



# MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

## OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MAY 5, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 5<sup>th</sup> day of May, 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. The moment of silence was dedicated to Steve Tulanian. After the moment of silence, Supervisor Brown 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-21.

Approved Minutes of the Board of Supervisors meetings held on April 21, 2009.

Adopted Proclamation designating the week of May 3-9, 2009, as National Correctional Officers' Week in Lake County.

Adopted Proclamation designating the week of May 4-8, 2009, as National County Government Week in Lake County.

Adopted Proclamation designating the month of May 2009, as Veterans Appreciation Month in Lake County.

Adopted Resolution No. 2009-53, appropriating unanticipated revenue in the amount of \$30,000 (received from leases of County properties located on Mt. Konocti), for expenses incurred in connection with the upgrade of a communications tower on County owned property located on Mt. Konocti, Budget Unit No 7011 - Parks and Recreation.

Adopted Resolution No. 2009-54, declaring County property surplus to the needs of the County and authorizing the Purchasing Agent to sell said property (one 1989 Champion 730A Grader).

Adopted Resolution No. 2009-55, supporting placement of Tourist Oriented Directional Signage (TODS), for the town of Kelseyville.

Waived the 900 hour limit for extra-help Janitor Diana Hasty (not to exceed 1,200 hours).

Approved revision to Personnel Rule 502.1 (clarifying existing practice and to allow former employees who were subject to layoff and are on an active reemployment list to compete in promotion only examinations).

Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 010-002-80 - Dennis P. Pluth, Trustee), and approved Purchase Agreement between the County of Lake and Denise P. Pluth for Sulphur Bank Storm Damage Repair Project in Clearlake Oaks, and authorized the Chair to sign.

(a) Approved waiver of the Administrative Encroachment Permit Fee in the amount of \$665, as recommended in the Memorandum dated March 24, 2009, from Public Works Director Brent Siemer; and (b) Approved Encroachment Permit for NorCal Boat and Ski Club for boat and ski races on Clear Lake during 2009.

Adopted Resolution No. 2009-56, authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under agreement dated August 5, 2008 (Clearlake Oaks Plaza Project).

Adopted Resolution No. 2009-57, setting rate of pay for Election Officers for the May 19, 2009, Statewide Special Election pursuant to Section 12310 of the Elections Code.

Approved Budget Transfer B-236, in the amount of \$45,420, from General Fund Contingencies, for unanticipated and unbudgeted costs of the May 19, 2009, Statewide Special Election, Budget Unit No. 1451, Elections, and authorized the Chair to sign.

(a) Approved California Emergency Management Agency (CalEMA), Fiscal Year 2008 Grant Assurances; and (b) Adopted Resolution No. 2009-58, approving application for funding from the Fiscal Year 2008 Interoperable Emergency Communication Grant Program (IECGP) and authorizing the execution of a grant award with the State of California.

Adopted Resolution No. 2009-59, notice of intention to transfer County property (police canine Django to Sergeant John Gregore), not required for public use, pursuant to Government Code Section 25363, and set public hearing on May 19, 2009, at 10:15 a.m.

Adopted Resolution No. 2009-60, amending Resolution No. 2009-16 establishing position allocations for Fiscal Year 2008/2009, Budget Unit NO. 2202, Sheriff-Central Dispatch (deleting one (1) Communications Operator I/II and adding one (1) Assistant Dispatch Manager).

(a) Approved the Child Abuse Prevention, Intervention and Treatment (CAPIT), Community Based Child Abuse Prevention (CBCAP) and Promoting Safe and Stable Families (PSSF) Plan update, from July 1, 2008, to June 30, 2009; (b) Approved Notice of Intent to submit and update to the County's existing CAPIT,/CBCAP/PSSF Plan until the next cycle; and (c) Approved Notice of Intent regarding CAPIT/CBCAP/PSSF Plan Contracts for Lake County State Fiscal Years July 1, 2008, through June 30, 2011, and authorized the Chair to sign.

Approved the waiver of the Consultant Selection Policy based on the finding that it is not in the public interest to follow the policy in order to utilize local vendors for the development of the Wraparound Program and authorized the Wraparound Executive Team to negotiate a contract (which will be brought back to the Board at a later date for consideration), as recommended in the Memorandum dated April 22, 2009, from Social Services Director Carol Huchingson.

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Approved request from Lake County Vector Control District to permit the Registrar of Voters to render the services necessary for the tabulation of ballots for the District's Proposition 218 Assessment Ballot proceedings (pursuant to District's Resolution No. 09-15, adopted on April 1, 2009).

Sitting as the Board of the Lake County Redevelopment Agency, approved Agreement between the Lake County Redevelopment Agency and Andrew Scopazzi for fence improvement in Nice and authorized the Chair to sign.

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

**Extra #1 - Consideration of request to hire Steve Farr as an extra-help County Surveyor at the 5<sup>th</sup> Step salary range -** Public Works Director Brent Siemer was present.

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 taken up by the Board for the following reason:

After the posting of the current agenda, the Department of Public Works was able to negotiate with a prior employee to provide extra-help survey map checking. If this extra-help employee does not begin work immediately, the County will not be able to meet its legal 20-day deadline to review surveys recently submitted by Caltrans.

Mr. Siemer presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the request to hire Steve Farr as an extra-help County Surveyor at the 5<sup>th</sup> Step salary range.

**CITIZEN'S INPUT** - Tom Slight spoke regarding Lake County air quality.

Melissa Fulton spoke regarding fishing licenses.

Health Officer Karen Tait, MD spoke regarding the swine origin H1N1 influenza.

**3. ITEM A-5 - 9:15 A.M. - Presentation of Proclamation designating the week of May 3-9, 2009, as National Correctional Officers' Week in Lake County** - Supervisor Brown read the proclamation into the record and presented it to Sheriff Rod Mitchell, who spoke.

**4. ITEM A-6 - 9:20 A.M. - Presentation of Proclamation designating the week of May 4-8, 2009, as National County Government Week in Lake County** - Chair Rushing read the proclamation into the record and presented it to Senior Administrative Analyst Jennifer Hammond, who spoke.

**5. ITEM A-7 - 9:25 A.M. - Presentation of Proclamation designating the month of May 2009, as Veterans Appreciation Month in Lake County** - Supervisor Comstock read the proclamation into the record and presented it to Frank Parker, who spoke. Active duty personnel were introduced. Ginny Craven, of Operation Tango Mike, also spoke.

**6. ITEM A-8 - 9:30 A.M. - Presentation by representative of Mt. Konocti Facilitation regarding their work with entrepreneurs and existing businesses in Lake County** - Mt. Konocti Facilitation Chair Melissa Fulton and Facilitators Sandra West and Susan Harmon gave a presentation.

Chair Rushing asked if anyone was present to speak and the following people spoke: Mike Lyndall, Greg Schrader, John Ross, Rita Schmidt, Maria Giovanni and Ted Herrera. No one else was present wishing to speak and the public input portion of this item was closed.

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

There was Board consensus to continue support of this program during the Fiscal Year 2009/2010 Budget Hearings.

**7. ITEM A-9 - 10:00 A.M. - Public Hearing - Review of the performance of CDBG Grant#08-EDBG-2604 for Clark's Island Redevelopment Analysis Study** - Administrative Analyst Doug Willardson presented the staff summary.

Chair Rushing opened the public hearing and the following people spoke: Mike Benjamin and Janet Cawn. No one else was present wishing to speak and the public hearing was closed.

After a brief recess, the Board reconvened at 10:46 a.m.

**8. ITEM A-10 - Continued from April 21, 2009 - 10:15 A.M. - (a) Consideration of proposed Resolution approving a Cooperative Agreement with the U.S. Department of Agriculture to provide an Animal Damage Control Program for the County of Lake; and (b) Consideration of proposed letter to the U.S. Department of Agriculture for verification of the intent of Lake County to enter into the 2009/2010 USDA Wildlife Services Management Program** - Agricultural Commissioner Steve Hajik and U.S. Department of Agriculture Officer Jack Parriott present.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Phil Murphy, Chuck March and Kristi Elsemore. No one else was present wishing to speak and the public input portion of this item was closed.

(a) Supervisor Brown offered Resolution No. 2009-61, and it was passed by roll call vote (5 ayes).

(b) On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the letter to the U.S. Department of Agriculture for verification of the intent of Lake County to enter into the 2009/2010 USDA Wildlife Services Management Program, and authorized the Chair to sign.

**9. ITEM A-11 - 10:30 A.M. - Discussion/consideration of request for approval of proposed Bylaws for the Clear Lake Advisory Subcommittee (CLAS)** - Public Work Director Brent Siemer presented the staff summary.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Ed Calkins, Janet Cawn, Paula Britton, Sarah Ryan, Louise Talley and Melissa Fulton. No one else was present wishing to speak and the public input portion of this item was closed.

There was Board consensus to return the proposed bylaws to the Clear Lake Advisory Subcommittee for further modifications, to return to the Board for consideration at a future date.

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10. **ITEM A-14 - Continued from April 21, 2009 - 11:30 A.M. - (a) Update on drought management planning for the County's ten water systems; and (b) Request for Board direction regarding the finalization and institution of the proposed Drought Management Plan including mandatory water conservation measures and urgency ordinance adopting emergency water conservation restrictions for County Service Areas (CSAs) - Due to time constraints, this item was continued one week, to May 12, 2009, at 11:00 a.m.**
11. **ITEM A-12 - 10:45 A.M. - Presentation by Sergeant Dennis Ostini on Boating Safety and discussion regarding miscellaneous law enforcement activities on Clear Lake - Due to time constraints, this item was carried over one week, to May 12, 2009, at 11:30 a.m.**
12. **ITEM A-13 - 11:00 A.M. - Discussion/consideration of proposed Resolution amending Resolution No. 2009-17, establishing position allocations for Fiscal Year 2008/2009, Budget Unit No. 4014 - Mental Health (deleting one (1) Managed Care Manager, one (1) Staff Psychiatrist, one (1) Clinical Psychologist, two (2) Mental Health Team Leader I/II, four (4) Mental Health Specialist I/II/Senior, two (2) Mental Health Case Manager I/II, one (1) Mental Health Case Manager I/II Peer Support, one (1) Mental Health Case Manager I/II Parent Partner, one (1) Accounting Technician, one (1) Account Clerk I/II, two (2) Medical Records Technician and one (1) Office Assistant I/II Peer Support positions) - Mental Health Director Kristy Kelly and Deputy Mental Health Director - Finance Administration Chuck Fernandez were present.**

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Mary Davidson and Tiffany Revelle. No one else was present wishing to speak and the public input portion of this item was closed.

Supervisor Smith offered Resolution No. 2009-62, and it was passed by roll call vote (5 ayes).

After a lunch recess, the Board reconvened at 2:00 p.m.

13. **ITEM A-15 - 1:30 P.M. - Discussion/consideration of the establishment of a County policy regarding Code Enforcement actions in resort properties housing long-term residents - Community Development Director Rick Coel and Special Districts Administrator Mark Dellinger were present.**

Mr. Coel gave the staff report.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Janis Paris, Dennis Fay, Paul Frindt, Nikki Tavares, Janet Cawn and Louise Talley. 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 (5 ayes) directed Code Enforcement staff to work with the County Administrative Officer to identify resort properties which may be offering long term housing, and to prioritize these properties for enforcement of the County zoning regulations.

There was Board consensus to direct staff to compile a current list of zoning violations in local resorts, to return to the Board for consideration at a future date.

14. **ITEM A-21 - Discussion/consideration of request for waiver of the Policy for Review and Selection of Professional Consultants and Other Services Providers for forty (40) construction projects and allow the Public Works Department to comply with a proposed alternative selection process for Construction Related Activities Policy - Public Works Director Brent Siemer presented the staff report.**

On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the existing policy, finding that it is not in the County's best interest to follow the policy.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the alternate selection process and authorized the Public Works Department to comply with a proposed alternative selection process for Construction Related Activities Policy.

15. **ITEM A-22 - Discussion/consideration of proposed Amendment Two to Agreement between the County of Lake and Green Valley Consulting Engineers for engineering services for realignment of a portion of Soda Bay Road in Kelseyville (an increase of \$76,027) - Public Works Director Brent Siemer presented the staff report.**

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved Amendment Two to Agreement between the County of Lake and Green Valley Consulting Engineers for engineering services for realignment of a portion of Soda Bay Road in Kelseyville (an increase of \$76,027), and authorized the Chair to sign.

This item was reopened for public input 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), rescinded the previous vote for discussion.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved Amendment Two to Agreement between the County of Lake and Green Valley Consulting Engineers for engineering services for realignment of a portion of Soda Bay Road in Kelseyville (an increase of \$76,027), and authorized the Chair to sign.

16. **ITEM A-23 - Discussion/consideration of proposed Amendment Two to Agreement between the County of Lake and Quincy Engineering, Inc. for engineering services for the repair of storm damage sites (PM 0.55), on Robinson Road, Lucerne (an increase of \$11,500) - Public Works Director Brent Siemer gave the staff report.**

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Amendment Two to Agreement between the County of Lake and Quincy Engineering, Inc. for engineering services for the repair of storm damage sites (PM 0.55), on Robinson Road, Lucerne (an increase of \$11,500), and authorized the Chair to sign.

17. **ITEM A-24 - (a) Consideration of authorization the Public Works Director/Assistant Purchasing Agent to terminate the existing Lease Agreement with Alliant Bank for an analog plotter/printer and pay the early termination fee of \$2,200; (b) Consideration of approval of Budget Transfer B-237, in the amount of \$3,000, to cover the cost of a new lease for a digital plotter/printer, Budget Unit No. 1908, Engineering and Inspection and authorize the Chair to sign; and (c) Consideration of authorization for the Public Works Director/Assistant Purchasing Agent to enter into an Lease Agreement with ADS Reprographics, Inc. (not to exceed \$500 per month for 48 months) - Public Works Director Brent Siemer gave the staff report.**

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(a) On motion of Supervisor Smith and by vote of the Board (5 ayes), authorized the Public Works Director/Assistant Purchasing Agent to terminate the existing Lease Agreement with Alliant Bank for an analog plotter/printer and pay the early termination fee of \$2,200, and authorized the Chair to sign.

(b) On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Budget Transfer B-237, in the amount of \$3,000, to cover the cost of a new lease for a digital plotter/printer, Budget Unit No. 1908, Engineering and Inspection and authorized the Chair to sign.

(c) On motion of Supervisor Smith and by vote of the Board (5 ayes), authorized the Public Works Director/Assistant Purchasing Agent to enter into an Lease Agreement with ADS Reprographics, Inc. (not to exceed \$500 per month for 48 months).

18. **ITEM A-25 - Consideration of recommendation for award of Bid No. 09-03, for the construction of Main Street pavement rehabilitation and accessibility improvements from Highway 20 to 2<sup>nd</sup> Street, Upper Lake** - Public Works Director Brent Siemer gave the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), awarded Bid No. 09-03, for the construction of Main Street pavement rehabilitation and accessibility improvements from Highway 20 to 2<sup>nd</sup> Street, Upper Lake, and authorized the Chair to sign.

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

19. **ITEM A-26 - Continued from April 28, 2009 - Discussion/consideration of proposed Agreement between the Lake County Watershed Protection District and The Regents of the University of California for Clear Lake historical data analysis in the amount of \$52,076** - Public Works Director Brent Siemer gave the staff report.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown NO), waived the Consultant Selection Board Process.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown NO), Agreement between the Lake County Watershed Protection District and The Regents of the University of California for Clear Lake historical data analysis in the amount of \$52,076, and authorized the Chair to sign.

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

20. **ITEM A-27 - Continued from April 21 and 28, 2009 - Consideration of award of Bid No. 09-32 to Coastline Equipment for the purchase of one (1) 2009 crane truck in the amount of \$100,000, and/or other options for the purchase of this equipment** - Special Districts Administrator Mark Dellinger and Deputy Special Districts Administrator Pete Preciado were present.

Mr. Preciado presented the staff summary.

This item was continued one week, to May 12, 2009, to allow staff time for additional research.

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

21. **ITEM A-20 - Consideration of proposed Resolution confirming and continuing delegation to the Special Districts Administrator of the authority to take immediate action to effectuate emergency repairs in Southeast Reservoir Dam Drainage System** - Special Districts Administrator Mark Dellinger and Deputy Special Districts Administrator Pete Preciado were present.

Mr. Dellinger presented the staff report.

Supervisor Smith offered Resolution No. 2009-63, and it was passed by roll call vote (5 ayes).

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

22. **ITEM A-17 - (a) Consideration of proposed Resolution adopting a Memorandum of Understanding between the County of Lake and the Lake County Deputy Sheriff's Association; (b) Consideration of proposed Resolution adopting a Memorandum of Understanding between the County of Lake and the Lake County Correctional Officers' Association; (c) Consideration of proposed Resolution establishing salaries and fringe benefits for management employees for Fiscal Year 2008/2009; (d) Consideration of proposed Resolution establishing salaries and fringe benefits for employees in Confidential Unit, Section A, for Fiscal Year 2008/2009; and (e) Consideration of proposed Resolution establishing salaries and fringe benefits for employees in Confidential Unit, Section B for Fiscal Year 2008/2009** - County Counsel Anita Grant presented the staff report.

(a) Supervisor Brown offered Resolution No. 2009-64, and it was passed by roll call vote (5 ayes).

(b) Supervisor Brown offered Resolution No. 2009-65, and it was passed by roll call vote (5 ayes).

(c) Supervisor Brown offered Resolution No. 2009-66, and it was passed by roll call vote (5 ayes).

(d) Supervisor Brown offered Resolution No. 2009-67, and it was passed by roll call vote (5 ayes).

(e) Supervisor Brown offered Resolution No. 2009-68, and it was passed by roll call vote (5 ayes).

23. **ITEM A-18 - Discussion/consideration of proposed letter of support regarding AB 548, which would allow rural hospitals to hire physicians and/or surgeons directly** - Supervisor Farrington gave a brief summary.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the letter of support regarding AB 548, which would allow rural hospitals to hire physicians and/or surgeons directly, and authorized the Chair to sign.

24. **ITEM A-19 - Consideration of proposed Ordinance adding Section 2.5 to the Lake County Code, specifying particular office hours for Lake County Animal Care and Control** - At the request of Supervisor Brown, this item was carried over one week, to May 12, 2009.

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25. **ITEM A-16 - Supervisors' weekly calendar, travel and reports** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved out-of-county travel for Supervisor Farrington to meet with the Executive Director of CASA Sonoma.
26. **ITEM A-28 - 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. Public Employee Performance Evaluation: Title: (1) Public Works Director 3. Conference with Legal Counsel - Existing Litigation - (Subdivision (a) of Section 54956.9): Rogers v. County of Lake, et al.** - Chair Rushing announced the Board would now go into Closed Session for the reasons stated on the Agenda.

The Board returned to Regular Session with no action taken.

There being no further business, the Board adjourned at 6:20 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