



MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD DECEMBER 8, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 8th day of December, 2009, there being present Supervisors Jim Comstock, Jeff Smith, Anthony Farrington and Denise Rushing, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner. Supervisor Brown was absent all day.

The meeting was called to order at 9:01 a.m. by Chair Rushing. Following a moment of silence County Counsel Anita Grant 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 Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved Consent Agenda Items C-1 through C-10.

Approved Minutes of the Board of Supervisors meeting held on December 1, 2009.

Adopted Resolution No. 2009-223, expressing support for the Lower Lake Parade and barbeque in the community of Lower Lake (to be held from 11:00 a.m. through 4:00 p.m. on May 30, 2010).

Approved advance step hiring of Kathy Barnwell as an extra help Administrative Analyst II (5th step of the salary range), as per the memorandum from the County Administrative Officer dated December 1, 2009.

Adopted Resolution No. 2009-224, appropriating unanticipated revenue in Budget Unit No. 4011 for the CDC Public Health Emergency Response H1N1 Phase III grant funding in the amount of \$193,094 (received from the California Department of Public Health), and authorized the Chair to sign the Non-Supplantation Certification.

Adopted Resolution No. 2009-225, approving the application and Certification Statement for the State Department of Health Care Services, CMS Branch's Child Health and Disability Prevention Program (CHDP) and the Health Care Program for Children in Foster Care (HCPCFP) Renewal Grant for Fiscal Year 2009/2010 and authorized the Chair to sign said Certification Statement.

Adopted Resolution No. 2009-226, amending Resolution No. 2009-211 establishing position allocations to conform to the Fiscal Year 2009/2010 Final Budget, Budget Unit No. 4121 - Integrated Waste Management (deleting two Solid Waste Heavy Equipment Operator allocations), effective January 3, 2010.

Adopt Resolution No. 2009-227, authorizing the Chair of the Board to approve and directed the Tax Collector to sell, at public auction via internet, tax defaulted property which is subject to the power to sell in accordance with Chapter 7 of Part 6 of Division 1, of the California Revenue and Taxation Code and approving sales below minimum price on specified cases.

Sitting as the Board of Directors of the Lake County Air Quality Management District, approved District/State Air Resources Board Subvention Application for Fiscal Year 2009/2010 and Fiscal Year 2008/2009 Final Financial Report and authorized the Air Pollution Control Officer to sign and submit application and report to the State Air Resources Board.

Sitting as the Board of Directors of the Lake County Board of Directors of the Lake County Sanitation District, adopted Resolution No. 2009-2285 authorizing a modification of the Sewer Use Ordinance Lake County Sanitation District fee payment requirements due to special circumstances associated with those premises located at the intersection of State Highways 20 and 29 in Upper Lake (Three Brothers Travel Plaza).

Sitting as the Board of Directors of the Lake County Board of Directors of the Lake County Sanitation District, accepted dedication and conveyance of mainline sewer extension for purpose of providing sewer service to properties located at 5610 East State Highway 20, 4823 Utopia Trail, 5770 Roland Drive, 5740 Roland Drive, 5760 Roland Drive, 5770 Roland Drive, 5780 Roland Drive, 5812 Arden Drive, 4792 Utopia Trail, 5787 Roland Drive and 5797 Roland Drive, Lucerne, CA (APNs 004-035-03, 033-371-06, 033-371-23, 033-371-25, 034-291-08, 034-291-09, 034-291-10, 034-291-11, 034-301-01, 034-301-15 and 034-301-16)), 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 Nehemiah White presented one canine currently available for adoption.

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

Extra #1 - Necessity for extra Closed Session item not on the posted agenda - On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown 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:

An issue has arisen in regard to a question of whether the County should initiate litigation. Because a decision should be made by this Board prior to the next meeting of December 15, 2009, it is necessary for the Board to consider this matter today.

This item will be taken up during Closed Session.

4. **ITEM A-4 - Current Construction Projects - Contract Change Orders:**

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

Update on Upper Lake Main Street Project - Deputy Redevelopment Director Eric Seely gave the Board an update on the compaction study results.

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This item was informational only. There was no Board action taken on this item.

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

Change Order No. 2 - 2005/06 Storm Damage Repair: Robinson Road (PM 0.55) in Lake County, California; Bid No. 10-03 (Work Order 9071) - On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved Change Order No. 2 - 2005/06 Storm Damage Repair: Robinson Road (PM 0.55) in Lake County, California; Bid No. 10-03 (Work Order 9071), for an increase of \$4,214.04, Granite Construction Company, and authorized the Chair to sign.

CITIZEN'S INPUT - Shaun Collins spoke regarding treatment of the disabled in the Alternative Work Program.

Cheri Holden spoke regarding the upcoming Tule Film Competition.

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

The gavel was passed to Lake County Local Board of Equalization Chair Farrington.

5. ITEM A-5 - 9:15 A.M. Assessment Appeal Hearings:

Lolita Adrien - Application No. 2008-183 - APN 036-031-10 - located at 10460 North Drive, Clearlake Park, CA - Chief Deputy Assessor-Recorder Jim Campbell, Lolita Adrien and Michael Dunlap were sworn in by the Clerk.

Mr. Campbell presented the staff report.

Ms. Adrien and Mr. Dunlap presented testimony.

On motion of Member Smith and by vote of the Board (4 ayes, Member Brown ABSENT), denied the appeal and accepted the assessor's recommendation to lower the value to \$550,000 for land, \$150,000 for structure/improvements, for a total value of \$700,000, for the 2009 local assessment roll.

Steven Waltz - Application No. 2008-214 - APN 042-165-50 - located at 15967 24th Avenue, Clearlake, CA - Chief Deputy Assessor-Recorder Jim Campbell was sworn in by the Clerk.

Neither the owner, nor representation was present.

Chair Farrington inquired as to the proper notification of the appellant, which was verified by the Chief Deputy Assessor-Recorder.

On motion of Member Rushing and by vote of the Board (4 ayes, Member Brown ABSENT), denied the appeal without prejudice.

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

The gavel was returned to Chair Rushing.

6. ITEM A-6 - 9:45 A.M. - Discussion/consideration of adopting new standards and protocols for the Mussel Prevention Program and mussel vessel reinspection - University of California Cooperative Extension Director Greg Giusti presented the proposed new standards and protocols.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Victoria Brandon, Julie Richardson, Sarah Ryan, Suzanne Lyons, Bob Higgins, Jason Roberts, Terry Knight, Carolyn Ruttan and Paula Britton.

Amendments were made to the standards and protocols.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSENT), amended wording to address trailer-able vs. non-trailer-able vessels, accepted the Protocols and Standards, as amended, directed staff to prepare for the transition to the new standards and protocols, and to return to the Board with recommendations on a monthly vessel identification band for non-residents.

After a brief recess, the Board reconvened into Regular Session at 11:10 a.m.

7. ITEM A-7 - 10:15 A.M. - (a) PUBLIC HEARING - Consideration of proposed Ordinance amending Chapter 4 of the Lake County Code establishing fees for dog and cat licensing, redemptions and other services provided by Lake County Animal Care and Control; and (b) PUBLIC HEARING - Consideration of proposed ordinance amending Section 4-1 and adding Section 4-19 to Chapter 4 of the Lake County Code relating to nuisance animals - Animal Control Director Denise Johnson and Deputy Animal Control Director Bill Davidson were present.

Ms. Johnson presented the staff report.

(a) Amendments were made to the ordinance.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), waived the reading of the ordinance, to be read in title only. (Clerk so did).

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), advanced the ordinance one week, to December 15, 2009.

(b) Ms. Johnson presented the staff report.

There was Board consensus to direct staff to submit the proposed ordinance to the Animal Control Advisory Board for their consideration and to return it to the Board in January 2010 for consideration.

8. ITEM A-8 - 10:30 A.M. - HEARING - Notice of Nuisance Abatement - 12448 The Plaza, Clearlake Oaks, CA (APN 035-141-21 - Melissa Wilder) - Community Development Director Rick Coel, Code Enforcement Manager Voris Brumfield and Code Enforcement Officer Allison Garrett were sworn in by the Clerk.

Neither the owner nor representation was present.

Ms. Brumfield presented the staff report.

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Chair Rushing confirmed proper notification of the property owner.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), adopted the order to complete abatement of the nuisance on property located at 12448 The Plaza, Clearlake Oaks, CA (APN 035-141-21 - Melissa Wilder) , within thirty (30) days and authorized staff to abate the nuisance if it is not voluntarily abated, all cost associated with this case will become a charge against the property, and authorized the Chair to sign the abatement order.

9. **ITEM A-9 - 10:45 A.M. - HEARING - Notice of Nuisance Abatement - 12560 Foothill Boulevard, Clearlake Oaks, CA (APN 035-152-62 - Dawn Temple)** - Community Development Director Rick Coel, Code Enforcement Manager Voris Brumfield and Code Enforcement Officer Allison Garrett were sworn in by the Clerk.

Neither the owner nor representation was present.

Ms. Brumfield presented the staff report.

Chair Rushing confirmed proper notification of the property owner.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), adopted the order to complete abatement of the nuisance on property located at 12560 Foothill Boulevard, Clearlake Oaks, CA (APN 035-152-62 - Dawn Temple) , within thirty (30) days and authorized staff to abate the nuisance if it is not voluntarily abated, all cost associated with this case will become a charge against the property, and authorized the Chair to sign the abatement order.

10. **ITEM A-10 - 11:00 A.M. - (a) Update on Adult Services (In-Home Supportive Services); Child Welfare Services; federal programs and other miscellaneous programs and services; (b) Discussion/consideration of recommendation to implement the In-Home Supportive Services Rapid Response Program; and (c) Discussion/consideration of recommendation to terminate the Welfare to Work Services Contract at the close of Fiscal Year 2009/2010** - Social Services Director Carol Huchingson, Deputy Social Services Director Jennifer Fitts, Deputy Social Services Director Kathy Maes and Deputy Social Services Director John Moore were present.

Ms. Huchingson presented the staff report.

(a) Chair Rushing asked if anyone was present wishing to speak and Joan Moss spoke. No one else was present wishing to speak and the public input portion of this item was closed.

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

(b) There was Board consensus to concur with the staff recommendation to operate the In Home Support Service Rapid Response within the Social Services Department, after the program termination date of June 30, 2010.

(c) Chair Rushing asked if anyone was present wishing to speak and Richard Burke spoke. No one else was present wishing to speak and the public input portion of this item was closed.

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

11. **ITEM A-11 - Continued from December 1, 2009 - 11:45 A.M. - Discussion/consideration of proposed resolution authorizing the submission of an application to the California Energy Commission's Energy Efficiency and Conservation Block Grant Program to develop an Energy Efficiency and Alternative Energy Financing Program** - Chief Deputy Administrative Officer Matt Perry presented the staff report.

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

Supervisor Farrington offered Resolution No. 2009-229, authorizing the submission of an application with the Mendocino County Water Agency as the lead collaborative agency, to the California Energy Commission to develop an Energy Efficiency and Alternative Energy Financing Program, and it was passed by roll call vote (4 ayes, Supervisor Brown ABSENT).

Supervisor Farrington offered Resolution No. 2009-230, authorizing the submission of an application with the County of Humboldt as the lead collaborative agency, to the California Energy Commission to develop an Energy Efficiency and Alternative Energy Financing Program, and it was passed by roll call vote (4 ayes, Supervisor Brown ABSENT).

After a lunch recess, the Board reconvened into Regular Session at 1:40 p.m.

12. **ITEM A-12 - 1:30 P.M. - Status Report on the South Main Street and Soda Bay Road Corridor Improvement Project and Board direction regarding pursuing future funding for final design, right-of-way acquisition and construction** - Public Works Director Brent Siemer and Principal Civil Engineer Ken Brown were present.

Mr. Siemer presented the staff report.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Kristin Granback, Christian Gercke, Susan Dice and Betsy Cawn.

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

13. **ITEM A-13 - 2:00 P.M. - Discussion/reconsideration of Resolution No. 2009-216 approving Agreement #09-0593 with the State of California; Department of Food and Agriculture and authorizing execution and signature for pest detection/Light Brown Apple Moth (LBAM) activities for Fiscal Year 2009/2010** - This item was continued three weeks, to January 5, 2010, to allow for input from the Agricultural Department.

14. **ITEM A-14 - 2:15 P.M. - Presentation by St. Helena Clearlake Hospital Community Services Director Linda Shultz on a Community Health Needs Assessment and consideration of request for funding assistance for the preparation of the needs assessment** - Health Services Director Jim Brown and Health Officer Karen Tait, MD were present.

Ms. Shultz gave the presentation to the Board.

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

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

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15. **ITEM A-16 - Supervisors' weekly calendar, travel and reports** - Supervisor Smith announced the upcoming retirement of Planning Commissioner District 2 Gary Briggs, as of January 10, 2010. Supervisor Smith thanked Mr. Briggs for his years of service. He will accept applications for consideration and hold interviews in January to appoint a replacement Commissioner.
16. **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. Conference with Legal Counsel - Existing Litigation - (Subdivision (a) of Section 54956.9): California Sportfishing Alliance v. County of Lake, et al. and ITEM A-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:** - Chair Rushing announced the Board would now go into Closed Session for the reasons stated on the agenda, and for Extra #1.

The Board reconvened into Regular Session with no action taken at 3:40 p.m.

The Board recessed and convened the joint meeting with the Lake County Board of Education at 6 p.m. there being present Supervisors Jim Comstock, Jeff Smith, Anthony Farrington and Denise Rushing, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner. Lake County Board of Education Trustees Dr. Mark Cooper, Dr. David Browning, Patricia Hicks, Madeline Lyon, George Ryder and County Office of Education Superintendent Dave Geck were present.

17. **ITEM A-15 - 6:00 P.M. - Joint meeting with the Lake County Board of Education: Presentation of the Lake County School District Reorganization Feasibility Report** - Mr. Geck introduced the item.

Dr. Cooper gave a brief summary of the report, and introduced School District Reorganization Feasibility Task Force Facilitator Bill Cornelison.

Mr. Cornelison presented the Lake County School District Reorganization Feasibility Report and the following members of the School District Reorganization Feasibility Task Force: Angela Carter, Carl Webb, Ron Bryant, Steve Estrada, Cameron Reeves, C. Richard Smith, Charles Diener, Larry Allen, Angelina Arroyo, Jim Robbins, Lowell Grant, Tricia Mohl and Wally Holbrook.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Walt Christiansen, Tricia Mohl, Lowell Grant, Tammy Saldana, Ron Raetz, Colleen Alexander, Mike Adams, Carolyn Jarrett, Ron Bryant, Mahealani Urquiza, Pam Turner, Richard Smith, Bill MacDougal, Lloyd Galespie and Pat Hicks. No one else was present wishing to speak and the public input portion of this item was closed.

There was consensus among the Board of Supervisors on the following items:

- (1) It is worth the effort to look seriously into the consolidation of certain purchased services across all the districts, and perhaps across city and county as well.
- (2) Nothing presented in the report is "off the table"- except perhaps Option 2. More information is needed, specifically on costs of implementing the recommendation and additional savings.
- (3) Goals are: (1) preserve community involvement and autonomy and (2) provide the same or better education for much less money, perhaps 40-60% less.
- (4) the Board of Education is invited to join the Board of Supervisors again in 6 months, to provide an update on progress to the Supervisors and to the public.

There being no further business, the Board adjourned at 8:25 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Mireya Turner
Assistant Clerk of the Board