7, 2008 - An Ordinance amending Section 19-93.1 of the Lake County Code pertaining to the minimum amount of public liability and property damage liability coverage for taxicab and/or public transportation vehicles for hire - (Second Reading)** - Supervisor Brown offered Ordinance No. 2877 and it was passed by roll call vote (5 ayes).

4. **ITEM A-15 - Advanced from October 7, 2008 - An Ordinance revising a Permit and Service Fee Schedule for Environmental Health Programs of the Lake County Department of Health Services (decreasing fees applicable to the operation of marinas) - (Second Reading)** - Supervisor Brown offered Ordinance No. 2878 and it was passed by roll call vote (5 ayes).

5. **ITEM A-16 - Consideration of Change Order No. 2 for Riviera Heights Cape Seal Coatings Project affecting a total decrease in contract price of \$1400 (for liquidated damages)** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Change Order No. 2 for Riviera Heights Cape Seal Coatings Project, for a decrease of \$1400, Bond Blacktop, and authorized the Chair to sign.

6. **ITEM A-13 - Consideration of approval of Findings of Fact - Appeal of Ray Williams (AB 08-07) of the Planning Commission's denial of a subdivision consisting of approximately 53 acres to create 13 one-acre parcels and one 40 acre remainder parcel; project is located at 8999 Miwok Way, Kelseyville, CA (APN 009-003-31)** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Findings of Fact and authorized the Chair to sign.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Rushing NO), granted the appeal.

On motion of Supervisor Brown and by vote of the Board (5 ayes), directed staff to conduct the necessary CEQA review of the subject project in order to remand the matter to the Planning Commission.

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7. **ITEM A-5 - 9:15 A.M. - Presentation of Proclamation designating the week of October 23<sup>rd</sup> through October 31<sup>st</sup>, 2008, as Red Ribbon Week in Lake County** - Chair Robey read the Proclamation into the record and presented it to Mental Health - Alcohol and Other Drug Services Friday Night Live Leader Mari Valdez, who spoke. Members of the Lower Lake High School Friday Night Live Club were present and spoke.
8. **ITEM A-6 - 9:20 A.M. - Presentation of Proclamation designating the month of October, 2008, as Toastmasters Month in Lake County** - Chair Robey read the Proclamation into the record and presented it to Greg Scott, who spoke. Members of the Lake County Toastmasters clubs were present and spoke.
9. **ITEM A-7 - 9:30 A.M. - (a) Discussion/consideration of proposed Memorandum of Understanding for the Implementation of the Mercury and Nutrient Total Maximum Daily Loads for Clear Lake; and (b) Consideration of Mercury and Nutrient Total Maximum Daily Loads Monitoring and Implementation Plan for Clear Lake** - Public Works Director Brent Siemer, Deputy Public Works Director Water - Resources Pam Francis and Water Resources Engineer Tom Smythe were present.

Mr. Smythe gave a power point presentation.

Chair Robey asked if anyone was present wishing to speak and the following people spoke: Victoria Brandon, Neil Martin, Frank Arriaza and Lenny Mathews. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), authorized the Chair to sign the Memorandum of Understanding for the Implementation of the Mercury and Nutrient Total Maximum Daily Loads for Clear Lake.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), authorized staff to submit the Monitoring and Implementation Plan, Clear Lake Mercury and Nutrient Total Maximum Daily Loads to the Central Valley Regional Water Quality Control Board on behalf of the County of Lake.

After a brief recess, the Board reconvened at 10:12 a.m.

10. **ITEM A-8 - 10:00 A.M. - Discussion/consideration of proposed Ordinance adding Article XIII to Chapter 9 of the Lake County Code prohibiting the cultivation of genetically engineered crops in Lake County** - Agricultural Commissioner Steve Hajik was present.

Chair Robey introduced this item.

Chair Robey asked if anyone was present wishing to speak and the following people spoke: Jim Fetzer, John LaPointe, Victoria Brandon, Chuck March, John Mitchell, Broc Zoller, Doug Mosel, Kenny Parlet, Michelle Scully, Anna Ravenwood, Susanne LaFaver, Toni Scully, Frank Eggert, Jim Leonardis, Joanne Saccato, JoAnne Van Eck, Carter Irwin, Phil Murphy, Rick Gunier and Melissa Fulton. No one else was present wishing to speak and the public input portion of this item was closed.

After a brief recess, the Board reconvened at 12:51 p.m.

Amendments were made to the face of the ordinance.

On motion of Supervisor Rushing and by vote of the Board (3 ayes, Supervisors Smith and Brown NO), waived the reading of the ordinance, as amended, and had it read in title only. (Clerk so did.)

On motion of Supervisor Rushing and by vote of the Board (3 ayes, Supervisors Smith and Brown NO), advanced the ordinance two weeks, to November 4, 2008.

After a lunch recess, the Board reconvened at 2:36 p.m.

11. **ITEM A-9 - Continued from September 16, 2008 - 1:30 P.M. - Discussion/consideration of recommendations on Cost of Service Rate Study for Water and Wastewater Systems managed by Lake County Special Districts** - Special Districts Administrator Mark Dellinger, CMMO Coordinator John Thompson and Foresight Consultant Greg Clumpner were present.

Mr. Clumpner gave a power point presentation.

Chair Robey asked if anyone was present wishing to speak and the following people spoke: Beth Thompkins, Cathy Jones, Monte Winters, David Jones and John Stonebreaker. No one else was present wishing to speak and the public input portion of this item was closed.

There was Board consensus to accept the findings and recommendations contained in the Cost of Service Rate Study prepared by Foresight Consulting dated July 22, 2008, and directed staff to move forward system by system.

12. **ITEM A-10 - 3:15 P.M. - PUBLIC HEARING - Appeal of Sierra Club Lake Group (AB 08-08) of the Planning Commission's adoption of a Mitigated Negative Declaration based on Initial Study (IS 08-19) for Eachus View Estates (Mark Mitchell) Parcel Map (PM 08-04) to allow a subdivision of 87 acres into 3 residential lots and a Rezone (RZ 08-02) of 8.7 acres from "A-SC-FF" (Agriculture-Scenic-Floodway Fringe-Waterway) to "RR-SC-FF-W-WW-Frozen" (Rural Residential-Scenic-Floodway Fringe-Wetland-Waterway-Special Lot Size); this project is located at 3565, 3585 and 3595 Hill Road, Lakeport, CA (APNs 005-105-35, 005-017-75 and 005-017-77)** - Community Development Director Rick Coel, Victoria Brandon, Steve DeVoto, Shirley Brooks, Chuck Lamb, John Lee, Melissa Fulton and Joan Moss were sworn in by the Clerk.

Mr. Coel presented the staff report.

Ms. Brandon presented testimony.

Chair Robey opened the public hearing that the following people spoke: Mark Mitchell, Steve DeVoto, Shirley Brooks, Chuck Lamb, John Lee, Melissa Fulton and after being sworn in separately, Joan Moss. No one else was present wishing to speak and the public hearing was closed.

On motion of Supervisor Farrington and by vote of the Board (3 ayes, Supervisors Rushing and Robey NO), made an intended decision to deny the appeal AB 08-08 of the Eachus View Estates Parcel Map and Rezone and uphold the decision of the Planning Commission on June 12, 2008.

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On motion of Supervisor Farrington and by vote of the Board (3 ayes, Supervisors Rushing and Robey NO), made an intended decision to deny the appeal AB 08-08 filed by the Sierra Club Lake Group of the Eachus View Estates Parcel Map and Rezone and uphold the decision of the Planning Commission on June 12, 2008, and directed staff to prepared Findings of Fact.

13. **ITEM A-11 - 4:15 P.M. - Discussion/Consideration to direct staff to begin updating the Lakeport Area Plan** - Community Development Director Rick Coel was present.

Supervisor Farrington gave a brief summary of this item.

Mr. Coel assured the Board that approval of Supervisor Farrington's request would not cause a delay in the Shoreline Area Plan, currently underway and near completion. Mr. Coel also confirmed that work on the Middletown Area Plan would not be delayed and could occur simultaneously with work on the Lakeport Area Plan. He expressed his support of starting work on the Lakeport Area Plan as soon as possible.

By Board consensus, staff was directed to proceed with the Lakeport Area Plan.

14. **ITEM A-17 - Consideration of proposed Agreement between the County of Lake and Sierra Air Helicopters for flight services at a rate of \$480 per hour, not to exceed \$50,000** - A typographical error on the agenda was noted, and the hourly rate was corrected to \$490 per hour.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Sierra Air Helicopters for flight services at a rate of \$490 per hour, not to exceed \$50,000, and authorized the Chair to sign.

15. **ITEM A-12 - Supervisors' weekly calendar, travel and reports** - By consensus the Board agreed to cancel the Regular Board meeting the week of November 11, 2008, in observance of the Veterans Day Holiday.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), authorized travel for Supervisor Farrington to Ukiah to meet with Mendocino County officials to discuss the zebra mussel and quagga mussel situation in Lake County.

16. **ITEM A-18 - 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: Title: Mental Health Director 3. Public Employee Performance Evaluation: Title: Special District Administrator** - 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 6:04 p.m. with no action taken.

There being no further business, the Board adjourned at 6:04 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