



MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD OCTOBER 27, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 27th day of October, 2009, there being present Supervisors 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. Supervisor Jim Comstock was absent all day.

The meeting was called to order at 9:01 a.m. by Chair Rushing. Following the 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 Brown and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved Consent Agenda Items C-1 through C-11, with the exception of C-3 which will be taken up later in the day. (Consent Agenda Item C-9 was taken up again later in the day.)

Approved Minutes of the Board of Supervisors meetings held on September 15, 22, October 6, 13 and 20, 2009.

Adopted Proclamation in appreciation of Marilyn Holdenried for dedication to the community of Kelseyville.

Approved the partial non-renewal of Williamson Act Contract 84-02 that was recorded on June 30, 2009, as Document Number 2009010654 for Exhibit C, a portion of APN 005-022-08, owned by Kenneth L. Barr and authorized the Notice of Partial Non-Renewal to be recorded.

Adopted Resolution No. 2009-180, amending Resolution No. 2009-145 establishing position allocations to conform to the Fiscal Year 2009/2010 Final Budget, Budget Unit No. 2602 - Building and Safety (continuing the two Building Inspector I/II position allocations with one position funded through November 30, 2009).

Adopted Resolution No. 2009-181, approving Amendment #1 to Agreement No. 09-0077 with the State of California, Department of Food and Agriculture increasing the agreement amount of Fiscal Year 2009/2010 from \$237.76 to \$261.76 for compliance with the Egg Inspection Agreement and authorizing execution thereof.

Adopted Resolution No. 2009-182, approving Agreement between the County of Lake and the County of Marin for Medi-Cal Administrative Activities (MAA) and Targeted Case Management (TMC) and authorizing the Director of Health Services to sign.

(a) Approved the distribution of the balance in the self-funded Dental/Vision fund as recommended by the Group Insurance Committee;

(b) Approved Contract between the County of Lake and Ceridian as the vendor for Flexible Spending Account (FSA) administrative services and authorized the Chair to sign; and

(c) Authorized the Human Resources Director to notify the County's current FSA administrator, TASC, of the County's intention to not continue with their services at the conclusion of the 2009 FSA plan year, grace period and run out.

Approved Amendment Two to Agreement between the County of Lake and Pavement Engineering, Inc. for engineering services for the design of pavement rehabilitation and drainage improvements for State Street, Kelseyville (an increase of \$5,000, total cost not to exceed \$138,857.50), and authorized the Chair to sign. **(This item was taken up again later in the day).**

Adopted Resolution No. 2009-183, authorizing transfer of loan reserve funds in the amount of \$43,000 to cover loan payment due by CSA #21 - North Lakeport.

Approved Budget Transfer B-036 in the amount of \$15,425, for the purchase of new pumps and motor for raw intake, Budget Unit No. 8462 - County Service Area #2 - Spring Valley.

2. **ITEM A-2 - Presentation of animals that are available for adoption at the Lake County Animal Care and Control Shelter** - Animal Control Officer Ben Cheek presented one feline currently available for adoption.

BACK TO #1 - ITEM A-1 - APPROVAL OF THE CONSENT AGENDA - CONSENT AGENDA ITEM C-3 - Consideration of proposed resolution reappointing Anita L. Grant County Counsel for the County of Lake - The Supervisors expressed their appreciation.

Supervisor Smith offered Resolution No. 2009-184, reappointing Anita L. Grant County Counsel for the County of Lake, and it was passed by roll call vote (4 ayes, Supervisor Comstock ABSENT).

CITIZEN'S INPUT - Nancy Ruzicka spoke regarding the employment of local contractors in County of Lake construction projects.

Tom Slight spoke regarding air quality in the County of Lake.

3. **ITEM A-5 - 9:10 A.M. - Presentation of Proclamation in appreciation of Marilyn Holdenried for her dedication to the community of Kelseyville** - Supervisor Brown read the proclamation into the record and presented it to Marilyn Holdenried, who spoke. Many members of the community were present.

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4. **ITEM A-6 - 9:15 A.M. - Presentation by Lake Community Agency Network (Lake CAN) members regarding the cumulative impacts the State budget cuts will have on service agencies in Lake County** - Gloria Flaherty and Shelly Mascari made the presentation to the Board.

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

5. **ITEM A-13 - Discussion/consideration of proposed letter to federal representatives requesting funding for the protection and management of Clear Lake** - Supervisor Brown introduced this item.

There was Board consensus to direct staff add state representatives and the Office of the President of the United States to the list of letter recipients, and for Supervisor Brown to contact Congressman Thompson's office regarding the potential benefits of sending representation to Washington, DC to support the request for funding.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved the proposed letter to state and federal representatives requesting funding for the protection and management of Clear Lake, and authorized the Chair to sign.

6. **ITEM A-7 - 9:45 A.M. - PUBLIC HEARING - Proposed purchase of real property consisting of land located at 3555 Lakeshore Boulevard, Nice, CA (APN 032-135-16), the agreed purchase price is \$102,000 and the seller is JP Morgan Mortgage Acquisition Corporation (Select Portfolio Servicing, Inc., Attorney-in-Fact)** - Public Services Director Kim Clymire and Deputy Redevelopment Director Eric Seely were present.

Mr. Clymire presented the staff report to the Board.

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

This item was continued to later in the day.

7. **ITEM A-8 - 10:00 A.M. - PUBLIC HEARING - Consideration of an extension of the interim Urgency Ordinance entitled "An Urgency Measure Prohibiting the Establishment of New Medical Marijuana Dispensaries and/or the Enforcement Action Against Existing Medical Marijuana Dispensaries in the County of Lake"** - Community Development Director Rick Coel presented the staff report to the Board.

Chair Rushing opened the public hearing and the following people spoke: Ron Greene and Gary Williamson. No one else was present wishing to speak and the public hearing was closed.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), waived the reading of the ordinance, to be read in title only. (Clerk so did).

Supervisor Brown offered Ordinance No. 2913, and it was passed by roll call vote (4 ayes, Supervisor Comstock ABSENT).

After a brief recess, the Board reconvened into Regular Session at 10:50 a.m.

8. **ITEM A-14 - (a) Consideration of proposed Resolution approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's (County of Lake) proposition 1A receivable from the state; and directing and authorizing certain other actions in connection therewith; (b) Consideration of proposed Resolution approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's (County Service Area #1 - Clearlake Keys) proposition 1A receivable from the state; and directing and authorizing certain other actions in connection therewith; (c) Consideration of proposed Resolution approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's (County Service Area #2 - Spring Valley) proposition 1A receivable from the state; and directing and authorizing certain other actions in connection therewith; (d) Consideration of proposed Resolution approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's (County Service Area #3 - Twin Lakes) proposition 1A receivable from the state; and directing and authorizing certain other actions in connection therewith; (e) Consideration of proposed Resolution approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's (County Service Area #7 - Bonanza Springs) proposition 1A receivable from the state; and directing and authorizing certain other actions in connection therewith; (f) Consideration of proposed Resolution approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's (County Services Area #13 - Kono Tayee) proposition 1A receivable from the state; and directing and authorizing certain other actions in connection therewith; (g) Consideration of proposed Resolution approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's (Lake County Watershed Protection District) proposition 1A receivable from the state; and directing and authorizing certain other actions in connection therewith; (h) Consideration of proposed Resolution approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's proposition 1A receivable from the state; and directing and authorizing certain other actions in connection therewith** - County Administrative Officer Kelly Cox presented the staff report.

Chair Rushing asked if anyone was present wishing to speak and California State Association of Counties Deputy Executive Director Jim Wiltshire spoke. No one else was present wishing to speak and the public input portion of this item was closed.

(a) Supervisor Brown offered Resolution No. 2009-185, approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's (County of Lake) proposition 1A receivable from the state; and directing and authorizing certain other actions in connection therewith, and it was passed by roll call vote (4 ayes, Supervisor Comstock ABSENT).

(b) Supervisor Brown offered Resolution No. 2009-186, approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's (County Service Area #1 - Clearlake Keys) proposition 1A receivable from the state; and directing and authorizing certain other actions in connection therewith, and it was passed by roll call vote (4 ayes, Supervisor Comstock ABSENT).

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(c) Supervisor Brown offered Resolution No. 2009-187, approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's (County Service Area #2 - Spring Valley) proposition 1A receivable from the state; and directing and authorizing certain other actions in connection therewith, and it was passed by roll call vote (4 ayes, Supervisor Comstock ABSENT).

(d) Supervisor Brown offered Resolution No. 2009-188, approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's (County Service Area #3 - Twin Lakes) proposition 1A receivable from the state; and directing and authorizing certain other actions in connection therewith, and it was passed by roll call vote (4 ayes, Supervisor Comstock ABSENT).

(e) Supervisor Brown offered Resolution No. 2009-189, approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's (County Service Area #7 - Bonanza Springs) proposition 1A receivable from the state; and directing and authorizing certain other actions in connection therewith, and it was passed by roll call vote (4 ayes, Supervisor Comstock ABSENT).

(f) Supervisor Brown offered Resolution No. 2009-190, approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's (County Services Area #13 - Kono Tayee) proposition 1A receivable from the state; and directing and authorizing certain other actions in connection therewith, and it was passed by roll call vote (4 ayes, Supervisor Comstock ABSENT).

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

(g) Director Brown offered Resolution No. 2009-191, approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's (Lake County Watershed Protection District) proposition 1A receivable from the state; and directing and authorizing certain other actions in connection therewith, and it was passed by roll call vote (4 ayes, Director Comstock ABSENT).

The Board of Directors of the Lake County Watershed Protection District adjourned and convened as the Board of Directors of the Kelseyville County Waterworks District #3.

(h) Director Brown offered Resolution No. 2009-192, approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's proposition 1A receivable from the state; and directing and authorizing certain other actions in connection therewith, and it was passed by roll call vote (4 ayes, Director Comstock ABSENT).

The Board of Directors of the Kelseyville County Waterworks District #3 adjourned and reconvened as the Board of Supervisors.

9. **ITEM A-9 - 11:00 A.M. - Presentation of the CSAC Challenge Award to the County of Lake for the Clearlake Oaks Revitalization Project** - California State Association of Counties Deputy Executive Director Jim Wiltshire presented the Challenge Award to Chair Rushing, who spoke.

BACK TO #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), re-opened Item A-1 - Approval of the Consent Agenda, for further discussion.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved Consent Agenda Items C-1 through C-11, with the exception of C-3, (which was taken up earlier in the day), and C-9, which will be taken up at this time.

CONSENT AGENDA ITEM C-9 - Consideration of request to approve Amendment Two to Agreement between the County of Lake and Pavement Engineering, Inc. For engineering services for the design of pavement rehabilitation and drainage improvements for State Street, Kelseyville (an increase of \$5,000, total cost not to exceed \$138,857.50) - Public Works Director Brent Siemer presented the staff report.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved Consideration of request to approve Amendment Two to Agreement between the County of Lake and Pavement Engineering, Inc. For engineering services for the design of pavement rehabilitation and drainage improvements for State Street, Kelseyville (an increase of \$5,000, total cost not to exceed \$138,857.50), and authorized the Chair to sign.

10. **ITEM A-15 - Discussion/consideration of proposed Agreement between the County of Lake and Quincy Engineering for construction administration services for repair of storm damage site on Sulphur Bank Drive at PM 1.94-1.99, ER 4402 (015), in Clearlake Oaks (not to exceed \$152,200)** - Public Works Director Brent Siemer presented the staff report.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved Agreement between the County of Lake and Quincy Engineering for construction administration services for repair of storm damage site on Sulphur Bank Drive at PM 1.94-1.99, ER 4402 (015), in Clearlake Oaks (not to exceed \$152,200), and authorized the Chair to sign.

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 Chair Farrington.

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

Renal Treatment Centers-California, Inc. - Application No. 2008-100 - APN 800-002-112 - located at 14400 Olympic Drive, Clearlake - Chief Deputy Assessor-Recorder Jim Campbell was sworn in by the Clerk.

Mr. Campbell presented the staff report.

On motion of Member Brown and by vote of the Board (4 ayes, Member Comstock ABSENT), approved the Stipulation for Renal Treatment Centers-California Inc., in the following amounts: Personal Property: \$356,940 and Fixtures: \$794,520, for a total amount of \$1,151,460.

Continued from September 15, 2009 - William Kenna - Application No. 2008-238 - APN 013-013-410 - located at 16206 34th Avenue, Clearlake - Lake County Local Board of Equalization Chair Farrington announced the Board had received a withdrawal for William Kenna's appeal.

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

The gavel was returned to Chair Rushing.

BACK TO #6 - ITEM A-7 - 9:45 A.M. - PUBLIC HEARING - Proposed purchase of real property consisting of land located at 3555 Lakeshore Boulevard, Nice, CA (APN 032-135-16), the agreed purchase price is \$102,000 and the seller is JP Morgan Mortgage Acquisition Corporation (Select Portfolio Servicing, Inc., Attorney-in-Fact) - County Administrative Officer Kelly Cox presented further information.

On motion of Supervisor Smith and by vote of the Board (3 ayes, Supervisor Brown NO, Supervisor Comstock ABSENT), directed staff to begin the process of preparing this item to return to the Board for consideration on November 17, 2009, with a recommendation of using Redevelopment funds.

12. ITEM A-16 - 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.

After a lunch recess, the Board convened into Closed Session.

13. ITEM A-11 - 1:30 P.M. - CLOSED SESSION - Employee appeal of a disciplinary action -The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned at 5:45 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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