

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA
MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MARCH 23, 2004

The Honorable Board of Supervisors of Lake County, California, met in regular session this 23rd day of March, 2004, there being present Supervisors Jeff Smith, Gary Lewis, Anthony Farrington and Ed Robey, 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 Acting Chair Robey, following a moment of silence, Supervisor Smith led the salute to the flag of the United States of America. Supervisor Brown was absent all day, because he was in Guatemala, volunteering his services in assisting in reconstructive procedures of children who are born with cleft palates.

1. **ITEM A-1 - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved Consent Agenda Items C-1 through C-19, with the exception of Consent Items C-7, C-8, C-18 and C-19, which will be taken up immediately following the approval of the Consent Agenda

Approved Minutes of the Board of Supervisors Meeting held on March 9, 2004.

Adopted proclamation designating the month of April, 2004, as Sexual Assault Awareness Month in Lake County.

Appointed Allen Clay to the Middletown Cemetery District Board of Trustees, to fill an unexpired term ending on January 1, 2007.

Appointed Eric Bortfield to the Lower Lake Cemetery District Board of Trustees, to fill an unexpired term ending on January 1, 2005.

Approved request from property owner Lake County Land Trust (non-profit organization), for waiver of Minor Use Permit and Initial Study fees in the amount of \$843, for the development of the Rodman Slough Preserve and Nature Center.

Adopted Resolution No. 2004-26, approving final map for Mustang Ranch Subdivision.

Approved Budget Transfer B-246, in the amount of \$400, for payment of Calpers Fee for the preparation of an actuarial evaluation to determine the 3% at 55 PERS rate that is necessary to establish a Prosecutor Unit for the Deputy District Attorneys, from Budget Unit No. 7999 Contingencies to Budget Unit No. 1341 - Personnel, and authorized the Chair to sign.

Approved Budget Transfer B-251, in the amount of \$3,372, for the purchase of a freezer, from Budget Unit No. 2302 - Probation to Budget Unit No. 2303 - Juvenile Home, and authorized the Chair to sign.

Adopted Resolution No. 2004-47, approving application and designation of lead jurisdiction for California Beverage Container Recycling and Litter Reduction Grant for Fiscal Year 2004/2005.

Approved plans and specifications for construction of sidewalk on County Club Drive, Lucerne and authorized the Assistant Purchasing Agent to advertise for bids.

Approved the 2002/2003 Annual Report of the Inmate Welfare Trust Fund #460.02.

Appointed Rose Weaver and Sissa Nelson Harris to the Social Services Advisory Board, for terms expiring on January 1, 2005, and adjust appointments to membership categories as recommended in the Social Services Director's Memorandum dated March 4, 2004, in order to accommodate said appointments.

Approved letter to Governor Schwarzenegger requesting that funding be included for the Full Circle Project as part of the State's proposed expenditure of the Water Bond Funds for Fiscal Year 2004/2005, and authorized the Chair to sign.

Accepted dedication and conveyance of mainline water extension, for public utility purposes, Clear Lake Havens Subdivision, Lakeport, and directed Clerk to certify for recordation.

Sitting as the Board of Directors of Lake County Sanitation District, accepted dedication and conveyance of mainline sewer extension, for public utility purposes, Clear Lake Havens Subdivision, Lakeport, and directed Clerk to certify for recordation.

CONSENT ITEM C-8 - CONSIDERATION OF LEAVE OF ABSENCE (MEDICAL) FOR MENTAL HEALTH SPECIALIST KATHLEEN BRADLEY, FOR THE PERIOD OF MARCH 1 THROUGH APRIL 30, 2004 - Health Services Director Ruth Lincoln was present and requested that this item be pulled from the Consent Agenda for further discussion. Ms. Lincoln explained to the Board that Ms. Bradley will be returning to work for 20 hours per week starting April 1, 2004, through September 1, 2004, and asked that the Board approve an amended extension of leave that will reflect this change.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved an amended leave of absence for Mental Health Specialist Kathleen Bradley, for the period of April 1, 2004, through September 1, 2004, and authorized the Chair to sign.

CONSENT ITEM C-7 - PROPOSED CONTRACT BETWEEN THE COUNTY OF LAKE AND SUTTER LAKESIDE COMMUNITY SERVICES, FOR WELFARE-TO-WORK SERVICES - Health Services Director Ruth Lincoln was present and requested that this item be pulled from today's agenda and that no further action be taken at this time.

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

CONSENT ITEM C-18 - PROPOSED AGREEMENT BETWEEN THE LAKE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AND THE STATE OF CALIFORNIA, DEPARTMENT OF WATER RESOURCES, FOR THE FLOOD PROTECTION CORRIDOR PROGRAM GRANT (MIDDLE CREEK FLOOD DAMAGE REDUCTION AND ECOSYSTEM RESTORATION PROJECT) - Assistant Public Works Director Bob Lossius was present and explained to the Board that by approving this item it will not have any impact on Consent Item C-19, which the Board also pulled from the Consent Agenda, and recommended approval of Consent Item C-18.

On motion of Director Lewis and by vote of the Board (4 ayes, Director Brown ABSENT), approved Agreement between the Lake County Flood Control and Water Conservation District and the State of California, Department of Water Resources, for the Flood Protection Corridor Program Grant, Middle Creek Flood Damage Reduction and Ecosystem Restoration Project, and authorized the Chair to sign.

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CONSENT ITEM C-19 - (A) PROPOSED RESOLUTION OF INTENT TO INITIATE BALLOTING TO CREATE BENEFIT ASSESSMENT DISTRICT, FLOOD ZONE 9; (B) CONSIDERATION OF THE ASSESSMENT BALLOT FORMAT; (C) CONSIDERATION OF REQUEST TO AUTHORIZE STAFF TO CONDUCT A PUBLIC MEETING ON APRIL 17, 2004, AT 10:00 A.M.; AT THE UPPER LAKE UNITED METHODIST CHURCH; AND (D) CONSIDERATION OF REQUEST TO SET THE PUBLIC HEARING FOR MAY 18, 2004, AT 1:30 P.M. TO HEAR PROTEST AND COUNT THE BALLOTS - Assistant Public Works Director Bob Lossius was present and stated that the state has some issues with the State Department of Water Resources Flood Protection Corridor Program Grant and it is believed that these issues will be resolved sometime next week.

This item was continued to April 6, 2004.

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

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

EXTRA#1 - DISCUSSION/CONSIDERATION OF OPTIONS REGARDING AMBULANCE OPERATIONS IN LAKE COUNTY - On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Brown ABSENT), 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:

On Monday, March 22, 2004, Redwood Empire Life Support ceased its operation in Lake County. Currently, the fire districts are responding to medical emergencies and providing ambulance services to the residents of Lake County.

Dr. Craig McMillian was present.

Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Mr. Jim Robbins, Mr. Jason Pennell, Mr. Dean Anderson, Mr. Frank Tony, Mr. Raymond Talamo, Mr. John Roddy, Dr. Gary Taft, Mr. Kurt Horn, Mr. Jim McMurray, Ms. Susan Bower and Mr. Al Moorehead. No one else was present wishing to speak and the public portion of this item was closed.

County Counsel Cameron Reeves stated to the Board that the Health Department oversees all ambulance operations in Lake County. Also, at the current time, the ordinance is being rewritten and suggested that no new permits for ambulance services be issued until the amended Ambulance Ordinance is adopted by the Board.

After a short recess, the Board reconvened at 10:22 a.m.

3. CITIZEN'S INPUT - Sheriff Mitchell announced that Mr. Jerry Albo, Kelseyville High School Student, was named as California Sheriff's Activity League Youth of the Year.

Former Lake County Supervisor Bud Franklin made an appearance and stated how much he enjoyed being a County Supervisor.

4. ITEM A-4 - 9:06 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 7630 HIGH VALLEY ROAD, COBB, CA (APN 013-049-08-10 - ESTATE OF ANN SCHAAF) - Code Compliance Manager Ann Fogelstrom, Code Enforcement Officer Kimberlee Heckard and Mr. Clay Stewart, property owner's son, were sworn in by the Clerk.

Ms. Fogelstrom gave a power-point presentation.

Ms. Heckard gave a background report. This case was opened on January 18, 1991, from complaints of open and outdoor storage of construction materials, public nuisance vehicles, fuel tanks, approximately 200 tires and large amounts of household garbage. A site visit to the property confirmed the violations. A Notice of Nuisance was mailed but could not be posted due to loose dogs on site. At a later date a superceding Notice of Nuisance was mailed and posted on site. A follow-up site visit did not show improvement and a courtsey letter was mailed. Staff discovered that the property owner had passed away, and began copying the notices to the daughter and son of the property owner. A site visit confirmed violations still existed and a superceding Notice of Nuisance was prepared, posted and mailed to both the son and daughter. Staff made several site visits and met the son on site on a few occasions to check progress of the clean-up. Public nuisance vehicles were tagged, one was towed. On another follow-up site visit little to no progress was found in the clean-up, but work was being done on the back of the cabin without permits. A final notice to comply letter was mailed. The next site visit another public nuisance vehicle was tagged. No progress has been made and the property remains in violation.

Mr. Stewart presented testimony stating that he is in the process of cleaning up the property.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), 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 and all costs associated with this case to be come a charge against the property.

5. ITEM A-5 - 9:30 A.M. - HEARING - APPEAL OF ADMINISTRATIVE PENALTIES ISSUED BY THE COMMUNITY DEVELOPMENT DEPARTMENT, CODE ENFORCEMENT DIVISION (BYRON DUERKSON) - Community Development Director Mary Jane Fagalde, Code Compliance Manager Anne Fogelstrom, Code Compliance Officer Allison Garrett, Environmental Health Director Ray Rumninski, property owner Byron Duerkson, Jan Bell and Jordan Bell were sworn in by the Clerk.

Ms. Fogelstrom presented a power-point presentation regarding the condition of the property.

Ms. Garrett gave a background report. This complaint was originally received in October 2002. The complaint stated that the owners were building an addition to their home without any permits. A search of permits determined that no permit had been issued. A site visit on October 22, 2002, was performed and a Stop Work Order was posted at the property, followed by mailing a letter, giving the owner ten (10) days to secure the required permits. On November 22, 2002, a search found no permit yet on file and a letter was mailed to the property owner, giving five (5) days to obtain the required permits. On January 15, 2003, a second letter was mailed to the property owner. On January 29, 2003, the owner came into the Lake County Community Development Department and was advised by staff that he needed a Site Plan and proof that plans had been submitted to the Clearlake Rivera Homeowners Association before any permits could be issued. On February 25, 2003, the owner made contact with staff and said that he would bring in his plans as soon as he received approval from the Environmental Health Division. On March 25, 2003, staff spoke to the owner by telephone and inquired about the status of the violations. The owner said he was still working with the Environmental Health Division to get a plot map approval for the addition and would bring in building plans for a permit by May 30, 2003. On May 20, 2003, a site visit was made to the

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property after Environment Health Division officials advised that they were still waiting for the owner to locate and dig the septic site for their inspection. At the time of this site visit, on Building and Safety Notice of Violation and one Code Enforcement Notice of Violation were posted. Each gave the owner thirty (30) days to correct the violations. On May 22, 2003, copies of the notices were mailed certified to the property owner. On July 10, 2003, staff made a site visit and posted an Order Imposing Administrative Penalties in the amount of one hundred dollars. Between July 2003, and August 2003, staff talked to the property owner by telephone several times and advised him that he needed to pay the Administrative Penalty in the amount of one hundred dollars and secure the property permits for building and/or demolition of his addition. On August 15, 2003, a Notice of Nuisance was hand delivered to Mrs. Duerksen on the property. The Notice of Nuisance detailed the violations and the corrective actions required to abate them. On September 4, 2003, the owner came into the Lake County Community Development Department and paid the Administrative Penalties in the amount of one hundred dollars. On September 23, 2003, staff received a faxed copy from Roto-Rooter regarding work done on the property stating that the distribution box was located and would be dug up by the next week. On October 24, 2003, staff contacted Environmental Health to inquire about the status of the septic permit and was informed that Mr. Duerksen had not complied with their request to dig and locate septic and leach lines for an inspection. On November 21, 2003, after finding that no permits had been issued, a second Order Imposing Administrative Penalty in the amount of two hundred dollars was posted on the property. To date, no permits have been issued and the violations have not been corrected. Further, according to Environmental Health as of December 12, 2003, the property owner has not yet complied with their requirements. On January 26, 2004, Mr. Duerksen came into the office and paid the second Administrative Penalty of \$200. On February 5, 2004, staff made a site visit which revealed no change in property conditions and the third Administrative Penalty in the amount of \$500 was hand delivered to the property owner, Mr. Duerksen. On February 6, 2004, an interoffice memo was received from Environmental Health, regarding clearance for a building permit application. The memo indicated that Mr. Duerksen had told Environmental Health of his intention to relocate the septic system leach field so that it is not under his room addition. As of February 6, 2004, Environmental Health had not received an application for a design proposal and could not issue a clearance for a building permit application. To date, no permits have been issued and the violations have not been corrected.

Environmental Health Director Ray Ruminski, property owner Byron Duerksen, Jan Bell and Gordan Bell each presented testimony.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSENT), denied the appeal of Byron Duerksen and found that the Order Imposing Administrative Penalty dated November 21, 2003, was issued properly pursuant to Lake County Ordinance Code Section 13.33.3, this action is based on the facts in the staff report dated March 3, 2004.

6. **ITEM A-6 - 10:45 A.M. - DISCUSSION OF THE \$400,000 THAT IS AVAILABLE HOUSING PROGRAM LOAN ACCOUNT; and CONSIDERATION OF REQUESTS FROM THE FOLLOWING: (1) RURAL COMMUNITIES HOUSING DEVELOPMENT CORPORATION IN THE AMOUNT OF \$300,000 FOR THE DEVELOPMENT OF 40 UNITS OF PERMANENT FARM WORKER HOUSING (OAK HILL PROJECT), LOCATED NEAR KELSEYVILLE; and (2) ESKATON PROPERTIES, INC., IN THE AMOUNT OF \$400,000 FOR THE DEVELOPMENT OF SENIOR HOUSING TO BE LOCATED NEAR CLEARLAKE OAKS; and (3) REQUEST FOR BOARD DECISION REGARDING WHICH PROJECT WILL RECEIVE THE LOAN (AMOUNTS REQUESTED EXCEED THE \$400,000 THAT IS AVAILABLE) - Deputy Redevelopment Director Andy Peterson was present.**

Mr. Peterson stated that Rural Communities Housing Development Corporation has withdrawn their request.

Chair Robey asked if anyone present wished to speak and the following persons spoke: Mr. Raymond Gee, Reverend Bill Thornton, Mr. John Roddy and Mr. George Dostomario. 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 Brown ABSENT), approved funding to Eskaton Properties, Inc., in the amount of \$400,000, for the development of senior housing to be located near Clearlake Oaks.

7. **ITEM A-7 - 11:30 A.M. - CONSIDERATION OF REQUEST FROM ANDERSON SPRINGS COMMUNITY SERVICES DISTRICT TO SUPPORT ITS REQUEST TO NAME AN UNNAMED SPRING LOCATED OFF OF FORD FLAT ROAD, COBB, "ANDERSON-BULL SPRING" - Chair Robey asked if anyone present wished to speak and Ms. Meriel Medrano spoke. 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 (4 ayes, Supervisor Brown ABSENT), approved the request for support to name an unnamed spring "Anderson-Bull Spring".

8. **ITEM A-8 - 11:45 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF APRIL, 2004, AS SEXUAL ASSAULT AWARENESS MONTH IN LAKE COUNTY - Supervisor Lewis read the proclamation into the record. The proclamation was presented to numerous representatives from Victim/Witness and Sutter Community Services.**

9. **ITEM A-10 - DISCUSSION/CONSIDERATION OF OPTIONS REGARDING PAYMENT OF STATE'S FEDERAL CHILD SUPPORT PENALTY - On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), instructed staff not to pay the first installment, which will require the State to deduct the amount of \$91,073 from other payments due to the County.**

10. **ITEM A-13 - CONSIDERATION OF PROPOSED AMENDMENT TO DUTIES AND BY-LAWS OF THE PARKS AND RECREATION ADVISORY BOARD (CHANGING THE TERM OF APPOINTMENTS TO STAGGERED TERMS) - Public Services Director Kim Clymire was present.**

It was determined by the Board that if any of the advisory boards were to have staggered terms, it would be impossible for the Clerk to keep track of the dates when member's terms are going to expire. That is why all advisory boards have terms expiring on January 1 (odd years).

11. **ITEM A-11 - Advanced From March 9, 2004 - AN ORDINANCE REGARDING THE HOURS OF OPERATION AT THE LAKEPORT SOLID WASTE TRANSFER STATION (RECOMMENDATION TO CLOSE ON SUNDAYS AND MONDAYS) - (SECOND READING) - Public Services Director Kim Clymire and Deputy Public Services Director Caroline Chavez were present.**

Supervisor Smith offered Ordinance No. 2682, and it was passed by a roll-call vote (3 ayes, Supervisor Farrington NO, Supervisor Brown ABSENT).


The Board of Supervisors adjourned and convened as the Board of Directors of Lake County Sanitation District.

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12. ITEM A-12 - Advanced From March 9, 2004 - AN ORDINANCE AMENDING SECTIONS 706A AND 706B OF THE SEWER USE ORDINANCE INCREASING SEWER CAPACITY EXPANSION FEES FOR CONNECTIONS TO THE NORTHWEST AND SOUTHEAST REGIONAL WASTEWATER FACILITIES - (SECOND READING) - Director Smith offered Ordinance No. 2683, and it was passed by a roll-call vote (4 ayes, Director Brown ABSENT).

The Board of Directors of Lake County Sanitation District adjourned and reconvened as the Board of Supervisors.

There being no further business, the Board adjourned at 12:50 p.m.


Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: 
Georgine Hunt
Assistant-Clerk of the Board

