

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD APRIL 20, 2010

The Honorable Board of Supervisors of Lake County, California, met in regular session this 20th day of April, 2010 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 9:04 a.m. by Chair Farrington. After a moment of silence, County Counsel Anita Grant 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 NO), approved Consent Agenda items C-1 through C-16.

Adopted Proclamation designating the week of April 18-24, 2010 as National Volunteer Recognition Week in Lake County.

Adopted Proclamation designating the week of April 19-25, 2010 as National Work Zone Safety Week in Lake County.

Adopted Proclamation designating the week of April 18-24, 2010 as National Crime Victims' Rights Week in Lake County.

Accepted donation in the amount of \$38,801.51 from Clearlake Animal Welfare Society to be used for the construction of a spay neuter clinic (to be deposited in the Budget Unit No. 1761 - Animal Shelter Construction Fund).

Authorized the destruction of bid files from 1999 and years prior to 1999 - Purchasing Division; Purchase Orders from 1999 and years prior to 1999 - Purchasing Division; budget preparation files for Fiscal Year 2004/2005 and years prior to Fiscal Year 2004/2005 - Administrative Office; copies of Confirming Requisitions for Budget Units 1011, 1012, 1014 and 1081 for Fiscal Year 1999/2000 and years prior to Fiscal Year 1999/2000 - Administrative Office; and video tapes of Board of Supervisors meetings from the year 2005 and years prior to 2005 - Clerk of the Board Division.

Approved Amendment No. 1 to the Agreement between the County of Lake and Smith & Newell, CPA's, for audit services in the amount of \$54,800 (one year extension), and authorized the Chair to sign.

Approved First Amendment to the Ground Lease Agreement between the County of Lake and Edge Wireless, LLC, for lease of property located on Mount Konocti, commonly known as Buckingham Peak (in the amount of \$20,528.52, to be paid to the County), and authorized the Chair to sign.

Approved leave of absence (medical) for Animal Control Director Denise Johnson for the period of April 28, 2010 through June 7, 2010 and authorized the Chair to sign Leave of Absence Request Form.

Adopted Resolution No. 2010-68, approving the application for grant funds for the Urban Greening Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84).

Approved Plans and Specifications for Bartlett Springs Road Road PM 29.3, for storm damage repair and authorized Public Works Director/Assistant Purchasing Agent to advertise for bids.

Adopted Resolution No. 2010-69, approving Right-of-Way Certification for asphalt overlay on Bottle Rock Road - Federal Project No. HSIPL - 5914(056).

(a) Waived the formal bidding process and make a determination that competitive bidding would produce no economic benefit to the County for the purchase of two vehicles; and (b) Authorized Social Services Director Carol Huchingson to issue a purchase order to Holder Ford in the amount of \$34,644.51 for the purchase of two 2010 Ford Fusions and authorized the Social Services Director to sign purchase order.

Approved Consulting and Technical Assistance Agreement between the County of Lake and the Regents of the University of California, Davis for Peer Quality Case Review services in the amount of \$14,600 (County's share of cost is estimated as \$2,774 and state and federal funds will cover the remaining amount of \$11,826), and authorized the Social Services Director to sign.

Waived the 900 hour limit for extra-help Agricultural Programs Associate Daniel Suenram.

Approved letter of support for the Lake County Winegrape Commission's application to the California Department of Food and Agriculture for funding under the 2010 Specialty Crop Block Grant Program for the marketing and promotion of Lake County wines and other specialty crops and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Redevelopment Agency, awarded Bid No. 10-32 to Electric Time, for the purchase of two street clocks at a price of \$15,656 per clock, plus sales tax, as per the April 18, 2010 memorandum from the Deputy Redevelopment Director (funding in the amount of \$5,393 provided by the Upper Lake Women's Protective Club for the Upper Lake clock and \$14,420 provided by the Clearlake Oaks-Glenhaven Business Association for the Clearlake Oaks Nylander Park clock).

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.

3. **ITEM A-14 - (a) Consideration of proposed Resolution establishing new classifications and amending position allocation in Budget Unit No. 8107 - Water Resources; and (b) Appointment of Water Resources Director** - Chief Deputy Administrative Officer Matt Perry, Public Works Director Brent Siemer and Scott DeLeon were present.

(a) County Administrative Officer Kelly Cox presented the staff report.

Supervisor Brown offered Resolution No. 2010-70, and it was passed by roll call vote (5 ayes).

(b) On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Scott DeLeon as Water Resources Director, effective May 20, 2010, and at the third step salary range.

Mr. DeLeon introduced himself and his wife Melody.

4. **ITEM A-5 - 9:15 A.M. - Presentation of Proclamation designating the week of April 18-24, 2010 as National Volunteer Recognition Week in Lake County** - Supervisor Rushing read the proclamation into the record.

Sheriff-Coroner Captain Crystal Esberg spoke.

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5. **ITEM A-6 - 9:20 A.M. - Presentation of Proclamation designating the week of April 19-25, 2010 as National Work Zone Safety Week in Lake County** - Chair Farrington read the proclamation into the record and presented it to Public Works Director Brent Siemer, who spoke.
6. **ITEM A-7 - 9:25 A.M. - Presentation of Proclamation designating the week of April 18-24, 2010 as National Crime Victims' Rights Week in Lake County** - Supervisor Comstock read the proclamation into the record and presented it to District Attorney Jon Hopkins, who spoke. The staff of the Victim Witness Division was present.
7. **ITEM A-8 - 9:30 A.M. - HEARING - Notice of Nuisance Abatement - 2070 Finley East Road, Finley, CA (APN 008-055-06 - James Allen and Dawn Allen)** - Community Development Director Rick Coel and Code Enforcement Officer Kathy Freeman were sworn in by the Clerk.

Neither the owner nor representation were present.

Ms. Freeman gave a power point presentation to the Board regarding the condition of the property.

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 2070 Finley East Road, Finley, CA (APN 008-055-06 - James Allen and Dawn Allen), 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.

After a brief recess, the Board reconvened into Regular Session at 9:49 a.m.

8. **ITEM A-9 - 9:45 A.M. - HEARING - Nuisance Abatement Assessment confirmation and proposed recordation of Notice of Lien in the amount of \$4,010.50 - 12658 East Highway 20, Clearlake Oaks, CA (035-163-27 - Jane Ventura)** - Community Development Director Rick Coel and Code Enforcement Officer Allison Garrett were sworn in by the Clerk.

Neither the owner nor representation were present.

Ms. Garrett gave a power point presentation to the Board regarding the abatement performed on the property.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Nuisance Abatement Assessment confirmation and proposed recordation of Notice of Lien in the amount of \$4,010.50 - 12658 East Highway 20, Clearlake Oaks, CA (035-163-27 - Jane Ventura, and authorized the Chair to sign.

9. **ITEM A-16 - 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 Evaluation: Title: Public Works Director; and 3. Conference with Legal Counsel: Significant exposure to litigation pursuant to Government Code Section 54956.9, Subdivision b - One potential case** - The Board announced it would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session at 10:18 a.m. with no action taken.

The Board returned to Closed Session later in the day.

10. **ITEM A-10 - Continued from March 23 and April 6, 2010 - 10:00 A.M. - HEARING - Notice of Nuisance Abatement - 2646 Lakeshore Boulevard, Lakeport, CA (APN 028-283-06 - Fred E. Reinell and Vicki S. Reinell)** - Community Development Director Rick Coel and Code Enforcement Officer Kathy Freeman were sworn in by the Clerk.

Neither the owner nor representation were present.

Ms. Freeman gave a power point presentation to the Board regarding the condition of the property.

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 2646 Lakeshore Boulevard, Lakeport, CA (APN 028-283-06 - Fred E. Reinell and Vicki S. Reinell), 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.

11. **ITEM A-11 - 10:15 A.M. - (a) Discussion/consideration of request to submit a Transportation Enhancement Grant Application to the Lake County/City Area Planning Council for funding for the Bridge Arbor Recreational Trail; and (b) Discussion/consideration of advanced construction of the bridge on Bridge Arbor South and accept a contribution in the amount of \$20,000 for the construction of the bridge (received from the adjacent landowner, Weger Interests, Limited)** - Public Works Director Brent Siemer presented the staff report.

Chair Farrington asked if anyone was present wishing to speak and the following people spoke: Public Services Director Kim Clymire, Tony Oliveira and Betsy Cawn. No one else was present wishing to speak and the public input portion of this item was closed.

(a) On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the submission of a Transportation Enhancement Grant Application to the Lake County/City Area Planning Council for funding for the Bridge Arbor Recreational Trail; and (b) On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the advanced construction of the bridge on Bridge Arbor South and authorized the Public Works Department to accept a contribution in the amount of \$20,000 for the construction of the bridge (received from the adjacent landowner, Weger Interests, Limited).

12. **ITEM A-15 - Discussion/consideration of proposed Agreements between the County of Lake and PJ Helicopters (rate of \$700 per hour, not to exceed \$30,000), A&P Helicopters (rate of \$775 per hour, not to exceed \$50,000), Cutting Edge Helicopters (rate of \$490 per hour, not to exceed \$10,000), and Sierra Air Helicopters Inc. (rate of \$525 per hour, not to exceed \$10,000), for marijuana reconnaissance and eradication on public and private lands** - Sheriff Rod Mitchell provided a brief summary.

Typographical errors were noted and corrected on the proposed agreements.

Chair Farrington asked if anyone was present wishing to speak and Lenny Mathews spoke. No one else was present wishing to speak and the public input portion of this item was closed.

Sheriff Mitchell agreed to send the Board a copy of the department's modified Operational Plan, clarifying to the Drug Enforcement Agency the department position of not allowing County employee flight lessons during helicopter usage. He also stated he would conduct further research into a lowest hourly rate for helicopter usage.

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On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the Agreement, as amended, between the County of Lake and PJ Helicopters (rate of \$700 per hour, not to exceed \$30,000), and for marijuana reconnaissance and eradication on public and private lands, authorized the Chair to sign.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and A&P Helicopters (rate of \$775 per hour, not to exceed \$50,000), for marijuana reconnaissance and eradication on public and private lands, and authorized the Chair to sign.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Cutting Edge Helicopters (rate of \$490 per hour, not to exceed \$10,000), for marijuana reconnaissance and eradication on public and private lands, and authorized the Chair to sign.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Sierra Air Helicopters Inc. (rate of \$525 per hour, not to exceed \$10,000), for marijuana reconnaissance and eradication on public and private lands, and authorized the Chair to sign.

(After the Board approved the agreement with Sierra Air Helicopters Inc., the Sheriff's Office was notified by contractor that there has been an increase to their liability insurance and it will be necessary to revise the contract to a higher hourly rate. The revised contract will be placed on the May 11, 2010, agenda for further consideration).

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

13. **ITEM A-12 - 10:45 A.M. - (a) Update on emergency action taken on March 2, 2010, regarding the Southeast Regional Wastewater Collection System - Interim Collection System improvements (b) Discussion/consideration of Contract between the Lake County Sanitation District and Waterworks Engineers for design services for the temporary sewage lift station and force main piping at the Southeast Wastewater Collection System in the amount of \$30,000; and (c) Discussion/consideration of Contract between the Lake County Sanitation District and Miksis Services for smoke testing services to locate sources of inflow within portions of the Southeast Wastewater Collection System in the amount of \$70,000** - Special Districts Administrator Mark Dellinger presented the staff report.

(a) On motion of Supervisor Smith and by vote of the Board (5 ayes), deemed the emergency still exists.

(b) On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the Contract between the Lake County Sanitation District and Waterworks Engineers for design services for the temporary sewage lift station and force main piping at the Southeast Wastewater Collection System in the amount of \$30,000, and authorized the Chair to sign.

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

BACK TO #9 - ITEM A-16 - 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 Evaluation: Title: Public Works Director 3. Conference with Legal Counsel: Significant exposure to litigation pursuant to Government Code Section 54956.9, Subdivision b - One potential case - Chair Farrington announced the Board would now return 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 12:20 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Mireya Turner
Assistant Clerk of the Board