

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA
MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JULY 27, 2004

The Honorable Board of Supervisors of Lake County, California, met in regular session this 27th 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 9:01 a.m. by Chair Brown, following a moment of silence, Mr. Jeff Lucas 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-16, with exception of Consent Item C-14, which will be taken up immediately following the approval of the Consent Agenda.

Approved Minutes of the Board of Supervisors Meeting held on July 6, 2004.

Appointed James K. Hill to the Lake County Vector Control District Board of Directors for a term ending January 1, 2006.

(a) Approved First Amendment to Sub-Sublease Agreement between the County of Lake and Dewayne Crawford, for offices located at 55 First Street, Lakeport; and (b) approved First Amendment to Sub-Sublease Agreement between the County of Lake and Dennis Fordham, for offices located at 55 First Street, Lakeport, and authorized the Chair to sign both agreements.

Approved Concession Agreement between the County of Lake and Angelina's Bakery, for coffee kiosk services in the County Courthouse building, and authorized the Chair to sign.

Adopted Resolution No. 2004-122, authorizing the Director, Community Development Department, to submit a grant application to the State of California Farm and Ranch Solid Waste Cleanup and Abatement Grant Program, for property located at 8649 and 9000 Adobe Creek Road, Kelseyville, CA (APN's 007-034-060 and 007-036-010-00 - Michael and Joyce Ananos, trustees).

Approved Contract between the County of Lake and David H. Williams, M.D., for specialty mental health services, and authorized the Chair to sign.

Authorized the Registrar of Voters to render all services necessary to conduct the Konocti Unified School District's Special Bond Measure Election on November 2, 2004, pursuant to Resolution No. 13-03-04 of the governing board of said school district.

Adopted Resolution No. 2004-123, authorizing application for a Spousal Abuser Prosecution Program.

Adopted Resolution No. 2004-124, amending Resolution No. 2004-87, establishing position allocations for Fiscal Year 2004-2005, Budget Unit No. 4121 - Integrated Waste Management (temporarily increasing the number of Solid Waste Heavy Equipment Operator positions by one).

Approved plans and specifications for Eastlake Landfill Erosion Repair/Control, and authorized the Purchasing Agent to advertise for bids.

Adopted Resolution No. 2004-125, authorizing the Director of Public Works to sign State Agreements for the Federal Apportionment Exchange Program and State Match Program California Department of Transportation - MPO County exchanging Federal apportionments for State exchange dollars and State match funds.

Approved the purchase of 9-1-1 System Customer Premise equipment with funding received from the State Department of General Services, and authorized the Sheriff's Department to issue Purchase Orders not to exceed \$480,000 for the purchase of the equipment, as recommended in Sheriff Mitchell's July 14, 2004, Memorandum to the Board of Supervisors.

Approved Agreement between the County of Lake and the County of Los Angeles, for the transportation of prisoners, and authorized the Chair to sign.

Approved amended distribution of excess proceeds on APN 142-332-180, from Tax Sale #141 per Section 4675 of the Revenue and Taxation Code, as recommended in Memorandum dated July 14, 2004, from Treasurer-Tax Collector Kay Lytton.

Approved Written Decision in the Appeal of Administrative Penalties issued by the Animal Control Department (Ken Harper), and authorized the Chair to sign.

CONSENT ITEM C-14 - PROPOSED CONTRACT BETWEEN THE COUNTY OF LAKE AND NORTH COAST OPPORTUNITIES/RURAL COMMUNITIES CHILDCARE, FOR THE PROVISION OF CALWORKS STAGE ONE CHILDCARE - Supervisor Farrington requested that this item be pulled from the Consent Agenda for further discussion of the Stage 1 Child Care Contract Expenditure Report submitted by North Coast Opportunities. This item will be taken up later today.

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

EXTRA#1 - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (SUBDIVISION (a) OF SECTION 54956.9) - NAME OF CASE: RE GEOTHERMAL INCORPORATED - 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 has arisen since the posting of today's agenda concerning existing litigation which requires Board 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-11 - PROPOSED FINDINGS OF FACT AND DECISION IN THE APPEAL OF WILLIAM KINAMAN (AB 04-02)** - On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the Findings of Fact in the appeal of William Kinaman, and authorized the Chair to sign.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), denied the appeal of William Kinaman.

4. **CITIZEN'S INPUT** - Mr. John Roddy stated that he is concerned with the methods disposal companies are using when extracting and disposing Freon, and asked the Board if the County is monitoring these companies to assure the public that they are in compliance with State regulations regarding the removal/disposal of Freon.

5. **ITEM A-10 - CONSIDERATION OF APPROVAL OF DRUG ENFORCEMENT ADMINISTRATION MARIJUANA ERADICATION AGREEMENT BETWEEN THE COUNTY OF LAKE AND DRUG ENFORCEMENT ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF JUSTICE, IN THE AMOUNT OF \$15,000** - Sheriff Rodney Mitchell was present and stated that the federal government needs to remove marijuana from the Schedule 2 Classification that lists marijuana as a narcotic.

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

On motion of Supervisor Smith and by vote of the Board (3 ayes, Supervisors Robey and Farrington NO), approved Drug Enforcement Administration Marijuana Eradication Agreement Between the County of Lake and Drug Enforcement Administration of the United States Department of Justice, in the amount of \$15,000, and approved Letter of Agreement, Workplace Certifications and Request for Advance, to Drug Enforcement Administration of the United States Department of Justice, and authorized the Chair to sign both documents.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved letters to appropriate Federal representatives requesting initiation of Federal legislation that would remove marijuana from the Schedule 2 Classification, which lists marijuana as a narcotic, and authorized the Chair to sign.

6. **ITEM A-4 - 9:06 A.M. - PUBLIC HEARING - REVIEW OF ANNUAL GRANTEE PERFORMANCE REPORTS FOR COMMUNITY DEVELOPMENT BLOCK GRANTS: ON-SITE INFRASTRUCTURE IMPROVEMENTS IN HARMONY PARK SUBDIVISION IN UPPER LAKE - GRANT #98-STBG-1248; HOUSING REHABILITATION - GRANT #03-STBG-1829; ENTERPRISE FUND - GRANT #02-EDBG-881; HOUSING REHABILITATION REVOLVING LOAN FUND; BUSINESS EXPANSION AND RETENTION REVOLVING LOAN FUND; AND BUSINESS PROPERTY FACADE IMPROVEMENT REVOLVING LOAN FUND** - Deputy Administrative Officer Matt Perry and Deputy Redevelopment Director Andy Peterson were present.

Mr. Jeff Lucas, representing Community Development Services, was also present.

Mr. Perry gave a brief overview of Community Development Block Grant (CDBG) requirements. Also, Mr. Perry gave brief overviews of the Business Property Facade Improvement Grant and the Non-Revolving Activities Account.

Mr. Peterson gave brief overviews of the On-Site Infrastructure Improvements in Harmony Park Subdivision Grant and the Owner Occupied Housing Rehabilitation Grant.

Mr. Lucas gave brief overviews of the Enterprise Fund Grant, the status of the Revolving Loan Funds, the Business Expansion and Retention Grants, and the Housing Rehabilitation Grant.

Chair Brown opened the public hearing and Mr. John Roddy spoke. No one else was present wishing to speak and the public hearing was closed.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the Annual Grantee Performance Reports for (1) #98-STBG-1248 On-Site Infrastructure Improvements in Harmony Park; (2) #03-STBG-1829 Housing Rehabilitation; (3) #02-EDBG-881 Enterprise Fund; (4) the Housing Rehabilitation Revolving Loan Fund; (5) the Business Expansion and the Retention Revolving Loan Fund; and (6) the Business Property Facade Improvement Revolving Loan Fund.

7. **ITEM A-5 - 9:30 A.M. - MONTHLY UPDATE BY DR. GEORGE MCQUEEN, DIRECTOR OF THE LAKE COUNTY OFFICE OF EDUCATION WORKFORCE DEVELOPMENT DEPARTMENT, REGARDING JOB PLACEMENT STATISTICS, COMMITTEE ACTIVITIES, UNEMPLOYMENT UPDATES, EMPLOYER/EMPLOYEE TRAININGS, AND GRANT APPLICATION INFORMATION** - Mr. George McQueen was present and gave a brief overview of the activities by the Education Workforce Development Department, which included job placement statistics, committee activities, unemployment, training and grant applications.

Ms. Angie Arroyo, representing the Career Center, stated that each month they will introduce a person who has a local employment success story. Ms. Arroyo introduced Ms. Vanessa Bassett, and she told the Board about her local employment success story.

There was no action taken on this item.

BACK TO #1 - CONSENT ITEM - C-14 - PROPOSED CONTRACT BETWEEN THE COUNTY OF LAKE AND NORTH COAST OPPORTUNITIES/RURAL COMMUNITIES CHILDCARE, FOR THE PROVISION OF CALWORKS STAGE ONE CHILDCARE - Social Services Director was present and requested that this item be continued to August 10, 2004, which would allow time to ask North Coast Opportunities Program Director Patty Fox to be present to answer any questions that the Board may have regarding the Stage 1 Child Care Contract Expenditure Report.

After a short recess, the Board reconvened at 10:44 a.m.

8. **ITEM A-6 - 10:00 A.M. - CONSIDERATION OF REQUEST FROM EILEEN GEISER TO DISCUSS AN AMENDMENT TO THE LAKE COUNTY ZONING ORDINANCE AND OTHER REGULATIONS TO DECREASE CURRENT CONSTRUCTION HOURS DURING WEEK DAYS AND LIMIT/PROHIBIT CONSTRUCTION ACTIVITIES ON SATURDAYS AND SUNDAYS** - Community Development Director Mary Jane Fagalde was present and stated that the current hours for construction activities are from 7:00 a.m. to 7:00 p.m., which includes weekends.

Ms. Eileen Geiser was also present and stated that she is representing residents that live in north Lakeport, near the Grandview Estates Subdivision, which is currently under construction. Due to the use of heavy equipment, there has been extreme construction noise, excess dust, fuel emissions and ground vibration caused by equipment operating for hours at a time. The construction usually begins before 7:00 a.m. and stops after 7:00 p.m., including weekends. Ms. Geiser asked the Board to consider amendments to the zoning ordinance that would decrease current hours on weekdays for construction activities and limit or prohibit construction activities on Saturdays and Sundays.

The Board directed staff to contact contractors for their input regarding an amendment to the zoning ordinance that would decrease construction hours, including a limitation or prohibiting construction activities during weekends. Staff will come back to the Board with recommendations/amendments to the zoning ordinance regarding hours of construction.

Also, staff will monitor the construction activities at Grandview Estates Subdivision, and if they are in violation of the County's current construction hours, and Community Development Department will take the necessary action to stop the violation.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD JULY 27, 2004

9. **ITEM A-12 - CLOSED SESSION - 1. Conference with Labor Negotiator, (a) County Negotiators: A. Grant and J. Hammond, (b) Employee organizations: LCEA, LCSOA and DDA; and 2. Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Section 54956.9), Name of Case: Oliver v. County, et. al. - 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 the following action taken: On motion of Supervisor Robey and by vote of the Board (5 ayes), authorized the Chair to execute a Deed of Full Reconveyance of a 1985 Deed of Trust under a Financial Assurance Agreement with Geothermal Inc., in connection with a bankruptcy case in regard to Geothermal, Inc.

The Board will go back into Closed Session later today.

10. **ITEM A-7 - 11:30 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 9035 NORTH HIGHWAY 20, UPPER LAKE, CA (APN 003-034-13-00 - JAMES W. WILDER AND DONALD J. BRACKET) - The Clerk swore in Code Compliance Manager Ann Fogelstrom, Code Enforcement Officer Anthony Howard, and Tom Bracket, who was representing the property owner.**

Mr. Howard gave an overview of the violations on the property. These violations included substandard structures, household garbage, junk, trash, public nuisance vehicles, vehicle parts, hazardous waste, debris, scrap wood, scrap metal, excessive open and outdoor storage, appliances, tires, plastic and a failed septic system. After a site visit by staff, it was revealed that an elderly tenant, who appeared to be thin and dirty, had more than 20 dogs and chickens living inside the dwelling. Also, the dwelling lacked a proper septic system and had electrical hazards. On January 23, 2004, Animal Rescue removed sixteen dogs from the property, which have been adopted and are now in good homes. On May 7, 2004, staff posted and mailed the Notice of Nuisance. On July 26, 2004, a letter from Mr. James Wilder was received by Code Enforcement, informing staff that he has rewired the dwelling, however, staff has determined that no electrical permits were issued for this repair.

Ms. Fogelstrom gave a power-point presentation showing the past and present conditions of the property, which showed that there has been some progress on cleaning up the property, however, there are still numerous repairs that need to be done to the dwelling, electrical and septic system permits need to be obtained and there still is a large amount of garbage, trash, a substandard dwelling, junk, and public nuisance vehicles remain on the property.

Mr. Bracket gave testimony, stating that he is trying to bring the dwelling into compliance, and is still in the process of cleaning up the property.

The following amendment was made to the Order to Abate:

Added: Immediately contact the Lake County Environmental Health Department to inspect the existing septic system to insure the system is functioning adequately.

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 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.

11. **ITEM A-9 - DISCUSSION/CONSIDERATION OF PROPOSED RESOLUTIONS: (a) INITIATING APPLICATION TO LAFCO FOR THE FORMATION OF A COUNTYWIDE COUNTY SERVICE AREA FOR ROAD MAINTENANCE; and (b) APPROVING NEGOTIATED PROPERTY TAX EXCHANGE FOR A COUNTYWIDE COUNTY SERVICE AREA FOR ROAD MAINTENANCE - Public Works Director Gerry Shaul was present.**

Chair Brown asked if anyone was present wishing 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.

Supervisor Robey offered Resolution No. 2004-120 (Resolution making application to the Lake County Local Agency Formation Commission for the formation of a county service area for road maintenance), and it was passed by a roll-call vote (5 ayes).

Supervisor Robey offered Resolution No. 2004-121 (Resolution approving negotiated property tax exchange for the formation of a countywide county service area for road maintenance), and it was passed by a roll-call vote (5 ayes).

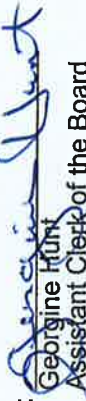
BACK TO #9 - ITEM A-12 - CLOSED SESSION - 1. Conference with Labor Negotiator, (a) County Negotiators: A. Grant and J. Hammond, (b) Employee organizations: LCEA, LCSOA and DDA; and 2. Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Section 54956.9), Name of Case: Oliver v. County, et. al. - 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 convened into Regular Session with no action taken.

There being no further business, the Board adjourned at 12:30 p.m.


Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: 
Georgine Hunt
Assistant Clerk of the Board



