

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD FEBRUARY 17, 2004

The Honorable Board of Supervisors of Lake County, California, met in regular session this 17th day of February, 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 9:00 a.m. by Chair Brown, following a moment of silence, Mr. David James 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-13.

Approved Minutes of the Board of Supervisors Meetings held on January 27, 2004 and February 3, 2004.

Appointed Al Moorhead to the Big Valley Groundwater Management Zone Commission.

Appointed Dr. Clifford R. Johnson to the Fish and Wildlife Advisory Board, for a term expiring January 5, 2005.

Appointed Joann Malz, Julie Blevins, Tina Thompson and Angela Wendland, to the Lake County Child Care Planning and Development Council.

Adopted Resolution No. 2004-33, setting rate of pay for Election Officers for the March 2, 2004, direct Primary Election pursuant to Section 12310 of the Elections Code.

Approved Contract between the County of Lake and Drug Abuse Alternatives Center, for provision of alcohol and drug counseling services to Lake County adolescents attending W C Carle High School, Fiscal Year 2003/2004, and authorized the Chair to sign.

Adopted Resolution No. 2004-34, approving final Map and the signing of the final parcel map (Irwin).

Approved Grant Deed and directed Clerk to certify for recordation (APN 29-231-46 - Dorothy Mae Viale, trustee); and approved Purchase Agreement between the County of Lake and Dorothy Mae Viale, for Lakeshore Boulevard Rehabilitation Project, and authorized the Chair to sign Purchase Agreement.

Waived the 900 hour limit for extra-help Office Aide Trina Reed, as per Memorandum dated January 28, 2004, from Sheriff Rodney Mitchell.

Adopted Resolution No. 2004-35, authorizing the Chairman of the Board to approve and direct the Tax Collector to sell, at public auction, tax defaulted property which is subject to the power to sell in accordance with Chapter 7 of Part 6 of Division 1, of the California Revenue and Taxation Code and approving sales below minimum price on specified cases.

Approved Fiscal Year 2004/2005 Budget Manual, Budget Forms and Budget Procedures Calendar.

Approved letter of opposition to Governor Arnold Schwarzenegger regarding the proposed Fiscal Year 2004/2005 budget cuts to the California Conservation Corps, and authorized the Chair to sign.

Approved petition of Spring Valley Lakes Property Owners Association for Residential Design Courtesy Review, and directed Community Development to implement the request pursuant to Section 21-33.20 of the Lake County Zoning Ordinance (per letter from William Tett, dated January 26, 2004).

2. **ITEM A-2 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**

EXTRA #1 - PROPOSED LETTER TO YOLO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT - On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved taking up this item due to the fact that the need arose after the posting of today's agenda.

This item was considered as an extra for the following reasons:

This matter came to Chair Brown's attention after the posting of the February 17, 2004, agenda. It is vital to the County's success in addressing water rights issues with the Yolo County Flood Control and Water Conservation District, that the Board immediately clarify to Yolo that recent campaign statements made by one member of the Board do not reflect the full Board's position. The longer it takes for this clarification to be made the more difficult it will be for the County to have a successful outcome regarding negotiations with Yolo County Flood Control and Water Conservation District.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved letter to Yolo County Flood Control and Water Conservation District, and authorized the Chair to sign.

3. **CITIZEN'S INPUT** - Assistant Public Works Director Bob Lossius stated that the Department of Public Works has received numerous phone calls asking if the Cache Creek dam is open. At the current time, the dam is open and the lake level is 7.36 Feet Rumsey and flood stage is at 9 Feet Rumsey.

Mr. Ronnie Bogner, Mr. Buzz Bruns, Mr. David James, Mr. Steve Davis, Sheriff Rodney Mitchell and Administrative Officer Kelly Cox all wished Supervisor Smith a happy 50th birthday.

4. **ITEM A-11 - DISCUSSION/CONSIDERATION TO INITIATE THE PROCESS OF REQUESTING STATE LEGISLATION TO ALLOW THE TAXATION OF MEDICAL MARIJUANA** - Chair Brown requested that this item be carried over to a later date.

5. **ITEM A-4 - 9:06 A.M. - DISCUSSION/CONSIDERATION OF PROPOSED RESOLUTION SUPPORTING THE GOALS OF THE LAKE COUNTY WORKFORCE DEVELOPMENT TASKFORCE TO PROMOTE A WORKFORCE DEVELOPMENT SYSTEM THAT MEETS LAKE COUNTY'S MOST IMMEDIATE AND LONG-TERM WORKFORCE DEVELOPMENT NEEDS** - Lake County Business Outreach and Response Team Executive Director Chuck Doty was present.

Personnel Analyst Kathy Ferguson, Ms. Sandra and Mr. David Geck, representatives of the Career Center were also present.

Mr. Doty gave a brief overview of workforce development. The Lake County Workforce Development Taskforce has initiated workforce development programs that are designed to prepare workers to meet Lake County employers' most immediate and long-term needs.

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Ms. Ferguson gave an overview of workforce problems in Lake County. The taskforce has also recognized the dual nature of workforce problems, the need to address both the issues of the current workforce and also our future workforce – who are now students. The Taskforce has been able to work closely with both local colleges and the Lake County Department of Education. During participation in the Job Fairs, there has been success in recruiting qualified applicants for job openings.

Ms. Young stated to the Board that workforce development is a complex system of resources and activities within Lake County aimed at the development of a strong economy. With the County's projected economic growth, the pressure to provide skilled labor will continue to increase. With appropriate training and educational opportunities provided, logistical barriers can be removed and much of today's unskilled workforce can become qualified applicants for good jobs and have the opportunity to achieve self-sufficiency.

Mr. Geck spoke on the collaboration with the schools to improve academic skill development of students and how important it is to possess a wide variety of skill sets, a level of adaptability, and the willingness to learn in order to be productive.

Supervisor Lewis offered Resolution No. 2004-32, and it was passed by a roll-call vote (5 ayes).

6. **ITEM A-5 - 9:30 A.M. - CONSIDERATION OF A LETTER OF SUPPORT FOR MONTY TAVARES, TO ALLOW BEER AND WINE SALES AT A RESORT (CONVENIENCE STORE), LOCATED AT 2730 LAKESHORE BOULEVARD, NICE** - On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved a letter of support for Monty Tavares, to allow beer and wine sales at a resort (convenience store), located at 2730 Lakeshore Boulevard, Nice, and it was determined that the public convenience and/or necessity would be served by the issuance of the license as follows:

7. **ITEM A-6 - 9:45 A.M. - (a) OVERVIEW OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE YEAR ENDING JUNE 30, 2003; and (b) PRESENTATION OF GOVERNMENT FINANCE OFFICER'S AWARD OF EXCELLENCE IN FINANCIAL REPORTING** - Auditor-Controller Pam Cochrane and Chief Deputy Auditor-Controller Cathy Saderlund were present.

Ms. Cochrane gave an overview of the comprehensive annual financial report. The Auditor-Controller's office moved from preparing general purpose financial statements to comprehensive annual financial reports. This undertaking required gathering additional information and bringing forth a report that provides the users of the County's financial reports with more complete and useful information regarding the County's financial condition. Staff is pleased to advise the Board that this is the second year that this new reporting model has been utilized, and the Auditor-Controller's office has been awarded the Government Finance Officer's Award of Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

Ms. Cochrane commended her staff for all of their hard work and dedication.

There was no action taken on this item.

8. **ITEM A-14 - REVIEW OF EMERGENCY DECLARED ON OCTOBER 21, 2003, REGARDING THE RE-ROOF PROJECT AT THE LAKE COUNTY MAIN JAIL DUE TO EMERGENCY CONDITIONS** - On motion of Supervisor Lewis and by vote of the Board (5 ayes), determined that the emergency declared on October 21, 2003, regarding the Re-roof Project at the Lake County Main Jail still exists.

9. **ITEM A-17 - Continued From January 20, 2004 - CONSIDERATION OF REQUEST TO PURCHASE AN EMERGENCY NOTIFICATION SYSTEM THROUGH STATE DEPARTMENT OF GENERAL SERVICES CONTRACT IN LIEU OF COUNTY'S FORMAL BIDDING PROCESS (PURCHASE TO BE FROM COMPUCOM, IN THE AMOUNT OF \$66,510)** - Sheriff Rodney Mitchell was present and gave a brief overview of the Emergency Notification System.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the request to purchase an Emergency Notification System through the State Department of General Services Contract in lieu of the County's formal bidding process, for the purchase of the Emergency Notification System from Compucom, in the amount of \$66,510.

10. **ITEM A-12 - CONSIDERATION OF REQUEST FOR ADVANCED STEP HIRING OF A PUBLIC HEALTH NURSING DIRECTOR - (5TH STEP SALARY RANGE)** - Administrative Officer Kelly Cox stated to the Board that he is in agreement with this advanced step hiring, due to the fact that it was very difficult to recruit qualified applicants to fill this position. Also, this applicant has extraordinary qualifications.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the advanced step hiring of Caroline Lynch as the Public Health Nursing Director at the 5th step salary range, due to her extraordinary qualifications and the difficulty in recruiting for this position.

11. **ITEM A-7 - 10:00 A.M. - (a) PRESENTATION OF THE LAKE COUNTY SOCIAL SERVICES ADVISORY BOARD CUSTOMER SATISFACTION SURVEY; and (b) OVERVIEW OF PROGRAMS AND SERVICES REPORT** - Social Services Director Carol Huchingson was present and gave an overview of the survey, the programs and the services report.

There was no action taken on this item.

12. **ITEM A-18 - CONSIDERATION OF RECOMMENDATION TO INITIATE NECESSARY ACTIONS TO DECLARE COUNTY PROPERTY AS SURPLUS TO THE COUNTY'S NEEDS AND SELL TO THE HIGHEST BIDDER (PROPERTY KNOWN AS "THE COVE" ON LAKESHORE DRIVE IN THE NORTH LAKEPORT AREA)** - Chair Brown asked if anyone present wished to speak on this item and Mr. Phil Murphy spoke. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), directed staff to initiate the necessary actions to declare County property as surplus to the County's needs and sell to the highest bidder (property known as "The Cove" on Lakeshore Drive in the north Lakeport area.

After a short recess, the Board reconvened at 10:40 a.m.

13. **ITEM A-19 - DISCUSSION/CONSIDERATION OF FUNDING OPTIONS FOR THE AQUATIC WEED PROGRAM** - Deputy Public Works Director Bob Lossius was present.

Administrative Officer Kelly Cox gave an overview of the funding options for the Aquatic Weed Program, which included TOT funds, AB 1905 funds, Lakebed Management Reserves and funding from the sale of the "Cove Resort".

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Chair Brown asked if anyone present wished to speak on this item and the following persons spoke: Ms. Karen Hansen, Mr. Jerry McQueen, Mr. John Roddy, Ms. Angela Ellis and Mr. Jerry Hansen. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved the sale of the Cove property and dedicate the proceeds from the sale to the Aquatic Weed Program, pursue a ballot measure to increase the TOT rate to provide an ongoing source of funding for the Aquatic Weed Program and directed staff to explore other options for increasing ongoing revenue in the event an increase in the TOT is not approved, and authorized Lakebed Management reserve funds to be utilized for an interim period to subsidize the cost of the aquatic weed permits and other aquatic weed program costs, with the understanding that these funds are to be reimbursed at a later date after funding from the sale of the Cove becomes available.

14. **ITEM A-20 - OVERVIEW OF SURVEY OF RETAIL AND PRODUCER NURSERIES FOR PLANT SPECIES OFFERED FOR SALE THAT ARE LISTED AS NOXIOUS BY THE CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE** - Agricultural Commissioner Steve Hajak was present and gave an overview of the survey. In October, 2003, the Agricultural Department undertook a survey of retail and producer nurseries in Lake County for plant species offered for sale that are listed as noxious by the California Department of Food and Agriculture. There were two cultivated varieties of Scotch Broom, Pampas Grass and Baby's Breath found for sale in Lake County. Based on this survey, a letter was issued to the local nurseries addressing the issue of selling potentially invasive plants. Also, nurseries were supplied with educational handouts for customers purchasing certain invasive aquatic plants. To avoid any potential impact on sales, a list of alternate plants that could be sold were provided to the nurseries

There was no action taken on this item.

The Board adjourned for lunch at 12:03 p.m. and reconvened at 1:32 p.m. with Supervisor Farrington absent.

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

15. **ITEM A-8 - 1:30 P.M. - (a) ELECTION OF CHAIR AND VICE-CHAIR FOR 2004, AND ADOPTION OF RULES AND REGULATIONS FOR ASSESSMENT APPEAL HEARINGS** - Chief of Assessment Standards Jim Campbell was present.

On motion of Member Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), appointed Member Lewis as Chair of the Lake County Board of Equalization and Member Brown as Vice-Chair of the Lake County Board of Equalization.

On motion of Member Robey and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), adopted the Rules and Regulations for Assessment Appeal Hearings.

(b) ASSESSMENT APPEAL HEARINGS: (1) RENT-A-CENTER, INC - APN 800-000-500-000; (2) BRAD BASTIAN - APN 045-091-33; and (3) CARL MAIN - APN 142-131-070-000 - Mr. Campbell stated to the Board that all three appellants have withdrawn their appeals, and no action is required.

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

16. **ITEM A-13 - PROPOSED ORDINANCE CHANGING THE MAXIMUM SPEED LIMIT ON VARIOUS ROADS IN THE SPRING VALLEY LAKE SUBDIVISION (35 MPH AND 25 MPH ON CERTAIN PORTIONS OF SPRING VALLEY ROAD, WOLF CREEK ROAD, RIVER VIEW ROAD, INDIAN HILL ROAD AND SHASTA ROAD)** - Chair Brown asked if anyone present wished to speak on this item and Ms. Lyn Fischbein spoke. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), 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 (4 ayes, Supervisor Farrington ABSENT), advanced the ordinance two weeks to March 2, 2004.

The Board of Supervisor adjourned and convened as the Board of Directors of Kelseyville County Waterworks District #3.

17. **ITEM A-15 - Advanced From February 3, 2004 - AN ORDINANCE ADDING APPENDIX G TO THE LAKE COUNTY CODE FOR MANDATORY WATER CONNECTIONS TO KELSEYVILLE COUNTY WATERWORKS DISTRICT NO. 3 - (SECOND READING)** - Director Lewis offered Ordinance No. 2677, and it was passed by a roll-call vote (4 ayes, Director Farrington ABSENT).

The Board of Directors of Kelseyville County Waterworks District #3 adjourned and reconvened as the Board of Supervisors.

18. **ITEM A-16 - Advanced From February 3, 2004 - AN ORDINANCE ADDING APPENDIX F TO THE LAKE COUNTY CODE PROVIDING FOR MANDATORY WATER CONNECTIONS TO COUNTY SERVICE AREA NO. 6, FINLEY WATER - (SECOND READING)** - Supervisor Robey offered Ordinance No. 2678, and it was passed by a roll-call vote (4 ayes, Supervisor Farrington ABSENT).

Supervisor Farrington was present at 1:44 p.m.

19. **ITEM A-9 - 2:00 P.M. - PUBLIC HEARING - DISCUSSION/CONSIDERATION OF PROPOSED ORDINANCE AMENDING THE LAKE COUNTY ZONING ORDINANCE PERTAINING TO GEOTHERMAL USE SPECIFIC CONDITIONS AND ZONING DISTRICTS WHERE ALLOWED IN ACCORDANCE WITH CHAPTER 21 OF THE LAKE COUNTY ORDINANCE** - Community Development Director Mary Jane Fagalde was present.

Chair Brown opened the public hearing and the following persons spoke: Mr. Chuck Lamb, Mr. James Evans, Mr. Hamilton Hess, Ms. Angie Segal and Mr. Larry Souza. No one else was present wishing to speak and the public hearing was closed.

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).

Supervisor Lewis offered Ordinance No. 2676, and it was passed by a roll-call vote (5 ayes).

(It was noted that a public hearing is required regarding this item, and this item was not advertised in a legal newspaper publication as required by law and will be placed on the March 2, 2004, agenda).

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20. **ITEM A-21 - CLOSED SESSION - 1.Public Employee Performance Evaluation, Title: Registrar of Voters; and 2.Conference With Legal Counsel - Existing Litigation (Subdivision (a) of Section 54956.9), Name of Case: Lake County Citizen's Action Coalition v. County of Lake, et al. -** Chair Brown announced that the Board will now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session with the following action taken: On motion of Supervisor Robey and by vote of the Board (5 ayes), approved Settlement Agreement between the County of Lake and Lake County Citizens Action Coalition, Seigler Valley Association and Water Rights Advocates of Murphy Spring, Milagro de Ladera, Miracle Land Company, George Myers and Ojai Ranch and Investment Company, regarding Snows Lake Vineyard, and authorized the Chair to sign.

There being no further business, the Board adjourned at 3:45 p.m.



Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board



By: 
Georgine Hunt
Assistant Clerk of the Board