



MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JANUARY 5, 2010

The Honorable Board of Supervisors of Lake County, California, met in regular session this 5th day of January, 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 9:01 a.m. by Chair Rushing. Following a moment of silence Assistant Clerk of the Board Mireya Turner led the salute to the flag of the United States of America.

1. **ITEM A-1 - 9:00 A.M. - Election of Chair of the Board of Supervisors and Vice-Chair of the Board of Supervisors for 2010 (outgoing Vice-Chair conducts election)** - On motion of Supervisor Brown and by vote of the Board (5 ayes), elected Supervisor Farrington as Chair and Supervisor Comstock as Vice Chair for 2010.

The gavel was passed to Chair Farrington.

2. **CONSENT AGENDA ITEMS C-1 THROUGH C-19** - On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Consent Agenda items C-1 through C-19, with the exception of Consent Agenda Item C-2, which will be taken up immediately following the Consent Agenda.

Approved Minutes of the Board of Supervisors meeting held on December 15, 2009.

(a) Appointed Joann Matz and Laurie Daly to the Lake County Child Care Planning and Development Council (Community category representatives), for terms expiring on January 1, 2013; and

(b) Authorized the Chair to sign the California Department of Education Certification Statement regarding the composition of the Lake County Child Care Planning and Development Council membership.

Adopted Resolution No. 2010-01, approving application for funding and the execution of a grant agreement and any amendments thereto from the California Energy Commission under the Energy Efficiency and Conservation Block Grant Program for cost-effective energy efficiency in the amount of \$258,978.

Approved Late Travel Expense Claim submitted by Deputy District Attorney Sharon Lerman-Hubert after the 60-day claiming period in the amount of \$223.08, due to extraordinary circumstances.

Adopted Resolution No. 2010-02, approving a cafeteria plan with flexible spending arrangement.

Adopted Resolution No. 2010-03, amending Personnel Rule 906 to establish the At Risk appointment type (clarifying the County's intent not to force an At Risk employee to accept an alternate assignment or to continue in an alternate assignment and when an At Risk employee declines to accept or continue an alternate assignment, the employee will be subject to lay-off with two weeks notice).

Adopted Resolution No. 2010-04, amending Resolution No. 2009-145 establishing position allocations to conform to the Fiscal Year 2009/2010 Final Budget, Budget Unit No. 4015, Alcohol and Other Drug Services (deleting one Prevention Specialist I/II allocation and one Substance Abuse Treatment Coordinator allocation and adding one Substance Abuse Programs Coordinator allocation).

(a) Approved Dedication and Maintenance Agreement between the County of Lake and Eskaton Clearlake Oaks Manor for dedication of the Easement Area from Eskaton to the County in order to include the Easement Area in the County Maintained Road System; and

(b) Accepted Irrevocable Offers of Dedication for roadway and public utility purposes (a portion of APN 035-231-49 - Eskaton Clearlake Oaks Manor, Fidelity Title and HUD), located at Lake Street, Clearlake Oaks, and directed Clerk to certify for recordation.

Authorized the destruction of closed civil records from January 1, 2003 through December 31, 2005, pursuant to Government Code Section 26202.

Waived the 900 hour limit for extra-help Social Services Aide Loree Lewis.

Approved advanced step hiring of Social Services Worker Supervisor II-CPS Patti Powell, due to applicant's extraordinary qualifications (5th step salary range).

Approved update Plan for Child Abuse Prevention, Intervention and Treatment (CAPIT); Community Based Child Abuse Prevention Services (CBCAP); and Promoting Safe and Stable Families (PSSF), for the term of July 1, 2009 through June 30, 2011.

Approved Contract between the County of Lake and Lake Family Resource Center for Child Abuse Prevention, Intervention and Treatment (CAPIT) services in the amount of \$70,000, and authorized the Chair to sign.

Adopted Resolution No. 2010-05, amending Resolution No. 2009-139 authorizing submittal of an Application to the California State Department of Housing and Community Development for funding under the 2009 Home Investment Partnerships Program; and if selected, the execution of a standard agreement, any amendments thereto and any related documents necessary to participate in the Home Investment Partnerships Program.

Authorized the Auditor-Controller to reissue checks for a total of \$1,846.33, that were never cashed to Fidelity National Title in the amount of \$1035.23; Ocwen Federal Bank FSB in the amount of \$132; Home Ranch in the amount of \$199.57; New Century Title in the amount of \$115.94; Katherine Huot in the amount of \$131.89; Luella Phelps in the amount of \$101.44; Ralph R. Black in the amount of \$33.46; Christopher Stems in the amount of \$36.54; and First America Title in the amount of \$61.26.

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Approved Agreement between the County of Lake and Bid4Assets, Inc. for public action services (not to exceed \$15,000), and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Watershed Protection District, approved Agreement between the County of Lake and State Department of Fish and Game, Wildlife Conservation Board for conveyance and acceptance of a conservation easement (APN 004-022-24), for the Clear Lake Wildlife Area Rodman Slough Project and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Redevelopment Agency, adopted Resolution No. 2010-06, determining that planning and administrative expenses are necessary for the production, improvement or preservation of low and moderate income housing.

3. **CONSENT AGENDA ITEM C-2 - Consideration of request to appoint Anna Blair and Eric Freed to the Emergency Medical Care Committee (Private Ambulance category representatives), for terms expiring on January 1, 2011 -** At the request of Supervisor Smith, this item was removed from the Consent Agenda for further discussion.

On motion of Supervisor Smith and by vote of the Board (5 ayes), appointed Anna Blair and Eric Freed to the Emergency Medical Care Committee (Private Ambulance category representatives), for terms expiring on January 1, 2011.

4. **ITEM A-3 - Presentation of animals that are available for adoption at the Lake County Animal Care and Control Shelter** - Animal Care and Control Officer Ben Cheek presented one feline currently available for adoption.

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

Contract Change Order No. 1 - HES Soda Bay Road Realignment - This change order addresses the balancing of the final in-place material. This is a decrease in the contract price.

Public Works Director Brent Siemer presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Change Order No. 1 - HES Soda Bay Road Realignment, FEDCO Construction, Inc., for a decrease of \$6,985.92, and authorized the Chair to sign change order.

CITIZEN'S INPUT - Dante DeAmici spoke regarding the PEG Channel.

Mark Borghesani spoke regarding the proposed commercial development in Clearlake.

Joan Moss spoke regarding numerous events in the past year in Lake County.

6. **ITEM A-2 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**

Extra #1 - Consideration of Board comments concerning the Notice of Intent to adopt a Mitigated Negative Declaration for the Clearlake Airport Redevelopment Project - On motion of Supervisor Rushing 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:

Although the Board became aware of the proposed Clearlake Airport Redevelopment Project before the posting of today's agenda, they did not learn of the extension of the time in which the public could comment to include this week, until after the posting of the agenda. The public comment period will close before the next Board meeting.

On motion of Supervisor Brown and by vote of the Board (5 ayes), directed a letter be sent to the City of Clearlake Redevelopment Agency, expressing the Board's extreme concern regarding the City of Clearlake's intention to adopt a mitigated negative declaration for the project, and authorized the Chair to sign.

7. **ITEM A-5 - 9:15 A.M. - Consideration of applications for appointments to fill vacancies on the Lake County Vector Control District Board of Trustees** - Vector Control District Manager Dr. Jamesina Scott was present.

On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Ron Nagy to the Lake County Vector Control District Board of Trustees, for a term expiring January 1, 2012.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Comstock NO), appointed Lowell Grant to the Lake County Vector Control District Board of Trustees, for a term expiring January 1, 2012.

8. **ITEM A-6 - 9:30 A.M. - PUBLIC HEARING - Discussion/consideration of Planning Commission's recommendations for approval of a Modification (MMU 09-12) to Use Permit for Specific Plan of Development UP 05-06 and Modifications (MMU 09-13) to General Plan of Development (GPD 05-02) to allow the food service facility located within Kelseyville Lumber to extend operating hours from the currently allowed 6:00 a.m. to 8:00 p.m. to 6:00 a.m. to 10:00 p.m., proposed for project applicant Jon Woodard; and reconsideration of the previously approved adopted Mitigated Negative Declaration based on the Initial Study 05-36; project is located at 3555 North Main Street, Kelseyville, CA (APN 008-063-06)** - Community Development Director Rick Coel and Assistant Planner Michalyn DeValle were present.

Supervisor Comstock disclosed a personal relationship with the applicant, which did not present a conflict of interest.

Ms. DeValle presented the staff report.

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

On motion of Supervisor Brown and by vote of the Board (5 ayes), found that the Mitigated Negative Declaration, previously prepared for GPD 05-02, meets the requirements of Section 15162 (a) of the CEQA Guidelines, and therefore found that no additional environmental review need be prepared with the findings listed in the Board memorandum dated December 18, 2009.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Minor Modification of the proposal, for the reasons listed in the Board memorandum dated December 18, 2009.

9. **ITEM A-7 - Continued from December 15, 2009 - 9:45 A.M. - Discussion/Consideration of proposed Contract between the County of Lake and Susan Jen for the administration of grant in the amount of \$314,988 for creating a local food**

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distribution system that revolves around the use of locally grown crops - Health Services Director Jim Brown and Health Services Fiscal Officer Denise Pomeroy were present.

Chair Farrington asked if anyone was present wishing to speak and Susan Jen 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 (4 ayes, Supervisor Brown NO), approved the Contract between the County of Lake and Susan Jen for the administration of the grant in the amount of \$314,988 for creating a local food distribution system that revolves around the use of locally grown crops, and authorized the Chair to sign.

10. **ITEM A-16 - Discussion/consideration of proposed Second Amendment to Agreement between the County of Lake and Lake County Community Action Agency for provision of perinatal treatment for pregnant or parenting women experiencing alcohol or drug related problems for Lake County residents, Fiscal Year 2009/2010 (increasing the funding amount to \$40 per day not to exceed \$7,200)** - Mental Health Director Kristy Kelly and Alcohol and Other Drugs Services Coordinator Laura Solis were present.

Ms. Solis presented the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Second Amendment to Agreement between the County of Lake and Lake County Community Action Agency for provision of perinatal treatment for pregnant or parenting women experiencing alcohol or drug related problems for Lake County residents, Fiscal Year 2009/2010 (increasing the funding amount to \$40 per day not to exceed \$7,200), and authorized the Chair to sign.

11. **ITEM A-17 - Discussion/consideration of proposed Resolution approving County match from the County General Fund with the allocation from the State of California General Fund for the Offender Treatment program for Fiscal Year 2009/2010 (County General Fund contribution not to exceed \$6,025)** - Mental Health Director Kristy Kelly and Alcohol and Other Drugs Services Coordinator Laura Solis were present.

Ms. Solis presented the staff report.

Supervisor Smith offered Resolution No. 2010-07, and it was passed by roll call vote (5 ayes).

12. **ITEM A-22 - Consideration of request to approve out-of-state travel for Social Services Director Carol Huchingson and Deputy Social Services Director Kathy Maes to Arlington, Virginia, from February 3-7, 2010, to attend the United States Department of Health and Human Services Regional Partnership Grant Special Topics Conference (cost to be paid for by the Federal Administration for Children grant funds)** - On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved out-of-state travel for Social Services Director Carol Huchingson and Deputy Social Services Director Kathy Maes to Arlington, Virginia, from February 3-7, 2010, to attend the United States Department of Health and Human Services Regional Partnership Grant Special Topics Conference (cost to be paid for by the Federal Administration for Children grant funds).

After a brief recess, the Board reconvened into Regular Session at 10:39 a.m.

13. **ITEM A-8 - 10:30 A.M. - Discussion/consideration of proposed changes to the Lake County Rule LCR 1-195 on Aerobic Systems** - Health Services Director Jim Brown, Environmental Health Director Ray Ruminski, and Environmental Health Supervisor James Scott were present.

Mr. Ruminski presented the staff report.

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

This item was continued two weeks, to January 19, 2010, at 10:00 a.m. for further discussion.

14. **ITEM A-14 - Consideration of Chairman's recommended committee assignments for members of the Board of Supervisors** - Changes were made to the recommended committee assignments.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the committee assignments for members of the Board of Supervisors, as amended.

15. **ITEM A-19 - Advanced from December 15, 2009 - An Ordinance amending Article IX of Chapter 15 of the Lake County Code establishing a fee based inspection program for water vessels - (SECOND READING)** - Supervisor Smith offered Ordinance 2915 and it was passed by roll call vote (5 ayes).

16. **ITEM A-15 - Discussion/consideration of request for approval of out-of-state travel for Animal Control Officer Nehemiah White to Reno, Nevada, from March 15-19, 2010, to attend the National Cruelty Investigators School Level II (the tuition fee is \$650, a partial scholarship for the tuition fee in the amount of \$400 was received and the remaining County cost will be \$250)** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved out-of-state travel for Animal Control Officer Nehemiah White to Reno, Nevada, from March 15-19, 2010, to attend the National Cruelty Investigators School Level II (the tuition fee is \$650, a partial scholarship for the tuition fee in the amount of \$400 was received and the remaining County cost will be \$250).

17. **ITEM A-20 - Consideration of request to approve of out-of-state travel for Public Works Director Brent Siemer to Fort Worth, Texas, from April 25-29, 2010, to attend the National Association of County Engineers Annual Conference (for cost of lodging only, funding for registration fee to be paid by County Engineers Association of California and travel and meal costs to be paid by Public Works Director Brent Siemer)** - Public Works Director Brent Siemer presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown NO), approved out-of-state travel for Public Works Director Brent Siemer to Fort Worth, Texas, from April 25-29, 2010, to attend the National Association of County Engineers Annual Conference (for cost of lodging only, funding for registration fee to be paid by County Engineers Association of California and travel and meal costs to be paid by Public Works Director Brent Siemer).

18. **ITEM A-9 - 11:20 A.M. - HEARING - Nuisance Abatement Assessment confirmation and proposed recordation of Notice of Lien in the amount of \$4,894.56 - 6948 Junipero Avenue, Kelseyville, CA (APN 044-372-08 - Benjamin Espinoza III)** - Community Development Director Rick Coel, Code Enforcement Officer Kimberlee Heckard and Benjamin Espinoza III were sworn in by the Clerk.

Ms. Heckard presented the staff report.

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Mr. Espinoza gave testimony.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Nuisance Abatement Assessment confirmation and proposed recordation of Notice of Lien in the amount of \$4,894.56 - 6948 Junipero Avenue, Kelseyville, CA (APN 044-372-08 - Benjamin Espinoza III, and authorized the Chair to sign.

19. **ITEM A-10 - 11:25 A.M. - HEARING - Nuisance Abatement Assessment confirmation and proposed recordation of Notice of Lien in the amount of \$10,470.85 - 11753 Widgeon Way, Clearlake Oaks, CA (APN 035-272-05 - Deborah Keys)** - Community Development Director Rick Coel and Code Enforcement Officer Kimberlee Heckard were sworn in by the Clerk.

Neither the owner, nor representation was present.

Ms. Heckard presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Nuisance Abatement Assessment confirmation and proposed recordation of Notice of Lien in the amount of \$10,470.85 - 11753 Widgeon Way, Clearlake Oaks, CA (APN 035-272-05 - Deborah Keys), and authorized the Chair to sign.

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

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

Michael Raffanelli - Application No. 2009-08 - APN 042-336-270 - located at 16144 Thirteenth Avenue, Clearlake, CA - Assessor-Recorder Doug Wacker, Chief Deputy Assessor-Recorder Jim Campbell and Michael Raffanelli were sworn in by the Clerk.

Mr. Raffanelli presented testimony.

Mr. Campbell presented the staff report.

This item was continued four weeks, to February 2, 2010, at 9:15 a.m.

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

21. **ITEM A-21 - Consideration of proposed resolution authorizing cancellation of designated reserves for Middle Creek Marsh and appropriating unanticipated revenue (transfer of \$264,100 from Flood Fight Reserve Fund, Fund 200 to Fund 200, Revenue Account 79.90, Budget Unit No. 8109 - Flood Control and Water Conservation District), to be used to purchase property (APN 004-021-30), located at 1305 Reclamation Cutoff, Upper Lake** - Public Works Director Brent Siemer presented the staff report.

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.

A typographical error was noted on the face of the proposed resolution and corrected.

Supervisor Rushing offered Resolution 2010-08, as corrected, and it was passed by roll call vote (5 ayes).

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

22. **ITEM A-18 - Discussion/consideration of proposed Agreement between the County of Lake and Sonoma Ecology Center for Arundo Donax Eradication for monitoring of Arundo sites within the Upper Cache Creek Basin in the amount of \$144,190** - Public Works Director Brent Siemer presented the staff report.

On motion of Director Smith and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Sonoma Ecology Center for Arundo Donax Eradication for monitoring of Arundo sites within the Upper Cache Creek Basin in the amount of \$144,190, and authorized the Chair to sign.

The Board of Directors of the Lake County Watershed Protection District adjourned and convened as the Board of Directors of the Kelseyville County Waterworks District #3.

23. **ITEM A-23 - Consideration of request to approve Escrow Agreement between the County of Lake and Terra Con Pipelines, Inc. for security deposits in lieu of retention on Kelseyville Wastewater Improvements Construction Contract in the amount of \$2,564,910, and authorize the Chair to sign** - Special Districts Administrator Mark Dellinger and Fiscal Officer Jan Coppinger were present.

Ms. Coppinger presented the staff report.

On motion of Director Brown and by vote of the Board (5 ayes), approved Escrow Agreement between the County of Lake and Terra Con Pipelines, Inc. for security deposits in lieu of retention on Kelseyville Wastewater Improvements Construction Contract in the amount of \$2,564,910, and authorized the Chair to sign.

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

After a lunch recess, the Board reconvened into Regular Session at 1:30 pm.

24. **ITEM A-12 - 1:30 P.M. - Consideration of County Administrative Office's audit of financial records related to the Sheriff's DEA grants for marijuana eradication and use of funds for helicopter pilot training** - Chief Deputy Administrative Officer Matt Perry presented the staff report.

Chair Farrington asked if anyone was present wishing to speak and the following people spoke: Phil Murphy and Joan Moss. 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), directed staff to draft letters to Drug Enforcement Agency and the Federal Aviation Administration regarding the findings of the County Administrative Office's audit of financial records related to the Sheriff's DEA grants for marijuana eradication and use of funds for helicopter pilot training; and to write a letter to the Attorney General's Office requesting an investigation into the unanswered question regarding use of public funds for personal flight training, and to return the draft letters to the Board for consideration at a future date.

25. **ITEM A-24 - 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 2. Sitting as the Board of Directors of the Lake County IHSS Public Authority: Conference with Labor Negotiator: (a) Agency Negotiator: Carol Huchingson and F. Buchanan (b) Employee Organization: United Domestic Workers of America 3. Public Employee Performance Evaluations: Titles: Human Resources Director; and County Librarian** - Chair Farrington announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board returned to Regular Session with no action taken.

There being no further business, the Board adjourned at 3:21 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Mireya Turner
Assistant Clerk of the Board