



MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 23, 2008

The Honorable Board of Supervisors of Lake County, California, met in regular session this 23rd day of September 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, 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-14, with the exception of C-11, which will be taken up immediately following the Consent Agenda.

Approved Minutes of the Board of Supervisors meeting held on September 9, 2008.

Adopted Proclamation designating the week of September 21 - 27, 2008, as Child Passenger Safety Week in Lake County.

Approved Agreement between the County of Lake Marketing and Economic Development Program and the Lake County Winegrape Commission to fund marketing and economic development projects in the amount of \$20,000, and authorized the Chair to sign.

Approved First Amendment to Agreement between the County of Lake and Olga Segal, M.D. for specialty mental health services for Fiscal Year 2008/2009 (not to exceed \$72,800), and authorized the Chair to sign.

Approved First Amendment to Agreement between the County of Lake and Lake County Community Action Agency (LCCAA) for provision of perinatal treatment for pregnant or parenting women experiencing alcohol or drug related problems for Lake County Residents for Fiscal Year 2008/2009, in the amount of \$29,758, and authorized the Chair to sign.

Approved First Amendment to Agreement between the County of Lake and Ford Street Project Residential and Social Model Detoxification Services for Lake County residents for Fiscal Year 2008/2009, in the amount of \$5,000, and authorized the Chair to sign.

Approved First Amendment to Agreement between the County of Lake and Community Care HIV/AIDS Program for provision of HIV/AIDS counseling and case management services for Lake County residents for Fiscal Year 2008/2009, in the amount of \$13,000, and authorized the Chair to sign.

Approved Contract between the County of Lake and Lake County Community Action Agency (LCCAA) for provision of alcohol and drug counseling services to Lake County adolescents attending New Beginnings Highland High School for Fiscal Year 2008/2009, (not to exceed \$75,000), and authorized the Chair to sign.

Approved Amendment Three to Agreement between the County of Lake and Pavement Engineering, Inc., for engineering services for design of rehabilitation improvements in Downtown Upper Lake, in the amount of \$57,387, and authorized the Chair to sign.

Adopted Resolution No. 2008-174 authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under agreement dated July 8, 2008 (Elk Mountain Road Baserock Placement Project).

Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 044-421-080 - Beverly John), approved Purchase Agreement between the County of Lake and Beverly John for Soda Bay Road/Big Valley Rancheria Road Rehabilitation Project and authorized the Chair to sign.

2. **CONSENT AGENDA C-11 - Consideration of proposed Resolution authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under agreement dated March 25, 2008 (Riviera Heights Cape Seal Coating Project - Riviera Heights Subdivision, Kelseyville)** - Supervisor Brown offered Resolution No. 2008-175 and it was passed by roll call vote (5 ayes).

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

Clearlake Oaks Plaza Project Change Order - Request for Approval in Concept - This change order addresses surplus grant funds designated for this project.

Deputy Redevelopment Agency Director Eric Seely presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved, in concept, the Clearlake Oaks Plaza Project Change Order, and authorized the County Administrative Officer to execute the necessary Change Orders, in an amount not to exceed those listed in the staff memorandum dated September 22, 2008.

CITIZEN'S INPUT - Dante DeAmicis spoke regarding Channel 8 coverage of the District 1 Candidate Forum.

Administrative Officer Kelly Cox introduced Chief Probation Officer Meredith Helton to the Board.

4. **ITEM A-5 - Continued from May 6, June 3, July 15, and August 12, 2008 - 9:15 A.M. - PUBLIC HEARING - Appeal of Ronald Jacobs (AB 08-03 of the Planning Commission's decision to grant the appeal of Erik Thorsen, Trustee, Edgar F. Thorsen Trust, regarding the issuance of a Lakebed Encroachment Permit and supporting California Environmental Quality Act (CEQA) Notice of Exemption to Ronald Jacobs for the construction of pier/covered deck/gangway/suspended platform/covered electric boat lift; project located at 1925 Westlake Drive, CA (APN 044-171-18 - Erik Thorsen, Trustee, Edgar F. Thorsen Trust)** - Counsel for the appellant submitted a request via fax for a 30 day continuance on this item to allow for further negotiations by the two parties.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 23, 2008

Chair Robey opened the public hearing. No one was present wishing to speak and the public hearing was continued for 35 days, to October 28, 2008, at 10:15 a.m.

5. **ITEM A-15 - (a) Consideration of proposed Resolution approving the necessary documents to achieve the transfer of responsibility and transfer of title of the South Civic Center from the County to the State; authorizing the Board Chairman to sign the Grant Deed transferring said title; and authorizing the County Administrative Officer to act on the County's behalf in all other matters remaining to effect the transfer of title; (b) Consideration of proposed Memorandum of Joint Occupancy Agreement; (c) Consideration of proposed Transfer Agreement between the County of Lake, Judicial Council of California and Administrative Office of the Courts for the transfer of responsibility for court facility; (d) Consideration of proposed Joint Occupancy Agreement between the County of Lake, Judicial Council of California and Administrative Office of the Courts; and (e) Consideration of proposed Memorandum of Understanding between County of Lake, Judicial Council of California and Administrative Office of the Courts for court facility services relating to South Civic Center Court Facility - Chief Deputy County Administrative Officer Matt Perry presented the staff report.**

(a) Supervisor Brown offered Resolution No. 2008-176, and it was passed by roll call vote (5 ayes).

(b) On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Memorandum of Joint Occupancy Agreement and authorized the Chair to sign.

(c) On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Transfer Agreement between the County of Lake, Judicial Council of California and Administrative Office of the Courts for the transfer of responsibility and authorized the Chair to sign.

6. **ITEM A-16 - Advanced from September 9, 2008 - (a) An Ordinance amending Chapter 2 of the Lake County Code to revise the mileage reimbursement rate for Grand Jurors - (second reading); and Advanced from September 9, 2008 (b) An Ordinance amending Chapter 2 of the Lake County Code to revise the mileage reimbursement rate for the Board of Supervisors - (second reading) - Supervisor Brown offered Ordinance No 2873, amending Chapter 2 of the Lake County Code to revise the mileage reimbursement rate for Grand Jurors, and it was passed by roll call vote (5 ayes).**

Supervisor Brown offered Ordinance No 2874, amending Chapter 2 of the Lake County Code to revise the mileage reimbursement rate for the Board of Supervisors, and it was passed by roll call vote (5 ayes).

7. **ITEM A-17 - Consideration of request for out-of-state travel for Public Works Bridge Specialist Michael Loucks to Seaside, Oregon, from October 6th - 8th, 2008, to attend the Pacific Northwest Annual Bridge Maintenance Conference - Public Works Director Brent Siemer presented the staff report.**

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved out-of-state travel for Public Works Bridge Specialist Michael Loucks to Seaside, Oregon, from October 6th - 8th, 2008, to attend the Pacific Northwest Annual Bridge Maintenance Conference.

8. **ITEM A-18 - (a) Consideration of request for approval of the following purchase orders for construction of the Big Canyon Road Maintenance Project: (1) Western Stabilization for pavement pulverization in an amount not to exceed \$30,000; (2) Epidendio Construction for base rock, amount not to exceed \$30,000; and (3) Pacific Enzymes for Permazyme, amount not to exceed \$10,015; and (b) Authorize Public Works Director to execute such purchase orders as necessary to complete the project - Public Works Director Brent Siemer presented the staff summary.**

(a) On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the purchase orders for the following: 1) Western Stabilization for pavement pulverization in an amount not to exceed \$30,000; 2) Epidendio Construction for base rock in an amount not to exceed \$30,000; and 3) Pacific Enzymes for Permazyme in an amount not to exceed \$10,015.

(b) On motion of Supervisor Brown and by vote of the Board (5 ayes), authorized Public Works Director Brent Siemer to execute such purchase orders as are necessary to complete the project.

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

9. **ITEM A-20 - Consideration of proposed Amendment No. 1 to Disposition and Development Agreement between the Lake County Redevelopment Agency and Eskaton Clearlake Oaks Manor (to provide up to \$75,000 for off-site improvements) - Chief Deputy County Administrative Officer Matt Perry presented the staff summary.**

On motion of Director Rushing and by vote of the Board (5 ayes), approved Amendment No. 1 to the Disposition and Development Agreement between the Lake County Redevelopment Agency and Eskaton Clearlake Oaks Manor to provide up to \$75,000 for off-site improvements, and authorized the Chair to sign.

10. **ITEM A-21 - Consideration of proposed Agreement by and between the Lake County Redevelopment Agency and the Northshore Fire Protection District to provide funding in the amount of \$100,000 to be used toward the purchase of a fire engine - County Administrative Officer Kelly Cox presented the staff summary.**

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

On motion of Director Rushing and by vote of the Board (5 ayes), determined that the purchase of a fire engine for the Northshore Fire Protection District is of benefit to the Northshore Project Area, that there is no other reasonable means of financing the purchase of said fire engine, that the fire engine will eliminate or assist in the elimination of blight or a blighting condition.

On motion of Director Rushing and by vote of the Board (5 ayes), approved the Agreement by and between the Lake County Redevelopment Agency and the Northshore Fire Protection District for the purchase of a fire engine and authorized the Chair to sign.

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

11. **ITEM A-6 - 10:00 A.M. - Presentation of Lake County Library Advisory Board Annual Report - Librarian Kathy Jansen and Assistant County Librarian Susan Clayton were present.**

Ms. Jansen presented the annual report.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 23, 2008

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

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

12. **ITEM A-7 - 10:15 A.M. - (a) Update on Lucerne Senior Center repairs and building evaluation; and (b) Consideration of options for the County of Lake and the Lake County Redevelopment Agency to assist the Center in funding its most urgent needs and request for Board direction relative to such assistance** - Supervisor Rushing introduced this item.

Administrative Officer Kelly Cox presented the staff report

Chair Robey asked if anyone was present wishing to speak and the following people spoke: Lona Jeppeson, Lee Tyree, John Eells, Pat Jonas-Voulgaris, Louise Talley, Donna Christopher, Gary Zimmer, Craig Bach, Tracy Beards, Mike Blake and Jack Bettencourt. No one else was present wishing to speak and the public input portion of this item was closed.

There was Board consensus to direct staff to work with the Lucerne Senior Center Board and staff to secure competitive bids for electrical repairs, to be funded by the Lake County Redevelopment Agency.

Staff was also directed to consider options for funding of the repairs of the kitchen hood repair, and return a recommendation to the Board for consideration on a future date.

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

After a brief recess, the Board reconvened at 11:22 a.m.

13. **ITEM A-8 - 10:45 A.M. - Update on the Child Support Automated Program that will take effect on October 1, 2008** - Child Support Services Director Gail Woodworth presented the update to the Board.

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

14. **ITEM A-9 - 10:55 A.M. - Presentation of Proclamation designating the week of September 21 - 27, 2008, as Child Passenger Safety Week in Lake County** - Supervisor Rushing read the Proclamation into the record and presented it to Tammy Alakszay, who spoke.

15. **ITEM A-10 - 11:00 A.M. - Informational presentation regarding the Anasazi software implementation and mental health data management** - Mental Health Director Kristy Kelly presented the update to the Board.

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

16. **ITEM A-11 - 11:15 A.M. - Discussion/consideration of proposed amendments to Ordinance 2560 regarding compliance with the enclosure of refuse containers (dumpsters) for commercial/industrial uses and the removal of household refuse containers from public right-of-ways other than 12 hours before and after the collection times** - Community Development Director Rick Coel, Code Enforcement Manager Voris Brumfield, Deputy Public Services Director Caroline Chavez and Bruce McCracken were present.

After an introduction by Chair Robey, Ms. Brumfield gave a power point presentation on options regarding this issue.

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

There was Board directed staff to research similar policies in other Counties and return a recommendation to the Board for consideration at a future date.

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

17. **ITEM A-12 - Continued from September 16, 2008 - 11:45 A.M. - Discussion/consideration of modifications to Special District's Capacity Analysis/Hydraulic Model Policy and consideration of modifications to the mitigation requirements of the Carl's Jr. Project (APN 010-043-34 - 1589 Dam Road Extension)** - Special Districts Administrator Mark Dellinger presented the staff summary.

Chair Robey asked if anyone was present wishing to speak and the following people spoke: W.T. Cole, Jim Hunninger, Dave Hughes, Robert Wisely and Joan Moss. No one else was present wishing to speak and the public input portion of this item was closed.

Director Farrington was absent at 12:15 p.m. and remained absent for the rest of the day.

On motion of Director Smith and by vote of the Board (4 ayes, Director Farrington ABSENT), approved the Security, Indemnification and Regulatory Agreement between the Lake County Sanitation District and Barry Johnson and/or Superior Acquisitions, Inc., and authorized the Chair to sign.

After a lunch recess, the Board reconvened at 2:33 p.m.

Supervisors Farrington and Brown were absent for the remainder of the day.

18. **ITEM A-13 - 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** - Chair Robey announced that the proposed Urgency Ordinance would require a 4/5 vote of the Board. With two Supervisors absent, this item could be discussed, but the Board would be unable to take action today.

Chair Robey opened the public hearing and Monte Winters spoke. No one else was present wishing to speak and the public hearing was continued two weeks, to October 7, 2008, at 2:30 p.m. The Board will convene for this item at the Spring Valley Community Center, 3000 Wolf Creek Road, Clearlake Oaks.

19. **ITEM A-22 - Advanced from September 16, 2008 - An Ordinance establishing a fee in the amount of \$20 to be collected by the Treasurer-Tax Collector for the cost of preparing delinquent tax records and giving notice of delinquency (second reading)** - Supervisor Smith offered Ordinance 2875 and it was passed by roll call vote (3 ayes, Supervisors Farrington and Brown ABSENT).

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 23, 2008

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

20. **ITEM A-19 - 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** - This item was carried over two weeks to October 7, 2008.

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

21. **ITEM A-23 - 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: Child Support Services Director 3. Existing Litigation: Woll v. County of Lake 4. Conference with Legal Counsel - Anticipated Litigation - (a) Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9: One Potential Case 5. Conference with Real Property Negotiators: (a) Property: APNs 008-032-46, 58, 59, 60 (Property situated on Lampson Field) (b) Under Negotiation: Price and terms (c) Negotiating Parties: County: Brent Siemer; Owner: Alastair Falconer Trust** - 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 4:20 p.m. with no action taken.

There being no further business, the Board adjourned at 4:20 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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