

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD FEBRUARY 28, 2012

The Honorable Board of Supervisors of Lake County, California, met in regular session this 28th day of February, 2012, there being present Supervisors Jim Comstock, Jeff Smith, Denise Rushing and Rob Brown, 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 Brown. Following a moment of silence, Supervisor Comstock led the salute to the flag of the United States of America.

1. **ITEM A-2 - 9:05 A.M. - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved Consent Agenda items C-1 through C-8, with the exception of Item C-2, which will be taken up later in the day.

Approved Minutes of the Board of Supervisors meeting held on February 21, 2012.

Consent Agenda Item C-2 - Approve Sixth Amendment to Agreement between the County of Lake and Lake Legal Defense Services, Inc. to provide indigent criminal defense services (extending the agreement an additional twenty-four (24) months), and authorize the Chair to sign - This item was pulled from the Consent Agenda. It will be taken up later in the day.

Approved advanced step hiring of extra help Auditor-Appraiser III Bob Renker, due to applicant's extraordinary qualifications (5th step salary range).

Approved request by Villa Blue Estate Water District to allow a 5-year audit period.

Approved the specialized extra help Area Agency on Aging (AAA) Director classification.

Approved First Amendment to Agreement between the County of Lake and Redwood Toxicology Laboratory, Inc., for drug and alcohol testing services (extending the Agreement an additional twelve (12) months), and authorized the Chair to sign.

Adopted Resolution No. 2012-21, amending Resolution No. 2011-125, establishing position allocations for Fiscal Year 2011-2012, Budget Unit No. 5011, Department of Social Services (delete one (1) Office Assistant I/CDL and add one (1) Office Assistant III position effective February 28, 2012; and delete one (1) Secretary I/II effective March 21, 2012).

Sitting as the Lake County Sanitation Board of Directors, (a) approved Easement Deeds and directed Clerk to certify for recordation (APNs 039-321-01 & 02 - Scott Mullikin), and approved Right of Way Agreements between the County of Lake and Scott Mullikin for the construction of the wastewater force main sanitary sewer line; (b) approved Easement Deeds and directed Clerk to certify for recordation (APNs 010-043-41, 42 & 48 - Sunflower Asset, LLC), and approved Right of Way Agreements between the County of Lake and Sunflower Asset, LLC for the construction of the wastewater force main sanitary sewer line; (c) approved Easement Deed and directed Clerk to certify for recordation (APN 039-462-18 - Maria Montoya), and approved Right of Way Agreements between the County of Lake and Maria Montoya for the construction of the wastewater force main sanitary sewer line; (d) approved Easement Deeds and directed Clerk to certify for recordation (APNs 039-462-66 & 67 - Marcos Hernandez, Jr.), and approved Right of Way Agreements between the County of Lake and Marcos Hernandez, Jr. for the construction of the wastewater force main sanitary sewer line; and authorized the Chair to sign all Right of Way Agreements.

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.

PUBLIC INPUT - Bill MacDougall spoke regarding the establishment of a Probation office in Lower Lake.

Steve Ellis spoke regarding the establishment of a Probation office in Lower Lake.

Elizabeth Zeier spoke regarding an idea for a quagga station in the City of Clearlake.

Cheri Holden invited members of the public to participate in the 2012 We Love Tules Film Festival.

3. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - Consideration of proposed exchange of property consisting of land currently owned by the County, located at 14102 East Highway 20, Clearlake Oaks (APN 006-550-24) and property located at 14102 East Highway 20, Clearlake Oaks, CA (APN 035-111-23) to be used as parking or other public facilities in connection with Clarks Island Park** - Administrative Analyst Alan Flora presented the staff report.

Chair Brown opened the public hearing and Paul Brisco spoke. No one else was present wishing to speak and the public hearing was closed.

Supervisor Rushing offered Resolution No. 2012-22, and it was passed by roll call vote (4 ayes, Supervisor Farrington ABSENT).

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the Property Exchange Agreement between the County of Lake and Paul Brisco and Lorriane Brisco, and authorized the Chair to sign.

4. **ITEM A-6 - 9:20 A.M. - HEARING - Nuisance Abatement Assessment confirmation and proposed recordation of Notice of Lien in the amount of \$10,017.37 - 6488 Soda Bay Road, Kelseyville, CA (APN 044-034-07 - Ron Rose)** - Community Development Director Rick Coel was sworn in by the Clerk.

Neither the owner, nor representation were present.

Mr. Coel presented the staff report.

On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), confirmed the assessment of \$10,017.37, for nuisance abatement on property located at 6488 Soda Bay Road, Kelseyville, CA (APN 044-034-07 - Ron Rose), pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

5. **ITEM A-7 - 9:25 A.M. - HEARING - Nuisance Abatement Assessment confirmation and proposed recordation of Notice of Lien in the amount of \$20,743.47 - 12595 Highway 175, Loch Lomond, CA (APN 011-067-10 - Deutsche Bank National Trust)** - Community Development Director Rick Coel was sworn in by the Clerk.

Neither the owner, nor representation were present.

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Mr. Coel presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), confirmed the assessment of \$20,743.47, for nuisance abatement on property located at 12595 Highway 175, Loch Lomond, CA (APN 011-067-10 - Deutsche Bank National Trust), pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

6. **ITEM A-19 - Advanced from February 21, 2012 - Consideration of proposed Ordinance establishing a Permit and Service Fee Schedule for the Environmental Health Programs of the Lake County Department of Health Services (SECOND READING)** - Supervisor Smith offered Ordinance No. 2970, and it was passed by roll call vote (4 ayes, Supervisor Farrington ABSENT).
7. **ITEM A-8 - 9:30 A.M. - Consideration of proposed Road Benefit Zone for a portion of the roads in the Clear Lake Riviera and County funding contribution to the Benefit Zone** - Supervisor Brown introduced the item.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Tom Nixon and Greg Scott. No one else was present wishing to speak and the public input portion of this item was closed.

The gavel was passed to Vice Chair Smith.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved, in concept, the County funding contribution to the proposed Road Benefit Zone for a portion of the roads in the Clear Lake Riviera, and waived the requirement of the submission of a petition.

After a brief recess, the Board reconvened into Regular Session at 10:09 a.m.

8. **ITEM A-18 - Continued from February 14 and 21, 2012 - Consideration of Sheriff's request for legal representation pursuant to Government Code Section 31000.6** - Undersheriff Pat Turturicci was present.

This item was continued one week, to February 28, 2012, at 9:40 a.m.

9. **ITEM A-9 - 10:00 A.M. - (a) Presentation from CSU Chico Center for Economic Development regarding the Upstate California Consortium Broadband Planning effort; and (b) Consideration of proposed Resolution in support of the formation of a broadband alliance with the Upstate California Consortium to bring broadband to rural areas of Northern California** - Supervisor Rushing introduced the item.

(a) CSU Chico Representative Cathy Emerson made the presentation to the Board.

This portion of the item was informational only; no action was taken.

(b) Supervisor Rushing offered Resolution No. 2012-23, and it was passed by roll call vote (4 ayes, Supervisor Farrington ABSENT).

10. **ITEM A-10 - 10:30 A.M. - Consideration of recommendation for Board action to close trailered vessel access to Clear Lake at Crystal Lake Way Extension and Rodman Slough** - Water Resources Director Scott De Leon presented the staff report.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Nancy Ruzicka, Anna Ravenwood and Betsy Cawn. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved pursuing controlled trailered vessel access to Clear Lake at Crystal Lake Way Extension and Rodman Slough.

County Administrative Officer Kelly Cox was absent for the remainder of the day. Chief Deputy County Administrative Officer Matt Perry was present.

11. **ITEM A-11 - 11:00 A.M. - Presentation and possible Board action regarding alternative on-site aerobic waste water treatment systems** - Health Services Director Jim Brown and Environmental Health Director Ray Ruminski were present.

Supervisor Brown introduced the item.

Dave Bischel gave the presentation to the Board.

Mr. Ruminski presented the staff report.

Chair Brown asked if anyone was present and the following people spoke: Victoria Brandon 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 ABSENT), directed staff to come back with a plan to conduct a comprehensive review of the facts and circumstances surrounding the use of all aerobic systems and their efficacy in Lake County and devise a means to track that data.

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

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 Rushing.

12. **ITEM A-12 - 1:30 P.M. - Assessment Appeal Hearing:**

Mary Leahy - Application No. 113-2010 - 3365 Grey Avenue, Clearlake, CA (APN 039-462-630-000) - Assessor-Recorder Doug Wacker and Chief Deputy Assessor-Recorder Debbie Olson were present.

Neither the owner, nor representation were present.

Chair Rushing confirmed timely notification of the appellant.

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On motion of Member Brown and by vote of the Board (4 ayes, Member Farrington ABSENT), 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 Brown.

13. **ITEM A-13 - 1:35 P.M. - CLOSED SESSION - Public Employee Disciplinary Appeal No. EDA 2012-02, Government Code Section 54957-** Chair Brown announced the appellant had requested the withdrawal of this item.

BACK TO #1 - Consent Agenda Item C-2 - Approve Sixth Amendment to Agreement between the County of Lake and Lake Legal Defense Services, Inc. to provide indigent criminal defense services (extending the agreement an additional twenty-four (24) months) - Chair Brown announced a conflict of interest and recused himself.

On motion of Supervisor Comstock and by vote of the Board (3 ayes, Supervisor Farrington ABSENT, Supervisor Brown ABSTAIN), approved the Approve Sixth Amendment to Agreement between the County of Lake and Lake Legal Defense Services, Inc. to provide indigent criminal defense services (extending the agreement an additional twenty-four (24) months, and authorized the Vice Chair to sign.

14. **ITEM A-20 - Consideration of proposed Amendment Eleven to the Agreement between the County of Lake and MRO Engineers for engineering services for the Soda Bay Bridge Replacement over Cole Creek -** On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved Amendment Eleven to the Agreement between the County of Lake and MRO Engineers for engineering services for the Soda Bay Bridge Replacement over Cole Creek, and authorized the Chair to sign.

15. **ITEM A-17 - CLOSED SESSION - Consideration of proposed Findings of Fact regarding Public Employee Disciplinary Appeal No. EDA 2012-01, Government Code Section 54957 -** Chair Brown announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session at 1:55 p.m. and took the following action:

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), denied Public Employee Disciplinary Appeal No. EDA 2012-01, approved the Findings of Fact and authorized the Chair to sign.

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 Rushing.

16. **ITEM A-14 - 1:45 P.M. Assessment Appeal Hearing:**

Donald & Bonnie Jackson - Application No. 268-2010 - 8651 Paradise Valley Boulevard, Lucerne, CA (APN 060-332-150-000) - Assessor-Recorder Doug Wacker and Chief Deputy Assessor-Recorder Debbie Olson were present.

Neither the owner, nor representation were present.

Chair Rushing confirmed timely notification of the appellant.

On motion of Member Brown and by vote of the Board (4 ayes, Member Farrington ABSENT), denied the appeal, without prejudice.

After a brief recess, the Board reconvened into Regular Session at 2:00 p.m.

17. **ITEM A-15 - 2:00 P.M. Assessment Appeal Hearing:**

Renee Finster - Application No. 173-2010 - 5288 Tewa Court, Kelseyville, CA (APN 430-151-290-000) - Assessor-Recorder Doug Wacker and Chief Deputy Assessor-Recorder Debbie Olson were present.

Neither the owner, nor representation were present.

Chair Rushing confirmed timely notification of the appellant.

On motion of Member Brown and by vote of the Board (4 ayes, Member Farrington ABSENT), 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 Brown.

18. **ITEM A-21 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, S. Harry, L. Guintivano, M. Perry and J. Hammond; and (b) Employee Organization: DSA, LCCOA and DDAA -** Chair Brown announced there would be no need for negotiations to be held today.

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There being no further business, the Board of Supervisors adjourned at 2:02 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

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