

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MARCH 9, 2010

The Honorable Board of Supervisors of Lake County, California, met in regular session this 9th day of March, 2010, there being present Supervisors Jim Comstock, Jeff Smith, Rob Brown and Anthony Farrington, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Georgine Hunt. Supervisor Rushing was absent until 9:45 a.m.

The meeting was called to order at 9:02 a.m. by Chair Farrington. Following the moment of silence, Deputy Redevelopment Director Eric Seely led the salute to the flag of the United States of America.

1. **ITEM A-1 - 9:00 A.M. - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Rushing ABSENT), approved the Consent Agenda Items C-1 through C-12.

Approved Minutes of the Board of Supervisors meeting held on March 2, 2010.

Appointed incumbent Steve Shifflett (ER Affiliated-Medical Care Coordinator) for a term expiring on January 1, 2011.

Appointed Domingo Rodriguez and Beverly Van Pelt to the Mental Health Advisory Board for terms expiring on January 1, 2011.

Authorized the Auditor-Controller to reissue a check in the amount of \$92.62 to Michelle Scully that was issued on October 11, 2005 (never cashed).

Adopted Resolution No. 2010-46, approving Agreement 10-C0015 with the State of California, Department of Pesticide Regulation and authorizing execution and signature for the electronic submission of pesticide use data during Fiscal Year 2010/2011.

Approved 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 in the amount of \$13,600 and authorized the Chair to sign.

Approved Easement Deed and direct Clerk to certify for recordation (APN 012-006-32 - John R. Fischer- Trustee, Marjorie H. Fischer - Trustee and David Randall Fischer); and approved Right-of-Way Agreement between the County of Lake and John R. Fischer - Trustee, Marjorie H. Fischer - Trustee and David Randall Fischer for Big Canyon Road, REMA Storm Damage Project and authorized the Chair to sign.

Awarded Bid No. 10-23 to Clover Lake County (Schedule 1, 3, 5 and 6) and Producer's Dairy (Schedule 3), at unit prices submitted, on a per item basis as shown in the Memorandum from Sheriff Rodney Mitchell dated February 19, 2010, and authorized the Chair to sign both bid awards.

Waived the 900 hour limit for extra-help employee Linda Lee (for an additional 500 hours).

Adopted Resolution No. 2010-47, amending Resolution No. 2009-240 establishing position allocations for Fiscal Year 2009/2010, Budget Unit No. 5164 - Housing Administration (adding one Housing Program Coordinator position and one Section 8 Family Self Sufficiency Case Manager position).

Sitting as the Board of Directors of Lake County Sanitation District, approved Budget Transfer B-137, transferring \$19,136 from Object Code 18 - Maintenance-Building and Improvements to Object Code 62.74 - Capitol Assets-Equipment, in Budget Unit No. 8350 - LACOSAN, in order to properly classify expenditures previously approved in the Final Budget and authorized the Chair to sign.

Sitting as the Board of Directors of Lake County Watershed Protection District, adopted Resolution No. 2010-48, authorizing the Deputy Director of Water Resources to sign State Water Resources Control Board Grant establishing funding for mitigation and cleanup of nuisance algae blooms.

The Board of Supervisors adjourned and convened as the Board of Directors of Lake County Redevelopment Agency.

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

Contract Change Order No. Two - Lucerne 3rd Avenue Plaza Pier - This change order addresses the discrepancy in the lighting specifications. The plans call for a light that does not match the existing lights in Alpine Park.

Deputy Redevelopment Director Eric Seely was present and gave an overview of the change order.

On motion of Director Smith and by vote of the Board (4 ayes, Director Rushing ABSENT), approved Change Order No. 2 for an increase of \$562.00, Stewart Engineering Inc., Lucerne 3rd Avenue Plaza Pier, and authorized the Chair to sign.

The Board of Directors of Lake County Redevelopment Agency adjourned and reconvened as the Board of Supervisors.

3. **ITEM A-14 - Advanced from March 2, 2010 - An Ordinance amending Section 4-3 and adding Section 4-19 to Chapter 4 of the Lake County Code relating to nuisance animals - (Second Reading)** - Supervisor Smith offered Ordinance No. 2920, and it was passed by a roll-call vote (4 ayes, Supervisor Rushing ABSENT).

4. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - Planning Commission's recommendation for approval of a rezone (RZ 09-08) proposed for Kathryn Faloon, consideration of a proposed ordinance rezoning lands from "APZ" (Agricultural Preserve) to "RL" (Rural Lands); and a partial or cancellation of Williamson Act Contract 72-05; and the adoption of a Negative Declaration for RZ 09-08, based on the Initial Study 09-38; located at 21258 Morgan Valley Road, Lower Lake, CA (APN 012-069-07)** - Community Development Director Rick Coel and Associate Planner Bill Stockton were present.

Mr. Stockton gave an overview of the proposal.

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

On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Rushing ABSENT), found on the basis of Initial Study 09-38 that the rezone as applied for by Kathryn Faloon will not have a significant effect on the environment and therefore adopted a Negative Declaration for the proposed rezone with the finding listed in the memorandum dated February 10, 2010.

On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Rushing ABSENT), that the environmental effects of this partial cancellation of the Williamson Act Contract as set forth in the proposed Negative Declaration which has been prepared for this project has been reviewed and considered and approved the proposed partial cancellation applied for by Kathryn Fallon on property located at 21258 Morgan Valley Road, Lower Lake, for the reasons listed in the memorandum dated February 10, 2010.

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On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Rushing ABSENT), waived the reading of the Ordinance and had it read in title only (Clerk so did).

Supervisor Comstock offered Ordinance No. 2921, and it was passed by a roll-call vote (4 ayes, Supervisor Rushing ABSENT).

5. **ITEM A-15 - 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; and**

ERRATUM ITEM A-1 - CLOSED SESSION - Sitting as the Board of Directors of the Lake County IHSS Public Authority - Conference with labor negotiator: (a) Agency Negotiators: C. Huchingson and F. Buchanan and (b) Employee Organization: California United Homecare Workers - Chair Farrington announced that the Board will now go into Closed Session for the reasons stated on the agenda and the erratum.

Supervisor Rushing was present 9:45 a.m.

The Board reconvened into Regular Session with no action taken.

After a short recess, the Board reconvened at 10:07 a.m.

6. **ITEM A-6 - 9:30 A.M. - PUBLIC HEARING - Consideration of proposed Resolution declaring the public necessity for taking and condemning property for the Bartlett Springs Road-FEMA Project MPM 29.7 and authorizing the filing of suit for condemnation - Public Works Director Brent Siemer was present and stated that Glenn and Karen Baker have completed all but one document and they are in the process of completing it. It is being requested that the Board to proceed with the condemning of the property in case the Baker's do not complete the required paperwork.**

Supervisor Rushing offered Resolution No. 2010-49, and it was passed by a roll-call vote (5 ayes).

There was consensus to make amendments in the letter addressed to Glenn and Karen Baker.

7. **ITEM A-7 - 9:45 A.M. - Presentation of the California Chip Seal Association's 2009 Innovative Project of the Year Award to the Board of Supervisors - Road Superintendent Steve Stangland was present and informed the Board that the Highland Springs Road/Big Valley Road reconstruction and shoulder stabilization project had been selected for the 2009 Innovative Project of the Year Award.**

Mr. Stangland presented the Board with the California Chip Seal Association's 2009 Innovative Project of the Year Award.

8. **ITEM A-8 - 9:50 A.M. - Discussion/consideration of Third Amendment to Agreement between the County of Lake and Lake County Community Action Agency (LCCAA) for provision of perinatal treatment for pregnant or parenting women experiencing alcohol or drug related problems for Lake County residents (an increase of \$20,000) - Mental Health Director Kristy Kelly was present.**

There was a discrepancy in the amount stated in the memorandum and the amount of the contract. This item was continued after A-9 for clarification.

9. **ITEM A-9 - 9:55 A.M. - Discussion/consideration of First Amendment to the Agreement between the County of Lake and St. Vincent's School for Boys - A Program of Catholic Charities CYO for placement of children in the residential treatment program for a maximum contract amount of \$50,000 - Mental Health Director Kristy Kelly was present.**

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the First Amendment to the Agreement between the County of Lake and St. Vincent's School for Boys - A Program of Catholic Charities CYO for placement of children in the residential treatment program for a maximum contract amount of \$50,000 and authorized the Chair to sign.

- BACK TO #8 - ITEM A-8 - 9:50 A.M. - Discussion/consideration of Third Amendment to Agreement between the County of Lake and Lake County Community Action Agency (LCCAA) for provision of perinatal treatment for pregnant or parenting women experiencing alcohol or drug related problems for Lake County residents (an increase of \$20,000) - Mental Health Director Kristy Kelly was present.**

County Administrative Officer Kelly Cox verified that the amount stated in the contract is correct.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Third Amendment to Agreement between the County of Lake and Lake County Community Action Agency (LCCAA) for provision of perinatal treatment for pregnant or parenting women experiencing alcohol or drug related problems for Lake County residents (an increase of \$20,000), and authorized the Chair to sign.

10. **ITEM A-10 - 10:00 A.M. - Consideration of recommendation to reorganize the Building and Safety Division including proposed Resolution to reduce current level of staffing - Community Development Director Rick Coel and Chief Building Official David Jezek were present.**

Mr. Coel gave an overview of the proposal, which included the elimination of the Building Inspection II and the Senior Building Inspector positions. The Senior Building Inspector has announced his intentions to retire, effective April 20, 2010. Staff is requesting that the elimination of these two positions go into effect on April 21, 2010.

On motion of Supervisor Smith and by vote of the Board (5 ayes), amending Resolution No. 2010-15 establishing position allocations to conform to the Fiscal Year 2009-2010 Final Budget Unit No. 2602- Building and Safety (deleting two Building Inspector I/II allocations and deleting one Building Inspector, Senior allocation), effective on April 21, 2010.

11. **ITEM A-11 - 10:15 A.M. - (a) Discussion/consideration of request for staff to immediately prepare a Request for Proposal (RFP) for mechanical harvesting of aquatic weeds on Clear Lake; and**

(b) Discussion/consideration of request to utilize monies set-aside from the sale of the Cove Resort that have been dedicated for aquatic weed management purposes - Chair Farrington stated that mechanical harvesting and/or herbicide spraying be included in RFP. Also, either by mechanical harvesting or spraying, boat lanes need to be created in order to allow public access to launching facilities and open waters.

There was discussion by the Board and staff regarding mechanical harvesting and herbicide spraying and the benefits of using both methods on Clear Lake.

Chair Farrington asked if anyone present wished to speak on this item and the following persons spoke: Jack Wadhams and Todd Falconer. No one else was present wishing to speak and the public portion of this item was closed.

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On motion of Supervisor Rushing and by vote of the Board (5 ayes), directed staff to prepare an RFP for mechanical harvesting and/or herbicide spraying of aquatic weeds on Clear Lake (cost per acres), including the cost to create boat lanes for public access to launching facilities and open waters.

There was consensus to utilize monies set-aside from the sale of the Cove Resort that have been dedicated for aquatic weed management purposes.

12. **ITEM A-13 - Supervisors' weekly calendar, travel and reports** - On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Brown NO), approved out-of-county travel for Supervisor Rushing on March 16, 2010, to Sacramento to accept the Green California Leadership Award in the category of Green Culture for the Lucerne Creek Community Park Project.

13. **ITEM A-12 - 10:30 A.M. - CLOSED SESSION - Public Employee Appointment (interviews of applicants for Information Technology Director)** - Chair Farrington announced that the Board will now go back into Closed Session for interview of applicants for Information Technology Director.

The Board reconvened into Regular Session with the following action taken: On motion of Supervisor Rushing and by vote of the Board (5 ayes), appointed Shane French as Information Technology Director (effective date to be determined).

There being no further business, the Board adjourned to March 10, 2010, at 6:00 p.m., for the meeting with State Board of Equalization Chairwoman Betty Yee for discussion of the State of California's economy and budget.

(Clerks Note: The Board did not reconvene on March 10, 2010, due to lack of a quorum. Supervisors Rushing and Comstock were present for the meeting with Betty Yee. Supervisors Smith Brown and Farrington were absent).

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board