



# MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

## OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD APRIL 28, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 28<sup>th</sup> 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. Supervisors Smith and Brown were absent, but present at 9:02 a.m. Following the moment of silence, County Administrative Officer Kelly Cox 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 Smith and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-13, with the exception of C-1, which was taken up later in the day.

Appointed Steven J. Schepper, M.D. (ER Affiliated-Medical Care Coordinator Representative category), and Mary Cardinale-Stein (Hospital - Sutter-Lakeside Representative category), to the Emergency Medical Care Committee for two year terms, expiring on January 1, 2011.

Approved Unemployment Compensation Services Model Agreement between the County of Lake and TALX Corporation for unemployment claim administrative services (approximate annual cost of \$670), and authorized the Chair to sign.

Appointed Supervisors Comstock and Brown to serve on the Consultant Selection Panel for selection of an architect for the Middletown Senior Center and Library Project.

Adopted Resolution No. 2009-51 amending Resolution No. 2008-153, establishing position allocations for Fiscal Year 2008/2009, Budget Unit No. 2703 - Animal Control (deleting one (1) Kennel Technician and adding one (1) Kennel Coordinator).

Adopted Resolution No. 2009-52 amending Resolution No. 2008-153, establishing position allocations for Fiscal Year 2008/2009, Budget Unit No. 4010 - Environmental Health (renaming one (1) Environmental Health Specialist, Supervising to Environmental Health Specialist Supervisor I, deleting one (1) Environmental Health Specialist, Supervising and adding one (1) Environmental Health Specialist Supervisor II).

(a) Approved Budget Transfer B-200 in the amount of \$5,470 for the purchase of low-bed trailer, Budget Unit No. 1671 - Buildings and Grounds; and (b) Authorized the Public Services Director/Purchasing Agent to issue a purchase order to Lakeport Trailer in the amount of \$5,469.37.

Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 024-171-22 - Gregory Rodriguez - Trustee and Magda Rodriguez - Trustee), and approved Purchase Agreement between the County of Lake and Gregory Rodriguez and Magda Rodriguez for State Street Sidewalk Project located in Kelseyville, and authorized the Chair to sign.

Approved Grant Deed and directed Clerk to certify for recordation (a portion of APNs 024-171-27 and 024-071-06 - Robert Hergert and Carolyn Hergert), and approved Purchase Agreement between the County of Lake and Robert Hergert and Carolyn Hergert for State Street Sidewalk Project located in Kelseyville, and authorized the Chair to sign.

Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 024-152-10 - Donald James Ferreira), and approved Purchase Agreement between the County of Lake and Donald James Ferreira for State Street Sidewalk Project located in Kelseyville, and authorized the Chair to sign.

Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 010-002-33 - Frederick Bradley - Trustee), and approved Purchase Agreement between the County of Lake and Frederick Bradley for Sulphur Bank Drive Storm Damage Project located in Clear Lake Oaks, and authorized the Chair to sign.

Approved Amendment Three to Agreement between the County of Lake and Northwest Biosurvey for environmental services for Lampson Airport Sewer Extension Project (increase shall not exceed \$5,000), and authorized the Chair to sign.

Approved plans and specifications for Hazard Mitigation Grant Program Culvert Upgrade located on Lakeview Drive at Hudson Avenue in Nice (Project No. FEMA-DR-1628-CA, OES #0035, FEMA #0010, OES ID/FIPS #033-00000), and authorized the Assistant Purchasing Agent to advertise for bids.

2. **ITEM A-2 - Presentation of animals that are available for adoption at the Lake County Animal Care and Control Shelter** - Animal Control Officer Eric Wood presented one canine currently available for adoption.
3. **ITEM A-12 - Update on the emergency action taken on December 9, 2008, regarding the prohibition of fish stocking by the Department of Fish and Game in water bodies of Lake County** - On motion of Supervisor Comstock and by vote of the Board (5 ayes), determined the state of emergency still exists.
4. **ITEM A-13 - Consideration of request to schedule date for County Economic Development Summit** - Deputy County Administrative Officer Marketing and Economic Development Debra Sommerfield gave the staff report.  
  
On motion of Supervisor Farrington and by vote of the Board (5 ayes), scheduled the County Economic Development Summit on May 21, 2009, in the Board of Supervisors Chambers. (During the May 12, 2009 Board of Supervisors meeting, this date was changed to June 23, 2009, at 1 p.m.)
5. **ITEM A-5 - 9:15 A.M. - Presentation by Lake County Winery Association regarding highlights of the Lake County Winery Association's (LCWA) Strategic Plan, accomplishments and current projects** - Lake County Winery Association President Kaj Ahlmann and Executive Director Monica Rosenthal were present.

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Mr. Ahlmann gave a power point presentation.

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

6. **ITEM A-6 - 9:30 A.M. - Informational presentation by Lake County Vector Control District regarding proposed benefit assessment on all properties in Lake County (to fund mosquito and vector control services)** - Vector Control District Director Jamesina Scott gave a power point presentation.

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

7. **ITEM A-7 - 10:00 A.M. - HEARING - Nuisance Abatement Assessment confirmation and proposed recordation of Notice of Lien in the amount of \$1,391.41 - 12443 Elk Mountain Road, Upper Lake, CA (APN 022-006-02 - William Clee and William Clee II)** - Community Development Director Rick Coel and Code Enforcement Officer Kimberlee Heckard were sworn in by the Clerk.

Neither the owner, nor representation was present.

Ms. Heckard gave the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), confirmed the assessment of \$1,391.41 for nuisance abatement on property located at 12443 Elk Mountain Road, Upper Lake, CA (APN 022-006-02 - William Clee and William Clee II), pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

After a brief recess, the Board reconvened at 10:19 a.m.

8. **ITEM A-8 - 10:15 A.M. - (a) Presentation of Annual Report by the Fish and Wildlife Advisory Committee; and (b) Presentation of the Conservationist of the Year Award to the Chi Council for their tireless efforts to protect the Clear Lake Hitch** - (a) University of California Extension Coordinator Greg Giusti presented the staff report.

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

(b) After a brief introduction by Mr. Giusti, Chair Rushing presented the Conservationist of the Year Award to Chi Council President Peter Windrem, who spoke.

- BACK TO ITEM A-1 - CONSENT AGENDA ITEM C-1 - Consideration of proposed Minutes of the Board of Supervisors meetings held on April 7 and 14, 2009** - On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Minutes of the Board of Supervisors meetings held on April 7 and 14, 2009, and authorized the Chair to sign.

9. **ITEM A-9 - 10:30 A.M. - Presentation by Social Services Director Carol Huchingson on a report entitled "Human Services in a Time of Economic Crisis"** - Social Services Director Carol Huchingson and Deputy Social Services Director Jennifer Fitts were present.

Ms. Huchingson gave a power point presentation.

There was Board consensus to direct staff to draft a letter to our state representatives, requesting timely funding of state mandated programs and services.

10. **ITEM A-10 - Continued from April 21, 2009 - 10:45 A.M. - PUBLIC HEARING - Appeal of Terry Hopkins (AB 09-01) of the Planning Commission's decision to deny a Minor Modification of a Use Permit (MMU 08-08) to allow the establishment of home occupation with an oversized detached accessory structure that was approved as a collector's garage in 2003; project located at 1519 McMahan Road, Lakeport (APN 015-012-22 - Terry Hopkins)** - Environmental Health Director Ray Ruminski, Community Development Director Rick Coel, Associate Planner Keith Gronendyke, Terry Hopkins, Mary Jane Fagalde and Maryann Baty were present.

Mr. Ruminski was sworn in by the Clerk. All remaining people wishing to speak remained under oath.

Ms. Fagalde, Ms. Baty and Mr. Hopkins gave testimony.

Chair Rushing reopened the public hearing. No one was present wishing to speak and the public hearing was dosed.

On motion of Supervisor Farrington and by vote of the Board (3 ayes, Supervisors Comstock and Brown NO), denied the appeal of Terry Hopkins (AB 09-01) of the Planning Commission's decision to deny a Minor Modification of a Use Permit (MMU 08-08) to allow the establishment of home occupation with an oversized detached accessory structure that was approved as a collector's garage in 2003; project located at 1519 McMahan Road, Lakeport (APN 015-012-22 - Terry Hopkins), and directed County Counsel to prepared findings of fact.

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

11. **ITEM A-14 - Discussion/consideration of proposed First Amendment to Agreement between the County of Lake and Rossmann and Moore, LLP for special legal services (an increase of hourly rates)** - County Counsel Anita Grant gave the staff report.

On motion of Supervisor Farrington and by vote of the Board (5 ayes) approved the First Amendment to Agreement between the County of Lake and Rossmann and Moore, LLP for special legal services (an increase of hourly rates), and authorized the Chair to sign.

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

12. **ITEM A-16 - (a) Consideration of request for waiver of the Consultant Selection Policy based on the finding that it is not in the public interest to follow the Consultant Selection Board Policy; and (b) Consideration of proposed Agreement between the Lake County Sanitation District and Northwest Biosurvey for the preparation of biological studies (to meet environmental requirements), for the Anderson Springs Wastewater Collection System Project in the amount of \$13,000** - Special Districts Administrator Mark Dellinger presented the staff report.

(a) On motion of Director Comstock and by vote of the Board (5 ayes), found it was not in the public interest to follow the Consultant Selection Board Polity and waived the Consultant Selection Policy.

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(b) On motion of Director Comstock and by vote of the Board (5 ayes), approved the Agreement between the Lake County Sanitation District and Northwest Biosurvey for the preparation of biological studies (to meet environmental requirements), for the Anderson Springs Wastewater Collection System Project in the amount of \$13,000, and authorized the Chair to sign.

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

13. **ITEM A-15 - Discussion/consideration of proposed Agreement between the Lake County Watershed Protection District and The Regents of the University of California for Clear Lake historical data analysis in the amount of \$52,076** - Water Resources Engineer Tom Smythe presented the staff report.

There was Board consensus to direct staff to seek local expertise.

This item was continued one week, to May 5, 2009.

14. **ITEM A-17 - Continued from April 21, 2009 - Consideration of award of Bid No. 09-32 to Coastline Equipment for the purchase of one (1) 2009 crane truck in the amount of \$100,000, and/or other options for the purchase of this equipment** - Chair Rushing announced this item would be continued one week, to May 5, 2009, at the request of the department.

15. **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. Conference with Legal Counsel - Existing Litigation - (Subdivision (a) of Section 54956.9): EEOC Claim of F. Rivero** - 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 1:10 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