

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MARCH 23, 2010

The Honorable Board of Supervisors of Lake County, California, met in regular session this 23rd day of March, 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 Georgine Hunt.

The meeting was called to order at 9:03 a.m. by Chair Farrington. After a moment of silence, Mr. Fred Christensen 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-13.

Approved Minutes of the Board of Supervisors meeting held on March 16, 2010.

Adopted Proclamation designating the month of April, 2010 as Child Abuse Prevention Month in Lake County.

Adopted Proclamation designating the month of April, 2010 as the Month of the Young Child in Lake County.

Accepted letter withdrawing the proposed formation of the Lake County District Attorney's Investigator's Association.

(a) Waived the 900 hour limit for extra-help Accounting Technician Eldra King; and

(b) Waived the 900 hour limit for extra-help Janitor Diana Hasty.

Adopted Resolution No. 2010-54, authorizing the summital of an Application for a CUPA Forum Trust Fund Grant and authorizing the Health Services Director to sign.

(a) Approved Budget Transfer B-178 in the amount of \$29,296 for the purchase of a wireless system for Public Health Services for the Bevins Court building (received from the California Department of Public Health), Budget Unit No. 4011 - Health Services and authorize the Chair to sign; and

(b) Approved Contract between the County of Lake and Alpha Omega Wireless for the purchase of a wireless system for Public Health Services for the Bevins Court building in the amount of \$29,821 and authorized the Chair to sign.

Adopted Resolution No. 2010-55, amending Resolution No. 2010-32 to amend the Final Budget for Fiscal year 2009/2010 by making various adjustments to Budget Unit No. 2113-Victim Witness (an increase of \$18,000 in Account No. 453.54.90 and \$18,000 in Account 721-28-30, funding received from reimbursement by the State of California for expenditures made for witness protection).

Approved Grant Deed and direct Clerk to certify for recordation (a portion of APN 016-033-04 - Glenn G. Baker - Trustee and Karen Louise Baker - Trustee); and approved Purchase Agreement between the County of Lake and Glenn G. Baker and Karen Louise Baker, for Bartlett Springs Road-Storm Damage Project and authorize the Chair to sign.

Adopted Resolution No. 2010-56, amending the Salary and Classification Plan for the classification of housing Program Coordinator and Section 8 Family Self Sufficiency Case Manager.

Sitting as the Board of Directors of Lake County Air Quality Management District, adopted Resolution No. 2010-57, authorizing participation in "Year 12" Carl Moyer Program, and authorizing the Air Pollution Control Officer to submit grant application and sign program documents.

Sitting as the Board of Directors of Lake County Air Quality Management District, adopted Resolution No. 2010-58, transferring Fiscal Year 2009/2010 Unreserved Fund Balance into the Lake County Air Quality Management District Office Building Designation in the amount of \$6,808.97.

Sitting as the Board of Directors of Lake County Sanitation District, adopted Resolution No. 2010-59, authorizing the Special Districts Administrator to sign a Notice of Completion for work performed under agreement dated February 25, 2010 (Bear Canyon Zero Booster Pump Station Project TerraCon Pipelines, Inc.).

2. **ITEM A-20 - Consideration of approval of Findings of Fact - 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** - On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Rushing NO), approved Findings of Fact 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 and authorized the Chair to sign.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Rushing NO), denied 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.

3. **ITEM A-19 - Discussion and request for Board direction regarding the appointment of Jessica Leishman to the Animal Control Advisory Board on February 2, 2010 (which resulted in an extra member sitting on the board), and consideration of options for amending the composition of the Animal Control Advisory Board** - Administrative Officer Kelly Cox informed the Board that due to an error in the records maintained by the Office of the Clerk of the Board of Supervisors, on two separate occasions during the past year individuals were appointed to the Animal Control Advisory Board when there were actually no vacancies on the Board. This error has resulted in two extra members being appointed, which makes a total of nine members on this Advisory Board. Mr. Cox also gave an overview of several options that are available to address this issue.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved to temporary increase the composition of the Animal Control Advisory Board by two members in the "at-large" category, to a total of nine members and will continue to exist until such time that future vacancies occur or until all current terms expire in January of 2011, and in the event all nine of the current members are still on the Advisory Board in January 2011, and wish to be reappointed, at that time the Board of Supervisors will consider extending the two additional position beyond January of 2011.

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

4. **ITEM A-7 - 9:15 A.M. - PUBLIC HEARING - Proposed purchase of real property consisting of land located at 1305 Reclamation Road, Upper Lake, CA (APN 004-021-30), the agreed purchase price is \$230,000 and the seller is Deutsche Bank National Trust Company, as trustee for Long Beach Mortgage Loan Trust 2006-06** - Public Works Brent Siemer was present.

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

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On motion of Director Rushing and by vote of the Board (4 ayes, Director Brown NO), approved the Agreement between the Lake County Watershed Protection District and Deutsche Bank National Trust Company, as trustee for Long Beach Mortgage Loan Trust 2006-06, for purchase of real property in the amount of \$230,000, consisting of land located at 1305 Reclamation Road, Upper Lake, CA (APN 004-021-30), and authorized the Chair to sign.

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

5. **ITEM A-8 - 9:30 A.M. - HEARING - Notice of Nuisance Abatement - 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 property owner nor a representative was present.

Mr. Coel presented the staff report.

Ms. Freeman gave a power point presentation regarding the conditions of the property.

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 6150 Live Oak Drive, Kelseyville, CA (APN 007-015-50 - Peter Huot and Katherine Huot), 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.

6. **ITEM A-18 - Discussion/consideration of hearing procedure: Whether to allow written briefs in lieu of a disciplinary hearing, Employee Appeal No. 2010-01 (pursuant to employee's request)** - County Counsel Anita Grant gave a overview of the disciplinary process when a request has been made to submit the matter to the Board in writing in lieu of a formal evidentiary hearing. Also, the Board will need to determine a deadline for the submittal of written briefs and schedule a formal evidentiary hearing.

There was consensus by the Board that the deadline for parties to submit written briefs to the Clerk of the Board, will be on April 6, 2010, before 5:00 p.m. and the formal evidentiary hearing be scheduled on April 20, 2010, at 1:30 p.m.

7. **ITEM A-9 - 9:45 A.M. - HEARING - Notice of Nuisance Abatement - 2646 Lakeshore Boulevard, Lakeport, CA (APN 028-283-06 - Fred E. Reinell and Vicki S. Reinell)** - Community Development Director Rick Coel and Code Enforcement Officer Kathy Freeman were sworn in by the Clerk.

Neither the property owner nor a representative was present.

Mr. Coel presented the staff report.

Ms. Freeman gave a power point presentation regarding the conditions of the property.

Supervisor Farrington had concerns about the property owner having two different addresses and asked staff if the hearing notice had been mailed to both addresses.

Staff informed the Board that the notice had only been mailed to the Lakeport address and not the Napa address.

The Board continued this item to April 6, at 10:00 a.m., and staff was directed to mail a new hearing notice to both addresses.

After a short recess, the Board reconvened at 10:00 a.m.

8. **ITEM A-10 - 10:00 A.M. - Discussion/consideration of options regarding the investigation of the possible misappropriation of public funds (Sheriff's DEA grants for marijuana eradication and the use of funds for helicopter pilot training) and review of communications received from State Attorney General and Federal Aviation Administration in regard to the Board's previous requests** - District Attorney John Hopkins was present.

County Counsel Anita Grant gave an overview of pursuing civil and legal actions against Sergeant Dave Gazoli. If the County decides to take civil action against Sergeant Dave Garzoli, would include but not limited to reimbursement of his salary that he claimed he was working and the portion of the DA grant that he claimed was for marijuana eradication, but was actually doing helicopter training.

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

There was a lengthy discussion between the Board and Mr. Hopkins regarding the criminal investigation of the allocations of the misappropriation of public funds

There was consensus by the Board, for County Counsel to pursue the possibility of taking civil action against Sergeant Dave Garzoli and recommendations will be brought back to the Board at a later date for consideration.

Mr. Hopkins agreed to pursue with a criminal investigation regarding the allocation of the misappropriation of public funds by Sergeant Dave Garzoli.

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

9. **ITEM A-11 - 10:15 A.M. - Discussion/consideration of proposed letters to state and federal agencies requesting funding for further research in the Geysers geothermal field to better understand the mechanisms causing earthquakes and to identify more effective mitigation measures by the geothermal industry to the surrounding communities of the Geysers area** - Special Districts Administrator Mark Dellinger was present and gave a brief overview of the request.

Chair Farrington asked if anyone present wishing to speak and the following persons spoke: Mr. Hamilton Hess, Mr. Ron Fidge and Meriel Medrono. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Director Comstock and by vote of the Board (5 ayes), approved letters to state and federal agencies requesting funding for further research in the Geysers geothermal field to better understand the mechanisms causing earthquakes and to identify more effective mitigation measures by the geothermal industry to the surrounding communities of the Geysers area and authorized the Chair to sign.

10. **ITEM A-12 - 10:30 A.M. - (a) Discussion/consideration of a proposed Ordinance amending Section 7068 of the Sewer Use ordinance pertaining to Sewer System Capacity Fees for connections to the Southeast Regional Wastewater Collection System; and**

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(b) Discussion/consideration of a proposed Resolution amending Section 10 of the Lake County Sanitation Districts Wastewater Rules and Regulations - Special Districts Administrator Mark Dellinger and Fiscal Officer Jan Coppinger were present.

Mr. Dellinger gave an overview of the proposal. The objective of the ordinance is to develop a fee schedule to equitably recover the costs of capital assets, including existing and future facilities, required for the wastewater collection system to serve new development. This proposed charge will allow new development to "buy-in" to the Southeast Regional collection system and will allow LACOSAN to recover costs for both the existing collection system assets and required capital improvement that will provide benefit to all current and future customers.

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

On motion of Director Smith and by vote of the Board (5 ayes), waived the reading of the ordinance and had it read in title only (Clerk so did).

On motion of Director Smith and by vote of the Board (5 ayes), advanced the ordinance two weeks to April 6, 2010.

Director Smith offered Resolution No. 2010-60, and it was passed by a roll-call vote (5 ayes).

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

11. ITEM A-6 - 9:10 A.M. - (a) Presentation of Proclamation designating the month of April, 2010 as Child Abuse Prevention Month in Lake County; and

(b) Presentation of Proclamation designating the month of April, 2010 as the Month of the Young Child in Lake County -Supervisor Rushing read the Proclamation designating the month of April, 2010 as Child Abuse Prevention Month in Lake County into the record.

The Proclamation was presented to Mr. Tom Jordan and other people involved with the prevention programs.

Supervisor Smith read the Proclamation designating the month of April, 2010 as the Month of the Young Child in Lake County.

The Proclamation was presented to Shelly Mascari and other people involved with the prevention programs.

12. ITEM A-13 - 10:45 A.M. - (a) Presentation on Licensing and Enforcement of the Tobacco Control Program; and

(b) Discussion/consideration and request for Board direction regarding proposed amendments to a draft ordinance regarding enforcement of tobacco laws (Tobacco Retailer License) - Health Services Director Jim Brown and Health Services Administrative Manager Denise Pomeroy were present.

Ms. Pomeroy gave power-point presentation on the Licensing and Enforcement of the Tobacco Control Program.

Chair Farrington asked if anyone present wished to speak on this item and the following persons spoke: Mr. Dave Robinson and Mr. Lowell Grant. No one else was present wishing to speak and the public portion of this item was closed.

The Board discussed several options regarding the enforcement of tobacco laws. The main discussion focused on the licencing program for businesses that sell tobacco products. .

The Board directed staff to come back at a later date with options regarding the administration of the enforcement of the tobacco laws. The main issues for staff to review included the cost of a licensing program, an annual fee for the sale of tobacco products and a penalty schedule for businesses that sell tobacco products to minors.

13. ITEM A-14 - 11:15 A.M. - Presentation by Calpine representatives regarding operations at the Geysers - Due to an unanticipated scheduling conflict, Calpine representatives requested that this item be continued to April 6, 2010, at 9:30 a.m.

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

14. ITEM A-15 - 11:30 A.M. - Assessment Appeal Hearings: Stanley Bauman - Trustee and Ellen Bauman - Trustee - Application No. 140-2009 and 170-2009 - APNs 043-572-27 and 043-572-28 - located at 9992 and 10004 Fairway Drive, Kelseyville, CA - On March 22, 2010, staff received requests to withdraw Application Numbers 140-2009 and 170-2009. There was no further action is required on this item.

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

15. ITEM A-16 - 11:50 A.M. - Consideration of request from the City of Lakeport for waiver of Environmental Health Fees in the amount of \$315.50, for operation of a concession stand at Westshore Pool - Environmental Health Director Ray Raminski was present.

Lakeport City Attorney Steve Brookes was also present and gave an overview of the request.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the waiver of Environmental Health Fees in the amount of \$315.50, for the operation of a concession stand at Westshore Pool.

16. ITEM A-21 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert, M. Perry and J. Hammond: and (b) Employee Organization: LCCOA, SDA and DDAA - 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.

There being no further business, the Board adjourned at 12:59 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board