



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD APRIL 5, 2005

The Honorable Board of Supervisors of Lake County, California, met in regular session this 5th 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 9:02 a.m. by Chair Robey. Following a moment of silence, Supervisor Brown 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(5 ayes), approved Consent Agenda Items C-1 through C-23 (later in the day, the approval of the Consent Agenda was rescinded in order to allow discussion of Consent Item C-11).

Approved Minutes of the Board of Supervisors Meetings held on March 1, 8 and 15, 2005.

Adopted Proclamation designating the month of April as Alcohol Awareness Month in Lake County.

Adopted Proclamation designating the month of April, 2005, as Child Abuse Prevention Month in Lake County.

Adopted Proclamation designating the week of April 11th - 17th, 2005, as National Animal Control Appreciation Week in Lake County.

Appointed Donald Clay to the Upper Lake Cemetery District Board of Trustees, for a term expiring on January 1, 2009.

Adopted Resolution No. 2005-48, approving Agreement No. 05-0098 with the State of California, Department of Food and Agriculture and authorizing execution and signature of advertising and labeling of petroleum and automotive products.

Adopted Resolution No. 2005-49, approving Agreement No. 05-0043 with the State of California, Department of Food and Agriculture and authorizing execution and signature for inspection of public weighmasters.

Adopted Resolution No. 2005-50, approving Agreement No. 05-0019, the Organic Program, with the Department of Food and Agriculture during the period July 1, 2005 through June 30, 2006 and authorizing execution thereof.

Adopted Proclamation designating the month of April 2005, as Sexual Assault Awareness Month in Lake County.

Adopted Resolution No. 2005-51, authorizing the submission to the California Integrated Waste Management Board for Enforcement Assistance Grant EA-16, for 2005/2006.

Adopted Resolution No. 2005-47, authorizing submittal of Waste Tire Enforcement Grant Application, for 2005/2006 (later in the day, this item was pulled from the Consent Agenda for further discussion, and again adopted by the Board).

Approved Contract 29-776-6 between the County of Lake and Contra Costa Health Plan, for advice nurse services for Calendar Year 2005, and authorized the Chair to sign.

Approved First Amendment to Agreement between the County of Lake and Drug Abuse Alternatives Center Turning Point Residential Services, for provision of residential treatment for Lake County residents experiencing alcohol or drug related problems for Fiscal Year 2004/2005, and authorized the Chair to sign.

Adopted Resolution No. 2005-52, approving the Managed Care/Mental Health Agreement between the County of Lake and the State Department of Mental Health for Fiscal Year 2004/2005 and authorizing the Director of Health Services to sign Agreement Number 04-74030-000, Amendment No. 1.

Approved Contract between the County of Lake and the Law Offices of George Boisseau for indigent defense services, and authorized the Chair to sign.

Adopted Resolution No. 2005-53, amending Resolution No. 2004-206, establishing position allocations for Fiscal Year 2004-2005, Budget Unit No. 2112, Child Support Services (reclassifying Information Systems Coordinator II to a Child Support Special Programs Coordinator).

Waived the 900 hour limit for extra-help Janitor Diana Hasty.

Waived the 900 hour limit for extra-help Accounting Technician Eldra King.

Approved Amendment One to Agreement between the County of Lake and Pavement Engineering, Inc., for design of road improvements in the vicinity of the Big Valley Rancheria, and authorized the Chair to sign.

Waived the 900 hour limit for extra-help On-Call Emergency Response Specialist Diana Longacre.

Sitting as the Board of Directors of Lake County Sanitation District, approved Seventh Amendment to Contract between the Lake County Sanitation District and Deep Valley Security "24", to provide alarm monitoring services, and authorized the Chair to sign.

Sitting as the Board of Directors of Lake County Sanitation District, awarded Bid No. 05-24 to Ricker Machinery Company in the amount of \$173,617, for purchase of a 2005 Vactor International (truck mounted combination jet rodder and vacuum machine), and authorized the Chair to sign bid award.

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Sitting as the Board of Directors of Lake County Redevelopment Agency, adopted Resolution No. 2005-02(RD), committing Housing Set Aside Funds in support of the CDBG Grant Application.

2. **CITIZEN'S INPUT** - Mrs. Cathy Jones and Mr. David Jones spoke on the proposed Ordinance scheduled for April 12, 2005, regarding the increase of water charges and fees for CSA #2 - Spring Valley Lakes.
3. **ITEM A-4 - 9:06 A.M. PUBLIC HEARING - PROTEST HEARING FOR PROPOSED ORDINANCE INCREASING WATER CHARGES AND FEES FOR CSA #16 - PARADISE VALLEY** - Special Districts Administrator Mark Dellinger and Special Districts Administrative Manager Suzanne Schneider were present.

Chair Robey opened the public hearing and the following persons spoke: Mr. Mario Allitto and Mr. Dave Hanson. No one else was present wishing to speak and the public hearing was closed.

Ms. Schneider stated that there are 73 equivalent dwelling unity/connections in Paradise Valley and a majority protest exists is 51% of the property owners submit valid written protests. A majority protest will result in the charges and fee increases not being implemented and the improvement project will not proceed.

Assistant Clerk of the Board stated that 67 valid written protests had been received, which exceeds the 51% that is required for a majority protest, and as a result of the valid protest received, the charges and fee increases will not be implemented and the improvement project will not proceed.

4. **ITEM A-5 - 9:45 A.M. - PUBLIC HEARING - CONSIDERATION OF ALLOCATION OF \$148,854 OF HR 2389 TITLE III FUNDS (\$50,450 TO THE SOUTH LAKE FIRE SAFE COUNCIL and \$66,550 TO THE LAKE COUNTY FIRE SAFE COUNCIL TO CONTINUE OPERATION OF THE FIRE SAFE CHIPPER PROGRAM AND OTHER FIRE PREVENTION AND PLANNING ACTIVITIES; and \$31,854 TO THE COMMUNITY DEVELOPMENT DEPARTMENT FOR A COUNTYWIDE FIRE PREVENTION AND RESPONSE PLAN AND OTHER HOMEOWNER EDUCATIONAL PROJECTS** - Chief Deputy Administrative Officer Matt Perry was present.

Chair Robey opened the public hearing and the following persons spoke: Mr. David Henderson, Ms. Roberta Lyons, Ms. Suzanne Shauls and Mr. Ray Mostin. 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), approved the allocation of \$148,854 of HR 2389 Title III Funds (\$50,450 to the South Lake Fire Safe Council and \$66,550 to the Lake County Fire Safe Council to continue operation of the Fire Safe Chipper Program and other fire prevention and planning activities; and \$31,854 to the Community Development Department for a Countywide Fire Prevention and Response Plan and other homeowner educational projects).

After a short recess, the Board reconvened at 10:36 a.m.

- BACK TO #1 - APPROVAL OF CONSENT AGENDA** - Supervisor Brown asked the Board to reconsider the approval of the Consent Agenda, because he had questions regarding Consent Agenda Item C11, and wanted it pulled from the Consent Agenda for further discussion.

On motion of Supervisor Brown and by vote of the Board (5 ayes), reconsidered the approval of the Consent Agenda.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-23, with the exception of Consent Item C-11, which will be taken up later in the day.

The Board of Supervisors adjourned and convened as the Lake County Board of Housing Commissioners with Commissioner Morin absent, for consideration of the Lake County Housing Authority Streamlined Annual Plan.

5. **ITEM A-6 - 10:15 A.M. - CONSIDERATION OF REQUEST TO APPROVE THE LAKE COUNTY HOUSING AUTHORITY STREAMLINED ANNUAL PLAN FOR FISCAL YEAR 2006 AND RELATED ACTIONS** - Social Services Director Carol Huchingson and Section 8 Program Manager Steve Citron were present.

On motion of Commissioner Farrington and by vote of the Board (5 ayes, Commissioner Morin ABSENT), approved the Lake County Housing Authority Streamline Annual Plan for Fiscal Year 2006.

On motion of Commissioner Farrington and by vote of the Board (5 ayes, Commissioner Morin ABSENT), approved the PHA Certifications of Compliance with the PHA Plans and related regulations, and authorized the Chair to sign.

The Lake County Board of Housing Commissioners adjourned and reconvened as the Board of Supervisors.

(b) CONSIDERATION OF APPROVAL OF CERTIFICATION OF PHA PLAN CONSISTENCIES WITH VARIOUS REQUIREMENTS - On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the Certification by Local Official of PHA Plans Consistency with the Consolidated Plan and authorized the Chair to sign.

6. **ITEM A-7 - 10:30 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 12533 PINE STREET, CLEARLAKE OAKS, (APN 035-143-38-00 - JOHN NISSEN C/O LINDA NISSEN CONSERVATOR)** - The Clerk swore in Code Compliance Manager Hank Bouillerce, Code Compliance Officer Anthony Howard and property owner Linda Nissen.

Mr. Howard gave a brief overview of the violations on the property, which included a primary residence and accessory structures (garage and sheds), which are dilapidated, and have become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy and have become a public health and safety hazard and a public nuisance. A garage whose interior is filled with trash and rubbish, thereby, creating a health and fire hazard, open and outdoor storage consisting of, but not limited to public nuisance vehicles, vehicle parts, trash, junk, debris, scrap wood, scrap metal and appliance.

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

Ms. Nissen presented testimony.

On motion of Supervisor Lewis 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.

7. **ITEM A-8 - 10:45 A.M. - PUBLIC HEARING - CONSIDERATION OF REQUEST TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR A GRANT OF UP TO \$1,500,000 UNDER THE GENERAL AND NATIVE AMERICAN ALLOCATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, FOR**

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CONSTRUCTION OF THE PLAZA IN CLEARLAKE OAKS AND CONTINUATION OF THE OWNER OCCUPIED REHABILITATION PROGRAM - Deputy Redevelopment Director Andy Peterson was present and gave a brief overview of the proposed projects.

Ms. Lorie Adams, Community Development Specialist for California Engineering Company, Inc., was also present.

Chair Robey opened the public hearing and the following persons spoke: Mr. Bill Rett, Ms. Ginger Frank, Ms. Margaret Medeiros, Mr. Roger de Hue Laroque and Reverend Bill Thornton. No one else was present wishing to speak and the public hearing was closed.

Supervisor Lewis offered Resolution No. 2005-46, and it was passed by a roll-call vote (5 ayes).

8. **ITEM A-9 - 11:00 A.M. - PRESENTATION BY U.S. FOREST SERVICE REPRESENTATIVES JIM FENWOOD, BLAINE BAKER AND PHEBE BROWN REGARDING FUTURE MENDOCINO NATIONAL FOREST ISSUES AND EVENTS** - Mr. Jim Fenwood gave an overview of the 2005 Mendocino National Forest general issues and events, which included trail inventory and route designation used by motorized off highway vehicles, centennial celebration of the Forest Service and fire assessment of the Mendocino Nation Forest.

There was no action taken on this item.

9. **A-10 - 11:30 A.M. - RECOMMENDATION FOR AWARD OF BID NO. 05-26, FOR THE KELSEYVILLE-FINLEY WATER SYSTEM IMPROVEMENT PROJECT** - Special Districts Administrator Mark Dellinger was present.

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

On motion of Director Brown and by vote of the Board (5 ayes), awarded Bid No. 05-26 to Argonaut Constructors, in the amount of \$2,574,422, for the Kelseyville-Finley Water System Improvement Project, approved the Standard Form of Agreement between Kelseyville County Waterworks District #3 and Argonaut Constructors, for the Kelseyville-Finley Water System Improvement Project, authorized the Chair to the bid award and the agreement, and directed Special Districts Administrator Mark Dellinger to issue a Notice to Proceed to Argonaut Constructors.

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

On motion of Supervisor Brown and by vote of the Board (5 ayes), awarded Bid No. 05-26 to Argonaut Constructors, in the amount of \$2,574,422, for the Kelseyville-Finley Water System Improvement Project, approved the Standard Form of Agreement between Kelseyville County Waterworks District #3 and Argonaut Constructors, for the Kelseyville-Finley Water System Improvement Project, authorized the Chair to the bid award and the agreement, and directed Special Districts Administrator Mark Dellinger to issue a Notice to Proceed to Argonaut Constructors.

10. **ITEM A-18 - Public Services - Continued From March 22, 2005 - CONSIDERATION OF REQUEST FROM SODA BAY SPRINGS PROPERTY ASSOCIATION FOR LANDFILL FEE WAIVER FOR CLEAN-UP PROJECT ON PROPERTIES LOCATED IN SODA BAY** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the request from Soda Bay Springs Property Association for landfill fee waiver for clean-up project on properties located in Soda Bay.

11. **ITEM A-20 - Continued From February 15, 2005 - CONSIDERATION OF PROPOSED RESOLUTION ELECTING TO CONTINUE THE FIVE-YEAR PERIOD FOR TAX-DEFAULTED NONRESIDENTIAL COMMERCIAL PROPERTY** - Supervisor Brown offered Resolution No. 2005-54, and it was passed by a roll-call vote (5 ayes).

12. **ITEM A-17 - SUPERVISORS WEEKLY CALENDAR, TRAVEL, AND REPORTS** - On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved travel for Supervisor Farrington to Santa Rosa, on April 9, 2005, to attend the Sonoma Leadership Institute presentation.

The Board of Supervisors adjourned for lunch at 12:09 p.m. and reconvened at 1:32 p.m.

13. **ITEM A-11 - 1:30 P.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF APRIL AS ALCOHOL AWARENESS MONTH IN LAKE COUNTY** - Supervisor Lewis read the proclamation into the record. The proclamation was presented to Alcohol and Other Drug Services Program Director Laura Solis and Office Assistant Maria Vidal.

14. **ITEM A-12 - 1:35 P.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF APRIL, 2005, AS CHILD ABUSE PREVENTION MONTH IN LAKE COUNTY** - Supervisor Farrington read the proclamation into the record.

15. **ITEM A-13 - Ms. Mary Borjon 1:40 P.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF APRIL 2005, AS SEXUAL ASSAULT AWARENESS MONTH IN LAKE COUNTY** - Chair Robey read the proclamation into the record.

16. **ITEM A-14 - 1:45 P.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE WEEK OF APRIL 11TH - 17TH, 2005, AS NATIONAL ANIMAL CONTROL APPRECIATION WEEK IN LAKE COUNTY** - Supervisor Brown read the proclamation into the record.

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

17. **ITEM A-15 - 1:50 P.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** - Director Lewis stated that Mr. Edwin Riddle was unable to attend today's meeting and requested that this item be carried over to April 19, 2005, at 10:00 a.m.

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

18. **ITEM A-19 - PROPOSED ORDINANCE PRESCRIBING THE SERVICE FEE SCHEDULE FOR THE MENTAL HEALTH DIVISION, DEPARTMENT OF HEALTH SERVICES** - Mental Health Director Kristy Kelly was present.

On motion of Brown 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 Brown and by vote of the Board (5 ayes), advanced the ordinance two weeks to April 19, 2005.

- BACK TO #1 - CONSENT AGENDA ITEM C-11 - PROPOSED RESOLUTION AUTHORIZING SUBMITTAL OF WASTE TIRE ENFORCEMENT GRANT APPLICATION, FOR 2005/2006** - Environmental Health Director Ray Ruminski was present and

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gave a brief overview of the of the Waste Tire Enforcement Program, which included investigation of illegal tire disposal activities, inspection of waste tire facilities, and surveys of tire dealers, auto dismantlers, tire haulers, and compliance actions.

Supervisor Brown offered Resolution No. 2005-47, and it was passed by a roll-call vote (5 ayes).

19. **ITEM A-21 - CLOSED SESSION - 1. Conference with Labor Negotiator, (a) County Negotiators : A. Grant and M. Perry (b) Employee Organization: LCEA, LCCOA, SDA and DDAA** - Chair Robey 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.

20. **ITEM A-16 - 2:15 P.M. - (a) CONSIDERATION OF REQUEST TO SUPPORT H.R. 233 (THOMPSON) DESIGNATING CERTAIN NATIONAL FORESTS WITHIN THE COUNTIES OF LAKE, NAPA, MENDOCINO, AND HUMBOLDT AS WILDERNESS AREAS** - Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Ms. Victoria Brandon, Ms. Ellen Drell, Mr. Brad Onorato, Mr. Steve DeVoto, Mr. Tom Nixon and Ms. Katherine Harris. No one else was present wishing to speak and the public portion of this item was closed.

This item was continued to April 26, 2005, at 1:30 p.m., for further discussion.

After a short recess, the Board reconvened at 3:50 pm.

(b) CONSIDERATION OF REQUEST TO OPPOSE AB 1328 (WOLK) DESIGNATING CACHE CREEK AS A WILD AND SCENIC RIVER - Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Mr. Steve Devoto, Ms. Victoria Brandon, Ms. Marilyn Waits, Mr. Chuck March, Ms. Katherine Harris, Ms. Denise Rushing, Mr. Tom Slate, Mr. Ken Roberts and Ms. Sherry Holden. 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), appointed Supervisor Farrington, Chair Robey and County Counsel Cameron Reeves as the County's representatives, to meet with Assembly Member Wolk on April 12, 2005, to discuss the County's concerns and proposed amendments to Assembly Bill 1328, if Assembly Bill 1328 is not amended as recommended by the County, the Board will oppose AB 1328, and if Assembly Bill 1328 is amended as requested by the County, the County will formally withdraw its opposition.

There being no further business, the Board adjourned at 5:10 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board