

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 14, 2010

The Honorable Board of Supervisors of Lake County, California, met in regular session this 14th day of September, 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 9:00 a.m. by Chair Farrington. Following the moment of silence, Lawrence Ratcliffe 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-10.

Approved Minutes of the Board of Supervisors meeting held on September 7, 2010.

Adopted Proclamation commending Calpine on its Geothermal operation at The Geysers.

Adopted Resolution No. 2010-166, approving Agreement #10-0652 with the State of California; Department of Food and Agriculture and authorizing execution and signature for Pest Detection/EGVM Activities from July 1, 2010 through October 31, 2010.

Adopted Resolution No. 2010-167, approving Agreement #10-0575 with the State of California; Department of Food and Agriculture and authorizing execution and signature for Pest Detection/LBAM Activities for Fiscal Year 2010/11.

Approved and authorized submittal of the Federal Equitable Sharing Agreement and Certification to the Department of Justice (to enable the District Attorney's Office to be eligible to receive a portion of federally seized asset forfeiture monies), and authorized the Chair to sign.

Adopted Resolution No. 2010-168, approving the submittal of an application for Medical Reserve Corps (MRC) Capacity Building Funds through the National Association of County and City Health Officials, and authorizing the Health Services Director to sign.

Approved Memorandum of Understanding between the County of Lake and various Community Facilities willing to provide aid in response to Public Health emergencies.

Approved Agreement between the County of Lake and First 5 Lake Commission for the Mother-Wise Program (Post Partum Depression Initiative), in the amount of \$17,900, for the Fiscal Year 2010-2011, and authorized the Chair to sign.

Approved and authorized submittal of the Federal Equitable Sharing Agreement and Certification to the Department of Justice (to enable the Sheriff's Office to be eligible to receive a portion of federally seized asset forfeiture monies), and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Sanitation District, approved Grant of Easement and Agreement and directed Clerk to certify for recordation (APN 041-101-110 - Werner Doellstedt), and authorized the Chair to sign.

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

2. **ITEM A-14 - Consideration of proposed Agreement between the County of Lake and CH2M Hill (in association with local sub-contractors) for engineering and construction inspection services for the construction of an upgraded pump station and a dedicated force main pipeline for the Southeast Regional Wastewater Collection System, in the amount of \$593,980** - Special Districts Administrator Mark Dellinger presented the staff report.

Chair Farrington asked if anyone was present wishing to speak and the following people spoke: Lawrence Ratcliffe and Nancy Ruzicka. 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), approved the Agreement between the County of Lake and CH2M Hill (in association with local sub-contractors) for engineering and construction inspection services for the construction of an upgraded pump station and a dedicated force main pipeline for the Southeast Regional Wastewater Collection System, in the amount of \$593,980, and authorized the Chair to sign.

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

CITIZEN'S INPUT - Lawrence Ratcliffe spoke regarding search and seizure procedures.

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

3. **ITEM A-13 - Consideration of proposed Agreement between the County of Lake and Azteca Systems, Inc., for Cityworks software, in the amount of \$20,875** - On motion of Director Smith and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Azteca Systems, Inc., for Cityworks software, in the amount of \$20,875, and authorized the Chair to sign.

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

4. **ITEM A-12 - Supervisors' weekly calendar, travel and reports** - On motion of Supervisor Smith and by vote of the Board (5 ayes), authorized travel for Supervisor Rushing to attend the Calpine 50th anniversary event in Geyserville on September 17, 2010.

5. **ITEM A-5 - Continued from July 13, 2010 - 9:30 A.M. - (a) Discussion/consideration of floating island project to be located at Clarks Island; (b) Discussion/consideration of Clarks Island natural building improvements; and (c) Discussion/consideration of proposed Agreement between the Lake County Redevelopment Agency and Massey Burke for Project Manager services for Clarks Island natural building improvements (not to exceed \$6,000)** - Director Rushing introduced the item.

Chair Farrington asked if anyone was present wishing to speak and the following people spoke: Chuck Lamb, Mary Margaret Medeiros, Holly Harris, Paula Bryant and Cheri Holden. No one else was present wishing to speak and the public input portion of this item was closed.

(a) and (b) These items were informational only. No Board action was taken on these items.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 14, 2010

The Board of Supervisors convened simultaneously as the Board of Directors of the Lake County Redevelopment Agency for (c).

(c) On motion of Director Rushing and by vote of the Board (4 ayes, Director Brown NO), approved the Agreement between the Lake County Redevelopment Agency and Massey Burke for Project Manager services for Clarks Island natural building improvements (not to exceed \$6,000), and authorized the Chair to sign.

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

6. **ITEM A-6 - 10:00 A.M. - (a) Presentation on implementation of Local Wraparound Program (SB 163); (b) Discussion/consideration of proposed Memorandum of Understanding between the County of Lake and the California Department of Social Services, enabling the implementation of the Wraparound Program in Lake County; (c) Discussion/consideration of proposed Agreement between the County of Lake and Redwood Children's Services Inc. (RCS) for provision of Wraparound Program services (paying the established group home rate for each participant); and (d) Discussion/consideration of proposed Agreement between the County of Lake and Redwood Children's Services, Inc., in the amount of \$220,752, for Wraparound mental health services for Fiscal Year 2010-2011 - Chief Probation Officer Meredith Helton, Social Services Director Carol Huchingson and Mental Health Director Kristy Kelly were present.**

(a) Ms. Helton, Ms. Huchingson and Ms. Kelly presented the staff reports.

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

(b) On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Memorandum of Understanding between the County of Lake and the California Department of Social Services, enabling the implementation of the Wraparound Program in Lake County, and authorized the Social Services Director to sign.

(c) On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Redwood Children's Services Inc. (RCS) for provision of Wraparound Program services (paying the established group home rate for each participant), and authorized the Social Services Director to sign.

(d) On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Redwood Children's Services, Inc., in the amount of \$220,752, for Wraparound mental health services for Fiscal Year 2010-2011, and authorized the Chair to sign.

After a brief recess, the Board reconvened into Regular Session at 10:53 a.m.

7. **ITEM A-7 - Continued from June 22, 2010 and August 17, 2010 - 10:30 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, Theresa Thurman, Steve Brookes and Mary Jane Fagalde were sworn in by the Clerk.**

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

There was Board consensus to continue the public hearing one week, to September 21, 2010, at 10:30 a.m., to allow the appellant time to gather additional supporting documentation.

8. **ITEM A-8 - 11:15 A.M. - Discussion/consideration of proposed Resolution in support of the Lake County Technology Business Incubator Project - Chair Farrington read the resolution into the record and presented it to Andy Nester, who spoke.**

Supervisor Comstock offered Resolution No. 2010-169, and it was passed by roll call vote (5 ayes).

County Administrative Officer Kelly Cox was absent at 12:00 p.m.

9. **ITEM A-9 - 11:30 A.M. HEARINGS - Abatement Assessment confirmations and proposed recordations of Notice of Lien in the following amounts: (a) \$776.55 - 2764 Fall Street, Nice, CA (APN 030-234-260 - Janet E. Shouder); (b) \$5734.95 - 2605 Fall Street, Nice, CA (APN 030-234-160 - Ronald Odbert and Glenna Odbert); (c) \$776.55 - 2647 Fall Street, Nice, CA (APN 030-234-210 - Thomas Peterson and Marianne Ellis); (d) \$776.55 - 2676 Fall Street, Nice, CA (APN 030-222-100 - Frank Jacquez and Carolina Jacquez); and (e) \$776.55 - 2672 Fall Street, Nice, CA (APN 030-222-090 - Patrick McCabe and Maura McCabe) - Community Development Director Rick Coel, Code Enforcement Officer Ron Yoder and Code Enforcement Officer Kathy Freeman were sworn in by the Clerk.**

Mr. Yoder gave a power point presentation on the abatement actions taken on the above property.

(a) Neither the owner, nor representation was present.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), confirmed the assessment of \$776.55 for nuisance abatement on property located at 2764 Fall Street, Nice, CA (APN 030-234-260 - Janet E. Shouder), pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

(b) Neither the owner, nor representation was present.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), confirmed the assessment of \$5,734.95 for nuisance abatement on property located at 2605 Fall Street, Nice, CA (APN 030-234-160 - Ronald Odbert and Glenna Odbert), pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

(c) Neither the owner, nor representation was present.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), confirmed the assessment of \$776.55 for nuisance abatement on property located at 2647 Fall Street, Nice, CA (APN 030-234-210 - Thomas Peterson and Marianne Ellis), pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

(d) Neither the owner, nor representation was present.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), confirmed the assessment of \$776.55 for nuisance abatement on property located at 2676 Fall Street, Nice, CA (APN 030-222-100 - Frank Jacquez and Carolina Jacquez), pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 14, 2010

(e) Neither the owner, nor representation was present.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), confirmed the assessment of \$776.55 for nuisance abatement on property located at 2672 Fall Street, Nice, CA (APN 030-222-090 - Patrick McCabe and Maura McCabe), pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

10. **ITEM A-10 - 11:45 A.M. - PUBLIC HEARING - Discussion/consideration of proposed Interim Ordinance extending a temporary moratorium of the establishment of new medical marijuana dispensaries and/or the enforcement action against existing medical marijuana dispensaries in the County of Lake** - Community Development Director Rick Coel presented the staff report.

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

On motion of Supervisor Brown and by vote of the Board (5 ayes), accepted the status report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the reading of the new ordinance, to be read in title only (Clerk so did).

Supervisor Brown offered Ordinance No. 2930, and it was passed by roll call vote (5 ayes).

11. **ITEM A-15 - Consideration of proposed letter of termination of Agreement between the County of Lake and Lake Community Action Agency (LCCAA) for the provision of alcohol and drug counseling services to Lake County adolescents attending Highland High School for Fiscal Year 2010/2011** - Supervisor Smith introduced this item.

This item was carried over to later in the day.

After a lunch recess, the Board reconvened into Regular Session at 1:35 p.m. Supervisor Smith was absent. County Administrative Officer Kelly Cox was present.

12. **ITEM A-11 - Continued from June 22, 2010 and August 10, 2010 - 1:30 P.M. - PUBLIC HEARING - Appeal (AB 10-02) of Veronica Fisher (El Dorado Motel) of the Planning Commission's denial of Administrative Appeal (AA 09-04) to the Notice of Violation issued on September 9, 2009, in conjunction with Case #RC30, for the conversion of a motel to a combination permanent living establishment along with transient occupancy facilities; located at 3955 Lakeshore Boulevard, Lakeport, CA (APN 029-231-78)** - Community Development Director Rick Coel, Associate Planner Keith Gronendyke, Veronica Fisher and Dennis Fordham were sworn in by the Clerk.

Mr. Coel and Mr. Gronendyke presented the staff report.

Chair Farrington announced he would recuse himself from this item, to avoid the perception of a conflict of interest, and was absent at 1:50 p.m.

The gavel was passed to Vice Chair Comstock.

After a brief recess, the Board reconvened into Regular Session at 1:54 p.m.

At the appellant's request, this item was continued two weeks, to September 28, 2010, at 9:45 a.m.

Chair Farrington was present at 1:58 p.m.

13. **ITEM A-20 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert, M. Perry and J. Hammond; and (b) Employee Organization: DSA 2. Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9 Subdivision (a) In re Bankruptcy of Mendoza 3. Conference with Legal Counsel - Substantial Exposure to Litigation pursuant to Government Code Section 54956.9 Subdivision (b)(1): Claim of International Surfacing Systems** - Chair Farrington announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session at 2:20 p.m. and took the following action:

On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Smith ABSENT), approved the Release of Retention Agreement to resolve the claim of International Surfacing Systems (ISS) and conclude the contract performance issues at no financial cost to the County, and authorized the Chair to sign.

14. **ITEM A-16 - Discussion/consideration of request to award Bid No. 10-10, in the amount of \$292,589, to Granite Construction Company, for construction of the Morgan Valley Road PM 5.34 Storm Damage Repair project** - Public Works Director Brent Siemer presented the staff report.

On motion of Supervisor Comstock and by vote of the Board (3 ayes, Supervisor Smith ABSENT, Supervisor Brown NO), awarded Bid No. 10-10, in the amount of \$292,589, to Granite Construction Company, for construction of the Morgan Valley Road PM 5.34 Storm Damage Repair project, and authorized the Chair to sign.

15. **ITEM A-17 - Consideration of request for authorization to issue Purchase Order for purchase of asphalt from Syar Industries, Inc., in an amount not to exceed \$50,000, to repair and resurface streets in Middletown** - Public Works Director Brent Siemer presented the staff report.

The vendor was amended to be Granite Construction Company.

On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Smith ABSENT), authorized the issuance of a Purchase Order for purchase of asphalt from Granite Construction Company, in an amount not to exceed \$50,000, to repair and resurface streets in Middletown.

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

16. **ITEM A-18 - Consideration of proposed Updated Memorandum of Understanding between the Lake County Watershed Protection District, Napa County Flood Control and Water Conservation District, Colusa Resource Conservation District, Solano County Water Agency and Water Resources Association of Yolo County for the development of an Integrated Regional Water Management Plan (IRWMP), for the Westside Subregion of the Sacramento River Funding Area** - Water Resources Director Scott DeLeon and Water Resources Engineer Tom Smythe were present.

Mr. DeLeon presented the staff report.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 14, 2010

On motion of Director Rushing and by vote of the Board (4 ayes), approved the Updated Memorandum of Understanding between the Lake County Watershed Protection District, Napa County Flood Control and Water Conservation District, Colusa Resource Conservation District, Solano County Water Agency and Water Resources Association of Yolo County for the development of an Integrated Regional Water Management Plan (IRWMP), for the Westside Subregion of the Sacramento River Funding Area, and authorized the Chair to sign.

17. **ITEM A-19 - Carried over from September 7, 2010 - Consideration of Option to Purchase Agreement for acquisition of property located at 21137 Calistoga Street, Middletown, for establishment of Sheriff's Regional Office Facility** - At departmental request, this item was removed from the agenda. It was not carried over to a future date.

BACK TO #10 - ITEM A-15 - Consideration of proposed letter of termination of Agreement between the County of Lake and Lake Community Action Agency (LCCAA) for the provision of alcohol and drug counseling services to Lake County adolescents attending Highland High School for Fiscal Year 2010/2011 - Mental Health Director Kristy Kelly, Alcohol and Other Drug Services (AODS) Coordinator Laura Solis and Mental Health Fiscal Officer Bob Menicocci were present.

Ms. Kelly presented the staff report.

Chair Farrington asked if anyone was present wishing to speak and the following people spoke: Georgina Lehne, Melissa Fanning and Konocti Unified School District Superintendent William MacDougall. Superintendent MacDougall advised the Board that his District will agree to provide interim funding needed to continue three of the program's employees who provide services to the District's student, attending Highland High School, until the State budget issues are resolved. No one else was present wishing to speak and the public input portion of this item was closed.

There was Board consensus not terminate the contract at this time and for the County General Fund to provide interim financing to match that provided by the Konocti Unified School District, which will enable the continued employment of a total of six employees under this program. These funds are to be repaid by the AODS division if Drug Medi-Cal (DMC) appropriations remain in the State Fiscal Year 2010/2011 Budget. If Drug Medi-Cal appropriations are eliminated from the final State budget, the Board will consider action at that time to terminate the subject Agreement with the Lake County Community Action Agency (LCCAA).

There being no further business, the Board adjourned at 2:19 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Mireya Turner
Assistant Clerk of the Board