

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 7, 2010

The Honorable Board of Supervisors of Lake County, California, met in regular session this 7th 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 9:01 a.m. by Chair Farrington. A moment of silence was dedicated to the memory of former Supervisor Gene Lovi and Lakeport resident Byron Whipple. 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-18, with the exception of Consent Agenda Items C-1 and C-13, which will be taken up immediately following the approval of the Consent Agenda.

Adopted Proclamation designating the month of September 2010, as National Senior Center Month in Lake County.

Approved draft newsletter for inclusion in September Tax Collector mailing.

Adopted Resolution No. 2010-157, fixing tax rates for local agencies, General Obligation Bonds, and other voter approved indebtedness for Fiscal Year 2010/2011.

Adopted Resolution No. 2010-158, approving Agreement #09-0861 with the State of California, Department of Food and Agriculture and authorizing execution and signature for pest detection/European Grapevine Moth (EGVM) regulatory activities from February 16, 2010 through September 30, 2010.

Adopted Resolution No. 2010-159, approving Agreement No. 10-0454 with the State of California, Department of Food and Agriculture for compliance with the Egg Inspection/Federal Shell Egg Surveillance Agreement and authorizing execution thereof.

Adopted Resolution No. 2010-160, approving Agreement No. 10-0333 with the State of California, Department of Food and Agriculture for compliance with the Pierce's Disease Contract Program and authorizing execution thereof.

Approved Addendum to the Warranty, Support and Licence Agreement between the County of Lake and Hart InterCivic, for electronic voting software and support services, at an annual rate of \$21,546, for a term commitment period of five year, and authorized the Chair to sign.

Adopted Resolution No. 2010-161, approving the 2010-11 CDC Public Health Emergency Preparedness (PHEP), State General Fund (GF) Pandemic Influenza and HHS Hospital Preparedness Program (HPP), and authorized the Board Chair to sign a Non-Supplantation Certification.

Approved Budget Transfer B-465 (Fiscal Year 2009/10) in the amount of \$9,707 from Inventory Item to a Fixed Asset Item (security system) to correct bookkeeping oversight, and authorized the Chair to sign.

Approved the Memorandum of Understanding between the County of Lake and California State Association of Counties (CSAC) Excess Insurance Authority (EIA) Health for health insurance coverage for all employee units (except the Lake County Deputy Sheriff's Association), and authorized the Chair to sign.

Approved the Memorandum of Understanding between the County of Lake and California State Association of Counties (CSAC) Excess Insurance Authority (EIA) for dental insurance coverage for all employee units, and authorized the Chair to sign.

Approved a partial release of Improvement Security in the amount of \$482,584.50 for Rim Rock Ranch Subdivision located at 20600 Hartman Road, Middletown, CA, as per the Public Works Director's memorandum to the Board dated August 24, 2010.

Approved Plans and Specifications for Hot Mix Asphalt Overlay to Facilitate Ice and Snow Removal on Bottle Rock Road from Harrington Flat Road to 1.0 miles North of Harrington Flat Road and authorized Public Works Director/Assistant Purchasing Agent to advertise for bids.

Approved Amendment to Bid Award #10-37A (purchase of patrol boat), for an increase of \$1,738, and authorized the Chair to sign.

Approved Amendment Two to Agreements between the County of Lake and Sierra Air, Cutting Edge, A&P Helicopter and PJ Helicopter (adding the term "per fiscal year" to Section 4, Compensation; with no increase in amounts), and authorized the Chair to sign.

Approved out-of-state travel for Deputy Social Services Director Kathy Maes and Children's Services Program Manager Toni Jones to Arlington, Virginia, to attend the United States Department of Health and Human Services Regional Partnership Grant Annual Meeting from October 6-8, 2010 (costs will be reimbursed by the Federal Administration for Children and Families Grant).

CONSENT AGENDA ITEM C-1 - Consideration of proposed Minutes of the Board of Supervisors meeting held on August 24, 2010 - Supervisor Rushing noted and corrected a typographical error.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Minutes of the Board of Supervisors meeting held on August 24, 2010, as corrected, and authorized the Chair to sign.

CONSENT AGENDA ITEM C-13 - Consideration of request to authorize out-of-state travel for Public Works Director to Reston, Virginia, to attend the American Society of Civil Engineers (ASCE) Board Orientation from October 1-3, 2010 (costs paid by ASCE and Public Works Director) - At the request of Supervisor Brown, this item was pulled from the Consent Agenda for discussion.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown NO), authorized out-of-state travel for Public Works Director to Reston, Virginia, to attend the American Society of Civil Engineers (ASCE) Board Orientation from October 1-3, 2010 (costs paid by ASCE and Public Works Director).

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

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CITIZEN'S INPUT - Jon Nelson spoke regarding the new pier in Lucerne and public broadcasting in Lake County.

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

3. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - (a) Protest hearing for proposed increase of water charges and fees for Southeast Regional Wastewater System; and (b) Consideration of proposed Ordinance amending the charges and fees for Southeast Regional Wastewater System** - Special Districts Administrator Mark Dellinger and Fiscal Officer Jan Coppinger were present.

Mr. Dellinger presented the staff report.

(a) Chair Farrington opened the public hearing and the following people spoke: Cheri Holden, Jeri Spittler, Conrad Colbrandt, Brad Chatton, Richard Birk, Bill Marshall, Eddie Ricketts, Betsy Cawn and Diane Woodland. No one else was present wishing to speak and the public hearing on the protests was closed.

A total of 61 protest ballots were received by the Clerk of the Board's office.

(b) There was Board consensus to continue this item to a future date in order to provide an opportunity for input from the City of Clearlake.

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

After a brief recess, the Board reconvened into Regular Session at 11:20 a.m.

4. **ITEM A-6 - 10:30 A.M. - Presentation of Proclamation designating the month of September 2010 as National Senior Center Month in Lake County** - Supervisor Rushing read the Proclamation into the record and presented it to Donna Mandeville, who spoke.

5. **ITEM A-13 - Consideration of proposed Agreement between the County of Lake and Konocti Senior Support, Inc., for the Friendly Visitor Program of Lake County, in the amount of \$20,000, for Fiscal Year 2010-2011** - Mental Health Director Kristy Kelly presented the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Konocti Senior Support, Inc., for the Friendly Visitor Program of Lake County, in the amount of \$20,000, for Fiscal Year 2010-2011, and authorized the Chair to sign.

6. **ITEM A-7 - 10:35 A.M. - (a) Discussion/consideration of the formation of a steering committee to focus on algae and aquatic weed abatement options; and (b) Discussion/consideration of the creation of additional funding sources to support the ongoing operations of such a lake group** - Chair Farrington introduced the item.

Water Resources Director Scott DeLeon was present.

Chair Farrington asked if anyone was present wishing to speak and the following people spoke: George Speake, Betsy Cawn, Kathy Fowler, Paula Britton, Melissa Fulton and Anne-Marie Borges. No one else was present wishing to speak and public input portion of this item was closed.

(a) There was Board consensus to schedule a workshop to further discuss and consider algae and aquatic weed abatement options, on September 21, 2010, at 1:30 p.m.

(b) No Board action was taken on this item.

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

7. **ITEM A-12 - 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.

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

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

8. **ITEM A-14 - 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 the request of the Sheriff's department, this item was carried over one week, to September 14, 2010.

9. **ITEM A-9 - Continued from August 17, 2010 - Consideration of application for appointment to the Lower Lake County Waterworks District #1** - On motion of Supervisor Comstock and by vote of the Board (5 ayes), appointed Cynthia Fisher to the Lower Lake County Waterworks District #1 Board of Directors, for a term expiring January 1, 2015.

10. **ITEM A-10 - Consideration of proposed letter to Governor Schwarzenegger in opposition of SB 565 (Pavley), regarding water use, including provisions that require the payment of fees to the State Water Resources Control Board for official services relating to statements of water diversion and use** - There was Board consensus to direct staff to research SB 565, to determine the amendments made upon approval by the State Senate.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved sending a letter to Governor Schwarzenegger in opposition of SB 565 (Pavley), regarding water use, including provisions that require the payment of fees to the State Water Resources Control Board for official services relating to statements of water diversion and use, and authorized the Chair to sign.

11. **ITEM A-11 - (a) Consideration of proposed Resolution designating the amount of funding to be allocated between Title II and Title III Local Projects pursuant to Reauthorized Secure Rural Schools and Community Self-Determination Act of 2000 for County Fiscal Year 2010-11; and (b) Consideration of proposed Resolution designating 15% of the full county payment amount received for Federal Fiscal Year 2010 pursuant to the Reauthorized Secure Rural Schools and Community Self-Determination Act of 2000 for County Fiscal Year 2010/11** - County Administrative Officer Kelly Cox presented the staff report.

(a) Supervisor Brown offered Resolution No. 2010-162, designating the amount of funding to be allocated between Title II and Title III Local Projects pursuant to Reauthorized Secure Rural Schools and Community Self-Determination Act of 2000 for County Fiscal Year 2010-11, and it was passed by roll call vote (5 ayes).

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(b) Supervisor Brown offered Resolution No. 2010-62, designating 15% of the full county payment amount received for Federal Fiscal Year 2010 pursuant to the Reauthorized Secure Rural Schools and Community Self-Determination Act of 2000 for County Fiscal Year 2010/11, and it was passed by roll call vote (5 ayes).

12. **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: LCEA, DSA AND LCCOA 2. Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9 Subdivision (a) Mishewal Wappo Tribe of Alexander Valley v. Salazar** - Chair Farrington announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned at 12:48 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Mireya Turner
Assistant Clerk of the Board