



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD DECEMBER 6, 2005

The Honorable Board of Supervisors of Lake County, California, met in regular session this 6th day of December, 2005, there being present Supervisors Jeff Smith, Gary Lewis, Anthony Farrington, Rob Brown and Ed Robey. Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Georgine Hunt.

The meeting was called to order at 9:00 a.m. by Chair Robey. Following a moment of silence in memory of former County Assessor Dan Irwin, Chair Robey 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-9, with the exception of Consent Item C-2, which will be taken up immediately following the approval of the Consent Agenda. (Later in the day, Supervisor Brown requested that Consent Item C-9 be pulled from the Consent Agenda for further discussion).

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

Approved recommendations of Poet Laureate Carolyn Wing Greenlee, relative to proposed change in the selection process for the next Lake County Poet Laureate, per her letter to the Board of Supervisors, dated November 18, 2005.

Approved Amendment No. 2 to Agreement between the County of Lake and Hastings Services, for labor standards coordinator services for Lucerne sidewalk projects, and authorized the Chair to sign.

Adopted Resolution No. 2005-216, accepting Official Canvass of the Consolidated Special Statewide Election held on November 8, 2005.

Accepted Certified Statement of votes cast in the November 8, 2005, Consolidated Special Statewide Election.

Approved the request from Public Services for the Sheriff's Department to assume control of the Nice Community Clubhouse for field operations as recommended in the Memorandum to the Board of Supervisors dated November 15, 2005, from Public Services Director Kim Clymire.

Sitting as the Board of Directors of Lake County Air Quality Management District, appointed Cameron Reeves as the Legal Professional Representative to the Lake County Air Quality Management District Hearing Board, for a term expiring on December 6, 2008.

Sitting as the Board of Directors of Lake County Sanitation District, (a) approved the request for waiver of the Consultant Selection Policy and determined and found that it is not in the public interest to follow the Consultant Selection Board process for professional services (Federal Legislative Advocacy), for the reasons specified in the Memorandum dated November 21, 2005, from Special Districts Administrator Mark Dellinger; and (b) approved Agreement between the Lake County Sanitation Districts and ENS Resources, for professional services (Federal Legislative Advocacy), Full Circle Project, and authorized the Chair to sign. (Later in the day, Supervisor Brown pulled this item from the Consent Agenda later for further discussion).

CONSENT ITEM C-2 - CONSIDERATION OF APPOINTMENTS TO THE DEVELOPMENTAL DISABILITIES BOARD - A Memorandum dated December 5, 2005, from Assistant Clerk of the Board was received and requested that this item be pulled from the Consent Agenda for the following reasons: When the December 6, 2005, agenda was prepared, the Clerk of the Board's records indicated that there were three (3) vacancies on the Area 1 Developmental Disabilities Board, and three (3) applications had been received. However, the Assistant Clerk was informed on December 1, 2005, that there are only two (2) vacancies on the Area 1 Developmental Disabilities Board. After further research, it has been determined that there are only two (2) vacancies on this Board. It is being requested that the Board appoint two (2) applicants from the three (3) applications that have been received to serve on the Area 1 Developmental Disabilities Board.

On motion of Supervisor Smith and by vote of the Board (5 ayes), appointed Gene Schwartz to serve on the Developmental Disabilities Board, for a term expiring on December 6, 2008.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), appointed Edward Hagan to serve on the Developmental Disabilities Board, for a term expiring on December 6, 2006.

2. **CITIZEN'S INPUT** - Mr. Phil Murphy requested that when an agreement/contract is placed on the Board's agenda, the expenditure for that agreement/contract also be included.

Mayor of the City of Clearlake Judy Thein expressed her appreciation to the Board of Supervisors.

Mr. John Roddy spoke on the abuse of Methamphetamine in Lake County. Mr. Roddy also spoke along with Mr. Wayne Diggs, Ms. Mary Cox, Ms. Nancy Kroboth, Ms. Lynn Reeder, Ms. Brenda Frace, Ms. Rachael Helm, Ms. Ann Simon, Ms. Barbara Kossen and Ms. Susie Feeman, about the involvement and issues regarding Child Protective Services and the need to stop all child abuse in Lake County.

Sheriff Rodney Mitchell also spoke on stopping child abuse and what immediate actions the department is doing to put a stop to it. However, there are rules and regulations that the department must follow, which makes it very difficult to enter a home where a child is suspected of enduring abuse.

Further discussion regarding the process and involvement of County departments in cases of reported child abuse will be placed on the December 13, 2005, agenda at 10:30 a.m.

3. **ITEM A-4 - 9:15 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A REZONE (RZ 05-05) PROPOSED FOR GREG ANDRE, OF APPROXIMATELY 1/2-ACRE FROM "C1" (LOCAL**

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COMMERCIAL - 20,000 SQUARE FOOT MINIMUM PARCEL SIZE) TO "R1-B3" (SINGLE-FAMILY RESIDENTIAL -20,000 SQUARE FOOT MINIMUM PARCEL SIZE); AND THE ADOPTION OF A NEGATIVE DECLARATION FOR RZ 05-05, BASED ON THE INITIAL STUDY 05-35; LOCATED AT 8250 PENINSULA DRIVE, KELSEYVILLE, CA (APN 044-331-04) - Principal Planner Rick Coel and Associate Planner Emily Minton were present.

Ms. Minton gave a brief background report. The applicant, Greg Andre, is requesting to rezone approximately ½-acre on Buckingham peninsula from "C1-B3" (Local Commercial - 20,000 square foot minimum parcel size to "R1-B3" (Single-Family Residential - 20,000 square foot minimum parcel size).

Chair Robey opened the public hearing. No one was present wishing to speak and the public hearing was closed.

On motion of Supervisor Brown and by vote of the Board (5 ayes), found on the basis of Initial Study No. 05-35 that the rezone applied for by Greg Andre will not have a significant effect on the environment and therefore adopted a negative declaration for the proposed rezoning with the findings listed in the Board Memorandum dated October 21, 2005.

On motion of Supervisor 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).

Supervisor Brown offered Ordinance No. 2759, and it was passed by a roll-call vote (5 ayes).

The Board of Supervisors adjourned and convened as the Board of Directors of the Lake County Redevelopment Agency.

4. **ITEM A-5 - 9:30 A.M. - PRESENTATION OF THE LAKE COUNTY REDEVELOPMENT AGENCY ANNUAL REPORT FOR FISCAL YEAR 2004/2005 (NORTHSHORE PROJECT AREA) -** Deputy Director of the Lake County Redevelopment Agency Andy Peterson was present and gave of brief overview and a power-point presentation of the annual report.

There was no action taken on this item.

The Board of Directors of the Lake County Redevelopment Agency adjourned and reconvened as the Board of Supervisors.

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

5. **ITEM A-10 - CONSIDERATION OF PROPOSED CONTRACT BETWEEN THE COUNTY OF LAKE AND AVTEX, INC., FOR PURCHASE, INSTALLATION AND MAINTENANCE OF AN EMERGENCY NOTIFICATION SYSTEM, IN THE AMOUNT OF \$51,611.14, TO BE LOCATED IN THE SHERIFF'S DEPARTMENT'S MAIN OFFICE, LOCATED AT 1220 MARTIN STREET, LAKEPORT -** Sheriff Rodney Mitchell was present.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Lewis ABSENT), approved the Contract between the County of Lake and AVTEX, Inc., for purchase, installation and maintenance of an emergency notification system, in the amount of \$51,611.14, to be located in the Sheriff's Department's main office, located at 1220 Martin Street, Lakeport, and authorized the Chair to sign.

6. **ITEM A-6 - 10:00 A.M. - PRESENTATION BY SOUTH LAKE COUNTY FIRE PROTECTION DISTRICT ON TRAINING TOWER PROJECT AND CONSIDERATION OF REQUEST FOR COUNTY FUNDING -** Mr. Mike Wink and Mr. Bobby MacIntyre, representatives of South Lake County Fire Protection District were present and gave an overview of the training tower project.

Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Ms. Charlotte Dorry and Mr. Dan McCabe. No one else was present wishing to speak and the public portion of this item was closed.

Administrative Officer Kelly Cox stated that if additional Geothermal Mitigation funding becomes available, tis request culd be considered again during the mid year budget review.

No action was taken on this item.

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

7. **ITEM A-7 - 11:00 A.M. - PRESENTATION REGARDING THE MIDDLETOWN AREA PLAN COMMITTEE'S PROGRESS AND THE BOARD'S APPROVAL OF THE VINTAGE FAIRE GENERAL PLAN AMENDMENT AND REZONE -** Community Development Director Mary Jane Fagalde was present.

Ms. Helen Whitney was also present and stated that she is very concerned with the Board of Supervisors approval of the Vintage Faire project and the text amendment to the current Middletown Area Plan for Valley Oaks prior to receiving the Middletown Area Plan and verbage from the Middletown Area Plan Committee and by approving these two projects, the Board has overrode the vote of the Committee, thereby making the Committee's work obsolete.

Chair Robey asked if anyone wished to speak on this item and the following persons spoke: Mr. David Neft, Mr. Jack Lair, Mr. Mike Browning and Ms. Greta Zeit. No one else was present wishing to speak and the public portion of this item was closed.

There was no action taken on this item.

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

- BACK TO #1- ITEM A-1 CONSENT AGENDA -** On motion of Director Brown and by vote of the Board (4 ayes, Director Lewis ABSENT), rescinded the approval of Consent Agenda Item C-9.

CONSENT AGENDA ITEM C-9 -(A) CONSIDERATION OF REQUEST FOR WAIVER OF THE CONSULTANT SELECTION POLICY AND DETERMINED AND FOUND THAT IT IS NOT IN THE PUBLIC INTEREST TO FOLLOW THE CONSULTANT SELECTION BOARD PROCESS FOR PROFESSIONAL SERVICES (FEDERAL LEGISLATIVE ADVOCACY), FOR THE REASONS SPECIFIED IN THE MEMORANDUM DATED NOVEMBER 21, 2005, FROM SPECIAL DISTRICTS ADMINISTRATOR MARK DELLINGER; AND (B) APPROVED AGREEMENT BETWEEN THE LAKE COUNTY SANITATION DISTRICTS AND ENS RESOURCES, FOR PROFESSIONAL SERVICES (FEDERAL LEGISLATIVE ADVOCACY), FULL CIRCLE PROJECT - Director Brown requested that this item be pulled from today's agenda in order to allow staff time to negotiate the cost of the contract with the contractor.

This item will be placed on the agenda at a later date for further consideration. (Later in the day, the Board took up this item for further consideration).

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

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The Board recessed for lunch at 12:18 p.m. and reconvened at 1:31 p.m., with Supervisor Lewis present.

8. **ITEM A-12 - Advanced From November 15, 2005 - AN ORDINANCE AMENDING PUBLIC GATE FEES TO BE CHARGED AT THE EASTLAKE LANDFILL AND LAKEPORT TRANSFER STATION FOR COUNTY SOLID WASTE SERVICES - (SECOND READING)** - Supervisor Smith offered Ordinance No. 2758, and it was passed by a roll-call vote (5 ayes).

9. **ITEM A-8 - SUPERVISORS WEEKLY CALENDAR, TRAVEL, AND REPORTS** - Supervisor Brown read a Memorandum dated December 5, 2005, from Public Works Director Gerry Shaul. Public Works received a phone call from Mr. Tom Renfro, a resident of Renfro Drive, on November 29, 2005, requesting that the area be cleaned up from numerous illegal dumps of junk and garbage. The Area 6 Road Crew cleaned and removed all of the debris along the roadway and on November 30, 2005. Mr. Renfro called Public Works to thank the Area 5 Road Crew for "their quick response and the beautiful job the road crew did on the clean up."

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved letters of commendation to the Area 5 Road Crew for their prompt response and excellent work on Renfro Drive, and to Public Works Service Technician Alicia Ayala, for being courteous and responsive to requests for assistance from the public and from Board members, and authorized the Chair to sign both letters of commendation.

10. **ITEM A-9 - DISCUSSION OF COMMUNITY DEVELOPMENT DEPARTMENT'S OFFICE HOURS AND DETERMINATION OF WHETHER OR NOT TO INITIATE AN ORDINANCE AMENDMENT TO RESCIND THE DEPARTMENT'S CURRENT AUTHORIZATION TO CLOSE TO THE PUBLIC AT 4:00 P.M.** - Community Development Director Mary Jane Fagalde was present and stated that the Community Development Department is still experiencing an all-time high level of activity in all divisions and it is being requested that the Board allow the department to continue closing the Lakeport office at 4:00 p.m., allowing existing staff the time to return phone calls, file cases and permits, work on staff reports, etc., without taking time out to work the counter and answer phones.

There was consensus by the Board to continue closing the Lakeport office to the public at 4:00 p.m., and the closure will be reviewed annually.

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

11. **ITEM A-11- UPDATE ON EMERGENCY REPAIRS TO THE NORTHWEST LIFT STATION 19** - On motion of Director Smith and by vote of the Board (5 ayes), found that an emergency still exists and continued to proceed with the emergency repair to a public facility without giving notice for bids to let contracts.

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

12. **ITEM A-13 - CLOSED SESSION - 1. Conference with Labor Negotiator, (a) County Negotiators : A. Grant and M. Perry, (b) Employee Organization: LCEA, LCCOA, SDA and DDAA, 2. Public Employee Performance Evaluations, Titles: Community Development Director and Information Technology Director; and sitting as the Board of Directors of the Lake County IHSS Public Authority: 3. Conference with Labor Negotiator, (a) Agency Negotiator: F. Buchanan, (b) Employee Organization: United Domestic Workers of America** - 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. The Board will go back into Closed Session later today.

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

- BACK TO #1 - CONSENT AGENDA ITEM C-9 -(A) CONSIDERATION OF REQUEST FOR WAIVER OF THE CONSULTANT SELECTION POLICY AND DETERMINED AND FOUND THAT IT IS NOT IN THE PUBLIC INTEREST TO FOLLOW THE CONSULTANT SELECTION BOARD PROCESS FOR PROFESSIONAL SERVICES (FEDERAL LEGISLATIVE ADVOCACY), FOR THE REASONS SPECIFIED IN THE MEMORANDUM DATED NOVEMBER 21, 2005, FROM SPECIAL DISTRICTS ADMINISTRATOR MARK DELLINGER; AND (B) APPROVED AGREEMENT BETWEEN THE LAKE COUNTY SANITATION DISTRICTS AND ENS RESOURCES, FOR PROFESSIONAL SERVICES (FEDERAL LEGISLATIVE ADVOCACY), FULL CIRCLE PROJECT** - On motion of Director Farrington and by vote of the Board (4 ayes, Director Brown NO), waived the Consultant Selection Policy and determined and found that it is not in the public interest to follow the Consultant Selection Board process for professional services (Federal Legislative Advocacy), for the reasons specified in the Memorandum dated November 21, 2005, from Special Districts Administrator Mark Dellinger.

On motion of Director Farrington and by vote of the Board (4 a yes, Director Brown NO), approved the Agreement between the Lake County Special Districts and ENS Resources, for professional services (Federal Legislative Advocacy), Full Circle Project, and authorized the Chair to sign.

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

- BACK TO #12 - ITEM A-13 - CLOSED SESSION - 1. Conference with Labor Negotiator, (a) County Negotiators : A. Grant and M. Perry, (b) Employee Organization: LCEA, LCCOA, SDA and DDAA, 2. Public Employee Performance Evaluations, Titles: Community Development Director and Information Technology Director; and sitting as the Board of Directors of the Lake County IHSS Public Authority: 3. Conference with Labor Negotiator, (a) Agency Negotiator: F. Buchanan, (b) Employee Organization: United Domestic Workers of America** - Chair Robey announced that the Board will go back 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 5:40 p.m..

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board