

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD OCTOBER 13, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 13th day of October, 2009, there being present Supervisors Jim Comstock, Anthony Farrington, Rob Brown and Denise Rushing, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner. Supervisor Smith was absent all day.

The meeting was called to order at 9:00 a.m. by Chair Rushing. Following 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-11, with the exception of C-2, which was pulled at the request of the Kelseyville Fire Protection District, and will not be taken up later in the day.

Adopted Proclamation designating the week of October 18-24, 2009, as Childhood Lead Poisoning Prevention Week in Lake County.

Adopted Resolution No. 2009-174, authorizing Kelly F. Cox to approve and sign right-of-way documents for the electrical line service at Buckingham Peak, Mt. Konocti in Kelseyville.

(a) Approved the request for waiver of the formal bidding process and make a determination that the formal bidding process would produce no economic benefit to the County; and (b) approved Agreement between the County of Lake and Maxim Health Systems to provide nurses for the H1N1 Influenza Vaccination Clinics (contract funded with Federal CDC H1N1 funds at \$10 per injection), and authorized the Health Services Director to sign.

Approved Contract between the County of Lake and Lake County Welders/Ukiah Oxygen for fire extinguisher maintenance (not to exceed \$10,000), and authorized the Chair to sign.

Approved permit to conduct aeronautical activities at Lampson Field Airport (Tom's Aircraft Enterprises), and authorized the Chair to Sign.

Approved Anti-Drug Abuse (ADA) grant application in the amount of \$178,569, to California Emergency Management Agency (Cal-EMA), and authorized the Chair to sign.

Approved addendum to renew the Reporting Service Subscription Agreement between the County of Lake and the National Council on Crime and Delinquency for internet access to SafeMeasures in the amount of \$20,000 for two years and authorized the Chair to sign.

Approved letter to Sonoma County Board of Supervisors inviting their participation in the Seismic Monitoring Advisory Committee and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Sanitation District, approved Sewer Mainline Extension Agreement between the Lake County Sanitation District and Paul Wiley, located at 11924 Lakeshore Drive, Clearlake Park (APN 037-451-21), and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Sanitation District, approved Sewer Mainline Extension Agreement between the Lake County Sanitation District and Habematolel Pomo of Upper Lake, for 32 single-family dwellings in an existing development within the Upper Lake Rancheria and authorized the Chair to sign.

2. **CONSENT AGENDA ITEM C-2 - Consideration of request to appoint Steven J. Brookes to the Board of Directors of Kelseyville Fire Protection District expiring on October 13, 2013** - This item was pulled from the agenda at the request of the Kelseyville Fire Protection District.

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

Change Order No. 1 - State Street Pavement Rehabilitation & Accessibility Improvements (from Main Street to Gaddy Lane, Kelseyville, CA) - Public Works Director Brent Siemer presented the staff report.

This change order addresses the need to add 121 linear feet of integral curb and footing at the back of the sidewalk, lower water services in conflict with new roadway elevations at 4-7 locations, and removal of existing 3 ft. sewer manhole cone section and replacement with a 2 foot cone section in conflict with new roadway elevations.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Change Order No. 1 - State Street Pavement Rehabilitation & Accessibility Improvements (from Main Street to Gaddy Lane, Kelseyville, CA), Team Ghilotti, Inc., for an increase of \$37,000, and authorized the Chair to sign.

The Board of Supervisors adjourned and convened as the Board of Directors of the Lake County Redevelopment Agency.

Change Order No. 2 - Upper Lake Main Street Project - Deputy Redevelopment Director Eric Seely presented the staff report.

This change order addresses electrical work necessary for future installation of a town clock on Main Street in Upper Lake to replace one that existed several years ago.

On motion of Director Smith and by vote of the Board (4 ayes, Supervisor Brown NO), approved Change Order No. 2, Upper Lake Main Street Project, Argonaut Constructors, for an increase of \$5,775.00, and authorized the Chair to sign, with the condition that the old Upper Lake Clock is found and re-installed, or that private funding is used to purchase a new clock.

The Board of Directors of the Lake County Redevelopment Agency adjourned and reconvened as the Board of Supervisors.

4. **ITEM A-5 - 9:10 A.M. - Presentation of Proclamation designating the week of October 18-24, 2009, as Childhood Lead Poisoning Prevention Week in Lake County** - Supervisor Comstock read the proclamation into the record and presented it to County Health Officer Dr. Tait, who spoke.

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Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Bonnie Bonnet, Sarah Ryan, Catherine Rose and Anna Ravenwood. No one else was present wishing to speak and the public input portion of this item was closed.

5. **ITEM A-6 - 9:15 A.M. - Discussion/consideration of separating the Division of Water Resources from the Department of Public Works** - Chief Deputy Administrative Officer Matt Perry, Deputy Administrative Office Marketing and Economic Development Debra Sommerfield, Public Works Director Brent Siemer and Deputy Public Works Director Water Resources Pam Francis were present.

Mr. Perry and Ms. Sommerfield presented the staff report.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the following items, as recommended in the staff memorandum dated September 29, 2009:

- (1) Begin the process to make Water Resources an independent department effective January 1, 2009.
- (2) Assign the Reclassification Committee to evaluate staffing needs of the proposed new department and present a recommendation to the Board by November 3, 2009, specifically addressing the following: (a) determine appropriate classification of office support position; (b) develop a job description and salary range for new department head; and (c) consider reclassifying the positions of Clear Lake Lands Coordinator and Water Resources Program Manager as suggested by the current Deputy Public Works Director Water Resources.
- (3) Assign the Reclassification Committee to review and make recommendations to the Board regarding either reclassifying the current division manager as the new department head or instructing Human Resources to begin an open recruitment.
- (4) Assign the Office Space Committee to evaluate space needs of the proposed department, identify options, and present a recommendation to the Board by November 3, 2009.
- (5) Assign the Public Works Director to work with the new department head to explore options to obtain engineering services, including sharing personnel with Engineering and Inspection Division and/or contracting with a local engineering firm.
- (6) Assign the Public Works Director to work with County Counsel to identify any necessary modifications to the Lake County Ordinance Code.

After a brief recess, the Board reconvened into Regular Session at 10:37 a.m.

6. **ITEM A-7 - 10:00 A.M. - PUBLIC HEARING - Purchase of real property consisting of land located at 15771 Douglas Street, 21248, 21238 and 21268 Calistoga Street and 21249 Washington Street, Middletown, CA (APNs 024-403-05, 024-403-06, 024-403-07, 024-403-08 and 024-403-09), for the development of a "town square" park; the agreed purchase price is \$500,000 and the seller is Norman G. Alumbaugh, Trustee of the Norman G. Alumbaugh Revocable Trust** - County Administrative Officer Kelly Cox presented the staff report.

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

On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Brown NO), approved the purchase of real property consisting of land located at 15771 Douglas Street, 21248, 21238 and 21268 Calistoga Street and 21249 Washington Street, Middletown, CA (APNs 024-403-05, 024-403-06, 024-403-07, 024-403-08 and 024-403-09), for the development of a "town square" park; the agreed purchase price is \$500,000 and the seller is Norman G. Alumbaugh, Trustee of the Norman G. Alumbaugh Revocable Trust, and authorized the Chair to sign.

Supervisor Comstock offered Resolution No. 2009-175 accepting conveyance of real property located in Middletown, California, and it was passed by roll call vote (4 ayes, Supervisor Brown NO).

7. **ITEM A-8 - 10:15 A.M. - Request for Board authorization to proceed with a Notice of Non-Renewal for parcels found to be in breach of the Williamson Act Contract** - Community Development Director Rick Coel presented the staff report.

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

8. **ITEM A-9 - 11:00 A.M. - Consideration of award of Bid No. 09-07 for the construction of Sulphur Bank Drive PM 1.94 Storm Damage Repair Project** - At the request of Public Works Director Brent Siemer, this item was pulled from the agenda.

9. **ITEM A-15 - Consideration of award of Bid No. 09-35 for construction of Soda Bay Road Rehabilitation and Overlay Project a MP 11.9 to MP 13.8** - At the request of Public Works Director Brent Siemer, this item was pulled from the agenda.

10. **ITEM A-16 - Consideration of request for an exception to County policy prohibiting County officials or employees from soliciting for or accepting donations from private businesses or individuals, in order for the Social Services Department to solicit local merchants to participate in the department's plan for expenditure of Emergency Contingency Fund (ECF) Short-Term Non-Recurrent Benefits** - Social Services Director Carol Huchingson presented the staff summary.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the request for an exception to County policy prohibiting County officials or employees from soliciting for or accepting donations from private businesses or individuals, in order for the Social Services Department to solicit local merchants to participate in the department's plan for expenditure of Emergency Contingency Fund (ECF) Short-Term Non-Recurrent Benefits.

11. **ITEM A-13 - Consideration of appointments of a director and alternate to the California State Association of Counties (CSAC) for 2010** - On motion of Supervisor Smith and by vote of the Board (5 ayes), appointed Supervisor Farrington to the position of Director and Supervisor Rushing as alternate, to the California State Association of Counties (CSAC) for 2010.

After a brief recess, the Board reconvened into Regular Session at 11:32 a.m. Supervisors Farrington and Brown were absent.

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

The gavel was passed to Lake County Local Board of Equalization Vice Chair Smith.

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Supervisor Brown was present at 11:33 a.m.

Supervisor Farrington was present at 11:34 a.m.

11. ITEM A-10 - 11:30 A.M. - Assessment Appeal Hearings:

Jacob Watson - Application Nos. 2008-244, 2008-245 and 2008-246 - Assessment Parcel Nos. 050-864-010, 050-063-100, and 050-063-110, located at 10064 Estates Drive, Cobb, CA, 10517 and 10521 Foothill Road, Loch Lomond, CA - Deputy Assessor-Recorder Jim Campbell was present.

Chair Smith reported the appellant sent in a withdrawal notice for all appeals scheduled for today via fax.

No Board action was taken on this item.

12. ITEM A-17 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: DDAA and LCEA 2. Public Employee Performance Evaluation: Title: Mental Health Director 3. Conference with real property negotiator (a) Property located at: 13885 Lakeshore Drive, Clearlake - (APN 039-121-29) (b) Negotiating Parties: For County: Mental Health Director Kristy Kelly For seller: Sterling Savings Bank (c) Under Negotiation: Price and terms 4. Conference with Legal Counsel - Existing Litigation - (Subdivision (a) of Section 54956.9): 1. California Sportfishing Alliance v. County of Lake, et al. 2. Sonya Christian v. County of Lake - Chair Rushing announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session at 12:42 p.m. with the following action taken:

On motion of Supervisor Farrington and by vote of the Board (5 ayes), moved for settlement in the matter of Sonya Christian v. County of Lake be approved in the amount of \$55,000.

The Board adjourned for lunch and reconvened into Regular Session at 1:45 p.m.

13. ITEM A-14 - Consideration of request for Board direction regarding possible acquisition of property located at 13885 Lakeshore Drive, Clearlake (APN 039-121-29) - At the request of Mental Health Director Kristy Kelly, this item was pulled from today's agenda.

14. ITEM A-11 - Continued from August 25, 2009 - 1:30 P.M. - Consideration of the Genetically Engineered (GE) Crops Advisory Committee's recommendations regarding the growing of GE crops in Lake County - Genetically Engineered (GE) Crops Advisory Committee Chair Marc Hooper presented a brief summary to the Board.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Victoria Brandon, Andre Ross, Herb Gura, Haji Warf, Sarah Ryan, Sybil Frances, Steve Devoto, Michelle Scully, Lorrie Gray, Brian Gray, Joan Moss, Melissa Fulton, Phil Murphy, Greg Peters, Lars Crail and Dr. Broc Zoller. 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.

On motion of Supervisor Rushing and by vote of the Board (3 ayes, Supervisors Comstock and Brown NO), directed the committee members to complete the following tasks:

- (1) Assess willingness of the members and alternates to continue serving on the committee.
- (2) Conduct a election by anonymous vote of no more than seven (7) members to continue service on the committee.
- (3) To further develop a recommendation to the Board regarding a regulatory framework which would provide for oversight, review and control of potential genetically engineered (GE) crops to be grown in Lake County, and to submit this recommendation to the Board for consideration at a future date.
- (4) Adhere to a policy of 2/3 vote required for procedural items, while the previous voting requirement remain on policy-related items, with the exception of allowing a single dissenting vote, an explanation of which to be provided, in writing, in the recommendation to the Board.

On motion of Supervisor Rushing and by vote of the Board (5 ayes) the item was re-opened for further consideration.

A modification was made to Directive #2 above, to include the continued representation of the seven (7) categories of membership established at the creation of the Genetically Engineered (GE) Crops Advisory Committee.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown NO), directed the committee members to complete the following tasks, as amended.

There being no further business, the Board adjourned at 3:14 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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