

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD OCTOBER 19, 2004

The Honorable Board of Supervisors of Lake County, California, met in regular session this 19<sup>th</sup> day of October, 2004, there being present Supervisors Ed Robey, Jeff Smith, Gary Lewis and Rob Brown, County Administrative Officer Kelly Cox, County Counsel Cameron Reeves and Assistant Clerk of the Board Georgine Hunt. Supervisor Farrington was at Jury Duty and will be attending this meeting later in the day.

The meeting was called to order at 9:03 a.m. by Chair Brown, following a moment of silence, Deputy Director of Public Services Caroline Chavez 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 (4 ayes, Supervisor Farrington ABSENT), approved Consent Agenda items C-1 through C-12, with the exception of Consent Item C-1, which will be taken up immediately following the approval of the Consent Agenda.  
  
Approved Agreement between the County of Lake and the South Lake County Fire Protection District, for Geothermal Impact Mitigation Funding for Fiscal Year 2004/2005, and authorized the Chair to sign.  
  
Approved Findings of Fact and denied the appeal in the Administrative Appeal of Clint E. Ferber (AB 04-08), and authorized the Chair to sign.  
  
Adopted Resolution No. 2004-180, approving Exhibit E: Certification against supplanting funding allocated to the County of Lake Public Health Bioterrorism Preparedness Plan, authorizing Health Services Director to sign Bioterrorism Funding Grant Agreement and the submission of said Exhibit E to the State of California, Department of Health Services.  
  
Adopted Resolution No. 2004-181, amending Resolution No. 2004-140, establishing position allocations for Fiscal Year 2004/2005, Budget Unit No. 1341 - Personnel (increasing the .6 fte Office Assistant to full-time).  
  
Approved permit to conduct aeronautical activities at Lampson Airport (Lake Aero Styling and Repair), and authorized the Chair to sign.  
  
Approved permit to conduct aeronautical activities at Lampson Airport (Steve's Aircraft), and authorized the Chair to sign.  
  
Approved permit to conduct aeronautical activities at Lampson Airport (Mediplane, Inc., dba Reach), and authorized the Chair to sign.  
  
Approved permit to conduct aeronautical activities at Lampson Airport (Newhall Aviation), and authorize 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 (APNpn 008-720-04 - Jack Pounds and Elsie Pounds); and approved Right-of-Way Agreement between the Kelseyville County Waterworks District #3 and Jack Pounds and Elsie Pounds, for the Kelseyville/Finley Water Project, 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 008-7203-06 - Laverne Pollock); and approved Right-of-Way Agreement between the Kelseyville County Waterworks District #3 and Laverne Pollock, for the Kelseyville/Finley Water Project, 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 008-671-13 - Eduardo Ledesma and Elvira Ledesma); and approved Right-of-Way Agreement between the Kelseyville County Waterworks District #3 and Eduardo Ledesma and Elvira Ledesma, for the Kelseyville/Finley Water Project, and authorized the Chair to sign.  
  
**CONSENT ITEM C-1 - PROPOSED LEASE AGREEMENT BETWEEN THE COUNTY OF LAKE AND JOHN R. COSCARAT, FOR PROPERTY LOCATED AT 15145 LAKESHORE DRIVE, CLEARLAKE, FOR THE HEALTH SERVICES DEPARTMENT**  
- Supervisor Lewis requested that this item be pulled from the Consent Agenda for further discussion. Supervisor Lewis thanked Administrative Officer Kelly Cox for negotiating a new lease agreement, which will save the County a significant amount of money.
2. **ITEM A-2 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**  
  
**CONSIDERATION OF PROPOSED PROCLAMATION IN REMEMBRANCE OF RICHARD "DICK" LAMKIN** - On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Farrington 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:  
  
A memorial service will be held in honor of Councilman Lamkin on October 24, 2004. The date of the memorial was unknown at the time the October 19, 2004, agenda was posted.  
  
On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), adopted the proclamation in remembrance of Richard "Dick" Lamkin.
3. **ITEM A-3 - CURRENT CONSTRUCTION PROJECTS - CONTRACT CHANGE ORDERS:**  
  
**Change Order No. 1, Erosion Control Measures for Eastlake Sanitary Landfill** - This change order addresses identified leaks in leachate lines near the leachate pond that needs repair and pipe replacement.  
  
Deputy Public Services Director Caroline Chavez was present.  
  
On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved Change Order No. 1, for an increase of \$11,500, for erosion control measures for Eastlake Sanitary Landfill, Granite Construction, and authorized the Chair to sign.

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4. **ITEM A-4 - 9:06 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A TWO-YEAR EXTENSION OF TIME FOR THE APPROVED TENTATIVE SUBDIVISION MAP WITH A DEVIATION TO DIVIDE SIX (6) TOWNHOUSES INTO CONDOMINIUMS; FOR CHARLES AND JULIE EWING (BUSHBERRY TOWNHOMES); LOCATED AT 21034 BERRY STREET, MIDDLETOWN, CA (APN 024-363-15 - FORMALLY KNOWN AS APN'S 024-363-13 and 14) -** Associate Planner Catherine Young was present and gave a brief overview of the project. On August 22, 2002, the Planning Commission approved a use permit to construct six townhouses and a tentative subdivision map for the division of the townhouses into condominium units. The use permit for construction has been vested. The applicant submitted the time extension for the map prior to the August 22, 2004, expiration date. The Lake County Subdivision Ordinance and the State Subdivision Map Act authorize the extension of an approved map for a period or periods not exceeding a total of five years. The townhouse construction was delayed because the original applicant (Carolyn Boccucci) was unable to develop the project. It was recently sold to Charles and Julie Ewing, and the units are currently under construction.
- Chair Brown opened the public hearing. No one 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 ABSENT), found that the Negative Declaration, which was previously prepared for SD 02-03 does meet the requirements of Section 15162(a) of the CEQA guidelines and that no additional environmental review need be prepered with the findings listed in the staff report dated September 20, 2004.
- On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved an extension of time for SD 02-03 for a period of two years to August 22, 2006, with the findings listed in the Memorandum to the Board of Supervisors dated September 20, 2004.
5. **ITEM A-13 - DISCUSSION/CONSIDERATION OF NECESSARY ACTION FOR THE RESTORATION AND MAINTENANCE OF THE LOWER LAKE PIONEER CEMETERY BY A LOCAL COMMUNITY GROUP -** Supervisor Robey stated that he would like to meet with County Counsel regarding possible legal avenues a local community group may have to restore and maintain the Lower Lake Pioneer Cemetery for its historical significance to the County.
- This item was carried over to a later date.
- The Board of Supervisors adjourned and convened as the Board of Directors of Lake County Sanitation District.
6. **ITEM A-12 - PROPOSED ORDINANCE AMENDING ORDINANCE NO. 2291 ESTABLISHING WATER CONSERVATION STANDARDS FOR ALL BUILDINGS SERVED BY THE LAKE COUNTY SANITATION DISTRICT -** The Board of Directors requested that Special Districts Administrator Mark Dellinger be present for this item. However, the Board was informed that Mr. Dellinger was not available at this time.
- On motion of Director Robey and by vote of the Board (4 ayes, Director Farrington ABSENT), referred this item back to Special Districts for further information regarding what the costs are going to be to the general public if this ordinance is adopted.
- The Board reconsidered this item because Special Districts Administrator Mark Dellinger had arrived and explained to the Board that an ordinance had been previously adopted by the Board, that applied only to those buildings that were served by the Northwest and Southeast facilities. This amendment encompasses all buildings which are served by the Lake County Sanitation District.
- On motion of Director Robey and by vote of the Board (3 ayes, Director Brown NO, Director Farrington ABSENT), waived the reading of the ordinance and had it read in title only (Clerk so did).
- On motion of Director Robey and by vote of the Board (3 ayes, Director Brown NO, Director Farrington ABSENT), advanced the ordinance two weeks to November 2, 2004.
- The Board of Directors of Lake County Sanitation District adjourned and reconvened as the Board of Supervisors.
7. **ITEM A-5 - 9:30 A.M. - CONSIDERATION OF RECOMMENDATION TO ESTABLISH A MITIGATION FUND FOR GEOTHERMAL DEVELOPMENT/PRODUCTION FOR ANDERSON SPRINGS AND COBB MOUNTAIN COMMUNITIES -** Special Districts Administrator Mark Dellinger was present and gave a brief background report. Over the past two years, members of Geysers-area communities have expressed concerns over geothermal-related impacts. County staff have had several informal and conceptual discussions with Calpine Corporation and the Northern California Power Agency to discuss ways in which these entities could work together to address these community concerns. By coordinating our efforts with the industry, staff believes that the County can leverage funds and provide a greater level of resources for community mitigation projects. This program will consist of two committees, one for the Cobb Valley area and one for the Anderson Springs area. Members would include County staff, Board of Supervisors (one for each committee), other public agency members (local water district, fire district, school district, community service district), and possibly a member from the geothermal industry. Supervisor Farrington was present at 10:33 a.m.
- Chair Brown asked if anyone present wished to speak on this item and the following persons spoke: Mr. Steve Eneedy, Mr. Alan Zepp, Mr. Bruce Carlson, Mr. Hamilton Hess, Ms. Mary Jadiker, Ms. Joan Clay and Meriel Medrano. 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), approved the proposal in concept, the recommendations regarding level of financial participation by Calpine and NCPA, the establishment of committees and the administration of the fund in accordance with the purpose, policy and criteria for use of the fund, will be brought back to the Board on December 7, 2004, at 11:00 a.m., for further consideration.
- After a short recess, the Board reconvened at 10:45 a.m.
8. **ITEM A-6 - 10:15 A.M. - PRESENTATION BY GOVERNMENTAL RELATIONS CONSULTANT JIM CHAABAN AND SERVICE PLANNING SUPERVISOR BRAD CHANCE REGARDING RESPONSE TIME FOR ELECTRICAL HOOK-UPS TO NEW CONSTRUCTION -** The Board received a Memorandum dated October 19, 2004, from Assistant Clerk of the Board Georgine Hunt, stating that Consultant Jim Chaaban will not be able to attend today's meeting, and requested that this item be pulled from today's agenda, and it will be rescheduled at a later date.



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9. **ITEM A-7 - 10:45 A.M. - DISCUSSION/CONSIDERATION OF REQUEST TO PROVIDE FUNDING FOR PHASE ONE OF THE REPAIR OF THE KELSEY CREEK FISH LADDER, BLOODY ROCK PRESCRIBED BURN AND SWEDE CANYON SPRING WATER COLLECTION STRUCTURE FOR A TOTAL COST OF \$17,000 FOR THE THREE PROJECTS -** Agricultural Commissioner Steve Hajik and Deputy Public Works Director Bob Lossius were present.

Blain Baker, District Ranger with the USFS, was also present.

Mr. Lossius gave an overview of the request for funding for the repair of the Kelsey Creek fish ladder. Phase One of the project will be rebuilding the fish ladder on Kelsey Creek. They have been eroded and undermined due to water action over the years. The original project was built in 1999, to open up two miles of spawning area in Kelsey Creek for the Clear Lake Hitch. The Hitch is listed as a species of special concern. The estimated cost of Phase One of this project is \$3,000, which would be paid for by the Fish and Game Budget. Phase Two of the project will be rebuilding the lower wall of the fish ladder, but this cannot be done until a 1601 permit is secured from the Department of Fish and Game. The estimated cost of Phase Two of this project is \$5,000. Funding for Phase Two will be brought back to the Board sometime next year for further consideration.

Mr. Baker stated that funding has been secured for the Bloody Rock Prescribed Burn and stated that there is no need for the Board to take action on this item.

Mr. Baker gave an overview of the request for funding of the Swede Canyon Spring Water Collection Structure in the Mendocino National Forest and is to be utilized by deer in the area. This project involves replacing a rusted-out metal trough structure with a Rubbermade-type trough, clearing out the spring box and upgrading the spring. The estimated cost of this project is \$3,000.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved funding in the amount of \$3,000 for Phase One of the repair of the Kelsey Creek fish ladder, and funding in the amount of \$3,000 for the construction of the Swede Canyon Spring Water Collection Structure.

10. **ITEM A-11- CONSIDERATION OF APPROVAL OF A 9/80 WORK SCHEDULE (ON A TRIAL BASIS) FOR CLERK/AUDITOR-CONTROLLERS OFFICE -** Personnel Director Glenn Walters and Auditor-Controller Pam Cochrane were present.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved a 9/80 work schedule on a trial basis, until January 1, 2005, for the Clerk/Auditor-Controllers Office, directed staff to come back to the Board after January 1, 2005, for an update on the work schedule, and at that time the Board will consider implementing the 9/80 work schedule on a permanent bases.

After a short recess, the Board reconvened at 11:36 a.m.

11. **ITEM A-8 - 11:30 A.M. - UPDATE ON MIDDLETOWN PARK ECOARTS PROJECT AND REQUEST TO CONTINUE PROJECT NEXT YEAR -** Karen Turcotte Williams and John Williams, coordinators for the EcoArts Project were present. Administrative Officer Kelly Cox gave an update on the Middletown Parks EcoArts. The Board previously approved allowing a portion of the Middletown County Park to be utilized for an Eco Arts Project this past summer. The 2004 "Lake County Sculpture Walk" will conclude its run on October 15, 2004, and the exhibits will be removed from the park. Local artist Karen Turcotte Williams headed this project, which staff believes was a very successful collaboration between County government and the Lake County Arts Council. The sculpture walk not only provided a venue for local artists to display their work, it provided a new activity for Lake County tourists and residents to enjoy. Staff also believes that this project increased the number of visitors to this beautiful 107 acre County park facility, which has been underutilized in the past.

Mr. John Williams gave a brief overview of the EcoArts: Lake County Sculpture Walk. There are seventeen art exhibits along the walk, and were created with natural or found objects, with emphasis on recycling and ecology. The artists who participated in the exhibit, showcased their varied talents in sculpture, printmaking, photography and painting.

Ms. Turcotte gave a power-point presentation, which included photographs of the exhibits. Also, she asked the Board to approve the continuance of the EcoArts Project for 2005.

Chair Brown asked if anyone present wished to speak on this item and the following persons spoke: Ms. Roberta Adams, Ms. Joan Moss, Ms. Rosalyn Peterson, Mr. Tom Slate, Mr. Raulf Cricken and Mr. Xian Yeagan.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the request from Karen Turcotte Williams to continue the EcoArts Project for 2005.

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

12. **ITEM A-9 - 1:30 P.M. - PUBLIC HEARING - BOARD CONSIDERATION AND ACTION REGARDING IMPASSE IN NEGOTIATIONS WITH LAKE COUNTY EMPLOYEES ASSOCIATION - UNITS 3, 4 AND 5 -** Senior Deputy County Counsel Anita Grant and Administrative Analyst Jennifer Hammond were present.

Ms. Grant gave a summary of significant events that occurred during negotiations, which resulted in the failure of the Lake County Employees Association (LCEA) and the County of Lake to reach an agreement in the meet and confer process, and the impasse was declared between the County of Lake and LCEA.

Mr. Chuck Smith, Business Representative for Lake County Employees Association stated that a ratification vote was made by members of LCEA regarding the County's final offer and the offer was rejected. The members of LCEA are concerned with the County's rejection of the following two main proposals: (1) An increase in the County's permanent contribution to health care coverage; and (2) Provide 16 hours of personal leave (floating holidays) as a permanent benefit.

Chair Brown asked if anyone present wished to speak and the following persons spoke: Ms. Mary Davidson, Ms. Kathleen Weiner, Ms. Melissa Reece, Ms. Carol Clark, Ms. Terri Huff, Ms. Krista Van Vranken, Ms. Jenny Craven, Ms. Donna Gitchell and Mr. Joe Campbell. 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 (5 ayes), approved the County of Lake's final offer, which included as follows:

(1) A one-year contract with the Lake County Employees Association, Units 3, 4 and 5.

(2) Effective October 1, 2004, a temporary \$100 increase in the County's monthly contribution to health care coverage through December 31, 2004; increasing that amount by \$50.00 in January, 2005, resulting in a temporary increase in the County monthly contribution to health care coverage of \$150.00 through June 30, 2005.



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(3) A two (2%) cost of living adjustment, effective October 21, 2004, for all LCEA employees.

The proposed Resolution of Determination of the Board of Supervisors on the Impasse between the County and the Lake County Employees' Association, Units 3, 4, and 5, will be brought back to the Board on October 26, 2004, for further consideration.

There being no further business, the Board adjourned at 3:39 p.m.

  
Chair - Lake County Board of Supervisors

KELLY F. COX  
Clerk of the Board

By:   
Georgine Hunt  
Assistant Clerk of the Board

