

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD OCTOBER 5, 2010

The Honorable Board of Supervisors of Lake County, California, met in regular session this 5th day of October, 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 Mireya Turner.

The meeting was called to order at 9:03 a.m. by Chair Farrington. The moment of silence was dedicated to the memory of Zino Mezoui. 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 - 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-14, with the exception of Consent Agenda Item C-4, which was pulled from the agenda at the request of the Clear Lake Advisory Committee Chair.

Approved Minutes of the Board of Supervisors meeting held on September 28, 2010.

Adopted Proclamation designating the week of October 3-9, 2010 as National 4-H Week in Lake County.

Adopted Proclamation designating the month of October 2010 as Domestic Violence Awareness Month in Lake County.

(a) Approved Agreement between the County of Lake and the City of Clearlake for the provision of animal control services, and authorized the Chair to sign; and

(b) Approved Agreement between the County of Lake and the City of Lakeport for the provision of animal control services, and authorized the Chair to sign.

Approved Amendment to Clearlake Oaks County Water District's Conflict of Interest Code, pursuant to district's approval on September 16, 2010.

Adopted Resolution No. 2010-181, appointing representatives to the CSAC-Excess Insurance Authority Board of Directors.

Adopted Resolution No. 2010-182, setting rate of pay for election officers for the November 2, 2010 General Election pursuant to Section 12310 of the Elections Code.

Approved First Amendment to the Agreement between the County of Lake and the Lake County Community Action Agency, New Beginnings Highland High School, for provision of alcohol and drug counseling for Fiscal Year 2010/2011 (to include the provision of services at Carle High School, at no additional cost), and authorized the Chair to sign.

Adopted Resolution No. 2010-183, authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under agreement dated July 26, 2010 (2005/2006 Storm Damage Repair - Highland Springs Road PM 10.1, Bid No. PW 10-07).

Adopted Resolution No. 2010-184, authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under agreement dated May 27, 2010 (2005/2006 Storm Damage Repair - Scotts Valley Road PM 6.39 to 6.41, Bid No. PW 10-05).

Approved Grant Agreement between the County of Lake and the California Department of Boating and Waterways, in the amount of \$11,500, for the purchase of a Marine Patrol jet ski, and authorized the Sheriff to sign.

Approved Second Amendment to Agreement between the County of Lake and Industrial Employers and Distributors Association (IEDA), for Public Authority Labor Negotiations Consultant services (an annual rate increase of \$430), and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Redevelopment Agency, approved Amendment No. 1 to Agreement dated September 22, 2009, between the Lake County Redevelopment Agency and DeLeon Engineering for services previously provided to the Agency in connection with the Lucerne Third Avenue Plaza Project, and authorized the Executive Director to sign (amending the amount of professional liability insurance required to be in place for one year after completion of services).

Consent Agenda Item C-4 - Terminate appointment of Clear Lake Advisory Committee member Charles O'Neill-Jones, per committee bylaws - This item was removed from the agenda, per request by the Clear Lake Advisory Committee. It was not carried over to a future date.

2. **ITEM A-2 - Presentation of animals that are available for adoption at the Lake County Animal Care and Control Shelter** - Animal Control Officer Ben Cheek presented one canine currently available for adoption.

3. **ITEM A-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**

Extra #1 - Closed Session - Conference with Legal Counsel - Anticipated Litigation - (Pursuant to Subdivision (b) of Section 54956.9) a. Significant exposure to litigation pursuant to Subdivision (b)(3)(B) of Government Code Section 54956.9 based upon the claim of candidate Karen Brooks that the Secretary of State's rejection of her legislative candidate's statement of qualifications and any county's failure to publish said statement deprives her of her constitutional rights - On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved taking up this item during Closed Session due to the fact that the need arose after the posting of today's agenda.

This item was taken up by the Board for the following reason:

An issue has arisen in regard to potential litigation against the County of Lake, the facts and circumstances of which were unknown until Monday, October 4, 2010, and which require discussion by the Board in Closed Session today.

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

Change Order No. 1 - 2005/2006 Storm Damage Repair: Morgan Valley Road (PM 5.91) Bid No. 10-11 - This change order addresses the need to raise an existing drop inlet to eliminate a safety hazard.

Public Works Director Brent Siemer presented the staff report.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved Change Order No. 1 - 2005/2006 Storm Damage Repair: Morgan Valley Road (PM 5.91) Bid No. 10-11, in an amount not to exceed \$1000.00, Gregg Simpson Trucking, and authorized the Chair to sign the Change Order.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD OCTOBER 5, 2010

CITIZEN'S INPUT - Gehlen Palmer requested road maintenance be performed on McKinley Drive in Middletown.

5. **ITEM A-13 - Consideration of request for out of state travel to Colorado, for client placement** - Mental Health Director Kristy Kelly presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), retroactively approved out of state travel to Colorado, for client placement.

6. **ITEM A-5 - Continued from August 3, 2010 - 9:15 A.M. - HEARING - Appeal of Order for Destruction of a Vicious Animal; located at 3896 Dixie Avenue, Nice, CA (Gerald Lindquist)** - Interim Animal Control Director Bill Davidson, Animal Control Officer Morgan Hermann, Tasha Bollinger and Sherry Boyer were sworn in by the Clerk.

After a brief recess, the Board reconvened into Regular Session at 9:21 a.m.

Ms. Boyer and Ms. Bollinger gave testimony regarding Bear's behavior at Ms. Boyer's facility.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), stayed the Order for Destruction, provided that Bear remains at Ms. Boyer's facility in Gilroy and in Ms. Boyer's custody.

7. **ITEM A-7 - 9:40 A.M. - Presentation of Proclamation designating the week of October 3-9, 2010 as National 4-H Week in Lake County** - Supervisor Brown read this proclamation into the record and presented it to Bryce Hayes, who spoke. Many 4-H members and leaders were present.

8. **ITEM A-8 - 9:45 A.M. - Presentation of Proclamation designating the month of October 2010 as Domestic Violence Awareness Month in Lake County** - Supervisor Rushing read the proclamation into the record and presented it to Gloria Flaherty, who spoke.

9. **ITEM A-9 - 9:50 A.M. - Presentation of Annual Report of Domestic Violence Services** - Lake Family Resource Center Chief Executive Officer Gloria Flaherty presented the annual report.

This item was informational only. No Board action was taken on this item.

10. **ITEM A-6 - 9:35 A.M. - HEARING - Summary Abatement and Nuisance Abatement Assessment confirmation and proposed recordation of Notice of Lien in the amount of \$591.38 - 10348 Del Monte Way, Kelseyville, CA (APN 043-606-120 - PNC Mortgage Company)** - Community Development Director Rick Coel and Code Enforcement Officer Kathy Freeman were sworn in by the Clerk.

Neither the owner, nor representation were present.

Mr. Coel presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), confirmed the assessment of \$591.38, for nuisance abatement on property located at 10348 Del Monte Way, Kelseyville, CA (APN 043-606-120 - PNC Mortgage Company), pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

11. **ITEM A-10 - Continued from June 22, 2010, August 17, 2010, September 14, 2010 and September 21, 2010 - 10:00 A.M. - PUBLIC HEARING - Appeal (AB 10-01) of Houser Holdings CA, LLC (U Wanna Camp) of the Planning Commission's denial of Administrative Appeal (AA 09-02) to the Notice of Violation issued on September 3, 2009, in conjunction with Case #RC98, regarding the long-term occupancy of RV spaces on a site with an expired use permit; located at 2699 Scotts Creek Road, Lakeport, CA (APN 005-026-27)** - Community Development Director Rick Coel, Senior Planner Kevin Ingram, Teresa Thurman, Steve Brooks, Mary Jane Fagalde, Joan Moss, James Knox, Mary Ann McQueen and Veronica Fisher were sworn in by the Clerk.

Mr. Thurman, Mr. Brooks and Ms. Fagalde gave testimony.

Chair Farrington reopened the public hearing and the following people spoke: James Knox, Joan Moss, Mary Ann McQueen and Veronica Fisher. No one else was present wishing to speak and the public hearing was closed.

This item was continued three weeks, to October 26, 2010, at 10:45 a.m.

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

12. **ITEM A-11 - 11:30 A.M. - Assessment Appeal Hearing:**

Kenneth Joachim - Application No. 156-2009 - 7680 Verna Way, Glenhaven, CA - APN 060-101-060-000 - Chair Farrington announced the appellant had requested cancellation of this item via letter.

Neither the owner, nor representation was present.

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

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

13. **ITEM A-14 - Update on South Main Street and Soda Bay Road Corridor Improvement Project** - Public Works Director Brent Siemer gave the staff report.

There was Board consensus to direct staff to schedule a meeting to include a staff, a CalTrans Representative and Supervisors Farrington and Brown to discuss the South Main Street and Soda Bay Road Corridor Improvement Project and its anticipated expense to the County.

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

14. **ITEM A-15 - 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 staff report.

Chair Farrington asked if anyone was present wishing to speak and Starr Skidmore spoke. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Director Brown and by vote of the Board (5 ayes), determined an emergency exists.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD OCTOBER 5, 2010

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

15. **ITEM A-16 - CLOSED SESSION - 1. Conference with Legal Counsel: Existing Litigation pursuant to Government Code Section 54956.9, Subdivision (a): 1) Sidetracked Associates dba Featherbed Railroad v. LACOSAN; and 2) County of Lake v. Bouchey** - Chair Farrington announced the Board would now go into Closed Session for the reasons stated on the agenda and to take up Extra Item #1.

The Board reconvened into Regular Session and took the following action:

On motion of Supervisor Comstock and by vote of the Board (5 ayes), authorized the filing of a Cross-Complaint against Leonard and Lorraine Basignani in the existing litigation of Sidetracked Associates DBA Featherbed Railroad v. LACOSAN.

There being no further business, the Board adjourned at 1:13 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Mireya Turner
Assistant Clerk of the Board