

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MARCH 23, 2010

The Honorable Board of Supervisors of Lake County, California, met in regular session this 13th day of April, 2010 there being present Supervisors Jim Comstock, Jeff Smith, Anthony Farrington, and Denise Rushing, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Georgine Hunt. Supervisor Brown had jury duty and was present at 9:47 a.m.

The meeting was called to order at 9:01 a.m. by Chair Farrington. After a moment of silence, 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 (4 ayes, Supervisor Brown ABSENT), approved Consent Agenda items C-1 through C-13, with the exception of Consent Item C-6, which will be taken up later in the day.

Approved Minutes of the Board of Supervisors meeting held on April 6, 2010.

Adopted Proclamation designating the week of April 11-17, 2010 as National Public Safety Telecommunications Week in Lake County.

Adopted Proclamation designating April 17, 2010 as Red Hat Day in Lake County.

Adopted Proclamation recognizing the significance of the Geysers and applauding the April 16, 2010 dedication of the Calpine Cartwright Geothermal Visitors Center.

Adopted Resolution No. 2010-64, authorizing the Deputy Director, Lake County Redevelopment Agency to sign a Notice of Completion for work performed under agreement dated May 5, 2009 (Upper Lake Main Street pavement rehabilitation and accessibility improvements).

Adopted the revised County of Lake Facilities/Courthouse Evacuation Plan and the authorize the Safety Officer to make revisions to the plan when necessary changes are identified.

Approved the Contract between the County of Lake and Dazzling Janitorial Services to provide janitorial services to the Lakeport Library in the amount of \$10,200 and authorized the Chair to sign.

Adopted Resolution No. 2010-65 amending Resolution No. 2009-145 establishing position allocations to conform to the Fiscal Year 2009/2010 Final Budget, Budget Unit No. 2302 - Probation Officer-Juvenile Court (deleting one Probation Administrative Manager and adding one Probation Administrative Manager I/II allocation), as recommended by the Reclassification Committee.

Approved recommendations from the Reclassification Committee as per memorandum dated March 30, 2010, regarding reclassification requests submitted by County Departments.

Approved Modification No. 006 to Cooperative Law Enforcement Agreement between the County of Lake and the U.S. Forest Services to defray cost relating to the suppression of manufacturing and trafficking of controlled substances (County's allocation of addition funding from the U.S. Forest Service will be \$35,000), and authorized the Chair to sign.

(a) Adopted Resolution No. 2010-66, to appropriate unanticipated revenue in the amount of \$18,000 (awarded a grant from the Department of Boating and Waterways), for the purchase of an outboard motor re-power unit for a Sheriff's Patrol boat - Budget Unit No. 2205 - Sheriff/Marine Patrol; and

(b) Awarded bid in the amount of \$14,804.98 to Redwood Marine for the purchase of an Honda outboard motor re-power unit for a Sheriff's Patrol boat and authorized the Chair to sign.

Accepted dedication and conveyance of water well to provide supplemental water to County Service Area No. 16 - Paradise Valley, located at 8236 Paradise Valley Boulevard, Lucerne, CA (APN 060-321-01), and authorized the Chair to sign.

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 canine currently available for adoption.

BACK TO #1 - CONSENT ITEM C-6 - Consideration of the Agreement between the County of Lake and the Lucerne Friends of Locally Owned Water (F.L.O.W.) for the purpose of providing funding to the Lucerne F.L.O.W. community garden project -

Supervisor Rushing stated that on February 23, 2010, the Board approved funding the community garden project with monies that had been set aside for the Lucerne F.L.O.W. study. Most of the money for the study has been diverted to the repairs at the Lucerne Senior Center. The amount remaining in the budget is \$4,250 and is insufficient to complete the Lucerne FLOW study.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the Agreement between the County of Lake and Lucerne Friends of Locally Owned Water (F.L.O.W.) for the purpose of providing funding to the Lucerne F.L.O.W. community garden project in the amount of \$4,250 and authorize the Chair to sign.

3. **CITIZEN'S INPUT** - Ms. Victoria Brandon announced that Cache Creek Discovery Day will be held on May 1, 2010, at the BLM Cowboy Camp recreation area on Highway 16, one mile south of Highway 20 in Colusa County. There will be hikes, interactive exhibits and information tabling. Lunch will also be available. Everyone of all ages are welcome to attend.

Ms. Joan Moss asked for an investigation of possible misuse of public monies by Sheriff Mitchell.

4. **ITEM A-5 - 9:15 A.M. - Presentation of Proclamation designating the week of April 11-17, 2010 as National Public Safety Telecommunications Week in Lake County** - Supervisor Comstock read the Proclamation into the record. The Proclamation was presented to Sheriff Rodney Mitchell and other staff members.

5. **ITEM A-18 - Discussion/consideration of proposed First Amendment to the Agreement between the County of Lake and Casa Pacifica for specialty mental health services (an increase from \$100,000 to a maximum amount of \$116,000)** - Mental Health Director Kristy Kelly was present and informed the Board the reason for the amendment is due to one high acuity client needing additional specialty mental health services to stabilize the placement and to continue with treatment through June 30, 2010.

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On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the First Amendment between the County of Lake and Casa Pacifica for specialty mental health services (an increase from \$100,000 to a maximum amount of \$116,000), and authorized the Chair to sign.

6. **ITEM A-19 - Discussion/consideration of proposed First Amendment to the Agreement between the County of Lake and San Diego Center for Children for specialty mental health services (an increase from \$30,000 to a maximum contract amount of \$50,000)** - Mental Health Director Kristy Kelly was present and informed the Board the reason for the amendment is due to one high acuity client needing additional crisis intervention services, additional specialty mental health services to stabilize placement and to continue treatment through June 30, 2010.

Approved the First Amendment to the Agreement between the County of Lake and San Diego Center for Children for specialty mental health services (an increase from \$30,000 to a maximum contract amount of \$50,000), and authorized the Chair to sign.

7. **ITEM A-6 - 9:20 A.M. - Presentation of annual report from the Fish and Wildlife Advisory Committee** - Committee Chairman Greg Giusti showed a power-point presentation on the impacts marijuana cultivation has on fish, wildlife, creeks and forest lands.

Supervisor Brown was present at 9:47 a.m.

This item was informational only. No Board action was taken on this item.

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

8. **ITEM A-22 - Advanced from April 6, 2010 - An Ordinance amending Section 706B of the Sewer Use Ordinance pertaining to inflationary adjustment determined by the Engineering News Record-Construction Cost Index - (Second Reading)** - Director Smith offered Ordinance No. 2924, and it was passed by a roll-call vote (5 ayes).

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

9. **ITEM A-7 - 9:50 A.M. - HEARING - Notice of Nuisance Abatement - 9190 Fairway Drive, Kelseyville, CA (APN 430-213-19 - James E. Purviance)** - Community Development Director Rick Coel, Code Enforcement Officer Roderic Hillard and Dan Arnet were sworn in by the Clerk.

Mr. Arnet stated that he has purchased the property and that it is in escrow, which should close sometime next week.

Mr. Coel presented the staff report.

Mr. Hillard gave a power point presentation regarding the conditions of the property.

The order to complete abatement of the nuisance on property was extended to June 1, 2010.

On motion of Supervisor Brown and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 9190 Fairway Drive, Kelseyville, CA (APN 430-213-19 - James E. Purviance), within thirty (30) days and authorized staff to abate the nuisance if it is not voluntarily abated, all cost associated with this case will become a charge against the property, and authorized the Chair to sign the abatement order.

10. **ITEM A-8 - 10:00 A.M. - Presentation by Lake County Animal Coalition regarding the Spay and Neuter Vouchers and other activities; and consideration of request for future County funding to help cover the costs of the Spay and Neuter Vouchers and other activities** - Representatives from the Animal Coalition of Lake County Rita Doyle and Kathy Langlais were present.

Ms. Doyle gave an overview of the coalition. The coalition is a volunteer non-profit organization that has been formed to provide services specifically for dogs and cats to low income and senior citizens. The coalition has written over 2000 spay/neuter vouchers. The coalition relies largely upon donations and fund raising events such as benefit dinners and silent auctions. During 2010, the coalition plans to increase voucher availability, educate through flyers placed around the County and newspaper articles to raise public awareness of the importance of spaying/neutering pets.. It is being requested that the Board consider allocating funding to the coalition to help cover the costs of the spay/neuter vouchers.

The request for funding will be considered during the budget process for Fiscal Year 2010/2011.

After a short break, the Board reconvened at 10:43 a.m.

11. **ITEM A-9 - 10:30 A.M. - Discussion/consideration of recommendation to delete mechanical harvesting of aquatic weeds on Clear Lake from the Request for Proposal that is being issued by the County** - Deputy Public Works Director of Water Resources Pam Francis was present.

Ms. Melissa Fulton, representing the Clear Lake Advisory Committee (CLAC) gave an overview of the main reasons CLAC is recommending the deletion from the Request for Proposal of mechanical harvesting of aquatic weeds on Clear Lake, is as follows:

1. The Programmatic Environmental Impact Report (EIR) for the Clear Lake Integrated Aquatic Plant Management Program specifies no mechanical plant removal in any lake area within .25 miles of where Hydrilla has been found within the past six years;
2. Hydrilla in aquatic plant threat to Clear Lake is the invasive weed Eurasian Milfoil which has been gaining in presence since it fourth place standing in the weed population in Clear Lake and Hydrilla and Milfoil are the two invasive weeds (due to fragment regrowth), most susceptible to spreading via mechanical harvesting and Clear Lake's excessive wind stirring;
3. Significant fish kills and stirring of bottom sediment (potential Mercury release) resulting from harvesting;
4. The cost of mechanical harvesting is prohibitive as compared to the latest state of the art herbicide treatments;
5. The likely requirement of multiple harvests per season increases the cost exposure; and
6. Each harvesting treatment would require using limited California Department of Food and Agriculture (CDFA) resources for surveying.

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Chair Farrington asked if anyone present wished to speak on this item and the following persons spoke: Mr. Ed Calkins and Cheri Lee Glenn Holden. No one else was present wishing to speak and the public portion of this item was closed.

There was consensus to move forward with the Request for Proposals,(RFP) to include mechanical harvesting, and before the Board awards a contract, the RFPs will be reviewed and recommendations will be made regarding the use of herbicides and mechanical harvesting on Clear Lake.

12. **ITEM A-10 - 11:00 A.M. - Discussion/consideration of proposed Fourth Amendment to the Agreement between the County of Lake and Lake Legal Defense Services to provide indigent criminal legal defense services** - Administrative Analyst Jennifer Hammond was present and gave a brief overview of the proposed amendments. This amendment extends the agreement for an additional twenty-four months, ending September 30, 2012. Also, the amendment clarifies that the cost of living adjustments will only be granted under this agreement upon approval by the County (they shall not be automatic).

The Chair of the Public Defender Oversight Committee, Cameron Reeves, spoke in support of the staff recommendation and on behalf of the committee.

Chair Farrington asked if anyone else present wished to speak on this item and the following persons spoke: Ms. Betsy Cawn and Ms. Joan Moss spoke. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Fourth Amendment to the Agreement between the County of Lake and Lake Legal Defense Services to provide indigent criminal legal defense services and authorized the Chair to sign.

Supervisor Brown was absent at 12:01 p.m.

13. **ITEM A-11 - 11:15 A.M. - Presentation of an educational video that was submitted in the "We Love Tules" video contest showing the importance and propagation of tules around Clear Lake** - The "We Love Tules" video highlighted the importance of tules around Clear Lake. The video also showed how a person can improve the condition of Clear Lake by propagating tules in Clear Lake.

Chair Farrington asked if anyone present wished to speak on this item and Ms. Cheri Holden.

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

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

14. **ITEM A-12 - 11:30 A.M. - Assessment Appeal Hearings:**

(a) Judy Buttke - Application No. 95-2009 - located at 3675 Benmore Valley Road, Lakeport, CA - APN 007-001-37 - On April 2, 2010, Ms. Judy Buttke withdrew her Application for Changed Assessment and no further action is required.

(b) Harold Brezine - Application No. 126-2009 - located at 16371 32nd Avenue, Clearlake, CA - APN 042-254-40 - On April 1, 2010, Mr. Harold Brezine withdrew his Application for Changed Assessment and no further action is required.

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

15. **ITEM A-16 - Discussion/consideration of a proposed letter to the California Public Utilities Commission on behalf of the community of Lucerne regarding the request for a rate increase by Cal Water** - Supervisor Rushing stated to the Board that Cal Water has submitted a request to the California Public Utilities Commission for a 54.9% rate increase in 2011, a 7% rate increase in 2012 and a 6.6% rate increase in 2013 for the community of Lucerne. The current base rate for the community of Lucerne is \$53.70.

Chair Farrington asked if anyone present wished to speak on this item and Mr. Craig Bach spoke. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved a letter to the California Utilities Commission on behalf of the community of Lucerne asking the commission to carefully examine the proposed rate increase by Cal Water and any cost not considered customary be disallowed, and authorized the Chair to sign.

16. **ITEM A-15 - Discussion/consideration of a proposed letter of support of a grant application submitted by Heberden Telemedicine for a health information network to support hospitals and physicians in the Northern California region** - On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved letter of support of a grant application submitted by Heberden Telemedicine for a health information network to support hospitals and physicians in the Northern California region and authorized the Chair to sign.

The Board adjourned for lunch at 12:22 p.m. and reconvened at 1:30 p.m. with Supervisor Brown present.

17. **ITEM A-13 - 1:30 P.M. - CLOSED SESSION - Public Employee Appointment (interviews of applicants for Water Resources Director)** - Chair Farrington announced that the Board will now go into Closed Session for interview of applicants for Water Resources Director.

The Board reconvened in Regular Session with no action taken.

18. **ITEM A-17 - Discussion/consideration of authorization for the Chair to sign a Report of Appointment to enable the Deputy Animal Control Director to receive compensation for working above classification (during the absence of the Animal Control Director who is on an extended medical leave)** - On motion of Supervisor Smith and by vote of the Board (5 ayes), authorized the Chair to sign a Report of Appointment to enable the Deputy Animal Control Director to receive compensation for working above classification (during the absence of the Animal Control Director who is on an extended medical leave).

19. **ITEM A-20 - Discussion/consideration of proposed Resolution of intention to name certain existing roads in the County of Lake (Cold Water Creek Road, Rabbit Valley Road, Binkley Road and Lee Spring Road), located off of High Valley Road in the Cobb area and set hearing for May 18, 2010, at 9:15 a.m.** - Public Works Director Brent Siemer was present and stated that the residents of the area have agreed with the road name changes and on their behalf, Mr. Chris Mahuke is their representative.

Supervisor Brown offered Resolution No. 2010-67, and it was passed by a roll-call vote (5 ayes).

20. **ITEM A-21- Discussion/consideration of First Amendment to the Agreement between the County of Lake and the Regents of the University of California for sediment sampling in Clear Lake (an increase from \$20,008.56 to \$40,017.12)** - Public Works Director Brent Siemer was present and gave an overview of the necessity of sediment sampling.

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The sediment sampling began in 1992 and the accumulated information will be used to prepare a diagnostic/feasibility study for Clear Lake.

Supervisor Brown stated that he will not support the amendment because after 17 years of sediment sampling, enough information should have been obtained for the diagnostic/feasibility study.

The other Board members agreed with Supervisor Brown's concerns.

Mr. Siemer agreed to get more information from the university as to why this sampling needs to be continued.

This item was continued to a later date for further consideration.

21. **ITEM A-23 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert, M. Perry and J. Hammond; and (b) Employee Organization: LCCOA, SDA and DDAA; 2. Public Employee Performance Evaluations - Titles: Animal Control Director and Public Works Director; 3. Conference with Legal Counsel: Significant exposure to litigation pursuant to Government Code Section 54956.9, Subdivision B - One potential case; and 4. Personnel - Public Employee Disciplinary Appeal No. EDA 2010-01, Government Code Section 54957-C** - Chair Farrington announced that the Board will go back into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned at 4:55 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board