

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA
MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JUNE 8, 2004

The Honorable Board of Supervisors of Lake County, California, met in regular session this 8th day of June, 2004, there being present Supervisors Ed Robey, Jeff Smith, Gary Lewis, Anthony Farrington and Rob Brown, Deputy Administrative Officer Matt Perry, County Counsel Cameron Reeves and Assistant Clerk of the Board Georgine Hunt. Administrative Officer Kelly Cox was present later in the morning.

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

1. **ITEM A-1 - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-7, with the exception of Consent Item C-6, which will be taken up immediately following the approval of the Consent Agenda.

Approved Minutes of the Board of Supervisors meeting held on May 25, 2004.

Adopted Resolution No. 2004-89, appropriating unanticipated revenue in the amount of \$6,000 (received from sale of 22 horses that were surrendered), for purchase of equipment, Budget Unit No. 2703 - Animal Care and Control.

Adopted Resolution No. 2004-90, appropriating unanticipated revenue in the amount of \$3,075 (received from Air Quality Management District in accordance with the Agreement for prosecution assistance), for purchase of minor additions to computer software and equipment, Budget Unit No. 1231 - County Counsel.

Adopted Resolution No. 2004-91, approving the Standard Agreement between the County of Lake and the State Department of Mental Health for Fiscal Year 2004/2005 and authorizing the Director of Health Services to sign Contract Number 04-74030-000.

Adopted Resolution No. 2004-92, temporarily authorizing a road closure, prohibiting parking and authorizing removal of vehicles and ordering the Department of Public Works to post signs (roads located in Middletown, for purposes of conducting Middletown Days Parade and events).

Sitting as the Board of Directors of Lake County Sanitation District, approved Sewer Mainline Extension Agreement between Lake County Sanitation District and Lake Terrace Associates, (Lake Terrace Apartments), for capacity mitigation measures, and authorized the Chair to sign.

CONSENT ITEM C-6 - CONSIDERATION OF REQUEST TO APPROVE HISTORIC COURTHOUSE MUSEUM AND LOWER LAKESCHOOLHOUSE AUDITORIUM UPDATED FACILITY USE POLICY - Public Services Director Kim Clymire requested that this item be pulled from today's agenda. This item will be placed on the agenda at a later date. (This item was placed on the July 8, 2004, agenda).

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

EXTRA #1 - PROPOSED RESOLUTION IN SUPPORT OF THE APPLICATION OF THE LAKE COUNTY PROBATION DEPARTMENT TO THE BOARD OF CORRECTIONS FOR JUVENILE ACCOUNTABILITY BLOCK GRANT FUNDING (JABG 2004) - 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:

The request for application was not received by the Probation Department with sufficient notice to allow a resolution to be prepared and submitted to the Board in accordance with the standard agenda development schedule. Management of this funding was transferred to the Board of Corrections (BOC) from the Office of Criminal Justice Planning. The application is due on Friday, June 11, 2004, prior to the next available agenda.

Supervisor Lewis offered Resolution No. 2004-85, and it was passed by a roll-call vote (5 ayes).

3. **CITIZEN'S INPUT** - Mr. Nathan Acuna thanked the Board for the proclamation commending and acknowledging Mr. George Ortiz's retirement from California Hurman Development Corporation, and invited the Board to Mr. Ortiz's retirement luncheon on Thursday, June 17, 2004, at the Career Center in Lakeport.

4. **ITEM A-4 - Carried Over From April 20, 2004 - 9:06 A.M. - DISCUSSION/CONSIDERATION OF INITIATING THE PROCESS OF REQUESTING STATE LEGISLATION TO ALLOW THE TAXATION OF MEDICAL MARIJUANA** - Mr. Eddy Lepp was present and gave a brief overview of the benefits that medical marijuana provides to patients. Mr. Lepp also stated that he is in favor of pursuing a taxation of medical marijuana.

Chair Brown asked if anyone present wished to speak on this item and the following persons spoke: Mr. John Roddy, Ms. Elaine Radison and Mr. Phil Murphy. No one else was present wishing to speak and the public portion of this item was closed.

Chair Brown, County Counsel Cameron Reeves and Mr. Lepp will work on details on how the tax should be levied, the distribution of the revenues from this tax, how enforcement and compliance should be handled and other issues regarding the proposed taxation of medical marijuana. The recommendations will be brought back to the Board at a later date for further consideration.

5. **ITEM A-5 - Carried Over From May 11, 2004 - 9:45 A.M. - STATUS REPORT FROM CODE ENFORCEMENT** - Community Development Director Mary Jane Fagalde and Code Compliance Manager Ann Foglestrom were present.

Ms. Foglestrom gave an overview of activities of Code Enforcement during the month of April and May.

There was no action taken on this item.

The Board of Supervisors adjourned and convened as the Lake County Board of Housing Commissioners, with Commissioner Morine absent.

6. **ITEM A-6 - 10:05 A.M. PROPOSED RESOLUTION TO DELETE AND ADD SIGNATURES TO THE LAKE COUNTY HOUSING COMMISSION BANK ACCOUNTS (LAKE COUNTY HOUSING SERVICE DEPARTMENT AND SECTION 8 FSS ESCROW ACCOUNT)** - Social Services Director Carol Huchingson was present.

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Commissioner Robey offered Resolution No. 2004-86, and it was passed by a roll-call vote (5 ayes, Commissioner Morine ABSENT).

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

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

7. **ITEM A-7 - 10:15 A.M. - PRESENTATION BY THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY'S OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT REGARDING THE DRAFT FISH ADVISORY GUIDELINES FOR CONSUMPTION OF FISH IN CLEAR LAKE, CACHE CREEK, AND BEAR CREEK IN LAKE, YOLO AND COLUSA COUNTIES** - Dr. Braberg and Dr. Margy Gassel, representatives from the Office of Environmental Health Hazard Assessment (OEHHA), were present.

Dr. Braberg stated that OEHHA is seeking public comment on a draft fish advisory concerning elevated levels of mercury in fish in Clear Lake, Cache Creek, and Bear Creek in Lake, Yolo and Colusa Counties. The proposed guidelines are based on new data collected since the original advisory was issued for Clear Lake in 1987. The advisory for Clear Lake has been updated and new guidelines have been developed for Cache Creek and Bear Creek. The draft advisory contains proposed guidelines for consumption of fish and shellfish from these water bodies. There are two guideline proposals, one is for women of childbearing age and children age seventeen and younger, who are particularly sensitive to methylmercury, and the second is for men and for women beyond their childbearing years.

Ms. Gassel gave a power-point presentation on the draft advisor and how it was developed, background information on mercury, including sources, uses, potential health effects from the consumption of mercury contaminated fish, and levels of exposure that are of concern from a health perspective.

There was no action taken on this item.

8. **ITEM A-13 - Advanced From May 25, 2004 - AN ORDINANCE ESTABLISHING FEES FOR THE COUNTY CLERK/AUDITOR-CONTROLLER'S OFFICE - (SECOND READING)** - Supervisor Robey offered Ordinance No. 2688, and it was passed by a roll-call vote (5 ayes).

9. **ITEM A-14 - CONSIDERATION OF PROPOSED RESOLUTION SUPPORTING THE LOCAL GOVERNMENT AND BUDGET PACKAGE, AS RECOMMENDED BY THE CALIFORNIA STATE ASSOCIATION OF COUNTIES (CSAC)** - Supervisor Lewis offered Resolution No. 2004-88, and it was passed by a roll-call vote (5 ayes).

10. **ITEM A-15 - CONSIDERATION OF REQUEST FROM KELSEYVILLE FIRE PROTECTION DISTRICT, FOR WAIVER OF PERMIT FEES ASSOCIATED WITH THE PERMITTING PROCESS, FOR THE CONSTRUCTION OF A NEW FIRE STATION** - Community Development Director Mary Jane Fagalde was present.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved the request from Kelseyville Fire Protection District, for waiver of permit fees (building permit fees and encroachment fee), associated with the permitting process, for the construction of a new fire station.

11. **ITEM A-8 - 11:00 A.M. - PRESENTATION/DEMONSTRATION OF THE HIDDEN VALLEY COMMUNITY SERVICES DISTRICT'S RECENTLY COMPLETED COYOTE VALLEY GROUNDWATER MODEL** - Hidden Valley Community Services District General Manager Mel Aust and Civil Engineer Bob Wagner of Wagner and Bonsignore.

Mr. Aust gave a demonstration of the computer modeling tool that depicts the groundwater basin, and the completed Coyote Valley groundwater model.

There was no action taken on this item.

The Board adjourned for lunch at 12:05 p.m. and reconvened at 1:35 p.m.

12. **ITEM A-9 - 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) - (THE APPELLANTS, THE ATTORNEY REPRESENTING THE APPELLANTS, THE APPLICANT AND THE ATTORNEY REPRESENTING THE APPLICANT ARE REQUESTING A CONTINUANCE OF THIS ITEM TO JULY 13, 2004, AT 1:30 P.M.)** - Chair Brown opened the public hearing and continued this item to July 13, 2004, at 1:30 p.m.

13. **ITEM A-10 - Continued From May 25, 2004 - 1:35 P.M. - PUBLIC HEARING - APPEAL (AA03-06) OF RICHARD KUEHN OF PLANNING COMMISSION'S DENIAL OF AN ADMINISTRATIVE APPEAL OF A NOTICE OF VIOLATION ISSUED BY THE COMMUNITY DEVELOPMENT DEPARTMENT CONCERNING THE USE OF A DRIVEWAY AS A ROADWAY FOR THROUGH RESIDENTIAL TRAFFIC; PROPERTY IS LOCATED AT 14010 SANNIS COURT, AND FURTHER DESCRIBED AS APN 006-480-42** - Community Development Director Mary Jane Fagalde and Principal Planner Rick Coel were present.

Mr. Richard Kuehn and Mr. Lewis Warren, attorney for Mr. Kuehn were present.

Mr. Clay Shannon and Mr. Peter Windrem, attorney for Mr. Shannon were also present.

Ms. Fagalde gave a brief background report. Mr. Kuehn was issued a Notice of Violation on November 26, 2003, pursuant to Lake County Zoning Ordinance Article 61.1(e) requiring Mr. Kuehn to immediately cease diversion of through traffic from Round Mountain Road to a driveway that intersected Sanns Court and to apply for the required use permit within seven days. Later that same day Mr. Kuehn submitted a request for an Administrative Appeal. The reason for the appeal being "I am not building a road."

Mr. Kuehn, Mr. Warren, Mr. Shannon and Mr. Windrem each presented testimony.

Chair Brown opened the public hearing and the following persons spoke: Mr. John Roddy, Mr. Hugh Frazer, Mr. Jim Bonnia and Mr. Lee Morine. No one else was present wishing to speak and the public hearing was closed.

This item was taken under submission.

14. **ITEM A-11 - SUPERVISORS WEEKLY CALENDAR, TRAVEL, AND REPORTS** - Chair Brown stated to the Board that he received a letter from Scully Packing Company, requesting that the Board prepare a letter to Governor Schwarzenegger, in support SB 1134, regarding the employment of minors in Lake County. SB 1134 was passed by the Senate and Assembly labor committees, however, the Governor's Office wants this law to be a state-wide program and does not support this bill.

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The Senate and Assembly Labor Committees, vowed to defeat the bill if it was expanded to include other counties. SB 2234 allows sixteen and seventeen year olds to work ten hours a day, sixty hours a week, in Lake County packing sheds when school is not in session. This bill is of the utmost importance to both the agricultural industry and the youth of Lake County.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved a letter of support to Governor Schwarzenegger, of SB 1134, regarding the employment of minors in Lake County, and authorized the Chair to sign.

15. **ITEM A-12 - (a) APPROVAL OF FISCAL YEAR 2004/2005 BUDGET TABULATION, AS AMENDED THEREBY CONSTITUTING THE FISCAL YEAR 2004/2005 PROPOSED BUDGET; (b) PROPOSED RESOLUTION APPROVING POSITION ALLOCATIONS FOR FISCAL YEAR 2004/2005, TO CONFORM TO THE PROPOSED BUDGET; and (c) CONSIDERATION OF REQUESTS FOR AUTHORIZATION TO PURCHASE CERTAIN FIXED ASSETS AND FILL NEW POSITIONS PRIOR TO ADOPTION OF THE FINAL BUDGET - On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the Fiscal Year 2004/2005 budget tabulation, as amended thereby constituting the Fiscal Year 2004/2005 proposed budget.**

Supervisor Robey offered Resolution No. 2004-87, and it was passed by a roll-call vote (5 ayes).

On motion of Supervisor Farrington and by vote of the Board (5 ayes), authorized purchase fixed assets and filling of new positions prior to the adoption of the final budget, as listed in the Administrative Officers Memorandum to the Board dated May 26, 2004.

There being no further business, the Board adjourned at 4:53 p.m.


Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board



By: 
George Hunt
Assistant Clerk of the Board

