



# MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

## OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD APRIL 7, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 7<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. Following the moment of silence, Supervisor Comstock 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-24.

On motion of Supervisor Brown and by vote of the Board (5 ayes), reopened the Consent Agenda.

Consent Agenda Item C-2 - Appoint Tom Carlton to the Clear Lake Advisory Subcommittee (Environmental Restoration representative), for a term expiring on January 1, 2011, was removed from the agenda at the request of the applicant.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-24, with the exception of C-2.

Approved Minutes of the Board of Supervisors meetings held on March 17 and 24, 2009.

Appointed Dennis Reynolds to the Fish and Wildlife Advisory Board (Law Enforcement representative), for a term expiring on January 1, 2011.

Appointed Victoria Hay to the Lake County Child Care Planning Council (Public Agency representative), for a term expiring on January 1, 2012.

Appointed Catherine Rose to the Maternal, Child, Adolescent Health Advisory Board for a term expiring on January 1, 2011.

Approved claims for excess proceeds from Tax Sale #146A (Group 1 FINAL), per Section 4675 of the Revenue and Taxation Code as recommended in the Memorandum dated March 13, 2009, from Treasurer-Tax Collector Sandra Kacharos.

Adopted Resolution No. 2009-39, making findings and determining that constructing a new animal shelter was necessary to accommodate the holding periods required by the Statutes of 1998, Chapter 752 (supporting SB90 Claim for Reimbursement for the cost of new facilities that were necessarily constructed in order to comply with the Hayden Law 1999).

Approved Amendment to Agreement between the County of Lake and Thomson & Hendricks Architects and Planners for additional architectural services (incorporating additional lots), for the Clearlake Oaks Live Oak Senior Center, in the amount of \$2,520, and authorized the Chair to sign.

Approved partial non-renewal of Williamson Act Contract 72-05, established by Resolution No. 72-7, that was recorded on February 29, 1972, Book Number 689, pages 189-197, property located at 21258 Morgan Valley Road, Lower Lake, (a portion of APN 012-069-07 - Kathryn Faloon), as recommended in the Memorandum from Community Development Director Rick Coel, dated March 16, 2009.

(a) Found the Lot Line Adjustment and Land Conservation Contract rescission and approval are exempt from CEQA because they fall within Categorical Exemption Class 5 and Class 17 respectively; and (b) Adopted Resolution No. 2009-40, approving Lot Line Adjustment 07-29, rescinding and reapproving a Land Conservation Contract between the County of Lake and Kenneth Barr and authorizing the Chair to sign "Exhibits A and B" (Agreement to rescind a Land Conservation Contract and the Williamson Act Contract), for property located at 2512 and 2190 Scotts Valley Road, Lakeport (APNs 005-022-33 and 005-022-08).

Waived the 900 hour limit for extra-help Licensed Psychiatric Technician Rebecca Rees.

Approved Amendment One to Agreement between the County of Lake and Pavement Engineering, Inc. for engineering services for the design of pavement rehabilitation and drainage improvements for State Street near Kelseyville, for an increase of \$27,225, and authorized the Chair to sign.

Approved Grant Deed and directed Clerk to certify for recordation (a portion of Meadow Drive - Richard Chamberlin, Breanna Chamberlin, Donald Chamberlin and Megan Chamberlin), and approved Purchase Agreement between the County of Lake and Richard Chamberlin, Breanna Chamberlin, Donald Chamberlin and Megan Chamberlin for Soda Bay Road/Big Valley Rancheria Road Rehabilitation Project and authorized the Chair to sign.

Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 024-171-08 - Jose Rico and Maria Rico), and approved Purchase Agreement between the County of Lake and Jose Rico and Maria Rico for State Street Sidewalk Project located in Kelseyville, and authorized the Chair to sign.

Approved the Reclassification Committee's findings and recommendations for Fiscal Year 2009/2010, as per Memorandum dated March 25, 2009, from Senior Administrative Analyst Jennifer Hammond.

Waived the 900 hour limit for extra-help employees Vern Huggins, Wes Frey, Mark Hoffman and Willie Sapeta (to a maximum of 960 hours).

Waived the 900 hour limit for extra-help Marine Patrol Deputies Richard Austring, Jim Campbell, Dane Hayward, Robert Piveronas and Keith Wells (to a maximum of 960 hours).

Waived the 900 hour limit for extra-help Bailiffs Ed Edney, Duayne Emis, James Everhart, Steve Jones, Mike Powers, Cliff Swetnam and Mike Wood (to a maximum of 960 hours).

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD APRIL 7, 2009

(a) Approved Budget Transfer B-179 in the amount of \$15,500 for the purchase of RIMS DA Case Access Software, Budget Unit No. 2201 - Sheriff/Coroner; and (b) Approved Agreement between the County of Lake and Sun Ridge Systems, Inc. for the purchase, installation and training of RIMS DA Case Access Software in the amount of \$15,120, and authorized the Chair to sign both documents.

(a) Approved Budget Transfer B-181 in the amount of \$9,914 to assist in the partial payment of video surveillance equipment for Konocti Unified School District, Budget Unit No. 2221 - Sheriff/LLEBG and authorized the Chair to sign; and (b) Approved the partial payment for video surveillance equipment purchased by the Konocti Unified School District in the amount of \$9,914.

Approved the Application and Agreement between the County of Lake and LexisNexis Risk & Information Analytics Group, Inc. for research into the history of cases the Sheriff's Department is currently investigating and deaths within Lake County where the next of kin is not known in the amount of \$207 per month, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Lexipol for revisions to the Sheriff's Department Policy Manual in the amount of \$7,950, and authorized Sheriff Mitchell to sign.

Approved Lease Agreement between the County of Lake and Gary Sada and Sheila Sada for offices at 926 South Forbes Street, Lakeport in the amount of \$5,802.40 per month, and authorized the Chair to sign (renewal of existing lease).

Adopted Resolution No. 2009-41, amending Resolution No. 85-75, establishing the Special Districts Administration Operating Change Fund (an increase of \$50.00).

2. **ITEM A-18 - Update on the emergency action taken by the Lake County Board of Supervisors on December 9, 2008, declaring the continuance of the existing local emergency in regards to the court order issued by the Sacramento Superior Court which prohibits fish stocking by the Department of Fish and Game in water bodies in Lake County -** County Counsel Anita Grant provided a brief update.

On motion of Supervisor Smith and by vote of the Board (5 ayes), determined the state of emergency still exists.

3. **ITEM A-15 - (a) Consideration of proposed Budget Transfer B-184, in the amount of \$10,700, for the purchase of a network switch card; and (b) Consideration of proposed Budget Transfer B-185, in the amount of \$20,000, for the purchase and maintenance costs for a Kace K-Box appliance, Budget Unit No. 1904 - Information Technology -** Administrative Officer Kelly Cox provided a brief summary.

(a) On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved Budget Transfer B-184, in the amount of \$10,700, for the purchase of a network switch card, Budget Unit No. 1904 - Information Technology, and authorized the Chair to sign.

(b) On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved Budget Transfer B-185, in the amount of \$20,000, for the purchase and maintenance costs for a Kace K-Box appliance, Budget Unit No. 1904 - Information Technology, and authorized the Chair to sign.

The Board of Supervisors adjourned and convened as the Lake County Local Board of Equalization.

The gavel was passed to Board of Equalization Chair Farrington.

4. **ITEM A-5 - 9:15 A.M. - (a) Election of Chair and Vice-Chair of the Lake County Local Board of Equalization for 2009; (b) Adoption of Rules and Regulations for Assessment Appeal Hearings; and (c) Assessment Appeal Hearings: Ferdinand Comayas; Application No. 2008-104; Assessment Parcel No. 045-233-070; located at 3166 Edgewood Drive, Kelseyville, California - Pensco Trust Company Incorporated Trust; Application No. 2008-108; Assessment Parcel No. 006-500-010; located at 127 Old Long Valley Road, Clearlake Oaks, California - Jacob Watson; Application No. 2008-247; Assessment Parcel No. 142-403-020; located at 15606 Eagle Rock Road, Hidden Valley Lake, California - Daniel Tae Hwang; Representing Agent Jonathan Guffey, California Property Tax Associates; Application No. 2008-261; Assessment Parcel No. 015-011-060; located at 3967 Hill Road, Lakeport, California -** (a) On motion of Supervisor Rushing and by vote of the Board (5 ayes), appointed Supervisor Farrington as Chair of the Lake County Local Board of Equalization for 2009.

On motion of Board Member Brown and by vote of the Board (4 ayes, Supervisor Smith NO), appointed Supervisor Smith as Vice-Chair of the Lake County Local Board of Equalization for 2009.

(b) There was no action taken on this item.

(c) The Chair announced that all appeals scheduled for today had been withdrawn. There was no action taken on this item.

The Lake County Local Board of Equalization adjourned and reconvened as the Board of Supervisors.

The gavel was returned to Chair Rushing.

5. **ITEM A-16 - (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 -** At the request of the Sheriff, this item was carried over one week, to April 14, 2009.
6. **ITEM A-17 - Consideration of request for authorization to submit a grant application to the U.S. Department of Justice for COPS Hiring Recovery Program -** At the request of the Sheriff, this item was carried over one week, to April 14, 2009.
7. **ITEM A-13 - Discussion/consideration of proposed letters to Assembly Member Chesbro and Senator Wiggins, in opposition to AB 479 (Chesbro), which would increase the source reduction and recycling element of the California Integrated Waste Management Act for Counties from 50% to 60% on or after January 1, 2015 -** Following Board discussion, modifications were made to the proposed letters.

Chair Rushing asked if anyone was present wishing to speak and Assembly Member Chesbro's Field Representative Ruth Valenzuela spoke. No one else was present wishing to speak and the public input portion of this item was closed.

There was Board consensus to direct the Solid Waste Task Force to confer and bring a modified letter to the Board for consideration at a future date.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD APRIL 7, 2009

8. **ITEM A-6 - 9:45 A.M. - PUBLIC HEARING - Consideration of proposed Ordinance establishing a fee schedule for services provided by the Treasurer-Tax Collector** - Treasurer-Tax Collector Sandra Kacharos gave a power point presentation.

Chair Rushing opened the public hearing and Louise Talley spoke. 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 (5 ayes), waived the reading of the ordinance, and had it read in title only. (Clerk so did).

On motion of Supervisor Farrington and by vote of the Board (5 ayes), advanced the ordinance one week, to April 14, 2009.

9. **ITEM A-7 - 10:00 A.M. - Discussion/consideration of proposed Resolution regarding senior populations and eligibility for entitlement programs, recognizing the impacts of automatic Cost of Living Adjustments (COLAs), and supporting state and federal legislation that would increase protections for seniors who are disqualified from public programs/services after receiving a COLA** - J.R. Rose was present and spoke on this issue.

Chair Rushing asked if anyone else was present wishing to speak and the following people spoke: Janet Cawn and Louise Talley. No one else was present wishing to speak and the public input portion of this item was closed.

Supervisor Smith offered Resolution 2009-42, and it was passed by roll call vote (5 ayes).

10. **ITEM A-9 - Carried over from March 24, 2009 - 10:30 A.M. - Presentation of Proclamation designating the month of April, 2009, as "Child Abuse Prevention Month in Lake County** - Supervisor Brown read the proclamation into the record and presented it to Lake County Office of Education - Healthy Start Director Joan Reynolds, who spoke. Many members of the Lake County Child Abuse Prevention Council were present.

After a brief recess, the Board reconvened at 10:47 a.m.

11. **ITEM A-10 - 10:35 A.M. - (a) Consideration of proposed Resolution authorizing cancellation of Spring Valley CSA #2 Capital Improvement Reserve Designation in the amount of \$347,757, to appropriate funds for the water source and treatment plant upgrades; and (b) Discussion/consideration of proposed Agreement between the County of Lake and CH2M Hill, Inc. for engineering services for CSA 2-Spring Valley Water System Improvement Project in the amount of \$302,100** - Special Districts Administrator Mark Dellinger presented the staff report.

(a) Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Don Scott, Nancy Ruzicka, Tim Jordan, Lyndon Ernst, Helen Mitcham, Monte Winters, Melissa Fulton, Jerry Dehn and Joan Moss. No one else was present wishing to speak and the public input portion of this item was closed.

There was no action taken on this item.

(b) On motion of Supervisor Brown and by vote of the Board (5 ayes), citing local double digit unemployment and the state of the local economy, waived the Consultant Selection process.

There was Board consensus to direct staff to negotiate with local consultants.

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

12. **ITEM A-11 - 10:45 A.M. - Discussion/consideration of proposed Agreement between the Lake County Sanitation District and Water Works Engineers for the Anderson Springs Wastewater Collection System Project in the amount of \$115,700** - Special Districts Administrator Mark Dellinger presented the staff summary.

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

On motion of Director Comstock and by vote of the Board (5 ayes), approved the Agreement between the Lake County Sanitation District and Water Works Engineers for the Anderson Springs Wastewater Collection System Project in the amount of \$115,700, and authorized the Chair to sign.

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

- BACK TO ITEM A-10 - 10:35 A.M. - (a) Consideration of proposed Resolution authorizing cancellation of Spring Valley CSA #2 Capital Improvement Reserve Designation in the amount of \$347,757, to appropriate funds for the water source and treatment plant upgrades; and (b) Discussion/consideration of proposed Agreement between the County of Lake and CH2M Hill, Inc. for engineering services for CSA 2-Spring Valley Water System Improvement Project in the amount of \$302,100** - (a) Supervisor Brown offered Resolution No. 2009-43, and it was passed by roll call vote (5 ayes).

(b) There was no further action taken on this item.

13. **ITEM A-8 - 10:15 A.M. - Discussion/consideration of proposed Agreement between the County of Lake and Duncan Engineering Inc. for a building evaluation of the Historic Luceme Hotel, in the amount of \$25,100** - Administrative Officer Kelly Cox presented the staff report.

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

On motion of Supervisor Brown and by vote of the Board (5 ayes), declined to approve the proposed agreement with Duncan Engineering, and waived the Consultant Selection process.

There was Board consensus to direct staff to negotiate with local consultants and return to the Board next week with a proposed agreement.

14. **ITEM A-14 - Consideration of request for out-of-state travel for Animal Control Officer Terrie Flynn from April 13-17, 2009, to attend the National Cruelty Investigators School Level I in Reno, Nevada** - On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved out-of-state travel for Animal Control Officer Terrie Flynn from April 13-17, 2009, to attend the National Cruelty Investigators School Level I in Reno, Nevada.

The Board recessed for lunch and reconvened at 1:30 p.m.

15. **ITEM A-19 - 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 - Initiation of litigation pursuant to Government Code Section 54956.9 (c) - 1. Based on existing facts and circumstances the County of Lake is considering whether to initiate litigation in one (1) case -** Chair Rushing announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned at 3:10 p.m. until Thursday, April 9, 2009, at 9:00 a.m. at the Lake County Museum.

The Honorable Board of Supervisors of Lake County, California, met in regular session this 9<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.

16. **ITEM A-1 - Update from Congressman Mike Thompson and roundtable discussion regarding County/Federal issues -** Congressman Mike Thompson, Field Representative Brad Onorato, District Attorney Jon Hopkins, Assessor-Recorder Doug Wacker, Health Services Director Jim Brown, Deputy Public Services Director Caroline Chavez, County Librarian Susan Clayton, Community Development Director Rick Coel, Human Resources Director Kathy Ferguson, Public Works Director Brent Siemer, Agricultural Commissioner Steve Hajik and Information Technology Director Martin Franusich were present.

Congressman Thompson gave the Board an update of national issues.

The Board briefed Congressman Thompson on local district concerns.

Department heads provided Congressman Thompson an update on County departmental issues.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Donna Christopher, Clovice Lewis, Anna Ravenwood and Joan Jacobs.

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

There being no further business, the Board adjourned at 10:44 a.m.

\_\_\_\_\_  
Chair - Lake County Board of Supervisors

KELLY F. COX  
Clerk of the Board

By: \_\_\_\_\_  
Mireya G. Turner  
Assistant Clerk of the Board