



MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 8, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 8th day of September 8, 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 9:00 a.m. by Chair Rushing. Following the moment of silence, County Administrative Officer Kelly Cox 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-8.

Approved Minutes of the Board of Supervisors Final Budget Hearings held on August 20, 2009.

Awarded Bid No. 10-06 in the amount of \$10,935, to Jackson Equipment for nuisance abatement located at 9343 Stagecoach Lane Lower Lake (APN 049-072-12 - Ava Woodvine), and authorized the Chair to sign.

Authorized approval and submittal of the Federal Equitable Sharing Agreement and Certification to the Department of Justice that will enable the District Attorneys Office to collect a portion of federally seized asset forfeiture monies and authorized the Chair to sign.

Adopted Resolution No. 2009-153 authorizing the Grant Project - Lake County Victim-Witness Assistance Program.

Adopted Resolution No. 2009-154 authorizing the Grant Project - Lake County Domestic Violence Response Team Project.

Adopted Resolution No. 2009-155 authorizing the Public Works Director to sign a Notice of Completion for work performed under agreement dated July 30, 2009 (2005/2006 Storm Damage Repair - Rice Fork Road at PM 0.2).

Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 024-071-47 - Lynda B. Powell and Richard L. Powell), and approved Purchase Agreement between the County of Lake and Lynda B. Powell and Richard L. Powell for State Street Sidewalk Project located in Kelseyville, and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Redevelopment Agency, approved Memorandum of Unrecorded Grant Agreement between the Lake County Redevelopment Agency and the State of California, acting by and through the Wildlife Conservation Board, granting funds for the acquisition/improvement of real property (Third Avenue Plaza Fishing Pier, Lucerne), and authorized the Chair to sign.

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

EXTRA #1 - Necessity for extra Closed Session item not on the posted agenda - 1. Conference with Legal Counsel - Existing Litigation - (Pursuant to Subdivision (a) of Section 54956.9.) a. Name of Case: Leuzinger v. County of Lake - 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:

An issue has arisen in regard to existing litigation in the case of Leuzinger v. County of Lake. Circumstances arose on Thursday, September 3, 2009 which require discussion by this Board as soon as possible.

This item will be taken up during Closed Session.

3. **ITEM A-11 - Advanced from September 1, 2009 - An Ordinance amending Article VI of Chapter Fifteen of the Lake County Code restricting the operation of bicycles, skateboard, scooters, roller skates and in-line skates at Upper Lake Tennis Court and Middletown Tennis Court - (Second Reading)** - Supervisor Smith offered Ordinance No. 2908, and it was passed by roll call vote (5 ayes).

CITIZEN'S INPUT - John Zellman spoke regarding the condition of Clear Lake.

Louise Talley spoke regarding possible release of sexual predators in Lake County, and thanked the Board for the granting of County property for use as a community garden.

This topic was taken up again later in the day, during ITEM A-9 - Supervisors Weekly Calendar and Reports.

4. **ITEM A-5 - 9:15 A.M. - (a) Discussion/consideration of proposed Resolution designating 15% of the full County payment amount received for Federal Fiscal Year 2009 pursuant to the reauthorized Secure Rural Schools and Community Self-Determination Act of 2000 for County Fiscal Year 2009/2010; and (b) Discussion/consideration of proposed Resolution designating the amount of funding to be allocated between Title II and Title III Local Projects pursuant to reauthorized Secure Rural Schools and Community Self-Determination Act of 2000 for County Fiscal Year 2009/2010** - County Administrative Officer Kelly Cox presented the staff report.

(a) Supervisor Brown offered Resolution No. 2009-156, a resolution designating 15% of the full county payment amount received for Federal Fiscal Year 2009 pursuant to the Reauthorized Secure Rural Schools and Community Self-Determination Act of 2000 for County Fiscal Year 2009/2010, and it was passed by roll call vote (5 ayes).

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(b) Supervisor Brown offered Resolution No. 2009-157, a resolution designating the amount of funding to be allocated between Title II and Title III local projects pursuant to Reauthorized Secure Rural Schools and Community Self-Determination Act of 2000 for County Fiscal Year 2009/2010, and it was passed by roll call vote (5 ayes).

5. **ITEM A-10 - Consideration of request to authorize an expenditure of funds appropriated in the Special Projects budget for an Upper Lake flood prevention project** - County Administrative Officer Kelly Cox presented the staff summary, and Chair Rushing provided information regarding the justification for this project.

There was Board consensus to direct staff to prepare an update of currently budgeted Special Projects, to present to the Board for consideration and possible changes in prioritization, at a future date.
This item was continued until the Public Works Director could be present.

- BACK TO #5 - ITEM A-10 - Consideration of request to authorize an expenditure of funds appropriated in the Special Projects budget for an Upper Lake flood prevention project** - Public Works Director Brent Siemer was present to answer the Board's questions regarding the project.

On motion of Supervisor Brown and by vote of the Board (5 ayes), authorized an expenditure of funds appropriated in the Special Projects budget for an Upper Lake flood prevention project.

6. **ITEM A-12 - Carried over from September 1, 2009 - Consideration of award of Bid No. 10-03 for construction of 2005/2006 Storm Damage Repair: Robinson Road (PM 0.55)** - Public Works Director Brent Siemer presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), awarded Bid No. 10-03 for construction of 2005/2006 Storm Damage Repair: Robinson Road (PM 0.55) to Team Ghilotti, Inc., in the amount of \$348,796.00, and authorized the Chair to sign the Bid Award and agreement.

7. **ITEM A-13 - Carried over from September 1, 2009 - Consideration of award of Bid No. 10-05 for construction of 2005/2006 Storm Damage Repair: Bartlett Springs Road (PM 1.4)** - Public Works Director Brent Siemer presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), awarded Bid No. 10-05 for construction of 2005/2006 Storm Damage Repair: Bartlett Springs Road (PM 1.4) to Team Ghilotti, Inc., in the amount of \$268,554.50, and authorized the Chair to sign the Bid Award and Agreement.

8. **ITEM A-6 - 9:30 A.M. - Informational update regarding Sheriff's Local Vendor Fair to be conducted on September 9, 2009, for purposes of increasing County government purchases of goods and services from Lake County businesses** - Sheriff Mitchell presented the update to the Board.

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

9. **ITEM A-7 - 9:35 A.M. - Discussion/consideration of a proposed Facility Space License Agreement between the County of Lake and David Hendricks for the occupancy of space on an appropriate antenna supporting structure and building for the placement of antennas and equipment for the public purpose of providing emergency communications services for the citizens of Lake County; project is located on Mt. Konocti (Buckingham Peak - APN 009-009-09)** - Public Services Director Kim Clymire presented the staff report.

Supervisor Brown offered Resolution No. 2009-158 and it was passed by roll call vote (5 ayes).

10. **ITEM A-8 - 9:40 A.M. - (a) Consideration of County's response to Williamson Act Survey and Board's position on continuation of Williamson Act contracts; and (b) Consideration of proposed letter to the Governor urging restoration of funding for the Williamson Act** - Community Development Director Rick Coel, Agricultural Commissioner Steve Hajik, and Chief Deputy Assessor-Recorder Jim Campbell were present.

Supervisor Farrington introduced the item.

(a) There was discussion about administration and enforcement of existing Williamson Act contracts and there was Board consensus to direct staff to prepare recommendations regarding the continuation of Williamson Act contracts, and to bring those to the Board for consideration at a future date. The Board reached consensus on responses to the survey question. The Board will not enter into new Williamson Act contracts at this time or until such time that State funding issues are resolved. The Board will not initiate action to terminate any of the existing Williamson Act contracts unless the property owners are out of compliance with the contract requirements. Staff will submit the Board responses to the entity conducting the survey.

(b) On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the letter to the Governor urging restoration of funding for the Williamson Act, and authorized the Chair to sign.

11. **ITEM A-14 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: DDAA and LCEA and EXTRA #1 - NECESSITY FOR EXTRA CLOSED SESSION ITEM NOT ON THE POSTED AGENDA** - County Counsel Anita Grant announced there would not be labor negotiations today.

Chair Rushing announced the Board would now go into Closed Session to take up Extra #1.

The Board reconvened into Regular Session at 11:25 a.m. with the following action taken:

On motion of Supervisor Farrington and by vote of the Board (3 ayes, Supervisors Comstock and Brown NO), approved the Settlement Agreement between the County of Lake and Sharon Leuzinger which negotiated the net reduction in attorney's fees resulting from the trial court judgment from \$735,500.50 to \$703,115.21, and authorized the Chair to sign.

12. **ITEM A-9 - Supervisors' weekly calendar, travel and reports** - Supervisor Brown advised the Board that he had researched the comments made during Citizen's Input about the possibility of a large number of parolees being released to Lake County last week, and based on the information he had obtained, he did not believe the report was accurate.

Supervisor Farrington expressed his best wishes to local resident Peaches Brown for a speedy recovery from her recent surgery.

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There being no further business, the Board adjourned at 11:28 a.m.

Chair - Lake County Board of Supervisors

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