

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD FEBRUARY 15, 2011

The Honorable Board of Supervisors of Lake County, California, met in regular session this 15th 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 9:00 a.m. by Chair Comstock. Following the moment of silence, Supervisor Farrington 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-7, with the exception of C-4, which will be taken up later in the day.

Approved Minutes of the Board of Supervisors meeting held on February 8, 2011.

Adopted Resolution No. 2011-17, approving Agreement No. 11-0007 with the State of California, Department of Food and Agriculture and authorizing execution of the Contract and signature for insect trapping activities for Fiscal Year 2011/12.

Approved waiver of 900-hour limit for extra-help Client Services Assistant II employee, David Perata, as per staff memorandum, dated January 28, 2011.

Approved Contract between the County of Lake and Redwood Toxicology Laboratory, Inc., for alcohol and drug testing services, in an amount not to exceed \$25,000, and authorized the Chair to sign.

Authorized the Clerk of the Board to provide notice to Upper Lake Union Elementary School District that the Board of Supervisors will not authorize issuance of a 2010-11 Tax and Revenue Anticipation Note on behalf of the district, pursuant to Government Code Section 53853.

Sitting as the Board of Directors of the Lake County Sanitation District, adopted Resolution No. 2011-18, authorizing the Special Districts Administrator to sign a Notice of Completion for work performed under agreement dated September 30, 2010 (Temporary Sewage Lift Station and Force Main Improvements, Bid No. SD 11-03).

Consent Agenda Item C-4 - Approve the Cooperative Agreement between the County of Lake and the California Department of Transportation (CalTrans) regarding the Lucerne Cutoff Roundabout (identifying respective responsibilities and associated costs for the construction of a roundabout at the Nice-Lucerne Cutoff, and authorize the Chair to sign - This item was taken up later in the day.

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-13 - Consideration of appointments to the following: Big Valley Groundwater Management Zone Commission, Building Board of Appeals; and Clear Lake Advisory Committee** - On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Paul Lauenroth to the Big Valley Groundwater Management Zone Commission, for a term expiring January 1, 2014.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), appointed James Knox and Kipling Clark to the Building Board of Appeals, in the categories of Supervisorial Districts 4 and 5 respectively, for terms expiring January 1, 2013.

On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Annelle Durham and Gary Reeder to the Clear Lake Advisory Committee, in the categories of Agriculture and Water Quality respectively, for terms expiring January 1, 2013.

4. **ITEM A-15 - Advanced from February 8, 2011 - Discussion/consideration of proposed Ordinance amending Chapter 4 of the Lake County Code establishing fees for dog and cat licensing, redemptions and other services provided by Lake County Animal Care and Control (Reflecting an increase in cat licensing and special cremation fees) (SECOND READING)** - Supervisor Farrington offered Ordinance No. 2938, and it was passed by roll call vote (5 ayes).

5. **ITEM A-16 - Advanced from February 8, 2011 - Discussion/consideration of proposed Ordinance adding Subsection 14.8 to Section 4-14 of Chapter 4 of the Lake County Code providing for modifications/removal of existing vicious animal orders (Enabling the owner/possessor of a vicious animal to petition for a hearing before the Board of Supervisors in order to request a modification or removal of their existing Vicious Animal Order after three (3) years) (SECOND READING)** - Supervisor Smith offered Ordinance No. 2939, and it was passed by roll call vote (5 ayes).

6. **ITEM A-17 - Request to approve lease for an office building at 6302 13th Avenue, Lucerne, for the Mental Health Department** - At staff request, this item was carried over one week, to February 22, 2011.

7. **ITEM A-18 - Consideration of proposed alterations in the structure of the Treasury Oversight Committee (TOC)** - County Administrative Officer Kelly Cox presented the staff report.

Chair Comstock asked if anyone was present wishing to speak and Greg Scott spoke. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Tax Collector-Treasure's recommendation to eliminate the Treasury Oversight Committee and replace it with an annual treasury meeting for the public and pool participants, to be conducted during a regular BOS meeting.

8. **ITEM A-5 - 9:15 A.M. - HEARING - Nuisance Abatement - 6930 Top Drive, Nice, CA (APN 031-174-33 - Alexander Newfield and Charity Newfield)** - Community Development Director Rick Coel, Code Enforcement Officer Kathy Freeman and Alex Newfield were sworn in by the Clerk.

Ms. Freeman presented the staff report.

Mr. Newfield gave testimony.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 6930 Top Drive, Nice, CA (APN 031-174-33 - Alexander Newfield and Charity Newfield), within thirty (30) days and authorized staff to abate the nuisance if it is not voluntarily abated, all cost associated with this case will become a charge against the property, and authorized the Chair to sign the abatement order.

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

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9. **ITEM A-6 - 9:30 A.M. - PUBLIC HEARING - Discussion/consideration of proposed Ordinance amending Section 721 of the Sewer Use Ordinance (Appendix A), of the Lake County Code - increasing charges for accepting discharge from septic haulers at the Southeast and Northwest Regional Wastewater Treatment Facilities** - Special Districts Administrator Mark Dellinger and Fiscal Officer Jan Coppinger were present.

Mr. Dellinger presented the staff report.

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

On motion of Director 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 Director Rushing and by vote of the Board (5 ayes), advanced the ordinance one week, to February 22, 2011.

10. **ITEM A-7 - 9:45 A.M. - PUBLIC HEARING - Discussion/consideration of proposed Urgency Measure adopting an Interim Ordinance extending temporary restrictions upon connections to the Southeast Regional Wastewater System** - Special Districts Administrator Mark Dellinger and Fiscal Officer Jan Coppinger were present.

Mr. Dellinger presented the staff report.

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

Director Smith suggested amendments to the staff report.

Director Smith made a motion to accept the staff report, as amended. This motion was withdrawn.

On motion of Director Brown and by vote of the Board (4 ayes, Director Smith NO), approved the staff report, as presented.

On motion of Director Brown and by vote of the Board (4 ayes, Director Smith NO), waived the reading of the ordinance, to be read in title only (Clerk so did).

Director Brown offered Ordinance No. 2940, and it was passed by roll call vote (4 ayes, Director Smith NO).

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 10:36 a.m.

11. **ITEM A-8 - 10:00 A.M. - Presentation of report from the Court Appointed Special Advocates (CASA) Program of Mendocino/Lake County regarding local program developments** - CASA Executive Director Sheryn Hildebrand presented the report to the Board.

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

12. **ITEM A-9 - 10:15 A.M. - (a) Update on the current status of Lake County Community Action Agency (LCCAA), its financial challenges and ability to assume additional contractual and service obligations; and Continued from February 1, 2011 - (b) 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** - (a) At the request of the Lake County Community Action Agency (LCCAA), this portion of the item was carried over to a future date.

(b) This portion of the item was continued to a future date, pending the update from the Lake County Community Action Agency (LCCAA).

13. **ITEM A-10 - 10:45 A.M. - Discussion/consideration of options for development of a new Middletown/South County area substation for the Sheriff's Department** - At the request of Sheriff Rivero, this item was carried over two weeks, to March 1, 2011.

14. **ITEM A-11 - 11:00 A.M. - Consideration of proposed letter urging the State to not eliminate the Multi-Purpose Senior Services Program (MSSP) from the State Budget** - Social Services Director Carol Huchingson and Community Care Executive Director Dennis Fay were present.

Mr. Fay presented the proposed letter to the Board.

Amendments were made to the letter.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the letter, as amended, and authorized the Chair to sign.

15. **ITEM A-14 - Presentation of Midyear Budget Report and consideration of proposed Resolution revising revenue estimates, adjusting appropriations, and appropriating designations in the Fiscal Year 2010-11 Budget and revising the position allocation for selected budget units** - Chief Deputy Administrator Matt Perry, Special Districts Administrator Mark Dellinger and Fiscal Officer Jan Coppinger were present.

County Administrative Officer Kelly Cox presented the staff report.

Supervisor Farrington offered Resolution No. 2011-19, and it was passed by roll call vote (5 ayes).

16. **ITEM A-19 - Consideration of request for out-of-state travel for Invasive Species Program Coordinator Carolyn Ruttan, to attend the Aquatic Plant Management Society, Inc., Conference in Westminster, CO, on March 28-30, 2011** - Water Resources Director Scott DeLeon presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved out-of-state travel for Invasive Species Program Coordinator Carolyn Ruttan, to attend the Aquatic Plant Management Society, Inc., Conference in Westminster, CO, on March 28-30, 2011.

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BACK TO #1 - ITEM A-1 - Consent Agenda Item C-4 - Approve the Cooperative Agreement between the County of Lake and the California Department of Transportation (CalTrans) regarding the Lucerne Cutoff Roundabout (identifying respective responsibilities and associated costs for the construction of a roundabout at the Nice-Lucerne Cutoff, and authorize the Chair to sign - Interim Public Works Director Gerry Shaul and Assistant Public Works Director Lars Ewing were present.

Mr. Shaul presented the staff report.

On motion of Supervisor Brown and by vote of the Board, approved the Cooperative Agreement between the County of Lake and the California Department of Transportation (CalTrans) regarding the Lucerne Cutoff Roundabout (identifying respective responsibilities and associated costs for the construction of a roundabout at the Nice-Lucerne Cutoff,) and authorized the Chair to sign.

17. ITEM A-12 - Supervisors' weekly calendar, travel and reports - Supervisor Brown reported receipt of a letter praising the Area 5 Road Crew for their pothole repairs in the Cobb area.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), directed staff to send a letter of appreciation to the Area 5 Road Crew, and authorized the Chair to sign.

Supervisor Comstock reported receipt of a letter from the California Department of Veterans Affairs, and commended Veterans Services Director Jim Brown for his efforts on behalf of the Lake County's veterans.

18. 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: LCEA, DSA, LCCOA and DDAA 2. Conference with Legal Counsel - Existing legislation pursuant to Government Code Section 54956.9, Subdivision (a): (a) In re Boeger Land Development (b) Rogers v. County of Lake, et al. 3. Public Employee Performance Evaluation: Title: Registrar of Voters 4. Consideration of proposed Findings of Fact for Public Employee Disciplinary Appeal No. EDA 2010-03, Government Code Section 54957 - Chair Comstock announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board returned into Regular Session at 12:54 p.m. and took the following action:

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSTAIN), approved the Findings of Fact for Public Employee Disciplinary Appeal No. EDA 2010-03.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSTAIN), denied the appeal in Public Employee Disciplinary Appeal No. EDA 2010-03.

There being no further business, the Board adjourned at 12:56 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

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