

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MAY 25, 2010

The Honorable Board of Supervisors of Lake County, California, met in regular session this 25th day of May, 2010, there being present Supervisors Jim Comstock, Jeff Smith, Denise Rushing, Rob Brown and Anthony Farrington, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Georgine Hunt.

The meeting was called to order at 9:01 a.m. by Chair Farrington. Following the moment of silence, County Counsel Anita Grant 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 Smith and by vote of the Board (5 ayes), approved the Consent Agenda Items C-1 through C-13, with the exception of Consent Item C-1 and C-3, both items will be taken up immediately following the approval of the Consent Agenda.

Appoint Bryan Schwartz to the Lake County EMCC Advisory Board (Southlake Fire representative), for a term expiring on January 1, 2011.

Adopted Resolution No. 2010-89, approving a Renewal Agreement between the County of Lake and the State of California Health Services Department for the Immunization Assistance Program Grant for Fiscal Year 2010/2011.

Adopted Resolution No. 2010-90, temporarily authorizing a road closure, prohibiting parking and authorizing removal of vehicles and ordering the Department of Public Works to post signs for purposes of conducting Middletown Days parade and events (from 12:00 p.m., June 18, 2010 through 8:00 p.m. June 20, 2010).

Approved Grant Deed and direct Clerk to certify for recordation (a portion of APN 027-193-18 - Curtis Holding, Inc.); and approve Purchase Agreement between the County of Lake and Curtis Holding, Inc., for Upper Lake Main Street Improvement Project and authorized the Chair to sign.

Approved Grant Deed and direct Clerk to certify for recordation (a portion of APNs 027-213-12 and 027-213-13 - Woodrow A. Flud and Eunice M. Flud); and approve Purchase Agreement between the County of Lake and Woodrow A. Flud and Eunice M. Flud, for Upper Lake Main Street Improvement Project and authorized the Chair to sign.

Approved Plans and Specifications for Elk Mountain Road PM 35.7 and PM 35.9 for storm damage repair and authorized Public Works Director/Assistant Purchasing Agent to advertise for bids.

Approved Agreement between the County of Lake and State of California, Department of Transportation for exchange of federal transportation dollars for state exchange and matching dollars (in the amount of \$244,873), and authorized the Chair to sign.

Approved Contract between the County of Lake and Souther Folder for the partial retrofit and installation of security locks at the Lake County Jail/Hill Road Facility in the amount of \$10,805 and authorized the Chair to sign.

Adopted Resolution No. 2010-91, declaring intent to sell surplus real property owned by the County of Lake (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, APN 242-090-32 (minimum bid price \$145,000), and set public hearing on June 15, 2010, at 9:06 a.m.

Approved claims for excess proceeds from Tax Sale #147 (Group 1 Final), per Section 4675 of the Revenue and Taxation Code as recommended in the Memorandum dated May 25, 2010, from Treasurer-Tax Collector Sandra Kacharos.

Sitting as the Board of Directors of Lake County Air Quality Management District, adopted Resolution No. 2010-92, amending Resolution No. 2009-145, establishing position allocations to conform to the Fiscal Year 2009/2010 Final Budget, Budget Unit No. 8799 - Air Quality Management District (deleting one Deputy Air Pollution Control Officer allocation and adding one Air Quality Engineer/Senior Air Quality Engineer allocation).

CONSENT ITEM C-1 - Consideration of approval of Minutes of the Board of Supervisors meeting held on April 27 and May 4, 11 and 18, 2010 - A memorandum from Assistant Clerk of the Board Georgine Hunt, dated May 25, 2010, was received and requested the Board to pull the May 11, 2010, Minutes and approve the May 4 and 18, 2010, Minutes.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Minutes of the Board of Supervisors meeting held on May 1 and 18, 2010.

The May 11, 2010, Minutes will be placed on the April 27, 2010, agenda for consideration.

CONSENT ITEM C-3 - Consideration of proposed Resolution approving the Master Grant Agreement between the County of Lake and the State of California for the HIV AIDS Surveillance Program for Fiscal Years 2010/2011, 2011/2012 and 2012/2013 and authorizing the Director of Health Services to sign - A memorandum from Health Services Secretary Jessie Wisner, dated May 20, 2010, was received and requested the Board to pull this item from today's agenda.

This item will be placed on the agenda at a later date for consideration.

2. **ITEM A-10 - Discussion/consideration of proposed Sixth Amendment to the Agreement between the County of Lake and Crestwood Behavioral Health, Inc. for mental health services for Fiscal Year 2009/2010 in the amount \$235,000 (an increase of \$25,000)** - Mental Health Director Kristy Kelly was present and gave a brief overview of the amendment. The Mental Health Department is experiencing an increase in the number of high acuity client placements and there is no other service provider that is able to provide this service, it is being requested to increase the total reimbursement before the funds are exhausted for this fiscal year.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Sixth Amendment to the Agreement between the County of Lake and Crestwood Behavioral Health, Inc. for mental health services for Fiscal Year 2009/2010 in the amount \$235,000 (an increase of \$25,000), and authorized the Chair to sign.

3. **ITEM A-11 - Discussion/consideration of proposed First Amendment to Agreement between the County of Lake and Hallis CPA for cost report preparation services in the amount of \$14,000 (an increase of \$4,050)** - Mental Health Director Kristy Kelly was present and gave a brief overview of the amendment. Each Year, the Mental Health Department is required under the contract with the State Department of Mental Health to submit an accurate Cost Report of accounting costs for the previous year. The need for assistance increased for Fiscal Year 2009/2010 because of cash flow issues for that year creating a distortion of reportable information.

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On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the First Amendment to Agreement between the County of Lake and Hallis CPA for cost report preparation services in the amount of \$14,000 (an increase of \$4,050), and authorized the Chair to sign.

4. **ITEM A-9 - Supervisors' weekly calendar, travel and reports** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved a Certificate of Appreciation to Rick Coel for the expedition of the Major Use Permit for Reynaldo Robledo for the establishment of a winery and tasting room and authorized the Chair to sign.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved a Certificate of Appreciation to Lakeport Fire Chief Ken Wells, Lakeport Fire Department and the Diamond Jacks baseball team for their hard work to beautify Main Street in Lakeport for the upcoming Memorial weekend events.

5. **ITEM A-5 - 9:15 A.M. - Discussion/consideration of Resolution in support of the Big Valley Wetlands Project being undertaken by the Lake County Land Trust** - Ms. Roberta Lyons, representative of Lake County Land Trust was present and gave a brief overview of the project. The purpose of this project is to secure the continued existence of the valuable wetland fringe along the Big Valley shoreline, between Clear Lake State Park and the South Lakeport area. This project involves the purchase of conservation easement and/or fee title of certain lands adjacent to the shoreline of Clear Lake. The Lake County Land Trust will work with private foundations, federal agencies and the State of California, including but not limited to the Wildlife Conservation Board of the State Department of Fish and Game.

Supervisor Rushing offered Resolution No. 2010-93, and it was passed by a roll-call vote (5 ayes).

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

6. **ITEM A-16 - Consideration of request to issue Request for Qualifications (RFQ) for Holiday Harbor Resort-Based Mixed-Use Development** - Deputy Redevelopment Director Eric Seely and Deputy CAO for Economic Development Debra Sommerfield were present.

Administrative Officer Kelly Cox gave an overview of the proposal. This RFQ is the first step in the process that will allow the Board to select a developer or development team with the capabilities, experience, capacity and demonstrated successes needed to prepare and implement a project of this complexity. The Agency Board will have the option of selecting a developer/development team based on RFQ submittals only or it may ask up to three developers/development teams to submit further information or consideration. Once the Board selects a developer/development team, it may move forward and enter into an Exclusive Negotiating Rights Agreement, which may culminate in a Disposition and Development Agreement between the Agency and developer.

On motion of Director Rushing and by vote of the Board (5 ayes), approved the issuance of the Request for Qualifications (RFQ) for Holiday Harbor Resort-Based Mixed-Use Development.

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

7. **ITEM A-6 - 9:30 A.M. - Discussion/consideration of changing the yearly burn ban initiation date for years with heavy rainfall and temporarily suspending this year's burn ban** - Supervisor Brown requested that this item be carried over to June 1, 2010, at 9:15 a.m.

8. **ITEM A-12 - Presentation of Report on the National Association of County Engineers (NACE) Annual Conference** - Public Works Director Brent Siemer was present and presented the report, which included reauthorization of federal transportation funding, warm-mix asphalt, soils stabilization, county highway safety planning, transportation ethics, GIS and Government, pavement and base stabilization/modification and networking.

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

9. **ITEM A-13 - (a) Discussion/consideration of request to approve a partial release of Improvement Security in the amount of \$400,000 for Rim Rock Ranch Subdivision located at 20600 Hartmann Road, Middletown, CA; and**

(b) Consideration of request to authorize the Public Works Director to approve any future requests for partial release Improvement Security for Rim Rock Ranch Subdivision - Public Works Director Brent Siemer was present and gave a brief background report. On October 16, 2007, the County entered into a subdivision agreement with Rim Rock Ranch, LLC, for the remaining improvements required for the for the Rim Rock Ranch Vineyard Estates Subdivision. The agreement required the developer to provide labor, material and faithful performance security in the amount of \$1,502,584.50, for the remaining improvements. The agreement allows for a security reduction approved by the Board upon completion of a significant portion of the required improvements. A significant portion of the required improvements have been completed and a reduction of \$400,000 to the improvement security is recommended.

(a) On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved a partial release of Improvement Security in the amount of \$400,000 for Rim Rock Ranch Subdivision located at 20600 Hartmann Road, Middletown.

(b) There was consensus by the Board that any future requests for partial release Improvement Security for Rim Rock Ranch Subdivision will be brought back to the Board for consideration.

10. **ITEM A-14 - (a) Discussion/consideration of request to authorize Public Works to issue a Purchase Order to CSU, Chico Research Foundation in the amount of \$30,000 for Permazyme stabilized soils testing; and**

(b) Discussion/consideration of request to accept a contribution from Pacific Enzymes, Inc. in the amount of \$20,000 to be applied to the Purchase Order to CSU, Chico Research Foundation for Permazyme stabilized soils testing - Public Works Director Brent Siemer was present and gave a brief overview. The Department of Public works has been working with the California Pavement Preservation center located at Chico State University, to develop the necessary testing protocols. The purpose of this study is to determine the strength of treated soils in a dry and wet state to determine what G values should be used for typical soil types in northern California. This work will be done over the summer by the CP2 Center using soil samples provided by Public Works. Pacific Enzymes, Inc. has volunteered to supply the enzymes and contribute \$20,000 to the cost of testing.

(a) On motion of Supervisor Comstock and by vote of the Board (5 ayes), authorized Public Works to issue a Purchase Order to CSU, Chico Research Foundation in the amount of \$30,000 for Permazyme stabilized soils testing.

(b) On motion of Supervisor Comstock and by vote of the Board (5 ayes), before funds are spent, the Public Works Director was directed to work with County Counsel for negotiations with Pacific Enzymes, Inc. for the contribution of products, and accepted the contribution from Pacific enzymes, Inc. in the amount of \$20,000 to be applied to the Purchase Order to CSU, Chico Research Foundation for Permazyme stabilized soils testing.

After a short recess, the Board reconvened at 10:24 a.m.

- 11. **ITEM A-7 - 10:00 A.M. - (a) HEARING - Appeal of Order for Destruction of a Vicious Animal located at 6308 5th Avenue, Lucerne, CA (Eddie Robinson); and**

(b) HEARING - Appeal of a Vicious Animal Abatement Order located at 6308 5th Avenue, Lucerne, CA (Eddie Robinson) - Animal Control Acting Director Bill Davidson, Animal Control Officer Morgan Herman and Animal Control Officer Nehemiah White, Attorney Ray Ross, Mr. Eddie Robinson and Ms. Jessica Palmer were sworn in by the Clerk.

Ms. Herman gave an overview of the incident that initiated the Order for Destruction and the Vicious Animal Abatement Order.

Attorney Ray Ross questioned Mr. Robinson and Ms. Palmer about the incident with the dogs.

Chair Farrington asked both parties to take a recess and to work toward reaching a solution satisfying to both parties. Both parties agreed to meet and try to negotiate a solution.

- 12. **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: LCCOA, SDA and DDAA ; 2. Personnel - Public Employee Disciplinary Appeal No. EDA 2010-01, Government Code Section 54957; 3. Personnel - Public Employee Disciplinary Appeal No. EDA 2010-02, Government Code Section 54957; and 4. Sitting as the Board of Directors of the Lake County IHSS Public Authority: Conference with Labor Negotiator: (a) Agency Negotiator: Carol Huchingson and F. Buchanan (b) Employee Organization: United Homecare Workers -** 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 the following action taken:

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington NO), granted the request of for a hearing officer for Public Employee Disciplinary Appeal No. 2010-02.

On motion of Supervisor Rushing and by vote of the Board (3 ayes, Supervisors Smith and Farrington NO), approved the Findings of Fact in the matter of Public Employee Disciplinary Appeal No. EDA 2010-01, denied Employee Disciplinary Appeal No. EDA 2010-01 and authorized the Chair to sign.

- BACK TO #11 - ITEM A-7 - 10:00 A.M. - (a) HEARING - Appeal of Order for Destruction of a Vicious Animal located at 6308 5th Avenue, Lucerne, CA (Eddie Robinson); and**

(b) HEARING - Appeal of a Vicious Animal Abatement Order located at 6308 5th Avenue, Lucerne, CA (Eddie Robinson) - Animal Control Acting Director Bill Davidson, Animal Control Officer Morgan Herman and Animal Control Officer Nehemiah White, Attorney Ray Ross, Mr. Eddie Robinson and Ms. Jessica Palmer were present.

Mr. Davidson stated to the Board that a solution has been agreed upon by both parties and no further action is required.

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

- 13. **ITEM A-8 - 11:30 A.M. - Assessment Appeal Hearings: Maria Schetter - Application No. 195-2009 - 4125 Herschel Street, Lakeport, CA - APN 029-181-68 -** Chair Farrington announced that this item has been withdrawn by the property owner.

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

- 14. **ITEM A-15 - Discussion/consideration of award of Bid No.10-37 a to River Marine Sales in the amount of \$75,584.48 for purchase of a patrol/rescue boat (24' Alumaweld Intruder Sterndrive) -** On motion of Supervisor Smith and by vote of the Board (5 ayes), awarded Bid No. 10-37 a to River Marine Sales in the amount of \$75,584.48 for purchase of a patrol/rescue boat (24' Alumaweld Intruder Sterndrive).

There being no further business, the Board adjourned at 11:59 a.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board