

**BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA**

**OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD APRIL 5, 2011**

The Honorable Board of Supervisors of Lake County, California, met in regular session this 5<sup>th</sup> 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, Greg Scott 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-16.

Approved Minutes of the Board of Supervisors meeting held on March 22, 2011.

Adopted Proclamation designating the month of April 2011 as Child Abuse Prevention Month in Lake County.

Approved Agreement between the County of Lake and Strategic Advisory Group to produce a Marketing and Economic Development Strategic Plan, in the amount of \$36,000, and authorized the Chair to sign.

Appointed Robert Rumpfelt to represent the City of Lakeport on the Lake County Indian Gaming Local Community Benefit Committee.

Adopted Resolution No. 2011-41, amending Resolution No. 2010-165 establishing position allocations for Fiscal Year 2010-2011, Budget Unit No. 8107 - Water Resources Department, to implement the Classification and Compensation Committee's recommendation, approved by the Board in concept on March 15, 2011, to change the position of Water Resources Director to Water Resources Director I/II and placing the incumbent Water Resources Director at the II level, Step 3, as per the County Administrator's memorandum, dated March 25, 2011.

Adopted Resolution No. 2011-42, to appropriate unanticipated revenue for the Health Services Emergency Preparedness County of Lake Medical Reserve Corps (MRC) Unit.

Approved out of state travel for Medical Reserve Corps (MRC) Unit Volunteer Kimberly Minch to attend the 2011 Integrated Medical, Public Health, Preparedness and Response Training Summit, in Grapevine, TX, on May 1-5, 2011 (Flight, lodging and registration paid by a scholarship from the 2011 Civilian Volunteer Medical Reserve Corps (OCVMRC) National Association of County and City Health Officials (NACCHO)).

Adopted Resolution No. 2011-43, appropriating unanticipated revenue to the Solid Waste Budget (\$2002.35 to be used for equipment repair).

Approved waiver of 900-hour limit for extra help Parks Maintenance Workers David Mangus, Jay Kale and Troy Lunsford, as per staff memorandum, dated March 21, 2011.

Approved permit to conduct aeronautical activities at Lampson Field Airport (Steve's Aircraft), and authorized the Chair to Sign.

Approved waiver of 900-hour limit for extra help Public Works Worker I David Cardoza, as per staff memorandum, dated March 24, 2011.

Adopted Resolution No. 2011-44, authorizing the Public Works Director to sign a Notice of Completion for work performed under agreement dated January 9, 2009 (County-wide Stop Sign and Street Name Sign Replacement Project, Lake County, CA, Bid No. 09-04).

Approved Fourth Amendment to Agreement between the County of Lake and Sun Ridge Systems, Inc. for the purchase and installation of Transfer Cogent Mug Shots to InCustody Software, an increase of \$9,969.38, and authorized the Chair to sign.

Approved waiver of 900-hour limit for extra help Accountant Clerk Danelle McEvoy, as per staff memorandum, April 5, 2011.

Approved discharge of uncollectible county debts of \$25,736.05, pursuant to Revenue & Tax Code Section 2611.1, as described in staff memorandum dated March 18, 2011.

Approved request for extended leave of absence for Collection Assistant Shawna Shields, from March 15, 2011 to June 1, 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 Allison Mewborn presented one canine currently available for adoption.

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

**Extra #1 - Consideration of update on Pacific Gas & Electric's proposal to the California Public Utilities Commission regarding a SmartMeter opt-out option for consumers** - Supervisor Farrington introduced this item.

At Supervisor Farrington's request, this item was carried over one week, to April 12, 2011, at 10:30 a.m.

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

**Change Order No. 3 - County-wide Stop Sign and Street Sign Replacement Project, in Lake County** - This change order addresses the balancing of Final In-Place quantities.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Change Order No. 3 - County-wide Stop Sign and Street Sign Replacement Project, in Lake County, for an increase of \$6,126.55, and authorized the Chair to sign.

**CITIZEN'S INPUT** - Loren Freeman spoke against illegal marijuana cultivation in Lake County residential areas.

5. **ITEM A-5 - 9:10 A.M. - Presentation of Proclamation designating the month of April 2011 as Child Abuse Prevention Month in Lake County** - Supervisor Farrington read the Proclamation into the record and presented it to Children's Council Chair Joan Reynolds and Child Care Planning Council Coordinator Shelly Mascari, who spoke.

There were many public and private child welfare advocates present.

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6. **ITEM A-6 - 9:15 A.M. - PUBLIC HEARING - (a) Protest hearing for proposed increase of water charges and fees for County Service Area No. 2 - Spring Valley Lakes; and (b) Consideration of proposed Ordinance amending the charges and fees for County Service Area No. 2 - Spring Valley Lakes** - Special Districts Administrator Mark Dellinger and Fiscal Officer Jan Coppinger were present.

Mr. Dellinger presented the staff report.

Chair Comstock opened the public hearing and the following people spoke: Ed Smith, Helen Mitchum, Loren Freeman and Jim McDowell. No one else was present wishing to speak and the public hearing was closed.

Assistant Clerk of the Board Mireya Turner reported one protest ballot had been received.

On motion of Supervisor Rushing 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 Supervisor Rushing and by vote of the Board (5 days), advanced the ordinance one week, to April 12, 2011.

7. **ITEM A-16 - Consideration of appointments to the following: Clear Lake Advisory Committee and Mental Health Board** - On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Denny Salisbury to the Clear Lake Advisory Board (Aquatic Plants category), for a term expiring January 1, 2013.

On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed John Johnson to the Mental Health Board, for a term expiring June 30, 2012.

8. **ITEM A-7 - 9:45 A.M. - Update on Redevelopment Agency's renovations and progress at the Lucerne Hotel** - Deputy Redevelopment Director Eric Seely presented the staff report.

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

9. **ITEM A-8 - 10:00 A.M. - Presentation of Lucerne Hotel Education Task Force Progress Report** - Deputy Administrative Officer Marketing and Economic Development Debra Sommerfield introduced this item.

Lake County Office of Education Superintendent Wally Holbrook and Task Force Member Barbara Johnson presented the report.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Rosamaria Zayas and Sue Goff. No one else was present wishing to speak and the public input portion of this item was closed.

By consensus, the Board members expressed strong support of the task force's and agreement with the direction in which the task force is proceeding.

After a brief recess, the Board reconvened into Regular Session at 10:50 a.m.

10. **ITEM A-9 - 10:20 A.M. - Forum on the plan for Lake County to join the Napa County Local Workforce Investment Area (LWIA)** - Social Services Director Carol Huchingson and Napa County Local Workforce Investment Area Representatives Bruce Wilson and Teresa Zimne were present.

Ms. Huchingson and Mr. Wilson presented the staff report.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Seth DeSimone, Mary Becker-Klinger and Joan Moss. 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.

11. **ITEM A-10 - 11:00 A.M. - Update on Lake County Sesquicentennial Celebration plans** - Deputy Administrative Officer Marketing and Economic Development Debra Sommerfield introduced the item.

Bill Groody and Sharron Zoller presented the update.

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

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

12. **ITEM A-11 - 11:10 A.M. - Update on the Southeast Regional sewer system in regard to recent storm-related spills, and update on current status of long term measures for addressing future sewage flow needs** - Special Districts Administrator Mark Dellinger and Jerry Dehn presented the update.

Chair Comstock 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.

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

13. **ITEM A-18 - Presentation of Southeast Geysers/Clear Lake Basin 2000 Effluent Pipeline Annual Report** - Special Districts Administrator Mark Dellinger presented the staff report.

Chair Comstock 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.

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

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

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

**Elizabeth Eleen - Application No. 18-2010 - 8640 Soda Bay Road, Kelseyville, CA (APN 044-340-270-000)** - At departmental request, this item was carried over one week, to April 12, 2011, at 9:45 a.m.

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

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15. **ITEM A-17 - Continued from March 22, 2011 - Consideration of proposed County Information Security Policy** - At departmental request, this item was continued two weeks, to April 19, 2011.

After a lunch recess, the Board reconvened into Regular Session at 1:33 p.m.

16. **ITEM A-13 - 1:30 P.M. - Presentation of the South Main Street and Soda Bay Road Corridor Improvement Project Status Report** - Interim Public Works Director Gerry Shaul and Assistant Public Works Director Lars Ewing were present.

Quincy Engineering Principal Alan Glenn gave the presentation to the Board.

Supervisor Brown was absent at 3:16 p.m.

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

17. **ITEM A-19 - Advanced from March 22, 2011 - Consideration of proposed Ordinance establishing a Prima Facie Speed Limit Zone on Hartmann Road (County Road No. 104), from Hidden Valley Road to the end of Hartmann Road (35 MPH) (SECOND READING)** - Supervisor Smith offered Ordinance No. 2944, and it was passed by roll call vote (4 ayes, Supervisor Brown ABSENT).

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

18. **ITEM A-20 - Consideration of proposed Second Amendment to Agreement between the County of Lake and the California Department of Water Resources to purchase properties in the Upper Lake Reclamation area** - Water Resources Director Scott De Leon and Water Resources Engineer Tom Smythe were present.

On motion of Director Rushing and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the Second Amendment to Agreement between the County of Lake and the California Department of Water Resources to purchase properties in the Upper Lake Reclamation area, and authorized the Chair to sign.

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

19. **ITEM A-21 - (a) Consideration of funding options for removal of the crane from Clear Lake; and (b) Consideration of proposed contract between the County of Lake and Falconer Brothers, in an amount not to exceed \$59,945.07, for the removal of a submerged crane from Clear Lake; located at 10951 Lakeshore Drive, Clearlake** - Water Resources Director Scott De Leon was present.

(a) County Administrative Officer Kelly Cox presented funding options to the Board, recommending the funds for removal of the crane be drawn from Budget Unit 2604 - Nuisance Abatement.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved funding the removal of the crane from Budget Unit 2604 - Nuisance Abatement.

(b) Water Resources Director Scott De Leon presented the staff report.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the contract between the County of Lake and Meridian Construction, in an amount not to exceed \$59,945.07, for the removal of a submerged crane from Clear Lake; located at 10951 Lakeshore Drive, Clearlake, and authorized the Chair to sign.

20. **ITEMS A-14 AND A-22 - 3:00 P.M. - CLOSED SESSION - Meeting with the Lake County Grand Jury pursuant to Government Code Section 54953.1 AND 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; and 2. Conference with Legal Counsel - Existing litigation pursuant to Government Code Section 54956.9, subdivision (a): (a) In re Boeger Land Development; and (b) Lake County Correctional Officers' Association v. Rivero et al.** - Chair Comstock announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session at 4:51 p.m. and took the following action:

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), in the bankruptcy matter if In re Boeger Land Investments, approved a creditor settlement agreement, whereby the terms of the repayment of tax delinquencies to the County remains as previously approved in the Chapter 11 Confirmed Plan, but which extends time to July 15, 2011 for the debtor exclusively to secure a qualified buyer of the bankruptcy estate property.

There being no further business, the Board adjourned at 4:52 p.m.

KELLY F. COX  
Clerk of the Board

Chair - Lake County Board of Supervisors

By: \_\_\_\_\_  
Mireya G. Turner  
Assistant Clerk of the Board