



MINUTES

COUNTY OF LAKE

BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD FEBRUARY 10, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 10th day of February, 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 a moment of silence Asst. 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, approved Consent Agenda Items C-1 through C-9.

Approved Minutes of the Board of Supervisors meeting held on January 27, 2009.

Adopted Proclamation designating the month of February, 2009, as Children's Dental Health Month in Lake County.

Authorized destruction of Minutes from Board of Supervisors Closed Sessions which are over three years old, pursuant to Government Code Section 26202 (2006 and prior years).

Adopted Resolution No. 2009-17 amending Resolution No. 2008-153 establishing position allocations for Fiscal Year 2008/2009, Budget Unit No. 4014, Mental Health (deleting one (1) 1.00 FTE Mental Health Specialist I/II/SR and adding one (1) .8 FTE Mental Health Specialist I/II/SR).

Approved Aeronautical Activity Permit to conduct aeronautical activities at Lampson Airport (Lake Aero Styling and Repair), and authorized the Chair to sign.

Approved Aeronautical Activity Permit to conduct aeronautical activities at Lampson Airport (Air Power), and authorized the Chair to sign.

Approved Agreement between the County of Lake and the Regents of the University of California for sediment sampling in Clear Lake in the amount of \$20,000.56 and authorized the Chair to sign.

Approved Grant Deeds and direct Clerk to certify for recordation (a portion of APNs 044-421-04, 044-431-02, 044-442-020, 044-432-01, 044-432-02, 044-432-03, 044-431-01, 044-431-03, 044-421-01, 044-421-02 and 044-441-02 - Big Valley Band of Pomo Indians), and approved Purchase Agreements between the County of Lake and Big Valley Band of Pomo Indians for Soda Bay Road/Big Valley Rancheria Road Rehabilitation Project and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Sanitation District, approved Sewer Mainline Extension Agreement between the Lake County Sanitation District and K4 Corporation, APNs 042-162-26, 042-163-02, 042-163-04 and 042-163-05 (1585 23rd Avenue, Clearlake), and authorized the Chair to Sign.

2. **ITEM A-2 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**

Extra #1 - Proposed Letter to State Legislators regarding State Budget and Payment Deferrals - On motion of Supervisor Brown and by vote of the Board (5 ayes), 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: The State Controller has started implementing payment deferrals and this situation jeopardizes the County's ability to continue providing essential services to the residents of Lake County.

During the discussion, Supervisor Brown requested the letters include the signatures of all Supervisors. Supervisor Farrington requested the letter also be sent to the State Minority Leaders.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved sending the letter to State Legislators regarding State Budget and Payment Deferrals, as amended, and authorized the Supervisors to sign.

CITIZEN'S INPUT - Animal Control Officers Eric Wood and Ben Cheek presented two canines currently available for adoption.

3. **ITEM A-13 - Consideration of request for out-of-state travel for an investigator to Weippe, Idaho, to complete a background investigation of a Communication Operator candidate** - This item was continued to later in the day to allow for input by Sheriff Rodney Mitchell.

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

4. **ITEM A-4 - 9:15 A.M. - Discussion/consideration of proposed Resolution allowing lease of real property (Holiday Harbor), located in Nice, CA (providing for a discounted annual rate in the amount of \$5.00 per month, which is equivalent to one month free rent to year-long tenants)** - Administrative Analyst Doug Willardson presented the staff summary.

Director Farrington offered Resolution No. 2009-18 and it was passed by roll call vote (5 ayes).

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

5. **ITEM A-5 - 9:25 A.M. - Presentation of Proclamation designating the month of February, 2009, as Children's Dental Health Month in Lake County** - Health Officer Dr. Karen Tait, Marta Fuller, Joan Reynolds and Dr. Doug Lewis were present.

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Supervisor Comstock read the proclamation into the record and presented it to Marta Fuller, who spoke.

6. **ITEM A-12 - Consideration of applications from members of the public for appointment to miscellaneous Lake County committees, commissions and advisory boards** - On motion of Supervisor Comstock and by vote of the Board (5 ayes), appointed John Henry Gay to the Animal Control Advisory Board, for a term expiring January 1, 2011.

7. **ITEM A-6 - 9:30 A.M. - (a) Update on the Clear Lake Aquatic Plant Management Program; and (b) Presentation on the 2008 California Food and Agriculture Hydrilla Eradication Program** - Deputy Director Public Works Water Resources Pam Francis, Water Resources Program Coordinator Carolyn Ruttan and California Department of Food and Agriculture Supervising Scientist Dr. Pat Akers were present.

Dr. Akers gave a power point presentation.

Supervisor Brown was absent at 9:35 a.m. and present at 9:38 a.m.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Ed Calkins, Louise Talley, Cheri Holden and Suzanne Lyons. No one else was present wishing to speak and the public input portion of this item was closed.

There was Board consensus to continue support of the Hydrilla Eradication Program.

8. **ITEM A-7 - 10:30 A.M. - Report by the Lake County Fish and Wildlife Advisory Committee identifying risk factors to strengthen current strategies aimed at minimizing the introduction of quagga and zebra mussels to Lake County** - University of California Extension Director Greg Giusti presented the summary to the Board.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Peter MacRae, Suzanne Lyons, Terry Knight, Ed Calkins and Janet Cawn. No one else was present wishing to speak and the public input portion of this item was closed.

No Board action was taken on this item.

9. **ITEM A-8 - 11:00 A.M. - Discussion/consideration of request from the Lake County Fish and Wildlife Advisory Committee to donate \$1,000 to support the Sunset Fishing Resort Annual Youth Fishing Derby in Clearlake** - University of California Extension Director Greg Giusti and Diane Gibson were present.

Mr. Giusti presented the Advisory Committee report to the Board.

Ms. Gibson spoke regarding the Sunset Fishing Resort Annual Youth Fishing Derby in Clearlake.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the donation of \$1,000 to support the Sunset Fishing Resort Annual Youth Fishing Derby in Clearlake, funds to be drawn from the Fish and Wildlife fund.

10. **ITEM A-11 - 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** - University of California Extension Director Greg Giusti reported the ongoing field surveys of Blue Lake for the Yellow Legged Frog and Hardheaded Minnow by Fish and Game biologists. One more survey is scheduled, with the continued goal of resolving the issue as soon as possible.

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

11. **ITEM A-9 - 11:15 A.M. - Consideration of proposed Budget Transfer B-120 in the amount of \$5,380 for purchase of one (1) Stabscope (gyroscopic binoculars, in lieu of forensic software previously budgeted), to be used during overflight of marijuana gardens during eradication efforts, Budget Unit No. 2203 - Sheriff/Marijuana Suppression** - Sheriff Mitchell gave a brief summary.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Budget Transfer B-120 in the amount of \$5,380 for purchase of one (1) Stabscope (gyroscopic binoculars, in lieu of forensic software previously budgeted), to be used during overflight of marijuana gardens during eradication efforts, Budget Unit No. 2203 - Sheriff/Marijuana Suppression, and authorized the Chair to sign.

- BACK TO ITEM A-13 - Consideration of request for out-of-state travel for an investigator to Weippe, Idaho, to complete a background investigation of a Communication Operator candidate** - Sheriff Rod Mitchell gave a brief summary.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved out-of-state travel for an investigator to Weippe, Idaho, to complete a background investigation of a Communication Operator candidate.

12. **ITEM 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. Public Employee Performance Evaluation - Title: Agricultural Commissioner 3. Conference with Legal Counsel - Existing Litigation - (Subdivision (a) of Section 54956.9): DeLuca v. County of Lake, et al. 4. Conference with Legal Counsel - Anticipated Litigation - (a) significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: One Potential Case 5. Initiation of litigation pursuant to Subdivision (c) of Section 54956.9: In the Matter of the County of Lake v. State of California, State Controller** - Chair Rushing announced the Board would now go into Closed Session for the reasons stated on the Agenda.

The Board returned to Regular Session at 12:56 p.m. with the following action taken:

On motion of Supervisor Brown, seconded by Supervisor Farrington and by vote of the Board (5 ayes), approved the joinder by the County of Lake in the legal action by the Counties of Sacramento and San Diego against the Controller of the State of California challenging the Controller's plan to defer payment to counties for CalWorks and other benefits programs.

There being no further business, the Board adjourned at 12:57 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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