

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD DECEMBER 7, 2010

The Honorable Board of Supervisors of Lake County, California, met in regular session this 7th 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, Supervisor Jeff Smith 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-12, with the exception of Items C-5 and C-6, which were carried over to a future date.

Approved Minutes of the Board of Supervisors meeting held on November 23, 2010.

Adopted Resolution No. 2010-217, amending Resolution No. 2010-165 establishing position allocations for Fiscal Year 2010-2011, Budget Unit No. 2702, Planning.

Adopted Resolution No. 2010-218, accepting Official Canvass of the Statewide General Election held on November 2, 2010, and declaring certain County Officials duly elected.

Adopted Resolution No. 2010-219, approving the Master Grant Agreement (MGA) between the County of Lake and the State of California for the HIV AIDS Surveillance Program, for Fiscal Years 2010 through 2013, and authorizing the Director of Health Services to sign.

(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 \$34,668.33 for the purchase of two 2011 Ford Fusions, and authorized the Social Services Director to sign the purchase order.

Approved Lease Agreement between the Lake County Department of Social Services and Ronn & Montie Westhart for warehouse & workshop space at 15890 Kugelmann Street, Warehouse #1, Lower Lake (in an amount not to exceed \$18,776.67 for the period of December 1, 2010 through June 30, 2012), and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Air Quality Management District, authorized the Air Pollution Control Officer to sign and submit to the California Air Resources Board the FY 2010-11 Subvention Applications and the FY 2009 - 10 Year-End Financial Report.

Sitting as the Board of Directors of the Lake County Air Quality Management District, adopted Resolution No. 2010-220, transferring funds to the LCAQMD Office Building Designation (in the amount of \$26,750.42 from FY 2010-11 Unreserved Fund).

Sitting as the Lake County Local Board of Equalization, accepted Stipulation Change in Assessment for Davita Inc. on property located at 14400 Olympic Drive, Clearlake, CA (APN 039-570-230), for a change in the value of Improvements from \$1,968,600 to \$1,186,600, for the 2009/2010 Tax Year.

Sitting as the Board of Directors of the Lake County Sanitation District, approved Habematolel Rancheria Sewer Mainline Extension Agreement, and authorized the Chair to sign.

Consent Agenda Item C-5 - (a) Approve Agreement between the County of Lake and Chapel of the Lakes Mortuary for mortuary/indigent cremation services; (b) Approve Agreement between the County of Lake and Jones Mortuary for mortuary/indigent cremation services; and (c) Approve Agreement between the County of Lake and Jones and Lewis (Clear Lake Memorial Chapel), for mortuary/indigent cremation services and authorize the Chair to sign the three agreements (all three agreements have a term expiring on June 30, 2011) - At the request of County Administrative Officer Kelly Cox, this item was carried over to a future date.

Consent Agenda Item C-6 - (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 Supervisor Rushing, this item was carried over one week, to December 14, 2010.

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-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 #3.

Change Orders No. 4 and 5 - Kelseyville Wastewater Treatment Facility Improvements - These change orders address the installation of slurry around the new ten inch pipe, and a time extension for completion due to rainy weather.

Fiscal Officer Jan Coppinger presented the staff report.

On motion of Director Brown and by vote of the Board (5 ayes), approved Change Orders No. 4 and 5, for a total increase of \$532, and authorized the Chair to sign.

The Board of Directors of the Kelseyville County Water Works District #3 adjourned and reconvened as the Board of Supervisors.

Change Order No. 1 - 2005/2006 Storm Damage Repair: Morgan Valley Road (PM 5.91) - The work included in this change order was approved by the Board on October 5, 2010, in an amount not to exceed \$1000. Work has been completed; this change order quantifies the work done.

Public Works Director Brent Siemer presented the staff report.

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On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved Change Order No. 1 - 2005/2006 Storm Damage Repair: Morgan Valley Road (PM 5.91), for an increase of \$923.52, Gregg Simpson Trucking, and authorized the Chair to sign.

CITIZEN'S INPUT - Lawrence Ratcliffe spoke regarding the Social Services Public Guardian.

The Board returned to Citizen's Input later in the day.

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

4. **ITEM A-22 - Update on emergency action taken on March 2, 2010, regarding the Southeast Regional Wastewater Collection System - Interim Collection System improvements** - Fiscal Officer Jan Coppinger presented the staff report.

On motion of Director Comstock and by vote of the Board (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.

5. **ITEM A-5 - 9:15 A.M. - Update on activities of the Invasive Species Council** - University of California Extension Director Greg Giusti and Water Resources Director Scott DeLeon were present.

Mr. DeLeon gave a powerpoint presentation.

Chair Farrington asked if anyone was present wishing to speak and the following people spoke: Terry Knight and Sarah Ryan. No one else was present wishing to speak and the public input portion of this item was closed.

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

BACK TO CITIZEN'S INPUT - Veronica Fisher spoke regarding enforcement of zoning regulations.

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

6. **ITEM A-6 - 9:45 A.M. - Annual meeting of the Lake County Redevelopment Agency presentation of the Agency's Annual Report for Fiscal Year 2009/2010 (Northshore Project Area)** - Deputy Redevelopment Director Eric Seely presented the staff report.

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

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

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

7. **ITEM A-7 - 10:00 A.M. - PUBLIC HEARING - Consideration of recommendations for allocation of Supplemental Local Law Enforcement Services Funds (SLESF)** - County Administrative Officer Kelly Cox presented the staff report.

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

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the allocation of the Supplemental Local Law Enforcement Services Funds (SLESF) as follows: Sheriff/Coroner: \$100,000, Sheriff/Jail: \$14,616 and District Attorney: \$14,000.

8. **ITEM A-8 - 10:05 A.M. - PUBLIC HEARING - Intention to vacate portions of roadways, Washington Street (County Road No. 117L) and Douglas Street (County Road No. 117E), in the County of Lake** - Public Works Director Brent Siemer presented the staff report to the Board.

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

Supervisor Comstock offered Resolution No. 2010-221, and it was passed by roll call vote (5 ayes).

After a brief recess, the Board reconvened at 10:44 a.m.

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

9. **ITEM A-9 - 10:15 A.M. - Consideration of request by the Lake County Air Quality Management District to pursue possible purchase of property located at 1101 North Main Street, Lakeport (APN 026-244-05), consisting of 3,000 square foot office building** - Air Quality Officer Doug Gearhart and Senior Air Quality Specialist Elizabeth Knight were present.

Mr. Gearhart presented the request.

There was Board consensus to direct this request to the Facilities Committee for its consideration.

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

10. **ITEM A-10 - Continued from October 26 and November 16, 2010 - 10:30 P.M. - Update on potential revenue options, both current and future, in order to provide long-term ongoing funding to combat lake algae and aquatic weeds** - Water Resources Director Scott DeLeon was present.

County Administrative Officer Kelly Cox presented the staff report.

Mr. DeLeon gave a powerpoint presentation.

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.

By consensus, the Board voiced its support for the recommendations listed in the staff memorandum dated November 30, 2010.

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

11. ITEM A-11 - 11:30 A.M. - Assessment Appeal Hearing:

Monique Dahlquist - Application No. 29-2010 - ASMT No. 830-020-351-000 (Jetski) - Chief Deputy Assessor-Recorder Jim Campbell and Appraiser II Debbie Olson were sworn in by the Clerk.

Neither the owner, nor representation were present.

On motion of Member Brown and by vote of the Board (5 ayes), denied the appeal without prejudice.

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

After a lunch recess, the Board reconvened to Regular Session at 1:16 p.m.

12. ITEM A-19 - Consideration of request to amend position allocations in Budget Unit 2110 - District Attorney, to reinstate Deputy District Attorney position eliminated through an "At Risk" Designation - District Attorney Jon Hopkins and District Attorney-Elect Don Anderson were present.

District Attorney Hopkins presented the item.

Supervisor Brown offered Resolution No. 2010-222, and it was passed by roll call vote (5 ayes).

13. ITEM A-16 - Consideration of appointment to fill unexpired term of the District Attorney (effective December 31, 2010 through January 2, 2011), pursuant to Government Code Section 25304 - District Attorney-Elect Don Anderson was present.

On motion by Supervisor Brown and by vote of the Board (5 ayes), appointed Don Anderson District Attorney, term effective December 31, 2010 through January 2, 2011.

14. ITEM A-13 - Consideration of appointments to various advisory boards - On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Kari Donley to the Glenbrook Cemetery District Board of Trustees, for a term to expire January 1, 2013.

On motion of Supervisor Smith and by vote of the Board (5 ayes), appointed Chuck Leonard to the Lake County/Citywide Area Planning Council (APC), for a term to expire January 1, 2011.

15. ITEM A-14 - Consideration of extending the terms of various advisory board members whose terms will otherwise expire in January, 2011 - County Administrative Officer Kelly Cox presented the staff report.

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

By Board consensus, the terms for the CSA #2 Advisory Board and the Heritage Commission were not approved for reappointment in this item.

On motion of Supervisor Smith and by vote of the Board (5 ayes), reappointed all members of the Clear Lake Advisory Committee, for terms to expire January 1, 2013.

On motion of Supervisor Brown and by vote of the Board (5 ayes), reappointed all members of the Fish and Wildlife Advisory Board, for terms to expire January 1, 2013.

On motion of Supervisor Brown and by vote of the Board (5 ayes), reappointed all members of the Law Library Advisory Board, for terms to expire January 1, 2013.

On motion of Supervisor Brown and by vote of the Board (5 ayes), reappointed all members of the Maternal, Child and Adolescent Health (MCAH) Advisory Board, for terms to expire January 1, 2013.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), reappointed all members of the Parks and Recreation Advisory Board, for terms to expire January 1, 2013.

On motion of Supervisor Smith and by vote of the Board (5 ayes), reappointed all members of the Public Defender Advisory Board, for terms to expire January 1, 2013.

On motion of Supervisor Smith and by vote of the Board (5 ayes), reappointed all members of the Planning Commission, for terms to expire January 1, 2013.

On motion of Supervisor Smith and by vote of the Board (5 ayes), reappointed all members of the Animal Control Advisory Board, for terms to expire January 1, 2013.

On motion of Supervisor Smith and by vote of the Board (5 ayes), reappointed all members of the Lake County/Citywide Area Planning Council, for terms to expire January 1, 2013.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), reappointed all members of the Audit Advisory Board, for terms to expire January 1, 2013.

16. ITEM A-15 - Advanced from November 23, 2010 - Consideration of proposed Ordinance establishing goals for hiring local workers (SECOND READING) - Supervisor Brown offered Ordinance No. 2934, and it was passed by roll call vote (5 ayes).

17. ITEM A-17 - Advanced from November 16, 2010 - Consideration of proposed Ordinance amending Chapter 5 of the Lake County Code and adopting by reference the 2010 California Building Standards Code, known as the California Code of Regulations, Title 24, Parts 1 through 6, 8 through 12, incorporating the 2010 Edition of the California Building Code; the 2010 Edition of the California Residential Code; the 2010 Edition of the California Electrical Code; the 2010 Edition of the California Plumbing Code; the 2010 Edition of the California Mechanical Code; the 2010 Edition of the California Green Building Code; the 2010 Edition of the California Energy Code; the 2010 Edition of the California Fire Code; the 2010 Edition of the California Administrative Code; the 2010 Edition of the California Historical Building Code; the 2010 Edition of the California Existing Building Code; the 2009 Edition of the International Property Maintenance Code; and the 2009 Edition of the International Wildland-Urban Interface Code (SECOND READING) - Supervisor Smith offered Ordinance No. 2935, and it was passed by roll call vote (5 ayes).

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18. **ITEM A-18 - Consideration of proposed Findings of Fact for Appeal (AB 10-01) of Houser Holdings CA, LLC (U Wanna Camp) of the Planning Commission's denial of Administrative Appeal (AA 09-02) to the Notice of Violation issued on September 3, 2009, in conjunction with Case #RC98, regarding the long-term occupancy of RV spaces on a site with an expired use permit; located at 2699 Scotts Creek Road, Lakeport, CA (APN 005-026-27) - County Counsel Anita Grant presented the staff report.**

On motion of Supervisor Brown (3 ayes, Supervisors Comstock and Farrington NO), approved the Findings of Fact and authorized the Chair to sign.

On motion of Supervisor Brown and by vote of the Board (3 ayes, Supervisors Comstock and Farrington NO), granted the appeal.

19. **ITEM A-20 - Consideration of proposed amendments to the Flexible Spending Account Program (clarification of a few provisions in compliance with health care reform legislation) - Human Resources Director Kathy Ferguson presented the staff report.**

Supervisor Rushing offered Resolution No. 2010-223, and it was passed by roll call vote (5 ayes).

20. **ITEM A-21 - Consideration of proposed Budget transfer for purchase of new pilot controlled lighting system for Lampson Field (in the amount of \$15,000) - Public Works Director Brent Siemer presented the staff report.**

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Budget transfer for purchase of new pilot controlled lighting system for Lampson Field (in the amount of \$15,000), and authorized the Chair to sign.

21. **ITEM A-23 - CLOSED SESSION - 1. Conference with Legal Counsel - Decision whether to initiate litigation pursuant to Government Code Section 54956.9(c) 2. Existing Litigation pursuant to Government Code Section 54956.9, Subdivision (a): In re Boeger Land Development 3. Conference with real property negotiator (a) Property located at: 1101 North Main Street, Lakeport (APN 026-244-05) (b) Negotiating Parties: For County: Air Pollution Control Officer Doug Gearhart For seller: Lowell Grant (c) Under Negotiation: Price and terms - 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 2:20 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

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