

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JULY 20, 2010

The Honorable Board of Supervisors of Lake County, California, met in regular session this 20th day of July, 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 9:02 a.m. by Chair Farrington. Following a moment of silence, County Counsel Anita Grant 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-9.

Approved Minutes of the Board of Supervisors meeting held on July 6, 2010.

Appointed Carol Bettencourt (Senior Community representative), to the IHSS Public Authority Advisory Board for a term expiring on January 1, 2012.

Approved Budget Transfer B-408 in the amount of \$161, from Budget Unit No. 7999- Contingencies to Budget Unit No. 2106- Grand Jury, to cover the June 2010 mileage and per diem and authorized the Chair to sign (Fiscal Year 2009/2010).

Adopted Resolution No. 2010-122, approving the Maternal and Child Health (MCH) Grant Application with the State of California, Department of Health Services for Fiscal Years 2010/2011 through 2012/2013, and authorizing the Director of Health Services to sign said application and grant.

Approved Amendment No. 1 to Agreement between the County of Lake and Ruzicka Associates for engineering services for the design of the access road realignment for Mt. Konocti County Park (an increase of \$10,000 and a time extension of the contract to September 30, 2010), and authorized the Chair to sign.

Adopted Resolution No. 2010-123, amending Resolution No. 2010-118, approving application for funding and any amendments thereto from the California Department of Resources Recycling and Recovery (CALRECYCLE) for the Used Oil Payment Program (OPP).

Adopted Resolution No. 2010-124, of intention to name a certain existing unnamed road in the County of Lake "Baylis Cove Road", located off of Point Lakeview Road in the Lower Lake area, and set a public hearing on August 10, 2010, at 9:15 a.m.

Adopted Resolution No. 2010-125, accepting Official Canvass of the Statewide Direct Primary Election held on June 8, 2010, and declaring certain County Officials duly elected; and declaring candidates for the Democratic Party County Central Committee and candidates for the Republican Party County Central Committee elected in lieu of holding an election.

Approved Lease Agreement between the County of Lake and Forrest Jinks and the Big 5 Group L.P. for office space located at 9055 Highway 53, Suites A, B and C, Lower Lake (in the amount of \$112,500 per year), and authorized the Chair to sign.

2. **ITEM A-11 - Supervisors' weekly calendar, travel and reports** - On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Smith ABSTAIN), approved reimbursement of Supervisor Smith's fuel expenses for algae mitigation performed on his personal boat in Clear Lake.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved out of County travel for Supervisor Rushing to attend the North Central Counties Consortium meeting, on July 29, 2010, in Colusa County.

CITIZEN'S INPUT - Jacque Spiker submitted a petition of thanks to the Board for their support of the new Middletown Senior Center building.

3. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - Protest Hearings for: (a) Annual water standby charges and delinquent water fees in County Service Areas Nos. 2, 6, 7, 13, 16, 18, 20, 21 and 22; (b) Delinquent water fees in Kelseyville County Waterworks District #3; (c) Confirming collection of annual lighting fees in County Service Area No. 1 - Clear Lake Keys Lighting; and (d) Delinquent sewer fees in Lake County Sanitation District** - Special Districts Fiscal Officer Jan Coppinger presented the staff report.

(a) Chair Farrington opened the public hearing and James Hershey spoke. No one else was present wishing to speak and the public hearing was continued two weeks, to August 3, 2010, at 10:15 a.m. to allow for further departmental research.

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

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

Director Brown offered Resolution No. 2010-126, and it was passed by roll call vote (5 ayes).

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

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

Supervisor Rushing offered Resolution No. 2010-127, 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 Sanitation District.

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

Director Brown offered Resolution No. 2010-128, and it was passed by roll call vote (5 ayes).

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

4. **ITEM A-12 - Continued from June 15, July 6 and July 13, 2010 - Discussion/consideration of an appointment to the Lower Lake Cemetery District Board of Trustees** - On motion of Supervisor Smith and by vote of the Board (5 ayes), appointed Cheryl Craddick to the Lower Lake Cemetery District Board of Trustees, for a term expiring January 1, 2012.

After a brief recess, the Board reconvened into Regular Session at 9:48 a.m. Supervisor Brown was absent.

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5. **ITEM A-6 - 9:45 A.M. - PUBLIC HEARING - Discussion/consideration of approval of the following in regards to the Community Development Block Grant (CDBG) Program: (a) Annual Grantee Performance Report for Program Income Activities, including Housing Rehabilitation Revolving Loan Fund, Business Expansion and Retention Revolving Loan Fund and Public Works Facilities; (b) Proposed Resolution amending the CDBG Program Income Reuse Plan, a Reuse Plan Governing Program Income from CDBG-Assisted Activities; and (c) Proposed Resolution approving the transfer of Community Development Block Grant Program Income in the amount of \$545,000 from the Business Expansion and Retention Revolving Loan Fund to the CDBG PI Capital Project Fund to help finance the Middletown Senior Center - Chief Deputy Administrative Officer Matt Perry presented the staff report.**

Supervisor Brown was present at 9:50 a.m.

(a) This portion of the item was informational only. No Board action was taken on this item.

(b) Chair Farrington opened the public hearing and the following people spoke in support of the proposal: Jacque Spiker and George Clements. No one else was present wishing to speak and the public hearing was closed.

Supervisor Comstock offered Resolution No. 2010-129, and it was passed by roll call vote (5 ayes).

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

Supervisor Comstock offered Resolution No. 2010-130, and it was passed by roll call vote (5 ayes).

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

- BACK TO #3 - ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - Protest Hearings for: (a) Annual water standby charges and delinquent water fees in County Service Areas Nos. 2, 6, 7, 13, 16, 18, 20, 21 and 22; (b) Delinquent water fees in Kelseyville County Waterworks District #3; (c) Confirming collection of annual lighting fees in County Service Area No. 1 - Clear Lake Keys Lighting; and (d) Delinquent sewer fees in Lake County Sanitation District - Special Districts Fiscal Officer Jan Coppinger was present.**

Chair Farrington reopened the public hearing and the following people spoke: Delanore Cox and Lou Shapiro. No one else was present wishing to speak and the public hearing was closed.

No further Board action was taken on this item.

6. **ITEM A-13 - (a) Update on emergency action taken on March 2, 2010, regarding the Southeast Regional Wastewater Collection System - Interim Collection System improvements; and (b) Consideration of request for approval of right of entry permit between Lake County Sanitation District and California State Parks Department - Special Districts Fiscal Officer Jan Coppinger and Utility Systems Compliance Coordinator John Thompson were present.**

Mr. Thompson presented the staff report.

(a) On motion of Director Smith and by vote of the Board (5 ayes), determined an emergency still exists.

(b) On motion of Director Comstock and by vote of the Board (5 ayes), approved the right of entry permit between Lake County Sanitation District and California State Parks Department, and authorized the Special Districts Administrator to sign.

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

7. **ITEM A-14 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert, M. Perry and J. Hammond; and (b) Employee Organization: DSA AND LCCOA; 2. Conference with Legal Counsel: (a) Existing Litigation pursuant to Government Code Section 54956.9, Subdivision (a): In re Boeger Land Development; (b) Existing Litigation pursuant to Government Code Section 54956.9, Subdivision (a): Workers Compensation Claim of D. Madrid; (c) Decision whether to initiate Litigation pursuant to Government Code Section 54956.9, Subdivision (c): International Surfacing Systems; and Sitting as the Board of Directors of Lake County Redevelopment Agency: 3. Conference with Real Property Negotiators: (a) Property: 3700 Country Club Drive, 6607 and 6607B 14th Avenue, Lucerne, CA (APNs 034-182-03 and 034-182-04) (b) Agency Negotiator: Kelly Cox (c) Negotiating Parties: Lake County Redevelopment Agency and Bryce Ellsworth/Castlepoint Ministries (d) 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 and took the following action:

2. (a) In re Boeger Land Development: On motion of Supervisor Comstock and by vote of the Board (5 ayes), authorized the drafting of a resolution that approves the debtor's Chapter 11 plan and authorized the use of the \$800,000 cash payment under the plan to be used for the North Lakeport water system.

2. (c) Decision whether to initiate Litigation pursuant to Government Code Section 54956.9, Subdivision (c): International Surfacing Systems: On motion of Supervisor Comstock and by vote of the Board (5 ayes), determined to continue negotiations with ISS and agreed to toll the time period to file a claim to preserve any rights that it may have as of the date of filing the claim.

8. **ITEM A-7 - Continued from July 6, 2010 - 10:30 A.M. - PUBLIC HEARING - Consideration of a request for a variance from the Floodplain Management Requirements of Chapter 25 of the Lake County Ordinance Code by Christian Andreasen and Elaine Tate, to allow construction of an addition to an existing home (a conversion of an enclosed porch into an interior living space); property is located at 3126 St. Francis Drive, Lakeport, CA (APN 044-591-05) - Water Resources Director Scott DeLeon, Water Resources Engineer Tom Smythe, Christian Andreasen and Elaine Tate were present.**

Mr. DeLeon presented the staff update.

Mr. Andreasen and Ms. Tate presented further testimony.

Chair Farrington reopened 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), denied the variance, directed staff to prepare modifications to the Chapter 25 of the Lake County Code to allow construction of minor additions or improvements that fall within the regulations allowed by FEMA, and to bring these recommendations to the Board for consideration at a future date; and directed County Counsel to prepare Findings of Fact. 66

9. **ITEM A-8 - 11:00 A.M. - Discussion/consideration of priority level and options to install bridge on Wildcat Road, Kelseyville - Public Works Director Brent Siemer and Roads Superintendent Steve Stangland were present.**

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Supervisor Brown introduced the item.

Chair Farrington asked if anyone was present wishing to speak and the following people spoke: Francis Schutz, Jerry Stuefloten, Dan Fossa, Joan Moss and Kelseyville Fire Chief Mike Stone. No one else was present wishing to speak and the public input portion of this item was closed.

There was Board consensus to direct staff to investigate options to provide a route able to accommodate emergency vehicles, and to bring recommendations to the Board for consideration within a month.

10. **ITEM A-9 - Continued From July 13, 2010 - 11:25 A.M. - HEARING - Nuisance Abatement Assessment confirmation and proposed recordation of Notice of Lien in the amount of \$7,216.25 - 2070 Finley East Road, Finley, CA (APN 008-055-060 - James Allen and Dawn Allen)** - Code Enforcement Officer Roderic Hilliard and Code Enforcement Officer Kathy Freeman were present.

Supervisor Brown was absent at 12:00 p.m. and present at 12:01 p.m.

County Counsel Anita Grant confirmed proper notification of the owner at the time of the Abatement Order.

On motion of Supervisor Smith and by vote of the Board (5 ayes), confirmed the assessment of \$7,216.25 for nuisance abatement on property located at 2070 Finley East Road, Finley, CA (APN 008-055-060 - James Allen and Dawn Allen), pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

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

11. **ITEM A-10 - 11:30 A.M. - Assessment Appeal Hearings:**

(a) William Kenna - Application No. 231-2000 - 21428 Jerusalem Grade, Lower Lake, CA - APN 013-013-410 - Assessor-Recorder Doug Wacker and Chief Deputy Assessor-Recorder Jim Campbell were sworn in the by the Clerk.

Neither the owner, nor representation was present.

Chair Farrington verified notification of the owner.

On motion of Member Brown and by vote of the Board (5 ayes), denied the appeal.

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

- BACK TO #7 - ITEM A-14 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert, M. Perry and J. Hammond; and (b) Employee Organization: DSA AND LCCOA; 2. Conference with Legal Counsel: (a) Existing Litigation pursuant to Government Code Section 54956.9, Subdivision (a): In re Boeger Land Development; (b) Existing Litigation pursuant to Government Code Section 54956.9, Subdivision (a): Workers Compensation Claim of D. Madrid; (c) Decision whether to initiate Litigation pursuant to Government Code Section 54956.9, Subdivision (c): International Surfacing Systems; and Sitting as the Board of Directors of Lake County Redevelopment Agency; 3. Conference with Real Property Negotiators: (a) Property: 3700 Country Club Drive, 6607 and 6607B 14th Avenue, Lucerne, CA (APNs 034-182-03 and 034-182-04) (b) Agency Negotiator: Kelly Cox (c) Negotiating Parties: Lake County Redevelopment Agency and Bryce Ellsworth/Castlepoint Ministries (d) 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 12:35 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Mireya Turner
Assistant Clerk of the Board