

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD OCTOBER 7, 2008

The Honorable Board of Supervisors of Lake County, California, met in regular session this 7th day of October 2008, there being present Supervisors Jeff Smith, Denise Rushing, Ed Robey, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner. Supervisor Farrington was absent all day. Supervisor Brown was present later in the day.

The meeting was called to order at 9:02 a.m. by Chair Robey. Chair Robey dedicated the moment of silence to the memory of Russell Rustici of Middletown, followed by 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 (3 ayes, Supervisors Farrington and Brown ABSENT), approved Consent Agenda Items C-1 through C-13, with the exception of C-5, which will be taken up later in the day.

Approved Minutes of the Board of Supervisors meeting held on September 16 and 23, 2008.

Adopted Proclamation designating the week of October 5-11, 2008, as National 4-H Week in Lake County.

Approved Contract between the County of Lake and the Lake County Winery Association for marketing and promotional projects in the amount of \$10,000, and authorized the Chair to sign.

Adopted Resolution No. 2008-177 authorizing the Issuance and Sale of General Obligation Bonds for the Middletown Unified School District.

Adopted Resolution No. 2008-178 approving the Center for Disease Control (CDC) Pandemic Flu and Hospital Preparedness Program (HPP) Grant Application with the State of California, Department of Public Health for Fiscal Year 08/09, and authorized the Chair to sign Supplantation Certification.

Approved First Amendment to Contract between the County of Lake and Drug Abuse Alternative Center (DAAC) Turning Point for intensive and residential treatment in the amount of \$15,000 and authorized the Chair to sign.

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

(a) Adopted Resolution No. 2008-179 authorizing the Director of Public Works to sign Local Agency-State Supplements to Administering Agency-State Agreement for State-Funded Projects Agreement No. 00172S establishing funding for preliminary engineering, Right-of-Way, construction engineering and construction for State-Aid projects; and (b) Approved the Master Agreement between the County of Lake and the State of California, Department of Transportation, establishing terms and conditions for the administration, right-of-way acquisition, management and maintenance of property and fiscal provisions of State-Aid Projects funded by State-only dollars, for the rehabilitation of State Street Project in Kelseyville, CA and authorized the Chair to sign.

Adopted Resolution No. 2008-180 Amending Resolution No. 2008-153 Establishing Position Allocations for Fiscal Year 2008/2009, Budget Unit No. 8695 - Special Districts (Deleting one Capacity Management Operations and Maintenance (CMOM) Coordinator I/II allocation and adding one CMOM Coordinator I/II/CMOM Engineer I/II allocation)

Sitting as the Board of Directors of the Lake County Sanitation District, accepted dedication and conveyance of mainline sewer extension, for purpose of providing sewer service, Rick Harsha, located at 10825 Lakeshore Drive, Clearlake (APN 036-271-19), and directed the Clerk to certify for recordation.

Sitting as the Board of Directors of the Lake County Sanitation District, accepted dedication and conveyance of mainline sewer extension, for purpose of providing sewer service, Hans Fogle, located at 10829 Lakeshore Drive, Clearlake (APN 036-271-14), and directed the Clerk to certify for recordation.

Sitting as the Board of Directors of the Lake County Watershed Protection District, (a) approved Conservation Easement Deed between the Lake County Watershed Protection District and the State of California Wildlife Conservation Board for one parcel acquired by the County located in the Middle Creek Flood Damage Reduction Project Area (APN 004-022-240) and authorized the Chair to sign; and (b) authorized the payment of \$50,000 from Budget Unit #8109 Flood General, to the Department of Fish and Game Wildlife Conservation Board for the establishment of the Middle Creek Conservation Easement Fund.

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

Change Order No. 1 for Bartlett Springs Road (PM 0.5, 0.9, 1.2, 1.9), Bid No. 08-17 - Public Works Director Brent Siemer was present.

This Change order reflects deletion of the culvert, headwall and energy dissipater from the above referenced project.

On motion of Supervisor Rushing and by vote of the Board (3 ayes, Supervisors Farrington and Brown ABSENT), approved Change Order No. 1, Gregg Simpson Trucking, for a decrease of \$5,858.00, and authorized the Chair to sign.

3. **ITEM A-11 - Consideration of proposed letter of support/intention to host the American Triple-T three-day triathlon event in Lake County** - On motion of Supervisor Rushing and by vote of the Board (3 ayes, Supervisors Farrington and Brown ABSENT), approved the letter of support/intention to host the American Triple-T three-day triathlon event in Lake County and authorized the Chair to sign.

4. **ITEM A-12 - Consideration of proposed 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** - On motion of Supervisor Smith and by vote of the Board (3 ayes, Supervisors Farrington and Brown ABSENT), waived the reading of the ordinance and had it read in title only. (The Clerk so did.)

On motion of Supervisor Smith and by vote of the Board (3 ayes, Supervisors Farrington and Brown ABSENT), advanced the ordinance two weeks, to November 21, 2008.

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5. **ITEM A-5 - 9:15 A.M. - Informational presentation by Redbud Community Hospital regarding its partnership with St. Helena Hospital, new hospital programs, emergency room expansion, expansion of services at the Hidden Valley Lake Clinic and the new Kelseyville Family Health Clinic** - Redbud Community Hospital Sr. Vice President of Operations Linda Gibson gave a power point presentation.

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

6. **ITEM A-13 - Consideration of proposed 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)** - Environmental Health Director Ray Ruminski and Administrative Manager Denise Pomeroy were present.

On motion of Supervisor Smith and by vote of the Board (3 ayes, Supervisors Farrington and Brown ABSENT), waived the reading of the ordinance and had it read in title only. (The Clerk so did.)

On motion of Supervisor Smith and by vote of the Board (3 ayes, Supervisors Farrington and Brown ABSENT), advanced the ordinance two weeks, to November 21, 2008.

7. **ITEM A-6 - 9:45 A.M. - Public Hearing - Planning Commission's recommendation for approval of a two (2) year extension of time of a tentative subdivision map to create 15 residential lots on 18 acres based on Initial Study IS 05-44, for project Applicant Thomas and Anna Macomber; project is located at 5800 Wilkinson Road, Middletown, CA (APN 008-052-30)** - Community Development Director Rick Coel and Associate Planner Kevin Ingram were present.

Mr. Ingram presented the staff report.

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

On motion of Supervisor Smith and by vote of the Board (3 ayes, Supervisors Farrington and Brown ABSENT), found the Mitigated Negative Declaration, previously prepared for Subdivision SD 05-06, Use Permit UP 05-11, and Deviation DV 05-06 does not meet the requirements of Section 15162(a) of the CEQA Guideline, and that no additional environmental review need be prepared with the findings listed in the memo dated September 12, 2008.

On motion of Supervisor Smith and by vote of the Board (3 ayes, Supervisors Farrington and Brown ABSENT), approved an extension of time for Subdivision 05-06, Use Permit 05-11 and Deviation 05-06 for a period of two years to April 27, 2010, with the findings listed in the memo dated September 12, 2008.

8. **ITEM A-7 - 9:55 A.M. - Presentation of Proclamation designating the week of October 5-11, 2008, as National 4-H Week in Lake County** - Chair Robey read the Proclamation into the record and presented it to Bryce Hayes, who spoke. Many 4-H members and leaders were present.

9. **ITEM A-8 - 10:00 A.M. - Consideration of approval of Middletown Area Town Hall (MATH) revised by-laws** - Chair Robey gave a brief summary of the item.

On motion of Supervisor Smith and by vote of the Board (3 ayes, Supervisors Farrington and Brown ABSENT), approved the Middletown Area Town Hall (MATH) revised by-laws.

10. **ITEM A-14 - Consideration of request from Habitat for Humanity to reconsider Lake County Sanitation District requirement for hiring a contractor to construct lateral sewer line at 3418 14th Street, Clearlake, CA (APN 038-221-090)** - County Administrative Officer Kelly Cox explained that Habitat for Humanity and Special Districts had reached an agreement, therefore this item would not need to go before the Board for consideration.

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

11. **ITEM A-15 - Consideration of proposed Resolution awarding the Contract for Southeast Effluent Reservoir Outlet modifications to Underwater Resources, Inc., Bid No. SD 09-01, in the amount of \$137,000** - The passage of this resolution would require a 4/5 vote of the Board. Due to the absence of Directors Farrington and Brown, this item was carried over to later in the day.

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

12. **ITEM A-10 - Supervisors' weekly calendar, travel and reports** - Chair Robey and Supervisor Smith spoke regarding naming the Lower Lake Park in the memory of Russell Rustici, who purchased many of the park furnishings over the years, in support of the community.

13. **ITEM A-18 - Board of Supervisors/County Counsel - 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: County Administrative Officer 3. Public Employee Performance Evaluation: Title: Public Works Director** - 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 11:20 a.m. with no action taken.

After a lunch recess, the Board reconvened at the Spring Valley Homeowners Association Clubhouse at 3000 Wolf Creek Road, Clearlake Oaks, at 2:30 p.m. Present were Supervisors Jeff Smith, Denise Rushing, Rob Brown, Ed Robey, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner. Supervisor Farrington was absent.

14. **ITEM A-9 - Continued from September 23, 2008 - 2:30 P.M. - PUBLIC HEARING - Consideration of a proposed Urgency Ordinance adopting emergency water conservation restrictions for County Service Area (CSA) No. 2 - Spring Valley Lakes** - Deputy County Administrative Officer Jeff Rein, Special Districts Administrator Mark Dellinger and CMMO Coordinator John Thompson were present.

Chair Robey opened the public hearing and the following people spoke: Jim Hershey, Monte Winters, Florence Kinder, Jim Fluker, Jeff Smith, Cathy Jones, David Jones, Evelyn Balsley, Don Scott, Ed Smith, Tom Tompkins, Ernie Lahti, Cherylann Nutting and John Stonebreaker. No one else was present wishing to speak and the public hearing was closed.

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

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Supervisor Rushing offered Ordinance No. 2876, and it was passed by roll call vote (4 ayes, Supervisor Farrington ABSENT).

- 15. **CONSENT AGENDA ITEM C-5 - Consideration of proposed Budget Transfer B-021 in the amount of \$19,575 to provide District Attorney's share of cost for repayment to the Department of Justice based on the findings of the Southwest Borders Program Audit** - On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved Budget Transfer B-021 in the amount of \$19,575 to provide the District Attorney's share of cost for repayment to the Department of Justice based on the findings of the Southwest Borders Program Audit and authorized the Chair to sign.

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

- 16. **ITEM A-15 - Consideration of proposed Resolution awarding the Contract for Southeast Effluent Reservoir Outlet modifications to Underwater Resources, Inc., Bid No. SD 09-01, in the amount of \$137,000** - Special Districts Administrator Mark Dellinger was present.

Director Rushing offered Resolution 2008-181, and it was passed by roll call vote (4 ayes, Director Farrington ABSENT).

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

- 17. **ITEM A-16 - Continued from September 23, 2008 - Consideration of proposed budget transfers and First Amendment to Contract between the County of Lake and Foresight Consulting for augmentation to Rate and Financial Study in the amount of \$7,920** - Special Districts Administrator Mark Dellinger presented the staff report.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved Budget Transfer B-026 in the amount of \$1,155 to cover the cost of Consultant's services specifically related to review of RCAC Study that was prepared on behalf of CSA #2, and authorized the Chair to sign.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the First Amendment to Contract between the County of Lake and Foresight Consulting for augmentation to Rate and Financial Study in the amount of \$7,920, and authorized the Chair to sign.

There being no further business, the Board adjourned at 5:15 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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