

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

**OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD FEBRUARY 1, 2011**

The Honorable Board of Supervisors of Lake County, California, met in regular session this 1<sup>st</sup> day of February, 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 9:02 a.m. by Chair Comstock. 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-5.

Approved Minutes of the Board of Supervisors meeting held on January 25, 2011.

Adopted Proclamation designating the month of February Black History Month in Lake County and celebrating Martin Luther King's Birthday.

Adopted Proclamation Commending the Middletown High School "Mustangs" Football team for their 2010 Season.

(a) Approved Amendment #1 to Applicant Reimbursement Agreement between the County of Lake and Bottle Rock Power, LLC, in the amount of \$72,000 (payable to the County due to cost overruns, revisions to the project description, and additional work necessitated by the Bureau of Land Management); and

(b) Approved Amendment #1 to the Environmental Consultant Agreement between the County of Lake and AECOM, for preparation of an Environmental Impact Report (EIR), for the Bottle Rock Power geothermal expansion project, in the amount of \$72,000, and authorized the Chair to sign both agreements.

(a) Approved Agreement between the County of Lake and Chapel of the Lakes Mortuary for mortuary services; (b) Approved Agreement between the County of Lake and Jones Mortuary for mortuary services; and (c) Approved Agreement between the County of Lake and Jones and Lewis (Clear Lake Memorial Chapel), for mortuary services and authorized the Chair to sign the three agreements (all three agreements have a term expiring on December 31, 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.

The gavel was passed to Vice Chair Smith.

3. **ITEM A-10 - Consideration of applications from members of the public for appointment to miscellaneous Lake County committees, commissions and advisory boards** - On motion of Supervisor Comstock and by vote of the Board (5 ayes), appointed Frank Haas and Frances Ransley to the Lower Lake Waterworks District One Board of Directors, for terms expiring January 1, 2015.

The gavel was returned to Chair Comstock.

4. **ITEM A-15 - Consideration of request to terminate Lease Agreement between the County of Lake and Jim and Hettie Hendrickson, for the Middletown Sub-station; property located at 21130 A Calistoga Street, Middletown (APN 024-369-04); effective February 28, 2011** - Sheriff Francisco Rivero gave a brief summary of the item.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved termination of the Lease Agreement between the County of Lake and Jim and Hettie Hendrickson, for the Middletown Sub-station; property located at 21130 A Calistoga Street, Middletown (APN 024-369-04); effective February 28, 2011.

5. **ITEM A-5 - 9:15 A.M. - Presentation of Proclamation designating the month of February Black History Month in Lake County and celebrating Martin Luther King's Birthday** - Supervisor Rushing read the Proclamation into the record and presented it to Rick Mayo, who spoke.

Members of the NAACP Clear Lake Chapter Executive Board were present.

6. **ITEM A-6 - 9:20 A.M. - Presentation of Proclamation Commending the Middletown High School "Mustangs" Football team for their 2010 Season** - Chair Comstock read the Proclamation into the record and presented it to Coach Foltmer, who spoke.

Many members of the Middletown High School "Mustangs" Football team and staff were present.

7. **ITEM A-11 - Consideration of proposed Second Amendment to the Agreement between the County of Lake and Lake County Community Action Agency, New Beginnings Highland High School and Carlé High School for provision of alcohol and drug counseling, for Fiscal Year 2010-2011, in a total amount not to exceed \$200,000** - Mental Health Director Kristy Kelly and Alcohol and Other Drug Services Administrator Laura Solis were present.

Ms. Solis presented the staff report.

After Board discussion, this item was continued two weeks, to February 15, 2011, at 10:15 a.m. to allow for an update from the Lake County Community Action Agency regarding its current financial status, and its ability to assume additional contractual and service obligations.

8. **ADDENDUM ITEM AD-1 - 9:25 A.M. - Discussion/consideration of proposal to lease a new facility in Lucerne for the Mental Health Department** - Mental Health Director Kristy Kelly, Fiscal Officer Robert Menicocci and Chief Deputy Administrative Officer Matt Perry were present.

Mr. Perry presented the staff report.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Nancy Ruzicka, Greg Scott, Bill Brunetti 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 Rushing and by vote of the Board (4 ayes, Supervisor Farrington NO), directed staff to move forward with plans to lease a new facility in Lucerne for the Mental Health Department.

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

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9. **ITEM A-12 - Discussion/consideration of proposed Resolution approving the Standard Agreement between the County of Lake and the State Department of Mental Health for State Hospital Beds, Fiscal Year (FY) 09/10, and authorizing the Director of Mental Health to sign Agreement Number 09-79094-000** - Mental Health Director Kristy Kelly, and Fiscal Officer Robert Menicocci were present.

Ms. Kelly presented the staff report.

Supervisor Rushing offered Resolution No. 2011-14, and it was passed by roll call vote (5 ayes).

10. **ITEM A-13 - Consideration of proposed Agreement between the County of Lake and Ruzicka Associates for engineering services on the Spring Valley Water System Improvement Project, in the amount of \$198,896** - Special Districts Administrator Mark Dellinger was present.

County Administrative Officer Kelly Cox presented the staff report.

Supervisor Brown was absent at 11:15 a.m. and present at 11:17 a.m.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Ruzicka Associates for engineering services on the Spring Valley Water System Improvement Project, in the amount of \$198,896, and authorized the Chair to sign.

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

11. **ITEM A-14 - Discussion/consideration of request from Amy Crook to approve, in concept, a sewer connection in a restricted area and to transfer sewer entitlement from a location within the restricted area to APN 010-043-24 (15875 Dam Road, Clearlake)** - Special Districts Administrator Mark Dellinger and Customer Service Coordinator Jill Shaul were present.

Mr. Dellinger presented the staff report.

On motion of Director Smith and by vote of the Board (5 ayes), approved the request, in concept, and directed staff to move forward with the transfer when Ms. Crook secured a second location.

The Board returned to this item later in the day.

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

12. **ITEM A-16 - 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): (a) In re Boeger Land Development; and (b) Rogers v. County of Lake, 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 11:56 a.m., with no action taken.

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.

13. **ITEM A-7 - 11:30 A.M. Assessment Appeal Hearings:**

**(a) Henry Comstock - Application No. 81-2010 - 2268 Will-O-View Circle, Lakeport, CA (APN 026-342-090-000)** - Chief Deputy Assessor-Recorder Jim Campbell and Appraiser III Debbie Olson were sworn in by the Clerk.

Neither the appellant, nor representation were present.

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

**(b) Scott and Carla Higgins - Application No. 80-2010 - 12929 Lakeland Street, Clearlake Oaks, CA (APN 035-771-170-000)** - Chief Deputy Assessor-Recorder Jim Campbell and Appraiser III Debbie Olson were sworn in by the Clerk.

Neither the appellant, nor representation were 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.

The gavel was returned to Chair Comstock.

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

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

- BACK TO #11 - ITEM A-14 - Discussion/consideration of request from Amy Crook to approve, in concept, a sewer connection in a restricted area and to transfer sewer entitlement from a location within the restricted area to APN 010-043-24 (15875 Dam Road, Clearlake)** - Special Districts Administrator Mark Dellinger, Customer Service Coordinator Jill Shaul and Amy Crook were present.

Ms. Crook presented the request to the Board, including the presentation of a report of the total water usage of her fitness facility, and requested the Board consider waiving the requirement of two sewer entitlements for her future fitness facility, given that the historical usage of the current facility did not exceed 210 gallons per day.

Consideration of this request was not on the posted agenda, leading to the extra item immediately following.

15. **ITEM A-3 - Consideration of items not appearing on the posted agenda:**

**Extra #1 - Consideration of request from Amy Crook to waive, in concept, the requirement of a second sewer entitlement in order to move her fitness facility to a new location within the restricted area** - On motion of Director Rushing and by vote of the Board (5 ayes), approved taking up this item due to the fact that the need arose after the posting of today's agenda.

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

This issue came to the staff's attention after the posting of the agenda and a decision must be made by the Board before the next meeting based on information provided by Ms. Crook as to the urgent need to move forward on relocating her business in order to maintain its viability and retain existing jobs.

Ms. Crook presented her request to the Board.

On motion of Director Smith and by vote of the Board (4 ayes, Director Farrington ABSENT), found the fitness facility currently located at APN 010-043-24 (15875 Dam Road, Clearlake), has a consistent usage of under 210 gallons of water per day, and therefore, waived the requirement for a second sewer entitlement, in concept, at the future location of the fitness facility.

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

14. **ITEM A-8 - Carried over from January 11, 2011 - 1:30 P.M. - CLOSED SESSION - Public Employee Disciplinary Appeal No. EDA - 2010-03, Government Code Section 54957** - Chair Comstock announced the Board would now return to Closed Session for the reason stated on the agenda.

The Board returned into Regular Session with no action taken at 6:05 p.m.

There being no further business, the Board adjourned at 6:05 p.m.

KELLY F. COX  
Clerk of the Board

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Chair - Lake County Board of Supervisors

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