

**BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA**  
**MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD AUGUST 17, 2004**

The Honorable Board of Supervisors of Lake County, California, met in regular session this 17<sup>th</sup> day of August, 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 9:02 a.m. by Chair Brown, following a moment of silence, Code Enforcement Officer Anthony Howard led the salute to the flag of the United States of America.

1. **ITEM A-1 - APPROVAL OF 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 Consent Item C-11, which will be taken up immediately following the approval of the Consent Agenda.

Adopted Resolution No. 2004-134, approving Agreement No. 04-0582 Egg Inspection Agreement with the Department of Food and Agriculture during the period of July 1, 2004 through June 20, 2005, and authorizing execution thereof.

Adopted Resolution No. 2004-135, approving Agreement No. 04-0471 with the State of California, Department of Food and Agriculture and authorizing execution of the contract and signature for insect trapping activities for Fiscal Year 2004/2005.

Adopted Resolution No. 2004-136, approving Agreement 04-274 with the State of California, Department of Food and Agriculture and authorizing execution and signature for nursery inspection activities for Fiscal Year 2004/2005.

Adopted Resolution No. 2004-137, approving Contract No. 04-0015C and authorizing execution thereof for the electronic submission of pesticide use data during Fiscal Year 2004/2005.

Approved requests and ordered consolidation of the following cities' elections with the General District Election to be held on November 2, 2004: (a) City of Clearlake (for the purpose of electing three City Council members); (b) City of Lakeport (for the purpose of electing three City Council members); and (c) City of Lakeport (for the purpose of submitting to the electors, Measure "I" and "J", pursuant to their respective resolutions.

Approved Contract between the County of Lake and Drug Abuse Alternatives Center for provision of Calworks related perinatal treatment for pregnant or parenting women experiencing alcohol or drug related problems for Lake County residents for Fiscal Year 2004/2005, and authorized the Chair to sign.

Adopted proclamation commending Donna De Maria on her retirement from County service.

Approved Engineering and Inspection Agreement between the County of Lake and Jill and Lyle James, for review of Plans and Specifications for a Tentative Parcel Map, located at 5105 and 5185 Konociti Road, Kelseyville (APN'S 008-054-16 and 008-054-17), and authorized the Chair to sign.

Approved Engineering and Inspection Agreement between the County of Lake and Mark Mitchell, for review of Plans and Specifications for a Tentative Parcel Map, located at 5705 Lakeshore Boulevard, Lakeport (APN 004-029-46), and authorized the Chair to sign.

Adopted Resolution No. 2004-132, approving Final Parcel Map and the signing of the Final Parcel Map (Wells).

Sitting as the Board of Directors of Lake County Sanitation District, approved Easement Deed and directed Clerk to certify for recordation (APN 08-038-50 - Adobe Creek Packing Company); and approved Right-of-Way Agreement between the Kelseyville County Waterworks District #3 and of Adobe Creek Packing Company, and authorized the Chair to sign.

**CONSENT ITEM C-11 - PROPOSED RESOLUTION SUPPORTING ENERGY REFORM IN CALIFORNIA** - Supervisor Lewis requested that this item be pulled from the Consent Agenda for further discussion.

Supervisor Robey explained that there are two competing proposals for energy reform being considered by State lawmakers and the Governor. AB 2006, as written, creates a monopoly market structure that favors large public utilities and the expense of local government, businesses and consumers. It undercuts competitive procurement of new sources of electricity and protects utility shareholders and not the ratepayers, and it disrupts ongoing California Public Utilities Commission proceedings to approve procurement plans, which would delay the building of needed new generation. Whereas, the full implementation of AB 57 would cultivate the fair and open market need to ensure a reliable energy supply, stimulate economic growth and provide the best possible rates for the consumers. Supervisor Robey stated that this resolution is in support of full implementation of AB 57.

Supervisor Lewis offered Resolution No. 2004-138, and it was passed by a roll-call vote (5 ayes).

The Board of Supervisors adjourned and convened as the Board of Directors of Lake County Sanitation District.
2. **ITEM A-3 - CURRENT CONSTRUCTION PROJECTS - CONTRACT CHANGE ORDERS:**

**Change Order No. 6, Southeast Geysers Effluent Pipeline Upgrade Project, B Street Pump Station** - This change order provides for revision of electrical power supply to pumps, extra work to repair movement of pipe transition coupling, furnish studs and nuts for piping installation, revised method of thread protection for buried bolts, installation of telephone lines for remote terminal unit and PG&E metering, provide larger roof hatches for pump access, provide new primary power conduit to PG&E transformer, and provide 110 volt power to telephone termination box.

Director Smith made a motion to approve Change Order No. 6, for an increase of \$849, however, before the vote could be taken, it was pointed out that the \$849 only addresses the installation of telephone lines. Director Smith stated that he will amend his motion to include all of the changes to the project.

On motion of Director Smith and by vote of the Board (5 ayes), approved Change Order No. 6, for an increase of \$11,979, Harborth Excavating, Southeast Geysers Effluent Pipeline Upgrade Project, B Street Pump Station, and authorized the Chair to sign.

The Board of Directors of Lake County Sanitation District adjourned and reconvened as the Board of Supervisors.
3. **CITIZEN'S INPUT** - Ms. Tami Bainbridge stated that there is an escalating peacock population in north Lakeport, and the peacocks are destroying yards, they are noisy and very dirty, and something needs to be done with them. Ms. Bainbridge asked the Board to provide assistance with the removal/relocation of the wild peacocks.

Supervisor Farrington stated that he has met with residents in north Lakeport and he is trying to find a solution to the problem, and that he will keep the residents updated on his progress.

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4. **ITEM A-4 - 9:06 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 10360 ELK MOUNTAIN ROAD, UPPER LAKE, CA (APN 004-002-11-00 - GENEVA A. NEIL, MAX NEIL, DOROTHY GREENWELL AND NANCY GREENWELL)** - The Clerk swore in Community Development Director Mary Jane Fagalde, Code Enforcement Manager Ann Fogelstrom, Code Enforcement Officer Anthony Howard, Code Enforcement Officer Hank Boullierce and representative for the property owner Mr. Orville Greenwell.

Mr. Howard gave a brief overview describing the conditions of the property, which included a fire damaged structure, garbage, public nuisance vehicles, campers, travel trailers, junk, scrap wood, scrap metal, appliances and miscellaneous household furniture. These conditions are causing a health and safety hazard and a public nuisance.

Mr. Boullierce gave a power-point presentation showing the conditions of the property.

Mr. Greenwell stated that he is in the process of cleaning up the property and will be repairing/remodeling the fire damaged structure.

The Board amended the abatement completion date from thirty (30) days to sixty (60) days.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance, as amended, within sixty (60) 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.
5. **ITEM A-5 - 9:15 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 3297 EAST HIGHWAY 20, NICE, CA (APN 032-123-02 - NANCY BROTMAN)** - The Clerk swore in Code Enforcement Manager Ann Fogelstrom, Code Enforcement Officer Hank Boullierce, Code Enforcement Officer Ron Yoder, property owner Nancy Brotman and representative for the property owner Mr. Kenneth Bzammer.

Mr. Yoder gave a brief overview describing the conditions of the property, which included a substandard pier, unsanitary conditions, mobile home park violations, a nuisance vessel, dumping a nuisance trailer on neighboring private property along with numerous inoperable and unregistered nuisance vehicles. These conditions are causing a health and safety hazard and a public nuisance. Also, staff from the State of California currently have violations for operating an RV park without a permit to operate, various electrical violations, accumulated and overflow of garbage and refuse, insufficient space between RVs, RV spaces are not identified, installation and/or construction without permits, a mobile home was installed without a permit, a leak in the drain line system, and combustible materials to close to RVs. A count of the spaces revealed twenty-eight spaces on the property in excess of their legal non-conforming limit of the twenty-two allowed.

Mr. Boullierce gave a power-point presentation showing the conditions of the property.

Ms. Brotman and Mr. Bzammer each presented testimony.

There was consensus by the Board for staff to proceed with the investigation of all issues regarding the legal non-conforming use of the RV park and the RV park being used as a mobile home park for permanent residences. After staff's investigation is completed, recommendations will be brought back to the Board for further discussion/consideration.

This item was continued to a later date.
6. **ITEM A-6 - 9:30 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 12518 OAK STREET, CLEARLAKE OAKS, CA (APN 035-152-38-00 - JUAN GUARJARDO, SHIRLEY GUARJARDO, GERALD DAVIDSON AND PAMELA DAVIDSON)** - The Clerk swore in Community Development Director Mary Jane Fagalde and Code Enforcement Officer Hank Boullierce.

Neither the property owner nor a representative were present.

Mr. Boullierce gave a brief overview describing the conditions of the property, which included an above ground pool and deck constructed without permits, excessive and outdoor storage, and a substandard dwelling/mobile home due to improperly installed electrical wiring and water heater.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance 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.
7. **ITEM A-7 - 9:45 A.M. - PUBLIC HEARING - APPEAL (AB 04-05) BY RICHARD AND CHERYL RIEDEL OF THE PLANNING COMMISSION'S APPROVAL OF GRANT AND JACQUELINE JORDAN'S TENTATIVE PARCEL MAP (PM 03-12) CONDITIONS REGARDING ROAD IMPROVEMENTS; THIS PROJECT IS LOCATED AT 19767 MONTE VISTA COURT, MIDDLETOWN, CA (APN'S 013-011-58)** - Principal Planner Rick Coel and Associate Planner Emily Minton were present.

Chair Brown stated that the Board has received a request for continuance from Attorney Charles Meibeyer, who is representing the appellants.

Chair Brown opened the public hearing.

The Board will make a site tour of the property located at 19767 Monte Vista Court in Middletown, on August 19, 2004, at 8:30 a.m., and the public hearing was continued to September 7, 2004, at 2:00 p.m.

After a short recess, the Board reconvened at 10:42 a.m.
8. **ITEM A-8 - 10:30 A.M. - PRESENTATION OF PROCLAMATION COMMENDING DONNA DE MARIA ON HER RETIREMENT FROM COUNTY SERVICE** - Supervisor Lewis read the proclamation into the record. The proclamation was presented to Donna De Maria. County Counsel Cameron Reeves also commended Ms. De Maria for the outstanding job she has performed for County Counsel and she will be greatly missed by everyone.
9. **ITEM A-9 - 10:35 A.M. - DISCUSSION AND REQUEST FOR DIRECTION REGARDING MANAGEMENT OF COLLECTED WASTE AND DEBRIS AT THE TIMBERLINE DISPOSAL FACILITY, LOCATED AT 230 SODA BAY ROAD, LAKEPORT** - Community Development Director Mary Jane Fagalde and Public Services Director Kim Clymire were present.

Mr. Bruce McCrackin, representing Timberline Disposal was also present.

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Supervisor Farrington stated that the Use Permit requires that the waste and debris be contained within a six (6) foot high chain-link fence and at the current time, the waste and debris can be seen above the fence, which is also in violation of the Use Permit.

Ms. Fagalde stated that Timberline Disposal's Use Permit had expired on April 22, 2001, and is currently in the process of renewing the Use Permit. Also, Timberline is in the process of finalizing the necessary paperwork with the Public Works Department for the construction of the left-turn lane that is required in the Use Permit.

Mr. McCrakin stated that Timberline Disposal will submit an action plan on how they intend to correct all the violations to Public Services Director Kim Clymire.

The Board directed staff to bring this issue back to the Board if the violations are not corrected in a timely manner.

10. **ITEM A-10 - 11:00 A.M. - PROPOSED RESOLUTION IN SUPPORT OF THE MIDDLETOWN RANCHERIA'S IMPROVEMENT OF INGRESS AND EGRESS FROM HIGHWAY 29 ONTO RANCHERIA ROAD** - Mr. Jose Simon, representing Middletown Rancheria was present.

Supervisor Robey offered Resolution No. 2004-133, and it was passed by a roll-call vote (5 ayes).

11. **ITEM A-11 - Advanced From August 3, 2004 - 11:05 A.M. - AN ORDINANCE AMENDING CHAPTER 28 OF THE LAKE COUNTY CODE REGARDING THE EXTRACTION AND EXPORTATION OF GROUNDWATER FROM LAKE COUNTY - (SECOND READING)** - Community Development Director Mary Jane Fagalde and Assistant Director of Public Works Bob Lossius were present.

Chair Brown asked if anyone present wished to speak and Ms. Anna Ravenwoode spoke.

This item was continued after a short recess.

After a short recess, the Board reconvened at 12:03 p.m.

- BACK TO #10 - ITEM A-11 - Advanced From August 3, 2004 - 11:05 A.M. - AN ORDINANCE AMENDING CHAPTER 28 OF THE LAKE COUNTY CODE REGARDING THE EXTRACTION AND EXPORTATION OF GROUNDWATER FROM LAKE COUNTY - (SECOND READING)** - Community Development Director Mary Jane Fagalde and Assistant Director of Public Works Bob Lossius were present.

Chair Brown continued with public input and Mr. Francis Schutz spoke. No one else was present wishing to speak and the public portion of this item was closed.

Supervisor Robey offered Ordinance No. 2696, and it was passed by a roll-call vote (5 ayes).

12. **ITEM A-13 - CONSIDERATION OF REQUEST TO TEMPORARILY ALLOW AN OFFICE ASSISTANT TO TELE-COMMUTE FROM HOME (6 WEEKS MAXIMUM)** - Community Development Director Mary Jane Fagalde was present.

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Brown NO), approved the request to temporarily allow an Office Assistant to Tele-Commute from home (6 weeks maximum).

13. **ITEM A-14 - Continued From August 3, 2004 - CONSIDERATION OF RECOMMENDATIONS FOR APPOINTMENTS TO FILL TWO VACANCIES ON THE GEOTHERMAL ADVISORY COMMITTEE** - Community Development Director Mary Jane Fagalde was present and stated that the Bureau of Land Management will determine who their representative will be, and asked the Board to approved the appointment of a designee from the Bureau.

On motion of Supervisor Smith and by vote of the Board (5 ayes), appointed a designee from the Bureau of Land Management and Ali Kahn, representative from the California Department of Oil, Gas and Geothermal Resources, to the Geothermal Advisory Committee.

The Board adjourned for lunch at 12:22 p.m. and reconvened at 1:33 p.m.

The Board of Supervisors adjourned and convened as the Board of Directors of Lake County Flood Control and Water Conservation District.

14. **ITEM A-15 - PROPOSED AGREEMENT BETWEEN THE LAKE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AND ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, FOR RIGHT OF WAY AND RELOCATION SERVICES FOR THE MIDDLE CREEK FLOOD DAMAGE REDUCTION AND ECOSYSTEM RESTORATION PROJECT** - Assistant Public Works Director Bob Lossius was present.

On motion of Director Lewis and by vote of the Board (4 ayes, Director Brown NO), approved the Agreement between the Lake County Flood Control and Water Conservation District and the Alameda County Flood Control and Water Conservation District, for right of way and relocation services for the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project, and authorized the Chair to sign.

The Board of Directors of Lake County Flood Control and Water Conservation District adjourned and reconvened as the Board of Supervisors.

15. **ITEM A-16 - (a) CONSIDERATION OF AMENDMENT NUMBER TWO TO THE 2003/2004 MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE COUNTY OF LAKE AND THE LAKE COUNTY EMPLOYEES ASSOCIATION, UNIT 3; (b) CONSIDERATION OF AMENDMENT NUMBER TWO TO THE 2003/2004 MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE COUNTY OF LAKE AND THE LAKE COUNTY EMPLOYEES ASSOCIATION, UNIT 4; and (c) CONSIDERATION OF AMENDMENT NUMBER TWO TO THE 2003/2004 MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE COUNTY OF LAKE AND THE LAKE COUNTY EMPLOYEES ASSOCIATION, UNIT 5 (PERTAINING TO IMPLEMENTATION OF 9/80 WORK SCHEDULE)** - Personnel Director Glenn Waters was present.

Chair Brown stated that it was his understanding that the Clerk/Auditor-Controllers Office had made the request to implement a 9/80 work schedule on a trial basis, and what has been presented to the Board are Memorandums of Understanding that would allow all County departments to implement a 9/80 work schedule.

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The Board directed staff to resubmit the Clerk/Auditor-Controller's request only, contingent upon the meet and confer process, and if approved by the appropriate employee associations, bring back to the Board at a later date for consideration (only the Clerk/Auditor-Controller's request is to be considered by the appropriate employee association).

16. **ITEM A-17 - CLOSED SESSION - 1. Public Employee Performance Evaluation, Title: Air Pollution Control Officer - Chair Brown** announced that the Board will now go into Closed Session for the reason stated on the agenda.

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned this meeting to August 19, 2004, at 8:30 a.m., for a site tour of property located at 19767 Monte Vista Court, Middletown, California, regarding an appeal (AB 04-05) by Richard and Cheryl Riedel of the Planning Commission's approval of Grant and Jacqueline Jordan's Tentative Parcel Map (PM 03-12) conditions regarding road improvements.

  
Chair - Lake County Board of Supervisors

KELLY F. COX  
Clerk of the Board



By:   
Georgine Hunt  
Assistant Clerk of the Board