



MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MARCH 17, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 17th day of March, 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 a moment of silence Supervisor Farrington 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 Comstock and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-7.

Approved Minutes of the Board of Supervisors meetings held on February 24, and March 3, 2009.

Approved recommendation to authorize County Marketing Program to enter into an Agreement with Open Road TV for promotion of Lake County, as recommended in the March 11, 2009, Memorandum from the Deputy County Administrative Officer (CAO) for Economic Development (in the amount of \$25,000, funded by TOT revenue that is appropriated in the current Marketing budget for targeted promotional efforts), and authorized the Deputy CAO for Economic Development to sign.

Adopted Resolution No. 2009-33, approving Agreement #08-0763 with the State of California, Department of Food and Agriculture and authorizing execution and signature for pest detection of Light Brown Apple Moth (LBAM), activities for Fiscal Year 2008/2009.

Approved Contract between the County of Lake and Dazzling Janitorial Services to provide janitorial services to the Lakeport Library in the amount of \$10,200 (\$850 per month), and authorized the Chair to sign.

Adopted Resolution No. 2009-34, authorizing the submission of Fiscal Year 2009 Emergency Management Performance Grant (EMPG) Application in the amount of \$87,612 (funding for the Office of Emergency Services, Budget Unit 2704, to be used primarily for salaries and benefits).

Approved Budget Transfer B-159 in the amount of \$8,706, for the purchase of a new "burster" for the billing system - Budget Unit No. 8695 - Special Districts Administration and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Watershed Protection District, approved Agreement between the Lake County Watershed Protection District and the West Lake Resource Conservation District to provide temporary professional support services for Flood Control and Zone Programs (updating the Lake County Floodplain Management Plan; coordination of stakeholder efforts for the Integrated Regional Water Management Program (IRWMP); oversight of state required maintenance for district properties in the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project; and coordination of District Zone Maintenance Projects), in the amount of \$14,980, and authorized the Chair to sign.

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

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

Change Order No. 3 - Bear Canyon Zero Booster Pump Station Project - This change order addresses the addition of a spool piece with 250 lb. flanges to provide adequate clearance for vertical pipe sections above the existing concrete slab. (The cost of the change order is to be paid by NCPA).

On motion of Director Comstock and by vote of the Board (5 ayes), approved Change Order No. 3, in the amount of \$1,986.81, Terracon, Inc., and authorized the Chair to sign.

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

CITIZEN'S INPUT - Mark Wahl spoke regarding the collection of property taxes.

Henry Branco spoke regarding water fees.

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

3. **ITEM A-5 - 9:10 A.M. - (a) Consideration of proposed Amendment to the Joint Operating Agreement between the Lake County Sanitation District (LACOSAN) and Northern California Power Agency to allow use, occupancy and access of LACOSAN property for a solar energy facility (Bear Canyon Zero); and (b) Consideration of proposed Lease and Easement Agreement between Lake County Sanitation District and Northern California Power Agency** - Special Districts Administrator Mark Dellinger and NCPA Representative Steve Eney were present.

Mr. Dellinger provided the staff report.

(a) On motion of Director Comstock and by vote of the Board (5 ayes), approved the Amendment to the Joint Operating Agreement between the Lake County Sanitation District (LACOSAN) and Northern California Power Agency to allow use, occupancy and access of LACOSAN property for a solar energy facility (Bear Canyon Zero), and authorized the Chair to sign.

(b) On motion of Director Comstock and by vote of the Board (5 ayes), approved the Lease and Easement Agreement between Lake County Sanitation District and Northern California Power Agency and authorized the Chair to sign.

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

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4. **ITEM A-6 - 9:15 A.M. - Presentation by the University of California-Davis regarding Clear Lake mercury studies** - Chair Rushing announced the request by University of California Davis to carry this item over four weeks, to April 14, 2009.

Chair Rushing asked if anyone was present wishing to speak and David Adam spoke. No one else was present wishing to speak and the public input portion of this item was closed.

This item was continued four weeks, to April 14, 2009 at 9:30 a.m.

5. **ITEM A-11 - Discussion/consideration of request that the Board recommend the Regional Council of Rural Counties (RCRC), amend the proposed 2009/2010 policy language to require conventional and organic farmers who do not use genetically engineered seeds to undergo lab testing prior to being able to label their products/produce as "GE-Free"** - Agricultural Commissioner Steve Hajik was present.

Supervisor Farrington gave a brief summary.

Chair Rushing recused herself, citing a potential conflict of interest and was absent at 9:30 a.m.

The gavel was passed to Vice Chair Farrington.

Chair Farrington asked if anyone was present wishing to speak and the following people spoke: Victoria Brandon, Chuck March and Anna Ravenwood. 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 (4 ayes, Supervisor Rushing ABSENT), recommended that the Regional Council of Rural Counties (RCRC) adopt the following policy principle:

Labeling: RCRC supports allowing, as a marketing tool, the voluntary labeling of products as not produced utilizing biotechnology if the label statements and/or advertising are not false or misleading, and the labeling and/or advertising meets established federal guidelines or standards, if any.

Supervisor Rushing was present at 9:43 a.m.

6. **ITEM A-9 - Supervisors' weekly calendar, travel and reports** - On motion of Supervisor Smith and by vote of the Board (5 ayes), approved out-of-county travel for Supervisors Rushing and Farrington to Sacramento on March 17, 2009, to accept the Green California Energy Award on behalf of the County of Lake.

The gavel was returned to Chair Rushing.

7. **ITEM A-10 - Discussion/consideration of criteria and mechanism for accessing funds for road improvements in communities requiring subsidization of small area benefit zones** - Chair Rushing gave a brief summary.

Supervisor Brown was absent at 9:59 a.m. and present at 10:00 a.m.

Supervisor Brown was absent at 10:02 a.m. and remained absent for the remainder of the day.

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

The gavel was passed to Vice Chair Farrington.

Amendments were made to the criteria.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the criteria for accessing funds for road improvements in communities requiring subsidization of small area benefit zones, as amended.

The Board of Supervisors adjourned and convened as the Lake County Board of Equalization.

8. **ITEM A-7 - 10:00 A.M. - ASSESSMENT APPEAL HEARING: Mediacom California, LLC - Application Numbers: 2006-34 through 2006-46; Unsecured Account/Tax Bill Number: 860-000-028-000; 860-000-029-000; 860-000-027-000; 860-000-026-000; 860-000-023-000; 860-000-025-000; 860-000-024-000; 860-000-022-000; 860-000-021-000; 860-000-020-000; 860-000-019-000; 860-000-018-000; and 860-000-017-000; located at various locations throughout Lake County** - Assessor-Recorder Doug Wacker and Chief Deputy Assessor-Recorder Jim Campbell were sworn in by the Clerk.

Mr. Wacker gave a summary of the recommended stipulated change in assessment of the properties listed.

On motion of Member Comstock and by vote of the Board (4 ayes, Member Brown ABSENT), accepted the Stipulations as recommended in the staff memorandum and waived the appearance of the appellant.

The gavel was passed to Chair Rushing.

After a brief recess, the Board reconvened into Regular Session at 10:56 a.m.

9. **ITEM A-8 - 10:15 A.M. - (a) Consideration of staff recommendation on proposed criteria for inclusion in Lake County's investment attraction efforts in follow-up to Board discussion of February 24, 2009; (b) Consideration of proposed Request for Proposals (RFP), for commercial and resort investor attraction; and (c) Consideration of staff recommendation for other economic development advisory services** - Deputy CAO for Marketing and Economic Development Debra Sommerfield presented the staff report.

(a) On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the criteria for inclusion in Lake County's investment attraction efforts.

(b) On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSENT), directed staff to release the Request or Proposal.

(c) On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSENT), directed staff to pursue the advisory services of CALED to provide assistance and guidance to the County's economic development efforts.

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10. **ITEM A-13 - Consideration of proposed Amendment Five to Agreement between the County of Lake and Pavement Engineering, Inc. for engineering services for design of rehabilitation improvements in Downtown Upper Lake (an increase of \$34,210)** - Principal Civil Engineer Ken Brown presented the staff summary.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved Amendment Five to Agreement between the County of Lake and Pavement Engineering, Inc. for engineering services for design of rehabilitation improvements in Downtown Upper Lake (an increase of \$34,210), and authorized the Chair to sign.

11. **ITEM A-12 - Consideration of proposed Agreement between the County of Lake and Remi Vista, Inc. for placement of children in the Residential Treatment Program in the amount of \$30,000 (costs to be paid by Medi-Cal/Early and Periodic Screening, Diagnosis and Treatment (EPSDT) funding)** - Mental Health Director Kristy Kelly presented the staff report.

Chair Rushing asked if anyone was present wishing to speak and Mark Wahl spoke. 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 (4 ayes, Supervisor Brown ABSENT), approved the Agreement between the County of Lake and Remi Vista, Inc. for placement of children in the Residential Treatment Program in the amount of \$30,000 (costs to be paid by Medi-Cal/Early and Periodic Screening, Diagnosis and Treatment (EPSDT) funding), and authorized the Chair to sign.

12. **ITEM A-15 - Advanced from March 10, 2009 - An Ordinance establishing a fee schedule for outpatient substance abuse counseling as established by the State of California's Drug Medi-Cal (DMC) reimbursement rates - (SECOND READING)** - Mental Health Director Kristy Kelly was present.

Supervisor Comstock offered Ordinance No. 2894, and it was passed by roll call vote (4 ayes, Supervisor Brown ABSENT).

13. **ITEM A-14 - Advanced from March 10, 2009 - An Ordinance amending Chapter 3 of the Lake County Code providing for the abatement of unmanaged, neglected and abandoned pear and apple trees - (SECOND READING)** - Chair Rushing asked if anyone was present wishing to speak and Joan Moss spoke. No one else was present wishing to speak and the public input portion of this item was closed.

Supervisor Smith offered Ordinance No. 2895, and it was passed by roll call vote (4 ayes, Supervisor Brown ABSENT).

14. **ITEM A-16 - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: LCEA, LCCOA, SDA and DDAA** - 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 11:43 a.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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