



MINUTES

COUNTY OF LAKE

BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JUNE 16, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 16th day of June, 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 Georgine Hunt.

The meeting was called to order at 9:01 a.m. by Chair Rushing. Following a moment of silence, Deputy Redevelopment Director Eric Seely 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-9, with the exception of Consent Items C-4 and C-9. Consent Item C-9 will be taken up immediately following the approval of the Consent Agenda and Consent Item C-4 will be taken up later in the day.

Approved Minutes of the Board of Supervisors meetings held on June 2, 2009.

Adopted Resolution No. 2009-93, appropriating unanticipated revenue in the amount of \$2,000 (received from Air Quality Management District in accordance with the agreement for prosecution assistance), to be used for expansion of record and file storage capacity, additions to computer hardware and software, equipment that is needed and utilized in prosecution assistance for the Air Quality Management District, Budget Unit No. 1231 - County Counsel.

Approved letter to Governor Schwarzenegger regarding funding for the purchase of herbicides for the Hydrilla Eradication Program in Clear Lake and authorized the Chair to sign.

Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 024-171-21 - Mary B. Fassio-Trustee of the Mary B. Fassio Revocable Trust of 2003), and approve Purchase Agreement between the County of Lake and Mary B. Fassio for State Street Sidewalk Project located in Kelseyville, and authorized the Chair to sign.

Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 024-071-07 - Marsh H. Andersen-Trustee and Beverly S. Andersen-Trustee), and approve Purchase Agreement between the County of Lake and Marsh H. Andersen and Beverly S. Andersen for State Street Sidewalk Project located in Kelseyville, and authorized the Chair to sign.

Approved Grant Deed and directed Clerk to certify for recordation (APN 024-071-69 - Robert E. Fuerst-Trustee, Shirley J. Fuerst-Trustee, Frank W. Fuerst-Trustee, Valerie S. Fuerst-Trustee and Norma Florence Fuerst-Trustee), and approve Purchase Agreement between the County of Lake and Robert E. Fuerst, Shirley Fuerst, Frank W. Fuerst, Valerie S. Fuerst and Norma Florence Fuerst for State Street Sidewalk Project located in Kelseyville, and authorized the Chair to sign.

Sitting as the Board of Directors of Lake County Redevelopment Agency, approved Amendment No. 6 to Agreement between the Lake County Redevelopment Agency and Foothill Associates for the 3rd Avenue Plaza final design, engineering and construction bid documents (reduces the final payment by \$7,604, from a maximum compensation of \$157,095 to \$149,491), and authorize the Chair to sign.

The Board of Supervisors adjourns and convenes as the Board of Directors of Lake County Sanitation District.

CONSENT ITEM C-9 - Discussion/consideration of acceptance of dedication and conveyance of mainline sewer extension for purpose of providing sewer service to property located at 10829 Lakeshore Drive, Clearlake Park (APN 036-271-14 - Hans Fogl) - A memorandum from Special Districts Administrator Mark Dellinger dated June 11, 2009, was received. Mr. Dellinger requested that this item be pulled from the Consent Agenda for the following reasons:

Mr. Fogl changed the APN in the dedication and conveyance document from 036-271-14 to 039-271-22, which also changes the location of the sewer extension from 10829 Lakeshore Drive to 10827 Lakeshore Drive, Clearlake Park. This change has no impact on the District's acceptance of the construction of the sewer mainline.

On motion of Director Smith and by vote of the Board (5 ayes), accepted dedication and conveyance of mainline sewer extension, as amended, for the purpose of providing sewer service to property located at 10827 Lakeshore Drive, Clearlake Park (APN 036-271-22 - Hans Fogl), and authorized the Chair to sign and directed Clerk to certify for recordation.

The Board of Directors of Lake County Sanitation District adjourns and convenes as the Board of Supervisors.

2. **ITEM A-2 - Presentation of animals that are available for adoption at the Lake County Animal Care and Control Shelter** - There was no presentation of animals available for adoption today.

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

Extra #1 - Consideration of a proposed letter of opposition to the state legislatures regarding the proposal to eliminate the California Department of Food and Agriculture - On motion of Supervisor Smith 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 considered as an extra for the following reasons:

The Lake County Department of Agriculture was notified on Friday, June 12, 2009, that the state legislatures is considering eliminating the California Department of Food and Agriculture (CDFA) in order to close the \$24 billion dollar state deficit. The State Senate is meeting on this subject tomorrow, June 16, 2009, in Sacramento.

Agricultural Commissioner Steve Hajik was present and gave a brief overview of the impact this proposal would have on agriculture throughout California.

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Chair Rushing stated the CDFA supports the Quagga Mussel Prevention Program and the Hydrilla Eradication Program in Lake County, and had concerns that neither of these programs would be maintained if the CDFA was eliminated. These concerns need to be included in the letter to the state legislators.

Chair Rushing asked if anyone present wished to speak on this item and Mr. Chuck March spoke. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved letter of opposition, as amended, to the state legislators regarding the elimination of the California Department of Food and Agriculture and authorized the Chair to sign.

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

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

Contract Change Order No. 1 - Lucerne Sidewalk Improvements - There are twelve portions of the proposed change order, which includes changes at various sites as follows:

Substitution of a storm drain, additional aggregate base under driveways, installation of a trench drain system, transition of asphalt concrete, additional grinding and paving, deletion of storm drain manhole, deletion of a storm drain inlet, revised ADA ramp, additional striping, CALTRANS inspection fees and substitute concrete finishes.

Deputy Redevelopment Director Eric Seely was present and provided an overview of the changes to the contract.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Change Order No. 1 for an increase of \$55,511, Ruzicka Associates, Lucerne Sidewalk Improvements and authorized the Chair to sign.

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

5. ITEM A-5 - 9:15 A.M. - (a) Discussion/consideration of the proposed Amendment No. 3 to Solid Waste Handling and Recycling Services Contract between the County of Lake and Lake County Waste Solutions to establish equivalent tonnage fees in the amount of \$35 for green and woodwaste rates; and (b) Update and request for Board action regarding closure of the County's Lakeport Transfer Station (to be replaced by the Lake County Waste Solutions facility in Lakeport) - Public Services Director Kim Clymire and Public Services Deputy Director Caroline Chavez were present and provided the staff report on the proposed closure of the Transfer Station. At the current time, the Transfer Station is operating at a net loss due to the reduction in both the number of customers and the number of tons being received. The Amfab compactor unit broke down again and the costs to repair the unit ranges from a minimum of \$162,000 with no guarantees for on-going functionality and up to one million dollars to replace the unit with a similar system. Lake County Waste Solutions will have the ability to assume the functions of the Transfer Station. The net cost saving of closing the Transfer Station and transferring its operation to Lake County Waste Solutions is estimated to be at least \$250,000 annually. Staff is planning for a transition date of October 5, 2009.

Mr. Bruce McCrackin, representing Lake County Waste Solutions was also present and stated that the award of the bid for the left-turn lane and facility expansion will be within the next month and construction should be completed by September.

(a) On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved Amendment No. 3 to Solid Waste Handling and Recycling Services Contract between the County of Lake and Lake County Waste Solutions to establish equivalent tonnage fees in the amount of \$35 for green and woodwaste rates and authorize the Chair to sign.

(b) On motion of Supervisor Farrington and by vote of the Board (5 ayes), directed staff to take the appropriate steps to close the Lakeport Transfer Station with a target date of October 5, 2009, and bring back at a later date for consideration, all the documents that are necessary that will complete the closing process.

BACK TO #1 - CONSENT ITEM C-4 - Consideration of the Environmental Consultant Agreement between the County of Lake and SHN Consulting Engineers & Geologists, Inc. to prepare the semi-annual and annual Eastlake Landfill groundwater monitoring and reporting services to be submitted to the State Regional Water Control Board and update the Constituent Concentration Limits (CCLs) for the monitoring program at the Eastlake Landfill (for a two-year term expiring on March 31, 2010), in the amount of \$16,000 - Public Services Director Kim Clymire and Public Services Deputy Director Caroline Chavez were present.

Supervisor Farrington stated he requested that this item be pulled from the Consent Agenda because he was concerned about this agreement not going through the bidding process.

Mr. Clymire explained to the Board that the reason the department is requesting a waiver of the bidding process is that SHN Engineers has unique knowledge regarding the Eastlake Landfill water monitoring history and issues and has been providing this service for the last several years.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the Environmental Consultant Agreement between the County of Lake and SHN Consulting Engineers & Geologists, Inc. to prepare the semi-annual and annual Eastlake Landfill groundwater monitoring and reporting services to be submitted to the State Regional Water Control Board and update the Constituent Concentration Limits (CCLs) for the monitoring program at the Eastlake Landfill (for a two-year term expiring on March 31, 2010), in the amount of \$16,000, and authorized the Chair to sign.

6. ITEM A-12 - 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 gave the staff report.

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

The Board of Supervisors adjourns and convenes as the Board of Directors of Kelseyville County Waterworks District No. 3.

7. ITEM A-9 - Discussion/consideration of: (a) Proposed Resolution authorizing the Special Districts Administrator to act as the authorized representative for the Kelseyville Wastewater System Improvement Project for Kelseyville County Waterworks District No. 3; (b) Proposed Resolution authorizing the Kelseyville County Waterworks District No. 3 to reimburse the State Water Resources Control Board for the receipt of State Revenue Bond Funds to construct wastewater system improvements at the Kelseyville Wastewater Treatment Plant; and (c) Proposed Agreement between the Kelseyville County Waterworks District No. 3 and the State Water Control Board for loan and grant funding for the wastewater system improvements at the Kelseyville Wastewater Treatment Plant in the amount of \$3,479,050 - Special Districts Administrator Mark Dellinger was present and provided the staff report.

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Chair Rushing asked if anyone present wished to speak on this item and Mr. Mike Jordan spoke. No one else was present wishing to speak and the public portion of this item was closed.

(a) Director Farrington offered Resolution No. 2009-94 (authorizing the Special Districts Administrator to act as the authorized representative for the Kelseyville Wastewater System Improvement Project for Kelseyville County Waterworks District No. 3), and it was passed by a roll-call vote (5 ayes).

(b) Director Farrington offered Resolution No. 2009-95 (authorizing the Kelseyville County Waterworks District No. 3 to reimburse the State Water Resources Control Board for the receipt of State Revenue Bond Funds to construct wastewater system improvements at the Kelseyville Wastewater Treatment Plant) and it was passed by a roll-call vote (5 ayes).

(c) On motion of Director Farrington and by vote of the Board (5 ayes), approved the Agreement between the Kelseyville County Waterworks District No. 3 and the State Water Control Board for loan and grant funding for the wastewater system improvements at the Kelseyville Wastewater Treatment Plant in the amount of \$3,479,050, and authorized the Chair to sign.

The Board of Directors of Kelseyville County Waterworks District No. 3 adjourned and reconvened as the Board of Supervisors.

8. **Item A-6 - 10:15 A.M. - Workshop with the Lake County Board of Supervisors and the Mussel Task Force regarding the current status of the Lake County Invasive Species Prevention Program and discussion on continued efforts to prevent the infestations of quagga/zebra mussels in water bodies within Lake County** -Public Works Director Brent Siemer and Deputy Public Works Director of Water Resources Pam Francis were present.

Supervisor Smith gave update on the continued efforts by the Mussel Task Force to prevent the infestation of the quagga/zebra mussels in Lake County,, which included an overview of the sticker program and the purchase of four decontamination stations, which at the current time the County cannot afford to run. Also, the task force considered the donation of at least one of the decontamination stations to the City of Lakeport, the task force voted 6-3 to keep at least two of the units. Supervisor Smith also read an e-mail from Fish and Game Environmental Specialist Jason Roberts explaining the pros and cons of the decontamination stations.

Chair Rushing asked if anyone wished to speak on this item and the following persons spoke: Mr. Terry Knight and Ms. Suzanne Lyons spoke.

This item was continued after a short recess.

After a short recess, the Board reconvened at 11:02 a.m.

- BACK TO #8 - Item A-6 - 10:15 A.M. - Workshop with the Lake County Board of Supervisors and the Mussel Task Force regarding the current status of the Lake County Invasive Species Prevention Program and discussion on continued efforts to prevent the infestations of quagga/zebra mussels in water bodies within Lake County** -Chair Rushing continued with public input and the following persons spoke: Ms. Sarah Ryan, Ms. Victoria Brandon, Mr. Frank Zarate, Mr. Greg Guisti, Ms. Nancy Ruzicka, Ms. Betsy Cawn, Mr. Phil Murphy and Ms. Katherine Yoder. No one else was present wishing to speak and the public portion of this item was closed.

There was consensus by the Board to keep at least two of the decontamination stations and directed staff to place on the agenda at a later date the donation of one of the stations to the City of Lakeport.

The Board adjourned for lunch at 12:15 p.m. and reconvened at 1:33 p.m.

9. **Item A-8 - Discussion/consideration of Contract between the County of Lake and Women's Recovery Services for provision of residential treatment services for women experiencing alcohol or drug related problems (in the amount \$11,743)** - AODS Administrator Laura Solis was present and gave a brief overview of the residential treatment services provided by Women's Recovery Services.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Contract between the County of Lake and Women's Recovery Services for provision of residential treatment services for women experiencing alcohol or drug related problems in the amount of \$11,743, and authorized the Chair to sign.

10. **ITEM A-11 - Discussion/consideration of Contract between the County of Lake and Arrow Fencing to supply (purchase) and install a security fence and CCTV cameras at the Sheriff's Department, Central Dispatch Facility in the amount of \$33,200** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Contract between the County of Lake and Arrow Fencing to supply (purchase) and install a security fence and CCTV cameras at the Sheriff's Department Central Dispatch Facility in the amount of \$33,200, and authorized the Sheriff/Coroner Assistant Purchasing Agent to sign.

After a short recess, the Board reconvened at 1:53 p.m.

11. **ITEM A-10 - Discussion/consideration of Contract between the County of Lake and S & S Electric to supply (purchase) and install an 80KW generator at the Lake County Sheriff's Department, Emergency Operations Center in the amount of \$47,950** - Sheriff Rodney Mitchell was present.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Contract between the County of Lake and S & S Electric to supply (purchase) and install an 80KW generator at the Lake County Sheriff's Department, Emergency Operations Center in the amount of \$47,950, and authorized the Sheriff/Coroner Assistant Purchasing Agent to sign.

12. **ITEM A-13 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: LCEA and DDAA; 2. Conference with Legal Counsel - Significant exposure to litigation pursuant to Section 54956.9, Subdivision (b)3)C: One potential case; 3. Conference with Legal Counsel - Decision whether to initiate litigation pursuant to Subdivision (c) of Section 54956.9: One potential case; 4. Public Employee Performance Evaluation: Title: Animal Control Director; and 5. Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Section 54956.9): EEOC Claim of F. Rivero** - Chair Rushing announced that the Board will now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned at 3:35 p.m.

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Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board