

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA
MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD OCTOBER 5, 2004

The Honorable Board of Supervisors of Lake County, California, met in regular session this 5th 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, Supervisor Farrington 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-14, with the exception of Consent Item C-2, which will be taken up immediately following the approval of the Consent Agenda.

Adopted proclamation designating October, 2004, as Domestic Violence Prevention Month in Lake County.

Adopted Resolution No. 2004-172, amending Resolution No. 2004-140 establishing position allocations for Fiscal Year 2004-2005, Budget Unit No. 1012 - Administrative Office (changing the Administrative Analyst I/II position from full time to 9/10 time).

Adopted Resolution No. 2004-173, setting rate of pay for Election Officers for the November 2, 2004, consolidated General Election pursuant to Section 12310 of the Elections Code.

Resolution No. 2004-174, amending Resolution No. 2004-140, establishing position allocations for Fiscal Year 2004-2005, Budget Unit No. 2702 - Planning (adding one Senior Resource Planner).

Adopted Resolution No. 2004-175, calling a public hearing to determine whether public health safety or welfare requires the formation of an underground utility district, Main Street, Upper Lake area, County of Lake and set public hearing on November 2, 2004, at 9:06 a.m.

Approved Agreement between the County of Lake and Chapel of the Lakes Mortuary, for mortuary services, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Jones and Lewis Clear Lake Memorial Chapel, for mortuary services, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Jones Mortuary, for mortuary services, and authorized the Chair to sign.

Approved Contract between the County of Lake and the Department of Social Services and People Services, Inc., for grounds maintenance (Lower Lake Facility), and authorized the Chair to sign.

Approved Mainline Extension Contract between the County of Lake - County Service Area 21 (North Lakeport Water) and Origins Construction, Inc., to extend a water mainline to serve Assessor's Parcel No. 004-029-46, and authorized the Chair to sign.

Approved Water and Waste System Grant Agreement between the County of Lake - County Service Area No. 6 (Finley Water), and United States Department of Agriculture, Rural Utilities Service, for a portion of funding for the Kelseyville/Finley Water Project, and authorized the Chair to sign.

Sitting as the Board of Directors of Lake County and Water Conservation District, adopted Resolution No. 2004-176, for a loan of monies from the U.S. Department of Agriculture, Rural Utilities Service, in the amount \$2,394,800, for Kelseyville County Waterworks District No. 3's portion of the Kelseyville/Finley Water Project.

Sitting as the Board of Directors of Lake County Sanitation District, approved Mainline Extension Contract between the County of Lake (Lake County Sanitation District) and Origins Construction, Inc., to extend a sewer mainline to serve Assessor's Parcel No. 004-029-46, and authorized the Chair to sign.

CONSENT ITEM C-2 - PROPOSED CONTRACT BETWEEN THE COUNTY OF LAKE AND BUSINESS OUTREACH AND RESPONSE TEAM (BORT), FOR BUSINESS ATTRACTION ACTIVITIES - Supervisor Farrington requested that this item be pulled from the Consent Agenda for further discussion. After a brief discussion of the contract, Supervisor Farrington requested that this item be placed on the regular agenda for an update on current business attraction activities by BORT, including the recruitment of new businesses, expanding businesses and job development.

This item was carried over to November 2, 2004, at 9:15 a.m.

2. **ITEM A-10 - Advanced From September 14, 2004 - AN ORDINANCE INCREASING THE FEES FOR DRIVING-UNDER-THE-INFLUENCE PROGRAMS - (SECOND READING)** - Supervisor Farrington offered Ordinance No. 2700, and it was passed by a roll-call vote (5 ayes).

3. **ITEM A-11 - Advanced From September 7, 2004, and September 21, 2004 - AN ORDINANCE AMENDING CHAPTER 17 OF THE LAKE COUNTY ORDINANCE CODE PROVIDING FOR DEFERRAL OF ROAD IMPROVEMENTS UNDER SPECIFIED CIRCUMSTANCES - (SECOND READING)** - Chair Brown passed the gavel to Vice-Chair Robey. Supervisors Farrington and Brown each stated that they will be abstaining on any action taken on this item due to a potential conflict.

Supervisor Smith offered Ordinance No. 2701, and it was passed by a roll-call vote (3 ayes, Supervisors Farrington and Brown ABSTAIN).

The gavel was passed back to Chair Brown.

4. **ITEM A-12 - REQUEST TO WAIVE NORMAL BIDDING REQUIREMENTS AND AUTHORIZATION TO ISSUE PURCHASE ORDER FOR PURCHASE OF RECONDITIONED MOTOR GRADER AND NEW EXCAVATOR AND APPROVE RESOLUTION TO APPROPRIATE UNANTICIPATED REVENUE TO THE ISF HEAVY EQUIPMENT BUDGET** - Supervisor Robey offered Resolution No. 2004-177, and it was passed by a roll-call vote (5 ayes).

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On motion of Supervisor Robey and by vote of the Board (5 ayes), determined that due to the very favorable price and conditions for the purchase of the John Deere motor grader and the John Deere excavator and the competitive market conditions for the equipment of this quality, it is in the public's interest to waive the normal bidding requirements for the purchase of this equipment and authorized the Public Works Director/Assistant Purchasing Agent to issue a purchase order(s) to Nortax Equipment for a total not to exceed \$180,491.

5. **ITEM A-4 - Continued From July 20, 2004 - 9:06 A.M. - DISCUSSION REGARDING CONCERNS WITH OVERCHARGES BY SPECIAL DISTRICTS FOR SEWER SERVICES PROVIDED TO THE GINGERBREAD COTTAGES AND THE FEATHERBED RAILROAD** - Special District Administrator Mark Dellinger and Special Districts Administrative Manager Suzanne Schneider were present.
Mr. Travis Lipscomb and Buddy Lipscomb, owners of the Gingerbread Cottages, Ms. Ginny Chandler, attorney for Gingerbread Cottages, and Len Bassignani, owner of the Featherbed Railroad, were also present.
Chair Brown asked if anyone present wished to speak and Ms. Sandra West spoke. 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), directed staff to calculate from 1994 to present, the amount that Featherbed Railroad has been overcharged for sewer service, and calculate from 1998 to present, the amount Gingerbread Cottages has been overcharged for sewer service, the overcharged amounts are to be brought back to the Board for approval, and after the overcharged amounts are approved by the Board, these are to be credited to the Gingerbread Cottages and Featherbed Railroad accounts.
6. **ITEM A-13 - CONSIDERATION OF REQUEST TO CLOSE THE COMMUNITY DEVELOPMENT DEPARTMENT AT 4:00 P.M. EVERY DAY, ON A TEMPORARY BASIS, BEGINNING OCTOBER 12, 2004 UNTIL JANUARY 3, 2005** - Community Development Director Mary Jane Fagalde was present.
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 one week, to October 12, 2004.
7. **ITEM A-5 - 10:00 A.M. - PUBLIC HEARING - APPEAL OF CLINT E. FERBER (AB 04-08) OF PLANNING COMMISSION'S DENIAL OF AN ADMINISTRATIVE APPEAL OF A NOTICE OF VIOLATION FOR OCCUPANCY OF A TRAVEL TRAILER ON PRIVATE PROPERTY AND ACCESSORY USE ON THE PROPERTY WITHOUT A PRIMARY USE; THE PROPERTY IS LOCATED AT 1520 OLD LONG VALLEY ROAD, CLEARLAKE OAKS (APN 620-081-04-00)** - The Clerk swore in Interim Code Enforcement Manager Hank Bouillerce, Code Enforcement Officer Allison Garrett, Agricultural Commissioner Steve Hajik and property owner Mr. Clint Ferber.
Ms. Garrett gave a brief overview of the violations on the property. These violations included occupancy of a travel trailer, occupancy of a camper, a garage or storage building on the property that was built without permits.
Mr. Bouillerce gave a power-point presentation showing the conditions of the property.
Mr. Ferber stated that he is in the process of obtaining the required permits, and the purchase of a manufacture home that will be placed on the property.
On motion of Supervisor Lewis and by vote of the Board (5 ayes), made an intended decision to deny the appeal of Clint Ferber and found that the Notice of Violation dated June 3, 2004, was issued properly pursuant to Lake County Ordinance Code Section(s) 13-33.2, 21-10.20 and 68.4 (a) 6.
8. **ITEM A-6 - 10:15 A.M. - DISCUSSION/CONSIDERATION OF REQUEST FROM COBB MOUNTAIN LIONS CLUB FOR WAIVER OF GATE FEES FOR A COMMUNITY CLEAN-UP EVENT TO BE HELD ON OCTOBER 16, 2004** - Public Services Director Kim Clymire was present.
Chair Brown asked if anyone present wished to speak and Mr. Robert Stark 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), approved the waiver of Gate Fees for a community clean-up event to be held on October 16, 2004.
9. **ITEM A-7 - 10:45 A.M. - STATUS REPORT FROM CODE ENFORCEMENT** - Community Development Director Mary Jane Fagalde and Interim Code Enforcement Manager Hank Bouillerce were present.
Ms. Fagalde gave a brief overview of the California Integrated Waste Management Board - Farm and Ranch Solid Waste Cleanup Abatement Program grant that has been awarded to the Community Development Department. This grant will be used to cleanup three sites on Adobe Creek Road in Kelseyville. These sites have been ignored for many years and need immediate attention due to the illegal dumping of trash, appliances, vehicles, batteries, tires and hazardous materials.
Ms. Fagalde gave a power-point presentation showing the conditions of the three sites on Adobe Creek Road in Kelseyville.
Mr. Bouillerce presented the status report. There are 644 active cases open at this time and 152 nuisance abatement cases pending. There are currently 76 abandoned vehicle abatement cases, there have been 45 vehicles tagged, 22 vehicles towed and 47 vehicles gone on arrival.
There was no action taken on this item.
10. **ITEM A-8 - 11:00 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING OCTOBER, 2004, AS DOMESTIC VIOLENCE PREVENTION MONTH IN LAKE COUNTY** - Supervisor Robey read the proclamation into the record. The Board of Supervisors presented to Lamone Perales, representing Sutter Lakeside Community Services. Ms. Perales invited the Board of Supervisors to attend the Domestic Violence Awareness Month Candlelight Vigil and Rally, on October 20, 2004, at 7:00 p.m., at Library Park Gazebo in Lakeport.

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11. ITEM A-14 - 1. Public Employee Performance Evaluation, Title: Administrative Officer; 2. Conference with Labor Negotiator, (a) County Negotiators: A. Grant and J. Hammond, (b) Employee organization: LCEA; and 3. Liability Claim, a. Claimant: Frank Cammarata, b. Agency Claimed Against: County of Lake - Chair Brown announced that the Board will now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned at 12:15 p.m.


Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: 
Georgine Hunt
Assistant Clerk of the Board



