

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD FEBRUARY 2, 2010

The Honorable Board of Supervisors of Lake County, California, met in regular session this 2nd day of February, 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 9:00 a.m. by Chair Farrington. Following a moment of silence Supervisor Comstock 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 Consent Agenda Item C-6, which will be taken up immediately following the approval of the Consent Agenda.

Approved Minutes of the Board of Supervisors meeting held on January 26, 2010.

Appointed Incumbents Chrissy Pittman, David Fromer, Ronald Nagy and Mary Brown to the Emergency Medical Care Committee for terms expiring on January 1, 2011.

Appointed Alisha Acker to the Maternal, Child and Adolescent Health Advisory Board for a term expiring on January 1, 2011.

Adopted Resolution No. 2010-26, declaring County property surplus to the needs of the County and authorizing Purchasing Agent to sell said property (one 1991 Peterbilt 3-axle Tractor and one 2000 Peterbilt 3-axle Tractor).

Adopted Resolution No. 2010-27, approving the application to apply for grant funds from the Statewide Park Program Grant Funds (for the development and improvements for the eight County parks).

Adopted Resolution No. 2010-28, approving the application for grant funds from the Habitat Conservation Fund Program (for improvements to amenities for Mt. Konocti).

Adopted Resolution No. 2010-29, approving Final Parcel Map and the signing of the Final Parcel Map (Poco).

Adopted Resolution No. 2010-30, regarding Regular Examination of Breasts Extends Lives (R.E.B.E.L.).

Approved Agreement between the County of Lake and the Lake County Redevelopment Agency providing a loan of operating funds from the County to the Agency and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Redevelopment Agency, approved Agreement between the County of Lake and the Lake County Redevelopment Agency providing a loan of operating funds from the County to the Agency and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Redevelopment Agency, adopted Resolution No. 2010-31, electing to become subject to the Uniform Public Construction Cost Accounting procedures.

CONSENT AGENDA ITEM C-6 - Discussion/consideration of request to approve Agreement between the County of Lake and Fast Franks for operation of mobile concession at Lakeside County Park - This item was continued to later in the day, to allow for input from departmental staff.

2. **ITEM A-16 - Discussion/consideration of proposed First Amendment to the Agreement between the County of Lake and Heritage Schools, Inc. for specialty mental health services (not to exceed \$23,372)** - Mental Health Director Kristy Kelly presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the First Amendment to the Agreement between the County of Lake and Heritage Schools, Inc. for specialty mental health services (not to exceed \$23,372), and authorized the Chair to sign.

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

4. **ITEM A-5 - 9:15 A.M. Assessment Appeal Hearings:**

Continued from January 5, 2010 - (a) Michael Raffanelli - Application No. 08-2009 - APN 042-336-27 - located at 16144 Thirteenth Street, Clearlake, CA - Assessor-Recorder Doug Wacker and Chief Deputy Assessor-Recorder Jim Campbell were sworn in by the Clerk.

Neither the owner nor representation was present.

Mr. Campbell presented the staff report and the proposed stipulation.

On motion of Member Brown and by vote of the Board (5 ayes), accepted the stipulation as presented, setting values as follows: Land \$36,000, Improvements \$4,500, for a total value of \$40,500.

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

5. **ITEM A-14 - Continued from January 26, 2010 - (a) Discussion/consideration of Board direction relative to relocating barges acquired from Vector Control District; and (b) Discussion/consideration of repairs to algae boat** - Public Works Director Brent Siemer was present.

Supervisor Smith introduced this item.

There was Board consensus to direct staff to relocate the barges to Public Works yards on either side of Clear Lake, funds to be drawn from the Water Resources Budget.

There was Board consensus to direct staff to repair the barges to make them serviceable for the upcoming summer, funds to be drawn from the Water Resources Budget.

6. **ITEM A-6 - 9:30 A.M. - HEARING - Notice of Nuisance Abatement - 7127 Morton Street, Nice, CA (APN 030-182-14 - Charlotte Figueras)** - Community Development Director Rick Coel, Code Enforcement Officer Kimberley Heckard and Bruce Mitcham were sworn in by the Clerk.

Chair Farrington verified notification of the property owner was attempted.

Ms. Heckard gave a power point presentation regarding the code violations on the property.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD FEBRUARY 2, 2010

Mr. Mitcham, the property resident, gave testimony.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington NO), adopted the order to complete abatement of the nuisance on property located at 7127 Morton Street, Nice, CA (APN 030-182-140-000 - Charlotte Figueras), 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-7 - 9:45 A.M. - HEARING - Notice of Nuisance Abatement - 6534 Fourteenth Avenue, Lucerne, CA (APN 034-201-34 - Kenneth Kent)** - Community Development Director Rick Coel, Code Enforcement Officer Kimberley Heckard and Kenneth Kent were sworn in by the Clerk.

Ms. Heckard gave a power point presentation regarding the code violations on the property.

Mr. Kent gave testimony.

There was Board consensus to add a deadline of 60 days for full completion of all abatement efforts by the property owner.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), adopted the order, as amended, to complete abatement of the nuisance on property located at 6534 Fourteenth Avenue, Lucerne, CA (APN 034-201-340-000 - Kenneth Kent), within thirty (30) days, which staff will be authorized to extend to sixty (60) days if the property owner has brought the property into substantial compliance within the first 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.

8. **ITEM A-8 - 10:00 A.M. - HEARING - Notice of Nuisance Abatement - 6536 Fourteenth Avenue, Lucerne, CA (APN 034-201-35 - Kenneth Kent)** - Community Development Director Rick Coel, Code Enforcement Officer Kimberley Heckard and Kenneth Kent remained under oath.

Ms. Heckard gave a power point presentation regarding the code violations on the property.

Mr. Kent gave testimony.

There was Board consensus to add a deadline of 60 days for full completion of all abatement efforts by the property owner.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), adopted the order, as amended, to complete abatement of the nuisance on property located at 6536 Fourteenth Avenue, Lucerne, CA (APN 034-201-350-000 - Kenneth Kent), within thirty (30) days, which staff will be authorized to extend to sixty (60) days if the property owner has brought the property into substantial compliance within the first 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.

9. **ITEM A-15 - Presentation of Midyear Budget Report and consideration of proposed Resolution amending Fiscal Year 2009/2010 Final Budget revenue estimates, appropriations and designations** - Chief Deputy Administrative Officer Matt Perry presented the staff report.

Supervisor Rushing offered Resolution No. 2010-32, and it was passed by roll call vote (5 ayes).

After a brief recess, the Board returned to Regular Session at 10:39 a.m.

10. **ITEM A-13 - Continued from January 26, 2010 - Discussion/consideration of County's current vehicle purchasing policy** - Public Works Director Brent Siemer was present.

Chair Farrington introduced this item.

There was Board consensus to direct staff to research the cost of repairs to Public Works vehicles with less than 100,000 miles, and to return this report to the Board for consideration at a future date.

There was Board consensus to direct staff to survey departments regarding County vehicles currently allowed to be driven home by County employees, and to return this report to the Board for consideration at a future date.

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

11. **ITEM A-9 - Continued from January 12, 2010 - 11:00 A.M. - Update on negotiations with the Clearlake Redevelopment Agency regarding the Southeast Regional Wastewater Collection System improvements** - Special Districts Administrator Mark Dellinger and Fiscal Officer Janet Coppinger were present.

Mr. Dellinger presented the staff report.

Chair Farrington asked if anyone was present wishing to speak and the following people spoke: Dale Neiman, Victoria Brandon, Andy Peterson and Dave Hughes. No one else was present wishing to speak and the public input portion of this item was closed.

This item was informational only. The Board took no action on this item.

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

12. **ITEM A-12 - Consideration of applications from members of the public for appointment to miscellaneous Lake County committees, commissions and advisory boards** - On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Jessica Leishman to the Animal Control Advisory Board, for a term expiring on January 1, 2011.

On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Keith Petterson to the Big Valley Groundwater Management Zone Commission, for a term expiring January 1, 2013.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), appointed Marsha Wharff to the Lake County/City Areawide Planning Council (APC), for a term expiring January 1, 2011.

On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Trudy Nagy to the Library Advisory Board, for a term expiring January 1, 2012.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), appointed Loren Freeman and Florence Kinder to the Spring Valley CSA #2 Advisory Board, for terms expiring January 1, 2011.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD FEBRUARY 2, 2010

BACK TO #1 - ITEM A-1 - CONSENT AGENDA ITEM C-6 - Discussion/consideration of request to approve Agreement between the County of Lake and Fast Franks for operation of mobile concession at Lakeside County Park - Public Services Director Kim Clymire presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Fast Franks for operation of mobile concession at Lakeside County Park, and authorized the Chair to sign.

The Board adjourned for lunch and reconvened into Regular Session at 1:30 p.m.

13. ITEM A-10 - 1:30 P.M. - Presentation by the Genetically Engineered (GE) Crops Advisory Committee regarding growing of GE crops in Lake County and consideration of possible Board action in regard to committee recommendations and the continuation of the committee - Agriculture Commissioner Steve Hajik was present.

Genetically Engineered (GE) Crops Advisory Committee Member Andre Ross presented the committee recommendations to the Board.

Chair Farrington asked if anyone was present wishing to speak and the following people spoke: Victoria Brandon, Charles Hassen, Chuck March, Phil Murphy, JoAnn Saccato, Michelle Scully, Broc Zoller, Sybil Frances, Joan Moss, Cedar Moss and Melissa Fulton.

On motion of Supervisor Smith and by vote of the Board (5 ayes), disbanded the Ad Hoc Genetically Engineered (GE) Crops Advisory Committee.

There was Board consensus to make the following amendments to the committee's recommendations:

(1) Paragraph 6 was removed.

(2) Paragraph 9 was removed.

(3) Paragraph 4 c(1): There was Board consensus to accept buffer zones allowing an expectation of no more than a de minimus level of gene flow, rather than an expectation of non-detectable levels, as stated in Paragraph 4 c(2).

On motion of Supervisor Rushing and by vote of the Board (5 ayes) accepted, in concept, the recommendations of the committee, as amended and directed staff to prepare the recommendations in the form of an ordinance, to be brought before the Board for consideration at a future date.

Supervisor Brown was absent at 3:22 p.m.

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

Extra #1 - Conference with Legal Counsel - Existing Litigation - (Subdivision (a) of Section 54946.9); California Sportfishing Protection Alliance v. County of Lake et al. - On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown ABSENT), 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:

An issue has arisen in regard to existing litigation in the case of *California Sportfishing Protection Alliance v. County of Lake et al.* Circumstances arose this morning, February 2, which require discussion by this Board as soon as possible.

This item will be taken up in Closed Session.

Supervisor Brown was present at 3:25 p.m.

Chair Farrington announced the Board would now go into Closed Session for the reason described above.

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned at 3:41 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Mireya Turner
Assistant Clerk of the Board