



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD APRIL 19, 2005

The Honorable Board of Supervisors of Lake County, California, met in regular session this 19th day of April, 2005, there being present Supervisors Jeff Smith, Gary Lewis, Anthony Farrington, Rob Brown and Ed Robey, Administrative Officer Kelly Cox, County Counsel Cameron Reeves and Assistant Clerk of the Board Georgine Hunt .

The meeting was called to order at 9:04 a.m. by Chair Robey, following a moment of silence in honor of Marla Ruzicka, 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 Smith and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-13, with the exception of Consent Item C-5, which will be taken up immediately following the approval of the Consent Agenda.

Adopted proclamation designating the week of April 17th through April 23th, 2005, as National Volunteer Recognition Week in Lake County.

Appointed Robert Geary (District 1 representative) and Diana Hershey (Land Conservation Organization representative) to the Fish and Wildlife Advisory Board, for terms expiring January 1, 2007.

Approved Amendment No. 20 to the Animal Control Agreement between the County of Lake and City of Clearlake, for animal control services, and authorized the Chair to sign.

(a) Awarded Bid No. 05-27 to Last Mile Auto Dismantlers for Area 3 and to Kelseyville Auto Salvage for Areas 1 and 2, for abandoned vehicle towing and disposal services; (b) Approved Contract between the County of Lake and Last Mile Auto Dismantlers, for abandoned vehicle towing and disposal services, and authorized the Chair to sign; and (c) Approved Contract between the County of Lake and Kelseyville Auto Dismantlers, for abandoned vehicle towing and disposal services, and authorized the Chair to sign.

Approved Contract between the County of Lake and Bay-Cal Paving, for repair and replacement of parking lot asphalt at the Lake County Juvenile Home, and authorized the Chair to sign.

Adopted Resolution No. 2005-61, amending Resolution No. 2004-140 establishing position allocations for Fiscal Year 2004-2005, Budget Unit No. 2302 - Probation Officer-Juvenile Court (adding one Probation Aide position, fully funded by Proposition 36 monies).

Adopted proclamation commending Terry Knight for his service on the Lake County Fish and Wildlife Advisory Committee.

Waived the 900 hour limit for extra-help Office Assistant Jan Bosse.

Approved Financial Aid Agreement between the County of Lake and the Department of Boating and Waterways Boating Safety and Enforcement Financial Aid Program, for subvention funding of the Marine Patrol Division, for Fiscal Year 2005/2006, and authorized the Chair to sign.

Adopted Resolution No. 2005-62, to appropriate unanticipated revenue (received from the State for payment of CDC/Parole holds, in the amount of \$30,000) for purchase of inmate clothing, Budget Unit No. 2301 - Sheriff/Jail.

(a) Approved Budget Transfer B-189, in the amount of \$173,984, for purchase of seven (7) police interceptor vehicles, Budget Unit No. 9910 - Sheriff/Pursuit Vehicle; (b) Waived the normal bidding process, finding that it would not serve the public's interest to invite sealed bids for purchase of seven (7) 2005 Crown Victoria police interceptor vehicles for the reasons stated in Memorandum dated April 6, 2005, from Sheriff Rodney Mitchell; and (c) Approved purchase of seven (7) 2005 Crown Victoria police interceptor vehicles, from North Lake Ford-Mercury, in the amount of \$329,520.47, and authorized the Sheriff/Coroner and the Assistant Purchasing Agent to sign the Purchase Order.

Adopted Resolution No. 2005-63, amending Resolution No. 2004-150 to allocate certain positions to Budget Unit 4014 - Mental Health relative to Mental Health becoming an independent department (adding a new department head level classification of Mental Health Director, an assistant department head classification of Assistant Mental Health Director, and a Fiscal Officer classification of Mental Health Administrative Manager).

CONSENT ITEM C-5 - CONSIDERATION OF REQUEST TO WAIVE THE 900 HOUR LIMIT FOR EXTRA-HELP NETWORK SYSTEMS ANALYST DANIEL MADRID-BLAIR - Staff Services Analyst Lynda Lindsay requested that this item be pulled from today's agenda. Mr. Daniel Madrid-Blair was hired as a full-time employee and there is no action required on this item.

2. **ITEM A-3 - CURRENT CONSTRUCTION PROJECTS - CONTRACT CHANGE ORDERS:**

Change Order No. One - Lakeshore Boulevard Rehabilitation Project (including widening for bike lanes and drainage improvements) - This change order reflects the balancing of in-place quantities for the project.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved Change Order No. One, for a decrease of \$15,258.01, Lakeshore Boulevard Rehabilitation Project, Argonaut Constructors, and authorized the Chair to sign.

Change Order No. One - Abatement Contract from the California Integrated Waste Management Board (8649 and 9000 Adobe Creek Road, Kelseyville) - This change order reflects the additional removal of wood products, tires, a travel trailer and metal shed.

Community Development Director Mary Jane Fagalde was present.

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On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Brown NO), approved Change Order No. One, for an increase of \$26,356, Abatement Contract from the California Integrated Waste Management Board, Chernoh Excavating, and authorized the Chair to sign.

3. **ITEM A-4 - 9:06 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE WEEK OF APRIL 17TH THROUGH APRIL 23TH, 2005, AS NATIONAL VOLUNTEER RECOGNITION WEEK IN LAKE COUNTY** - Supervisor Lewis read the proclamation into the record. The proclamation was presented to Personnel Technician Raylene Jones.

Ms. Jones thanked all the volunteers who have assisted County department by donating many hours of service and their knowledge and expertise.

Administrative Office Kelly Cox, Public Services Director Kim Clymire, Marketing Director Brenda Bouillerce, Public Works Office Supervisor Lori Price and Personnel Technician Raylene Jones acknowledged the volunteers that were present as follows: Ms. Sandra West, Ms. Pam Hawley, Mr. Dave Vierra, Ms. Julie Frazell, Ms. Pat Brown, Ms. Arnna Egan, Ms. Joyce Paine, Ms. Lynda Powell, Ms. Corrine Rourke, Mr. Skip Walton, Mr. Eric Seely (representing Beckenstoffer Red Hills Vineyard), Ms. Sara Schramm, Ms. Karen Sandoval, Ms. Tina Turk, Ms. Melodye Bradshaw, Mr. Watson Burkhead, Mr. Jim Campbell, Mr. Gary Lewis, Mr. Steven Wakefield, Mr. Hans Dobusch, Ms. Kathy Ferguson, Mr. Wayne Ferguson, Ms. Mary Jane Fagalde, Mr. John Graham (representing of the Lake County Land Trust) and Ms. Toni Villeneuve (representing the Villeneuve family).

4. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - REQUEST OF "HEY TAXI, INC.", PRESIDENT ERIC R. SURGES, OF UKIAH, CA, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A TAXI SERVICE WITHIN THE COUNTY OF LAKE** - Mr. Eric Surges, President of Hey Taxi, Inc., was present.

Chair Robey opened the public hearing and the following persons spoke: Ms. Shirley Sikes, Ms. Marjorie Hewitt and Mr. Dante Deamicis. No one else was present wishing to speak and the public hearing was closed.

Supervisor Brown offered Resolution No. 2005-58 (Resolution Declaring that the Public Convenience and Necessity Requires Issuance of Certificate for Tax Cab Service in the County of Lake), and it was passed by a roll-call vote (5 ayes).

5. **ITEM A-6 - 9:30 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 10255 SOUTH HIGHWAY 29, LOWER LAKE, CA (APN 012-028-17-00 - ESTATE OF DAVID WOOD)** - Code Compliance Manager Hank Bouillerce and Code Compliance Officer Kimberlee Heckard and property owner Hank Lescher were sworn in by the Clerk.

Ms. Heckard gave a brief overview of the violations on the property, which included open and outdoor storage of mobile homes, trailers, trash, junk, inoperable vehicles, vehicle parts, tires, batteries, oil, scrap metals, miscellaneous items, and conducting a business without the proper permits.

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

Mr. Lescher stated that he had just purchased the property and is in the process of cleaning it up.

On motion of Supervisor Brown and by vote of the Board (5 ayes), adopted the order to complete the abatement of the nuisance within thirty (30) days and authorized staff to abate the nuisance if it is not voluntarily abated, and all costs associated with this case shall become a charge against the property.

6. **ITEM A-7 - 9:45 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 10355 SOUTH HIGHWAY 29, LOWER LAKE, CA (APN 012-028-21-00 - ESTATE OF DAVID WOOD)** - Code Compliance Manager Hank Bouillerce and Code Compliance Officer Kimberlee Heckard and property owner Hank Lescher were sworn in by the Clerk.

Ms. Heckard gave a brief overview of the violations on the property, which included open and outdoor storage of mobile homes, trailers, trash, junk, inoperable vehicles, vehicle parts, tires, batteries, oil, scrap metals, miscellaneous items, and conducting a business without the proper permits.

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

Mr. Lescher stated that he had just purchased the property and is in the process of cleaning it up.

On motion of Supervisor Brown and by vote of the Board (5 ayes), adopted the order to complete the abatement of the nuisance within thirty (30) days and authorized staff to abate the nuisance if it is not voluntarily abated, and all costs associated with this case shall become a charge against the property.

The Board of Supervisors adjourned and convened as the Board of Directors of Lake County Sanitation District.

7. **ITEM A-8 - Carried Over From April 5, 2005 - 10:00 A.M. - CONSIDERATION OF REQUEST FROM EDWIN RIDDLE TO APPEAL AN ASSESSMENT OF \$4,000 FOR CONNECTION FEES RELATED TO A PRE- EXISTING CONNECTION ON COMMERCIAL PROPERTY LOCATED AT 9439 MAIN STREET, UPPER LAKE** - Mr. Edwin Riddle was not present.

Since this item had been placed on the April 5, 2005, agenda, it was agreed upon by the Board that this item would not be carried over again, and if the property owner still would like to appeal the assessment, he will have the option to submit another request to the Board.

On motion Director Brown and by vote of the Board (5 ayes), denied without prejudice, the request from Edwin Riddle to appeal an assessment of \$4,000 for connection fees related to a pre-existing connection on commercial property located at 9439 Main Street, Upper Lake.

The Board of Directors of Lake County Sanitation District adjourned and reconvened as the Board of Supervisors.

After a short recess, the Board reconvened at 10:42 a.m.

8. **ITEM A-9 - 10:30 A.M. - HEARING - APPEAL OF VICIOUS ANIMAL ABATEMENT ORDER FOR DESTRUCTION, LOCATED AT 13598 ANDERSON ROAD, LOWER LAKE, CA (MAUREEN O'DEA MILLIGAN)** - Animal Control Director Denise Johnson and Animal Control Officer Rod Hilliard were present.

Mr. Rod Hilliard presented testimony.

Ms. Maureen O'Dea Milligan was also present and presented testimony.

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Chair Robey asked if anyone was present wishing to speak on this item and the following persons spoke: Mr. Peter Nolasco, Ms. Shannon Gunier, Mr. Tom Sinclair, Ms. Souleah Scarbrough, Mr. Jerry Franke, Ms. Anne Hansen, Ms. Mary Lynott and Mr. Frank Lynott. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Brown and by vote of the Board (5 ayes), made an intended decision to uphold the appeal of the Vicious Animal Abatement Order for Destruction, and directed County Counsel to prepare Findings of Fact.

9. **ITEM A-10 - Carried Over From March 15, 2005 - 11:00 A.M. - PRESENTATION BY JOANN SACCATO, CO-CHAIRPERSON OF THE LAKE COUNTY DOMESTIC VIOLENCE PREVENTION COUNCIL, REGARDING NEW PROGRAM "NO WAY! RAISING VIOLENT RESISTANT KIDS"** - Ms. Joann Saccato and Ms. Susan Thompson, representatives of the Lake County Domestic Violence Prevention Council were present and each gave a brief overview of the program which included community awareness of domestic violence, education and collaboration to create a climate in which the community no longer tolerates domestic violence.

There was no action taken on this item.

10. **ITEM A-11 - 11:30 A.M. - STATUS REPORT FROM CODE ENFORCEMENT** - This item was carried over to April 26, 2005.
11. **ITEM A-12 - 11:45 A.M. - (a) PRESENTATION OF ANNUAL REPORT FROM THE FISH AND WILDLIFE; AND (b) PRESENTATION OF PROCLAMATION COMMENDING TERRY KNIGHT FOR HIS SERVICE ON THE LAKE COUNTY FISH AND WILDLIFE ADVISORY COMMITTEE** - Mr. John Hancock, Chair of the Fish and Wildlife Advisory Committee was present and gave a brief report on fish and wildlife issues and current committee activities.

Mr. Hancock also stated that Mr. Terry Knight could not be present for today's presentation of a proclamation and requested that the presentation be carried over to a later date.

The presentation of the proclamation will be placed on the agenda at a later date. There was no other action taken on this item.

12. **ITEM A-17 - (a) DISCUSSION/CONSIDERATION OF REQUEST TO PURCHASE 76 X-26 TASER UNITS FROM TASER INTERNATIONAL, AS SOLE SOURCE PROVIDER AT A COST OF \$80,567.97; (b) PROPOSED BUDGET TRANSFER B-188 IN THE AMOUNT OF \$10,568, FOR PURCHASE 76 X-26 TASER UNITS (IN ORDER TO INCREASE EXISTING APPROPRIATION TO \$80,568); and (c) REQUEST THE BOARD TO FIND IT IN THE PUBLIC INTEREST TO WAIVE THE NORMAL BIDDING PROCESS FOR REASONS SET FORTH IN THE SHERIFF'S MEMORANDUM DATED APRIL 3, 2005, AS SOLE SOURCE PROVIDER, AND AUTHORIZE THE SHERIFF AND THE ASSISTANT PURCHASING AGENT TO SIGN PURCHASE ORDER** - Sheriff Rodney Mitchell was present.

Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Ms. Joan Moss, Mr. John Jensen and Mr. Phillip Murphy. 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 request to purchase 76 X-26 Taser units from Taser International, as sole source provider at a cost of \$80,567.97.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved Budget Transfer B-188, in the amount of \$10,568, for purchase 76 X-26 Taser units (in order to increase existing appropriation to \$80,568), and authorized the Chair to sign.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), found that it is in the public interest to waive the normal bidding process for reasons set forth in the Sheriff's Memorandum dated April 3, 2005, as sole source provider, and authorized the Sheriff and the Assistant Purchasing Agent to sign the Purchase Order.

13. **ITEM A-18 - (a) DISCUSSION/CONSIDERATION OF REQUEST TO PURCHASE AN ELECTRONICALLY CONTROLLED AIR ACTUATED STEEL TARGET TRAINING SYSTEM; (b) PROPOSED BUDGET TRANSFER B-187, IN THE AMOUNT OF \$10,467, FOR THE PURCHASE OF AN ELECTRONICALLY CONTROLLED AIR ACTUATED STEEL TARGET TRAINING SYSTEM, (FUNDING FROM HOMELAND SECURITY), BUDGET UNIT NO. 2704 - SHERIFF/EMERGENCY SERVICES; and (c) REQUEST THE BOARD TO FIND IT IN THE PUBLIC INTEREST TO WAIVE THE NORMAL BIDDING PROCESS FOR REASONS SET FORTH IN THE SHERIFF'S MEMORANDUM DATED APRIL 4, 2005, AS SOLE SOURCE PROVIDER, AND AUTHORIZE THE SHERIFF AND THE ASSISTANT PURCHASING AGENT TO SIGN PURCHASE ORDER** - Sheriff Rodney Mitchell was present.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the request to purchase an electronically controlled air actuated steel target training system.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved Budget Transfer B-187, in the amount of \$10,467, for the purchase of an electronically controlled air actuated steel target training system, (funding from Homeland Security), Budget Unit No. 2704 - Sheriff/Emergency Services, and authorized the Chair to sign.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), found it in the public interest to waive the normal bidding process for reasons set forth in the Sheriff's Memorandum dated April 4, 2005, as sole source provider, and authorized the Sheriff and the Assistant Purchasing Agent to sign the Purchase Order.

The Board adjourned for lunch at 12:45 p.m. and reconvened at 1:35 p.m.

The Board of Supervisors adjourned and convened as the Board of Directors of Lake County Watershed Protection District.

13. **ITEM A-13 - 1:30 P.M. - DISCUSSION/CONSIDERATION OF (a) PROPOSED RESOLUTION OF INTENT TO MODIFY THE BOUNDARIES OF ZONE 1, IMPLEMENT NEW GROUNDWATER PROJECT, FORMATION OF AN ASSESSMENT DISTRICT FOR MODIFIED ZONE 1, APPROVE THE ENGINEER'S REPORT AND THE FORM OF BALLOT AND BALLOTING PROCESS FOR THE ASSESSMENT, AND SETTING A PUBLIC HEARING FOR PROTESTS AND BALLOTING DETERMINATION; and (b) PROPOSED RESOLUTION OF INTENT TO MODIFY THE BOUNDARIES OF ZONE 5, IMPLEMENT NEW GROUNDWATER PROJECT, FORMATION OF AN ASSESSMENT DISTRICT FOR MODIFIED ZONE 5, APPROVE THE ENGINEER'S REPORT AND THE FORM OF BALLOT AND BALLOTING PROCESS FOR THE ASSESSMENT, AND SETTING A PUBLIC HEARING FOR PROTESTS AND BALLOTING DETERMINATION** - Assistant Director of Public Works Bob Lossius and Water Resources Engineer Tom Smythe were present.

Mr. Lossius gave an overview of the proposal.

Mr. Smythe presented a power-point presentation showing the boundaries of each of the proposed zones.

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Chair Robey asked if anyone present wished to speak on this item and Mr. William Barquist spoke. No one else was present wishing to speak and the public portion of this item was closed.

Director Farrington offered Resolution No. 2005-59 (Resolution of Intent to Modify the Boundaries of Zone 1, Implement New Groundwater Project, Formation of an Assessment District for Modified Zone 1, Approve the Engineer's Report and the Form of Ballot and Balloting Process for the Assessment, and Setting a Public Hearing for Protests and Balloting Determination), and it was passed by a roll-call vote (5 ayes).

Director Farrington offered Resolution No. 2005-60 (Resolution of Intent to Modify the Boundaries of Zone 5, Implement New Groundwater Project, Formation of an Assessment District for Modified Zone 5, Approve the Engineer's Report and the Form of Ballot and Balloting Process for the Assessment, and Setting a Public Hearing for Protests and Balloting Determination), and it was passed by a roll-call vote (5 ayes).

On motion of Director Farrington and by vote of the Board (5 ayes), authorized staff to conduct two community public meetings at the Presbyterian Church, Kelseyville on May 7, 2005, at 10:00 a.m. and May 12, 2005, at 6:00 p.m., and set the public hearing before the Lake County Board of Directors, for the proposed modifications of Zone 1 on June 14, 2005, at 9:06 a.m., and set the public hearing before the Lake County Board of Directors, for the proposed modifications of Zone 5 on June 14, 2005, at 9:30 a.m.

(On May 10, 2005, the Department of Public Works submitted as an extra agenda item, a proposed resolution changing the date and time of the public hearing for the proposed modifications of Zone 5 from June 14, 2005, at 9:30 a.m. to July 12, 2005, at 9:06 a.m.)

The Board of Directors of Lake County Watershed Protection District adjourned and reconvened as the Board of Supervisors.

- 14. **ITEM A-15 - DISCUSSION/CONSIDERATION OF RECOMMENDATION TO PROHIBIT USE OF COUNTY FUNDS TO PURCHASE OUTDOOR BILLBOARD SPACE WITHIN LAKE COUNTY** - Supervisor Brown stated that this policy would prohibit departments's from purchasing outdoor billboard space (if a department can justify the need to purchase from outdoor billboard space within Lake County, a waiver request could be presented to the Board for consideration).

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Smith NO), as policy, prohibited the use of County funds to purchase outdoor billboard space within Lake County.

- 15. **ITEM A-16 - Advanced From April 5, 2005 - AN ORDINANCE PRESCRIBING THE SERVICE FEE SCHEDULE FOR THE MENTAL HEALTH DIVISION, DEPARTMENT OF HEALTH SERVICES - (SECOND READING)**- Supervisor Farrington offered Ordinance No. 2729, and it was passed by a roll-call vote (5 ayes).

- 16. **ITEM A-14 - SUPERVISORS WEEKLY CALENDAR, TRAVEL, AND REPORTS** - Supervisor Farrington stated that the Public Works Department received a Memorandum dated April 14, 2005, from Public Services Director Kim Clymire, thanking Road Superintendent Jim Wright, District 3 Road Foreman Lyle Swartz and the District 3 Road Crew, for clearing the debris from the demolished 30' sailboat on the Crystal Lake Way boat ramp in north Lakeport.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved a Certificate of Appreciation to Road Superintendent Jim Wright, District 3 Road Foreman Lyle Swartz and the District 3 Road Crew for clearing the debris from the demolished 30' sailboat on the Crystal Lake Way boat ramp in north Lakeport, and authorized the Chair to sign.

- 17. **ITEM A-18 - CLOSED SESSION - 1. Public Employee Performance Evaluation, Title: Public Works Director** - Chair Robey announced that the Board will now go into Closed Session for the reason stated on the agenda.

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned at 5:20 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board