

**BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA**  
**MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD OCTOBER 26, 2004**

The Honorable Board of Supervisors of Lake County, California, met in regular session this 26<sup>th</sup> day of October, 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. Planning Commissioner Cliff Swetnam 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-12.

Approved Minutes of the Board of Supervisors Meeting held on October 5, 2004.

(a) Approved Irrevocable License Agreement between the County of Lake and Robert C. George, for Visitor Information Kiosk in Clearlake Oaks; and (b) Approved Irrevocable License Agreement between the County of Lake and Autohaus Schmid, Inc., for Visitor Information Kiosk in Blue Lakes, and authorized the Chair to Sign both agreements.

Approved Agreement between the County of Lake and SHN Consulting Engineers and Geologists, Inc., for sidewalk replacement between 12<sup>th</sup> and 14<sup>th</sup> Avenues in Lucerne, and authorized the Chair to sign.

(a) Approved Agreement between the County of Lake and the Area Agency on Aging for Fiscal Year 04/05 funding; (b) Approved Agreement between the County of Lake and the Highlands Senior Service Center, Inc. for Fiscal Year 04/05 funding; (c) Approved Agreement between the County of Lake and the Live Oak Senior Center, Inc. for Fiscal Year 04/05 funding; (d) Approved Agreement between the County of Lake and Kelseyville Seniors, Inc. for Fiscal Year 04/05 funding; (e) Approved Agreement between the County of Lake and Middletown Senior Citizens, Inc. for Fiscal Year 04/05 funding; (f) Approved Agreement between the County of Lake and Senior Support Services, Inc. for Fiscal Year 04/05 funding; and (g) Approved Agreement between the County of Lake and Lucerne Alpine Seniors, Inc. for Fiscal Year 04/05 funding, and authorized the Chair to sign all seven agreements.

Approved Agreement between the County of Lake and Kings View Corporation, for telepsychiatry services, and authorized the Chair to sign.

Adopted Resolution No. 2004-183, approving the Application and Certification Statement for the State Department of Health Services, CMS Branch's CHDP/CCS Administration Plan and HCPFP Renewal Grant for Fiscal Year 2004/2005 and Authorizing the Chair to sign.

Approved Amendment No. 5 to Contract between the County of Lake and Nor-Cal Telecom, for telephone system maintenance, and authorized the Chair to sign.

Approved permit to conduct aeronautical activities at Lampson Airport (Tom's Aircraft), and authorized the Chair to sign.

Appointed Carolyn Dexter to the Social Services Advisory Board for a term ending January 1, 2005.

Approved Agreement between the County of Lake and Dazzling Janitorial Service, for janitorial services at Health Building at 922 Bevins Court, Lakeport; College Square at 991 Parallel Drive, Lakeport, South Civic Center at 7000-B South Center Drive, Clearlake; and the Southshore Building at 15145 Lakeshore Drive, Clearlake, and authorized the Chair to sign.

Sitting as the Board of Directors of Kelseyville County Waterworks District #3, (a) Approved Easement Deed and directed Clerk to certify for recordation (APN 008-720-10 - Cindy Anderson); and approved Right-of-Way Agreement between the Kelseyville County Waterworks District #3 and Cindy Anderson; and (b) Approved Easement Deed and directed Clerk to certify for recordation (APN 008-720-14 - Bernard Butcher and Lynne C. Butcher); and approved Right-of-Way Agreement between the Kelseyville County Waterworks District #3 and Bernard Butcher and Lynne C. Butcher, for the Kelseyville/Finley Water Project, and authorized the Chair to sign both agreements.

Sitting as the Board of Directors of Kelseyville County Waterworks District #3, (a) Approved Easement Deed and directed Clerk to certify for recordation (APN 008-038-11 - Kelseyville Lumber and Supply Company); and approved Right-of-Way Agreement between the Kelseyville County Waterworks District #3 and Kelseyville Lumber and Supply Company, and authorized the Chair to sign.

The Board of Supervisors adjourned and convened as the Board of Directors of Kelseyville County Waterworks District #3.

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 ON THE POSTED AGENDA - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO SUBDIVISION (b) OF SECTION 54956.9 - ONE POTENTIAL CASE** - On motion of Director 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:

This matter has arisen since the posting of the current agenda which requires Board discussion or direction in Closed Session. There is a need to take immediate action on this matter and it has come to County Counsel Cameron Reeves since the posting of today's agenda.

This item will be discussed during Closed Session.

The Board of Directors of Kelseyville County Waterworks District #3 adjourned and reconvened as the Board of Supervisors.

3. **ITEM A-11 - CONSIDERATION OF PROPOSED EXTRAORDINARY USE AGREEMENT BETWEEN THE COUNTY OF LAKE AND BIG VALLEY BAND OF POMO INDIANS, FOR MAINTENANCE OF SODA BAY ROAD** - Public Works Director Gerry Shaul was present.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved Extraordinary Use Agreement between the County of Lake and Big Valley Band of Pomo Indians, for maintenance of Soda Bay Road, and authorized the Chair to sign.

4. **CITIZEN'S INPUT** - Ms. Katherine Elaine Wilhelm asked the Board to consider an increase in wages for IHSS employees.

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The Board will continue hearing Citizen's Input throughout the morning.

5. **ITEM A-4 - Continued From September 14, 2004 - 9:06 A.M. - PUBLIC HEARING - INTENTION TO VACATE A PUBLIC ROADWAY, REDWING DRIVE AND GASAPALLO DRIVE, LAKEPORT, CA** - Public Works Director Gerry Shaul and County Surveyor Steve Farr were also present.

Mr. David Rapport, attorney for Pinoleville Band of Pomo Indians and Ms. Isabelle Brown, attorney for Ms. Joan Hanagoodie (surrounding property owner), were also present.

This item was continued to November 9, 2004, at 9:30 a.m.

**BACK TO #4 - CITIZEN'S INPUT** - Mr. Michael Wilhelm spoke on IHSS and the right to speak on this issue.

6. **ITEM A-5 - 9:30 A.M. - Continued From September 28 and October 12, 2004 - PUBLIC HEARING - APPEAL (AB 04-07) OF "THE LAKE COUNTY FARM BUREAU" OF THE PLANNING COMMISSION'S APPROVAL OF USE PERMIT (UP 04-19) TO ALLOW A RETAIL FUELING FACILITY, TRUCK STOP, MINI-MART, CARWASH AND DRIVE-THROUGH RESTAURANT; PROJECT IS LOCATED AT 755 AND 775 WEST STATE HIGHWAY 20, UPPER LAKE - APN'S 003-034-49 & 50** - Community Development Director Mary Jane Fagalde, Senior Planner Penelope Shibley and Agricultural Commissioner Steve Hajik were present.

The public hearing was continued from October 12, 2004, and the following persons spoke: Mr. Ron Rose, Ms. Wendy White, Mr. Steve DeVeto, Mr. Ed Saunders and Mr. Eric Seely. No one else was present wishing to speak and the public portion of this item was closed.

Mr. Barry Parkinson, attorney for Mohammed Hussian and Mr. Lyndon Earnst, architect for the project were also present.

Chair Brown closed the public hearing.

This matter will be taken under submission.

After a short recess, the Board reconvened at 11:19 a.m.

7. **ITEM A-6 - 10:45 A.M. - REQUEST FOR DISCUSSION/DIRECTION REGARDING FUTURE OPERATION OF THE MARKETING AND ECONOMIC DEVELOPMENT PROGRAM** - Administrative Officer Kelly Cox stated that he will be meeting with the Lakeport Chamber of Commerce and the Resort and Restaurant Owners Association, to discuss options for operating the Marketing and Economic Development Program. Recommendations regarding the future operation of the Marketing and Economic Development Program will be brought back to the Board at a later date for consideration.

8. **ITEM A-14 - PROPOSED FINDINGS AND DECISION IN THE APPEAL OF CONCERNED CITIZENS OF COON FLAT/JERUSALEM GRADE (AB 04-06)** - Supervisor Farrington stated that he was not present during the hearings and will be abstaining from any action taken on this item.

Supervisor Robey made a motion to uphold the appeal of Concerned Citizens of Coon Flat/Jerusalem Grade, motion dies for a lack of second.

On motion of Supervisor Lewis and by vote of the Board (3 ayes, Supervisor Robey NO, Supervisor Farrington ABSTAIN), approved the Findings of Fact, and authorized the Chair to sign.

On motion of Supervisor Lewis and by vote of the Board (3 ayes, Supervisor Robey NO, Supervisor Farrington ABSTAIN), denied the appeal in this matter.

(This item was taken up later in the day, in order to make amendments to the Findings of Fact).

**BACK TO #4 - CITIZEN'S INPUT** - Mr. Andy Russoff and Ms. Molly Hillis both spoke on IHSS and the right to speak on this issue.

9. **ITEM A-9 - CONSIDERATION OF REQUEST FOR APPROVAL, IN CONCEPT OF PROPOSAL TO REORGANIZE THE HEALTH SERVICES DEPARTMENT INTO TWO SEPARATE DEPARTMENTS** - Health Services Director Ruth Lincoln, Director of Mental Health Division Kristy Kelly and Alcohol and Other Drug Services Program Director Laura Solis were present.

Ms. Lincoln stated that the proposal to reorganize the Health Services Department into two separate departments would be comprised of Mental Health Services and Alcohol and Other Drug Services (AODS) with the remaining services - Public Health, Emergency Medical Services, Jail Medical and Environmental Health being retained in a County Public Health Services Department.

On motion of Supervisor Robey and by vote of the Board (5 ayes), directed staff to develop a proposal to separate Health Services into two separate County departments, and proceed with the reorganization.

10. **ITEM A-10 - CONSIDERATION OF APPROVAL OF A 9/80 and 4/10 WORK SCHEDULE (ON A TRIAL BASIS) FOR THE MENTAL HEALTH DEPARTMENT AND THE ENVIRONMENTAL HEALTH DEPARTMENT** - Health Services Director Ruth Lincoln and Environmental Health Director Ray Ruminiski were present.

On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Brown NO), approved the request of Health Services Director Ruth Lincoln for alternate work schedules for the Health Department (a 9/80 and a 4/10 work schedule, on a trial basis, until January 1, 2005, for the Mental Health Department and the Environmental Health Department, and the work schedule for a Mental Health employee who will work two ten-hour days, one eight-hour day, and one-twelve hour day), and directed staff to come back to the Board in January 2005, for an update on the work schedule.

The Board recessed for lunch at 12:14 p.m. and reconvened at 1:37 p.m.

11. **ITEM A-7 - 1:30 P.M. - PUBLIC HEARING - APPEAL (AB 04-09) OF RANDALL P. KOCHER OF THE PLANNING COMMISSION'S APPROVAL OF MINOR USE PERMIT FOR JOHN HAM, FOR THE CONSTRUCTION OF A 30 ACRE-FOOT OFF STREAM RESERVOIR; THIS PROJECT IS LOCATED AT 10950 BACHELOR VALLEY ROAD, WITTER SPRINGS, CA - APN 002-046-07/08** - Community Development Director Mary Jane Fagalde, Assistant Resource Planner Melissa Banks and Water Resources Engineer Tom Smythe were present.

The applicant, Mr. John Ham was present.

The appellants, Mr. Randy Kocher, Ms. Marilyn Crayton and Mr. Dan Berdechowski were also present.



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Ms. Banks gave a brief overview of the proposal. This project proposes construction of a 30 acre-foot reservoir to be used to irrigate a 45 acre walnut orchard. The reservoir will encompass approximately 2.7 surface acres and will involve the excavation of approximately 20,000 cubic yards of material that will be used primarily in the construction of a 22 foot dike to retain the water on the down slope side of the reservoir. The maximum depth of the reservoir will be 24 feet. Any excess material will be deposited to the west of the reservoir. Water is proposed to be pumped from an existing pond located south of the project site, approximately 1,900 feet away, primarily during periods of high water.

Chair Brown opened the public hearing and the following persons spoke: Mr. Randy Crag, Ms. Marie Ady, Mr. Chuck March and Ms. Joan Moss. No one else was present wishing to speak and the public hearing was closed.

On motion of Supervisor Lewis and by vote of the Board (5 ayes) made an intended decision to deny the Appeal AB 04-09 of the Concerned Citizens of Bachelor Valley and upheld the decision by the Planning Commission that was made on September 9, 2004.

12. **ITEM A-12 - Advanced From October 12, 2004 - AN ORDINANCE AMENDING CHAPTER 4 OF THE LAKE COUNTY CODE PERTAINING TO THE CARE OF FERAL CATS - (SECOND READING)** - Animal Care and Control Director Denise Johnson was present.

Chair Brown asked if anyone was present wishing to speak on this item and the following persons spoke: Ms. Marie Ady, Ms. Victoria Chamberlund, Ms. Laurel Hanson, Ms. Sue Jager, Ms. Paula Warner and Ms. Estelle Lipstiasis. No one else was present wishing to speak and the public portion of this item was closed.

Supervisor Robey offered Ordinance No. 2703, and it was passed by a roll-call vote (5 ayes).

13. **ITEM A-13 - Advanced From October 12, 2004 - AN ORDINANCE ESTABLISHING FEES FOR DOG AND CAT LICENSING, REDEMPTIONS AND OTHER SERVICES PROVIDED BY LAKE COUNTY ANIMAL CARE AND CONTROL - (SECOND READING)** - Animal Care and Control Director Denise Johnson was present.

Supervisor Robey offered Ordinance No. 2704, and it was passed by a roll-call vote (5 ayes).

14. **ITEM A-18 - CLOSED SESSION - 1. Conference With Legal Counsel - Anticipated Litigation - Initiation of Litigation Pursuant to Subdivision (c) of Section 54956.9: One Potential Case; 2. Liability Claim, (a) Claimant: Chris Rivera, (b) Agency Claimed Against: County of Lake; and 3. Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation Pursuant to Subdivision (b) 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 discussed during this time.**

The Board reconvened into Regular Session with the following action taken: On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved the Retainer Agreement between the County of Lake and Robert D. Peterson Law Corporation, for defense of citations issued to the Client by the California Division of Occupational Safety and Health, and authorized the Chair to sign.

15. **ITEM A-15 - CONSIDERATION OF PROPOSED SECOND AMENDMENT TO AGREEMENT BETWEEN THE COUNTY OF LAKE AND NACHT & LEWIS ARCHITECTS, FOR ARCHITECTURAL SERVICES FOR DESIGN OF A CENTRAL DISPATCH FACILITY** - Sheriff Rodney Mitchell, Sheriff-Coroner Administrative Manager Mary Beth Strong and Dispatch Manager Janell Rivera were present.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved Second Amendment to Agreement between the County of Lake and Nacht & Leis Architects, for architectural services for design of a Central Dispatch Facility, and authorized the Chair to sign.

16. **ITEM A-16 - CONSIDERATION OF PROPOSED THIRD AMENDMENT TO AGREEMENT BETWEEN THE COUNTY OF LAKE AND NACHT & LEWIS ARCHITECTS, FOR ARCHITECTURAL SERVICES FOR DESIGN OF A CENTRAL DISPATCH FACILITY** - Sheriff Rodney Mitchell, Sheriff-Coroner Administrative Manager Mary Beth Strong and Dispatch Manager Janell Rivera were present.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved Third Amendment to Agreement between the County of Lake and Nacht & Leis Architects, for architectural services for design of a Central Dispatch Facility, and authorized the Chair to sign.

17. **ITEM A-17 - 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** - Supervisor Farrington offered Resolution No. 2004-182, and it was passed by a roll-call vote (5 ayes).

**BACK TO # 9 - ITEM A-14 - PROPOSED FINDINGS AND DECISION IN THE APPEAL OF CONCERNED CITIZENS OF COON FLAT/JERUSALEM GRADE (AB 04-06)** - Supervisor Farrington stated again, that he was not present during the hearings and will be abstaining from any action taken on this item.

County Counsel Cameron Reeves stated that the following amendments need to be included in the Findings of Fact:

**Page 13, Line 10, Added** - Based on all the foregoing, this Board: 1. Denies the appeal herein and affirms the action of the Planning Commission in its denial of the Appellants' Administrative Appeal, 2. Adopts the Subsequent Mitigated Negative Declaration based on Initial Study IS 04-67, and 3. Direct the issuance of a Grading Permit in accordance with the modified permit conditions referenced herein.

On motion of Supervisor Lewis and by vote of the Board (3 ayes, Supervisor Robey NO, Supervisor Farrington ABSTAIN), approved the Findings of Fact, as amended, and authorized the Chair to sign.

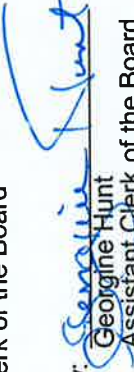
On motion of Supervisor Lewis and by vote of the Board (3 ayes, Supervisor Robey NO, Supervisor Farrington ABSTAIN), denied the appeal in this matter.

There being no further action, the Board adjourned at 5:35 p.m.

  
Chair - Lake County Board of Supervisors



KELLY F. COX  
Clerk of the Board

By:   
Georgine Hunt  
Assistant-Clerk of the Board



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