



# MINUTES

## COUNTY OF LAKE

### BOARD OF SUPERVISORS

#### OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JANUARY 13, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 13<sup>th</sup> day of January, 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 Supervisor Farrington led the salute to the flag of the United States of America.

1. **ITEM A-1 - APPROVAL OF CONSENT AGENDA** -On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-5.

(a) Adopted Resolution No. 2009-04 supporting development and placement of gateway monument signage for Kelseyville; and (b) Approved letter to District Encroachment Permits Office Chief John Carson informing him of the Board's authorization for the Kelseyville Business Association to act as an agent of the County for issuance of the permit application for signage and authorized the Chair to sign.

Adopted Resolution No. 2009-05 prohibiting parking on State Route 20 along Nylander Park, Clearlake Oaks.

Adopted Resolution No. 2009-06 amending Resolution No. 2008-153 establishing position allocation for Fiscal Year 2008/2009, Budget Unit No. 6022 - County Library (deleting one (1) 1.00 FTE Library Assistant I/II and adding one (1) .5 FTE Library Assistant I/II.

Approved Application for Financial Aid from State Department of Boating and Waterways for Fiscal Year 2009/2010 and authorized Sheriff Rodney Mitchell to sign.

Sitting as the Board of Directors of the Lake County Redevelopment Agency, approved plans and specifications for construction of sidewalks on 9<sup>th</sup> Avenue, Lucerne and authorized the Purchasing Agent to advertise for bids.

2. **ITEM A-16 - 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 -** Agricultural Commissioner Steve Hajik and University of California Extension Director Greg Giusti were present.

Mr. Giusti gave a brief update on the continued pending approval of the stocking of Blue Lakes by the Department of Fish and Game.

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

3. **ITEM A-17 - Consideration of approval of Findings of Fact - Appeal of Milton Heath and Ellen Heath (AB 08-09) of the Planning Commission's approval of Bonavita Estate (Kurt Steil and Gary Johnson) Merger Resubdivision (MRS 08-02) to merge and resubdivide 2 parcels totaling 534 acres into 5 parcels, a Deviation (DV 08-02) to construct a dead-end road longer than 1000 feet and Use Permit (UP 05-20) for construction of an 11-acre ski lake; this project is located at 16756 & 17350 Butts Canyon Road, Middletown (APNs 014-003-83 and 014-140-05) -** On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Rushing NO), approved the Findings of Fact, and authorized the Chair to sign.

On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Rushing NO), denied the appeal of Milton Heath and Ellen Heath (AB 08-09).

4. **ITEM A-5 - Continued from December 16, 2008 - 9:15 A.M. - Consideration of recommendation by the Lake County Fish and Wildlife Advisory Committee for the purchase of a custom robotic wildlife mule deer figure in the amount of \$2,000, to be used by the California Department of Fish and Game (CDFG) to catch illegal, off-season hunters -** Agricultural Commissioner Steve Hajik, University of California Extension Director Greg Giusti, Fish and Game Officer Loren Freeman and Chief Deputy District Attorney Richard Hinchcliff were present.

Officer Freeman presented a summary of the importance of the current custom robotic wildlife mule deer figure to the Board.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Pat Voulgaris and Janet Cawn. 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 the purchase of a custom robotic wildlife mule deer figure, in the amount of \$2,000, to be used by the California Department of Fish and Game to catch illegal, off-season hunters.

5. **ITEM A-6 - 9:30 A.M. - HEARING - (a) Discussion/consideration of Lakebed Management Program revenue/costs; and (b) Proposed Ordinance establishing annual payments for Lakebed Encroachment Permits and Annual Lease Fees -** Public Works Director Brent Siemer 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: Louise Talley, Janet Cawn and Pat Voulgaris. No one else was present wishing to speak and the public input portion of this item was closed.

A) On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the Lakebed Management Program revenue/costs.

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B) 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 Farrington and by vote of the Board (5 ayes), advanced the ordinance one week, to January 20, 2009.

6. **ITEM A-7 - 10:00 A.M. - (a) Discussion/consideration of reducing the number of the Middletown Area Plan Update Advisory Committee members from twenty (20) to thirteen (13); and (b) Consideration of appointment to the Middletown Area Plan Update Advisory Committee** - Community Development Director Rick Coel presented the staff summary.

Chair Rushing asked if anyone was present wishing to speak and Pat Voulgaris spoke. 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), reduced the Middletown Area Plan Update Advisory Committee to thirteen (13) members and appointed Charlotte Ambrose, Michael Browning, Chris Simon, Richard Hamilton, Dwight Holford, Dave Jackson, Jack Lair, Meriel Medrano, Helen Owen, David Rosenthal, Sandy Tucker, Julia Valdovinos and Greta Zeit to the Middletown Area Plan Update Advisory Committee. This is an Ad Hoc Committee; without term expirations.

After a brief recess, the Board of Supervisors reconvened at 10:36 a.m., adjourned as the Board of Supervisors and convened as the Board of Directors of the Lake County Watershed Protection District.

7. **ITEM A-8 - 10:30 A.M. - (a) Discussion/consideration of request for authorization to allow representatives from the 2X2 Lake-Yolo Watershed Committee and staff to discuss and negotiate with representatives from the Yolo County Flood and Conservation District for opportunities to secure surface water rights to Clear Lake in connection with the development and construction of the Middle Creek Restoration Project; and (b) Consideration of request to permit Lake-Yolo 2X2 representatives and necessary County staff to travel out of County to meet with the State Water Resources Control Board (SWRCB) to discuss pending application for surface water rights to Clear Lake in connection with the proposed Middle Creek Restoration Project** - Director Farrington provided a brief summary.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Janet Cawn, Michael Schafer, Louise Talley, Paula Britton and Pat Voulgaris. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Director Farrington and by vote of the Board (5 ayes), directed Director Farrington and Director Brown to continue negotiations with representatives from Yolo County Flood and Conservation District for opportunities to secure surface water rights to Clear Lake in connection with the development and construction of the Middle Creek Restoration Project, and authorized out-of-County travel as needed for these meetings.

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

8. **ITEM A-9 - Continued from January 6, 2009 - 10:45 A.M. - Consideration of applications from members of the public for appointment to miscellaneous Lake County committees, commissions and advisory boards** - Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Lenny Mathews and Buck Bouker. 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), appointed Grant Murray and Parker Mahoney to the Animal Care and Control Board, for terms expiring January 1, 2011.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), appointed Edward Hagan to the Area 1 Developmental Disability Board, for a term expiring January 1, 2012.

On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Cheri Lee Glen Holden, Douglas North, Janet Swedberg, Anna Rose Ravenwood, Charles O'Neill-Jones, Louise Talley and Ed Calkins to the Clear Lake Advisory Subcommittee Advisory Board, for terms expiring January 1, 2011.

On Supervisor Farrington and by vote of the Board (5 ayes), appointed Bill Knoll to the Countywide Parks and Recreation Advisory Board, for a term expiring January 1, 2011. (DeWitt "Buck" Bouker was not appointed.)

On motion of Supervisor Brown and by vote of the Board (5 ayes), rescinded the motion made on January 6, 2009, to appoint Ed Robey to First Five Lake County.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), appointed Victoria Brandon to the Fish and Wildlife Advisory Board, for a term expiring January 1, 2011. At Supervisor Comstock's request, Jonathan Ambrose's application was carried over one week, to January 20, 2009.

On motion of Supervisor Smith and by vote of the Board (5 ayes), appointed Jo Bennett to the Library Advisory Board, for a term expiring January 1, 2011.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), appointed Marta Fuller and John Pavoni to the Maternal, Child and Adolescent Health (MCAH) Advisory Board, for terms expiring January 1, 2011.

9. **ITEM A-10 - 11:00 A.M. - Consideration of proposed guidelines and mini-grant application form for Community Based Recreational Activities and request to authorize the Public Services Director to advertise and solicit applications for this funding** - Public Services Director Kim Clymire presented the staff summary.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Scott DeLeon and Pat Voulgaris. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the guidelines and mini-grant application form for Community Based Recreational Activities and authorized the Public Services Director to advertise and solicit applications.

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

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10. **ITEM A-11 - 11:15 A.M. - Discussion/consideration of options regarding the proposed sale of the historic Lucerne Hotel/Castlepoint Ministries Lucerne Christian Conference Center building and property** - Deputy Redevelopment Director Eric Seely presented the staff summary.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Donna Christopher, Pat Voulgaris, Lenny Mathews, Louise Talley and Kevin Schmidt. No one else was present wishing to speak and the public input portion of this item was closed.

The gavel was passed to Director Farrington.

On motion of Director Rushing and by vote of the Board (5 ayes), authorized Redevelopment Agency staff to explore all options as mentioned in Mr. Seely's staff report, regarding the proposed sale of the historic Lucerne Hotel/Castlepoint Ministries Lucerne Christian Conference Center building and property, to pursue the potential use of CDBG funds for necessary studies to assist in the sale of the property, and to bring other appropriate options to the Board for consideration at a future date.

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.

11. **ITEM A-12 - 11:45 A.M. - Consideration of proposed Agreement between the County of Lake and SWCA Environmental Consultants for the preparation of an Archaeological Resource Management Report (to evaluate the potential impacts of the development of two private residences on Rattlesnake Island), in the amount of \$29,602** - Community Development Director Rick Coel and Assistant Resource Planner Ted Elliott were present.

Mr. Coel presented the staff summary.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Jim Brown, Michael Schafer, Batsulwin Brown, Frederick Schrag and Greg Williams. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and SWCA Environmental Consultants for the preparation of an Archaeological Resource Management Report (to evaluate the potential impacts of the development of two private residences on Rattlesnake Island), in the amount of \$29,602, and authorized the Chair to sign.

After a lunch recess, the Board returned to Regular Session at 1:31 p.m.

12. **ITEM A-13 - Continued from December 16, 2008 - 1:30 P.M. - (a) Update on the mobile home park owner responses to the proposed Rent Stability Lease Agreement; and (b) Consideration of proposed ordinance establishing mobile home park space rent stabilization; and (c) Discussion/consideration of regulatory alternatives** - Task Force Member Mary Ann McQueen reported sixty (60) parks indicated they would offer the lease, five (5) parks with fewer than ten (10) spaces whom have not responded (representing 35 total spaces), and seven (7) non-responsive parks, representing 235 spaces, one park indicating unwillingness to offer the lease agreement, and one park which remains undecided. Also, she reported receiving numerous calls from park owners requesting direction on implementation of the lease agreement.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Richard McCullough, Dick Forbes, Doug Johnson, Andy Rossoff and Gregory Cavness. No one else was present wishing to speak and the public input portion of this item was closed.

Board consensus supported the voluntary use of the Rent Stability Lease Agreement and no Board action was taken on this item.

13. **ITEM A-14 - Continued from January 6, 2009 - 2:30 P.M. - Continued discussion and consideration of request from Lowell Grant to initiate action to consolidate Lake County's seven school districts into one district and update from County Counsel and County Superintendent of Schools regarding the consolidation process and options for pursuing consolidation** - Lake County Office of Education Superintendent Dave Geck, Deputy County Counsel Bob Weiss and Lowell Grant were present.

County Counsel Anita Grant presented a summary of options available to the Board, including a draft resolution in support of the creation of a Feasibility Task Force by the Office of Education to consider the potential for cost savings and the general effects to be anticipated should any of the school districts in Lake County be unified with one or more existing districts.

Mr. Geck presented an update on the plan to gain information on options for pursuing consolidation.

This item was continued one week to January 20, 2009.

14. **ITEM A-18 - Consideration of out-of-state travel for Programmer/Analyst George Spurr to Phoenix, Arizona, from February 9-12, 2009, to attend the Workshop on Control Language Programming** - Information Technology Director Martin Franusich was present.

On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Farrington NO), approved out-of-state travel for Programmer/Analyst George Spurr to Phoenix, Arizona, from February 9-12, 2009, to attend the Workshop on Control Language Programming.

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

**Extra #1 - Designation of Chair for the Board of Supervisors Meeting on January 20, 2009** - 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 for the following reason: On January 20, 2009, Supervisors Farrington and Rushing will be absent from the Board of Supervisors meeting.

On motion of Supervisor Smith and by vote of the Board (5 ayes), appointed Supervisor Brown as Chair for the January 20, 2009 Board of Supervisors meeting.

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16. **ITEM A-19 - 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: Titles: Human Resources Director** - 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 4:22 p.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