



# Minutes

## County of Lake Board of Supervisors

### OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD DECEMBER 20, 2005

The Honorable Board of Supervisors of Lake County, California, met in regular session this 20<sup>th</sup> day of December, 2005, there being present Supervisors Jeff Smith, Gary Lewis, Tony Farrington, Rob Brown and Ed Robey, Administrative Officer Kelly Cox, County Counsel Anita Grant and Board Secretary Donna De Maria.

The meeting was called to order at 9:02 a.m. by Chair Robey. Following a moment of silence, 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-20.

Approved Minutes of the Board of Supervisors Meeting held on November 22, December 6, 2005, and the Special Meeting held on December 7, 2005.

Appointed Charles O'Neill Jones (Water Quality I Category), to the Clear Lake Advisory Sub-Committee Advisory Board, for a term expiring on January 1, 2007.

Appointed Leticia Trent to the Middletown Cemetery District Board of Trustees, for a term expiring on January 1, 2010.

Approved Findings of Fact and denied the Appeal (AB 05-06) of Robert Richmond (Vintage Faire Subdivision), and authorized the Chair to sign.

Adopted Resolution No. 2005-223, amending Resolution No. 2005-196, establishing position allocations for Fiscal Year 2005-2006, Budget Unit 4010 - Environmental Health (adding one (1) half-time Environmental Health Specialist position).

Approved Agreement Between the County of Lake and Pavement Engineering, for engineering services for design of pavement rehabilitation and drainage improvements for a portion of Gaddy Lane near Kelseyville, and authorized the Chair to sign.

Approved Engineering and Inspection Agreement between County of Lake and Hank Lescher, for review of plans and specifications for a use permit, located at 18990 Coyote Valley Road, Hidden Valley Lake, and authorized the Chair to sign.

Approved Indemnification Agreement between the County of Lake and Helen Burzynski, to allow emergency vehicles and certain members of the public to pass over a portion of her property known as APNs 03-047-05 and 03-047-07, due to an emergency situation caused by the flooding of Scotts Valley and Eickhoff Roads, and authorized the Chair to sign.

Approved Joint Operating and Financial Plan for Controlled Substances, between the County of Lake and U.S. Forest Service, for reimbursable services provided by law enforcement in the Mendocino National Forest, and authorized the Chair to sign.

Approved Operating and Financial Plan for Cooperative Patrol between the County of Lake and U.S. Forest Service, for reimbursable services provided by law enforcement in the Lake Pillsbury Region, and authorized the Chair to sign.

Adopted Resolution No. 2005-224, to appropriate unanticipated revenue in the amount of \$34,788 (received from the State of California, Department of General Services, 911 Emergency Communications Office), for purchase of 9-1-1 System Customer Premise Equipment for the new Central Dispatch Facility, Budget Unit 1785 - Sheriff/Dispatch Construction Budget.

Approved Agreement between the County of Lake and the City of Lakeport, for dispatch services, and authorized the Chair to sign.

Adopted Resolution No. 2005-225, accepting equipment (Thermovision Scout FLIR unit, valued at \$15,000) from the U.S. Department of Army (Budget Unit 2201 - Sheriff/Coroner).

Approved Lake County's participation in the California State Fair in 2006, and authorized the Clerk of the Board or the Chair to sign the Counties Exhibits Authorization and Appointment Form, as per the Memorandum to the Board of Supervisors from Deputy County Administrative Officer Debra Sommerfield, dated December 8, 2005.

Awarded Bid No. 06-14 to 3-t Equipment, in the amount of \$35,092.10, for purchase of a CCTV (Sewer Inspection Camera System) equipment upgrades, and authorized the Chair to sign bid award.

Adopted Resolution No. 2005-226, approving Final Parcel Map and the signing of the Final Parcel Map (Syphax).

Approved Amendment Number Three to the 2004-2005 Memoranda of Understanding by and between the County of Lake and the Lake County Correctional Officers's Association (LCCOA), and authorized the Chair to sign.

Approved Amendment Number Three to the 2004-2005 Memoranda of Understanding by and between the County of Lake and the Sheriff's Deputies Association (SDA), and authorized the Chair to sign.

Adopted Resolution No. 2005-227, adopting 2005-2006 Memorandum of Understanding between the County of Lake and the Lake County Deputy District Attorney's Association.

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Sitting as the Board of Directors of Lake County Air Quality Management District, appointed Dr. Morton Levine, as the Medical Professional Representative, to the Lake County Air Quality Management District Hearing Board, for a term expiring December 20, 2008.

2. **CITIZEN'S INPUT** - Mr. Wayne Diggs spoke on the subject of child abuse.

Ms. Ann Simon also spoke on the issue of child abuse.

3. **ITEM A-4 - 9:15 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 3241 SOUTHLAKE DRIVE, KELSEYVILLE, CA (041-272-25-00 - BRUCE and BARBARA JOHNSTON)** - Community Development Director Mary Jane Fagalde, Code Compliance Manager Hank Bouillercce and property owner Ms. Barbara Johnston, Ms. Pam Hendricks and Mr. Steve Hendricks were all present and sworn in by the Clerk.

Mr. Bouillercce gave a brief overview of the violations on the property and the status of the property at this time. This was followed by a power-point presentation showing the condition of the property in the past and now.

Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Ms. Barbara Johnston, Ms. Pam Hendricks and Mr. Steve Hendricks. 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), 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 and all costs associated with this case shall become a charge against the property.

4. **ITEM A-5 - 9:30 A.M. - STATUS REPORT FROM CODE ENFORCEMENT** - Code Compliance Manager Hank Bouillercce was present.

Mr. Bouillercce presented the status report for the month of November. There are 472 active cases opened at this time and 132 nuisance abatement cases, for a total of 604 open abatement/active cases. There are currently 84 abandoned vehicle abatement cases, there have been 39 vehicles tagged, 16 vehicles towed, 12 vehicles impounded and 17 gone on arrival.

Mr. Bouillercce also invited each Supervisor to do a site visit ride-along with him and his staff to experience what Code Enforcement deals with on a daily basis. In turn, the Supervisors invited Mr. Bouillercce to do a ride-along with them to identify areas in their districts they would like to see cleaned up.

There was no action taken on this item.

5. **ITEM A-6 - 9:45 A.M. - REVIEW OF THE 9-80 WORK SCHEDULE FOR HEALTH SERVICES AND CONSIDERATION OF REQUEST TO IMPLEMENT THE 9-80 ALTERNATE WORK SCHEDULE ON A PERMANENT BASIS** - Health Services Director Ruth Lincoln was present.

Supervisor Lewis was absent at 10:00 a.m.

After much discussion, this item was continued to a future date in 2006.

6. **ITEM A-7 - Continued From December 13, 2005 - 10:00 A.M. PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A GENERAL PLAN AMENDMENT (GPAP 05-05) FOR A PORTION OF THE PROPERTY FROM RESORT COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL AND MEDIUM DENSITY RESIDENTIAL AND REZONE (RZ 05-07) REZONING LANDS FROM "CR-DR-WW-FF: (RESORT COMMERCIAL-DESIGN REVIEW-WATERWAY-FLOODWAY FRINGE) TO "R2-WW-FF" (TWO-FAMILY RESIDENTIAL-WATERWAY-FLOODWAY FRINGE), PROPOSED FOR DALE DEBRUIN; AND ADOPTION OF A NEGATIVE DECLARATION FOR SAID GPAP AND REZONE (BASED ON INITIAL STUDY IS 05-37); PROPERTY IS LOCATED AT 3267 LAKESHORE BOULEVARD, NICE, CA (APN 032-123-01)** - Community Development Assistant Director Rick Coel and Senior Planner Emily Minton were present.

Ms. Minton stated that this item was continued from December 13, 2005, to allow time for the Supervisors to do a site visit and be familiar with the surrounding properties.

Mr. Dale DeBruin, owner of the property, was also present and spoke.

On motion of Anthony Farrington and by vote of the Board ( 3 ayes, Supervisor Brown NO and Supervisor Lewis ABSENT), denied the Planning Commission's recommendation for approval of a General Plan Amendment Proposal (GPAP 05-05).

7. **ITEM A-8 - Continued From December 13, 2005 - 10:15 A.M. - PUBLIC HEARING - APPLICATION GPAP 05-03 PROPOSING A TEXT AMENDMENT TO POLICY 5.1(j) OF THE MIDDLETOWN AREA PLAN FOR KIMCO DEVELOPMENT; AND THE ADOPTION OF A NEGATIVE DECLARATION BASED ON THE INITIAL STUDY 05-19; PROPERTY IS LOCATED AT 18196 and 18426 SOUTH STATE HIGHWAY 29, MIDDLETOWN (ALSO KNOWN AS THE ARABIAN HORSE RANCH (APNs 014-260-36 and 51)** - Community Development Director Mary Jane Fagalde and Community Development Assistant Director Rick Coel were present.

Community Development's response to attorney Daniel Beck's letter of December 12, 2005, was read into the record by Mr. Coel.

Chair Robey opened the public hearing and the following persons spoke: Mr. Don Dornbush, Fletcher Thornton, John Roddy, Daniel Beck, on behalf of Citizens' for Responsible Growth, Ms. Jean Kapolchok. 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 Chair Robey and by vote of the Board (4 ayes, Supervisor Lewis ABSENT), found on the basis of the Initial Study No. 05-19, that the general plan text amendment as applied for by Kimco Development, Inc., and as modified by staff and as modified by the Middletown Area Plan Committee, will not have a significant effect on the environment and therefore adopted a negative declaration for said proposal with the findings listed in the Board Memorandum dated December 13, 2005.

Supervisor Robey offered Resolution No. 2005-228 (adopting an amendment to the Lake County General Plan, GPA 05-04), and it was passed by a roll-call vote (4 ayes, Supervisor Lewis ABSENT).

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The gavel was passed back to Chair Robey.

8. **ITEM A-11- DISCUSSION/CONSIDERATION OF RECOMMENDATION TO ESTABLISH A COUNTY POLICY TO PROHIBIT COUNTY DEPARTMENTS FROM USING AUTOMATED VOICE MAIL SYSTEMS TO ANSWER THEIR PRIMARY INCOMING TELEPHONE LINES** - Supervisor Brown stated that this policy would prohibit County department's from using automated voice mail to answer primary published telephone lines within County government during normal business hours.

Special Districts Administrative Manager Charles Berg was present and spoke.

Supervisor Lewis was present at 11:35 a.m.

On motion of Supervisor Brown and by vote of the Board (5 ayes), adopted a County policy prohibiting the use of automated voice mail to answer primary published telephone lines within County government during normal business hours.

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

**EXTRA #1 - PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, FOR PARENT-CHILD INTERACTION THERAPY TRAINING SERVICES** - On motion of Supervisor Brown and by vote of the Board (5 ayes), 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:

Mental Health Director Kristy Kelly just received the signed Agreement Between the County of Lake and the Regents of the University of California for Parent-Child Interaction Therapy Training Services from the Regents of the University of California this morning. This agreement needs Board approval prior to January 1, 2006, or Mental Health Services will forfeit this funding.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and the Regents of the University of California, for Parent-Child Interaction Therapy Training Services, and authorized the Chair to sign.

The Board adjourned for lunch at 12:30 p.m. and reconvened at 1:33 p.m.

The Board of Supervisors adjourned and convened as the Lake County Board of Equalization.

The gavel was passed to Lake County Board of Equalization Chair Lewis.

10. **ITEM A-9 - 1:30 P.M. - (a) ELECTION OF CHAIR AND VICE-CHAIR FOR 2005, AND ADOPTION OF RULES AND REGULATIONS FOR ASSESSMENT APPEAL HEARINGS** - Assessor/Recorder Doug Wacker and Appraiser Stan Beach were present.

Board Member Brown made a motion to elect Board Member Smith as Chair and Board Member Robey as Vice-Chair of the Lake County Board of Equalization, motion failed due to vote (2 ayes, Board Members Robey and Smith NO, Board Member Farrington ABSTAIN).

Board Member Smith made a motion to elect Board Member Lewis as Chair and Board Member Farrington as Vice-Chair of the Lake County Board of Equalization, motion failed due to lack of second.

On motion of Board Member Robey and by vote of the Board (3 ayes, Board Member Lewis and Brown NO), elected Board Member Lewis as Chair and Board Member Brown as Vice-Chair of the Lake County Board of Equalization.

On motion of Member Robey and by vote of the Board (5 ayes), adopted the Rules and Regulations for Assessment Appeal Hearings.

**(b) ASSESSMENT APPEAL HEARINGS:**

1. **BANK OF AMERICA (AGENT BURR WOLFF) - APPLICATION NO. 2003-19 - APN 025-381-080-000 - REAL PROPERTY - LOCATED AT 500 MAIN STREET, LAKEPORT, CA - (AGENT HAS REQUESTED A CONTINUANCE OF THIS HEARING)** - This Assessment Appeal Hearing was continued to February 2 1, 2006, at 1:30 p.m.

2. **MICHAEL and APRIL BUSH - APPLICATION NO. 2004-12 - ASSESSMENT NO. 830-015-665-000 - BOAT** - Neither the applicant nor a representative were present.

On motion of Board Member Brown and by vote of the Board (5 ayes), denied Assessment Appeal No. 2004-12, Michael and April Bush, for lack of appearance.

3. **CAROL WOOSTER - APPLICATION NO. 2004-16 - ASSESSMENT NO. 830-017-089-000 - BOAT** - This Assessment Appeal Hearing was continued to February 21, 2006, at 1:30 p.m.

4. **RJ DEVELOPMENT(AGENT JEANNIE WATSON):**

**(a) APPLICATION NO. 2005-62 - APN 035-202-480-000 - REAL PROPERTY - LOCATED AT 12619 MOUNTAIN VIEW DRIVE, CLEARLAKE OAKS, CA;**

**(b) APPLICATION NO. 2005-63 - APN 036-202-490-000 - REAL PROPERTY - LOCATED AT 12613 MOUNTAIN VIEW DRIVE, CLEARLAKE OAKS, CA;**

**(c) APPLICATION NO. 2005-64 - APN 035-302-280-000 - REAL PROPERTY - LOCATED AT 11319 WEST WIDGEON WAY, CLEARLAKE OAKS, CA;**

**(d) APPLICATION NO. 2005-65 - APN 035-311-020-000 - REAL PROPERTY - LOCATED AT 11428 WEST WIDGEON WAY, CLEARLAKE OAKS, CA;**

**(e) APPLICATION NO. 2005-66 - APN 035-311-130-000 - REAL PROPERTY - LOCATED 11494 WEST WIDGEON WAY, CLEARLAKE OAKS, CA;**

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**(f) APPLICATION NO. 2005-67 - APN 035-312-590-000 - REAL PROPERTY - LOCATED AT 11454 TOYON DRIVE, CLEARLAKE OAKS, CA;**

**(g) APPLICATION NO. 2005-68 - APN 035-312-600-000 - REAL PROPERTY - LOCATED AT 11464 TOYON DRIVE, CLEARLAKE OAKS, CA; and**

**(h) APPLICATION NO. 2005-69 - APN 042-363-180-000 - REAL PROPERTY; LOCATED AT 16294 4<sup>TH</sup> AVENUE, CLEARLAKE, CA**

Assistant Clerk of the Board Georgine Hunt announced that a fax was received from R J. Development, agent for Application Nos. 2005-62, 2005-63, 2005-64, 2005-65, 2006-66, 2005-67, 2005-68 and 2005-69 (Items "a" through "h"), dated December 20, 2005, stating that an emergency situation had occurred which is preventing the agent from attending today's Assessment Appeal Hearings, and is requesting a continuance of Items "a" through "h".

Assessment Appeal Hearings for Application Nos. 2005-62, 2005-63, 2005-64, 2005-65, 2006-66, 2005-67, 2005-68 and 2005-69 (Items "a" through "h"), were continued to February 21, 2006, at 1:30 p.m.

The Board of Equalization adjourned and reconvened as the Board of Supervisors.

15. **ITEM A-12 - CLOSED SESSION - Conference with Labor Negotiator, (a) County Negotiators : A. Grant and M. Perry, (b) Employee Organization: LCCOA, SDA and DDAA; and 2. Conference with Legal Counsel - Anticipated Litigation - (a) Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9: One Potential Case - 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.

There being no further business, the Board adjourned at 2:34 p.m.

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Chair - Lake County Board of Supervisors

KELLY F. COX  
Clerk of the Board

By: \_\_\_\_\_  
Donna De Maria  
Board Secretary