

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD DECEMBER 14, 2010

The Honorable Board of Supervisors of Lake County, California, met in regular session this 14th day of December, 2010, there being present Supervisors Jim Comstock, Jeff Smith, Denise Rushing, Rob Brown and Anthony Farrington, 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 Farrington. 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-15, with the exception of Items C-10 and C-11, which were carried over to a future date.

Approved Minutes of the Board of Supervisors meeting held on December 7, 2010.

Adopted Proclamations commending Roth A. Shilts and William F. Burnett for their years of volunteer service in Public Safety.

Adopted Proclamation commending Voris Brumfield for her service to the County of Lake.

Adopted Resolution No. 2010-224, establishing the Emergency Medical Air Transportation Act Fund (for the collection of Vehicle Code violation penalties; for the purpose of funding emergency medical air transportation, pursuant to Government Code Section 76000.10).

Adopted Resolution No. 2010-225, amending Resolution No. 2010-165 establishing position allocations for Fiscal Year 2010-2011, Budget Unit No. 1121, Auditor-Controller (temporarily increasing the number of departmental positions to cover an extended employee absence).

Authorized the destruction of Payroll documents for Fiscal Year 2004-2005 and earlier; Property Tax documents (Unsecured Tax Rolls) for Fiscal Year Fiscal Year 2004-2005 and earlier; Property Tax documents (Secured Tax Rolls) for Fiscal Year 1997-1998 and earlier; Accounts Payable documents for Fiscal Year 2004-2005 and earlier; and Deposit Permits for Fiscal Year 2004-2005 and earlier.

Approved Amendment to West Lake Resource Conservation District Conflict of Interest Code, pursuant to district's approval on December 9, 2010.

Approved First Amendment to Agreement between the County of Lake and St. Vincent's School for boys for children's specialty mental health services for Fiscal Year 2010/2011 (increasing the maximum amount of \$98,000), and authorized the Chair to sign.

Approved the First Amendment to Agreement between the County of Lake and Hilltop Recovery Services, for intensive residential treatment services (an increase of \$15,000, total compensation not to exceed \$22,200), and authorized the Chair to sign.

Waived 900 hour limit for extra help Eligibility Worker I Nicole Carte and extra help Social Worker IV Socorro Padilla.

Adopted Resolution No. 2010-226, authorizing the Departments of Water Resources and Public Works to participate in the Federal Surplus Property Reutilization Program, and authorized the Chair to sign the Assurance of Compliance and Certificate Regarding Debarment.

Sitting as the Board of Directors of the Kelseyville County Water Works District #3, adopted Resolution No. 2010-227, authorizing the Special Districts Administrator to sign a Notice of Completion for work performed under Agreement dated September 17, 2009 (Wastewater Treatment Plan and Effluent Pump Station improvements, Bid No. 09-26)

Sitting as the Board of Directors of the Lake County Sanitation District, approved Temporary Grant of Easement and Agreement and directed Clerk to certify for recordation (APN 040-300-19 - Homer Hillebrand), and authorized the Chair to sign.

Consent Agenda Item C-10 - Adopt Resolution approving Final Parcel Map and the signing of the Final Parcel Map (Lawson M.R.S. 08-03) - At departmental request, this item was carried over to a future date.

Consent Agenda Item C-11 - Carried over from December 7, 2010 - (a) Approve Agreement between the County of Lake and Chapel of the Lakes Mortuary for mortuary services; (b) Approve Agreement between the County of Lake and Jones Mortuary for mortuary services; and (c) Approve Agreement between the County of Lake and Jones and Lewis (Clear Lake Memorial Chapel), for mortuary services and authorize the Chair to sign the three agreements (all three agreements have a term expiring on December 31, 2011) - At the request of the County Administrative Officer, this item was carried over to a future date.

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-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**

Extra #1 - Discussion/consideration regarding damage to County roads and run-off problems arising from the construction of a gas station across from Robinson Rancheria - 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 Supervisor Rushing's attention after the posting of the agenda and must be considered by the Board before the next meeting.

This item will be taken up later in the day.

4. **ITEM A-4 - Current Construction Projects - Contract Change Orders:**

The Board of Supervisors adjourned and convened as the Board of Directors of the Kelseyville County Water Works District No. 3.

Change Order No. 6 - Kelseyville Wastewater Treatment Facility Improvements - This is a balance-of-contract change order, addressing the following three items:

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- 1) The materials cost for modification to the new pipe supports, which interfered with pre-existing iron in the concrete, not shown in the as-built drawings.
- 2) Additional insurance to cover the additional time extension approved in Change Order No. 5.
- 3) Additional fittings and labor to avoid a heritage oak tree at the south end of the revised pipeline alignment.

Special Districts Administrator Mark Dellinger presented the staff report.

On motion of Director Brown and by vote of the Board (5 ayes), approved Change Order No. 6 - Kelseyville Wastewater Treatment Facility Improvements , TerraCon Pipelines, Inc., for and increase of \$8,333, and authorized the Chair to sign.

The Board of Directors of the Kelseyville County Water Works District No. 3 adjourned and reconvened as the Board of Supervisors.

CITIZEN'S INPUT - Jon Nelson spoke regarding broadcast television.

5. **ITEM A-5 - 9:10 A.M. - Presentation of Proclamations commending Roth A. Shilts and William F. Burnett for their years of volunteer service in Public Safety** - Supervisor Comstock read the Proclamation into the record and presented it to Roth Shilts, who spoke.

Supervisor Brown read the next Proclamation into the record and presented it to William Burnett.

Many members of the Sheriff's Department were present.

6. **ITEM A-6 - 9:15 A.M. - HEARING - Nuisance Abatement - 12110 Mead Road, Middletown, CA (APN 050-412-01 - Jesse Romo and Beatriz Romo)** - Community Development Director Rick Coel, Code Enforcement Officer Roderic Hilliard, Jesse Romo and Beatriz Romo were sworn in by the Clerk.

Mr. Hilliard presented the staff report.

Mr. Romo gave testimony.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 12110 Mead Road, Middletown, CA (APN 050-412-01 - Jesse Romo and Beatriz Romo), 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.

7. **ITEM A-19 - Consideration of request to approve appointment of Senior Deputy District Attorney Richard Hinchliff to Interim Chief Deputy District Attorney, effective December 7, 2010) and request for compensation at the fifth career step** - District Attorney Jon Hopkins gave a brief summary.

On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Senior Deputy District Attorney Richard Hinchliff to the position of Interim Chief Deputy District Attorney, effective as of December 14, 2010, at a step in accordance with the Personnel Policy.

8. **ITEM A-7 - 9:30 A.M. - Presentation of the Lake County Community Needs Assessment** - Health Services Director Jim Brown, County Health Officer Karen Tait, MD, Krista Toures and Linda Shultz presented the assessment to the Board.

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

9. **ITEM A-8 - 10:00 A.M. - HEARING - Nuisance Abatement - 4710 Steelhead Drive, Kelseyville, CA (APN 044-571-01 - Chase Home Financing, LLC)** - Community Development Director Rick Coel and Code Enforcement Officer Roderic Hilliard were sworn in by the Clerk.

Mr. Coel presented the staff report. The nuisance conditions on this property have been abated; no Board action was taken on this item.

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

10. **ITEM A-20 - 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 and Fiscal Officer Jan Copping were present.

Mr. Dellinger presented the staff report.

No Board action was taken on this item.

11. **ITEM A-21 - Consideration of request for Board direction and action regarding clarification of Paragraph 5 of Section 721 of the Sewer Use Ordinance (dumping of septic tank effluent at sewer plant)** - Special Districts Administrator Mark Dellinger and Fiscal Officer Jan Copping were present.

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

On motion of Supervisor Rushing and by vote of the Board (5 ayes), deferred the increase of the fees for dumping septic tank effluent at the sewer plant, until this item returns to the Board for its consideration on January 25, 2011, at 9:30 a.m.

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

12. **ITEM A-9 - 10:15 A.M. - HEARING - Nuisance Abatement - 4730 Lakeshore Boulevard, Lakeport, CA (APN 029-312-11 - Walter Posey and Tanya Wofford)** - At staff's request, this item was pulled from the agenda.

13. **ITEM A-17 - Supervisors' weekly calendar, travel and reports** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved kudos be sent to the Area 5 Road Crew for its efforts in the Cobb area road work.

14. **ITEM A-10 - 10:30 A.M. - Consideration of proposed resolution establishing a new Undersheriff Position/Classification in the Sheriff's Department, effective in January, 2011; and request to exempt the Undersheriff position from the standard recruitment process (enabling the Sheriff to fill the position by direct appointment)** - Human Resources Director Kathy Ferguson was present.

After an introduction by County Administrative Officer Kelly Cox, Sheriff-elect Rivero gave a summary to the Board.

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Chair Farrington asked if anyone was present wishing to speak and the following people spoke: Gary Frace, Clint Fitzgerald, Olga Martin-Steele, Joan Moss and Greg Scott. No one else was present wishing to speak and the public input portion of this item was closed.

The gavel was passed to Vice Chair Comstock.

Supervisor Farrington offered Resolution 2010-228, and it was passed by roll call vote (5 ayes).

On motion of Supervisor Farrington and by vote of the Board (3 ayes, Supervisors Comstock and Brown NO), exempted the Undersheriff position from the standard recruitment process (enabling the Sheriff to fill the position by direct appointment).

The gavel was returned to Chair Farrington.

After a lunch recess, the Board reconvened into Regular Session at 1:15 p.m.

15. **ITEM A-14 - 1:20 P.M. - Presentation of Proclamation commending Voris Brumfield for her service to the County of Lake** - Supervisor Comstock read the Proclamation into the record and presented it to Voris Brumfield, who spoke.

Many former and present County and City of Clearlake personnel and elected officials were present.

Chair Farrington asked if anyone wanted to speak and the following people spoke: Kelly Cox, Karan Mackey and Cameron Reeves.

16. **ITEM A-11 - 10:45 A.M. - PUBLIC HEARING - Appeal (AB 10-05) of Robert and Becky Parker of the Planning Commission's allowance of a Residential Second Unit on property owned by Michael Macy; located at 13210 Ridge Road, Loch Lomond, CA (APN 011-067-42)** - Community Development Director Rick Coel, Associate Planner Brian Horn, Peter Windrem and Michael Macy were sworn in by the Clerk.

Mr. Horn presented the staff report.

Mr. Windrem gave testimony.

Chair Farrington opened the public hearing and Michael Macy spoke. No one else was present wishing to speak and the public hearing was closed.

This item was continued four weeks, to January 18, 2011, at 1:30 p.m., to allow time to conduct site visits.

17. **ITEM A-12 - 11:15 A.M. - PUBLIC HEARING - Consideration of proposed Ordinance to provide support for Public, Educational and Governmental (PEG) cable television access facilities (by establishing a fee of up to one percent (1%) of the cable operator's gross revenues)** - Senior Deputy Administrative Officer Jeff Rein presented the staff report.

Chair Farrington opened the public hearing and the following people spoke: Carter Irwin and Alan Markowski. No one else was present wishing to speak and the public hearing was closed.

This item was continued to a future date, to allow for dialogue with the Cities of Clearlake and Lakeport, and in anticipation of receiving a more detailed PEG Channel Budget.

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

18. **ITEM A-13 - 11:30 A.M. - Assessment Appeal Hearing:**

Kenneth Manders - Application No. 276-2009 - 3175 Lakeshore Boulevard, Nice, CA (APN 032-122-050-000) - Chief Deputy Assessor-Recorder Jim Campbell, Appraiser II Debbie Olson, Ken Manders and Michael Dunlap were sworn in by the Clerk.

Mr. Manders gave testimony.

Ms. Olson presented the staff report.

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

Member Rushing made a motion to grant the appeal. This motion died for lack of a second.

On motion of Member Smith and by vote of the Board (4 ayes, Supervisor Farrington NO), partially granted the appeal, adjusting the Supplemental Assessment valuation of land from \$50,000, to \$40,00.

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

19. **ITEM A-15 - Continued from November 2, 2010 - 1:30 P.M. - (a) Status report on the progress toward development of proposed local ordinance regulating genetically engineered (GE) crops; and (b) Consideration of a proposed letter to the state legislature and federal regulators in support of the identification of genetically engineered ingredients on food labels** - Supervisor Rushing introduced this item.

Chair Farrington asked if anyone was present wishing to speak and the following people spoke: Barbara Christowitz, Sarah Ryan, Leslie Sheridan, Greg Giusti, Broc Zoller, Thurston Williams, Sybil Francis, Victoria Brandon, Roberta Thomas, Haji Wharf, Cheri Holden, Ron Greene, Carter Irwin, Joan Moss, Wendy Kreiger, Francis Howland, Lolita Adrien-Dunlap, Michael Dunlap, Chuck March and John Mitchell.

(a) This portion of the item was informational only. No Board action was taken on this item.

(b) There was Board consensus to support a letter to the state legislature and federal regulators, in concept, in support of the identification of genetically engineered ingredients on food labels. This letter is to be brought to the Board at a future date, for its consideration.

After a brief recess, the Board reconvened into Regular Session at 5:00 p.m.

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BACK TO #3 - ITEM A-3 - Extra #1 - Discussion/consideration regarding damage to County roads and run-off problems arising from the construction of a gas station across from Robinson Rancheria - Community Development Director Rick Coel, Public Works Director Brent Siemer and Water Resources Director Scott DeLeon were present.

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

There was Board consensus to send a letter to the Robinson Rancheria Pomo tribe, expressing concerns.

20. **ITEM A-18 - Consideration of Legislative Priorities for 2011** - Water Resources Director Scott DeLeon was present.

County Administrative Officer Kelly Cox presented the staff report.

The Legislative Priorities for 2010 were repeated for 2011.

Support for continuation of rural law enforcement funding via Assemblyman Chesbro's proposed legislation, AB 9X, was added to the list of priorities.

Supervisor Rushing requested continued support of law enforcement and clean up of illegal marijuana cultivation on federal lands, and the addition of royalty payments to the County for any energy produced within the County.

Supervisor Brown requested the addition of enforcement of laws requiring convicted child molesters remain in a known residential location, rather than transiency; the centralization of a fingerprint database, and the request of a reply from State Senator Noreen Evans and State Assembly Member Wes Chesbro regarding the legislative priorities.

There was Board consensus to direct staff to send a letter of support to our Federal representatives for the long-term reinstatement of the Geothermal Royalty payments.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved, as amended, the Legislative Priorities for 2011.

21. **ITEM A-16 - 2:15 P.M. - CLOSED SESSION - Public Employee Disciplinary Appeal No. EDA 2010-03, Government Code Section 54957** - At the request of the appellant, this item was carried over four weeks, to January 11, 2011, at 2:30 p.m.

22. **ITEM A-22 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert, M. Perry and J. Hammond; and (b) Employee Organization: SDA** - Chair Farrington announced the Board would now go 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 5:49 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

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