

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

**OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JULY 6, 2010**

The Honorable Board of Supervisors of Lake County, California, met in regular session this 6<sup>th</sup> 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 9:01 a.m. by Chair Farrington. A moment of silence was dedicated to the memories of Karen Nelson and Father Ted Oswald. Supervisor Rushing 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-10.

Approved Minutes of the Board of Supervisors meeting held on June 15 and 22, 2010.

Appointed Anna Santana (Member-at-Large representative) and Gloria Flaherty (Member-at-Large representative) and reappoint Pam Klier (Member-at-Large representative) and Susan Jen (Member-at-Large representative) to the First 5 Lake County Commission for two year terms expiring on July 6, 2012.

Adopted Resolution No. 2010-116, adopting a Memorandum of Understanding by and between the Lake County Deputy District Attorney's Association and the County of Lake for 2010/2011.

Adopted Resolution No. 2010-117, approving Agreement No. 10-0225 with the State of California, Department of Food and Agriculture and authorizing execution of the contract and signature for insect trapping activities for Fiscal Year 2010/2011.

Adopted Resolution No. 2010-118, approving application for funding and the execution of a grant agreement and any amendments thereto from the California Department of Resources Recycling and Recovery (CALRECYCLE) for the used Oil Payment Program (OPP).

Approved a partial release of Improvement Security in the amount of \$500,000 for Rim Rock Ranch Subdivision located at 20600 Hartman Road, Middletown, CA, as per the Public Works Director's memorandum to the Board dated June 16, 2010.

Approved request and order consolidation of the City of Clearlake's election with the General Municipal Election to be held on November 2, 2010 for the purpose of electing two City Council Members, a City Clerk and a City Treasurer.

Approved Agreement between the County of Lake and The Regents of the University of California, Davis, for training services in the amount of \$55,200 (funded by State and Federal funds in the amount of \$46,920 and an in-kind match by UCD of \$8,280), and authorized the Chair to sign.

Sitting as the Board of Directors of the Kelseyville County Waterworks District #3, approved Easement Deed and directed Clerk to certify for recordation (APNs 008-040-13, 008-040-14 and 008-062-31 - Myron Holdenried and Marilyn Holdenried); and approved Right-of-Way Agreement between the County of Lake and Myron Holdenried and Marilyn Holdenried, for Kelseyville Wastewater Treatment Facilities Improvement Project authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Sanitation District, approved First Amendment to Agreement between the Lake County Sanitation District and Waterworks Engineers for professional engineering and design services (an increase of \$7,000), and authorized the Chair to sign.

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

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

The Board of Supervisors adjourned and convened as the Board of Directors of the Kelseyville County Water Works District #3.

**Change Order No. 3 - Kelseyville Wastewater Treatment Facility Improvements** - This change order provides for the addition of five feet of conductor casing for the 12 in effluent pipeline to run under Gaddy Lane.

Special Districts Administrator Mark Dellinger presented the staff report.

On motion of Director Brown and by vote of the Board (5 ayes), approved Change Order No. 3 - Kelseyville Wastewater Treatment Facility Improvements, Terracon Pipelines, Inc., for an increase of \$2,500.00, and authorized the Chair to sign the Change Order.

The Board of Directors of the Kelseyville County Water Works District #3 adjourned and convened as the Board of Directors of the Lake County Sanitation District.

4. **ITEM A-16 - Update on emergency action taken on March 2, 2010, regarding the Southeast Regional Wastewater Collection System - Interim Collection System improvements** - Special Districts Administrator Mark Dellinger provided the following update:

Long Term Solution (Lift Station and Force Main) Update:

In response to the Request for Proposals (RFP) sent out on May 28<sup>th</sup>, several additional firms have contacted the District expressing interest in the project. Clarification was provided regarding the force main alignment in Addenda #2. RFPs remain due on Friday, July 9, 2010.

Other Ongoing Work:

The smoke testing work to address the inflow and infiltration (I/I) was initiated on July 5, 2010. The contractor, Miksis Services, Inc., will be posting notifications on homes prior to testing to alert residents of the tests. Agencies (schools, police, fire, etc.) were re-notified on Wednesday, June 30<sup>th</sup>. Public Advisories were also published in the Lake County Record-Bee and the Clearlake Observer on June 30<sup>th</sup>.

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

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

5. **ITEM A-12 - Continued from June 15, 2010 - Discussion/consideration of an appointment to the Lower Lake Cemetery District Board of Trustees** - At the request of Supervisor Comstock, this item was continued two weeks, to July 20, 2010.

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6. **ITEM A-13 - Discussion/consideration of proposed policy directive clarifying the role of County Advisory Boards relative to employee personnel matters** - Supervisor Brown introduced this item.

The following sentence was added to the end of the proposed policy directive:

"This is not intended to preclude an advisory board member from contacting members of the Board of Supervisors or the applicable department head."

On motion of supervisor Brown and by vote of the Board (5 ayes) approved the policy directive, as amended.

**CITIZEN'S INPUT** - Cheri Glenn-Holden thanked the Public Works Department for the signage posted at local Lake County streams, educating the public about watersheds.

7. **ITEM A-5 - 9:15 A.M. - HEARING - Nuisance Abatement Assessment confirmation and proposed recordation of Notice of Lien in the amount of \$5920.17 - 6150 Live Oak Drive, Kelseyville, CA (APN 007-015-50 - Peter Huot and Katherine Huot)** - Community Development Director Rick Coel and Code Enforcement Officer Kathy Freeman were sworn in by the Clerk.

Neither the owner, nor representation was present.

Ms. Freeman presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), confirmed the assessment of \$5,920.17 for nuisance abatement on property located at 6150 Live Oak Drive, Kelseyville, CA (APN 007-015-50 - Peter Huot and Katherine Huot), pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

8. **ITEM A-6 - 9:30 A.M. - HEARING - Notice of Nuisance Abatement - 19062 Hidden Valley Road, Hidden Valley Lake, CA (APN 141-301-10 - Richard Mellott)** - Community Development Director Rick Coel and Code Enforcement Officer Roderic Hilliard were sworn in by the Clerk.

Neither the owner, nor representation was present.

Mr. Hilliard presented the staff report.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 19062 Hidden Valley Road, Hidden Valley Lake, CA (APN 141-301-10 - Richard Mellott), 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-14 - Discussion/consideration of proposed agreements between the County of Lake, Lake County Animal Services and Animal Coalition of Lake County for administration of the Spay and Neuter Voucher Program (approximately \$5,000 allocated to Lake County Animal Services and approximately \$3,000 allocated to Animal Coalition of Lake County)** - Acting Animal Control Director Bill Davidson presented the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Animal Coalition of Lake County for the administration of a spay/neuter voucher program, in the amount of approximately \$3,000, and authorized the Chair to sign.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Lake County Animal Services for the administration of a spay/neuter voucher program, in the amount of approximately \$5,000, and authorized the Chair to sign.

10. **ITEM A-7 - 9:45 A.M. - PUBLIC HEARING - Consideration of proposed Ordinance amending Chapter 13 of the Lake County Code (Lake County Uniform Abatement of Public Nuisances Code), related to the following: Provide a broader definition of a "Nuisance", establish a process for recovery of administrative costs, streamline the abatement process, establish consistent notification processes and procedures, clarify the provisions for weed abatement, enforce land use violations, incorporate the graffiti abatement ordinance and update the Administrative Penalties section for Notices of Violations** - Treasurer-Tax Collector Sandra Kacharos and Community Development Director Rick Coel were present.

Mr. Coel presented the staff report.

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

On motion of Supervisor Rushing and by vote of the Board (5 ayes), waived the reading of the ordinance, to be read in title only. (Clerk so did).

On motion of Supervisor Rushing and by vote of the Board (5 ayes), advanced the ordinance one week, to July 13, 2010.

After a brief recess, the Board reconvened into Regular Session at 10:45 a.m.

11. **ITEM A-8 - 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 presented the staff report.

Mr. Andreasen and Ms. Tate presented their request for a variance.

Chair Farrington opened the public hearing and James Perry spoke. No one else was present wishing to speak and the public hearing was continued two weeks, to July 20, 2010, at 10:30 a.m.

There was Board consensus to direct staff to request a meeting with FEMA representatives, Chair Farrington, Mr. Andreasen and Ms. Tate to discuss options for a variance, and to return these options to the Board for consideration on July 20, 2010, at 10:30 a.m.

12. **ITEM A-9 - 11:30 A.M. - Presentation by Mendocino National Forest Supervisor Tom Contreras regarding the budget, projects and other issues related to the Mendocino National Forest** - Mendocino National Forest Supervisor Tom Contreras presented his update to the Board.

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

13. **ITEM A-15 - Advanced from June 22, 2010 - An Ordinance amending Section 5-9B of the Lake County Code relating to Construction Traffic Road Fees (granting exemption to construction projects that do not require construction materials to be delivered by traveling on a County road) - (Second Reading)** - Public Works Director Brent Siemer and Roads Superintendent Steve Stangland were present.

Supervisor Brown offered Ordinance No. 2926, and it was passed by roll call vote (5 ayes).

14. **ITEM A-17 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert, M. Perry and J. Hammond; and (b) Employee Organization: DDA AND LCCOA 2. Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9. Subdivision (a): (a): Mishewal Wappo Tribe of Alexander Valley v. Salaza (b): In re Boeger Land Investments LLC (c): Sierra Club v. County of Lake, et al. 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 14<sup>th</sup> Avenue, Lucerne, CA (APNs 034-180-03 and 034-180-04) (b) Agency Negotiator: Eric Seely (c) Negotiating Parties: Lake County Redevelopment Agency and Bryce Ellsworth (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.

After a lunch recess, the Board reconvened into Regular Session at 1:33 p.m. Supervisor Brown was absent.

15. **ITEM A-10 - 1:30 P.M. - HEARING - Appeal of a Vicious Animal Abatement Order located at 3896 Dixie Avenue, Nice, CA (Larry Long)** - Acting Animal Control Director Bill Davidson, Animal Control Officer Morgan Hermann, Animal Control Officer Nehemiah White, Larry Long, Jonathan Cronan, Ralph Bullard, Rodney Beck, Cindy Sullivan and Linda Andrakin were sworn in by the Clerk.

Supervisor Brown was present at 1:41 p.m.

Ms. Hermann and Mr. White presented the staff report.

Mr. Long gave testimony.

Chair Farrington asked if anyone was present wishing to speak and the following people spoke: Jonathan Cronan, Ralph Bullard, Rodney Beck, Cindy Sullivan and Linda Andrakin. 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), denied the appeal and added wording to the Vicious Animal Abatement Order to ensure notification of a relocation of the animal, pending the approval of the receiving county of such relocation.

- BACK TO #14 - ITEM A-17 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert, M. Perry and J. Hammond; and (b) Employee Organization: DDA AND LCCOA 2. Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9. Subdivision (a): (a): Mishewal Wappo Tribe of Alexander Valley v. Salaza (b): In re Boeger Land Investments LLC (c): Sierra Club v. County of Lake, et al. 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 14<sup>th</sup> Avenue, Lucerne, CA (APNs 034-180-03 and 034-180-04) (b) Agency Negotiator: Eric Seely (c) Negotiating Parties: Lake County Redevelopment Agency and Bryce Ellsworth (d) Under Negotiation: Price and terms - The Board reconvened into Regular Session and took the following action:**

In the matter of the bankruptcy case In Re Boeger Land Investments, on motion of Supervisor Comstock and by vote of the Board (5 ayes), accepted the Debtor's Second Amended Plan of Reorganization and authorized the Tax Collector to execute the ballot denoting acceptance.

There being no further business, the Board adjourned at 3:10 p.m.

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Chair - Lake County Board of Supervisors

KELLY F. COX  
Clerk of the Board

By: \_\_\_\_\_  
Mireya Turner  
Assistant Clerk of the Board