BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD NOVEMBER 23, 2004

The Honorable Board of Supervisors of Lake County, California, met in regular session this 23rd day of November, 2004, there being present Supervisors 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, Mr. Chuck March 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-13, with the exception of Consent Item C-11, which will be taken up latter in the day.

   Adopted Resolution No. 2004-192, temporarily authorizing a road closure, prohibiting parking and authorizing removal of vehicles and ordering the Department of Public Works to post signs (temporarily authorizing a road closure on Wardlaw Street and prohibiting parking along Washington Street, Jackson Street and Callayomi Street on December 4, 2004 from 5:30 p.m. to 7:00 p.m., and authorizing removal of vehicles and ordering the Department of Public Works to post signs (Christmas Lights Caravan Event).

   Adopted Resolution No.2004-193, amending Resolution No. 2004-140 to temporarily increase the number of Electrical/Mechanical Technician positions allocated in Budget Unit No. 8695 - Special Districts Administration.

   Adopted Resolution No. 2004-188, approving the application for grant funds for Roberti-Z'berg-Harris Non-Urbanized Area Need-Basis Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Action of 2002 for the Lucerne 3rd Avenue Plaza Project.

   Waived the Consultant Selection Policy and formal bidding process pursuant to October 13, 2004, Memorandum from Community Development Director Mary Jane Fagalde, and approved Contract between the County of Lake and Christine Wiggins (dba Municipal Compliance Consultants), for contract code enforcement services, and authorized the Chair to sign.

   Adopt Resolution No.2004-194, authorizing the issuance and sale of not to exceed $10,300,000 of General Obligation Bonds of the Konocti Unified School District by a negotiated sale pursuant to a bond purchase contract, prescribing the terms of sale of said bonds, approving the form of and authorizing the execution and delivery of said bond purchase contract, and authorizing the execution of necessary certificates relating to said bonds.

   Approved Permit to conduct aeronautical activities at Lampson Airport (Air Power), and authorized the Chair to sign.

   Approved Engineering and Inspection Agreement between County of Lake and Bob and Julie Ore, for review of plans and specifications for a Tentative Subdivision Map, located at 450 and 620 Park Way, Lakeport, and authorized the Chair to sign.

   (a) Approved Budget Transfer B-035, in the amount of $9,000, to cover costs for services of Anderson/Bunbury and Associates, Inc., for implementing the un-reimbursed medical component of the County's Flexible Benefits Plan, from Budget Unit No. 7999 - Contingencies to Budget Unit No. 1341 - Personnel, and authorized the Chair to sign; and (b) approved Agreement between the County of Lake and Anderson/Bunbury and Associates, Inc., for administration of the un-reimbursed medical feature of the County's Flexible Benefits Plan, and authorized the Personnel Director to sign.

   Approved Budget Transfer B-036, in the amount of $2,650, to cover costs to replace outdated wireless network bridge equipment between the Courthouse and the Agricultural/Animal Control facilities, from Budget Unit No. 7999 - Contingencies to Budget Unit No. 1904 - Information Technology, and authorized the Chair to sign.

   Approved Agreement between the County of Lake and the United States Department of Interior, Bureau of Land Management (BLM), to assist in providing adequate protection of persons and property on public lands and roads in Lake County administered by the BLM, and authorized the Chair to sign.

   Sitting as the Board of Directors of Kelseyville County Waterworks District #3, approved Easement Deed and directed Clerk to certify for recordation (APN 242-010-23 - Bruce E. Ledford and Sandra L. Ledford); and approved Right-of-Way Agreement between the Kelseyville County Waterworks District #3 and Bruce E. Ledford and Sandra L. Ledford, for the Kelseyville/Finley Water Project, and authorized the Chair to sign.

   Sitting as the Board of Directors of Lake County Air Quality Management District, (a)adopted Resolution No. 2004-196, adopting Carl Moyer Program, authorizing the Air Pollution Control Officer (APCO) to submit grant application and sign program documents; and (b) approved request for waiver for matching funds requirement and certification of resources.

2. **CITIZEN'S INPUT** - Mr. Jim Henderson expressed his views and opinions regarding Community Development Director Mary Jane Fagalde.

3. **ITEM A-9 - PROPOSED ORDINANCE AMENDING CHAPTER 19 OF THE ORDINANCE CODE OF THE COUNTY OF LAKE, ESTABLISHING A NO-PARKING ZONE ON WARDLAW STREET, MIDDLETOWN** - Chair Brown asked if anyone present wished to speak and Ms. Krista Eisbrenner, representing the Middletown School District spoke. No one else was present wishing to speak and the public portion of this item was closed.

   On motion of Supervisor Robey 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 Robey and by vote of the Board (5 ayes), advanced the ordinance two weeks to December 7, 2004.

4. **ITEM A-10 - PROPOSED ORDINANCE AMENDING CHAPTER 19 OF THE ORDINANCE CODE OF THE COUNTY OF LAKE, ESTABLISHING A NO-PARKING ZONE ON NORTH HEIGHTS DRIVE, KELSEYVILLE** - On motion of Supervisor Lewis 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 Lewis and by vote of the Board (5 ayes), advanced the ordinance two weeks to December 7, 2004.

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

5. **ITEM A-12 - CONSIDERATION OF PROPOSED RESOLUTION ADOPTING LAKE COUNTY SANITATION DISTRICT WASTEWATER RULES AND REGULATIONS** - Special Districts Administrator Mark Dellinger was present.

   Director Lewis offered Resolution No. 2004-191, and it was passed by a roll-call vote (5 ayes).

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

6. **ITEM A-7 - PROPOSED FINDINGS AND DECISION IN THE APPEAL OF THE LAKE COUNTY FARM BUREAU (AB 04-07)** - Supervisor Lewis made a motion to approve the appeal in this matter, motion dies for lack of a second.

   On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Lewis NO), approved the Findings of Fact and authorized the Chair to sign.

   On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Lewis NO), denied the Appeal in this matter.

7. **ITEM A-8 - DISCUSSION/CONSIDERATION OF PROPOSED MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF LAKE, THE CITY OF LAKEPORT, THE CITY OF CLEARLAKE, AND LAKE COUNTY SPECIAL DISTRICTS, TO REALLOCATE EXPENSES OF LAKE COUNTY LAFCO AS A RESULT OF INDEPENDENT SPECIAL DISTRICT REPRESENTATION ON LAFCO** - On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the Memorandum of Understanding between the County of Lake, the City of Lakeport, the City of Clearlake, and Lake County Special Districts, to reallocate expenses of Lake County LAFCO as a result of independent special district representation on LAFCO, and authorized the Chair to sign.

8. **ITEM A-6 - (a) PROPOSED RESOLUTION APPROVING AND ADOPTING A COUNTY CELLULAR PHONE POLICY; (b) PROPOSED RESOLUTION AMENDING RESOLUTION NO. 2004-155, TO PROVIDE A CELLULAR PHONE STIPEND FOR MANAGEMENT EMPLOYEES; and (c) PROPOSED ORDINANCE AMENDING CHAPTER 2 OF THE ORDINANCE CODE OF THE COUNTY OF LAKE REGARDING COMPENSATION OF THE BOARD OF SUPERVISORS (TO PROVIDE CELLULAR PHONE STIPEND)** - Administrative Analyst Jennifer Hammond was present.

   Supervisor Lewis offered Resolution No. 2004-189 (Resolution approving and adopting a County Cellular Phone Policy), and it was passed by a roll-call vote (5 ayes).

   Supervisor Lewis offered Resolution No. 2004-190 (Resolution amending Resolution No. 2004-155, to provide a cellular phone stipend for Management employees), and it was passed by a roll-call vote (5 ayes).

   On motion of Supervisor Lewis 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 Lewis and by vote of the Board (5 ayes), advanced the ordinance two weeks to December 7, 2004.

   After a short recess, the Board reconvened at 9:48 a.m.

9. **ITEM A-11 - CONSIDERATION OF REQUEST TO REIMBURSE PLANNING COMMISSIONER'S FOR OUT OF COUNTY TRAVEL/TRAINING EXPENSES** - Community Development Director Mary Jane Fagalde was present.

   On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved the request to reimburse Planning Commissioners Freda Camotta and Clifton Swetnam, for mileage to Pleasanton, California, where they attended the California County Planning Commissioners State Conference that was held November 11-13, 2004.

10. **CONSENT ITEM C-11 - PROPOSED RESOLUTION NO AUTHORIZING THE CHAIRMAN OF THE BOARD TO APPROVE AND DIRECT THE TAX COLLECTOR TO SELL AT PUBLIC AUCTION TAX DEFAULTED PROPERTY WHICH IS SUBJECT TO THE POWER TO SELL IN ACCORDANCE WITH CHAPTER 7 OF PART 6 OF DIVISION 1 OF THE CALIFORNIA REVENUE AND TAXATION CODE AND APPROVING SALES BELOW MINIMUM PRICE ON SPECIFIED CASES** - A Memorandum dated November 22, 2004, from Assistant Clerk of the Board Georgine Hunt, requesting that this item be pulled from the Consent Agenda. It was explained in the Memorandum that after the agenda was posted, it was discovered that the sale of the tax defaulted property will not be at a public auction, but at a sealed bid sale.

    Treasurer-Tax Collector Kay Lytton was present.

    Supervisor Lewis offered Resolution No. 2004-195, and it was passed by a roll-call vote (5 ayes).

    After a short recess, the Board reconvened at 10:20 a.m.

11. **ITEM A-13 - CLOSED SESSION - 1. Public Employee Performance Evaluation, Title: Community Development Director** - Chair Brown announced that the Board will now go into Closed Session for the reason stated on the agenda.

    The Board reconvened into Regular Session with no action taken.

    The Board adjourned for lunch at 11:59 a.m. and reconvened at 1:31 p.m.

12. **ITEM A-5 - SUPERVISORS WEEKLY CALENDAR, TRAVEL, AND REPORTS** - On motion of Supervisor Smith and by vote of the Board (5 ayes), approved travel for Supervisor Brown on December 3, 2004, to Rancho Cordova, to attend the Central Valley Regional Water Quality Control Board.

13. **ITEM A-4 - 1:30 P.M. - PUBLIC HEARING - APPEAL (AB 03-02) OF ANDERSON SPRINGS COMMUNITY ALLIANCE - CONSIDERATION OF RECOMMENDATION TO GRANT APPEAL IN PART AND DENY USE PERMIT (UP-03-06) WITHOUT PREJUDICE FOR PSG, INC. FOR A COMMUNITY CARE FACILITY ON PROPERTY LOCATED AT 9890 AND 10155 SOCRATES MINE ROAD IN MIDDLETOWN, BEING FURTHER DESCRIBED AS APN'S 013-058-11 & 12 (THE BOARD OF SUPERVISORS MADE AN INTERIM DECISION/ORDER ON DECEMBER 9, 2003 REQUIRING THE APPLICANT (PSG, INC.) TO SUBMIT A FOCUSED ENVIRONMENTAL IMPACT REPORT (EIR) FOR ONSITE WASTE DISPOSAL)** - Community Development Director Mary Jane Fagalde and Associate Planner Catherine Young were present.

    Mr. Amitai Schwartz, attorney for Personal Support Group (PSG, Inc.), was also present.

    Ms. Young gave a background report. On October 15, 2003, the Board of Supervisors held a public hearing on the Appeal to the Board AB 03-02 by the Anderson Springs Community Alliance of the Planning Commission's approval of Use permit UP 03-06, for a community care facility proposed by PSG. The Board of Supervisors issued an Interim Decision/Order on December 9, 2003, containing findings that a Focused Environmental Impact Report (EIR), was required to provide adequate information about the on-site wastewater disposal system for the project.

The Board requested that the Planning Commission review the Focused EIR to determine whether any additional mitigation measures should be imposed, but retained jurisdiction over the remainder of the project. Staff originally informed the applicant on January 27, 2004, of the Focused EIR process. Since no response to this correspondence was received, staff notified the applicant on May 17, 2004, that the project would be scheduled for denial without prejudice. On June 7, 2004, the applicant request a continuance. Again, as no further information was provided by the applicant, staff notified the applicant on July 8, 2004, that the matter would be scheduled to be heard by the Planning Commission. However, since the Planning Commission does not presently have authority to approve or disapprove this project, the matter is being referred to the Board of Supervisors. On September 2, 2004, the applicant's attorney submitted a letter stating an intent to pursue the Focused EIR. Nonetheless, as of this date the applicant has not provided any of the information necessary for staff to approve the consultant or the scope of work, nor has the applicant submitted the deposit required to initiate the process. Furthermore, it has come to the attention of staff, that the applicant has commenced operation of the community care facility in the absence of an approved Use Permit. Although this is a separate matter that will be heard and reviewed at a later date, a Notice of Violation was issued, and Code Enforcement Case #5784 was opened. An Administrative Appeal AA 04-08, of the Notice of Violation has been filed and will be heard by the Planning Commission. It has now been more than a year since the last public hearing on this project. Since the applicant has failed to provide the information required to address on-site wastewater disposal, staff recommends that the project be denied without prejudice.

Mr. Amitai Schwartz stated that PSG has entered into an agreement with RAU and Associates, on November 17, 2004, as the first step toward preparation of a Focused EIR. However, the proposed scope of work does not include the Focused EIR. It describes preliminary work that would be used in the EIR analysis. Also, PSG is prepared to make the $2,000 deposit for County supervision under protest. However, there is no point in doing so, if the County grants the appeal today, and takes action with the intention of denying the major use permit.

Chair Brown opened the public hearing and the following persons spoke: Ms. Joan Clay and Ms. Leni Mathews. 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 (4 ayes, Supervisor Farrington NO), made an intended decision to grant appeal AB 03-02 in part (with respect to wastewater disposal), applied for by Anderson Springs Community Alliance and denied Use Permit UP 03-06 without prejudice for PSG Properties and Support Group and directed County Counsel to prepare proposed Findings of Fact.

There being no further business, the Board adjourned at 2:35 p.m.

Rob Brown
Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: Georgine Hunt
Georgine Hunt
Assistant Clerk of the Board

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