

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

The Honorable Board of Supervisors of Lake County, California, met in regular session this 13th day of July, 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 Kimberlee Heckard 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-9.

Approved Minutes of the Board of Supervisors Meetings held on June 15 and 22, 2004.

Adopted proclamation commending Joyce Campbell on her retirement from County service.

Approved Amendment to First 5 Lake County Commission's Conflict of Interest Code, pursuant to Commission's Resolution No. 2004-01, adopted on May 24, 2004.

Approved Mental Health Administrative Services Organization Agreement between the County of Lake and Value Options, Inc., for administrative services related to the California Counties Medi-Cal Out-of-County Care Program, and authorized the Chair to sign.

Approved First Amendment to Agreement 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 2003/2004, and authorized the Chair to sign.

Approved letter designating the Lake County Child Care Planning Council as the Eligible Local Council for the County of Lake, for the Early Learning Opportunities Act (ELOA) Discretionary Grant Program, and authorized the Chair to sign.

Approved Amendment No. 4 to Contract between the County of Lake and Perfect Printers, for printing services, and authorized the Chair to sign (extending the existing contract for one additional year, with a 2.7% increase in Cost of Living Adjustment and change the delegation of renewal authority from the Board of Supervisors to the Purchasing Agent).

Approved In-Home Supportive Services (IHSS) Public Authority Rate in the amount of \$7.4954 per hour (including a wage rate of \$6.75, payroll taxes of \$0.6514, and Public Authority administrative cost of \$0.0940), as recommended in the Memorandum from Social Services Director Carol Huchingson to the Board of Supervisors dated June 25, 2004

Sitting as the Board of Directors of Lake County Flood Control and Water Conservation District, approved letter petitioning the State to revise boundaries of State Maintenance Area No. 17, and authorized the Chair to sign.

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

EXTRA #1 - CONSIDERATION OF REQUEST FOR NECESSITY OF A CLOSED SESSION ITEM NOT ON THE POSTED AGENDA - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO SUBDIVISION (b) OF SECTION 54956.9 - NUMBER OF POTENTIAL CASE: ONE CASE - 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:

A matter has arisen since the posting of the current agenda which requires Board discussion or direction in Closed Session. There is a need to take immediate action on this matter.

This item will be taken up during Closed Session.

3. **ITEM A-10 - REQUEST FOR BOARD DIRECTION AS TO WHETHER OR NOT TO IMPOSE ANY TYPE OF RESTRICTIONS ON ACQUISITION OF ADDITIONAL CELLULAR TELEPHONES** - Administrative Officer Kelly Cox gave a brief overview of the request. As previously expressed by staff during prior discussion of cellular telephone issues, there is some concern about the justification for some of the cellular telephones which departments have already purchased without any independent review or oversight, and staff is aware of other situations where individuals with substantial justification for having a County paid cellular telephone are instead either utilizing their own privately funded cellular telephones for County business or are doing without any cellular telephone service at all. This situation is resulting in inequities between certain departments and employees.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), assigned the Administrative Officer to review all requests by departments for the acquisition of additional cellular telephones, and if staff determines that an employee requires a cellular telephone, staff is authorized to approve the acquisition.

4. **ITEM A-4 - 9:06 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 21714 LANCE ROAD, CLEARLAKE OAKS, CA (APN 628-370-04 - HENRY AND OMIE THACKER)** - Code Compliance Manager Ann Fogelstrom and Code Enforcement Officer Kimberlee Heckard were present and sworn in by the Clerk.

Neither the property owner nor a representative was present.

Ms. Heckard gave an brief overview regarding the condition of the property, which included a substandard accessory structure and open and outdoor storage of junk, household garbage, tires, appliances, scrap metal, public nuisance vehicles, miscellaneous drum of hazardous waste, and a collapsing substandard mobile.

Ms. Fogelstrom gave a power-point presentation showing the condition of the property.

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 costs associated with this case will become a charge against the property, and authorized the Chair to sign the Order to Abate.

5. **ITEM A-11 - CONSIDERATION OF RECOMMENDED POLICY REVISION ON SMOKING IN COUNTY BUILDINGS AND VEHICLES TO ADD "PROHIBITION OF USE OF ALL TOBACCO PRODUCTS IN COUNTY BUILDINGS AND VEHICLES AND OUTDOORS WHILE ENGAGED WITH THE PUBLIC IN THE COURSE OF COUNTY EMPLOYMENT DURING WORKING HOURS"** - Supervisor Lewis made a motion to make a policy revision on smoking in County buildings and vehicles to add "prohibition of use of all tobacco products in County building and vehicles and outdoors while engage with the public in the course of County employment during working hours", this revision is subjected to the meet and confer process, and if approved by the unions, this item will be brought back to the Board for further consideration. This motion died for a lack of a second.

There was no further action taken.

6. **ITEM A-5 - 9:30 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A REZONE (RZ 02-05), PROPOSED FOR ELLIOT WILSON, OF 549+ ACRES FROM "TPZ-B3" (TIMBERLAND PRESERVE ZONE - 640 ACRE MINIMUM PARCEL SIZE) TO "TPZ" (TIMBERLAND PRESERVE ZONE); AND THE ADOPTION OF A NEGATIVE DECLARATION FOR RZ 02-05, BASED ON THE INITIAL STUDY 01-92; LOCATED AT 8995 HIGHWAY 175, KELSEYVILLE, CA (APN'S 011-010-93 & 011-057-21)** - Community Development Director Mary Jane Fagalde and Principal Planner Rick Coel were present.

Ms. Fagalde gave a background report. The applicant is requesting approval of a rezone to remove the "B3" 640-acre minimum parcel size combining district from a "TPZ-B3" Timber Preserve Zone property. The rezone is needed to fulfill a requirement of an approved tentative parcel map. The Planning Commission determined that no new environmental review is needed for this rezone request based on the negative declaration previously prepared for the parcel map.

On motion of Supervisor Smith and by vote of the Board (5 ayes), found that the Negative Declaration which was previously prepared for PM 01-05, does meet the requirements of Section 15162(a) of the CEQA Guidelines, and that no additional environmental review needs to be prepared for this rezoning with the findings listed in the Board Memorandum dated June 11, 2004.

On motion of Supervisor Smith and by vote of the Board (5 ayes), waived the reading of the ordinance and had it read in title only.

Supervisor Smith offered Ordinance No. 2695, and it was passed by a roll-call vote (5 ayes).

After a short recess, the Board reconvened at 9:52 a.m.

7. **ITEM A-6-9-45 A.M. - PRESENTATION OF PROCLAMATION COMMENDING JOYCE CAMPBELL ON HER RETIREMENT FROM COUNTY SERVICE** - Supervisor Lewis read the proclamation into the record. The proclamation was presented to Joyce Campbell. County Counsel Cameron Reeves, Director of Child Support Services Gail Woodworth and District Attorney Gary Luck also commended Joyce Campbell.

8. **ITEM A-12 - CONSIDERATION OF APPOINTMENTS TO THE AIRPORT LAND USE COMMISSION (ALUC)** - Public Works Director Gerry Shaul was present.

On motion of Supervisor Robey and by vote of the Board (5 ayes), appointed E. J. Indrebo to the Airport Land Use Commission, for a term expiring July 6, 2006.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), appointed Todd Falconer to the Airport Land Use Commission, for a term expiring July 6, 2006.

9. **ITEM A-3 - CLOSED SESSION - 1. Conference with Labor Negotiator, (a) County Negotiators : A. Grant and J. Hammond, (b) Employee organizations: LCEA, LCSDA, LCCOA and DDA; and 2. Public Employee Performance Evaluations, Titles: Personnel Director and County Counsel** - Chair Brown announced that the Board will now go into Closed Session for the reasons stated on the agenda. Extra #1 will also be discussed during Closed Session.

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

10. **ITEM A-7 - 10:45 A.M. - HEARING - APPEAL OF ADMINISTRATIVE PENALTIES ISSUED BY THE ANIMAL CONTROL DEPARTMENT (KEN HARPER)** - Animal Control Director Denise Johnson, Animal Control Officer Roderic Hillard, Ken Harper and Lisa Harper were present and sworn in by the Clerk.

Ms. Johnson gave a brief overview of the case report, the numerous complaints regarding the barking dogs, and stated that Ken Harper came for a previous hearing before the Board regarding the same issues. The Board made a decision that if the appellant corrected the violations within sixty days, the penalty will be waived. However, the violations regarding the barking dogs still exists.

Mr. Harper explained to the Board, that he thought that the problem had been resolved because he had not been notified by the Animal Control Department regarding barking dog complaints. Mr. Harper stated that he became aware of the violations when he received the Order Imposing Administrative Penalty.

Ms. Harper also presented testimony.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), that the imposition of an administrative penalty in the amount of two hundred and fifty dollars (\$250), in this matter be affirmed; but that the remainder of the administrative penalty imposed, in the amount of five hundred dollars (\$500), be set aside since it was not warranted by the evidence, and the appellant shall be required to pay the administrative penalties in the amount of two hundred and fifty dollars (\$250), within twenty-five (25) days of the date of the service of the Board's decision.

BACK TO #9 - ITEM A-3 - CLOSED SESSION - 1. Conference with Labor Negotiator, (a) County Negotiators : A. Grant and J. Hammond, (b) Employee organizations: LCEA, LCSDA, LCCOA and DDA; and 2. Public Employee Performance Evaluations, Titles: Personnel Director and County Counsel - Chair Brown announced that the Board will now go back into Closed Session for the reasons stated on the agenda. Extra #1 will also be discussed during Closed Session.

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

The Board adjourned for lunch at 12:01 p.m. and reconvened at 1:30 p.m.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD JULY 13, 2004

11. **ITEM A-8 - Continued From June 8, 2004 - 1:30 P.M. - PUBLIC HEARING - APPEAL OF CONCERNED CITIZENS OF COON FLAT/JERUSALEM GRADE (AB 03-03) OF PLANNING COMMISSION'S DECISION TO FILE A NOTICE OF DETERMINATION FOR A MITIGATED NEGATIVE DECLARATION (IS 02-10) AND THE ISSUANCE OF A GRADING PERMIT FOR A PROPOSED VINEYARD; THIS PROJECT IS LOCATED AT 13372 SPRUCE GROVE ROAD, LOWER LAKE, CA (APN'S 136-041-01, 136-041-02, 012-012-18, 012-013-07 AND 013-060-21) - Community Development Director Mary Jane Fagalde and Assistant Resources Planner Kyrsten Shields were present.**

Ms. Shields gave a brief background report. Community Development Director Mary Jane Fagalde adopted a mitigated negative declaration IS 02-10, for the issuance of a discretionary grading permit to Kaj Ahlman, Six Sigma Ranch, for the Diamond Mine Vineyard, Phase II, on September 8, 2003. The grading permit authorized Kaj Ahlman to clear no more than one hundred and thirty (130), acres of native vegetation for vineyard development. The Notice of Determination was filed on September 8, 2003. The Concerned Citizens of Coon Flat/Jerusalem Grade appealed this decision to the Planning Commission. The Planning Commission denied the administrative appeal on April 22, 2004.

Attorney Kimberly Burr, representing the appellants was also present and presented testimony.

Property Owner Kaj Ahlman was also present.

Chair Brown opened the public hearing and the following persons spoke: Ms. Glo Anderson, Ms. Sandy Perry and Ms. Juliana Vidich.

The public hearing was continued after a short recess.

The Board of Supervisors adjourned and reconvened at 3:42 p.m.

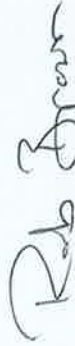
The public hearing was continued and the following persons spoke: Mr. Karl Giovacchini, Mr. Bob Whitney, Mr. Peter Windrem, Mr. Walt Campbell, Mr. Chuck Morse., Mr. Richard Pringle, Ms. Alicia Farnsworth, Mr. David Weiss, Mr. Jeff Palmer and Mr. Jerry Bernhaut.

The public hearing was continued to September 14, 2004, at 1:30 p.m.

BACK TO #9 - ITEM A-3 - CLOSED SESSION - 1. Conference with Labor Negotiator, (a) County Negotiators : A. Grant and J. Hammond, (b) Employee organizations: LCEA, LCCOA and DDA; and 2. Public Employee Performance Evaluations, Titles: Personnel Director and County Counsel - Chair Brown announced that the Board will now go back into Closed Session for the reasons stated on the agenda. Extra #1 will also be discussed during Closed Session.

The Board reconvened into Regular Session with no action taken.


There being no further business, the Board adjourned at 5:37 p.m.



Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board



By: 
Georgine Hunt
Assistant Clerk of the Board



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