

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JANUARY 12, 2010

The Honorable Board of Supervisors of Lake County, California, met in regular session this 12th day of January, 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 Georgine Hunt.

The meeting was called to order at 9:01a.m. by Chair Farrington. Following the moment of silence, Mr. Chuck March led the salute to the flag of the United States of America.

1. **ITEM A-1 - 9:00 A.M. - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Consent Agenda Items C-1 through C-12, with the exception of Consent Items C-2, C-3, C-4, C-11 and C-12, which will be taken up immediately following the approval of the Consent Agenda.

Approved Minutes of the Board of Supervisors meeting held on January 5, 2010.

Adopted Proclamation declaring that the Lake County Board of Supervisors is committed to the 2010 Census Partnership with the United States Census Bureau.

(a) Adopted Resolution No. 2010-09, approving application for funding under the U.S. Department of Agriculture's Rural Development Community Facilities Program to energy efficiency improvements at the Hill Road Jail.

(b) Adopted Resolution No. 2010-10, approving application for funding under the U.S. Department of Agriculture's Rural Development Community Facilities for security and other equipment at the Hill Road Jail.

Accepted a gift of funds from the John R. Boyer Living Trust in the amount of \$15,000, to be used for the construction of the Animal Care and Control Spay Neuter/Clinic.

Adopted Resolution No. 2010-11, appropriating unanticipated revenue in the amount of \$314,988 (received from the California Department of Food and Agriculture for a three year Specialty Crop Block Grant for Fiscal Years 2009/2012), for to be used to reach the goals and priorities centering on improved nutrition and health, Budget Unit No. 4011 - Health Services.

Approved First Amendment to Agreement between the County of Lake and Fisher Wireless for dispatch equipment maintenance services compensation will be increased by \$1,200 for one additional month), and authorized the Chair to sign.

CONSENT ITEM C-2 - Consideration of appointing Iris Hudson to the Board of Trustees of the Lower Lake Cemetery Board for a term expiring on January 1, 2014 - Assistant Clerk of the Board Georgine Hunt requested that this item be pulled from the Consent Agenda because the term expiration date was incorrect. The correct term expiration date is January 1, 2015.

On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Iris Hudson to the Board of Trustees of the Lower Lake Cemetery Board for a term expiring on January 1, 2015.

CONSENT ITEM C-3 - Consideration of appointing William Tobin to the Board of Trustees of the Middletown Cemetery Board for a term expiring on January 1, 2014 - Assistant Clerk of the Board Georgine Hunt requested that this item be pulled from the Consent Agenda because the term expiration date was incorrect. The correct term expiration date is January 1, 2015.

On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed William Tobin to the Board of Trustees of the Middletown Cemetery Board for a term expiring on January 1, 2015.

CONSENT ITEM C-4 - Consideration of appointing Steve Devoto to the Genetically Engineered (GE) Crops Ad-Hoc Advisory Committee (replacing Lars Crail who has resigned from the committee) - Supervisor Brown requested that this item be pulled from the Consent Agenda for further discussion.

Chair Farrington asked if anyone present wished to speak on this item and Mr. Chuck March spoke. No one else was present wishing to speak and the public portion of this item was closed.

This item was continued to January 19, 2010, at 9:10 a.m.

CONSENT ITEM C-11 - Consideration of Application for Financial Aid from the State Department of Boating and Waterways for Fiscal Year 2010/2011 - Supervisor Rushing requested that this item be pulled from the Consent Agenda for further discussion. Supervisor Rushing asked for assurance that the appropriate checks and balances will be in place relative to administration of the funds (specifically that the approval of invoices be performed by someone other than the staff person administrating the grant).

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Application for Financial Aid from the State Department of Boating and Waterways for Fiscal Year 2010/2011 (including the requirement that invoices are to be approved by someone other than the staff person who is administrating the grant), and authorized Sheriff Rodney Mitchell to sign.

CONSENT ITEM C-12 - (a) Proposed Resolution appropriating unanticipated revenue in the amount of \$1,176,892 (received from the U.S. Department of Energy for a five year period), to be used for seismic monitoring activities (Geysers-Wide Seismic Monitoring Array), Budget Unit No. 8695 - Special Districts; and

(b) Proposed Agreement between the County of Lake and Lawrence Berkeley National Laboratory for the continued operation and management of the Geysers-Wide Seismic Monitoring Array, in the amount of \$1,176,892 for a five year period - Assistant Clerk of the Board Georgine Hunt request requested that this item be pulled from the Consent Agenda for the following reason:

On January 8, 2010, the Clerk of the Boards Office was notified that C-12(b), the Agreement with Lawrence Berkeley Nation Laboratory was previously approved on September 15, 2009, and the reference to the agreement in the Memorandum dated December 29, 2009, from Special District Administrator Mark Dellinger was for information only.

It is being requested that the Board take action on **C-12(a)** only and no further action is required on **C-12(b)**.

Supervisor Rushing offered Resolution No. 2010-12, appropriating unanticipated revenue in the amount of \$1,176,892 (received from the U.S. Department of Energy for a five year period), to be used for seismic monitoring activities (Geysers-Wide Seismic Monitoring Array), Budget Unit No. 8695 - Special Districts, and it was passed by a roll-call vote (5 ayes).

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

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

Change Order No. 5 - Upper Lake Main Street Pavement Rehabilitation and Accessibility Improvements - This change order addresses nine (9) billing items for extra work performed by the contractor as follows: (1) Modify drop inlet/adjust utility box; (2) Abandon water service; (3) Adjust water meter box; (4) Remove asphalt and grade; (5) Finished base and pave library parking; (6) Remove trench slurry from planter; (7) Landscape changes; (8) grinding and striping; and (9) modify electrical installation.

Deputy Redevelopment Director Eric Seely was present and gave a summary of the change order.

On motion of Director Rushing and by vote of the Board (5 ayes), approved Change Order No. 5 for an increase of \$15,836.66, Upper Lake Main Street Pavement Rehabilitation and Accessibility Improvements, Argonaut Constructors and authorized the Chair to sign.

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

Mr. Seely gave an overview of the costs of replacing the remaining sidewalks on Main Street, Upper Lake. Argonaut gave a quote of \$219,000. At this time, the Redevelopment Agency does not have the funding to cover the cost of replacing the sidewalks and general fund monies could be used.

The discussion of possible funding for the replacement of the remaining sidewalks on Main Street, Upper Lake, will be placed on the agenda at a later date.

3. ITEM A-5 - 9:10 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 summary. It has been recommended that these funds be distributed to the Lake County Sheriff's Department and the Lake County District Attorneys Office. The amount of funding allocated for the Sheriff-Coroner is \$100,000, and will be used to partially fund overtime costs. The amount of funding allocated for the Sheriff-Jail is \$18,572, and will be used to partially fund jail maintenance costs. The amount of funding allocated for District Attorney is \$13,313.84, and will be used for to partially fund salaries and wages (extra-help).

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

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved allocating all monies received in the SLESF for Fiscal Year 2009/2010, including interest earnings, to the Sheriff-Coroner budget, Sheriff-Jail budget and District Attorney budget, per State statute, to be used for the purposes requested by the Sheriff and District Attorney in their memoranda to the Board.

4. ITEM A-6 - 9:15 A.M. - Presentation of Proclamation declaring that the Lake County Board of Supervisors is committed to the 2010 Census Partnership with the United States Census Bureau - Supervisor Rushing read the Proclamation into the record.

5. ITEM A-7 - 9:30 A.M. - HEARING - Notice of Nuisance Abatement - 4267 Highland Avenue, Lucerne, CA (APN 034-083-27 - Steven Pennewell and Teresa Pennewell) - Community Development Director Rick Coel, Code Enforcement Officer Kimberlee Heckard, Teresa Pennewell and Steven Pennewell were sworn in by the Clerk.

Mr. Coel presented the staff report.

Ms. Heckard gave a power point presentation regarding the conditions of the property.

Ms. Pennewell and Mr. Pennewell 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 4267 Highland Avenue, Lucerne, CA (APN 034-083-27 - Steven Pennewell and Teresa Pennewell), 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.

6. ITEM A-8 - 9:45 A.M. - HEARING - Notice of Nuisance Abatement - 7092 Plumas Street, Nice, CA (APN 031-212-17 - William Santos - c/o Joe Santos) - Community Development Director Rick Coel, Code Enforcement Officer Kimberlee Heckard and William Santos were sworn in by the Clerk.

Mr. Coel presented the staff report.

Ms. Heckard gave a power point presentation regarding the conditions of the property.

Mr. Santos 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 7092 Plumas Street, Nice, CA (APN 031-212-17 - William Santos), 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-9 - 10:00 A.M. - HEARING - Notice of Nuisance Abatement - 6335 East Highway 20, Lucerne, CA (APN 034-231-13 - Dominic Affinito and Juliette Affinito) - Community Development Director Rick Coel, Code Enforcement Officer Kimberlee Heckard and Robert Affinito were sworn in by the Clerk.

Mr. Coel presented the staff report.

Ms. Heckard gave a power point presentation regarding the conditions of the property.

Mr. Affinito 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 6335 East Highway 20, Lucerne, CA (APN 034-231-13 - Dominic Affinito), 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.

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8. **ITEM A-10 - 10:15 A.M. - (a) HEARING - Summary Abatement and Nuisance Abatement Assessment confirmation and proposed recordation of Notice of Lien in the amount of \$923.07 - 16350 Second Street, Lower Lake, CA (APN 024-282-02 - Harvey Barnett and Linda Barnett); and**

(b) HEARING - Notice of Nuisance Abatement - 16350 Second Street, Lower Lake, CA (APN 024-282-02 - Harvey Barnett and Linda Barnett) - Community Development Director Rick Coel, Code Enforcement Officer Roderic Hilliard and were sworn in by the Clerk.

Mr. Coel presented the staff report.

Mr. Hilliard gave a power point presentation regarding the conditions of the property.

Neither the owner, nor representation was present.

(a) On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the assessment of \$923.07 for the summary abatement on property located at 16350 Second Street, Lower Lake, CA 95451, APN 024-282-02 owned by Harvey Barnett and Linda Barnett be confirmed and the Enforcement Official directed the Enforcement Official to prepare and have recorded in the Office of the Lake County Recorder, a Notice of lien in the amount of \$923.07, pursuant to Lake County Ordinance Code Chapter 13, Section 13-10, and authorized the Chair to sign the Confirming Assessment of Costs.

(b) On motion of Supervisor Smith and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 16350 Second Street, Lower Lake, CA (APN 024-282-02 - Harvey Barnett and Linda Barnett), 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.

9. **ITEM A-11 - 10:30 A.M. - Discussion/consideration of proposed Resolution supporting the findings of the California Statewide Local Streets and Roads Needs Assessment** - Public Works Director Brent Siemer was present and gave an overview of the findings of the California Statewide Local Streets and Roads Needs Assessment.

Supervisor Rushing offered Resolution No. 2010-13, and it was passed by a roll-call vote (5 ayes).

10. **ITEM A-16 - Discussion/consideration of request to authorize County staff to enter into contract discussions with PG&E for a Lake County Energy Watch partnership** - Deputy Public Services Director Caroline Chavez and Terre Logsdon were present.

Supervisor Rushing gave a brief overview of the proposed partnership. Energy Watch partnerships are designed to help local governments and their constituents lower their energy bills. Each Energy Watch partnership develops its own outreach plan to increase energy efficiency program participation, based on the unique needs of the local area. Participating governments and associations can receive specialized energy efficiency offerings in their local communities and are responsible for informing their communities about the wide variety of energy efficiency and demand response offerings available from PG&E.

On motion of Supervisor Rushing and by vote (5 ayes), authorized County staff (administration, economic development staff and public services) to enter into contract discussion with PG&E for further development and implementation of the Lake County Energy Watch partnership program in Lake County.

11. **ITEM A-12 - Continued from December 15, 2009 - 11:00 A.M. - Consideration of proposed Contract between the County of Lake and Lake Family Resource Center for Tobacco Control Program services in the amount of \$150,000** - Health Services Director Jim Brown, Health Services Administrative Manager Denise Pomeroy, Lake Family Resource Center Executive Director Gloria Flaherty and Lake County Tobacco Education Program Project Director Joy Swetnam were present.

Ms. Swetnam presented a power point presentation on Lake Family Resource Center's administration of the Lake County Tobacco Control Program.

Mr. Brown stated that this is a three-year contract for a total amount of \$450,000.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Contract between the County of Lake and Lake Family Resources Center for Tobacco Control Program services in the amount of \$450,000 for three years and authorized the Chair to sign.

The Board of Supervisors adjourns and convenes as the Lake County Local Board of Equalization.

12. **ITEM A-13 - 11:30 A.M. Assessment Appeal Hearings:**

Kimco Development, Inc. - Application No. 2008-271 - APN 014-260-530 - located at 18990 Coyote Valley Road, Hidden Valley Lake, CA - Chief Deputy Assessor-Record Jim Campbell was present and stated to the Board that Kimco Development, Inc. has withdrawn their application and no further action is required.

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

13. **ITEM A-17 - (a) Discussion/consideration of request for Board direction regarding options for reorganization of the Code Enforcement Division in light of the depletion of the enhanced program funding in July, and a vacancy in the Code Enforcement Manager position; and**

(b) Discussion/consideration of request to relocate the division staff from Lucerne to Lakeport - Community Development Director Rick Coel was present and gave an overview of 4 proposed options for reorganization of the Code Enforcement Division.

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

On motion of Supervisor Brown and by vote (5 ayes), directed the Community Development Director to proceed with action to relocate the remaining enforcement staff to the main office at the Courthouse by March 1, 2010, and authorized the Community Development Director is to begin the process of integrating the Code Enforcement and Planning Division operations, as described Option 3 in the Memorandum dated December 29, 2009.

The Board adjourned for lunch at 12:19 p.m. and reconvened at 1:30 p.m.

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14. **ITEM A-18 - Discussion/consideration of Road Maintenance Prioritization Plan** - Public Works Director Brent Siemer was present and gave an overview of the Road Maintenance Prioritization Plan.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Road Maintenance Prioritization Plan.

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

15. **ITEM A-19 - Update on negotiations with the Clearlake Redevelopment Agency regarding the Southeast Regional Wastewater Collection System** - This item was continued to February 2, 2010, at 11:00 a.m.

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

16. **ITEM A-14 - 1:30 P.M. - CLOSED SESSION - Public Employee Appointment (interviews of applicants for Director of Water Resources); and**

ITEM A-20 -CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: LCEA, LCCOA, SDA and DDAA and 2. Conference with Legal Counsel - Anticipated Litigation - Initiation of litigation pursuant to California Government Code Section 54956.9(c): (International Surfacing Systems) - Chair Farrington announced that the Board will now go into Closed Session for interviews of applicants for Director of Water Resources and when the Board has completed the interviews, they will remain in Closed Session for the reasons stated on the agenda (Item A-20).

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned at 2:51 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board