

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JUNE 15, 2010

The Honorable Board of Supervisors of Lake County, California, met in regular session this 15th day of June, 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. After a moment of silence Supervisor Smith 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-7.

Approved Minutes of the Board of Supervisors meetings held on May 25 and June 1, 2010.

Approved "Partial Assignment and Assumption of Contract for Vending Machine Services" and authorized the Chair to sign.

Appointed Sara Brucker (Public Agency Representative) and incumbent Christine Bartholomew (Community Representative), to the Lake County Childcare Planning and Development Council for three year terms expiring on January 1, 2014.

Approved Amendment to Lakeport Unified School District's Conflict of Interest Code, pursuant to district's approval on May 13, 2010.

Adopted Resolution No. 2010-104, authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under agreement dated November 17, 2009 (2005/2006 Storm Damage Repair, Sulphur Bank Drive, C.R. 216, PM 1.94 - Bid No. 09-07).

Sitting as the Board of Directors of the Lake County Air Quality Management District, approved the Memorandum of Understanding between Lake County Air Quality Management District and North Coast Unified Air Quality Management District defining the scope of activities for the expenditure of California Air Resources Board Carl Moyer Memorial Incentive Grant funds from Program Year 10 (transferring the remaining Carl Moyer Year 10 funds to North Coast Unified Air Quality Management District), and authorized the Air Pollution Control Officer to sign.

Carried over from June 8, 2010 - Sitting as the Board of Directors of the Lake County Redevelopment Agency, approved Plans and Specifications for Lucerne 3rd Avenue Plaza Improvement Project, Bid No. 10-47, Grant #RN-17-002.

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

Change Orders No. 5, 6, 7 and 8 - 2005/2006 Storm Damage Repair: Sulphur Bank Drive PM 1.94 - Change Order No. 5 addresses the need for additional class 2 aggregate base rock to account for less than expected R-value of native soils and to increase the concrete wall thickness of the drainage structure, for an increase of \$6,450.00.

Change Order No. 6 addresses the need to prepare the existing CMP for salvage, for an increase of \$903.00.

Change Order No. 7 addresses additional costs to maintain the traffic signal system at the site due to the inability to work on the project because of rain delays, for an increase of \$9,203.88.

Change Order No. 8 addresses the balancing of Final In-Place quantities, for a decrease of \$379.04.

Public Works Director Brent Siemer presented the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Change Orders No. 5, 6, 7 and 8, for an increase of \$16,177.84, Granite Construction Company, and authorized the Chair to sign the Change Orders.

3. **ITEM A-5 - 9:05 A.M. - PUBLIC HEARING - Public bid opening for the sale of County real property (an improved lot with a 1,288 square foot, 3 bedroom/2 bathroom single family residential dwelling, built in 1996), located at 4855 Heidi Way, Kelseyville, California, described as Assessor's Parcel Number 242-090-32; the minimum bid price of the real property is one hundred forty-five thousand dollars (\$145,000)** - Social Services Director Carol Huchingson and Adult and Housing Services Program Manager Steve Citron were present.

Ms. Huchingson presented the staff report.

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

At the time of this hearing, zero (0) bids had been received by the Social Services Department and the Clerk of the Board's office.

There was no Board action taken on this item.

4. **ITEM A-19 - Update and request for Board direction regarding status of the bid process with North Central Counties Consortium (NCCC) - One Stop Program** - Social Services Director Carol Huchingson presented the staff report.

Chair Farrington asked if anyone was present wishing to speak and the following people spoke: Richard Birk and Nick Summerfield. No one else was present wishing to speak and the public input portion of this item was closed.

There was Board consensus to invite One Stop Program staff make a presentation to the Board regarding their activities and accomplishments over the past year. One Stop Executive Director Richard Birk voiced his support and interest in doing so.

5. **ITEM A-6 - 9:15 A.M. - Update from the Lake County Winegrape Commission on various marketing activities the commission has undertaken during the past year** - Winegrape Commission President Richard Molnar and Winegrape Commission Executive Director Shannon Gunier presented their update to the Board.

Supervisor Brown was absent at 9:42 a.m. and present at 9:45 a.m.

This item was informational only. There was no Board action taken on this item.

After a brief recess, the Board reconvened into Regular Session at 10:10 a.m. as the Board of Directors of the Lake County Air Quality Management District.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD JUNE 15, 2010

6. **ITEM A-7 - 9:30 A.M. - (a) PUBLIC HEARING - Draft Budget Hearing for Lake County Air Quality Management District, for review and public comment on the proposed 2010/2011 District Budget, in accordance with the California and convenes as the Board of Public Health and Safety Code Section 40131; (b) Proposed Resolution transferring Fiscal Year 2009/2010 funds in the amount of \$110,000, to the Lake County Air Quality Management District Office Building Designation; (c) Consideration of Recommendation to: (1) oppose further state subvention reductions; (2) to continue support of amending the Health and Safety Code to allow Lake County to impose additional vehicle registration fee for support of the Air Quality Management District; and (3) update on various district issues - Air Quality Officer Doug Gearhart and Senior Air Quality Specialist Elizabeth Knight were present.**

Mr. Gearhart presented the staff report.

(a) Chair Farrington opened the public hearing and Carter Irwin spoke. No one else was present wishing to speak and the public hearing was closed.

(b) Director Brown offered Resolution No. 2010-105, and it was passed by roll call vote (5 ayes).

(c) On motion of Director Brown and by vote of the Board (5 ayes) opposed further state subvention reductions.

On motion of Director Rushing and by vote of the Board (5 ayes), supported the concept of amending the Health and Safety Code to allow Lake County to impose additional vehicle registration fee for support of the Air Quality Management District.

The Board of Directors of the Lake County Air Quality Management District adjourned and reconvened as the Board of Supervisors.

7. **ITEM A-9 - 10:30 A.M. - (a) Consideration of proposed Resolution adopting a Memorandum of Understanding by and between Lake County Correctional Officers' Association and the County of Lake for Fiscal Year 2010/2011; and (b) Consideration of proposed Resolution adopting a Memorandum of Understanding by and between Lake Deputy Sheriff's Association and the County of Lake for Fiscal Year 2010/2011 - Chief Deputy Administrative Officer Matt Perry, Lake County Correctional Officer's Association Treasurer Bill Eagleton and Lake County Deputy Sheriff's Association President Gary Frace were present.**

Mr. Perry presented the staff report.

(a) Supervisor Brown offered Resolution No. 2010-106, adopting a Memorandum of Understanding by and between Lake County Correctional Officers' Association and the County of Lake for Fiscal Year 2010/2011, and it was passed by roll call vote (5 ayes).

(b) Supervisor Comstock offered Resolution No. 2010-107, adopting a Memorandum of Understanding by and between Lake Deputy Sheriff's Association and the County of Lake for Fiscal Year 2010/2011, and it was passed by roll call vote (5 ayes).

8. **ITEM A-8 - 10:05 A.M. HEARING - Notice of Nuisance Abatement - 10800 Diener Court, Kelseyville, CA (APN 011-069-48 - Leonard Deangelo and Jane Deangelo) - Community Development Director Rick Coel, Code Enforcement Officer Roderic Hilliard and Hamid Heidary were sworn in by the Clerk.**

Mr. Hilliard presented the staff summary.

Mr. Heidary gave testimony on behalf of the property owner.

On motion of Supervisor Brown and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 10800 Diener Court, Kelseyville, CA (APN 011-069-48 - Leonard Deangelo and Jane Deangelo), 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-10 - 10:35 A.M. - (a) Consideration of the Fiscal Year 2010/2011 recommended budget for the County of Lake and special districts governed by the Board of Supervisors; and (b) Proposed Resolution approving position allocations for Fiscal Year 2010/2011, to conform to the recommended budget; and (c) Consideration of requests for authorization to purchase certain fixed assets and fill new positions prior to adoption of the budget -**

(a) County Administrative Officer Kelly Cox presented the staff report, noting and correcting a typographical error on the staff memorandum.

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.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington NO), approved the Fiscal Year 2010/2011 recommended budget for the County of Lake and special districts governed by the Board of Supervisors.

(b) Supervisor Rushing offered Resolution No. 2010-108, and it was passed by roll call vote (5 ayes).

(c) There was consensus to carry over the Public Works request for a Paint and Sign Striping Truck to a future date, to allow for further departmental consideration.

An error was corrected in the staff memorandum, changing the Special Districts Force Main Pump Station, \$250,000, to a Temporary Mobil Pump Station, \$125,000.

An addition was made to the requests from the Sheriff's department; adding a Deputy Sheriff - Special Victims position.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the requests for authorization to purchase certain fixed assets and fill new positions prior to the adoption of the budget, as amended above.

After a lunch recess, the Board reconvened into Regular Session at 1:39 p.m.

10. **ITEM A-14 - Discussion of the federal Underutilized Disadvantaged Business Enterprise Program and determination of whether to send a letter to Congressman Mike Thompson requesting a waiver of Rule 49 of the Code of Federal Regulations which mandates that all recipients of federal financial assistance participate in the Disadvantaged Business Enterprise Program - Public Works Director Brent Siemer presented the staff report.**

There was Board consensus to direct staff to write a letter requesting the suspension of the Underutilized Disadvantaged Business Enterprise Program, and an evaluation of the program's effectiveness in meeting its original goals.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD JUNE 15, 2010

11. **ITEM A-13 - Discussion/consideration of proposed Second Amendment to the Agreement between the County of Lake and Milhous Children's Services for specialty mental health services (an increase of \$15,000, for a maximum amount of \$95,000)** - Mental Health Director Kristy Kelly presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Second Amendment to the Agreement between the County of Lake and Milhous Children's Services for specialty mental health services (an increase of \$15,000, for a maximum amount of \$95,000), and authorized the Chair to sign.

12. **ITEM A-17 - Discussion/consideration of request for authorization to submit an updated federal grant application for funding under the COPS Hiring Program (update to grant application previously approved by the Board on April 14, 2009)** - Sheriff Rod Mitchell gave a brief summary.

On motion of Supervisor Smith and by vote of the Board (5 ayes), authorized the submission of an updated federal grant application for funding under the COPS Hiring Program (update to grant application previously approved by the Board on April 14, 2009).

13. **ITEM A-12 - Discussion/consideration of an appointment to the Lower Lake Cemetery District Board of Trustees** - At the request of Supervisor Comstock, this item was carried over three weeks, to July 6, 2010.

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

14. **ITEM A-18 - 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 presented the update to the Board.

On motion of Director Comstock 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.

15. **ITEM A-15 - Consideration of proposed Resolution amending Resolution 2009-144 to amend the Final Budget for Fiscal Year 2009/2010 by making various adjustments to Budget Unit No. 1672 - Lakebed Management (appropriating \$100,000 in state grant funds for Algae removal and control)** - Water Resources Director Scott DeLeon and Water Resources Engineer Tom Smythe were present.

Mr. DeLeon 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.

Supervisor Brown offered Resolution No. 2010-109, and it was passed by roll call vote (5 ayes).

16. **ITEM A-16 - Continued from April 13, 2010 - Discussion/consideration of First Amendment to the Agreement between the County of Lake and the Regents of the University of California for sediment sampling in Clear Lake (an increase from \$20,008.56 to \$40,017.12)** - Water Resources Director Scott DeLeon and Water Resources Engineer Tom Smythe were present.

Mr. DeLeon presented the staff report.

Supervisor Brown was absent at 2:38 p.m. and present at 2:43 p.m.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the First Amendment to the Agreement between the County of Lake and the Regents of the University of California for sediment sampling in Clear Lake (an increase from \$20,008.56 to \$40,017.12), and authorized the Chair to sign.

17. **ITEM A-20 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert, M. Perry and J. Hammond; and (b) Employee Organization: DDAA; and 2. Conference with Legal Counsel - Pursuant to Government Code Section 54956.9, Subdivision (a): Mishewal Wappo Tribe of Alexander Valley v. Salazar; and 3. Conference with Legal Counsel - Pursuant to Government Code Section 54956.9, Subdivision (a): Palmer v. West Sonoma County Union, Lake County Mental Health, et al.** - Chair Farrington announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session at 3:27 p.m.

2. (a) On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved a settlement in the case of Palmer v. West Sonoma County Union School District, Lake County Mental Health, et al., in the amount of \$22,500, and authorized the Chair to sign the Settlement Agreement.

3. (a) On motion of Supervisor Comstock and by vote of the Board (5 ayes), determined to move forward with the motion to intervene in the case of Mishewal Wappo Tribe of Alexander Valley v. Salazar.

There being no further business, the Board adjourned at 3:28 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Mireya Turner
Assistant Clerk of the Board