



# MINUTES

## COUNTY OF LAKE

### BOARD OF SUPERVISORS

#### OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD FEBRUARY 17, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 17<sup>th</sup> 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 9:00 a.m. by Chair Rushing. Following a moment of silence County Administrative Officer Kelly Cox 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, approved Consent Agenda Items C-1 through C-12.

Approved Minutes of the Board of Supervisors meeting held on February 3, 2009.

Appointed Tom Gressley (Disabled Consumer representative), Marilyn Johnson (Provider representative), and Ken Young (Senior Community representative), to the IHSS Advisory Board for terms expiring on January 1, 2011.

Adopted Resolution No. 2009-19 adopting an Identity Theft Policy.

Approved revision to Buckingham Park Water District's Conflict of Interest Code pursuant to adoption of Resolution No. 08-11-01 by the Board of Directors of Buckingham Park Water District on November 20, 2008.

Approved partial non-renewal of Williamson Act Contract 71-03, established by Resolution No. 71-11, that was recorded on February 29, 1972, Book Number 689, pages 216-225, property located at 23453 Morgan Valley Road, Lower Lake, (APN 012-010-77-00 - Jennifer Marshall and Douglas Marshall), as recommended in the Memorandum from Community Development Director Rick Coel, dated February 5, 2009.

Adopted Resolution No. 2009-20 amending Resolution No. 2008-153 establishing position allocations for Fiscal Year 2008/2009, Budget Unit No. 1341, Human Resources Department (deleting one (1) .50 FTE Human Resource Technician and one (1) .60 FTE Human Resources Technician and adding one (1) 1.00 FTE Human Resources Technician).

Approved request from Information Technology Director Martin Franusich to approve the report of appointment to adjust the salary (at the Step 2 level), for Interim Deputy Information Technology Director Shane French (the completion of six months of interim service became effective on January 1, 2009), and authorized the Chair to sign the report of appointment.

(a) Adopted Resolution No. 2009-21 in support of a Federal Clean Water Act amendment of the U.S. Army Corps of Engineers Section 404 Permitting Process for maintenance activities of flood protection facilities; and (b) approved letter to appropriate state and federal representatives requesting support of a Federal Clean Water Act amendment and authorized the Chair to sign.

Approved plans and specifications for Clearlake Keys Cape Seal Coating and authorized the Assistant Purchasing Agent to advertise for bids.

(a) Adopted Resolution No. 2009-22 to appropriate unanticipated revenue in the amount of \$56,635, Budget Unit No. 9907 - Public Works ISF - Heavy Equipment Division, (received from the California Air Resources Board, Carl Moyer Program), for replacement of a grader motor; (b) determined and found that it is not in the public interest to follow a competitive bidding procedure for purchase of a grader motor, for the reasons specified in the Memorandum dated February 10, 2009, from Public Works Director; and (c) authorized the Public Works Director to issue a purchase order to PAPE Machinery, as the sole source provider, in the amount of \$67,130 (the difference between the amount being appropriated in unanticipated revenue and the amount of the purchase order is being covered through an internal budget transfer within this budget unit).

Approved request from Social Services Director/Public Guardian Carol Huchingson to execute the Memorandum of Understanding and subsequent rate adjustments for placement patch costs (\$100 per day to be paid by MediCal), for adult protective services client/probate conservatee at Lakeside Special Care Center, Lakeside, California, and authorized the Social Services Director to sign.

Sitting as the Board of Directors of the Lake County Air Quality Management District, appointed Roger Bakke as the Professional Engineer representative to the Lake County Air Quality Management District Hearing Board, for a term expiring January 17, 2012.

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

**Change Order No. 5 - Clearlake Oaks Plaza** - This change order addresses additional paving due primarily to the replacement of water lines covered in Change Order No. 1 and 2, additional curb, gutter, sidewalk and driveway aprons to address drainage needs, pedestrian safety and ADA requirements. It also provides for additional curb and roadway stripping to address Department of Public Works and Cal Trans concerns, additional park improvement such as irrigation valves for the planter islands on Foothill Boulevard, the fountain center piece that is being funded with community donations and concrete pads for picnic tables.

Deputy Redevelopment Director Eric Seely presented the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Change Order No. 5 - Clearlake Oaks Plaza - Bid No. 08-04 - KAT Construction, for an increase of \$51,397.20, and authorized the Chair to sign.

3. **ITEM A-5 - Consideration of applications from members of the public for appointment to miscellaneous Lake County committees, commissions and advisory boards** - No Board action was taken on this item.

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4. **ITEM A-11 - Proposed Ordinance amending Article X of Chapter Two of the Lake County Code to add a definition for the term "Purchase Order"** - Deputy County Administrative Officer Jeff Rein presented the staff report.

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 Brown and by vote of the Board (5 ayes), advanced the ordinance one week, to February 24, 2009.

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

5. **ITEM A-12 - Discussion/Consideration of proposed Resolution authorizing the Special Districts Administrator to act as the authorized representative for the Kelseyville a Wastewater System Kelseyville County Waterworks District No. 3 (authorizing the Improvement Project for Special Districts Administrator to submit an application for loan and grant funding to the State Water Resources Control Board)** - After Board discussion, this item was continued to later in the day to allow for input by the Special Districts Administrator.

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

6. **ITEM A-6 - 9:15 A.M. - PUBLIC HEARING - Consideration of: (a) Proposed Ordinance amending the Lake County Code, Article III of Chapter 5, Section 5.14, relating to building permit non-compliance, violations, stop work orders, appeal rights, costs of abatement, penalties and arrest and citation powers; and (b) Article I of Chapter 5, Section 5-4f.2, relating to regulations governing fireworks within the unincorporated areas of Lake County (continuation of the existing policy and updates the regulations to be consistent with the 2007 California Fire Code)** - Chief Building Inspector Dave Jezek presented the staff report.

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

(a) On motion of Supervisor Brown 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 Brown and by vote of the Board (5 ayes), advanced the ordinance one week, to February 24, 2009.

(b) On motion of Supervisor Brown 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 Brown and by vote of the Board (5 ayes), advanced the ordinance one week, to February 24, 2009.

The Board of Supervisors adjourned and convened as the Board of Directors of the Lake County Air Quality Management District.

7. **ITEM A-7 - 9:30 A.M. - Consideration of proposed Resolution adopting Year 11: Carl Moyer Program, authorizing the Air Pollution Control Officer to submit grant application and sign program documents** - Air Pollution Control Officer Doug Gearhart presented the staff report.

Director Farrington offered Resolution No. 2009-23 and it was passed by roll call vote (5 ayes).

The Board of Directors of the Lake County Air Quality Management District adjourned and convened as the Board of Directors of the Lake County Redevelopment Agency.

8. **ITEM A-8 - 9:45 A.M. - Consideration of proposed Resolution accepting conveyance of real property located at 12497 The Plaza and 12501 The Plaza, Clearlake Oaks, CA (APNs 035-143-14-00 and 035-143-15-00), in the amount of \$30,000, to be used for the reconstruction of the Live Oak Senior Center; seller is the United Methodist Church** - Deputy Redevelopment Director Eric Seely presented the staff report.

The gavel was passed to Vice Chair Farrington.

Director Rushing offered Resolution No. 2009-24, and it was passed by roll call vote (4 ayes, Supervisor Brown NO).

The gavel was returned to Chair Rushing.

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

9. **ITEM A-9 - 10:00 A.M. - Status report on the State Water Resources Control Board Board Workshop regarding the proposed amendments establishing state-wide regulations for onsite wastewater treatment systems (septic systems), and an overview of the impact these regulations would have on the County's Local Septic Permit Program** - Environmental Health Director Ray Ruminski and Environmental Health Special Supervisor James Scott were present.

Mr. Ruminski presented the staff summary.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Anna Ravenwood, Monte Winters, Grant Murray and James Clement. 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.

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

- BACK TO ITEM A-12 - Discussion/Consideration of proposed Resolution authorizing the Special Districts Administrator to act as the authorized representative for the Kelseyville a Wastewater System Kelseyville County Waterworks District No. 3 (authorizing the Improvement Project for Special Districts Administrator to submit an application for loan and grant funding to the State Water Resources Control Board)** - Amendments were made to the proposed resolution.

Director Brown offered Resolution No. 2009-25, as amended, and it was passed by roll call vote (5 ayes).

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

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10. **ITEM A-13 - (a) Consideration of proposed Budget Transfer B-130 in the amount of \$62,223.10 for the purchase of two 2009 2wd Chevrolet Tahoe police pursuits; and (b) Consideration of request for authorization for the Sheriff/Assistant Purchasing Agent to issue a purchase order to Kathy Fowler Chevrolet-Pontiac in the amount of \$62,223.10, Budget Unit No. 2217-Sheriff/Pursuits** - (a) On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Budget Transfer B-130 in the amount of \$62,223.10 for the purchase of two 2009 2wd Chevrolet Tahoe police pursuits and authorized the Chair to sign.

(b) On motion of Supervisor Brown and by vote of the Board (5 ayes), authorized the Sheriff/Assistant Purchasing Agent to issue a purchase order to Kathy Fowler Chevrolet-Pontiac in the amount of \$62,223.10, Budget Unit No. 2217 - Sheriff/Pursuits.

11. **ITEM A-14 - 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 Evaluations: Titles: Air Pollution Control Officer** - 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.

There being no further business, the Board adjourned at 11:30 a.m.

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Chair - Lake County Board of Supervisors

KELLY F. COX  
Clerk of the Board

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