



# MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

## OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MARCH 10, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 10<sup>th</sup> day of March, 2009, there being present Supervisors Jim Comstock, Jeff Smith, Rob Brown, Denise Rushing, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Georgine Hunt. Supervisor Farrington was absent all day.

The meeting was called to order at 9:00 a.m. by Chair Rushing. Following a moment of silence Assistant Clerk of the Board Georgine Hunt led the salute to the flag of the United States of America.

1. **ITEM A-1 - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved Consent Agenda Items C-1 through C-9.

Adopted Proclamation designating the week of March 15<sup>th</sup> - 20<sup>th</sup>, 2009, as Mediation Week in Lake County.

Approved Budget Transfer B-154 in the amount of \$18,000 for funding to pay for sales tax audit services (15% compensation of sales tax recovered that has been misallocated by the State Board of Equalization) - Budget Unit No. 7999/1011 - Contingencies/Board of Supervisors, and authorized the Chair to sign.

Received status report on information gathering effects for the Syringe Exchange Project.

Approved Grant Deed and directed Clerk to certify for recordation (a portion of Meadow Drive - James R. Ivsich and Sharon T. Ivsich), and approve Purchase Agreement between the County of Lake and James R. Ivsich and Sharon T. Ivsich for Soda Bay Road/Big Valley Rancheria Road Rehabilitation Project 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 for mortuary services and authorized Sheriff Mitchell to sign the three agreements (all three agreements have a term of July 1, 2008 to March 31, 2009).

Authorized the destruction of time reports for Fiscal Year 2002/2003 and earlier; expenditure records for Fiscal Year 2002/2003 and earlier; and inmate medical billing records for Fiscal Year 2002/2003 and earlier.

Adopted Resolution No. 2009-32, notice of intention to transfer County property not required for public use, pursuant to Government Code Section 25365 (transfer a 1987 Humvee utility truck VIN #C24107 to the Benicia Police Department).

Approved Amendment 2 to the Memorandum of Understanding (MOU) between the County of Lake and the California Statewide Automated Welfare System Consortium IV (migrating from the current Interim Statewide Automated Welfare System to the California Statewide Welfare System IV), and authorized the Social Services Director to sign.

Approved annual delegation of investment authority to the County Treasurer in accordance with Government Code Section 53607 and confirmation of the Treasury Oversight Committee members.

2. **ITEM A-12 - 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** - On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), determined the state of emergency still exists.

3. **ITEM A-13 - Consideration of appointments to the Heritage Commission** - A Memorandum dated March 10, 2009, from Assistant Clerk of the Board Georgine Hunt, stating Mr. Bud Shipley and Mr. Kevin Engle have submitted applications and only one vacancy is remaining on this commission.

On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), appointed Bud Shipley to the Heritage Commission for a term expiring on January 1, 2011.

4. **CITIZEN'S INPUT** - Mr. J. R. Rose spoke on the impacts of automatic Cost of Living Adjustments (COLAs), have on the senior population and eligibility for entitlement programs. Mr. Rose asked the Board to consider adopting a resolution in support of state and federal legislation that would increase protections for seniors disqualified from public programs/services after receiving a COLA.

This issue will be placed on the agenda at a later date for further consideration.

5. **ITEM A-11 - Supervisors' weekly calendar, travel and reports** - On motion of Supervisor Smith and by vote of the Board (3 ayes, Supervisor Brown NO, Supervisor Farrington ABSENT), approved out of county travel for Supervisors Farrington and Brown to Sacramento on March 12, 2009, to attend the State Water Resources Control Board meeting.

6. **ITEM A-5 - 9:10 A.M. - Presentation of Proclamation designating the week of March 15<sup>th</sup> - 20<sup>th</sup>, 2009, as Mediation Week in Lake County** - Supervisor Comstock read the Proclamation into the record. The Proclamation was presented to Executive Director of Lake County Dispute Resolution Services Barbara Johnson

Lake County Dispute Resolution Services Committee members Ms. Marty Ball and Mr. Allen Wall were also present.

7. **ITEM A-6 - 9:15 A.M. - PUBLIC HEARING - Consideration of a proposed Ordinance establishing a fee schedule for outpatient substance abuse counseling as established by the State of California's Drug Medi-Cal (DMC) reimbursement rates** - Mental Health Director Kristy Kelly and AOD Administrator Laura Solis were present

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Ms. Solis gave a brief overview of the proposed fee schedule. The State of California's Drug Medi-Cal 2008/2009 reimbursement rates are negotiated annually and have been changed. Based on the negotiated rates, it is essential to update the client paid sliding fee schedules. The proposed ordinance will establish a new fee schedule for the Outpatient Counseling Program

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

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), waived the reading of the ordinance and had it read in title only (Clerk so did).

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), advanced the ordinance one week to March 17, 2009.

8. **ITEM A-14 - Consideration of proposed First Amendment to the Agreement between the County of Lake and Christopher "Kit" Jones for specialty mental health services (an increase of \$7,000)** - Mental Health Director Kristy Kelly was present and gave a brief overview of the necessity of the proposed amendment. Mr. Jones's office is located in Lakeport and there has been an increase in referrals from the Mental Health Department and also patient self-referring. After a review of his contracted amount and increased utilization, it became apparent that the contracted amount needed to be increased.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the First Amendment to the Agreement between the County of Lake and Christopher "Kit" Jones for specialty mental health services (an increase of \$7,000), and authorized the Chair to sign.

9. **ITEM A-7 - 9:30 A.M. - Presentation of Certificate of Recognition to Bundita Kosolcharoen for her contribution to the Lake County Marketing Program** - Supervisor Brow read the Certificate of Recognition into the record. The Certificate of Recognition was presented to Bundita Kosolcharoen.

Administrative Analyst Jennifer Hammond also commended Ms. Kosolcharoen for her extraordinary and exemplary efforts.

10. **ITEM A-15 - (a) Consideration of proposed Amendment Three to Agreement between the County of Lake and Pavement Engineering, Inc. for design of concrete walkways, landscaping and decorative lighting along Main Street, Kelseyville (an increase of \$2,505); and (b) Update on the status of engineering contracts with local engineering firms, pursuant to Board direction of February 24, 2009** - Public Works Director Brent Siemer was present and gave a brief overview of the necessity of the proposed amendment. Amendment Three is needed to provide quality assurance testing of the hot mix asphalt as required by Caltrans on federal-aid projects.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved Amendment Three to Agreement between the County of Lake and Pavement Engineering, Inc. for design of concrete walkways, landscaping and decorative lighting along Main Street, Kelseyville (an increase of \$2,505), and authorized the Chair to sign.

Public Works Director Brent Siemer gave an update of the status of engineering contracts with local engineering firms. At this time, there are twenty-three engineering contracts and only two of those contracts are with an engineering firm located within Lake County. Mr. Siemer is working on a proposal that, if approved, will likely increase the use of local engineering firms for future projects.

There was no Board action taken on (b). This was an informational item only.

11. **ITEM A-8 - 9:45 A.M. - Discussion/consideration of the Social Services Director's recommendation to submit a proposal in response to the impending Request for Proposal (RFP), for local One-Stop operations (providing workforce development services)** - Social Services Director Carol Huchingson was present and gave a brief overview of the reasons Social Services should take over the management of the local One-Stop. The Social Services Department is knowledgeable of community resources and current funding options; have long-standing relationships with partner agencies; has a well-trained staff to provide exemplary services to the community; and to avoid any duplication of services.

One-Stop Interim Program Director Pam Pellez was present and gave a brief overview of the services that are being provided and the working relationships the One-Stop has with partner agencies.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the recommendation from Social Services Director to submit a proposal in response to the impending Request for Proposal (RFP), for operation of the local One-Stop and to provide workforce development services.

12. **ITEM A-16 - Consideration of award of Bid No. 09-23 to RAD Construction in the amount of \$124,642 for construction of Lakeport Intertie Project** - Special Districts Administrator Mark Dellinger was present and stated that RAD Construction is located in Lakeport and they intend to utilize five subcontractors of which four are also located within the County of Lake.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), awarded Bid No. 09-23 to RAD Construction in the amount of \$124,642 for construction of Lakeport Intertie Project and authorized the Chair to sign the Notice of Award.

After a short recess, the Board reconvened at 10:20 a.m.

13. **ITEM A-9 - 10:15 A.M. - Consideration of a proposed Ordinance amending Chapter 3 of the Lake County Code providing for the abatement of unmanaged, neglected and abandoned pear and apple trees** - Agricultural Commissioner Steve Hajik was present and stated this amendment is intended to prevent the spread of agricultural pests in unmanaged orchards.

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

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An amendment was made to Section 4.1 of the ordinance and it shall read as follows:

Any apple, pear trees or rootstock re-growth there from, which is determined to be unmanaged, neglected or abandoned is hereby declared a public nuisance if in the vicinity of commercial production and if the Lake County Agricultural Commissioner has received a written complaint from a commercial grower. All remedies, which are given by law for the prevention and abatement of a nuisance, apply to such nuisance.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), 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 (4 ayes, Supervisor Farrington ABSENT), advanced the ordinance one week to March 17, 2009.

14. **ITEM A-10 - 10:30 A.M. - Discussion/consideration of potential acquisition of property located at 3555 Lakeshore Boulevard, Nice, CA - (APN 032-135-16)** - Chair Rushing presented this item to the Board, after which Administrative Officer Kelly Cox stated that the Lake County Redevelopment Agency does not have the funding available for the purchase of this property. If there is consensus by the Board, Public Services will submit a California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Grant Application for funding to purchase this property.

County Counsel Anita Grant stated that the County is in the process of correcting the legal description of this property because it presently inaccurately includes a fee interest in County property. Further, it appears that prior owners of this property have "made use" of adjacent County property. Also, the residence on this property encroaches on County property. This encroachment has historically been the subject of an encroachment lease. Last year, the terms of such a lease were substantially redrafted to include fair market rent and limiting its term. There was no willing purchaser at that time, so no such lease was presented to the Board. Additionally, the residence on this property cannot be significantly remodeled or replaced due to zoning restrictions.

There was consensus by the Board for Public Services to proceed with the submission of the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Grant Application, and if the grant funding is award, the funds will be used to purchase this property.

15. **ITEM A-17 - 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. Conference with Legal Counsel - Existing Litigation - (Subdivision (a) of Section 54956.9): DeLuca v. County of Lake, et al.; and 3. Conference with Legal Counsel - Anticipated Litigation - (a) significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: One Potential Case** - 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 12:08 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