

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA
MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD APRIL 13, 2004

The Honorable Board of Supervisors of Lake County, California, met in regular session this 13th day of April, 2004, there being present Supervisors Ed Robey, Jeff Smith, Gary Lewis, Anthony Farrington and Rob Brown, Administrative Officer Kelly Cox, County Counsel Cameron Reeves, and Assistant Clerk of the Board Georgine Hunt.

The meeting was called to order at 9:01 a.m. by Chair Brown, following a moment of silence, Ms. Heather Falge led the salute to the flag of the United States of America.

1. **ITEM A-1 - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Robey and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-12.
Approve Minutes of the Board of Supervisors Meeting Held on March 23, 2004.
Adopted proclamation designating the week of April 17-25, 2004, as Earth Day Celebration Week 2004 for Recycling Education and Awareness.
(a) Appointed Susan Burton and Susan Jen to the First 5 Lake County Commission for two-year terms expiring April 1, 2006; (b) re-appoint Pam Klier to the First 5 Lake County Commission for a two-year term expiring April 1, 2006; and (c) re-appoint Ester Tarin-flores to the First 5 Lake County Commission for a 60-day term extension.
Adopted Resolution No. 2004-56, accepting Official Canvass of the Direct Primary Election held on March 2, 2004, and declaring certain County officials duly elected; and declaring candidates for County Central Committees elected in lieu of holding an election.
Approved written decision in the Appeal of Administrative Penalties issued by Community Development, Code Enforcement Division (Byron Duerksen - 11200 Wheeler Drive, Kelseyville), and authorized the Chair to sign.
Waived 900 hour limit for extra-help Facilities Maintenance Worker Brian Daughton.
(a) Adopted proclamations commending the following members of Upper Lake High School Academic Decathlon Team for their scholastic achievement, academic excellence and outstanding performance at both the County and State levels of competition in the California Academic Decathlon: Melissa Morin, Austin Pratt, David Petty, Vincenzo Rapisarda, Krystal Beaudoin, Gain Chao, Kevin Harness, Jessica Gaynor and Whitney Grayhorse; and (b) adopted proclamation commending Upper Lake High School coaches, parents, students, family and friends for their support and assistance in the 2003-2004 Academic Decathlon Team.
Adopted Resolution No. 2004-57, amending Board of Supervisor's Resolution No. 2002-166 establishing an Underground Utility District, Highway 20, Lakeshore Boulevard, and Hinman Park, Nice area, County of Lake.
Approved Agreement between the County of Lake (County Service Area No. 6, Finley Water) and Kelseyville County Waterworks District No. 3, establishing the financial relationship between the two entities for the purpose of providing domestic water via the Finley-Kelseyville Water Project), and authorized the Chair to sign.
Sitting as the Board of Directors of Kelseyville County Water Works District No. 3, approved Agreement between the Kelseyville County Water Works District No. 3 and County Service Area No. 6, Finley Water, establishing the financial relationship between the two entities for the purpose of providing domestic water via the Finley-Kelseyville Water Project), and Authorize the Chair to Sign.
Sitting as the Board of Directors of Lake County Sanitation District, approved Sixth Amendment to Contract between the Lake County Sanitation District and Deep Valley Security "24" to provide alarm monitoring services, and authorized the Chair to sign.
Sitting as the Board of Directors of Lake County Sanitation District, approved out-of-state travel for Special Districts Administrator Mark Dellinger, to Reno, Nevada, to attend the Geothermal Resources Council Annual Meeting, from April 25-28, 2004.
2. **ITEM A-3 - CURRENT CONSTRUCTION PROJECTS - CONTRACT CHANGE ORDERS:**
Change Order No. 4, Southeast Geysers Effluent Pipeline Project, B Street Pump Station - This change order provides for changes due to clarifications to pressure switch specifications, clarification of requirements for drain water sump, and to supply additional washers for piping flange bolts.
On motion of Supervisor Robey and by vote of the Board (5 ayes), approved Change Order No. 4, for an increase of \$5,650, Harborth Excavating, Southeast Geysers Effluent Pipeline Project, B Street Pump Station, and authorized the Chair to sign.
ITEM A-4 - 9:06 A.M. - HEARING - APPEAL OF ADMINISTRATIVE PENALTIES ISSUED BY THE ANIMAL CONTROL DEPARTMENT (BARBARA PATTERSON) - Animal Control Director Denise Johnson was present and stated that the dog had been surrendered to Animal Control.
On motion of Supervisor Lewis and by vote of the Board (5 ayes), granted the appeal essentially moot since the dog was surrendered to Animal Control by the owner.
ITEM A-14 - PROPOSED ORDINANCE ADDING ARTICLE V TO CHAPTER 18 OF THE LAKE COUNTY CODE ALLOWING THE REASSESSMENT OF DAMAGED OR DESTROYED PROPERTY - On motion of Supervisor Lewis and by vote of the Board (5 ayes), waived the reading of the ordinance and had it read in title only (Clerk so did).
On motion of Supervisor Lewis and by vote of the Board (5 ayes), advanced the ordinance two weeks to April 27, 2004.
ITEM A-13 - SUPERVISORS WEEKLY CALENDAR, TRAVEL, AND REPORTS - On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Lewis ABSENT), approved travel for Supervisor Lewis to Red Bluff, California, on April 19, 2004, to attend the Northern California Regional Economic Forum.
ITEM A-15 - CLOSED SESSION - 1. Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Section 54956.9) Name of Case: Northern California River Watch v. LACOSAN; and 2. Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation Pursuant to Subdivision (b) of Section 54956.9: One Potential Case - Chair Brown announced that the Board will now go into Closed Session for the reasons stated on the agenda.

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The Board reconvened into Regular Session with no action taken. The Board will go back into Closed Session later today.

ITEM A-5 - 9:30 A.M. - PUBLIC HEARING - INTENTION TO ACQUIRE (PURCHASE) REAL PROPERTY CONSISTING OF APPROXIMATELY 7 ACRES OF LAND LOCATED AT 8135 SODABAY ROAD, KELSEYVILLE, CA, (LAKE COUNTY LAND TRUST - APN 009-002-38), TO BE USED AS A COUNTY PARK - Deputy Public Services Director Caroline Chavez was present and explained to the Board that the Planning Commission will not be considering this acquisition until April 22, 2004, to determine that it conforms to the County's General Plan which should be accomplished prior to the public hearing and since time is no longer of the essence because of an appraisal delay on the Lake County's Land Trust' portion of the property, and requested that this item be continued to April 27, 2004, at 11:15 a.m.

Chair Brown introduced Ms. Heather Falge. Ms. Falge stated that she is a member of the 4-H Club, and will be going to Washington D.C. during the summer, and will be attending numerous sessions of the legislation and other governmental activities while there.

After a short recess, the Board reconvened at 9:50 a.m.

ITEM A-6 - 9:45 A.M. - PUBLIC HEARING - REVIEW ACCOMPLISHMENTS OF THE WORK FUNDED BY COMMUNITY DEVELOPMENT BLOCK GRANT #01-EDBG-776 (AN INVENTORY OF AVAILABLE COMMERCIAL AND INDUSTRIAL PROPERTY TO FACILITATE BUSINESS DEVELOPMENT) - Chief Deputy Administrative Officer Matt Perry and Deputy Redevelopment Director Andy Peterson were present.

President of the Lake County Board of Realtors Steve Merchen was also present.

Mr. Peterson gave a power-point demonstration of the website that shows the inventory readily available to the potential developer or business owner, what property is available for sale, what property has been sold, and obtainable report on any parcel regarding information required for quick business feasibility analysis.

Chair Brown asked if anyone present wished to speak on this item and Mr. John Roddy spoke. No one else was present wishing to speak and the public portion of this item was closed.

There was no action taken on this item.

ITEM A-7 - 10:30 A.M. - CONSIDERATION OF REQUEST FROM NOR-CAL BOAT AND SKI CLUB FOR WAIVER OF THE RACE PERMIT APPLICATION FEE - A Memorandum dated April 7, 2004, from Administrative Analyst Jennifer Hammond, stated that the Public Works Department/Lakebed Management has approved the waiver of the permit fees for Nor Cal Boat and Ski Club, and no other action needs to be taken on this item.

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The Board reconvened into Regular Session with no action taken.

ITEM A-8 - 10:45 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE WEEK OF APRIL 17-25, 2004, AS EARTH DAY CELEBRATION WEEK 2004 FOR RECYCLING EDUCATION AND AWARENESS - Supervisor Farrington read the proclamation into the record. The proclamation was presented to Public Services Analyst Jacqueline Armstrong.

ITEM A-9 - 10:50 A.M. - STATUS REPORT FROM CODE ENFORCEMENT - Community Development Director Mary Jane Fagalde and Code Compliance Manager Anne Fogelstrom, were present.

Ms. Fogelstrom presented the status report. There are 711 active cases open at this time and 126 nuisance abatement cases pending. There are currently 187 abandoned vehicle abatement cases, there have been 41 vehicles tagged, 66 vehicles towed and 41 vehicles gone on arrival.

Ms. Fagalde advised the Board of recent extraordinary efforts by Code Enforcement Officers Anthony Howard, Allison Garrett, Code Compliance Manager Anne Fogelstrom and Office Assistant Nancy Van Klaveren, regarding their assistance with an elderly woman who resided in a residence on White Canyon Road, Upper Lake, who was the subject of a code enforcement case.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved letters of commendation to Code Enforcement Officers Anthony Howard, Allison Garrett, Code Compliance Manager Anne Fogelstrom and Office Assistant Nancy Van Klaveren, for their assistance with this case, and authorized the Chair to sign.

ITEM A-10 - 11:15 A.M. - (a) DISCUSSION REGARDING THE BUDGETARY IMPACT THAT LAFCO HAS ON THE COUNTY; (b) CONSIDERATION OF REQUEST FOR AUTHORIZATION TO RELEASE THE BALANCE OF THE COUNTY'S SHARE OF THE 2003/2004 LAFCO BUDGET; AND (c) PROPOSED AMENDMENT TO AGREEMENT BETWEEN THE COUNTY OF LAKE AND THE LOCAL AGENCY FORMATION COMMISSION OF LAKE COUNTY FOR COUNTY SERVICES - Clerk-Auditor/Controller Pam Cochrane, Chief Deputy Auditor-Controller Cathy Saderlund and Supervising Account Colleen Blakey were present.

Ms. Cochrane gave a brief overview. The amendment relieves the County Auditor from its obligations to provide payroll and accounting functions while retaining the statutory obligations under Government Code Section 56381. This section requires the Auditor to apportion the net operating expenses of the commission as determined by the final budget adopted by the Board of Supervisors.

Administrative Officer Kelly Cox gave a background report on LAFCO'S budget and concerns that he has with LAFCO'S budget expenditures. For many years, Lake County LAFCO'S annual budget expenditures were in the range of \$15,000 to \$20,000. In the current fiscal year, Lake County LAFCO adopted a budget of \$133,500. This budget is more than seven times greater than the \$20,691 LAFCO expended in FY 2000-01. State law mandates that one-half of LAFCO'S budget be funded by the County and the other half be funded by the cities within Lake County. After deducting LAFCO'S unexpended fund balance carry over from the prior year and estimated revenue generated from fees for service, the \$133,500 budget adopted by LAFCO for FY 2003-04 requires a County contribution of \$59,250 and a contribution from the two cities totaling \$59,250. During last summer's final budget hearings, staff recommended that only \$48,590 be appropriated in the County budget for the County's contribution to LAFCO. It was also recommended at that time that LAFCO review and decrease its budget in order to operate within this amount of available financing. A \$48,590 contribution from the County would still support a total LAFCO budget of \$112,000, which is more than a 500% increase compared to LAFCO'S FY 2000-01 expenditures. This large increase would also be occurring at a time when most County departments were being required to reduce their budgets by 10%. LAFCO apparently declined to reduce its budget for purposes of operating within the amount of funding appropriated by the County. LAFCO'S contract staff has communicated to the County Auditor a demand for full payment from the County, in the amount of \$59,250. Mr. Cox discussed areas of the LAFCO'S budget which he believed could have been reduced.

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Executive Officer of LAFCO John Benoit was also present and gave a brief rebuttal to the Administrative Officer's remarks., which included compensation to contractor, contractor's responsibilities, mileage reimbursement, travel expenses, which included the expenses for the CALAFCO Annual Conference. Mr. Benoit requested that time be set aside for LAFCO to make a presentation to the Board on its responsibilities.

Chair Brown asked if anyone present wished to speak on this item and the following persons spoke: Mr. Phillip Murphy and Mr. John Roddy, who were both in support of Mr. Cox's comments and recommendations. No one else was present wishing to speak and the public portion of this item was closed.

Supervisor Lewis stated that there needs to be more discussion regarding this issue, and asked that this item be continued to a later date because he and Congressman Thompson are scheduled to speak at Upper Lake High School at 12:30 p.m., and that he would not be available the remaining of the day.

This item was continued to April 27, 2004, at 1:30 p.m.

ITEM A-11 - 11:40 A.M. - PROPOSED RESOLUTION RENAMING THE CSA NO. 2, SPRING VALLEY LAKES CAMPGROUND "THE HELEN MITCHAM CAMPGROUND" IN RECOGNITION OF HELEN MITCHAM'S MANY YEARS OF DEDICATION AND SERVICE IN DEVELOPMENT OF THE SPRING VALLEY LAKES CAMPGROUND - Ms. Helen Mitcham was present and thanked the Board and the residents of Spring Valley for this recognition.

Supervisor Lewis offered Resolution No. 2004-55, and it was passed by a roll-call vote (5 ayes).

ITEM A-12 - 11:45 A.M. - UPDATE FROM CONGRESSMAN MIKE THOMPSON AND DISCUSSION REGARDING COUNTY/FEDERAL ISSUES - Congressman Thompson spoke on the Federal deficit, the armed forces, the threat of more terrorist attacks, funding for the South Main Street/Soda Bay Road restoration and continued funding needs for the Full Circle Project.

Congressman Thompson presented at check in the amount of \$89,415, for the construction of a new kitchen at the Kelseyville Senior Center. Mr. Gene Kyle accepted the check in behalf of the center.

There being no further business, the Board adjourned at 12:35 p.m.


Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board



By: 
Georgine Hunt
Assistant Clerk of the Board

