



MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD NOVEMBER 3, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 3rd day of November, 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 Brown and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved Consent Agenda Items C-1 through C-8, with the exception of C-6 which will be taken up immediately following the approval of the Consent Agenda.

Approved Minutes of the Board of Supervisors meeting held on October 27, 2009.

Adopted Resolution No. 2009-193, amending Resolution 2009-14, establishing position allocations to conform to the Fiscal Year 2009-10 Final Budget, Unit No. 2601 - Agricultural Commissioner (Reclassifying one Agricultural Biologist/Weights and Measures Inspector I/II/III to Agricultural Biologist/Weights and Measures Inspector I/II/III-Pesticide Use Enforcement).

Adopted Resolution No. 2009-194, amending Resolution No. 2009-145, establishing position allocations to conform to the Fiscal Year 2009-2010 Final Budget, Budget Unit No. 2702, Planning (establishing one 4/5th time Geothermal and IDD Coordinator position).

Adopted Resolution No. 2009-195, appointing directors of certain Special District Boards in lieu of holding a General District Election on November 3, 2009.

Approved Lease Agreement between the County of Lake and STOP, LLC., for electronic monitoring, in an amount not to exceed \$5,000, and authorized the Chair to sign.

Adopted Resolution No. 2009-196, approving a request from Lake County Health Services Department to submit an application for Medical Reserve Corps (MRC) Capacity Building Funds through the National Association of County and City Health Officials (NACCHO) and authorizing the Director of Health Services to sign said application.

Adopted Resolution No. 2009-197, amending Resolution 2009-167, establishing position allocations for Fiscal Year 2009-2010, Budget Unit No. 5011, Department of Social Services (deleting two vacant Integrated Case Worker I/II positions and replacing them with two Eligibility Worker I/II positions).

CONSENT AGENDA ITEM C-6 - Consideration of request to approve advanced step hiring of a 900 hour Family Nurse Practitioner Lynn Brookes, due to applicant's extraordinary qualifications (5th step salary range) - Citing a business relationship with this family, Supervisor Brown announced he will abstain from this item.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSTAIN), approved advanced step hiring of a 900 hour Family Nurse Practitioner Lynn Brookes, due to applicant's extraordinary qualifications (5th step salary range).

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

Extra #1 - Consideration of request for Board direction regarding a potential and significant loss of Geothermal Royalties funding due to potential Federal legislation - 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:

This past Friday, County Administrative Officer Kelly Cox was made aware of the elimination of Geothermal royalties funding to the counties in the President's Budget for Fiscal Year 2010, which would result in a loss of between \$600,000 to over \$1 million annually to the County of Lake. Given the progress of the legislation, immediate consideration of the Board is imperative.

County Administrative Officer Kelly Cox presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), directed staff to communicate with other Counties which may be affected by this legislation and immediately draft correspondence to our legislators voicing the Board's opposition to the elimination of Geothermal royalties funding, and authorized the Chair to sign.

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

Change Order No. 1 - 2005/06 Storm Damage Repair: Robinson Road (PM 0.55) in Lake County - This change order addresses the issue of Serpentine soils being found on the project site, requiring the contractor to test the soil for Serpentine concentrations.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Change Order No. 1 - 2005/06 Storm Damage Repair: Robinson Road (PM 0.55) in Lake County, Granite Construction Company, for an increase of \$1,901.66, and authorized the Chair to sign.

4. **ITEM A-13 - Consideration of proposed resolution approving (a) Addendum No. 2 to Buckingham Peak Purchase and Sale Agreement, (b) Addendum No. 2 to Option Agreement for purchase of Mt. Konocti property, and (c) rights-of-way**

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and easement agreements for utility lines to Mt. Konocti property - County Administrative Officer Kelly Cox presented the staff report.

Supervisor Brown offered Resolution No. 2009-198, and it was passed by roll call vote (5 ayes).

5. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - Presentation of the Final CDBG Grantee Performance Report, describing the accomplishments made in the Clearlake Oaks Plaza, the sidewalk projects in Clearlake Oaks Plaza and Lucerne, the Housing Rehabilitation Program, and in providing matching funds to various projects, during the final period of the grant, 7/1/09 to 9/30/09** - Deputy Redevelopment Director Eric Seely and Housing Program Manager Steve Citron were present.

Mr. Seely presented the staff report.

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

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

6. **ITEM A-6 - 9:30 A.M. - Consideration of request by Superior Acquisitions, Inc., for refund of mitigation measures of the Carl's Jr. Project (APN 010-043-34 - 1589 Dam Road Extension), in the amount of \$130,515** - Special Districts Administrator Mark Dellinger and Barry Johnson were present.

Mr. Johnson presented his request to the Board.

Mr. Dellinger presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved reimbursement of \$24,486, to Superior Acquisitions, Inc., as recommended by staff, for mitigation measures of the Carl's Jr. Project (APN 010-043-34 - 1589 Dam Road Extension) and directed staff to continue negotiations for future reimbursements, where appropriate, while addressing mitigation measures.

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

7. **ITEM A-7 - 10:00 A.M. - Discussion/consideration of recommended short term mitigation and long term prevention strategies of severe blue green algae blooms** - Deputy Public Works Director Water Resources Pam Francis gave a power point presentation.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Sarah Ryan, Dennis Cranson, Joan Moss, Suzanne Lyons, Dean Rogers, Dr. John Zebelean and Victoria Brandon. 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 return to the Board at a future date with a list of prioritized projects with options for funding, for consideration.

8. **ITEM A-8 - 10:30 A.M. - Discussion/consideration of proposed updates to bylaws of the Clear Lake Advisory Subcommittee (CLAS)** - This item was carried over to 1:30 p.m.

9. **ITEM A-10 - 11:20 A.M. - Consideration of request from Vantage Construction for waiver of the Construction Traffic Road Fee in the amount of \$585 for project located at 18649 Highway 175, Cobb, CA (APN 013-046-041)** - On motion of Supervisor Brown and by vote of the Board (5 ayes), denied the request.

10. **ITEM A-12 - Discussion/consideration and request for Board direction relative to County's possible participation in a financing program to finance energy efficiency and alternative energy projects for home owners and business owners as authorized by AB 811** - Chief Deputy County Administrative Officer Matt Perry and Administrative Analyst Terre Logsden were present.

Mr. Perry presented the staff report.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Keith Rutledge and Perry Keller. 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 develop an AB 811 financing program and to return this item to the Board in two weeks, on November 17, 2009, for consideration.

After a lunch recess, the Board reconvened into Regular Session at 1:36 p.m.

11. **ITEM A-8 - Discussion/consideration of proposed updates to bylaws of the Clear Lake Advisory Subcommittee (CLAS)** - Clear Lake Advisory Subcommittee Chair Paula Britton presented the proposed updates to the Board.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Anna Ravenwood, Suzanne Lyons, and Melissa Fulton. No one else was present wishing to speak and the public input portion of this item was closed.

Numerous amendments were made to the bylaws.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the bylaws of the Clear Lake Advisory Subcommittee (CLAS), with the exception of Article 3, Section 8.

12. **ITEM A-16 - Discussion/consideration of request to reinstate mitigation measures for the Bottle Rock Geothermal Power Plant, per the request of the Big Valley Groundwater Management Zone Commission** - Deputy Public Works Director Water Resources Pam Francis presented the staff report.

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

Community Development Director Rick Coel was present at 2:45 p.m.

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There was Board consensus to direct staff to reinstate mitigation measures for any appropriate operator within the Big Valley watershed suing a minor modification of the use permit.

13. **ITEM A-9 - 11:00 A.M. - Discussion/consideration of recommendations regarding the separation of the Division of Water Resources from the Department of Public Works** - Chief Deputy County Administrative Officer Matt Perry presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), created a classification of Water Resources Director at the B33 salary grade, directed staff to immediately begin an open recruitment for the position of Water Resources Director, and postponed creating the Water Resources Department until February 1, 2010, as recommended in the staff memorandum, dated October 23, 2009.

14. **ITEM A-17 - Discussion/consideration of proposed Resolution authorizing the Registrar of Voters Office to collect a deposit from candidates filing a Candidate's Statement of Qualifications** - Registrar of Voters Diane Fridley and Deputy Registrar of Voters Maria Valadez were present.

Ms. Fridley presented the staff report.

Supervisor Brown offered Resolution No. 2009-199, and it was passed by roll call vote (5 ayes).

15. **ITEM A-14 - Discussion/consideration of proposed revisions to the Policy for Review and Selection of Professional Consultants and Other Contract Service Providers** - Deputy County Administrative Officer Jeff Rein presented the staff report and summarized the proposed revision to the policy.

Supervisor Smith offered Resolution No. 2009-200, and it was passed by roll call vote (5 ayes).

There was Board consensus to direct, as policy, that all future contracts subject to this policy be reviewed by the County Administrative Office prior to finalizing negotiations and prior to being placed on the Board's agenda for approval.

16. **ITEM A-15 - Discussion/consideration of proposed addition to Personnel Rule 906 - At Risk Appointment** - Human Resources Director Kathy Ferguson presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved in concept the addition to Personnel Rule 906 - At Risk Appointment, and directed staff to begin the Meet and Confer process.

17. **ITEM A-18 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: DDAA and LCEA** - Chair Rushing announced there would be no negotiations today.

There being no further business, the Board adjourned at 3:40 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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