

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MARCH 1, 2011

The Honorable Board of Supervisors of Lake County, California, met in regular session this 1<sup>st</sup> day of March, 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. A moment of silence was dedicated to the memory of Scott and Jean Adam, Phyllis Macay and Bob Riggle, victims of the recent hijacking by Somali pirates. After the moment of silence, Social Services Director Carol Huchingson 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-12, with the exception of C-1, which was carried over one week, to March 1, 2011.

Approved Minutes of the Board of Supervisors meeting held on February 15, and February 22, 2011.

Adopted Proclamation designating the month of March 2011 as Meals on Wheels Month in Lake County.

Adopted Proclamation designating the week of February 28-March 4, 2011 as Invasive Species Awareness Week in Lake County.

Adopted Proclamation expressing gratitude for the service of local community member Morrell "Mo" Fitch.

Adopted Resolution No. 2011-27, amending Resolution No. 2010-225 establishing position allocations for Fiscal Year 2010-2011, Budget Unit No. 1121, Auditor-Controller (replacing one Accounting Technician, Senior, and one Account Clerk I/II with two Accounting Technicians)

Adopted Resolution No. 2011-28, amending Exhibit "A" to the County Conflict of Interest Code (revising and updating the list of designated employees in various departments)

Approved First Amendment to Agreement between the County of Lake and Victor Treatment Centers, Inc., for specialty mental health services, with no increase in amount, for Fiscal Year 2010-2011, and authorized the Chair to sign (omitting the language referring to the site specific location, so as to include all Victor Treatment Centers in one contract and replacing Exhibit B to reflect Victor Treatment Centers, Inc.'s current fee schedule).

Adopted Resolution No. 2011-29, amending Resolution No. 2010-165 establishing position allocations for Fiscal Year 2010-2011, Budget Unit No. 2302, Probation Officer - Juvenile Court and Budget Unit No. 2303, Juvenile Home (deleting one Assistant Chief Probation Officer, one Senior Deputy Probation Officer and one Deputy Probation Officer I/II/III allocations and adding two Chief Deputy Probation Officer I/II and one Staff Services Analyst I/II allocations)

Approved Plans and Specifications for Elk Mountain Road MPM 27.53 Storm Damage Repair in Lake County, Bid No. 09-12, and authorized the Public Works Director/Assistant Purchasing Agent to advertise for bids.

(a) Approve out of county travel, in excess of 1,500 miles round trip, to Spokane, Washington, on March 4, 2011, of Social Worker III Linda Puertolas, to tour a group home facility for pending client placement; and

(b) Approved future out of county travel of Social Worker III Linda Puertolas and client, to Spokane, Washington, for client placement and routine monthly visits of client, pursuant to state regulations governing Child Welfare Services (CWS).

Approved Authorized Provider Agreement between the County of Lake and the Sonoma & Mendocino County Chapter of the American Red Cross for training services, and authorized the Social Services Director to sign.

Approved Encroachment Permit for NorCal Boat and Ski Club for boat and ski races on Clear Lake during 2011, and authorized the Chair to sign.

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

The Board of Supervisors adjourned and convened as the Board of Directors of the Lake County Redevelopment Agency.

**Change Order No. 2 - Lucerne Third Avenue Project** - This change order addresses extra work, authorized by staff, during the course of the project.

Deputy Redevelopment Director Eric Seely presented the staff report.

On motion of Director Rushing and by vote of the Board (5 ayes), approved Change Order No. 2, Lucerne Third Avenue Project, for an increase of \$17,624.67, KAT Construction, and authorized the Chair to sign.

The Board of Directors of the Lake County Redevelopment Agency adjourned and convened as the Lake County Local Board of Equalization.

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

3. **ITEM A-5 - 9:10 A.M. - Consideration of proposed Findings of Fact - Assessment Appeal of James Robello - Application Nos. 01-2010 and 76-2010 - 2315 Eastlake Drive, Kelseyville, CA (APN 044-192-190-000)** - Typographical errors were noted and corrected in the proposed Findings of Fact.

Chair Farrington asked if anyone was present wishing to speak and James Robello spoke.

On motion of Member Brown and by vote of the Board (5 ayes), approved the Findings of Fact, as corrected, and authorized the Chair to sign.

On motion of Member Brown and by vote of the Board (5 ayes), denied the appeal.

Mr. Robello noted the address of the property was listed incorrectly in the Findings of Fact.

On motion of Member Brown and by vote of the Board (5 ayes), approved the Findings of Fact, as further corrected, and authorized the Chair to sign.

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

The gavel was returned to Chair Comstock.

4. **ITEM A-6 - 9:15 A.M. - Presentation of Proclamation designating the month of March 2011 as Meals on Wheels Month in Lake County** - Supervisor Rushing read the Proclamation into the record and presented it to Jackie Spiker, who spoke.
5. **ITEM A-7 - Carried over from February 15, 2011 - 9:20 A.M. - Discussion/consideration of options for development of a new Middletown/South County area substation for the Sheriff's Department** - Sheriff Francisco Rivero and Community Development Director Rick Coel were present.

Sheriff Rivero gave a brief summary.

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.

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

6. **ITEM A-17 - Consideration of appointments to the following: Heritage Commission; and (carried over from February 22, 2011) Sheriff's Office of Quality Assurance Exploratory Committee** - At staff request, consideration of appointments to the Heritage Commission were carried over one week, to March 8, 2011.

Supervisors Rushing and Brown announced they would contact applicants to the Sheriff's Office of Quality Assurance Exploratory Committee this week and at their request, this item was carried over two weeks, to March 15, 2011.

7. **ITEM A-8 - 9:45 A.M. - Presentation of Proclamation designating the week of February 28-March 4, 2011 as Invasive Species Awareness Week in Lake County** - Supervisor Smith read the Proclamation into the record and presented it to Invasive Species Program Coordinator Carolyn Ruttan and Water Resources Director Scott DeLeon, who spoke.
8. **ITEM A-9 - 9:50 A.M. - Presentation of Proclamation expressing gratitude for the service of local community member Morrell "Mo" Fitch** - Supervisors Comstock and Rushing read the Proclamation into the record and presented it to Morrell Fitch, who spoke.

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

9. **ITEM A-10 - 10:00 A.M. - (a) Consideration of customer request for variance from Appendix A of the Sewer Use Ordinance, Article II, Section 205 (property located at 14855 Olympic Drive, Clearlake - APN 039-550-03 - Richard Green); and (b) Consideration of proposed Resolution approving a variance of the Sewer Use Regulations for property located at 14855 Olympic Drive, Clearlake (APN 039-550-03 - Richard Green)** - Special Districts Administrator Mark Dellinger and Fiscal Officer Jan Coppinger were present.

Mr. Dellinger presented the staff report.

(a) This portion of the item was informational only. No action was taken on this portion of the item.

(b) Director Smith offered Resolution No. 2011-30, and it was passed by roll call vote (5 ayes).

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

10. **ITEM A-18 - Continued from November 16, 2010 - Consideration of proposed resolution determining Redemption Fund Surplus in North Lakeport Water Assessment District 4-1, and ordering its disposition** - Deputy County Administrative Officer Jeff Rein presented the staff report.

A typographical error was noted and corrected on the face of the proposed resolution.

Supervisor Farrington offered Resolution No. 2011-31, and it was passed by roll call vote (5 ayes).

After a brief recess, the Board reconvened into Regular Session at 10:31 a.m.

11. **ITEM A-11 - 10:30 A.M. - Discussion of proposed modification to Workforce Investment Area** - Social Services Director Carol Huchingson, Lake County One Stop Executive Director Seth DeSimone and Lake County One Stop Board of Directors members Nick Summerfield, Mickey Burke and Mary Becker were present.

Supervisor Rushing introduced the item.

Each member of the Lake County One Stop Board of Directors spoke.

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

After Board members reiterated their support for the proposed modification submitted by Napa County, there was Board consensus to schedule a forum on the proposed modification to the Workforce Investment Area at a future date, in order to provide accurate information to the public. (This item was later scheduled for April 5, 2011, at 10:20 a.m.)

12. **ITEM A-12 - 10:45 A.M. - Consideration of proposed letter in support of Assembly Bill 37 - Smart Meters Opt Out** - Supervisor Rushing recused herself due to a potential conflict of interest and was absent at 11:25 a.m.

Amendments to the letter were suggested.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Karen Mantelli and Lori Petaska. No one else was present wishing to speak and the public input portion of this item was closed.

This item was continued one week, to March 8, 2011, at 11:00 a.m.

Supervisor Rushing was present at 11:45 a.m.

13. **ITEM A-13 - Carried over from February 15 and February 22, 2011 - 11:00 A.M. - Request to approve lease for an office building at 6302 13<sup>th</sup> Avenue, Lucerne, for the Mental Health Department** - Mental Health Director Kristy Kelly, Fiscal Officer Bob Menicocci and Chief Deputy Administrative Officer Matt Perry were present.

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Mr. Perry presented the staff report.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Suzanne Lyons, Kim Hemberton, Carol Hayes, Barbara Breunig, Sarah Collins and Nancy Ruzicka. No one else was present wishing to speak and the public input portion of this item was closed.

14. **ITEM A-19 - (a) Consideration of request to appoint Don Hoberg as Interim Heavy Equipment/Fleet Maintenance Superintendent; and (b) Consideration of request for a 900 hour unique position of Mechanic Assistant** - (a) On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Don Hoberg as Interim Heavy Equipment/Fleet Maintenance Superintendent.

The Board continued this item to later in the day.

15. **ITEM A-20 - Consideration of proposed Memorandum of Understanding between the County of Lake and Lake Transit Authority (LTA) for construction management services, inspection of new bus stops and bus stop sign maintenance, in the amount of \$48,000** - On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington NO), approved Memorandum of Understanding between the County of Lake and Lake Transit Authority (LTA) for construction management services, inspection of new bus stops and bus stop sign maintenance, in the amount of \$48,000, and authorized the Chair to sign.

- BACK TO #14 - ITEM A-19 - (a) Consideration of request to appoint Don Hoberg as Interim Heavy Equipment/Fleet Maintenance Superintendent; and (b) Consideration of request for a 900 hour unique position of Mechanic Assistant** - (b) Human Resources Director Kathy Ferguson presented the staff report.

On Supervisor Brown and by vote of the Board (5 ayes), approved a 900 hour unique position of Mechanic Assistant, to be compensated at the Grade A-13 pay level of \$13.1192 per hour.

After a lunch recess, the Board reconvened into Regular Session at 1:41 p.m.

16. **ITEM A-14 - Continued from February 22, 2011 - 1:30 P.M. - PUBLIC HEARING - 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)** - Community Development Director Rick Coel, Air Pollution Control Officer Doug Gearhart, Hamilton Hess, Scott Stegeman, Linda Fung and Brian Harms were sworn in by the Clerk.

Mr Hess and Mr. Stegeman gave testimony.

There was Board consensus to continue this item for two weeks, to March 15, 2011, at 11:30 a.m., to allow for two Supervisors to meet with PG&E representatives regarding options for potential benefits to the local residents.

17. **ITEM A-15 - Carried over from February 22, 2011 - 2:30 P.M. - PUBLIC HEARING - Consideration of request for Rezone (RZ 09-07) of approximately 60 acres from "PDR-BF", Planned Development Residential-Frozen parcel size to "RL-BF", Rural Lands-Frozen parcel size; project applicant is Bottle Rock Power, LLC.; located within the Binkley Leasehold at 6743 and 7385 High Valley Road, Cobb, CA (APNs 011-012-97 and 013-002-03)** - This item was carried over two weeks, to March 15, 2011, at 11:45 a.m.

18. **ITEM A-21 - 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 now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned at 3:58 p.m.

KELLY F. COX  
Clerk of the Board

Chair - Lake County Board of Supervisors

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