



MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JUNE 9, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 9th 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 9:02 a.m. by Chair Rushing. Following the 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 Smith and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-5.

Approved Minutes of the Board of Supervisors meetings held on May 19 and 26, 2009.

Approved Grant Deed and direct Clerk to certify for recordation (a portion of APN 024-171-03 - Emmy G. Browning, Trustee), and approved Purchase Agreement between the County of Lake and Emmy G. Browning for State Street Sidewalk Project located in Kelseyville, and authorized the Chair to sign.

(a) Approved Agreement between the County of Lake and Chapel of the Lakes Mortuary for mortuary services; (b) Approved Agreement between the County of Lake and Jones Mortuary for mortuary services; and (c) Approved Agreement between the County of Lake and Jones and Lewis (Clear Lake Memorial Chapel), for mortuary services and authorized the Chair to sign the three agreements (all three agreements have a term expiring on June 30, 2010).

Approved the request to set a public hearing on June 23, 2009, at 10:15 a.m., for the discussion/consideration of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program for funding of a Special Victims/Vulnerable Persons Unit.

Approved out-of-state travel for Deputy Social Services Director Kathy Maes and Children's Services Program Manager Toni Jones to Arlington, Virginia, to attend the United States Department of Health and Human Services Regional Partnership Grant Annual Meeting from July 23-24, 2009 (costs will be reimbursed by the Federal Administration for Children and Families Grant).

2. **ITEM A-2 - Presentation of animals that are available for adoption at the Lake County Animal Care and Control Shelter** - Animal Control Officer Eric Wood presented one canine currently available for adoption.
3. **ITEM A-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**

Extra #1 - Consideration of request for the Chair of the Board to announce that the Hearing of the Notice of Nuisance for Ulrich Wasem was inadvertently omitted from today's agenda and reschedule the hearing for June 23, 2009, at 10:30 a.m. - 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:

During the May 19, 2009 Board of Supervisors meeting, the Nuisance Abatement Hearing for Ulrich Wasem was continued to June 9, 2009, at 9:30 a.m., to allow staff to notify the property owner regarding his financial responsibility for any expenses incurred during possible abatement activities.

However, when the June 9, 2009 agenda was prepared, the backup paperwork was not carried forward for placement on the agenda. Assistant Clerk of the Board Georgine Hunt, was unaware that this item was continued and it was inadvertently omitted from the June 9, 2009 agenda.

Because the item was not placed on the June 9, 2009, agenda, the Board cannot hold the Nuisance Abatement Hearing. Staff requests the Chair announce that this item was inadvertently omitted from today's agenda and reschedule the hearing for June 23, 2009, at 10:30 a.m.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the request and rescheduled the hearing for June 23, 2009, at 10:30 a.m.

On motion of Supervisor Smith and by vote of the Board (5 ayes), rescinded the previous motion, and continued this item to 10:30 a.m. to allow for input from anyone wishing to speak on this item.

Extra #2 - Consideration of a proposed letter of opposition to Senator Wiggins and Assembly Member Chesbro regarding the State Department of Finance's proposal to take local gas tax funds from County Governments - On motion of Supervisor Comstock 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 need for strong opposition to the proposed taking of local gas tax funds from County governments by the State Department of Finance occurred after the agenda was posted. It is imperative that the Board act on this issue immediately as the proposal is currently under consideration.

Amendments were made to the letter.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the letter of opposition to Senator Wiggins, Assembly Member Chesbro, and other State leaders, regarding the State Department of Finance's proposal to take local gas tax funds from County Governments, as amended, and authorized the Chair to sign.

Extra #3 - (a) Discussion/consideration of request for waiver of the Policy for Review and Selection of Professional Consultants and Other Services Providers for the purpose of the County conducting independent soils sampling; and (b) Consideration of proposed Agreement between the County of Lake and Bottle Rock Power, LLC for the purpose of the County conducting independent soils sampling to be paid for the Bottle Rock Power, LLC, not to exceed \$48,472 - 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:

Due to the time constraints on the drilling equipment availability, this item must be heard by the Board before the next scheduled meeting.

(a) On motion of Supervisor Brown and by vote of the Board (5 ayes), found it was not in the public interest to follow the Consultant Selection Board Policy and waived the Consultant Selection Policy.

(b) On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Agreement between the County of Lake and Bottle Rock Power, LLC for the purpose of the County conducting independent soils sampling to be paid for the Bottle Rock Power, LLC, not to exceed \$48,472, and authorized the Chair to sign.

CITIZEN'S INPUT - Harry DeLope spoke regarding the forming Northshore Lions Club.

4. **ITEM A-5 - 9:15 A.M. - Discussion/consideration of proposed letter to State officials expressing concerns regarding the proposal closing Anderson Marsh State Historic Park** - County Administrative Officer Kelly Cox gave the staff summary.

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

There was Board consensus to direct staff to draft a letter to State officials acknowledging the possible closure of Anderson Marsh State Historic Park and requesting State officials consider working with the County and local volunteer organizations to enable the park to remain open without financial expense to the State.

BACK TO #3 - ITEM A-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:

EXTRA #1 - Consideration of request for the Chair of the Board to announce that the Hearing of the Notice of Nuisance for Ulrich Wasem was inadvertently omitted from today's agenda and reschedule the hearing for June 23, 2009, at 10:30 a.m. - On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the request and rescheduled the hearing for June 23, 2009, at 10:30 a.m.

5. **ITEM A-8 - Update on sale of four surplus decontamination units per prior Board directive and consideration of request from the City of Lakeport relative to one of the units** - Deputy Administrative Officer Jeff Rein gave the staff report.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Suzanne Lyons, Roy Simons and Mike Dunlap. No one else was present wishing to speak and the public input portion of this item was closed.

There was Board consensus to direct staff to withhold sale of two of the four surplus decontamination units until after the Lake County Invasive Species Prevention Program workshop, scheduled during the June 16, 2009, Board of Supervisors meeting.

6. **ITEM A-6 - Continued from June 2, 2009 - 9:30 A.M. - Consideration of Amendment Four to the Agreement between the County of Lake and Quincy Engineering, Inc. for engineering services for South Main Street/Soda Bay Road Corridor Improvement Project in the amount of \$1,082,603** - Public Works Director Brent Siemer gave the staff report and recommended approval of the Amendment. Mr. Siemer indicated the Board would retain the option of cancelling the project after the environmental review is complete, without incurring a financial penalty to the County. If the project is stopped now, before the environmental review is completed, the County would incur a financial penalty. Supervisor Brown expressed concerns about the lack of a competitive bid process for this amendment.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown NO), approved Amendment Four to the Agreement between the County of Lake and Quincy Engineering, Inc. for engineering services for South Main Street/Soda Bay Road Corridor Improvement Project in the amount of \$1,082,603, and authorized the Chair to sign.

7. **ITEM A-10 - Consideration of proposed Amendment Six to the Agreement between the County of Lake and Pavement Engineering, Inc. For engineering services for the design of rehabilitation improvements in downtown Upper Lake (an increase of \$15,387, bringing the total amount of contract to \$224,050)** - Public Works Director Brent Siemer gave the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Amendment Six to the Agreement between the County of Lake and Pavement Engineering, Inc. For engineering services for the design of rehabilitation improvements in downtown Upper Lake (an increase of \$15,387, bringing the total amount of contract to \$224,050), and authorized the Chair to sign.

8. **ITEM A-11 - Discussion/consideration of request for authorization for Public Works Director Brent Siemer to negotiate an agreement with PG&E to assure that the County will assume PG&E and AT&T costs for undergrounding utilities in the event that there be a material change or cancellation prior to the completion of the Soda Bay/South Main Street Corridor Improvement Project** - Public Works Director Brent Siemer gave the staff report.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), directed Administrative Office staff to participate in the negotiation process, and authorized the Public Works Director to negotiate an agreement with PG&E to assure that the County will assume PG&E and AT&T costs for undergrounding utilities in the event that there be a material change or cancellation prior to the completion of the Soda Bay/South Main Street Corridor Improvement Project.

9. **ITEM A-9 - Consideration of approval of Findings of Fact - Appeal of Terry Hopkins (AB 09-01) of the Planning Commission's decision to deny a Minor Modification of a Use Permit (MMU 08-08) to allow the establishment of home occupation with an oversized detached accessory structure that was approved as a collector's garage in 2003; project located at 1519 McMahan Road, Lakeport (APN 015-012-22)** - County Counsel Anita Grant gave the staff report.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Comstock NO), approved the Findings of Fact and authorized the Chair to sign.

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On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Comstock NO), denied the appeal of Terry Hopkins (AB 09-01) of the Planning Commission's decision to deny a Minor Modification of a Use Permit (MMU 08-08) to allow the establishment of home occupation with an oversized detached accessory structure that was approved as a collector's garage in 2003.

10. **ITEM A-12 - Consideration of request to purchase 25 Glock Model 17 rough textured finish duty weapons (\$429 per duty weapon), from L.C. Action and 25 Glock Model 17 rough textured finish duty weapons (\$429 per duty weapon), from ProForce (\$23,326.88 total cost for the 50 duty weapons)** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the purchase of 25 Glock Model 17 rough textured finish duty weapons (\$429 per duty weapon), from L.C. Action and 25 Glock Model 17 rough textured finish duty weapons (\$429 per duty weapon), from ProForce (\$23,326.88 total cost for the 50 duty weapons), and authorized the Sheriff/Coroner/Assistant Purchasing Agent to sign purchase order.
11. **ITEM A-13 - (a) Consideration of request for waiver of Purchasing Policy, Section 2-40.3(a) and find that the low bidder is not in conformity with the needs of the County and award bid to a vender other than the lowest bidder; (b) Consideration of Budget Transfer No. 288 in the amount of \$590 for purchase of a washer and dryer for the Lake County Jail - Budget Unit No. 2301 - Sheriff/Jail; and (c) Consideration of award of bid to Taylor Houseman for the purchase of a Maytag/Unimac washer and dryer for the Lake County Jail/Hill Road facility in the amount of \$22,589.17** - (a) On motion of Supervisor Brown and by vote of the Board (5 ayes), waived Purchasing Policy, Section 2-40.3(a), found that the low bidder is not in conformity with the needs of the County, and authorized the award of bid to a vender other than the lowest bidder.
- (b) On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Budget Transfer No. 288 in the amount of \$590 for purchase of a washer and dryer for the Lake County Jail - Budget Unit No. 2301 - Sheriff/Jail, and authorized the Chair to sign the budget transfer.
- (c) On motion of Supervisor Brown and by vote of the Board (5 ayes), awarded bid to Taylor Houseman for the purchase of a Maytag/Unimac washer and dryer for the Lake County Jail/Hill Road facility in the amount of \$22,589.17, and authorized the Chair to sign the bid award.
12. **ITEM A-7 - Supervisors' weekly calendar, travel and reports** - On motion of Supervisor Smith and by vote of the Board (5 ayes), authorized out-of-County travel and overnight stay for Supervisor Rushing to attend the California Northern Region Land Trust 3rd Annual Training Conference, June 25, 2009, in Fortuna CA.
13. **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 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: Two potential cases** - Chair Rushing announced the Board would 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 12:05 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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