

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

**OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 27, 2011**

The Honorable Board of Supervisors of Lake County, California, met in regular session this 27<sup>th</sup> day of September, 2011, there being present Supervisors Anthony Farrington, Rob Brown and Jim Comstock, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner. Supervisors Smith and Rushing were absent.

The meeting was called to order at 9:00 a.m. by Chair Comstock. A moment of silence was dedicated to the memory of Beth McQueen. After the moment of silence, Larry Ratcliffe 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 Smith and Rushing ABSENT), approved Consent Agenda items C-1 through C-14, with the exception of Consent Agenda Items C-5 and C-8. Consent Agenda Item C-5 will be taken up immediately following the Consent Agenda. Consent Agenda Item C-8 was carried over to a future date.

Approved Minutes of the Board of Supervisors meeting held on September 20, 2011.

Adopted Proclamation Commending Kim Clymire for his years of service to the County of Lake.

Adopted Resolution No. 2011-138, pertaining to Tax Revenue Exchange for annexation to Kelseyville County Waterworks District (Sheets Annexation - LAFCO Project #2011-01).

Adopted Resolution No. 2011-139, approving request from Lake County Health Services Department to submit an application for Medical Reserve Corps (MRC) Capacity Building Funds through the National Association of County and City Health Officials (NACCHO) and authorizing the Director of Health Services to sign said application.

**Consent Agenda Item C-5 - Approve donation from the Dolores Lundberg Revocable Living Trust in the amount of \$10,939, for the Middletown Library** - This item was taken up following the adoption of the Consent Agenda.

(a) Adopted Resolution No. 2011-140, approving Purchase Agreement and accepting conveyance of real property located on Mt. Konocti in Kelseyville, California (in the amount of \$90,000 - APN 009-003-03 - Lawrence J. Mazzola and Stephanie Mazzola); and (b) Adopted Resolution No. 2011-141, approving Purchase Agreement and accepting conveyance of real property located on Mt. Konocti in Kelseyville, California (in the amount of \$5,000 - APN 009-003-02 - Douglas Harbey and Carole Harbey).

Adopted Resolution No. 2011-142, declaring Intent to Licence County of Lake property, authorize the Public Services Director to release the Notice to Bidders; and setting the date of the opening of Bids on November 1, 2011, at 9:15 a.m.

**Consent Agenda Item C-8 - Approve Right of Way Agreement and direct Clerk to certify for recordation (035-111-32 - Ruth Voigtmann and Erma Cummings), and authorize the Chair to sign** - This item was removed from the Consent Agenda and carried over to a future date.

Adopted Resolution No. 2011-143, authorizing the Director, Water Resources Department, to sign a Notice of Completion for work performed under Agreement dated November 10, 2009 (Demolition Project, 1305 Reclamation Cutoff Road).

Approved the submission of the State Domestic Preparedness Grant Application (\$160,916 for planning for homeland security and emergency operations, the purchase of specialized equipment, training costs and exercises, and management administration).

Adopted Resolution No. 2011-144, approving the application of the Lake County Department of Social Services (LCDSS) to the California Department of Social Services for the Community Nutrition Expansion Project for Federal Fiscal Year 2011/2012 (up to a maximum of \$150,000).

Approved First Amendment to the Loan Agreement between the County of Lake and Lake One-Stop (LOS) (eliminating the 60 day repayment requirement), and authorized the Chair to sign.

Sitting as the Board of Supervisors and the Board of Directors of the Lake County Redevelopment Agency, approved Remittance Agreement between the Lake County Redevelopment Agency and the County of Lake relative to implementation of ABx1 27, and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Redevelopment Agency, adopted Resolution No. 2011-145, reducing its allocation to the Low and Moderate Income Housing Fund for the 2011-12 Fiscal Year and making certain findings, pursuant to ABx1 27.

**Consent Agenda Item C-5 - Approve donation from the Dolores Lundberg Revocable Living Trust in the amount of \$10,939, for the Middletown Library** - Chair Comstock expressed appreciation to the Dolores Lundberg family for the generous donation.

On motion of Supervisor Farrington and by vote of the Board (3 ayes, Supervisors Smith and Rushing ABSENT), approved the donation from the Dolores Lundberg Revocable Living Trust in the amount of \$10,939, for the Middletown Library.

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 proposed Agreement between the County of Lake and Robert D. Boyd, Attorney at Law, for Indigent Defense Services** - On motion of Supervisor Brown and by vote of the Board (3 ayes, Supervisors Smith and Rushing ABSENT) approved taking up this item as an extra.

This item was taken up for the following reason: The Lake Legal Defense Services is unable to represent a defendant arraigned after the posting of the agenda, due to conflict. The Judge may appoint an attorney if the Board chooses not to consider the contract before the next scheduled meeting.

Chief Deputy Administrative Officer Matt Perry presented the staff report.

This item was continued to later in the day.

**OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 27, 2011**

**Extra #2 - Consideration of request to approve out of state travel for Water Resources Technician Chris White, to transport water sample to the University of Nevada, Las Vegas laboratory at Lake Mead** - On motion of Supervisor Farrington and by vote of the Board (3 ayes, Supervisors Smith and Rushing ABSENT) approved taking up this item as an extra.

This item was taken up for the following reason: Staff is unable to send the originally intended driver to deliver the sample in a County vehicle. This sample must be delivered to the laboratory during the current spawning season of the Quagga Mussels.

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

On motion of Supervisor Brown and by vote of the Board (3 ayes, Supervisors Smith and Rushing ABSENT), approved out of state travel for Water Resources Technician Chris White, to transport water sample to the University of Nevada, Las Vegas laboratory at Lake Mead.

**CITIZEN'S INPUT** - Larry Ratcliffe spoke regarding the Public Guardian.

4. **ITEM A-5 - 9:15 A.M. - Presentation of update regarding the future campus for Mendocino Community College** - Lake County Friends of Mendocino College Chair Wilda Shock and Director of Facilities Planning Mike Adams presented the update to the Board.

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

5. **ITEM A-15 - Consideration of proposed Lease Agreement between the County of Lake and the State of California - California State Lands Commission, to suction dredge hydrilla tubers from the top twelve inches (12") of sediment from the bed of Clear Lake (5 year term; no cost to the County)** - Water Resources Director Scott De Leon presented the staff report.

This item was continued one week, to October 4, 2011.

6. **ITEM A-6 - 9:30 A.M. - Presentation of update regarding the fee-based water vessel inspection program** - Water Resources Director Scott De Leon presented the update to the Board.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Betsy Cawn and Melissa Fulton. 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.

7. **ITEM A-12 - Consideration of request to award Bid No. 12-05, Furnish Aggregate Screenings for Chip Seal Roadwork in various locations of Lake County** - At departmental request, this item was removed from today's agenda.

8. **ITEM A-14 - Consideration of request to award Bid No. 12-04, Furnish and Apply Asphaltic Emulsion for Chip Seal Roadwork in various locations of Lake County** - At departmental request, this item was removed from today's agenda.

9. **ITEM A-7 - 10:30 A.M. - Presentation of Proclamation Commending Kim Clymire for his years of service to the County of Lake** - Chair Comstock read the Proclamation into the record and presented it to Public Services Director Kim Clymire, who spoke.

Many County staff were present.

10. **ITEM A-13 - Consideration of proposed Agreement between the County of Lake and Quincy Engineering for engineering services for four (4) bridge replacement projects and two (2) bridge rehabilitation projects, in an amount not to exceed \$941,000** - Public Works Director Scott De Leon and Quincy Engineering Project Manager Mark Reno presented the staff report.

On motion of Supervisor Brown and by vote of the Board (3 ayes, Supervisors Smith and Rushing ABSENT), approved the Agreement between the County of Lake and Quincy Engineering for engineering services for four (4) bridge replacement projects and two (2) bridge rehabilitation projects, in an amount not to exceed \$941,000, and authorized the Chair to sign.

11. **ITEM A-11 - Consideration of proposed response to the FY 2010-11 Grand Jury Final Report** - Chief Deputy Administrative Officer Matt Perry presented the staff report.

A typographical error was noted and corrected on the proposed response.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Betsy Cawn 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 Brown and by vote of the Board (3 ayes, Supervisors Smith and Rushing ABSENT), approved the response to the FY 2010-11 Grand Jury Final Report, and authorized the Chair to sign.

- BACK TO #3 - Extra #1 - Consideration of proposed Agreement between the County of Lake and Robert D. Boyd, Attorney at Law, for Indigent Defense Services** - On motion of Supervisor Farrington and by vote of the Board (3 ayes, Supervisors Smith and Rushing ABSENT) approved taking up this item as an extra.

On motion of Supervisor Farrington and by vote of the Board (3 ayes, Supervisors Smith and Rushing ABSENT), approved the Agreement between the County of Lake and Robert D. Boyd, Attorney at Law, for Indigent Defense Services, and authorized the Chair to sign.

12. **ITEM A-10 - CLOSED SESSION - Public Employee Disciplinary Appeal No. EDA 2011-02, Government Code Section 54957** - There was Board consensus to carry over this item one week, to October 4, 2011.

13. **ITEM A-16 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, S. Harry, M. Perry and J. Hammond; and (b) Employee Organization: LCEA, DSA, LCCOA and DDAA AND 2. Public Employee Performance Evaluation: Title: Child Support Services Director** - 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.

After a lunch recess, the Board reconvened into Regular Session at 1:31 p.m.

**OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 27, 2011**

Planning Commissioners Olga Martin-Steele, Cliff Swetnam and Gil Schoux were present.

Commissioner Swetnam called the joint meeting of the Board of Supervisors and the Planning Commission to order at 1:32 p.m.

14. **ITEM A-8 - 1:30 P.M. - PUBLIC HEARING - Consideration of proposed amendment to the Housing Element of the Lake County General Plan (GPAP 11-03)** - Community Development Director Rick Coel, Senior Planner Kevin Ingram, Special Districts Administrator Mark Dellinger and Social Services Director Carol Huchingson were present.

After an introduction by Mr. Coel, Mr. Ingram presented the staff report.

Chair Comstock opened the public hearing and the following people spoke: Veronica Fisher, Richard Birk, Reverend Shannon Kimball-Auth and Holly Harris.

After a brief recess, the Board and Commission reconvened into Regular Session and the following people spoke: Mary Jane Fagalde, Gloria Flaherty and Andy Rossoff. No one else was present wishing to speak and the public hearing was closed.

Amendments were made to the Housing Element.

There was consensus between the Board and Commission to support the amendments to the Housing Element of the Lake County General Plan (GPAP 11-03), as amended.

There being no further business, the Board of Supervisors and the Planning Commission adjourned at 3:43 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