

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MAY 11, 2004

The Honorable Board of Supervisors of Lake County, California, met in regular session this 11th day of May, 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, Social Services Director Carol Huchingson 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-15.
Adopted Resolution No. 2004-71, approving Agreement No. 04-0051, the Organic Program, with the Department of Food and Agriculture during the period of July 1, 2004 through June 30, 2005 and authorizing execution thereof.
Waive the 900 hour limit for extra-help Janitor Diana Hasty.
Adopted Resolution No. 2004-72, approving the Lake County Alcohol and Other Drug Services Standards for Sober Living Environments.
Approved Letter of Agreement between the County of Lake and Humboldt County, for the provision of mental health treatment services to minors placed at Humboldt's Northern California Regional Facility, for Fiscal Year 2003/2004, and authorized the Chair to sign.
Waive the 900 hour limit for extra-help Office Assistant Diana Halkyard.
Approves the Health Insurance Portability and Accountability Act (HIPPA) Privacy Complaint Policy.
Approved Engineering and Inspection Agreement between the County of Lake and Greg Cerda, for review of plans and specifications for a Tentative Parcel Map, located at 20411 Big Canyon Road, Middletown, CA., and authorized the Chair to sign.
Approved Operating and Financial Plan for Cooperative Patrol between the County of Lake and U.S. Forest Service, for reimbursable services provided by law enforcement in the Lake Pillsbury Region, and authorized the Chair to sign.
Approved request to authorize submission of a "Cops in School Grant" Application, to the U.S. Department of Justice, for three full time positions and one part time position to be deployed to work in and around elementary, high, middle and continuation schools.
Approved Application to the U. S. Department of Homeland Security, Office of Domestic Preparedness, in the amount of \$376,499, and authorized the Chair to sign accompanying documents.
Approved Fifth Amendment to Agreement between the County of Lake and Jason K.T. Trent, M.D., for pathology services, and authorized the Chair to sign.
Approved Agreement between the County of Lake and the Regents of the University of California, for evidentiary exam services, and authorized the Chair to sign.
Approved Joint Operating Operation and Financial Plan for Controlled Substances, between the County of Lake and U.S. Forest Service, for reimbursable services provided by law enforcement in the Mendocino National Forest, and authorized the Chair to sign.
Approved Agreement between the County of Lake and the Department of Parks and Recreation, Northern Buttes District, for use of the shooting range located on Highland Springs Road, Lakeport, and authorized the Chair to sign.
Sitting as the Board of Directors of Lake County Flood Control and Water Conservation District, adopted Resolution No. 2004-73, authorizing the Assistant Director of Public Works to sign State Water Resources Control Board Grant establishing funding for inventory, eradication and monitoring of invasive species.
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 APPEARING 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 CASES: ONE CASE - On motion of Supervisor Robey 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 the current agenda which requires Board discussion or direction in Closed Session. Based on the facts, there is a need to take immediate action on this matter.
This item will be taken up during Closed Session.
3. **ITEM A-10 - CONSIDERATION OF REQUEST FOR OUT-OF-STATE TRAVEL FOR DIRECTOR LEWIS AND SPECIAL DISTRICTS ADMINISTRATOR MARK DELLINGER, TO WASHINGTON D.C., FROM JUNE 20-24, 2004, TO ATTEND THE CALIFORNIA ASSOCIATION OF SANITATION AGENCIES FEDERAL LEGISLATIVE SEMINAR** - On motion of Director Robey and by vote of the Board (5 ayes), denied the request for out-of-state travel for Director Lewis and Special Districts Administrator Mark Dellinger, to Washington, D.C., from June 20-24, 2004, to attend the California Association of Sanitation Agencies Federal Legislative Seminar.
The Board of Directors of Lake County Sanitation District adjourned and reconvened as the Board of Supervisors.
4. **CITIZEN'S INPUT** - Director of Sutter Lakeside Community Services Gloria Flaherty invited the Board to attend the Northern California Forum on Child Abuse, on May 21, 2004, at Konociti Harbor Resort and Spa.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MAY 11, 2004

5. **ITEM A-4 - Continued From April 20, 2004 - 9:06 A.M. - HEARING - APPEAL OF ADMINISTRATIVE PENALTIES ISSUED BY THE COMMUNITY DEVELOPMENT DEPARTMENT, CODE ENFORCEMENT DIVISION (TIMOTHY MULDER, TIFFANY MULDER AND THEODORE MULDER) - Community Development Director Mary Jane Fagalde, Code Compliance Officer Hank Boullierce, Mr. Ted Mulder, Mr. Randy Mulder and Mr. Tim Mulder were present and sworn in by the Clerk.**

Mr. Steve Brooks, attorney for the Mulders, was also present.

Mr. Boullierce presented a brief overview of the violations on the property. The Administrative Penalty was issued for use of the property as a contractor's equipment storage yard, which is not consistent with the Unclassified Zoning District.

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

Mr. Randy Mulder, Mr. Tim Mulder and Mr. Ted Mulder each presented testimony.

County Counsel Cameron Reeves stated to the Board that since this property is zone "Unclassified", the zoning of the property falls under the jurisdiction of the General Plan, and asked Ms. Fagalde what zoning was recommended in the General Plan.

Ms. Fagalde stated that she did not have this information available at this hearing, and asked that she be allowed time to research the General Plan.

This item was continued after a short recess.

After a short recess, the Board reconvened at 10:40 a.m.
- BACK TO #5 - ITEM A-4 - Continued From April 20, 2004 - 9:06 A.M. - HEARING - APPEAL OF ADMINISTRATIVE PENALTIES ISSUED BY THE COMMUNITY DEVELOPMENT DEPARTMENT, CODE ENFORCEMENT DIVISION (TIMOTHY MULDER, TIFFANY MULDER AND THEODORE MULDER) - Community Development Director Mary Jane Fagalde, Code Compliance Officer Hank Boullierce, Mr. Ted Mulder, Mr. Randy Mulder and Mr. Tim Mulder were present**

Ms. Fagalde stated to the Board that the General Plan recommended that this property be zoned commercial, which a contractor's equipment storage yard is allowed, and requested that this item be withdrawn.
6. **ITEM A-5 - 9:45 A.M. - STATUS REPORT FROM CODE ENFORCEMENT - Community Development Director Mary Jane Fagalde requested that this item be carried over to a later date.**

This item was carried over to June 12, 2004.
7. **ITEM A-7 - 10:30 A.M. - PROPOSED ORDINANCE AMENDING ARTICLE IX OF CHAPTER 9 OF THE LAKE COUNTY CODE PERTAINING TO PERMITTING AND OPERATION OF MEDICAL TRANSPORTATION SERVICES (REVISED AMBULANCE ORDINANCE) - Public Health Officer Craig McWilliamian was present.**

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 (Clerk so did).

On motion of Supervisor Smith and by vote of the Board (5 ayes), advanced the ordinance two weeks to May 25, 2004.
8. **ITEM A-6 - 10:00 A.M. - DISCUSSION/CONSIDERATION OF PROPOSED RESOLUTION ADOPTING THE MIDDLE CREEK FLOOD DAMAGE REDUCTION AND ECOSYSTEM RESTORATION PROJECT AND THE MITIGATION MEASURES IN THE FEASIBILITY REPORT AND EIR FOR THE PROJECT - Assistant Public Works Director Bob Lossius and Assistant Resource Planner Melissa Banks were present.**

Ms. Banks gave a brief overview of the proposal.

Chair Brown asked if anyone present wished to speak on this item and Ms. Mae Noble spoke. No one else was present wishing to speak and the public portion of this item was closed.

Director Lewis offered Resolution No. 2004-70, and it was passed by a roll-call vote (4 ayes, Director Robey NO).

The Board of Directors of Lake County Flood Control and Water Conservation District adjourned and reconvened as the Board of Supervisors.
9. **ITEM A-11 - CLOSED SESSION - 1. Public Employee Performance Evaluations, Titles: Animal Control Director and Public Services Director; and 2. Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation Pursuant to Subdivision (c) of Section 54956.9: One Potential Case - Chair Brown announced that the Board will now go into Closed Session for the reasons stated on the agenda. Extra #1 will also be taken up at this time.**

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

The Board of Supervisors adjourned for lunch at 12:06 p.m. and reconvened at 1:33 p.m.
10. **ITEM A-8 - 1:30 P.M. - PUBLIC HEARING - APPEAL (AA 03-06) 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 SANNS COURT, AND FURTHER DESCRIBED AS APN 006-480-42 - (APPELLANT HAS REQUESTED THAT THIS ITEM BE CONTINUED TO MAY 25, 2004, AT 11:00 A.M.) - Chair Brown opened the public hearing.**

On motion of Supervisor Robey and by vote of the Board (5 ayes), continued the public hearing regarding the appeal of Richard Kuehn to May 25, 2004, at 11:00 a.m.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MAY 11, 2004

BACK TO #9 - ITEM A-11 - CLOSED SESSION - 1. Public Employee Performance Evaluations, Titles: Animal Control Director and Public Services Director; and 2. Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation Pursuant to Subdivision (c) of Section 54956.9: One Potential Case - 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 taken up at this time.

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned at 2:15 p.m.



Chair - Lake County Board of Supervisors



KELLY F. COX
Clerk of the Board

By: 
Georgine Hunt
Assistant Clerk of the Board

