

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD AUGUST 24, 2010

The Honorable Board of Supervisors of Lake County, California, met in regular session this 24th day of August, 2010 there being present Supervisors Jeff Smith, Denise Rushing and Jim Comstock, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner.

The meeting was called to order at 9:01 a.m. by Vice Chair Comstock. Supervisors Farrington and Brown were absent. Following a moment of silence, County Counsel Anita Grant led the salute to the flag of the United States of America.

After a brief recess, the Board reconvened into Regular Session at 9:10 a.m. Supervisors Farrington and Brown were present.

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-12, with the exception of Consent Agenda Item C-8, which will be taken up immediately following the approval of the Consent Agenda.

Approved Minutes of the Board of Supervisors meeting held on August 17, 2010.

Adopted Proclamation designating the month of September 2010, as National Alcohol and Drug Addiction Recovery Month in Lake County.

Reappointed Anita Crabtree and Valerie Duncan to the Upper Lake Cemetery Board, for terms expiring January 1, 2014.

Adopted Resolution No. 2010-150, adopting an Agreement between the County of Lake and the Lake County Employees Association to terminate the Memorandum of Understanding regarding Mental Health Crisis Services.

Adopted Resolution No. 2010-151, appropriating unanticipated revenue to Budget Unit 5164, Housing Administration - Fiscal Year 2009-10.

Approved requests and order consolidation of the Northshore Fire Protection District and the Redbud Health Care District with the General District Election to be held on November 2, 2010, pursuant to their respective Resolutions.

Adopted Resolution No. 2010-152, increasing each of the two change funds for the Division of Alcohol and Other Drug Services.

Approved Agreement between the County of Lake and Redwood Children's Services for the Transitional Age Youth Peer Support Program, for the Fiscal Year 2010-2011, in the amount of \$20,000, and authorized the Chair to sign.

Approved Lease Agreement between the County of Lake and the Lake County Shriner's Club, for a ten year period, at a rate of \$1 per year, for use of the Upper Lake Clubhouse, and authorized the Chair to sign.

Adopted Resolution No. 2010-153, authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under Agreement dated April 6, 2010 (Soda Bay Road Rehabilitation and Overlay (MP 11.5 to MP 13.8)).

Approved Plan for 2010-11 fraud investigations and program integrity efforts related to the In-Home Supportive Services (IHSS) Program, and authorized the Chair to sign.

CONSENT AGENDA ITEM C-8 - Request for Authorization for out-of-County travel and related expenses for Non-County employees to attend California Recovery Happens Month ceremonies in Sacramento - Mental Health Director Kristy Kelly and Alcohol and Other Drug Services Manager Laura Solis were present.

Ms. Solis presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (3 ayes, Supervisors Comstock and Brown NO), authorized out-of-County travel and related expenses for Non-County employees to attend California Recovery Happens Month ceremonies in Sacramento.

CITIZEN'S INPUT - Carol Steritt-Frost spoke regarding the Sheriff Department's handling of a local harassment situation.

Cheri Holden showed "Orchard Morning", a video short from the We Love Tules Video Contest.

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

Extra #1 - Consideration of request for authorization to pursue algae treatment in the Soda Bay area - 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:

This issue came to the staff's attention after the posting of the agenda and a decision must be made by the Board before the next meeting.

Water Resources Director Scott DeLeon was present.

Supervisor Brown introduced the item.

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

On motion of Supervisor Brown and by vote of the Board (5 ayes), authorized staff to pursue algae treatment in the Soda Bay area.

Extra Item #2 will be taken up later in the day.

3. **ITEM A-5 - 9:15 A.M. - Presentation of Proclamation designating the month of September 2010 as National Alcohol and Drug Addiction Recovery Month in Lake County** - Chair Farrington read the Proclamation into the record and presented it to Alcohol and Other Drug Services Administrator Laura Solis, who spoke.

Ms. Solis introduced AODS Program Coordinator Linda Morris and Carter Hilltop Recovery Manager Lori Runyon-Carter.

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4. **ITEM A-6 - 9:20 A.M. - Discussion/consideration of proposed Resolution approving the application for grant funds for the Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84)** - Community Development Director Rick Coel and Senior Planner Kevin Ingram were present.

Mr. Ingram presented the staff report.

Supervisor Rushing offered Resolution No. 2010-154, and it was passed by roll call vote (5 ayes).

5. **ITEM A-7 - 9:45 A.M. - Consideration of request to accept donation in the amount of \$500 from the No Name Car Club to support the Animal Shelter** - Acting Animal Control Director Bill Davidson presented the staff report and introduced No Name Car Club President Neil Dolce.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), accepted the donation in the amount of \$500 from the No Name Car Club to support the Animal Shelter.

Mr. Dolce presented the donation to Mr. Davidson.

6. **ITEM A-8 - 9:55 A.M. - Request for Board direction regarding the construction of a new public road connecting Wildcat Road and State Route 175, removal of existing structurally deficient Wildcat Road Bridge No. 14C-233, and authorizing the Public Works Director to begin negotiations with the owners of the Rainbow Ranch property** - Public Works Director Brent Siemer presented the staff report.

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

On motion of Supervisor Brown and by vote of the Board (5 ayes), authorized staff to begin negotiations with the owners of the Rainbow Ranch property, and to proceed as described in the staff memorandum dated August 11, 2010.

7. **ITEM A-13 - Consideration of request by Mental Health Department to pursue possible purchase of property under the Mental Health Services Act; property is located at 2511 Highway 53, Clearlake (APN 010-048-090), consisting of an 8000 sq. ft. residence and 44 acres of land** - Mental Health Director Kristy Kelly presented the staff report.

No Board action was taken on this item.

8. **ITEM A-11 - Discussion/consideration of proposed revisions to County Travel Policy** - County Administrative Officer Kelly Cox presented the staff report.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the revisions to the County Travel Policy.

There was Board consensus to support additional revisions in concept, as proposed by Supervisor Brown, and to direct staff to present the proposed revisions to the employee associations for their comment.

9. **ITEM A-12 - Discussion/consideration of proposed revisions to County Reclassification Policy** - Chief Deputy Administrative Officer Matt Perry presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved revisions to the County Reclassification Policy.

The Board of Supervisors convened concurrently as the Board of Directors of the Lake County Redevelopment Agency for Item A-14 (a).

10. **ITEM A-14 - (a) Discussion/consideration of proposed Agreement between the County of Lake and Rural Communities Housing Development Corporation and Pacific West Communities for the construction of a 50-unit affordable housing project; to be located at 6853 Collier Avenue, Nice, CA; and (b) Discussion/consideration of proposed Resolution authorizing the submission of an application to the HOME Program, in the amount of \$5.1 million, for the Collier Avenue housing project** - Chief Deputy Administrative Officer Matt Perry presented the staff report.

(a) On motion of Supervisor and Director Rushing and by vote of the Board (5 ayes), approved the proposed Agreement between the County of Lake and Rural Communities Housing Development Corporation and Pacific West Communities for the construction of a 50-unit affordable housing project; to be located at 6853 Collier Avenue, Nice, CA, and authorized the Chair to sign.

(b) Supervisor Rushing offered Resolution No. 2010-155, and it was passed by roll call vote (5 ayes).

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

11. **ITEM A-15 - Continued from August 3, 2010 - Request for Board direction regarding the development of a Countywide Transportation Mitigation Fee Program** - Public Works Director Brent Siemer presented the staff report.

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

There was consensus to direct staff to develop a Transportation Mitigation Fee Program based on the Western Nevada County Regional model and to return this to the Board for its consideration, at a future date.

12. **ITEM A-16 - (a) Discussion/consideration of proposed Agreement between the County of Lake and Reinard W. Brandley for on-demand Lampson airport engineering consulting services, in amounts to be determined in each supplemental agreement; and (b) Discussion/consideration of proposed Supplemental Services Agreement No. 1 between the County of Lake and Reinard W. Brandley, for preparation of a Pavement Maintenance Management Plan and an Airport Layout Plan (ALP) Narrative Report Update, in an amount not to exceed \$150,000** - Public Works Director Brent Siemer presented the staff report.

(a) On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Reinard W. Brandley for on-demand Lampson airport engineering consulting services, in amounts to be determined in each supplemental agreement, and authorized the Chair to sign.

(b) On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Supplemental Services Agreement No. 1 between the County of Lake and Reinard W. Brandley, for preparation of a Pavement Maintenance Management Plan and an Airport Layout Plan (ALP) Narrative Report Update, in an amount not to exceed \$150,000, and authorized the Chair to sign.

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13. **ITEM A-18 - Discussion/consideration of request for authorization to submit a Anti-Drug Abuse (Cal-Ema) Grant Application, in the amount of \$149,388 (to be shared with the District Attorney, including Victim Witness, and Probation departments), to combat drug manufacturing and sales** - On motion of Supervisor Brown and by vote of the Board (5 ayes), authorized the submission of a Anti-Drug Abuse (Cal-Ema) Grant Application, in the amount of \$149,388 (to be shared with the District Attorney, including Victim Witness, and Probation departments), to combat drug manufacturing and sales, and authorized the County Administrator to sign.

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

14. **ITEM A-17 - Update on emergency action taken on March 2, 2010, regarding the Southeast Regional Wastewater Collection System - Interim Collection System improvements** - Special Districts Administrator Mark Dellinger provided an update.

On motion of Supervisor Comstock (5 ayes), determined an emergency still exists.

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

BACK TO #2 - ITEM A-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:

Extra #2 - Consideration of request for authorization to sign letter to State EMS Authority - 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:

This issue came to the staff's attention after the posting of the agenda and a decision must be made by the Board before the next meeting.

Supervisor Brown presented the item.

On motion of Supervisor Brown and by vote of the Board (5 ayes) authorized the Chair to sign the letter to the State EMS Authority.

After a lunch recess, the Board of Supervisors reconvened into Regular Session at 1:30 p.m.

- BACK TO #8 - ITEM A-11 - Discussion/consideration of proposed revisions to County Travel Policy** - Supervisor Smith offered Resolution No. 2010-156, and it was passed by roll call vote (5 ayes).

15. **ITEM A-9 - 1:30 P.M. - HEARING - Appeal of John Nady of the Community Development Department's determination that there is no legal provision in County or State Code to allow for an appeal of the decision of the Planning Commission to require a Focused Environmental Impact Report (EIR). (This appeal is associated with a Planning Commission determination concerning Rattlesnake Island in Clearlake Oaks (located at 12900 Sulphur Bank Mine Road, Clearlake Oaks, CA - APN 010-002-010-000))** - Community Development Director Rick Coel, Senior Planner Emily Minton, John Nady and Frederic Schrag were sworn in by the Clerk.

Ms. Minton presented the staff report.

Mr. Nady and Mr. Schrag gave testimony.

On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Rushing NO), determined the appellant be provided the opportunity to bring an appeal of the decision of the Planning Commission to require a Focused Environmental Impact Report (EIR), to the Board for consideration at a future date.

16. **ITEM A-19 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert, M. Perry and J. Hammond; and (b) Employee Organization: LCEA, DSA AND LCCOA; 2. Conference with real property negotiator Quality Management District for (3) (a) Property located at: 2511 Highway 53, Clearlake (APN 010-048-09) (b) Negotiating Parties: For County: Mental Health Director Kristy Kelly For seller: GMAC Mortgage, LLC (c) Under Negotiation: Price and terms; 3. Conference with Legal Counsel - Decision whether to initiate Litigation Pursuant to California Government Code - Subdivision (c) of Section 54956.9: Gail and Lila Bennett** - Chair Farrington announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session, adjourned as the Board of Supervisors, convened as the Board of Directors of the Lake County Air Quality Management District and took the following action:

3. Conference with Legal Counsel - Decision whether to initiate Litigation Pursuant to California Government Code - Subdivision (c) of Section 54956.9: Gail and Lila Bennett - On motion of Director Comstock and by vote of the Board (5 ayes), authorized on behalf of the County of Lake and any affected employees of the Lake County Air Quality Management District the filing of a Petition for Order Striking and Releasing Liens and take action to pursue civil damages pursuant to Government Code Section 6223 against Gail and Lila Bennett.

The Board of Directors of the Lake County Air Quality Management District adjourned and reconvened as the Board of Supervisors.

There being no further business, the Board adjourned at 3:21 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Mireya Turner
Assistant Clerk of the Board