

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD APRIL 12, 2011

The Honorable Board of Supervisors of Lake County, California, met in regular session this 12th day of April, 2011, there being present Supervisors Jeff Smith, Denise Rushing, Anthony Farrington, Rob Brown and Jim Comstock, 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 Comstock. Following a moment of silence, Supervisor Brown 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-9, with the exception of Item C-5, which will be taken up later in the day.

Approved Minutes of the Board of Supervisors meeting held on April 5, 2011.

Adopted Proclamation designating the week of April 10-16, 2011 as National Crime Victims' Rights Week in Lake County.

Approved letter of support for Science Island Proposed Concept to Floating Islands West (to collaborate on a project utilizing BioHaven floating islands for educational purposes), and authorized the Chair to sign.

Approved Agreement between the County of Lake and Gallina LLC, in the amount of \$189,745, for County Audit Services for Fiscal Years ending 2011, 2012 and 2013, and authorized the Chair to sign.

Adopted Resolution No. 2011-45, approving Cooperative Contract between the County of Lake and the California Department of Rehabilitation for vocational rehabilitation services, at no cost to the County, for Fiscal Year 2011-2012, and authorizing the Mental Health Director to sign.

Adopted Resolution No. 2011-46, in support of the Comprehensive Multi-Agency Juvenile Justice Plan modification and application to be submitted to the Corrections Standards Authority.

Approved waiver of 900-hour limit for extra help Juvenile Correctional Officers Sally Boughton, Salvador Re and Robert C. Krentz, as per staff memorandum, dated March 24, 2011.

Approved out of state travel for Utility Area Superintendent Robert Saderlund to attend Cityworks Asset Management User Conference, in St. George, Utah, May 15-19, 2011.

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

3. **ITEM A-13 - Consideration of proposed Ordinance amending the charges and fees for County Service Area No. 2 - Spring Valley Lakes (SECOND READING)** - Supervisor Smith offered Ordinance 2945, and it was passed by roll call vote (5 ayes).

4. **ITEM A-14 - Consideration of proposed Findings of Fact - Appeal (AB 10-05) of Robert and Becky Parker of the Planning Commission's allowance of a Residential Second Unit on property owned by Michael Macy; located at 13210 Ridge Road, Loch Lomond, CA (APN 011-067-42)** - On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington NO), approved the Findings of Fact, and authorized the Chair to sign.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington NO), approved the appeal.

5. **ITEM A-17 - Consideration of declaring/confirming a vacancy on the Kelseyville Cemetery District Board of Trustees, pursuant to Government Code Section 1770 (g)** - On motion of Supervisor Brown and by vote of the Board (5 ayes), declared and confirmed a vacancy on the Kelseyville Cemetery Board of Trustees (Mike Anderson), and directed staff to advertise the vacancy.

6. **ITEM A-5 - 9:15 A.M. - Presentation of Proclamation designating the week of April 10-16, 2011 as National Crime Victims' Rights Week in Lake County** - Supervisor Brown read the Proclamation into the record and presented it to Victim Witness Coordinator Deborah Wallace, who spoke.

Many victim advocates were present.

7. **ITEM A-6 - 9:30 A.M. - Informational presentation on realignment of State Prison parolees and inmates into County supervision** - Sheriff Francisco Rivero was present.

Parole Agent John McNunn presented an update to the Board.

8. **ITEM A-16 - (a) Discussion/consideration of request to waive the formal bidding process and make a determination that competitive bidding would produce no economic benefit to the County; and (b) Consideration of request to approve a one-year Agreement between the County of Lake and SHN Engineers & Geologists, Inc., for monitoring and reporting services at the Eastlake Landfill, as required by the Regional Water Quality Control Board** - Deputy Public Services Director Caroline Chavez presented the staff report.

(a) On motion of Supervisor Rushing and by vote of the Board (5 ayes), waived the formal bidding process and made a determination that competitive bidding would produce no economic benefit to the County.

(b) On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved a one-year Agreement between the County of Lake and SHN Engineers & Geologists, Inc., for monitoring and reporting services at the Eastlake Landfill, as required by the Regional Water Quality Control Board, and authorized the Chair to sign.

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

The gavel was passed to Lake County Local Board of Equalization Chair Farrington.

9. **ITEM A-7 - Carried over from April 5, 2011 - 9:45 A.M. - Assessment Appeal Hearing:**

Elizabeth Eleen - Application No. 18-2010 - 8640 Soda Bay Road, Kelseyville, CA (APN 044-340-270-000) - Chief Deputy Assessor-Recorder Jim Campbell, Appraiser III Debbie Olson and Elizabeth Eleen were sworn in by the Clerk.

Ms. Eleen gave testimony.

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The Board continued this item one week, to April 19, 2011, at 11:00 a.m. to allow staff the time for a site visit.

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

The gavel was returned to Chair Comstock.

BACK TO #1 - Consent Agenda Item C-5 - Consideration of request to approve, in concept, the recommendation of the Classification and Compensation Committee to change the classification of the Physical Therapist position from Grade A26 (Entry step: \$24.7384) to Grade B32 (Entry step: \$33.9807), and direct the Human Resources Director to initiate the Meet and Confer process with the appropriate employee association, as per staff memorandum dated March 30, 2011 - Health Services Director Jim Brown and Human Resources Director Kathy Ferguson presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved, in concept, the recommendation of the Classification and Compensation Committee to change the classification of the Physical Therapist position from Grade A26 (Entry step: \$24.7384) to Grade B32 (Entry step: \$33.9807), and directed the Human Resources Director to initiate the Meet and Confer process with the appropriate employee association, as per staff memorandum dated March 30, 2011.

After a brief recess, the Board reconvened into Regular Session at 11:10 a.m.

10. **ITEM A-8 - 10:15 A.M. - Discussion/consideration of possible acquisition of the Kelseyville School property, to be used as County office space and request for Board authorization to pursue further evaluation of this opportunity, including potential funding options** - County Administrative Officer Kelly Cox presented the staff report.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: James Merriman, Carol Hayes, Bill Groody, Myron Holdenreid, Barbara Breunig, Trena Pauly, John Valasqueroz, Suzanne Lyons, Mark Borghesani and Nancy Ruzicka. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington NO), directed staff to continue pursuing possible acquisition of the Kelseyville Gard Street property, including further evaluation of the property, further study of the feasibility of having Air Quality Management District purchase the current Agriculture Center building in Lakeport, and further negotiations with the Kelseyville Unified School District relative to the acquisition.

11. **ITEM A-9 - 10:30 A.M. - Update on the proposal Pacific Gas and Electric filed with the California Public Utilities Commission regarding the provision of an option to disable the radio transmitters of the SmartMeters (including an additional fee for this option)** - Supervisor Rushing recused herself and was absent at 12:14 p.m.

County Counsel Anita Grant and Deputy County Counsel Lloyd Guintivano presented the staff report.

There was Board consensus to authorize the filing of a protest or response to the PG&E Application for Approval of Modifications to its SmartMeter Program, and to also prepare for a possible injunction and/or petition to halt installation of Smart Meters in Lake County.

Supervisor Rushing was present at 12:20 p.m.

12. **ITEM A-10 - 11:00 A.M. - Informational update and presentation regarding the proposed Walker Ridge Wind Farm Project and consideration of request for letter of support for proposed project** - Perry Communications Group Vice President Julia Spiess presented the update on behalf of AltaGas.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Victoria Brandon, Janna Hildebrand, Ed Robey and Loretta McCarthy. No one else was present wishing to speak and the public input portion of this item was closed.

There was Board consensus, to approve a letter of support, in concept, for the proposed project, contingent upon the results of the Environmental studies. The Board directed staff to write the letter of support, to be brought to the Board for its consideration at a future date, and to begin negotiations with AltaGas for a Power Purchase Agreement with the County of Lake.

After a lunch recess, the Board reconvened into Regular Session at 2:00 p.m.

13. **ITEM A-15 - Consideration of proposed Findings of Fact - Appeal (AB 11-01) of Friends of Cobb Mountain of the Planning Commission's certification of the Final Environmental Impact Report (EIR) prepared for the Bottle Rock Power Steam, geothermal field development-expansion project and further appeals the Planning Commission's approval of the Use Permit (UP 09-01) and minor modifications to existing Use Permit 85-27 and associated Traffic Control and Road Maintenance Plan (MMU 01-01); located at 6743, 6825, 7358, 7385 and 7500 High Valley Road, Cobb, CA (APNs 011-012-97, 013-002-01, 013-002-03, 013-002-04 and 013-002-05)** - County Counsel Anita Grant noted and corrected a typographical error in the proposed Findings of Fact.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Hamilton Hess and Joan Moss. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Rushing NO), approved the Findings of Fact, and authorized the Chair to sign.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Rushing NO), denied the appeal.

14. **ITEM A-11 - 1:30 P.M. - Forum on sources of algae nutrient levels in Clear Lake and mitigation options** - Agricultural Commissioner Steve Hajik, Environmental Health Director Ray Ruminski and Water Resources Director Scott De Leon presented an update to the Board.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Sarah Ryan, Dr. John Zebelean, Betsy Cawn and Mike Dunlap. No one else was present wishing to speak and the public input portion of this item was closed.

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

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15. **ITEM A-18 - 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, LCCOA and DDAA** - Chair Comstock announced the Board would not need to meet for negotiations today.

There being no further business, the Board adjourned at 4:02 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

By: _____
Mireya G. Turner
Assistant Clerk of the Board