



MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD AUGUST 4, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 4th day of August, 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 9:00 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 Smith and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-9., with the exception of C-7, which will be taken up later in the day.

Approved Minutes of the Board of Supervisors meetings held on July 21 and July 28, 2009.

Approved Amendment to the Memorandum of Understanding between the County of Lake and CSAC Excess Insurance Authority to continue participation in the General Liability 1 Program and authorized the Chair to sign.

Approved Amendment to the Memorandum of Understanding between the County of Lake and CSAC Excess Insurance Authority to continue participation in the Excess Workers' Compensation Liability Program and authorized the Chair to sign.

(a) Approved Janitorial Services Contract between the County of Lake and Dazzling Janitorial Services at the Health Building, 7000-B South Center Drive, Clearlake, in the amount of \$767.57 per month (term ending on August 31, 2009); and (b) Approved Janitorial Services Contract between the County of Lake and Dazzling Janitorial Services at the Health Building, 922 Bevins Court, Lakeport, in the amount of \$1,185.05 per month (term ending on May 31, 2010), and authorized the Chair to sign both agreements.

Approved Agreement between the County of Lake and Marta Fuller for dental health education and prevention services for the month of July, 2009 through December, 2009, in the amount of \$14,000, and authorized the Chair to sign.

Adopted Resolution No. 2009-131 approving application for Used Oil Recycling Block Grant 15th Cycle Fiscal Year 2009/2010.

Sitting as the Board of Directors of the Lake County Watershed Protection District, approved Agreement between the Lake County Watershed Protection District and Rodney Patterson for Caretaker at Highland Springs Recreation Area 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 Care and Control Officer Eric Wood presented three felines currently available for adoption.

3. **ITEM A-15 - 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** - County Counsel Anita Grant reported the Department of Fish and Game had succeeded in obtaining a determination that Upper Blue Lake is not a habitat for red-legged frogs and they are now allowed to stock that lake with trout.

The Board took no action on this item. By not taking action today, the state of emergency ended.

4. **ITEM A-16 - Discussion/consideration of proposed Architectural Services Agreement between the County of Lake and Kappe and Du Architects for the Middletown Senior Center and Middletown Library in the amount of \$248,360** - Administrative Analyst Doug Willardson was present.

County Administrative Officer Kelly Cox presented the staff report.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the Architectural Services Agreement between the County of Lake and Kappe and Du Architects for the Middletown Senior Center and Middletown Library in the amount of \$248,360, and authorized the Chair to sign.

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

The gavel was passed to Board of Equalization Chair Farrington.

5. **ITEM A-5 - 9:15 A.M. - Assessment Appeal Hearing: De Ann Krause - Application No. 2008-78; Assessment Parcel No. 051-303-020; located at 14214 Regina Way, Cobb, CA** - Assessor-Recorder Doug Wacker and Chief Deputy Assessor-Recorder Jim Campbell were present.

Neither the owner nor representation was present.

Chair Farrington inquired regarding the notification process.

Assistant Clerk of the Board Mireya Turner reported the hearing notification was sent to the address listed on the application and was returned Unclaimed.

Mr. Campbell reported the dates of attempted phone calls to the appellant.

On motion of Member Brown and by vote of the Board (5 ayes), denied the appeal without prejudice.

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

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD AUGUST 4, 2009

The gavel was returned to Chair Rushing.

6. **ITEM A-17 - Discussion/consideration of proposed Amendment No. 1 to the Contract between the County of Lake and the East Lake Resource Conservation District to provide Fire Safe Council Coordinator services in the amount not to exceed \$50,000** - Deputy County Administrative Officer Jeff Rein presented the staff summary.

Chair Rushing asked if anyone was present wishing to speak and Victoria Brandon 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), approved Amendment No. 1 to the Contract between the County of Lake and the East Lake Resource Conservation District to provide Fire Safe Council Coordinator services in the amount not to exceed \$50,000, and authorized the County Administrative Officer to sign.

7. **ITEM A-18 - Discussion/consideration of proposed Resolution approving and authorizing participation in the California Energy Commission's Energy Partnership Program**- Administrative Analyst Terre Logsden was present.

Chair Rushing gave a brief summary of this item.

Supervisor Smith offered Resolution No. 2009-132 and it was passed by roll call vote (5 ayes).

8. **ITEM A-6 - Continued from July 28, 2009 - 9:30 A.M. - Discussion/consideration of proposed letter to federal representatives in opposition to the Clean Water Restoration Act of 2009 (S.787)** - After Board discussion, this item was continued to later in the day.

9. **ITEM A-19 - Discussion/consideration of an alternate work schedule for Senior Planner Kevin Ingram** - Community Development Director Rick Coel presented the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved an alternate work schedule for Senior Planner Kevin Ingram.

10. **CONSENT AGENDA ITEM C-7 - Discussion/consideration of request for Public Works Director to issue a purchase order to Ennis Paint in the amount of \$30,302.42, for the purchase of acetone traffic paint** - After Board discussion, this item was continued to later in the day.

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

11. **ITEM A-7 - 9:45 A.M. - PUBLIC HEARING - Purchase of real property consisting of land located at 12559 East Highway 20, Clearlake Oaks, CA, (APN 035-240-100), the agreed purchase price is \$195,000 and the seller is Rosemary Zrelak (purchase contingent upon Planning Commission's finding of General Plan conformity)** - Deputy Redevelopment Director Eric Seely presented the staff report.

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

Director Farrington offered Resolution No. 2009-133 and it was passed by roll call vote (4 ayes, Director Brown NO).

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

- BACK TO #10 - CONSENT AGENDA ITEM C-7 - Discussion/consideration of request for Public Works Director to issue a purchase order to Ennis Paint in the amount of \$30,302.42, for the purchase of acetone traffic paint** - Public Works Director Brent Siemer was present.

This item was continued one week, to August 11, 2009, to allow the department time to request bids from local vendors.

Supervisor Farrington was absent at 10:00 a.m. He was present at 10:23 a.m.

12. **ITEM A-8 - 10:00 A.M. - Discussion/consideration of proposed Agreement between the County of Lake and Mary McMillan, MFT, for direct counseling services to children/youth placed in Lake County Juvenile Hall (at the rate of \$35 per hour, not to exceed \$18,200), for Fiscal Year 2009/2010** - Mental Health Director Kristy Kelly presented the staff report.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the Agreement between the County of Lake and Mary McMillan, MFT, for direct counseling services to children/youth placed in Lake County Juvenile Hall (at the rate of \$35 per hour, not to exceed \$18,200), for Fiscal Year 2009/2010, and authorized the Chair to sign.

13. **ITEM A-9 - 10:05 A.M. - Discussion/consideration of proposed 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 2009/2010, in the amount not to exceed \$40,000 (a decrease in compensation in the amount of \$60,000)** - Mental Health Director Kristy Kelly presented the staff report.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the 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 2009/2010, in the amount not to exceed \$40,000 (a decrease in compensation in the amount of \$60,000), and authorized the Chair to sign.

After a brief recess, the Board reconvened at 10:23 a.m.

14. **ITEM A-10 - Advanced from July 21, 2009 - 10:15 A.M. - An Ordinance amending Article VIII of Chapter 15 of the Lake County Code relating to the consumption of alcoholic beverages (amendment will prohibit the consumption of alcoholic beverages in public recreation areas except as allowed by a Facility Use Permit) - (SECOND READING)** - Chair Rushing asked if anyone was present wishing to speak and Lenny Mathews spoke. No one else was present wishing to speak and the public input portion of this item was closed.

This item was continued one week, to August 11, 2009, at 10:15 a.m. to allow for input from the Sheriff's Department. It was also taken up later in the day.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD AUGUST 4, 2009

BACK TO #8 - ITEM A-6 - Continued from July 28, 2009 - 9:30 A.M. - Discussion/consideration of proposed letter to federal representatives in opposition to the Clean Water Restoration Act of 2009 (S.787) - After discussion, this item was continued to later in the day.

15. **ITEM A-11 - 10:30 A.M. - Presentation by representatives of Lake One-Stop Center regarding current status and future plans for improvement of the effectiveness of the organization** - Lake One-Stop Board of Directors members Richard Birk, Tedde Pearce and Nick Summerfield were present.

Mr. Birk gave a presentation to the Board.

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

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

BACK TO #8 - ITEM A-6 - Continued from July 28, 2009 - 9:30 A.M. - Discussion/consideration of proposed letter to federal representatives in opposition to the Clean Water Restoration Act of 2009 (S.787) - On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Rushing NO), approved the letter to federal representatives in opposition to the Clean Water Restoration Act of 2009 (S.787), and authorized the Chair to sign.

16. **ITEM A-12 - 11:00 A.M. - Discussion/consideration of the following recommendations: (a) Recognize the completion of the implementation efforts of the ad hoc task force and disband the task force; (2) Delegate the ongoing functions of the Lake County Invasive Species Prevention Program to the Coordinating Resource Management Committee (RMC), through a subcommittee established as the Lake County Invasive Species Council; (c) Appoint Greg Guisti as Chair of the Lake County Invasive Species Council; and (d) Assign personnel to work toward an interagency summit** - Deputy Public Works Director Water Resources Pam Francis presented the staff report.

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

(a) On motion of Supervisor Smith and by vote of the Board (5 ayes), disbanded the ad hoc Mussel Task Force.

(b) On motion of Supervisor Smith and by vote of the Board (5 ayes), delegated the ongoing functions of the Lake County Invasive Species Prevention Program to the Coordinating Resource Management Committee (RMC), through a subcommittee established as the Lake County Invasive Species Council.

(c) On motion of Supervisor Smith and by vote of the Board (5 ayes), appointed Greg Guisti as Chair of the Lake County Invasive Species Council.

(d) On motion of Supervisor Smith and by vote of the Board (5 ayes), appointed Supervisor Farrington and Chair Rushing to the Lake County Invasive Species Council.

By consensus, the Board directed staff to work toward an interagency summit.

17. **ITEM A-20 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: DDAA 2. Conference with Legal Counsel - Existing Litigation - (Subdivision (a) of Section 54956.9): California Sport Fishing Alliance v. County of Lake, et al. 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 returned to Regular Session with no action taken.

After a lunch recess, the Board reconvened at 1:29 p.m.

17. **ITEM A-13 - 1:30 P.M. - Discussion of draft Ordinance Adding Article 72 to Chapter 21 of the Lake County Code to implementing zoning and use Permit regulations for medical marijuana collectives and cooperatives; and request for Board direction regarding the draft ordinance** - Community Development Director Rick Coel and Air Quality Control Officer Doug Gearhart were present.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Ed Robey, Ron Green, David McCullough, Bill McPike, Catherine Brewer, Rhonda Mottlow, Thomas Wahl, Paula Vess, Phil Gangwer, Jim O'Dell and Will Larson. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), directed staff to integrate today's input into the draft ordinance modifications. Ed Robey was appointed to participate in this workgroup.

After a brief recess, the Board reconvened at 3:55 p.m.

BACK TO #14 - ITEM A-10 - Advanced from July 21, 2009 - 10:15 A.M. - An Ordinance amending Article VIII of Chapter 15 of the Lake County Code relating to the consumption of alcoholic beverages (amendment will prohibit the consumption of alcoholic beverages in public recreation areas except as allowed by a Facility Use Permit) - (SECOND READING) - Sheriff Rod Mitchell and Public Services Director Kim Clymire were present.

Supervisor Smith offered Ordinance No. 2906, and it was passed by roll call vote (4 ayes, Supervisor Farrington NO).

There being no further business, the Board adjourned at 11:56 a.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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