



MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD APRIL 14, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 14th day of April, 2009, there being present Supervisors Jim Comstock, Jeff Smith, Anthony Farrington, Rob Brown and Denise Rushing, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner.

The meeting was called to order at 9:01 a.m. by Chair Rushing. Following the moment of silence, Supervisor Farrington led the salute to the flag of the United States of America.

1. **ITEM A-1 - APPROVAL OF THE CONSENT AGENDA** - On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-10.

Adopted Proclamation designating the week of April 12-18, 2009, as "National Public Safety Telecommunications Week in Lake County."

Appointed Eliza Wingate to the Animal Control Advisory Board (Member-at-Large category), for a term expiring on January 1, 2011.

Approved Agreement between the County of Lake and Alta Planning + Design for development of the Konodi Regional Trails Plan (\$49,450 funded by TOT set aside for multi-purpose pathways and hiking trails), and authorized the Chair to sign.

Approved letter to Josie Talamantez, Chief of Programs, California Arts Council, designating the Lake County Arts Council as County's authorized Partner to the California Arts Council, and authorized the Chair to sign.

Waived the 900 hour limit for extra-help Accounting Technician Eldra King (not to exceed 1000 hours).

Waived the 900 hour limit for extra-help Janitor Diana Hasty (not to exceed 1000 hours).

(a) Approved the Local Planning Council County Priorities Report Form, as revised; and (b) Appointed Vicki Hays to the Lake County Child Care Planning and Development Council (Public Agency representative), for a term expiring on January 1, 2012.

Approved Agreement between the County of Lake and Alpha Analytical Laboratories, Inc. for laboratory services (water sampling at Eastlake Landfill), in the amount of \$37,675, for three years and authorized the Chair to sign.

Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 016-033-05 - John F. Schmitt-Trustee and Elise S. Schmitt-Trustee), and approved Purchase Agreement between the County of Lake and John F. Schmitt and Elise Schmitt for Bartlett Springs Road Damage Project in the amount of \$500, and authorized the Chair to sign.

(a) Approved Budget Transfer B-196 in the amount of \$1,050, for additional costs of the Coplogic software installation, Budget Unit No. 2201-Sheriff/Coroner; (b) Approved Agreement between the County of Lake and Coplogic, Inc. for software support; (c) Approved License Agreement between the County of Lake and Coplogic Inc.; (d) Approved Third Amendment to Agreement between the County of Lake and Sun Ridge Systems, Inc. for the purchase and installation of RIMS CoplogicLink Software (in the total amount of \$23,032 for the three agreements), and authorized the Chair to sign all documents.

2. **ITEM A-2 - Presentation of animals that are available for adoption at the Lake County Animal Care and Control Shelter** - Animal Care and Control Officer Eric Wood presented two felines currently available for adoption.

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

Extra #1 - Consideration of proposed Resolution expressing support for Lower Lake Parade and Barbeque in the community of Lower Lake (to be held from 11:00 a.m. through 3:00 p.m. on May 24, 2009) - Supervisor Jim Comstock gave a brief summary.

On motion of Supervisor Comstock 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 taken up by the Board for the following reason:

This item was inadvertently omitted from the April 7, 2009 agenda. The deadline to submit the item is before the next regularly scheduled Board meeting.

Supervisor Comstock offered Resolution No. 2009-43 and it was passed by roll call vote (5 ayes).

4. **ITEM A-17 - Consideration of request for out-of-state travel for Public Health Nursing Director Jane MacLean from May 3-6, 2009, to attend the 2009 Association of State and Territorial Directors of Nursing (ASTDN) Annual Conference in Oklahoma City, Oklahoma (costs to be paid by non-county sources)** - On motion of Supervisor Smith and by vote of the Board (5 ayes), approved out-of-state travel for Public Health Nursing Director Jane MacLean from May 3-6, 2009, to attend the 2009 Association of State and Territorial Directors of Nursing (ASTDN) Annual Conference in Oklahoma City, Oklahoma (costs to be paid by non-county sources).

5. **ITEM A-23 - Advanced from April 7, 2009 - An Ordinance establishing a fee schedule for services provided by the Treasurer-Tax Collector - (Second Reading)** - Supervisor Brown offered Ordinance No. 2896 and it was passed by roll call vote (5 ayes).

6. **ITEM A-15 - Discussion/consideration of proposed Agreement between the County of Lake and Ernst Architects for a building evaluation of the Historic Lucerne Hotel, in the amount of \$25,100** - County Administrative Officer Kelly Cox gave a brief summary.

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On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Ernst Architects for a building evaluation of the Historic Lucerne Hotel, in the amount of \$25,100, and authorized the Chair to sign.

7. **ITEM A-5 - 9:15 A.M. - Presentation of Proclamation designating the week of April 12-18, 2009, as "National Public Safety Telecommunications Week in Lake County"** - Supervisor Brown read the proclamation into the record and presented it to Sheriff Rod Mitchell, who spoke.

BACK TO ITEM A-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:

EXTRA #2 - Consideration of request for authorization to submit a grant application to the U.S. Department of Justice for Combating Criminal Narcotics Activity Stemming from the Southern Border of the United States: Combating Criminal Narcotics Activity along the Southern Border - Sheriff Rod Mitchell was present.

On motion of Supervisor Smith 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 taken up by the Board for the following reason:

This application is part of the Federal Stimulus program. Due to the short notice and time frames on completion of the application, this item was not posted on a regular agenda.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved submission of the grant application to the U.S. Department of Justice for Combating Criminal Narcotics Activity Stemming from the Southern Border of the United States: Combating Criminal Narcotics Activity along the Southern Border.

EXTRA #3 - (a) Consideration of request in concept for authorization to submit a grant application to the U.S. Department of Justice: Edward Byrne Memorial Justice Assistance Grant (JAG) Program for funding the initiation of a Special Victims/Vulnerable Persons Unit; and (b) Setting of public hearing on April 21, 2009, at 11:30 a.m. regarding grant application - Sheriff Rod Mitchell was present.

On motion of Supervisor Smith 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 taken up by the Board for the following reason:

This application is part of the Federal Stimulus program. Due to the short notice and time frames on completion of the application, this item was not posted on a regular agenda.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved submission in concept of the grant application to the U.S. Department of Justice: Edward Byrne Memorial Justice Assistance Grant (JAG) Program for funding the initiation of a Special Victims/Vulnerable Persons Unit.

On motion of Supervisor Brown and by vote of the Board (5 ayes), set the public hearing on April 21, 2009, at 11:30 a.m. regarding the grant application.

EXTRA #4 - Consideration of request for authorization to submit a grant application to the U.S. Department of Justice for Assistance to Rural Law Enforcement to Combat Crime and Drugs for the funding of one Deputy Sheriff/Investigator position assigned to gangs and gang related activities - Sheriff Rod Mitchell was present.

On motion of Supervisor Smith 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 taken up by the Board for the following reason:

This application is part of the Federal Stimulus program. Due to the short notice and time frames on completion of the application, this item was not posted on a regular agenda.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved submission in concept, of the grant application to the U.S. Department of Justice for Assistance to Rural Law Enforcement to Combat Crime and Drugs for the funding of one Deputy Sheriff/Investigator position assigned to gangs and gang related activities.

8. **ITEM A-6 - Continued from March 17, 2009 - 9:30 A.M. - Presentation by the University of California-Davis regarding Clear Lake mercury studies** - Dr. Thomas Suchanek gave a power point presentation.

Chair Rushing asked if anyone was present wishing to speak and Dr. John Zebelean spoke. No one else was present wishing to speak and the public input portion of this item was closed.

This item was informational only. The Board took no action on this item.

After a brief recess, the Board reconvened at 10:38 a.m.

The Board of Supervisors adjourned and convened as the Lake County Housing Commissioners.

Commissioner Deborah Figueroa was present.

9. **ITEM A-7 - 10:15 A.M. (a) Consideration of approval of the Public Housing Agency (PHA) Five-Year Plan for 2010/2014; and (b) Consideration of approval of PHA Certification of Conformity with the Civil Rights Act** - Social Services Director Carol Huchingson and Housing Program Manager Steve Citron were present.

The following items were inadvertently omitted from today's agenda and also were considered by the Commission:

(c) Consideration of proposed Resolution approving the PHA Certificate of Compliance with the PHA Plans and related regulations (Board Resolution to accompany the PHA Five-Year and Annual PHA Plan); and (d) Consideration of approval of the Section 8 Administrative Plan revisions of March 10, 2009 -

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Chair Rushing asked if anyone was present wishing to speak and Andy Rossoff spoke. No one else was present wishing to speak and the public input portion of this item was closed.

(a and d) On motion of Commissioner Smith and by vote of the Board (6 ayes), approved the Public Housing Agency (PHA) Five-Year Plan for 2010/2014 and the March 10, 2009 revisions to the Section 8 Administrative Plan.

(b) Commissioner Smith offered Resolution No. 2009-45, (PHA Certificate of Compliance with the PHA Plans and related regulations), and it was passed by roll call vote (6 ayes).

(c) On motion of Commissioner Smith and by vote of the Board (6 ayes), approved the PHA Certification of Conformity with the Civil Rights Act and authorized the Chair to sign.

The Lake County Board of Housing Commissioners adjourned and reconvened as the Board of Supervisors.

10. **ITEM A-8 - 10:30 A.M. - Presentation of the annual report by the Lake County Library** - County Librarian Susan Clayton and Library Advisory Board Chair Jo Bennett were present.

Ms. Bennett made a presentation to the Board regarding the Redbud Library.

This item was informational only. The Board took no action on this item.

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

11. **ITEM A-9 - 10:45 A.M. - PUBLIC HEARING - Consideration of proposed Ordinance amending the Sewer Use Ordinance (Appendix A of the Lake County Code), concerning public sewer connection charges** - Special Districts Administrator Mark Dellinger gave a brief summary.

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

On motion of Director Brown and by vote of the Board (5 ayes), waived the reading of the ordinance, and had it read in title only. (Clerk so did).

On motion of Director Brown and by vote of the Board (5 ayes), advanced the ordinance one week, to April 21, 2009.

The Board of Directors of the Lake County Sanitation District adjourned and convened as the Board of Directors of Kelseyville County Waterworks District #3.

12. **ITEM A-10 - 11:00 A.M. - PUBLIC HEARING - Consideration of proposed Ordinance amending the Sewer Use Ordinance (Appendix B of the Lake County Code) concerning fees and charges for permits, inspections and construction** - Special Districts Administrator Mark Dellinger gave a brief summary.

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

On motion of Director Brown and by vote of the Board (5 ayes), waived the reading of the ordinance, and had it read in title only. (Clerk so did).

On motion of Director Brown and by vote of the Board (5 ayes), advanced the ordinance one week, to April 21, 2009.

The Board of Directors of Kelseyville County Waterworks District #3 adjourned and reconvened as the Board of Supervisors.

13. **ITEM A-22 - Consideration of proposed Resolution authorizing cancellation of Paradise Valley Capital Improvement Reserve designation in the amount of \$12,000 to fund improvements to the water system** - Special Districts Administrator Mark Dellinger gave a brief summary.

Chair Rushing asked if anyone was present wishing to speak and Tom Nickel spoke. No one else was present wishing to speak and the public input portion of this item was closed.

Supervisor Brown offered Resolution No. 2009-46 and it was passed by roll call vote (5 ayes).

14. **ITEM A-11 - 11:15 A.M. - PUBLIC HEARING - Consideration of proposed Ordinance establishing fees charged by the County Coroner** - Sheriff Rod Mitchell gave a brief summary.

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

On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the reading of the ordinance, and had it read in title only. (Clerk so did).

On motion of Supervisor Brown and by vote of the Board (5 ayes), advanced the ordinance one week, to April 21, 2009.

15. **ITEM A-18 - (a) Consideration of Drug Enforcement Administration Marijuana Eradication (DEA) Agreement between the County of Lake and Drug Enforcement Administration of the United States Department of Justice (DEA will pay Lake County \$275,000 to defray the cost relating to the eradication and suppression of illicit marijuana); and (b) Consideration of proposed Resolution to appropriate unanticipated revenue in the amount of \$275,000 (received from the Drug Enforcement Administration of the United States Department of Justice), for marijuana eradication, Budget Unit No. 2203-Sheriff/Marijuana** - Sheriff Rod Mitchell gave a brief summary.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Lenny Mathews and Joan Moss. No one else was present wishing to speak and the public input portion of this item was closed.

(a) On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the Drug Enforcement Administration Marijuana Eradication (DEA) Agreement between the County of Lake and Drug Enforcement Administration of the United States Department of Justice (DEA will pay Lake County \$275,000 to defray the cost relating to the eradication and suppression of illicit marijuana), and authorized the Chair to sign.

(b) Supervisor Brown offered Resolution No. 2009-47, and it was passed by roll call vote (5 ayes).

16. **ITEM A-19 - Consideration of proposed Agreements between the County of Lake and PJ Helicopters (rate of \$700 per hour), A&P Helicopters (rate of \$750 per hour with a two hour minimum), and Cutting Edge Helicopters (rate of \$490 per hour), for marijuana reconnaissance and eradication on public and private lands** - Sheriff Rod Mitchell gave a brief summary.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and PJ Helicopters (rate of \$700 per hour), for marijuana reconnaissance and eradication on public and private lands and authorized the Chair to sign.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and A&P Helicopters (rate of \$750 per hour with a two hour minimum), for marijuana reconnaissance and eradication on public and private lands and authorized the Chair to sign.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Cutting Edge Helicopters (rate of \$490 per hour), for marijuana reconnaissance and eradication on public and private lands and authorized the Chair to sign.

17. **ITEM A-20 - Continued from April 7, 2009 - Consideration of request for authorization to submit a grant application to the U.S. Department of Justice for COPS Hiring Recovery Program** - Sheriff Rod Mitchell gave a brief summary.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved submission of the grant application to the U.S. Department of Justice for COPS Hiring Recovery Program.

18. **ITEM A-21 - Continued from April 7, 2009 - (a) Consideration of request to purchase forty-five (45) X26 taser units from Taser International as sole source provider at a cost of \$42,356; (b) make a determination that the competitive bidding process would produce no economic benefit to the County; and (c) and authorize the Sheriff and the Assistant Purchasing Agent to sign the purchase order** - Sheriff Rod Mitchell gave a brief summary.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Lenny Mathews and Tiffany Revelle. No one else was present wishing to speak and the public input portion of this item was closed.

(a) On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Rushing NO), approved the purchase of forty-five (45) X26 taser units from Taser International as sole source provider at a cost of \$42,356.

(b) On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Rushing NO), determined that the competitive bidding process would produce no economic benefit to the County.

(c) On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Rushing NO), authorized the Sheriff and the Assistant Purchasing Agent to sign the purchase order.

19. **ITEM A-12 - 11:30 A.M. - Discussion/consideration of proposed Agreement between the County of Lake and Ruzicka Engineering for engineering services for CSA 2-Spring Valley Water System Improvement Project** - Special Districts Administrator Mark Dellinger gave a brief update regarding ongoing negotiations with Ruzicka Engineering.

This item was continued one week, to April 21, 2009, for further discussion.

20. **ITEM A-13 - 1:30 P.M. - Update on current finances in the Mental Health Department and consideration of options to address the department's revenue shortfalls, payments owed to various vendors and proposed expenditure reductions** - Mental Health Director Kristy Kelly and Deputy Mental Health Director - Finance Administration Chuck Fernandez were present.

Mr. Fernandez gave a power point presentation.

The Board directed staff to draft a letter to our state legislators regarding the continued financial support from the state for state-mandated mental health services.

Chair Rushing asked if anyone was present wishing to speak and Sarah Shems spoke. No one else was present wishing to speak and the public input portion of this item was closed.

Board consensus supported the consideration of all possible options including staffing reductions to address the department's revenue shortfalls, payments owed to various vendors and proposed expenditure reductions, and directed the department to return to the Board with specific recommendations and proposals.

This item was informational only. The Board took no action on this item.

21. **ITEM A-16 - Consideration of proposed Ordinance amending Section 2-2 of the Lake County Code, repealing authority for office closures and making other miscellaneous amendments to office hours of County offices** - Supervisor Brown gave a brief summary.

On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the reading of the ordinance, and had it read in title only. (Clerk so did).

On motion of Supervisor Brown and by vote of the Board (5 ayes), advanced the ordinance one week, to April 21, 2009.

22. **ITEM A-24 - 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. Conference with Legal Counsel - Anticipated Litigation - (a) significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: One Potential Case** - Chair Rushing 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.

There being no further business, the Board adjourned at 2:55 p.m.

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