



# MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

## OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JUNE 23, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 23<sup>rd</sup> 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 Mireya Turner.

The meeting was called to order at 9:01 a.m. by Chair Rushing. Following the moment of silence, Supervisor Smith 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 (5 ayes), approved Consent Agenda Items C-1 through C-24, with the exception of C-3 and C-17, which will be taken up immediately following the approval of the Consent Agenda.

Approved Minutes of the Board of Supervisors meetings held on June 9, 2009.

Appointed Linda Diehl-Darms to the Middletown Cemetery District Board of Directors for a term expiring on January 1, 2013.

Approved letter of support for Broadband Associates' application on behalf of Lake County for American Recovery and Reinvestment Act (ARRA) funds and authorized the Chair to sign.

Adopted Resolution No. 2009-96 authorizing the Deputy Director, Lake County Redevelopment Agency, to sign a Notice of Completion for work performed under agreement dated January 20, 2009 (Lucerne Sidewalk Project).

Adopted Resolution No. 2009-97 authorizing Public Health to apply for a three year grant from the California Department of Food and Agriculture (CDFA) for the 2009 Specialty Crop Block Grant Program and if awarded to become the Fiduciary Agent for the Health Leadership Network (HLN).

Adopted Resolution No. 2009-98 approving the amended Intergovernmental Agreement between the County of Lake and California Department of Public Health for the Immunization Network of Northern California and authorizing the Board Chair to sign.

Approved revision to Kelseyville Fire Protection District's Conflict of Interest Code pursuant to adoption of Resolution No. 2009-13 by the Board of Directors of Kelseyville Fire Protection District on June 11, 2009.

Adopted Resolution No. 2009-99 approving application and designation of lead jurisdiction for California Beverage Container Recycling and Litter Reduction Grant for Fiscal Year 2009-2010.

Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 024-171-18 - Saul Acosta and Luisa Acosta), and approved Purchase Agreement between the County of Lake and Saul Acosta and Luisa Acosta 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 024-171-28 - Sergio Castro and Martha Castro), and approved Purchase Agreement between the County of Lake and Sergio Castro and Martha Castro for State Street Sidewalk Project located in Kelseyville, and authorized the Chair to sign.

Waived the 900 hour limit for extra-help Water Resources Program Coordinator Erica Lundquist (extending time to 960 hours).

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

Accepted Certification of County Elections Official of Results of the Canvass of the Statewide Special Election returns held on May 19, 2009, for state propositions.

Approved Budget Transfer B-324 in the amount of \$92,000, from Budget Unit No. 2301-Jail to Budget Unit No. 2202-Sheriff/Dispatch, to cover projected year end payroll costs for Budget Unit No. 2202, and authorized the Chair to sign.

(a) Approved the request to purchase two (2) Mobile Audio Video (MAV) units for pursuit vehicles in the amount of \$11,088.13 from WatchGuard; and (b) Authorized the Sheriff/Purchasing Agent to issue a purchase order to WatchGuard in the amount of \$11,088.13, for the purchase of the units.

Approved First Amendment to Agreement between the County of Lake and Senior Support Services, Inc., for additional funding in the amount of \$2,500, for the purchase of materials and equipment for building modifications, and authorized the Chair to sign.

Adopted Resolution No. 2009-100 authorizing the Chair of the Board to approve and direct the Tax Collector to sell, at internet auction, 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.

Approved Agreement (MPTS2000+/2010) between the County of Lake and Megabyte Systems, Inc. for Property Tax System maintenance in the amount of \$7,695.81 per month and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Air Quality Management District, (a) Approved Agreement between the Lake County Air Quality Management District and Steven Garner for funding of a replacement diesel engine and installation of a diesel particulate filter device (not to exceed the maximum amount of \$54,027); and (b) Approved Agreement between the Lake County Air Quality Management District and Lauenroth Trucking for funding of a replacement electrical line powered pump (not to exceed the maximum amount of \$3,942.72), and authorized the Chair to sign both agreements.

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Sitting as the Board of Directors of the Lake County In-Home Supportive Services (IHSS) Public Authority, approved Long Care Workers Health Trust Fund Participation Agreement between the Lake County IHSS Public Authority and Long Term Care Workers Health Trust Fund (California United Homecare Workers Union), and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Redevelopment Agency, approved Budget Transfer B-341 in the amount of \$80,000, for the transfer of funding from the Upper Lake Gateway and Main Street Improvements Project needed to pay cost not covered by grant funds for the Lucerne Sidewalk Project, Budget Unit No. 1893-Redevelopment Agency and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Sanitation District, adopted Resolution No. 2009-101 authorizing the Special Districts Administrator to sign a Notice of Completion for work performed on the Middletown Wastewater Treatment Facility (Sodium Hypochlorite Storage and Feed System).

2. **CONSENT AGENDA ITEM C-3 - Consideration of proposed Resolution supporting Tribal Consortium Energy Efficiency Grant Application to the Federal Department of Housing and Urban Development for local workforce training in low income weatherization and energy program implementation** - Chair Rushing noted the title of the resolution was worded differently than as listed in the agenda and read the correct title.

Supervisor Smith offered Resolution No. 2009-102, supporting the Scotts Valley Tribe of Pomo Indians, a member of the Tribal Consortium, in their energy efficiency grant application to the Native American Housing Block Grant under the American Recovery and Reinvestment Act of 2009, Docket No. FR-5317-N-01, and it was passed by roll call vote (5 ayes).

3. **CONSENT AGENDA ITEM C-17 - Consideration of request to approve First Amendment to Agreement between the County of Lake and Senior Support Services, Inc., for additional funding in the amount of \$2,500, for the purchase of materials and equipment for building modifications, and authorize the Chair to sign** - This item was pulled from the Consent Agenda at the request of staff and will not be taken up.

4. **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 Eric Wood introduced Officer Ben Cheek and presented one canine and one feline currently available for adoption.

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

**Extra #1 - Conference with Legal Counsel - Decision whether to initiate litigation pursuant to Section 54956.9, subdivision (b) (C): One potential case** - On motion of Supervisor Smith and by vote of the Board (5 ayes), approved taking up this item during Closed Session due to the fact that the need arose after the posting of today's agenda.

County Counsel Anita Grant presented the staff report.

This item was taken up by the Board for the following reason:

A matter has arisen since the posting of the current agenda in regard to a question of whether the County should initiate litigation. A decision by this Board should be made prior to the next scheduled Board of Supervisors meeting on July 7, 2009.

This item will be taken up later in the day, during Closed Session.

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 presented the staff report.

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

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

7. **ITEM A-5 - 9:15 A.M. - (a) PUBLIC HEARING - Draft Budget Hearing for Lake County Air Quality Management District, for review and public comment on the proposed 2009/2010 District Budget, in accordance with the California Public Health and Safety Code Section 40131; and (b) Proposed Resolution transferring funds to the Lake County Air Quality Management District Office Building designation** - Air Quality Control Officer Doug Gearhart and Senior Air Quality Specialist Elizabeth Knight were present.

Mr. Gearhart presented the staff report.

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

On motion of Director Farrington and by vote of the Board (5 ayes), remained on record as opposed to any further state subvention cuts to local air districts and in support of changes in the Health and Safety Code, allowing the option of a vehicle fee to support the staffing of the air district.

Director Farrington offered Resolution No. 2009-103, and it was passed by roll call vote (5 ayes).

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

8. **ITEM A-14 - Discussion/consideration of a new department policy relative to the delivery of stray cats to the County Animal Shelter and related service fees** - Animal Care and Control Director Denise Johnson and Deputy Animal Care and Control Director Bill Davidson were present.

Ms. Johnson presented the staff report.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Chuck Leonard and Lenny Mathews. 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 in concept the imposition of a fee for the pickup of feral cats, and directed staff to bring a proposed ordinance to the Board for consideration.

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

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9. **ITEM A-6 - Continued from May 26, 2009 - 9:30 A.M.** (a) Status report and consideration of alternatives to address the Southeast Regional Collection System Clean-Up and Abatement Order and request for Board direction regarding the use of the City of Clearlake's consultant selection process; and (b) Proposed transfer of surplus bond funds to LACOSAN Capital Improvement Designation in Fund 250 - Special Districts Administrator Mark Dellinger presented the staff report.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Victoria Brandon, Dale Neiman and Chuck Leonard. No one else was present wishing to speak and the public input portion of this item was closed.

(a) On motion of Director Smith and by vote of the Board (5 ayes), supported, in concept, partnering with the City of Clearlake to address the Southeast Regional Collection System Clean-Up and Abatement Order, and approved, in concept, the use of the City of Clearlake's consultant selection process.

(b) On motion of Director Smith and by vote of the Board (5 ayes), directed the Auditor-Controller to transfer any surplus Reserve and other miscellaneous Funds to their associated Redemption Fund and to transfer all monies in the bond Redemption Funds to the Capital Improvement Reserve Designation, as described in staff memorandum dated June 1, 2009.

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

After a short break, the Board reconvened at 10:52 a.m. Supervisor Brown was absent until 10:53 a.m.

10. **ITEM A-7 - 10:15 A.M. - PUBLIC HEARING - Discussion/consideration of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program for funding of a Special Victims/Vulnerable Persons Unit** - Chair Rushing opened the public hearing. No one was present wishing to speak and the public hearing was closed.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the grant application of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program for funding of a Special Victims/Vulnerable Persons Unit.

11. **ITEM A-8 - Continued from May 19 and June 9, 2009 - 10:30 A.M. - HEARING - Notice of Nuisance Abatement - 5677 Nason Road, Lucerne, CA (APN 033-443-18 - Ulrich Wasem on property of Kenneth Woo)** - Code Enforcement Manager Voris Brumfield was sworn in by the Clerk.

No owner representation was present.

On motion of Supervisor Smith and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 5677 Nason Road, Lucerne, California, (APN 033-443-18 - Kenneth Woo), 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.

12. **ITEM A-9 - 10:45 A.M. - Discussion/consideration of issuing a notice of termination of Lease Agreements for property located at 991 Parallel Drive, Lakeport (which is currently occupied by the Mental Health Department/Alcohol and Other Drug Services,) and for property located at 15145 Lakeshore Boulevard, Clearlake (which is currently occupied by the Mental Health Department), in order to consolidate the Mental Health Department's office facilities and reduce rental expenses in response to decreases in state funding** - Mental Health Director Kristy Kelly, Deputy Mental Health Director - Finance Administration Chuck Fernandez and Substance Abuse Program Administrator Laura Solis were present.

Ms. Kelly presented the staff report.

Chair Rushing asked if anyone was present wishing to speak and Nancy Ruzicka spoke. 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), terminated the Lease Agreement for property located at 15145 Lakeshore Boulevard, Clearlake, and directed staff to return to the Board at a later date with an update regarding the effects the State budget will have on the AODS Division, at which time a decision will be made on whether or not it will be necessary to terminate the lease of the Parallel Drive, Lakeport building.

13. **ITEM A-15 - Consideration of proposed Contract between the County of Lake and Jeri E. Owens, M.D. for specialty mental health services (maximum reimbursement in the amount of \$144,000)** - Mental Health Director Kristy Kelly and Deputy Mental Health Director - Finance Administration Chuck Fernandez were present.

Ms. Kelly presented the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Contract between the County of Lake and Jeri E. Owens, M.D. for specialty mental health services (maximum reimbursement in the amount of \$144,000), and authorized the Chair to sign.

14. **ITEM A-16 - Consideration of proposed Resolution approving the Standard Agreement between the County of Lake and the State Department of Mental Health for state hospital beds, for Fiscal Year 2009-2010, and authorizing the Director of Mental Health to sign Agreement Number 07-77250-000 (total liability in the amount of \$289,516)** - Mental Health Director Kristy Kelly and Deputy Mental Health Director - Fiscal Administration Chuck Fernandez were present.

Ms. Kelly presented the staff report.

Supervisor Farrington offered Resolution No. 2009-104, and it was passed by roll call vote (5 ayes).

15. **ITEM A-13 - (a) Approval of Fiscal Year 2009-2010 Budget Tabulation, as amended, thereby constituting the Fiscal Year 2009-2010 Proposed Budget; (b) Proposed Resolution approving position allocations for Fiscal Year 2009-2010, to conform to the proposed budget; and (c) Consideration of requests for authorization to purchase certain fixed assets and fill new positions prior to adoption of the final budget** - County Administrative Officer Kelly Cox presented the staff report.

(a) On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Fiscal Year 2009-2010 Budget Tabulation, as amended, thereby constituting the Fiscal Year 2009-2010 Proposed Budget.

(b) Supervisor Smith offered Resolution No. 2009-105, and it was passed by roll call vote (5 ayes).

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On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the requests for authorization to purchase certain fixed assets and fill new positions prior to adoption of the final budget, as recommended in Mr. Cox's memorandum dated June 10, 2009.

16. **ITEM A-17 - Consideration of recommendation for award of Bid No. 09-30 for the construction of State Street (Main Street to Gaddy Lane), Kelseyville, for pavement rehabilitation and accessibility improvements** - Public Works Director Brent Siemer presented the staff summary.

On motion of Supervisor Brown and by vote of the Board (5 ayes), awarded Bid No. 09-30 for the construction of State Street (Main Street to Gaddy Lane), Kelseyville, for pavement rehabilitation and accessibility improvements, and authorized the Chair to sign the Bid Award.

The Board adjourned for lunch and reconvened at 1:02 p.m.

17. **ITEM A-10 - 1:00 P.M. - Presentation and Board Workshop to be led by the California Association for Local Economic Development (CALED) on the topics of economic development success factors, observations on specific projects and discussion/consideration of recommendations to attract investment to Lake County** - Deputy County Administrative Officer for Economic Development Debra Sommerfield was present and introduced representatives of the California Association for Local Economic Development (CALED), Mr. Wayne Schell, Mr. Al Gianini and Mr. Jim Renzas,

Ms. Summerfield also reported on April 28, 2009, a CALED Summit was held as part of the County's marketing effort to attract commercial and resort investment to Lake County. A professional advisory team was established with expertise in the areas of commercial real estate, site selection and infrastructure to assist the County in prioritizing projects and developing an effective action plan to attract investment. This team included Mr. Wayne Schell, Mr. Al Gianini, Mr. Richard Ellis and Mr. Jim Renzas. On June 22, 2009, the team visited a number of potential investment sites, which included the Lucerne Hotel, Ceago Vineyards, Holiday Harbor, the former Workright building and the former Kelseyville Lumber building.

Mr. Schell stated that Lake County faces many challenges due to its remote location and there are federal grants available to help develop businesses in rural areas.

Mr. Renzas suggested that the County hire a full-time employee to work on attracting new and retaining existing businesses in Lake County.

Mr. Gianini gave a brief overview of the opportunities on sites they toured, which included Ceago DeLago, Lampson Airport and the Lucerne Hotel. Mr. Gianini stated the main economic development project would be the Lucerne Hotel, but the County also needs to focus on business development at Lampson Airport.

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

18. **ITEM A-18 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: LCEA and DDAA; and 2. 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 the following action taken:

Supervisor Brown offered Resolution No. 20-09-106 (authorizing the County Counsel to cooperate with the California State Association of Counties, other counties and cities in litigation challenging the constitutionality of any seizure by State Government of Highway Users Tax Account (HUTA) funds), and it was passed by a roll-call vote (5 ayes).

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