

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA
MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 14, 2004

The Honorable Board of Supervisors of Lake County, California, met in regular session this 14th day of September, 2004, there being present Supervisors Ed Robey, Jeff Smith, Gary Lewis and Rob Brown, Administrative Officer Kelly Cox, County Counsel Cameron Reeves and Assistant Clerk of the Board Georgine Hunt. Supervisor Farrington was absent all day.

The meeting was called to order at 9:01 a.m. by Chair Brown, following a moment of silence, Mental Health Director Kristy Kelly 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-11.

Approved Minutes of the Board of Supervisors Meeting held on August 24, 2004.

(a) Approved Irrevocable License Agreement between the County of Lake and Westamerica Bank Corp., for historical pedestrian sign in Upper Lake; (b) Approved Irrevocable License Agreement between the County of Lake and Barquist Engineering Company, Inc., for historical plaque in Kelseyville; (c) Approved Irrevocable License Agreement between the County of Lake and Christopher Layton, for historical pedestal sign in Cobb; and (d) Approved Irrevocable License Agreement between the County of Lake and Middletown Hotel Management, LLC., for a historical pedestal sign in Middletown, and authorized the Chair to sign all four agreements.

(a) Approved Eighth Amendment to Contract between the County of Lake and Parker, Lucas & Associates dba Community Development Services, for economic development services; and (b) Approved First Amendment to Contract between the County of Lake and Parker, Lucas & Associates dba Community Development Services, to administer CDBG funded economic development programs, and authorized the Chair to sign both agreements.

Approved Sublease Agreement between the County of Lake and Konocti Technologies, Inc., for offices at 55 First Street, Lakeport, California, and authorized the Chair to sign.

Adopted Resolution No. 2004-150, amending Resolution No. 2004-140, establishing position allocations for Fiscal Year 2004-2005, Budget Unit No. 4011 - Public Health (deleting on Office Aide/Office Assistant I/II position, deleting one full time Nurse Practitioner, and adding two .5 fte Nurse Practitioners); Budget Unit No. 4012 - Health Services Administration (adding one Office Assistant I/II position), and Budget Unit No. 4014 - Mental Health (reducing full-time Mental Health Specialist to one .75 fte Mental Health Specialist).

Determined that it is in the public's interest to waive normal Requests for Proposals (RFP) requirements for vocational services to Lake County Mental Health clients, for the reasons specified in the Memorandum dated July 27, 2004, from Mental Health Director Kristy Kelly and approved Agreement between the County of Lake and People Services, Inc., for vocational services to Lake County Mental Health clients, and authorized the Chair to sign.

(a) Accepted SBC proposal of the long distance service as an authorization to order by allowing the Information Technology Director to sign the appropriate contractual documents; and (b) Authorized the Information Technology Director to sign any future authorization to order forms with SBC as required for minor adjustments to service.

(a) Determined and found that it is not in the public interest to follow a competitive bidding procedure for construction of tarps and to provide speciality application equipment for use as an alternative daily cover at the Eastlake Landfill, for the reasons specified in the Memorandum dated August 24, 2004, from Public Services Director; and (b) Authorized the Purchasing Agent to issue a Purchase Order to Tarpomatic, Inc., as the sole source, for construction of tarps and to provide speciality application equipment for use as an alternative daily cover at the Eastlake Landfill in the amount of \$76,605.45.

Adopted Resolution No. 2004-151, approving application and designation of lead jurisdiction for a Local Government Household Hazardous Waste Grant - Expanded CRT Collection - for Fiscal Year 2004/2005 from the California Integrated Waste Management Board.

(a) Awarded Bid No. 05-03 to Granite Construction Company for erosion control measures at the Eastlake Landfill, in the amount of \$115,955; and (b) Approved Agreement between the County of Lake and Granite Construction Company, for erosion control measures at the Eastlake Landfill, and authorized the Chair to sign both documents.

Approved Engineering and Inspection Agreement between County of Lake and Timberline Disposal, for a left turn lane project, located at 230 Soda Bay Road, Lakeport, and authorized the Chair to sign.

2. **ITEM A-2 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**

EXTRA #1 - PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND LAKEPORT SENIOR ACTIVITY CENTER, INC., FOR FISCAL YEAR 2004-2005 FUNDING - 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:

There is an urgent need for the Center to receive funding from the County in order to continue its operations. Staff was contacted by representatives of the Center after the posting of the September 14, 2004, agenda and provided with information which indicates the Center is in immediate need of funding from the County in order to be able to pay its bills prior to the end of this week. Without action by the Board, the continuation of the Center's operations, including its food service program which many seniors depend upon, will be in jeopardy.

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved Agreement between the County of Lake and Lakeport Senior Activity Center, Inc., for Fiscal Year 2004-2005 funding, and authorized the Chair to sign.

3. **CITIZEN'S INPUT** - Mr. Kevin Engle stated on July 5, 1994, former Supervisor Helen Whitney asked Deputy County Counsel Anita Grant for a legal opinion regarding the restoration and maintenance of the Lower Lake Pioneer Cemetery by a local community group. Ms. Grant stated that it appears that the County may file an action to take this property for the public use of maintaining the property for its historical significance. Mr. Engle stated that he is unaware of any legal action that has been taken by the County and asked the Board to pursue all the necessary legal action that would allow an interested community group to begin restoration of the Lower Lake Pioneer Cemetery.

Mr. Eddy Lepp spoke on California's SB 420, medicinal marijuana laws.

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Ms. Vicki Ellsworth stated to the Board that the intersection on 40th and Lakeshore does not have a turn lane and without a turn lane it makes this intersection very dangerous. Chair Brown will relay the information to Caltrans.

4. **ITEM A-4 - 9:06 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 17247 ELK MOUNTAIN ROAD, UPPER LAKE, CA (APN 002-006-14-00 - JOSE FERNANDEZ)** - The Clerk swore in Community Development Director Mary Jane Fagalde, Interim Code Enforcement Manager Hank Bouillercce, Ms. Laura Floyd and Mr. Jose Fernandez, Jr.

Mr. Bouillercce gave a brief overview describing the conditions of the property, which included an unpermitted occupancy of a substandard dwelling, accessory structures, appliances, unpermitted septic system, public nuisance vehicles, tires, excessive open and outdoor storage, junk, trash, plastic, scrap wood, scrap metal, debris, hazardous waste conditions and other miscellaneous items.

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

Ms. Floyd and Mr. Fernandez each presented testimony.

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), adopted the order to complete abatement of the nuisance within thirty (30) days and authorized staff to abate the nuisance, if it is not voluntarily abated, all cost associated with this case will become a charge against the property.

5. **ITEM A-5 - 9:30 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 60 OLSON ROAD, CLEARLAKE OAKS, CA (APN 035-501-34-00 - MARK LARUE AND PAULA LARUE)** - The Clerk swore in Interim Code Enforcement Manager Hank Bouillercce and Code Enforcement Officer Allison Garrett.

Neither the property owners nor a representative were present.

Ms. Garrett gave a brief overview describing the conditions of the property, which included an open and outdoor storage of household garbage, junk, scrap wood, appliances, household furniture, fixtures, car parts, debris, unregistered and/or inoperable public nuisance vehicles, an occupied travel trailer and other miscellaneous items.

Mr. Bouillercce gave a power-point presentation showing the conditions of the property.

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), adopted the order to complete abatement of the nuisance within thirty (30) days and authorized staff to abate the nuisance, if it is not voluntarily abated, all cost associated with this case will become a charge against the property.

6. **ITEM A-13 - PROPOSED ORDINANCE INCREASING THE FEES FOR DRIVING-UNDER-THE-INFLUENCE PROGRAMS** - On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), 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 (4 ayes, Supervisor Farrington ABSENT), advanced the ordinance two weeks to September 28, 2004. (It was noted that this ordinance was inadvertently omitted from the September 28, 2004, agenda, and was placed on the October 5, 2004, agenda for the second reading).

BACK TO #3 - CITIZEN'S INPUT - Ms. Laura Arrington spoke on California's SB 420, medicinal marijuana laws.

7. **ITEM A-14 - (a) PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE, THE LAKE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, THE CITY OF CLEARLAKE AND THE CITY OF LAKEPORT, TO PROVIDE IMPLEMENTATION OF THE LAKE COUNTY CLEAN WATER PROGRAM; and (b) PROPOSED AGREEMENT BETWEEN THE LAKE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, THE COUNTY OF LAKE, THE CITY OF CLEARLAKE AND THE CITY OF LAKEPORT, TO PROVIDE IMPLEMENTATION OF THE LAKE COUNTY CLEAN WATER PROGRAM** - Assistant Public Works Director Bob Lossius and Assistant Engineer-Water Resources Alex Straessle were present.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the Agreement between the County of Lake, the Lake County Flood Control and Water Conservation District, the City of Clearlake and the City of Lakeport, to provide implementation of the Lake County Clean Water Program, and authorized the Chair to sign.

The Board of Supervisors adjourned and convened as the Board of Directors of Lake County Flood Control and Water Conservation District.

On motion of Director Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the Agreement between the Lake County Flood Control and Water Conservation District, the County of Lake, the City of Clearlake and the City of Lakeport, to provide implementation of the Lake County Clean Water Program, and authorized the Chair to sign.

The Board of Directors of Lake County Flood Control and Water Conservation District adjourned and reconvened as the Board of Supervisors.

8. **ITEM A-6 - 9:45 A.M. - PUBLIC HEARING - INTENTION TO VACATE A PUBLIC ROADWAY, REDWING DRIVE AND GASUPALLO DRIVE, LAKEPORT, CA** - Public Works Director Gerry Shaul and County Surveyor Steve Farr were present.

Also, Mr. David Rappport, attorney for Pinoleville Band of Pomo Indians and Mr. Mike Calnalis, Construction Manager for the Pinoleville Heights Subdivision were present.

Chair Brown opened the public hearing and Mr. David Ratts spoke. No one else was present wishing to speak and the public hearing was closed.

This item was continued to October 26, 2004, at 9:06 a.m. for further consideration.

After a short recess, the Board reconvened at 11:00 a.m.

9. **ITEM A-7 - 10:00 A.M. - PRESENTATION OF ANNUAL REPORT FROM THE LAKE COUNTY LIBRARY ADVISORY BOARD** - County Librarian Kathy Jansen was present and gave a brief overview of the report which included the following: (a) the loss of two permanent positions; (b) the Literacy Program and the 2003 Summer Reading Program for children; (c) the book budget; (d) the donation of funds to the Middletown Library from Ms. Inez Larmer; (e) the current status of the building grant for a new library in Middletown; (f) the Public Library Services for People with Disabilities Program grant that was awarded to the Redbud Library; (f) the new roof at the Upper Lake Library; (g) the contribution of more than 1,425 hours by volunteers who mend books, cover books, tutoring the Literacy Program, and other tasks that provide services to the library; (h) the Library Advisory Board's training at the CAL TAC Workshop; and (i) the Literacy Program for adults.

There was no action taken on this item.

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10. **ITEM A-8 - 10:15 A.M. - STATUS REPORT FROM CODE ENFORCEMENT** - Community Development Director Mary Jane Fagalde and Interim Code Enforcement Officer Hank Bouillere were present.

Ms. Fagalde gave the Status Report for the month of August. There were 23 cases opened and 52 cases were closed. There were 645 active cases, 149 nuisance abatement cases pending and 31 invalid complaints investigated. There were 94 public nuisance vehicle cases, 40 vehicles tagged, 33 vehicles towed, 7 vehicles impounded and 27 were gone on arrival.

There was no action taken on this item.

11. **ITEM A-9 - Continued From Hearing Held on 8-17-04; Site Visit Held on 8-19-04 and Hearing Held on 9-7-04 - 10:20 A.M. - PUBLIC HEARING - APPEAL (AB 04-05) BY RICHARD AND CHERYL RIEDEL OF THE PLANNING COMMISSION'S APPROVAL OF GRANT AND JACQUELINE JORDAN'S TENTATIVE PARCEL MAP (PM 03-12) CONDITIONS REGARDING ROAD IMPROVEMENTS; THIS PROJECT IS LOCATED AT 19767 MONTEVISTA COURT, MIDDLETOWN, CA (APN 013-011-58)** - Community Development Director Mary Jane Fagalde, Associate Planner Emily Minton and Special Projects Engineer Todd Mansell were present.

Appellant Cheryl Riedel and Applicant Grant Jordan were also present.

There were numerous amendments made to Exhibit A.

On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the Stipulation regarding the agreed Resolution of Appeal, in the matter of the appeal of Richard and Cheryl Riedel (AB 04-05, PM 03-12), as amended (Exhibit A), and authorized the Chair to sign.

The Board of Supervisors adjourned and convened as the Board of Directors of Lake County Air Quality Management District.

12. **ITEM A-10 - 10:30 A.M. - CONSIDERATION OF STAFF'S RECOMMENDATION TO (a) OPPOSE FURTHER REDUCTIONS IN STATE SUBVENTIONS TO LOCAL AIR DISTRICTS; and (b) PROVIDE DIRECTION RELATIVE TO UTILIZATION AND ADMINISTRATION OF STATE'S DIESEL ENGINES MITIGATION GRANT PROGRAM** - Air Pollution Control Officer Bob Reynolds was present.

On motion of Director Lewis and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the recommendation from Air Pollution Control Officer Bob Reynolds to oppose further reductions in state subventions to local air districts.

On motion of Director Robey and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), endorsed the following policies: (1) delay of engine replacement under the grants until clean diesel is available and if approved by the California Air Resources Board; (2) receive all funding of the program prior to solicitation of projects; and (3) that the California Air Resources Board allow an administrative charge for the administration of the grant.

On motion of Director Robey and by vote of the Board (3 ayes, Supervisor Brown NO, Supervisor Farrington ABSENT), approved the request to modify the policy to allow continuous submittal and on a first come first serve basis for qualifying projects for the \$135,010 that is available in funding and only public agencies will be allowed to apply until February 15, 2005, thereafter allow both private and public to apply until April 15, 2005.

The Board of Directors of Lake County Air Quality Management District adjourned and reconvened as the Board of Supervisors.

The Board adjourned for lunch at 11:55 a.m. and reconvened at 1:33 p.m.

13. **ITEM A-11 - Continued From July 13, 2004 - 1:30 P.M. - PUBLIC HEARING - APPEAL (AB 03-03) OF CONCERNED CITIZENS OF COON FLAT/JERUSALEM GRADE OF PLANNING COMMISSION'S DENIAL OF AN ADMINISTRATIVE APPEAL OF THE COMMUNITY DEVELOPMENT DIRECTOR'S DECISION TO ADOPT A MITIGATED NEGATIVE DECLARATION (IS 02-10); AND THE ADOPTION OF A SUBSEQUENT MITIGATED NEGATIVE DECLARATION (IS 04-67); FOR THE ISSUANCE OF A GRADING PERMIT FOR A PROPOSED VINEYARD; THIS PROJECT IS LOCATED AT 13372 SPRUCE GROVE ROAD, LOWER LAKE, CA (APN'S 136-041-01, 136-041-02, 012-012-18, 012-013-07 AND 013-060-21)** - Community Development Director Mary Jane Fagalde and Assistant Resource Planner Kyrsten Shields were present.

Ms. Shields gave a background report. In accordance with the CEQA Guidelines, Section 15162(b), the County of Lake, as the lead agency, prepared a subsequent mitigated negative declaration in response to project changes initiated by the applicant and the availability of new information pertaining the proposed project. The proposed subsequent mitigated negative declaration based on Initial Study IS 04-67 was circulated for public comment. The document was circulated through the State Clearinghouse for a thirty-day public review period and copies were also sent directly to the Department of Fish and Game and the Regional Water Quality Control Board, pursuant to the CEQA Guidelines, Section 15073(a) and (e).

Chair Brown opened the public hearing and the following persons spoke: Ms. Gloria Anderson, Mr. Carl Giovacchini, Mr. Kaj Ahlmann, Mr. Bob Whitney, Mr. Jeff Longcrier, Mr. Peter Windrem, Mr. Paul Kolb, Mr. Rick Gunier and Ms. Alicia Farrworth. No one else was present wishing to speak and the public hearing was closed.

The Board will take this item under submission.

14. **ITEM A-15 - CLOSED SESSION - 1. Public Employee Performance Evaluation, Title: Special Districts Administrator; and 2. Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Section 54956.9): Name of Case: Friends Eel River v. Federal Energy Regulatory Commission** - 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 3:55 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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