



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD AUGUST 16, 2005

The Honorable Board of Supervisors of Lake County, California, met in regular session this 16th day of August, 2005, there being present Supervisors Jeff Smith, Anthony Farrington, Rob Brown and Ed Robey. Administrative Officer Kelly Cox, County Counsel Cameron Reeves, Assistant Clerk of the Board Georgine Hunt.

The meeting was called to order at 9:05 a.m. by Chair Robey. Following a moment of silence, Supervisor Smith led the salute to the flag of the United States of America.

1. **ITEM A-1 - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-12, with the exception of Consent Item C-12, which will be taken up immediately following the approval of the Consent Agenda.

Approved Minutes of the Board of Supervisors Meeting held on August 2, 2005.

Adopted Proclamation designating the week of August 7 through August 13, 2005, as Community Health Center Week 2005.

Approved recommendation to repeal the County hiring freeze, for the reasons stated in the Memorandum dated August 3, 2005, from Administrative Officer Kelly Cox.

Approved Agreement between the County of Lake and Highlands Senior Service Center, Inc., for Fiscal Year 2005-2006 funding, and authorized the Chair to sign.

Adopted Resolution No.2005-135, approving a resolution submitted by the Kelseyville Fire Protection District requesting imposition of increased Fire Mitigation Fees and updating the Lake County Capital Fire Facility and Equipment Plan.

Authorized Alcohol and Other Drug Services staff to provide County transportation for clients, to Sacramento, on September 1, 2005, to attend the National Alcohol and Drug Addiction Recover Month Event, as requested in the Health Services Director's Memorandum dated August 2, 2005.

Adopted Resolution No.2005-136, approving Final Parcel Map and the signing of the Final Parcel Map (Fanucchi).

Approved Amendment Five to Agreement between the County of Lake and Martin, Rivett & Olson, for engineering services for the Soda Bay Road Bridge replacement over Cole Creek, and authorized the Chair to sign.

(a) Awarded Bid No. 05-12, to Epidendio Construction, Inc., for construction of drainage improvements and paved parking areas at the South Shore Health Services Building, Clearlake, in the amount of \$167,608, and authorized the Chair to sign Notice of Award; and (b) approved Agreement between the County of Lake and Epidendio Construction, Inc., for construction of drainage improvements and paved parking areas at the South Shore Health Services Building, Clearlake, and authorized the Chair to sign.

(a) Adopted Resolution No. 2005-137, authorizing the Chairman of the Board to approve and directed the Tax Collector to sell, by an agreement, tax defaulted property which is subject to the power of sale in accordance with Chapter 8 of Part 6 Division 1, of the California Revenue and Taxation Code; and (b) approved Agreement between the County of Lake and Habitat for Humanity Lake County CA, Inc., for purchase of the following tax defaulted property, located at: 1205 Sixth Street, Lakeport (APN 025-062-050); 3152 Sixteenth Street, Clearlake (APN 038-132-110); 3418 Fourteenth Street, Clearlake (APN 038-221-090); 3397 Thirteenth Street, Clearlake (APN 038-221-280); 15798 37th Avenue, Clearlake (APN 041-134-300); 15921 39th Avenue, Clearlake (APN 041-137-290); and 16119 21st Avenue, Clearlake (APN 042-201-320), for a total amount of \$23,150, and authorized the Chair to sign.

Sitting as the Board of Directors of Lake County Sanitation District, found that the need for emergency repairs exist at Northwest Lift Station 19, and that it is consistent with Public Contract Code Section 22050 (as an emergency repair to a public facility without giving notice for bids to let contracts), and authorized the Special District Administrator to prepare and execute a purchase order for the repairs.

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

CONSENT ITEM C-12 - PROPOSED MAINLINE EXTENSION AGREEMENT BETWEEN THE LAKE COUNTY SANITATION DISTRICT AND DOMINIC AFFINITO, TO EXTEND A SEWER MAINLINE TO SERVICE APN'S 031-052-19 and 031-052-22 - A Memorandum dated August 10, 2005, from Special Districts Administrator Mark Dellinger requesting that this item be pulled from today's agenda, and informed the Board that this item will be placed on the agenda at a later date for further consideration.

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

2. **CITIZEN'S INPUT** - Ms. Celesta Deter announced that the Lake County Kennel Club of Northern California (LCKCNC) will be holding it's annual "Dog Daze" event on August 27, 2005, at 9:00 a.m., at the LCKCNC grounds. During the event there will be contests, an agility show, a rally run, micro chipping, dog photographs, raffles, live music and a bar-b-que and everyone is invited.

Ms. Joyce Overton spoke on IHSS negotiations.

3. **ITEM A-4 - 9:15 A.M. - PRESENTATION REGARDING MEGAN'S LAW AND REGISTRATION REQUIREMENTS FOR SEX OFFENDERS** - Sheriff Rodney Mitchell, Deputy Sheriff Mike Curran and Correctional Officer Robin Hauff were present.

Ms. Hauff gave a brief overview of the registration requirements for sex offenders. Persons convicted of specified sex crimes are required to register as sex offenders with a local law enforcement agency. Prior to release from prison, jail, a mental hospital or on probation, sex offenders are notified in writing of their duty to register, and a copy of the notification form is

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forwarded to the Department of Justice. When a sex offender is released into the community, the agency forwards the registration information to the Department of Justice. Registered sex offenders are required to update their information annually, within five working days of their birthday. Some sex offenders must update more often. Transients must update every 30 days, and sexually violent predators, every 90 days. The Sex Offender Tracking program keeps track of the next required update, and if a registered sex offender is in violation of the update requirements, the Internet web site will show the registrant as being in violation. When registrants change their residence address or become homeless, they are required to update their registration information within five days with a local agency, which forwards that information to the Department of Justice. The Department of Justice updates the registered sex offender database on a daily basis, based on information received from local agencies.

Mr. Curran spoke on California's Megan's Law. This law was enacted in 1996, and allows local law enforcement agencies to notify the public about sex offender registrants found to be posing a risk to the public. Also, Mr. Curran explained how a person can access the Megan's Law database. There was no action taken on this item.

5. **ITEM A-5 - 9:45 A.M. - (a) STATUS REPORT FROM CODE ENFORCEMENT; and (b) PROGRESS REPORT ON THE ORDER TO ABATE NUISANCE, LOCATED AT 11200 WHEELER DRIVE, KELSEYVILLE, CA (APN 043-653-11-00 - BYRON DUERKSEN AND SYLVIA DUERKSEN)** - Code Compliance Manager Hank Bouillerc and Environmental Health Director Ray Ruminski were present.

Mr. Bouillerc presented the status report for the month of July. There are 482 active cases open at this time and 147 nuisance abatement cases, for a total of 629 open abatement/active cases. There are currently 117 abandoned vehicle abatement cases, there have been 50 vehicles tagged, 22 vehicles towed and 43 vehicles gone on arrival.

There was no action taken on the status report.

Mr. Ruminski stated Mr. Duerksen has not contacted the Environmental Health Department to schedule an inspection of the septic system, and staff will do a site-visit in order to see if the violations have been corrected.

Mr. Bouillerc stated that Mr. Duerksen did obtain the necessary permits regarding the violations of illegal construction improvements and the failure to obtain a zoning clearance prior to construction. These permits must be finalized within 180 days from the date of the issuance. To date, Mr. Duerksen has not finalized these permits and the 180 days have elapsed, which is in violation of the Lake County Code, Chapter 5, Sections 5-141.1 and 5-14.2.

Mr. Bouillerc will accompany Mr. Ruminski during the site-visit in order to determine if any progress has been made to the violations of the nuisance abatement.

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

This item will be brought back to the Board on September 13, 2005, at 10:15 a.m. for a further updated report.

6. **ITEM A-6 - 10:15 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE WEEK OF AUGUST 7 THROUGH AUGUST 13, 2005, AS COMMUNITY HEALTH CENTER WEEK 2005** - Supervisor Lewis read the proclamation into the record. The proclamation was presented to Mr. Jerry Chaney, Ms. Kathy Frye, Ms. Katherine Rotta, Ms. Bev Cole and Ms. Lynn Hunter.

7. **ITEM A-7 - Continued From July 5, 2005 - 10:20 A.M. - CONSIDERATION OF REQUEST FOR A PAYROLL DEDUCTION OPTION FOR EMPLOYEES SUBSCRIBING TO PRE-PAID LEGAL SERVICES** - Ms. Peggy Marrow, representing Pre-Paid Legal Services was present.

Supervisor Brown made a motion to approve the request for a payroll deduction option for employees subscribing to Pre-Paid Legal Services, motion died for lack of second.

This will not be an option for a payroll deduction.

8. **ITEM A-8 - 10:30 A.M. - DISCUSSION/CONSIDERATION OF RENEWAL PROCEDURES FOR CABLE FRANCHISES IN THE UNINCORPORATED AREA OF LAKE COUNTY** - Deputy County Administrative Office Jeff Rein was present and gave a summary of the renewal procedures as follows:

1. The Federal Cable Act sets forth a detailed formal renewal process but allows municipalities to renew a franchise at any time by "the informal process," which simply means negotiating with a cable provider.
2. Under the Federal Cable Act, the formal process is the only way in renewal to either force a cable company to agree to legitimate terms (necessary to correct problems, meet future needs), which it dislikes or terminate the franchise.
3. Some cable franchises are renewed solely by the informal process. Other municipalities start off with the formal process, but in most cases it is only a question of time until they start negotiations with the cable operator and complete renewal via the informal process.
4. Franchise extensions are common where there is insufficient time for the franchise to be renewed in an orderly process. Such extensions can be beneficial to municipalities if they extend a franchise with favorable terms (renewal terms often are not as good as original franchise terms).
5. A properly done community needs study, such as is required as a part of the formal renewal process, can aid a municipality's bargaining power by itself and by identifying and documenting key community needs, current franchise violations and the like.

Based on these and other factors, it is being suggested that a franchising authority is best served by proceeding with formal and informal negotiations simultaneously.

There was consensus by the Board to proceed with formal and informal renewal procedures (a combination of the two).

After a short recess, the Board reconvened at 11:31 a.m.

9. **ITEM A-12 - DISCUSSION/CONSIDERATION OF REQUEST TO INITIATE TWO ELEMENTS OF THE MENTAL HEALTH SERVICES ACT (MHSA) PLAN PRIOR TO ADOPTION OF THE 3-YEAR PLAN** - Interim Mental Health Director Kristy Kelly was present.

There was consensus by the Board for staff to issue Request for Proposals for psychiatrist services to provide medication support for all age groups (children, young adults, adults and older adults).

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On motion of Supervisor Brown and by vote of the Board (5 ayes), directed staff to issue Request for Proposals for a contractor to provide mental health services to approximately twenty (20) children in five (5) schools for the next school year.

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

EXTRA #1 - CONSIDERATION OF REQUEST TO ALLOW A ROCK BAND FESTIVAL AT LOWER LAKE PARK ON AUGUST 27, 2005, FROM 3:00 P.M. TO 9:00 P.M., WITH THE PROVISIONS/RECOMMENDATIONS LISTED IN THE MEMORANDUM DATED AUGUST 11, 2005, FROM PUBLIC SERVICES DIRECTOR KIM CLYMIRE -On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Brown NO), 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 reason:

The event is scheduled for August 27, 2005, and the next available agenda (August 23, 2005), has already been finalized.

Public Services Director Kim Clymire was present.

Ms. Sherry Hawk, applicant for the event, was also present.

After a brief discussion, it was determined that this request falls under the Facility Use Agreement, which is administered by Public Services Director Kim Clymire, and he has the authority to grant permission to use the Lower Lake Park for this event.

The applicant agreed to the following changes and additions to the standard provisions in the Facility Use Agreement:

1. Change time of the event from 4:00 p.m. to 10:00 p.m. to 3:00 p.m. to 9:00 p.m., to allow for juveniles attending to be home by the 10:00 p.m. curfew.
2. No mosh pits allowed.
3. Applicant to be responsible for cost of electricity for the event.
4. Applicant to insure that there is a minimum of one adult chaperon per every twenty juveniles.

There was no action taken on this item.

(Later in the day, the Board considered Extra #2).

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

11. ITEM A-9 - 11:00 A.M. - DISCUSSION/CLARIFICATION OF THE APPLICATION OF CAPACITY EXPANSION FEES IN SEWER ASSESSMENT DISTRICTS FOR HOOKUPS OF PROPERTY OWNERS WHO HAVE PAID AN ASSESSMENT - Special Districts Administrator Mark Dellinger and Special Districts Administrative Manager Charles Berg were present.

Chair Robey played a video tape of former Supervisor Voris Brumfield, stating that the intention of the Board at that time was for property owners who paid the assessment of \$1,500 for hookups when the district was formed, would be exempt from paying capacity expansion fees.

Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Ms. Isabelle Brown, Mr. David Neft, Ms. Muriel Medrano, Mr. Roger Rosenthal, Mr. Bill Franklin, Mr. Larry Menzio, Ms. Pat Rosenthal and Mr. Rich Tim. No one else was present wishing to speak and the public hearing was closed.

Chair Robey passed the gavel to Vice-Chair Farrington.

On motion of Director Robey and by vote of the Board (5 ayes), that those property owners who paid the assessment for hookups when the district was formed, will be exempt from paying capacity expansion fees.

The gavel was passed back to Chair Robey.

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

The Board adjourned for lunch at 12:59 p.m. and reconvened at 1:46 p.m.

12. ITEM A-10 - Continued From July 26, 2005 - 1:30 P.M. - HEARING - EMPLOYEE APPEAL OF DISCIPLINARY ACTION - (CLOSED SESSION) - Chair Robey announced that the Board will now go into Closed Session for an appeal of a disciplinary action.

The Board reconvened into Regular Session with no action taken.

Supervisor Lewis was absent at 4:45 p.m.

BACK TO #10 - ITEM A-2 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:

EXTRA #2 - CONSIDERATION OF A SPONSORSHIP AGREEMENT BETWEEN THE COUNTY OF LAKE AND KONOCTI HARBOR RESORT, FOR MARKETING PURPOSES OF THE COUNTY DURING THE BOARDSTOCK EVENT TO BE HELD FROM AUGUST 18 THROUGH AUGUST 21, 2005 - Supervisor Brown stated that he was informed this afternoon, that Konocti Harbor Resort has rented boats to be used as water taxis for the Boardstock event, and he was informed by the Sheriff's Department that Konocti Harbor Resort may not be allowed to charge a fee to individuals who use these water taxis. The taxi service was going to charge \$10.00 per person and it was estimated that five-hundred people were going to be using this service. Due to the importance of this event and its impact on the County's tourism industry, it was suggested that the Marketing Program offer to become an event sponsor, thereby offsetting the revenue lost to Konocti Harbor Resort if they are unable to charge for the water taxi service.

Administrative Officer Kelly Cox explained to the Board that the County Marketing Program sponsors events that are held at Konocti Harbor Resort. The Marketing Program could sponsor this event if the Board so desires.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Lewis ABSENT), authorized Administrative Officer Kelly Cox to prepare and enter into a Sponsorship Agreement between the County of Lake and Konocti Harbor Resort, for purposes of marketing the County during the Boardstock event to be held from August 18 through August 21, 2005.

(Clerk's note: After later consultation between the County and Konocti Harbor Resort, it was determined that County sponsorship was not needed, therefore a Sponsorship Agreement was not entered into).

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

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

By: _____
Georgine Hunt
Assistant Clerk of the Board