

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD OCTOBER 12, 2010

The Honorable Board of Supervisors of Lake County, California, met in regular session this 12th day of October, 2010 there being present Supervisors Jeff Smith, Denise Rushing, Rob Brown and Jim Comstock, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner. Supervisor Farrington was absent.

The meeting was called to order at 9:02 a.m. by Vice Chair Comstock. Following the moment of silence, Tyler Nolan 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 (4 ayes, Supervisor Farrington ABSENT), approved Consent Agenda items C-1 through C-6.

Approved Minutes of the Board of Supervisors meetings held on September 8, 2010 and October 5, 2010.

Adopted Resolution No. 2010-185, revising the purpose of the cash match toward a grant from the economic development component of the Planning and Technical Assistance Allocation of the State CDBG Program.

Approved Easement Deed and directed Clerk to certify for recordation (a portion of APN 004-010-390 - Habematoletl Pomo Indian Tribe of Upper Lake), and authorized the Chair to sign.

Adopted Resolution No. 2010-186, authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under agreement dated May 18, 2010 (2005/2006 Storm Damage Repair - Bartlett Springs Road PM 28.5, Lake County, Bid No. PW 10-06).

Adopted Resolution No. 2010-187, authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under agreement dated June 8, 2010 (2005/2006 Storm Damage Repair - Bartlett Springs Road PM 29.3, Bid No. PW 10-24).

Approved Agreement between the County of Lake and Jason Trent, MD, for pathology services, 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** - Animal Control Officers Morgan Hermann and Ben Cheek presented two canines currently available for adoption.

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

Change Order No. 2 - 2005/2006 Storm Damage Repair: Morgan Valley Road (PM 5.91), Bid No. 10-11 - This change order addresses the discovery of an existing area of asphalt much deeper than anticipated, and its required removal and repair.

Public Works Director Brent Siemer presented the staff report.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved Change Order No. 2 - 2005/2006 Storm Damage Repair: Morgan Valley Road (PM 5.91), Bid No. 10-11 - Gregg Simpson Trucking - in an amount not to exceed \$34,000.

The gavel was passed to Supervisor Farrington; present at 9:47 a.m.

Change Order No. 1 - Clearlake Keys Cape Seal Coating Project, Bid No. 09-38 - This change order is a proposal by the Contractor regarding the required three (3) week advanced notice to the public and one (1) week detailed notice to all residents, currently the terms of the Contract. The Contractor proposes a change to the following:

- One (1) week general notice to each residence provided by a door hanger
- 48-hour detailed notice to each residence provided by a door hanger
- Assurances that the Contractor will contact and inform all emergency services, garbage company, post office, schools, etc
- Assurances that the Contractor will provide any and all accommodation necessary for access on the days the slurry seal is installed

Public Works Director Brent Siemer presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), did not approve Change Order No. 1 - Clearlake Keys Cape Seal Coating Project, Bid No. 09-38.

4. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - Protest Hearing for the Proposed Establishment of County Service Area (CSA) #23 - "Zone Q" (Road Benefit Zone - Orchard Shores), and imposing of assessments** - Public Works Director Brent Siemer presented the staff report.

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

This item will return to the Board October 26, 2010, for final approval via a resolution.

5. **ITEM A-6 - 9:45 A.M. - (a) Update on accomplishments to date of the Department of Water Resources and the Steering Committee; and (b) Discussion/consideration of options for future algae and weed abatement efforts in Clear Lake; and (c) Update on potential revenue options, both current and future, in order to provide long-term ongoing funding to combat lake algae and aquatic weeds** - Water Resources Director Scott DeLeon gave the presentation to the Board.

Chair Farrington asked if anyone was present wishing to speak and the following people spoke: George Speake, Paula Britton, Joan Moss and Betsy Cawn. No one else was present wishing to speak and the public input portion of this item was closed.

This item was continued two weeks, to October 26, 2010, at 1:30 p.m.

After a brief recess, the Board reconvened into Regular Session at 11:06 a.m. Supervisor Brown was absent.

6. **ITEM A-9 - Discussion/consideration of proposed Amendment No. 1 to the Memorandum of Understanding between the County of Lake and the Deputy Sheriff's Association to implement Time Bank and correct error in Vacation Leave Accrual Rate** - County Administrative Officer Kelly Cox presented the staff report.

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On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved Amendment No. 1 to the Memorandum of Understanding between the County of Lake and the Deputy Sheriff's Association to implement Time Bank and correct error in Vacation Leave Accrual Rate, and authorized the Chair to sign.

Supervisor Brown was present at 11:08 a.m.

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

7. **ITEM A-11 - Consideration of proposed Resolution waiving the formal bidding process, awarding bid, and delegating to the Executive Director the authority to administer a contract to effectuate roofing repairs at the Lucerne Hotel pursuant to Section 22050 of the Public Contract Code (finding that an emergency exists relative to the need for immediate repairs)** - County Administrative Officer Kelly Cox presented the staff report.

Director Rushing offered Resolution No. 2010-188, and it was passed by roll call vote (5 ayes).

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

8. **ITEM A-13 - Discussion/consideration of request to waive the normal bidding process and authorize the purchase of three (3) 2011 Ford E-350 XL EXT 15-passenger vans for jail transport from Holder Ford, in the amount of \$27,314.81 per van** - On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the normal bidding process and authorized the purchase of three (3) 2011 Ford E-350 XL EXT 15-passenger vans for jail transport from Holder Ford, in the amount of \$27,314.81 per van, and authorized the Chair to sign the Budget Transfer.

9. **ITEM A-12 - Discussion/consideration of proposed License Agreement between the County of Lake and T-Mobile West Corporation for the provision of space on the Courthouse roof for the placement of cellular antennas (a ten year period, at an annual fee of \$27,600 plus a built in inflation factor)** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the License Agreement between the County of Lake and T-Mobile West Corporation for the provision of space on the Courthouse roof for the placement of cellular antennas (a ten year period, at an annual fee of \$27,600 plus a built in inflation factor), and authorized the Chair to sign.

10. **ITEM A-14 - CLOSED SESSION - 1. (a) Conference with Legal Counsel: Existing Litigation pursuant to Government Code Section 54956.9, Subdivision (a): Robey v. Scott, et al. (b) Conference with Legal Counsel: Existing Litigation pursuant to Government Code Section 54956.9, Subdivision (a): Mishewal Wappo Tribe of Alexander Valley v. Salazar 2. Public Employee Performance Evaluations: Titles: Child Support Services Director, County Administrative Officer; and Mental Health Director** - Chair Farrington announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board returned to Regular Session at 11:34 a.m. with no action taken.

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

11. **ITEM A-7 - 11:30 A.M. - Assessment Appeal Hearings:**

Chief Deputy Assessor-Recorder Jim Campbell and Appraiser Debbie Olson were present.

(a) George Bumb - Application No. 266-2009 - 3590 Lakeshore Boulevard, Lakeport, CA - APN 028-041-220-000 - Neither the owner nor representation were present.

On motion of Member Brown and by vote of the Board (5 ayes), denied the appeal without prejudice.

(b) Kenneth Courville - Application No. 273-2009 - 741 Pebble Way, Clearlake Oaks, CA - APN 995-019-914-000 - Chief Deputy Assessor-Recorder Jim Campbell, Appraiser Debbie Olson and Kenneth Courville were sworn in by the Clerk.

Chair Farrington determined the home is not owner-occupied.

Mr. Courville gave testimony.

Mr. Campbell presented the staff report.

On motion of Member Brown and by vote of the Board (5 ayes), denied the appeal.

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

12. **ITEM A-10 - Discussion/consideration of proposed Ordinance adding Section 411 to Article IV of Appendix A of The Sewer Use Ordinance of the Lake County Code concerning the transfer of sewer entitlements** - County Administrative Officer Kelly Cox and Special Districts Administrator Mark Dellinger presented the staff report.

Chair Farrington asked if anyone was present wishing to speak and Joan Moss spoke. No one else was present wishing to speak and the public input 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, to be read in title only. (Clerk so did).

On motion of Director Smith and by vote of the Board (5 ayes), advanced the ordinance one week, to October 19, 2010.

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

There being no further business, the Board adjourned at 12:45 p.m.; scheduled to reconvene on Friday, October 15, 2010, at 2:00 p.m. for the Broadband Update, however, only Supervisors Rushing and Farrington were present, so quorum was not reached.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

By: _____
Mireya Turner
Assistant Clerk of the Board