

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA
MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 28, 2004

The Honorable Board of Supervisors of Lake County, California, met in regular session this 28th day of September, 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 9:02 a.m. by Chair Brown, following a moment of silence. Mr. Mike McCutchan 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-13, with exception of Consent Items C-2 and C-9, which will be taken up immediately following the approval of the Consent Agenda.

Approved Minutes of the Board of Supervisors Meeting held on September 14, 2004.

Adopt Resolution No. 2004-166, approving Final Subdivision Map for Creekside Pines Subdivision, a condominium.

Accepted Certification of County Elections Official of result of the special mail ballot election returns held on August 31, 2004, in County Service Area No. 2 (Spring Valley Lakes), and Clearlake Oaks Fire Protection District.

Approved Immunization Network of Northern California Intergovernmental Agreement between the County of Lake and the County of Butte, to provide computerized immunization record-keeping, and authorized the Chair to sign.

Approved acceptance of grant from the California State Library, in the amount of \$3,000, and authorized the County Librarian to sign the appropriate documents.

Adopted Resolution No. 2004-167, accepting donations in the amount of \$50, from R.W. Van Alstyne, to help offset maintenance costs for the Clearlake Oaks Park and appropriating said funds as unanticipated revenue, Budget Unit No. 7011 - Parks and Recreation Division.

Adopted Resolution No. 2004-169, authorizing the Public Services Department to submit an application to the California Integrated Waste Management Board for a Waste Tire Education and Amnesty Grant for Fiscal Year 2004/2005.

Adopted Resolution No. 2004-168, to appropriate unanticipated revenue in the amount of \$1,000, received from various entities for the use of the Buildings and Grounds Plans Copier, Budget Unit No. 1671 - Buildings and Grounds.

Adopt Resolution No. 2004-170, for a loan of monies from the U.S. Department of Agriculture, Rural Utilities Service, in the amount of \$714,000, for County Service Area No. 6 - Finley Water's portion of the Kelseyville/Finley Water Project.

Sitting as the Board of Directors of Kelseyville County Waterworks District #3, adopted Resolution No. 2004-171, 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 Kelseyville County Waterworks District #3, approved Easement Deed and directed Clerk to certify for recordation (APN 008-023-11 - Charles Carstensen and Julie Carstensen); and approved Right-of-Way Agreement between the Kelseyville County Waterworks District #3 and Charles Carstensen and Julie Carstensen, for the Kelseyville/Finley Water Project, and authorized the Chair to sign.

CONSENT ITEM C-2 - PROPOSED RESOLUTION APPROVING FINAL SUBDIVISION MAP FOR OAK PARK ESTATES SUBDIVISION; and

ITEM A-2 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA - PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND OAK PARK DEVELOPMENT COMPANY, FOR SUBDIVISION IMPROVEMENTS, UNDER THE PROVISIONS OF SECTION 17-14.1(b) OF THE LAKE COUNTY CODE - County Surveyor Steve Farr was present and explained to the Board that the agreement needs to be approved before the adoption of the resolution (Consent Item C-2).

It was determined by the Board that this is not an emergency item, and the agreement and resolution will be placed on the October 12, 2004, agenda.

CONSENT ITEM C-9 - CONSIDERATION OF REQUEST TO AWARD BID NO. 05-03, TO GRANITE CONSTRUCTION, FOR EROSION CONTROL MEASURES AT THE EASTLAKE LANDFILL, IN THE AMOUNT OF \$115,955 - A Memorandum dated September 27, 2004, from Assistant Clerk of the Board Georgine Hunt, was received, stating that this item had been previously approved by the Board on September 14, 2004, and no further action is necessary.

2. **ITEM A-4 - 9:06 A.M. - PRESENTATION OF BI-ANNUAL REPORT BY FIRST 5 LAKE COUNTY DIRECTOR TOM JORDAN**
- First 5 Lake County Director Tom Jordan was not present at this time, and this item will be taken up later today.

3. **ITEM A-11 - CONSIDERATION OF PROPOSED WRITTEN DECISION IN VICIOUS ANIMAL ABATEMENT APPEAL (DELANA WEATHERS)** - On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved the form of decision and authorized the Chair to sign; and denied the Vicious Animal Abatement Appeal of Delana Weathers.

BACK TO #2 - ITEM A-4 - 9:06 A.M. - PRESENTATION OF BI-ANNUAL REPORT BY FIRST 5 LAKE COUNTY DIRECTOR TOM JORDAN - First 5 Lake County Director Tom Jordan was present at this time and gave a brief report on First Five Lake County. In Lake County, the First 5 Commission is partnering with many agencies and planning groups including the Child Care Planning and Development Council, to create and implement its strategic plan intended to improve early child care services and education. The mission is to ensure and support the healthy development of all children ages prenatal-to five by developing a comprehensive, family-centered system of early childhood development services and integration of high quality, easily accessible education, childcare, and health and human services.

There was no action taken on this item.

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4. **ITEM A-5 - 9:30 A.M. - PROGRESS REPORT BY THE LAKE COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH REGARDING THE IMPLEMENTATION OF A COUNTYWIDE RESTAURANT AND FOOD PREPARATION RATING SYSTEM** - Environmental Health Director Ray Ruminski and Supervising Environmental Health Specialist Manuel Rameriz were present.

There was consensus by the Board to direct staff to bring back a restaurant rating program to take action on, and approved in concept to require every restaurant and food preparation establishment to prominently place each of their inspection reports in their front window or entrance of the business and that report will be accompanied by a grade or standard to convey excellence.
5. **ITEM A-6 - 10:30 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 22225 JERUSALEM GRADE, MIDDLETOWN, CA (APN 013-013-43-00 - JESUS LOPEZ AND ELIDA LOPEZ)** - The Clerk swore in Community Development Director Mary Jane Fagalde, Interim Code Compliance Manager Hank Boullierce and Code Enforcement Officer Kimberlee Heckard, Steve Olympic and Jesus Lopez.

Ms. Heckard gave a brief overview of the violations on the property. These violations included unpermitted substandard structures, unpermitted occupied living quarters in the barn without septic system or sanitation, unpermitted construction and grading without permits, diversion and blocking of a creek and open and outdoor storage of junk, debris, garbage, public nuisance vehicles, hazardous materials, appliances and other miscellaneous items creating a public nuisance and health and safety hazard.

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

Mr. Olympic and Mr. Lopez each presented testimony.

The Order to Abate was amended to complete the abatement within 15 days to abate nuisance.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance, as amended, within fifteen (15) days and authorized staff to abate the nuisance; if it is not voluntarily abated, all costs associated with this case will become a charge against the property, and authorized the Chair to sign the Order to Abate.
6. **ITEM A-10 - CONSIDERATION OF RECOMMENDATIONS RELATIVE TO POSITION CLASSIFICATION STUDY AND SALARY SURVEY AND RECOMMENDATION TO ADOPT NEW JOB DESCRIPTIONS FOR CERTAIN CLASSIFICATIONS** - Personnel Director Glenn Walters and Personnel Analyst Kathy Ferguson were present.

On motion of Supervisor Robey and by vote of the Board (5 ayes), accept the classification and salary study prepared by R and G Consulting, approved the new job descriptions for the positions listed on Attachment A of the Memorandum from the Classification and Salary Survey Committee, dated September 15, 2004 (subject to completion of the necessary meet and confer process with the impacted employee associations), directed the Classification and Salary Survey Committee to continue working on developing recommendations relative to the position classifications listed on Attachment B of the Memorandum from the Classification and Salary Survey Committee, dated September 15, 2004, and continued working on developing recommendations to present to the Board relative to future implementation of the internal salary relationships proposed in the R and G study and implementation of the actual salary survey findings.
7. **ITEM A-9 - SUPERVISORS WEEKLY CALENDAR, TRAVEL, AND REPORTS** - On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved letter to Regional Council of Rural Counties (RCRC) regarding their efforts in securing the repeal of the State Responsibility Areas Fee, and authorized the Chair to sign.
8. **ITEM A-12 - CLOSED SESSION - 1. Public Employee Performance Evaluation, Title: Veterans Services Officer; and Sitting as the Board of Directors of the Lake County IHSS Public Authority; 2. Conference with Labor Negotiator, (a) Agency Negotiator: IEDA - F. Buchanan, (b) Employee Organization: United Domestic Workers of America** - 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.

The Board adjourned for lunch at 11:35 a.m. and reconvened at 1:03 p.m.
9. **ITEM A-7 - 1:00 P.M. - MEETING WITH ASSEMBLYWOMAN PATTY BERG REGARDING COUNTY/STATE ISSUES** - Assemblywoman Patty Berg gave an overview of County and State issues, which included balancing the State budget, the financial crisis the State is in, the increasing cost of gasoline, prevailing wages, technology funding for schools and rural law enforcement funding.

There was no action taken on this item.
10. **ITEM A-8 - 1:30 P.M. - 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, Water Resources Engineer Tom Smythe and Agricultural Commissioner Steve Hajik were present.

Ms. Shibley gave an overview of the appeal. The Planning commission approved a major use permit on August 26, 2004, for a mini-mart, diesel and gasoline fueling stations, drive-through fast food service, two (2) carwashes (one automatic, one self-service), a truck weigh station and propane sales on a vacant site at the southeast corner of State Highways 20 and 29. Appellant Chuck March, Ms. Hillary Wilt, Lyndia Powell and Mr. Byron Green, representing the appellant were also present.

This item was continued after a short recess.

After a short recess, the Board reconvened at 3:05 p.m. and continued with Item A-8.

Chair Brown opened the public hearing and the following persons spoke: Mr. Mohammed Hussian, Mr. Scott DeLeon, Mr. Lyndon Ernst, Mr. Richard Hernandez, Ms. Michaelyne Beallo, Ms. Mary Godwin, Mr. David Weiss, Ms. Lynn Hughes, Mr. Pat Lynch, Ms. Gloria Bell. This item was continued after a short recess.

After a short recess, the Board reconvened at 5:15 p.m.

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The public hearing was continued and the following persons spoke: Mr. Jay Berrington, Ms. Sunny Franson, Mr. Jeff Tarply, Ms. Anna Marie Agon, Ms. Pam Mispell, Ms. Judy Cox, Mr. John Hicks, Mr. Ed Griddle, Mr. Ed Sanders, Mr. Samier, Ms. Melissa Fulton, Mr. Paul Borghesani and Mr. Donald Clay.

The public hearing was continued to October 12, 2004, at 10:00 a.m.

There being no further business, the Board adjourned at 7:00 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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