

**BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA**

**MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JANUARY 26, 2010**

The Honorable Board of Supervisors of Lake County, California, met in regular session this 26<sup>th</sup> 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, Administrative Officer Kelly Cox 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.

Approved Minutes of the Board of Supervisors meeting held on January 12 and 19, 2010.

Adopted Resolution No. 2010-18, adopting a Memorandum of Understanding between the County of Lake and the Lake County Employees' Association Unit 3, for Fiscal Years 2008/2011.

Adopted Resolution No. 2010-19, adopting a Memorandum of Understanding between the County of Lake and the Lake County Employees' Association Unit 4, for Fiscal Year 2008/2011.

Adopted Resolution No. 2010-20, adopting a Memorandum of Understanding between the County of Lake and the Lake County Employees' Association Unit 5, for Fiscal Years 2008/2011.

(a) Adopted Resolution No. 2010-21, designating the County of Lake Recovery Zone for purposes of Sections 1400U-1, 1400U-2, and 1400U-3 of the Internal Revenue code of 1985, as amended; and

(b) Approved Recovery Zone Bond Allocation Waiver Form and authorize the Chair to sign.

Approved Lake County's participation in the California State Fair in 2010 and authorized the Chair to sign the Counties Exhibits Authorization and Appointment Form.

Adopted Resolution No. 2010-22, pertaining to tax revenue exchange between the County of Lake and Kelseyville County Waterworks District #3 (LAFCO Project No. 2009-02 Gibbs Annexation).

Adopted Resolution No. 2010-23, amendment to Resolution No. 2009-205, pertaining to salaries and benefits for employees assigned to the Confidential Unit, Section A (amending previously approved provisions relative to one-time stipend).

Approved Fiscal Year 2010/2011 budget procedures calendar as recommended by the County Administrative Official in his Memorandum dated January 15, 2010, and the attachment thereto.

Approved extension of Agreement between the County of Lake and Marta Fuller for dental health education and prevention services for months of January 2010 through June 2010, in the amount of \$14,000 and authorized the Chair to sign.

(a) Accepted Irrevocable Offers of Dedication for roadway and public utility purposes, (a portion of APN 052-022-01 - Entrust Administration, Inc. FBO Timothy Toye), Adams Spring Drive, Cobb, and directed Clerk to certify for recordation; and

(b) Adopted Resolution No. 2010-24, ordering the summary vacation of a portion of public roadway, Adams Spring Drive, County Road No. 515C, in the County of Lake.

Adopted Resolution No. 2010-25, transferring loan funds (\$95,000 for a term of five years) and appropriating said funds as unanticipated revenue to Budget Unit No. 8476-Paradise Valley County Service Area #16, to pay for capital improvements.

2. **ITEM A-2 - Presentation of animals that are available for adoption at the Lake Control Services County Animal Care and Control Shelter** - Animal Care and Control Officer Ben Cheek presented one canine currently available for adoption.

3. **ITEM A-14 - Continued from January 19, 2010 - Discussion/consideration of appointment to the Lower Lake Waterworks District 1 Board of Directors** - On motion of Supervisor Comstock and by vote of the Board (5 ayes), appointed David Estep to the Lower Lake Waterworks District 1 Board of Directors for a term expiring on January 1, 2015.

4. **CITIZEN'S INPUT** - Mr. John Ussery announced that the grand opening of the Lake One Stop, South County Branch, will be on January 27, 2010, and invited the Board members and staff to attend.

5. **ITEM A-15 - (a) Discussion/consideration of proposed Amendments to North Central Counties Consortium Joint Powers Agreement; and**

**(b) Discussion/consideration of recommendation to submit a proposal to operate the Local One Stop (in response to the request for proposals soon to be released by North Central Counties Consortium)** - Social Services Director Carol Huchingson was present and gave an overview of the Amendment to the North Central Counties Consortium Joint Power Agreement.

Chair Farrington asked if anyone was present wishing to speak on the amendments and the following people spoke: Mr. John Ussery and Richard Burke. No one else was present wishing to speak and the public portion of this item (a) was closed.

On motion of Supervisor Brown and by vote of the Board (5 ayes), disapproved the proposed Amendments to the North Central Counties Consortium Joint Powers Agreement.

Social Services Director Carol Huchingson gave a brief overview of the proposal to operate the Local Onestop.

Chair Farrington asked if anyone was present wishing to speak on the proposal and the following person spoke: Mr. Richard Burke. No one else was present wishing to speak and the public portion of this item (b) was closed.

On motion of Supervisor Brown and by vote of the Board (5 ayes), authorized the Social Services Director to submit a proposal to operate the Local One Stop.

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

6. **ITEM A-5 - 9:30 A.M. - Discussion/consideration of proposed Agreement between the Kelseyville County Waterworks District #3 and CRT, Inc. for special inspection and testing services in the amount of \$13,915** - Special Districts Administrator Mark Dellinger was present and gave an overview of the Agreement.

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On motion of Director Brown and by vote of the Board (5 ayes), approved the Agreement between the Kelseyville County Waterworks District #3 and CRT, Inc. for special inspection and testing services in the amount of \$13,915, and authorized the Chair to sign.

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

7. **ITEM A-17 - CLOSED SESSION - 1. Conference with Legal Counsel - Existing Litigation - (Subdivision (a) of Section 54956.9), Subdivision (a): California Sportfishing Alliance v. County of Lake, et al.;**

**2. Conference with Legal Counsel - Significant exposure to litigation pursuant to Subdivision (b) (3) (c) of Section 54956.9: One potential case; and**

**Sitting as the Board of Directors of Lake County IHSS Public Authority: 3. Conference with labor negotiator: (a) Agency Negotiators: Carol Huchingson and F. Buchanan (b) Employee Organization: California United Homecare Workers - Chair Farrington announced that the Board will now go into Closed Session for the reasons stated on the agenda.**

The Board reconvened into Regular Session with no action taken.

8. **ITEM A-16 - (a) Discussion regarding recent and ongoing sewage spills in the Southeast Regional Wastewater Collection System; and**

**(b) Discussion/consideration of possible options to address the sewage spills from the Southeast Regional Wastewater Collection System - Special Districts Administrator Mark Dellinger was present and gave an overview of the cause of the sewage spills, which included flooding on private properties, clogged storm drains, storm water runoff and homeowners diverting their gutters into the sewage system. Mr. Dellinger stated that homeowners need to be educated on the on the problems caused by clogged storm drains and the diversion of storm water into the sewage system.**

Chair Farrington asked if anyone present wished to speak on this item and Mr. Rick Mayo spoke. No one else was present wishing to speak and the public portion of this item (a and b) was closed.

There was no action taken on this item.

After a short recess the Board reconvened at 10:42 a.m.

9. **ITEM A-6 - 10:30 A.M. - (a) Presentation by Director of CDFA Hydrilla Pat Akers regarding Hydrilla eradication on Clear Lake; and**

**(b) Discussion/consideration of options to manage or eradicate other types of aquatic weeds - Director of CDFA Hydrilla Pat Akers was present and gave a power-point presentation on Hydrilla eradication on Clear Lake. Also, the presentation included the pros and cons of mechanical harvesting, herbicide use and dredging of Hydrilla.**

Chair Farrington asked if anyone present wished to speak on the Hydrilla eradication and Betsy Cahn spoke. No one else was present wishing to speak and the public portion of this item (a) was closed.

There was no action taken on this item (a).

Item A-6 (b) was continued to a later date for further discussion.

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

10. **ITEM A-7 - 11:30 A.M. - Assessment Appeal Hearings: (a) Sara Appelbaum - Application No. 68-2009 - APN 044-172-31 - located at 8250 Orchard Drive, Kelseyville, CA;**

**(b) Sara Appelbaum - Application No. 67-2009 - APN 044-172-32 - located at 1895 Orchard Drive, Kelseyville, CA; and**

**(c) Sara Appelbaum - Application No. 252-2009 - APN 044-163-01 - located at 8200 Orchard Drive, Kelseyville, CA - Assessor-Recorder Doug Wacker and Chief Deputy Assessor-Recorder Jim Campbell were present and sworn in by the Clerk.**

Neither the property owner nor a representative was present.

Mr. Campbell stated that the appellant Sara Appelbaum has signed stipulations for change in assessed value for each of the properties and staff is recommending that the Board accept the stipulations.

On motion of Member Brown and by vote of the Board (5 ayes), accepted the stipulation to assessed value for APN 044-172-31, located at 8250 Orchard Drive, Kelseyville, CA, and changed the value as follows: Land from \$800,815 to \$416,000, for 2009/2010 Tax Year.

On motion of Member Brown and by vote of the Board (5 ayes), accepted the stipulation to assessed value for APN 044-172-32, located at 1895 Orchard Drive, Kelseyville, CA, and changed the value as follows: Land from \$1,304,711 to \$570,000, for 2009/2010 Tax Year.

On motion of Member Brown and by vote of the Board (5 ayes), accepted the stipulation to assessed value for APN 044-163-01, located at 8200 Orchard Drive, Kelseyville, CA, and changed the value as follows: Land from \$865,853 to \$427,000, for 2009/2010 Tax Year.

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

11. **ITEM A-10 - Discussion/consideration of Lake County Water Resource Director job description and minimum qualifications for the position - Human Resources Director Kathy Furgeson was present.**

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

The following amendment was made to the job description:

Supervisor Rushing proposed several additions to the job description. The Board agreed with Supervisor Rushing's proposal. Additionally, under training and experience, the Board changed the requirement to a degree from a four (4) year college or university from "is required" to "is preferable".

Also, a supplemental questionnaire will be prepared regarding leadership qualifications.

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On motion of Rushing and by vote of the Board (5 ayes), approved the Lake County Water Resource Director job description, as amended, directed Human Resources staff to prepare the amendment, prepare the supplemental questionnaire regarding leadership qualifications and re-advertise the vacant position.

12. **ITEM A-12 - Consideration of request to reconsider adoption of Resolution No. 2010 -17 (adopted on January 19, 2010), declaring intent to adopt a Resolution of Public Use and Necessity - Bartlett Springs Road, FEMA Project -** Public Works Director Brent Siemer was present.

Supervisor Brown expressed concern about the use of eminent domain. The Public Works Director clarified that the property owner and the County have not yet been able to reach an agreement on the purchase price. This resolution did not authorize the use of eminent domain. A public hearing will have to be scheduled and another resolution adopted in order to actually take the property by eminent domain. The Public Works Director is still hopeful that such action will become unnecessary and that the parties will reach an agreement.

There was no action taken on this item.

13. **ITEM A-11 - (a) Discussion/consideration of Board direction relative to relocating barges acquired from Vector Control District; and**

**(b) Discussion/consideration of repairs to algae boat** - This item (a and b) was continued to February 2, 2010.

14. **ITEM A-13 - Discussion/consideration of County's current vehicle purchasing policy** - This item was continued to February 2, 2010.

15. **ITEM A-9 - Supervisors' weekly calendar, travel and reports** - On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved travel for Supervisor Denise Rushing on February 1, 2010, to San Francisco, to attend the Business Alliance for Local Living Economic training.

16. **ITEM A-8 - 1:30 P.M. - PUBLIC HEARING - (a) Planning Commission's recommendation for approval of Cristallago Development Corporation's application for the following General Plan Amendment (GPAP 05); Rezone (RZ 07-18) and General Plan of Development (GPD 05) proposals: GPAP 05-09, RZ 05-12 and GPD 05-05 are proposing the following: (1) General Plan Amendment from Rural Lands, Rural Residential, Suburban Residential Reserve & Resource Conservation to Rural Residential, Suburban Residential Reserve, Commercial Resort & Resource Conservation; (2) Rezone from "RL" Rural Lands, "RR" Rural Residential, "O" Open Space & "A" Agriculture to "PDR" Planned Development Residential & "PDC-DR" Planned Development Commercial – Design Review ("SC" Scenic Combining District will not be applied to commercial zoning, but will otherwise remain unchanged; no change is proposed to the "FF" Floodway Fringe or "WW" Waterway Combining Districts); (3) General Plan of Development for approximately 860 acres to create a subdivision of up to 650 single family residential lots, an 18-hole golf course and clubhouse, community center, spa, restaurant, conference facility, nature preserve, and 325 resort units, including timeshares, fractional share units, condominium hotels and a hotel on property located at 3595, 3851, 3907, 4051, 4141, 4151, 4161, 4283, 4483, 4637 & 4687 Hill Road, and 3580 Scotts Valley Road, Lakeport, Assessor's Parcel Numbers 003-046-66 & 67, 005-009-04, 05, 06 & 07, 005-010-05, 16 & 17, 005-011-06 & 07 and 005-012-33; and**

**(b) Appeal of Sierra Club Lake Group (AB 09-03) of the Planning Commission's certification of a Final Environmental Impact Report for the Cristallago Development Corporation's project** - Chair Farrington announced that the appeal of the Sierra Club Lake Group will be heard first and after the completion of the appeal, the public hearing of the General Plan Amendment and rezone will be taken up.

Community Development Director Rick Coel, Principal Planner Emily Minton, Water Resources Engineer Tom Smythe, Air Pollution Control Officer Doug Gearhart, Public Works Director Brent Siemer and Special Districts Administrator Mark Dellinger were present and sworn in by the Clerk.

Ms. Minton gave an overview of the Environmental Impact Report for the Cristallago Development Corporation's project.

After a short break the Board reconvened at 3:35 p.m.

The Clerk also swore in everyone who presented testimony during the public hearing.

Mr. Jim Burns and Mr. Mark Mitchell, members of the Chistallago Development Team, were present and presented testimony. A power-point presentation was also shown regarding the measures that have been taken to prevent any negative effects this project may have on the environment.

Chair Farrington opened the public hearing and the following persons spoke: Suzanne Lyons, John Parker, Mike Blake, Ed Robey, Scotty McNeil, Norm Ihle, John Lee and Kevin Goodwin.

After a short recess, the Board reconvened at 5:37 p.m. and continued the public hearing.

The public hearing was continued and the following persons spoke: Betsy Cahn, Chuck Lamb, Larry Heine, Nancy Svehla, Melissa Fulton, Brad Peters and David Nelson. No one else was present wishing to speak and the public hearing was closed.

Deliberation and Board decision in the Appeal of Sierra Club Lake Group (AB 09-03) of the Planning Commission's certification of a Final Environmental Impact Report for the Cristallago Development Corporation's project was continued to February 9, 2010, at 9:45 a.m.

The General Plan Amendment and rezone was continued to March 2, 2010, at 1:30 p.m.

There being no further business, the Board adjourned at 7:00 p.m.

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Chair - Lake County Board of Supervisors

KELLY F. COX  
Clerk of the Board

By: \_\_\_\_\_  
Georgine Hunt  
Assistant Clerk of the Board