

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JULY 26, 2011

The Honorable Board of Supervisors of Lake County, California, met in regular session this 26th day of July, 2011, there being present Supervisors Jeff Smith, Denise Rushing, Rob Brown and Jim Comstock, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner. Supervisor Farrington was absent all day.

The meeting was called to order at 9:00 a.m. by Chair Comstock. Supervisor Brown was absent. Following a 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 (3 ayes, Supervisors Farrington and Brown ABSENT), approved Consent Agenda items C-1 through C-8. The Board returned to this item later in the day.

Approved Minutes of the Board of Supervisors meeting held on July 19, 2011.

Approved Agreement between the County of Lake and MGT of America, Inc., for the preparation of the State Mandated Cost Claiming and Cost Allocation Plan, for Fiscal Years 2011-2014, for an annual amount of \$19,000 for FY 2011/12, and \$23,000 annually for FY 2012-2014, and authorized the Chair to sign.

Adopted the County Information Security Policy.

Appointed Stephen Carter (Public Defender Representative) and Kristy Kelly (Mental Health Representative) to the Executive Committee of the Community Corrections Partnership, as requested in staff memorandum dated July 11, 2011.

Approved Third Amendment to Agreement between the County of Lake and Industrial Employers and Distributors Association (IEDA), for Public Authority Labor Negotiations Consultant services, for an increase of \$658 in FY 2011/12, and authorized the Chair to sign.

Approved out of state travel for Deputy Social Services Director Kathy Maes and Deputy Mental Health Director Linda Morris, to National Harbor, Maryland, to attend the United States Department of Health and Human Services Regional Partnership Annual Grantee Meeting, on September 14-16, 2011.

(a) Waived the County consultant selection procedure for differential response services funded by Child Welfare Services Outcome Improvement Project, Promoting Safe and Stable Families, and CalWORKs funds;

(b) Approved Contract between the County of Lake and Lake Family Resource Center for differential response services, in an annual amount not to exceed \$70,000, for Fiscal Years 2011-2014, and authorized the Chair to sign; and

(c) Approved Third Amendment to Contract between the County of Lake and Lake County Office of Education - Healthy Start for differential response services, in an annual amount not to exceed \$70,000, for Fiscal Years 2011-2014, and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Redevelopment Agency, approved Rental/Caretaker Agreement between the Lake County Redevelopment Agency and Aaron Branine for rental of modular units at 6607-A and 6607-B 11th Avenue, Lucerne, and authorized the Chair to sign.

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 two canines currently available for adoption.

Supervisor Brown was present at 8:03 a.m.

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

Extra #1 - Consideration of proposed letter to the Environmental Protection Agency regarding the Clean Water Act - On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington ABSENT) approved taking up this item as an extra.

This item was taken up for the following reason: The EPA Comment period closes July 31, and Supervisor Rushing was not made aware of this deadline until after the posting of the July 28, 2011 agenda.

This item was continued to later in the day.

CITIZEN'S INPUT - Phillip Murphy spoke regarding the Vector Control District Board of Trustees.

4. **ITEM A-14 - Consideration of appointments to the following: Countywide Parks and Recreation Advisory Board, Emergency Medical Care Committee and In Home Support Services Public Authority Advisory Committee** - On motion of Supervisor Rushing and by vote (4 ayes, Supervisor Farrington ABSENT) appointed Lyndon Ernst to the Countywide Parks and Recreation Advisory Board, for a term to expire January 1, 2013.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), appointed Duane Toney to the Emergency Medical Care Committee, for a term to expire January 1, 2013.

The Board took no action regarding the In-Home Support Services Public Authority Advisory Committee.

5. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - Discussion/consideration of the 2011 Supervisorial Redistricting Advisory Committee Recommendations of Proposed Supervisorial District Boundary Adjustments** - Registrar of Voters Diane Fridley and GIS Specialist Lon Sharp presented the staff report.

Chair Comstock opened the public hearing and the following people spoke: Victoria Brandon, Cheryl Hutchinson, Lorrie Gray and Walt Christiansen. No one else was present wishing to speak and the public hearing was continued one week, to August 2, 2011, at 1:30 p.m.

- BACK TO #3 - ITEM A-3 - Extra #1 - Consideration of proposed letter to the Environmental Protection Agency regarding the Clean Water Act** - Supervisor Rushing withdrew this item from consideration.

After a brief recess, the Board reconvened into Regular Session at 10:45 a.m.

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6. **ITEM A-6 - 9:45 A.M. - Consideration of request from Veronica Anderson for assistance regarding completion of requirements to fulfill Nuisance Animal Abatement Order located at 1050 Scotts Valley Road, Lakeport, CA** - Animal Control Director Bill Davidson and Veronica Anderson were present.

Ms. Anderson presented her request.

This item was continued one week, to August 2, 2011, at 11:15 a.m.

There was board consensus to waive board fees incurred during this one week extension.

7. **ITEM A-7 - 10:30 A.M. - HEARING - Nuisance Abatement of 7380 Lassen Street, Nice, CA (APN 031-131-270-000 - Bill Bonds and Kimberly Bonds)** - Community Development Director Rick Coel and Code Enforcement Officer Dana McDonald were sworn in by the Clerk.

Neither the property owner, nor representation were present.

Mr. McDonald presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), adopted the order to complete abatement of the nuisance on property located at 7380 Lassen Street, Nice, CA (APN 031-131-270-000 - Bill Bonds and Kimberly Bonds), 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.

8. **ITEM A-8 - 10:45 A.M. - HEARING - Nuisance Abatement of 7298, 7290, 7282 and 7274 East Butte Street, Upper Lake, CA (APN 031-132-26, 27, 28 & 29 - Sean J. Silvestro)** - Community Development Director Rick Coel, Code Enforcement Officer Dana McDonald, Mitchell Hauptman and Sean Silvestro were sworn in by the Clerk.

Mr. Hauptman gave testimony.

This item was continued three weeks, to August 16, 2011, at 10:15 a.m.

9. **ITEM A-9 - Continued from July 12, 2011 - 11:00 A.M. - Consideration of Bid Award for Bid No. 11-02, Middletown Senior Center and Library Project, and consideration of alternatives to awarding bid in order to reduce project costs** - At departmental request, this item was carried over one week, to August 2, 2011.

10. **ITEM A-15 - (a) Consideration of proposed Lease Agreement between the County of Lake and Tri-Star Properties, L.P. for a Wellness Center for Fiscal Years 2011-2014, at a rate of \$1,650 per month; and (b) Consideration of request to approve tenant improvements as a part of said Lease, in the amount of \$35,548** - Mental Health Director Kristy Kelly, Native American Case Manager Thomas Brown and Mental Health Team Leader Jim Isherwood were present.

Mr. Brown presented the staff report and introduced members of the Elders Council, many of whom spoke.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Wanda Quitiquit, Donna Glichtell, Howard Chavez, John Johnson, and Veronica Anderson spoke. No one else was present wishing to speak and the public input portion of this item was closed.

(a) On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the Lease Agreement between the County of Lake and Tri-Star Properties, L.P. for a Wellness Center for Fiscal Years 2011-2014, at a rate of \$1,650 per month, and authorized the Chair to sign.

(b) On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approve tenant improvements as a part of said Lease, in the amount of \$35,548, as Capital Improvements.

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 Vice-Chair Brown.

11. **ITEM A-10 - 11:30 A.M. - Assessment Appeal Hearing:**

Keith Jones - Application No. 165-2010 - 1101 20th Street, Lakeport, (APN 026-361-020-000) - Chief Deputy Assessor-Recorder Jim Campbell, Appraiser III Debbie Olson and Keith Jones were sworn in by the Clerk.

Mr. Jones gave testimony.

Ms. Olson presented the staff report.

On motion of Member Comstock and by vote of the Board (4 ayes, Supervisor Farrington ABSENT) denied the appeal.

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

The gavel was returned to Chair Comstock.

12. **ITEM A-16 - Consideration of designating single point of County contact with the State for the Post-Release Community Supervision (PRCS) Responsibilities under AB 117** - County Administrative Officer Kelly Cox presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington ABSENT) designated the Probation Department as the lead agency and single point of County contact with the State for the Post-Release Community Supervision (PRCS) Responsibilities under AB 117.

13. **ITEM A-17 - Consideration of request to add the Water Resources Division to the County Volunteer Travel Reimbursement Policy** - County Administrative Officer Kelly Cox presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington ABSENT) approved the addition of the Water Resources Division to the County Volunteer Travel Reimbursement Policy.

- BACK TO #1 - ITEM A-1 - APPROVAL OF THE CONSENT AGENDA** - On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington ABSENT) approved taking up Consent Agenda Item C-1 for further consideration.

Supervisor Rushing suggested an amendment to the wording of the minutes.

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On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the Minutes of the July 19, 2011 Meeting, as amended.

After lunch recess, the Board reconvened into Regular Session at 1:30 p.m.

14. **ITEM A-11 - 1:30 P.M. - Presentation of update on Water Resources activities, Middle Creek Marsh Restoration Project, options to create access points to Clear Lake, and response to Clear Lake Advisory Committee recommendations of June 28, 2011** - Public Works 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: Joan Moss, Robert Fairweather, Betsy Cawn, Jim Steele, Mike Dunlap, John Zebelian, Victoria Brandon, Chuck Lamb, Tom Slaight and Carter Irwin. No one else was present wishing to speak and the public input portion of this item was closed.

After a brief recess, the Board reconvened into Regular Session at 3:45 p.m.

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

15. **ITEM A-12 - 2:00 P.M. - Discussion/consideration of requests to present to State representatives regarding assistance in the prevention of invasive species in Clear Lake** - Clear Lake Advisory Committee Chair Melissa Fulton presented the Advisory Committee requests to the Board.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Mike Dunlap, Anna Ravenwood, Betsy Cawn, Brockman Chris and Tom Slaight. No one else was present wishing to speak and the public input portion of this item was closed.

There was Board consensus to place the committee recommendation of the declaration of a state of emergency regarding the threat of dreissenid mussels on Clear Lake, on the August 2, 2011 Meeting Agenda, at 11:30 a.m.

16. **ITEM A-18 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, M. Perry and J. Hammond; and (b) Employee Organization: LCEA, DSA, LCCOA and DDAA 2. Conference with Legal Counsel: Existing Litigation pursuant to Government Code Section 54956.9, Subdivision (a): (a) Application of Pacific Gas and Electric Company for approval of modifications to its SmartMeter Program and increased revenue requirements to recover the costs of the modifications; (b) Robey v. County of Lake (c) Friends of Cobb Mountain 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 5:20 p.m. and took the following action:

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), reluctantly affirmed the decision of CSAC-EIA to approve a resolution of the matter of Robey v. Scott et al., for solely economic reasons, in the amount of \$15,000.

Supervisor Rushing was absent at 5:21 p.m. and did not participate in the Closed Session Item 2(a) due to a potential conflict of interest.

The Board reconvened into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session at 5:29 p.m. with no action taken.

There being no further business, the Board of Supervisors adjourned at 5:29 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

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