



MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD AUGUST 18, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 18th day of August, 2009, there being present Supervisors 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. Supervisor Jim Comstock was absent all day.

The meeting was called to order at 9:00 a.m. by Chair Rushing. Following the moment of silence, Assistant Clerk of the Board Mireya Turner 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 (4 ayes, Supervisor Comstock ABSENT), approved Consent Agenda Items C-1 through C-10.

Appointed Debra Newberry Puterbaugh to the Maternal, Child and Adolescent Health (MCAH) Advisory Board for a term ending on January 1, 2011.

Appointed Edward Smith to the Spring Valley CSA #2 Advisory Board for a term ending on January 1, 2011.

Approved Agreement between the County of Lake and the Kelseyville Business Association for funding of a downtown Kelseyville lighting project in the amount of \$20,000, and authorized the Chair to sign.

Authorized the Registrar of Voters to render all services necessary to conduct the City of Lakeport's Measure "C" election on November 3, 2009, pursuant to Resolution No. 2368 (2009), adopted by the Lakeport City Council on August 4, 2009

Approved revision and update to the Equal Opportunity Employment Plan for the Sheriff's Department and authorized the Chair to sign.

Adopted Resolution No. 2009-141 approving Final Parcel Map and the signing of the Final Parcel Map (Mitchell).

Approved requests and ordered consolidation of the following Districts' Elections with the General District Election to be held on November 3, 2009: Board of Trustees of the Mendocino-Lake Community College District; Lake County Board of Education; Board of Trustees of Kelseyville Unified School District; Governing Board of the Lakeport Unified School District; Governing Board of the Lucerne Elementary School District; Governing Board of the Upper Lake Union High School District and Governing Board of the Upper Lake Union School District, pursuant to their respective Resolutions.

Approved requests and ordered consolidation of the following Districts' Elections with the General District Election to be held on November 3, 2009: Board of Directors of the Anderson Springs Community Services District; Board of Directors of the Butler-Keys Community Services District; Board of Directors of the Hidden Valley Lake Community Services District; Kelseyville Fire Protection District; Board of Directors of the Lake County Fire Protection District; Board of Directors of the South Lake County Fire Protection District; Board of Directors of the Buckingham Park Water District; Board of Directors of the Callayomi County Water District; Board of Directors of the Clealake Oaks County Water District; Board of Directors of the Cobb Area County Water District; Board of Directors of the Konocti County Water District; Board of Directors of the Scotts Valley Water Conservation District and Board of Directors of the Upper Lake County Water District, pursuant to their respective Resolutions.

Approved Modification No. 006 (increasing federal funding) to the 2009 Operating and Financial Plan for the Controlled Substance Operations Cooperative Law Enforcement Agreement between the Lake County Sheriff's Department and the US Forest Services and authorized the Chair to sign.

Sitting as the Board of Directors of the Kelseyville County Waterworks District No. 2, approved Easements Deed and directed Clerk to certify for recordation (APN 008-039-14 - Walter G. Lyon, Trustee and Madeline M. Lyon, Trustee; and APN 008-062-32 - Kerri A. Oldiser); and approved Right-of-Way Agreement between the County of Lake and Walter G. Lyon, Madeline Lyon and Kerri A. Oldiser for construction of a sanitary sewer line and authorized the Chair to sign.

2. **ITEM A-2 - Presentation of animals that are available for adoption at the Lake County Animal Care and Control Shelter** - Animal Control Officer Ben Cheek presented one canine currently available for adoption.

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

Extra #1 - Discussion of water quality issues in the canals of Clearlake Keys and that the discussion take place in conjunction with the discussion of Agenda Item A-11, at 11:15 a.m. - Chair Rushing introduced this item.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), 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:

Since the posting of the current agenda, Chair Rushing has been contacted by residents of the Clearlake Keys requesting assistance from the County to address the deterioration of the water quality in the canals of the Clearlake Keys subdivision. The issues facing these residents require immediate attention, before the next scheduled Board meeting.

This item will be taken up in conjunction with the discussion of Agenda Item A-11, at 11:15 a.m.

4. **ITEM A-15 - Discussion/consideration of proposed Contract between the County of Lake and Lake County Community Action Agency (LCCAA) for the provision of alcohol and drug counseling services to Lake County adolescents attending New Beginnings Highland High School for Fiscal Year 2009/2010, in an amount not to exceed \$100,000** - Mental Health Director Kristy Kelly and Alcohol and Other Drug Services Coordinator Laura Solis were present.

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Ms. Solis presented the staff summary.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved the Contract between the County of Lake and Lake County Community Action Agency (LCCAA) for the provision of alcohol and drug counseling services to Lake County adolescents attending New Beginnings Highland High School for Fiscal Year 2009/2010, in an amount not to exceed \$100,000, and authorized the Chair to sign.

5. **ITEM A-5 - 9:15 A.M. - Discussion/consideration of the 5-Year Transportation Master Plan for Road Repair, Rehabilitation and Replacement** - Public Works Director Brent Siemer and Streets Superintendent Steve Stangland were present.

Mr. Siemer presented the staff summary.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Lowell Grant and Homer Swicegood. 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 (4 ayes, Supervisor Comstock ABSENT), approved the 5-Year Transportation Master Plan for Road Repair, Rehabilitation and Replacement.

6. **ITEM A-6 - 9:45 A.M. - PUBLIC BID OPENING - Sale of County real property located at 14102 East Highway 20, Clearlake Oaks, consisting of approximately 3.04 acres (APN 06-550-24)** - Chief Deputy County Administrative Officer Matt Perry declared no bids had been received.

No Board action was taken on this item.

7. **ITEM A-7 - 10:00 A.M. - PUBLIC HEARING - (a) Discussion of the Fiscal Year 2009/2010 Community Development Block Grant (CDBG) Program, Economic Development Allocation, California Community Economic Enterprise Fund application; and (b) Consideration of an application in the amount of \$300,000 under the Economic Development Allocation for the following eligible activities: \$170,000 to provide funding for revolving business loan activities to make low-interest loans to local businesses; \$50,000 in funding for microenterprise technical assistance to help fund business assistance to small businesses; \$34,000 to fund a facade improvement program to be used to enhance the facade of businesses located along the main downtown business district of the unincorporated communities of Cobb, Kelseyville, Lower Lake and Middletown; \$46,000 for general administration and activity delivery** - (a) Chief Deputy County Administrative Officer Matt Perry presented the staff summary.

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

(b) Supervisor Smith offered Resolution No. 2009-142, and it was passed by roll call vote (4 ayes, Supervisor Comstock ABSENT).

After a brief recess, the Board reconvened at 10:31 a.m.

8. **ITEM A-8 - 10:15 A.M. - (a) Presentation regarding the harmful affects smoking has on the health of adults, children and the environment; and (b) Consideration of request to adopt an ordinance regulating smoking in County parks and certain public places** - (a) Dave Rousch, Bryce Hayes and other members of the Tobacco Education Coalition gave the presentation to the Board.

(b) No Board action was taken on this item.

9. **ITEM A-9 - 10:45 A.M. - PUBLIC HEARING - Consideration of proposed exchange of real property owned by the County of Lake located at 20931 Big Canyon Road, Middletown - APN 014-490-13, with real property owned by the Middletown Unified School District located at 21256 Washington Street, Middletown - APN 024-411-01 (County to provide property plus \$60,000 in exchange for District's property)** - Administrative Analyst Doug Willardson presented the staff report.

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

Supervisor Brown offered Resolution No. 2009-143, and it was passed by roll call vote (4 ayes, Supervisor Comstock ABSENT).

10. **ITEM A-10 - 11:00 A.M. - Presentation of 2008 Agricultural Crop Report** - Agricultural Commissioner Steve Hajik presented the staff summary.

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

11. **ITEM A-11 - 11:15 A.M. - Discussion/consideration of request to identify possible funding sources within existing County financial resources and/or propose and explore additional funding in order to combat aquatic weeds, algae and prevent the infestation of the Zebra/Quagga mussel to the waters of Clear Lake - and EXTRA ITEM #1 - Discussion of water quality issues in the canals of Clearlake Keys and that the discussion take place in conjunction with the discussion of Agenda Item A-11, at 11:15 a.m.** - Deputy County Administrative Officer Marketing and Economic Development Debra Sommerfield and Deputy Public Works Director Water Resources Pam Francis were present.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Homer Swicegood, Pete MacRae, Eric Jensen, Wayne Davidson, Jack Waddums, Cheri Holden, Suzanne Lyons, Joey Luiz, Thomas Wahl and Jack Wood. 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 investigate possible funding sources within existing County financial resources and/or propose and explore additional funding in order to combat aquatic weeds, algae and prevent the infestation of the Zebra/Quagga mussel to the waters of Clear Lake, accept barges from the Lake County Vector Control District, to contact companies interested in algae harvesting, and to return to the Board within one month, for discussion of the above, as well as a report of the demonstration of the Algae Harvester and the Aquamog.

After a lunch recess, the Board reconvened at 2:10 p.m. with Supervisor Farrington absent.

12. **ITEM A-13 - Continued from July 14, 2009 - 2:00 P.M. - Consideration of possible Board action in follow-up to review of fiscal and other records provided by the Sheriff's Department relative to administration of the department's DEA grant and an employee's use of contracted helicopter services under said grant** - Sheriff Rod Mitchell was present.

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At the request of County Counsel, this item was carried over two weeks, to September 1, 2009, at 11:30 a.m., to allow for review of the documents submitted by the department on August 13 and 14, 2009.

Supervisor Farrington was present at 2:14 p.m.

13. **ITEM A-16 - Discussion/consideration of request to approve the job description for a Sheriff's Community Services Technician position (formally titled Public Service Officer), and implement the position on a 900 hour basis - Sheriff Rod Mitchell** was present.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved the job description for a Sheriff's Community Services Technician position (formally titled Public Service Officer), and implemented the position on a 900 hour basis.

14. **ITEM A-12 - 1:30 P.M. - HEARING - Appeal of Vicious Animal Abatement Order, located at 6565 Estates Court, Kelseyville (Nichole Johnson)** - Deputy Animal Care and Control Director Bill Davidson, Animal Control Officer Morgan Hermann, Animal Control Officer Ben Cheek, Nichole Jessica Johnson, Michael Reed, Jesus Tapia, Harold Yee, Karen Nelson, Natalie Reed and Forrest Stogner were sworn in by the Clerk.

Ms. Hermann and Mr. Cheek presented the staff report.

Mr. Reed and Ms. Johnson gave testimony.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Forrest Stogner, Jesus Tapia, Harold Yee, Karen Nelson and Natalie Reed. No one else was present wishing to speak and the hearing was closed.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), made the intended decision to deny the appeal, allowing seven (7) days for the appellant to comply with the terms of the Abatement Order, and directed staff to prepare Findings of Fact.

15. **ITEM A-14 - Supervisors' weekly calendar, travel and reports** - On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved out-of-county travel for Supervisor Farrington to attend the Regional Council of Rural Counties (RCRC) Annual Meeting, in Olympic Valley, CA from September 23 - September 25, 2009.

15. **ITEM A-17 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: DDAA and LCEA 2. Public Employee Performance Evaluation: Title: Air Pollution Control Officer 3. Conference with Legal Counsel - Existing Litigation - (Subdivision (a) of Section 54956.9): In Re Bankruptcy of Boeger Land Investments LLC** - 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 3:40 p.m., until 8:30 a.m. on August 20, 2009 for Final Budget Hearings.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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