



Minutes

County of Lake Board of Supervisors

MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD FEBRUARY 1, 2005

The Honorable Board of Supervisors of Lake County, California, met in regular session this 1st day of February, 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, Supervisor Lewis 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. (Later in the day, the Board rescinded the approval of the Consent Agenda, in order to pull Item C-10 for further discussion).

Approved Minutes of the Board of Supervisors Meetings held on January 4 and 11, 2005.

Appointed Parker Mahoney to the Animal Care and Control Advisory board, for a term expiring January 1, 2007.

Appoint Frank Haas to Lower Lake Cemetery District Board of Directors, for a Term Expiring January 1, 2009.

Appoint Eleanor Harr, Susan Perry and Janine Smith to the Maternal, Child and Adolescent Health Advisory Board, for terms expiring January 1, 2007.

Approved request to utilize \$2,000 of funding previously allocated in road chip seal projects to cover costs of Perini Bridge Project.

Adopted Resolution No. 2005-17, approving the Performance Contract 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 Contract Number 04-74223-000.

Adopted Resolution No. 2005-18, accepting tax revenue exchange between the County of Lake and the City of Lakeport (Schellinger Annexation - LAFCO Project #2004-03), and approved Agreement between the County of Lake and the City of Lakeport, for property tax exchange pertaining to the City of Lakeport Schellinger Annexation (LAFCO Project #2004-03), and authorized the Chair to sign.

Adopted Resolution No. 2005-19, accepting the dedication of a roadway easement in the County of Lake - (Ridge Road, Loch Lomond).

Approved Engineering and Inspection Agreement between the County of Lake and Wayne Chatoff, for review of plans and specifications for a Tentative Parcel Map, located at 8825 East Highway 20, Glenhaven, and authorized the Chair to sign.

Approved Agreement between the County of Lake (Lake County Sheriff's Department) and Pacific Bell Telephone Company, dba SBC California, for inmate pay phone services, and authorize the Chair to sign. (This item was pulled from the Consent Agenda later in the day for further consideration).

Sitting as the Board of Directors of Kelseyville County Waterworks District #3, approved Easement Deed and directed Clerk to certify for recordation (APN 008-037-25 - River Maid Land Company; and approved Right-of-Way Agreement between Kelseyville County Waterworks District #3 and River Maid Land Company, for the Kelseyville Water Project, and authorized the Chair to sign.

Sitting as the Board of Directors of Kelseyville County Waterworks District #3, adopted Resolution No. 2005-20, authorizing the Chair of the Kelseyville County Waterworks District # 3 to authorize the Lake County Sanitation (on behalf of Kelseyville County Water District # 3) and the Special Districts Administrator to submit a Water Recycling Grant Application to the State Water Resources Control Board to construct portions of the Full Circle Project.

2. **CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**

EXTRA #1 - CONSIDERATION OF LETTER TO THE STATE WATER RESOURCES CONTROL BOARD REQUESTING RECLASSIFICATION OF THE KELSEYVILLE WASTEWATER TREATMENT PLANT PROJECT BACK TO THE "B" PRIORITY LIST - 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.

On January 26, 2005, staff learned that the State Water Board has dropped this project for funding from a higher to a lower priority ranking because the Regional Board had not adopted the Cease and Desist Order for Kelseyville prior to approval of their priority list for funding on October 21, 2004. However, the Regional Board had issued the District a draft Cease and Desist Order prior to the deadline of October 10, 2004. In addition, staff has met with the State board on November 30, 2004, and they made no indication that this was an issue. Due to the intense demand for funding from this program, this change in ranking will delay funding for the project. In addition, staff has no idea when additional funding for this program may become available in the future.

Special Districts Administrator Mark Dellinger was present.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved letter to the State Water Resources Control Board, requesting reclassification of the Kelseyville Wastewater Treatment Plant Project, and authorized the Chair to sign.

3. **CITIZEN'S INPUT** - Ms. Brenda Quntana, introduced herself as the new Regional Director of the United Domestic Workers of America and asked the Board to approve fair and equitable wages for IHSS employees.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD FEBRUARY 1, 2005

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

4. **ITEM A-4 - 9:06 A.M. - HEARING - DECLARING THE PUBLIC NECESSITY FOR TAKING AND CONDEMNING PROPERTY FOR THE KELSEYVILLE/FINLEY WATER IMPROVEMENT PROJECT AND AUTHORIZING THE FILING OF SUIT FOR CONDEMNATION THEREFORE** - Special Districts Administrator Mark Dellinger and Right-of-Way Agent Kurt Ackermann were present.

This item was continued to later in the day.

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

5. **ITEM A-5 - 9:15 A.M. - UPDATE REPORT ON FUTURE MANAGEMENT OF THE LAKE COUNTY WORKFORCE INVESTMENT ACT PROGRAM (ONE STOP SHOP), AND CONSIDERATION OF OPTIONS** - A letter from County Superintendent of Schools Bill Cornelison, dated January 27, 2005, was received by the Board, requesting that this item be continued to February 15, 2005, to allow time for their staff to meet and discuss options for the future management of this program that would be acceptable to the Board and the Office of Education resulting in improved service to the people of Lake County.

This item was continued to February 15, 2005, at 11:00 a.m.

6. **ITEM A-11 - CONSIDERATION OF APPOINTMENTS TO THE UPPER LAKE FIRE PROTECTION DISTRICT BOARD OF DIRECTORS** - On motion of Supervisor Lewis and by vote of the Board (5 ayes), appointed Mr. James Crabtree, Mr. James Stillman, Mr. Charles Coburn and Ms. Janet Green, to the Upper Lake Fire Protection District Board of Directors, for terms expiring on January 1, 2007.

7. **ITEM A-12 - PROPOSED FINDINGS AND DECISION IN THE APPEAL OF WILLIAM GROSS/JOSEPH and DENISE SIMPSON (AB 03-03 - ROADWAY IMPROVEMENT REQUIREMENTS IN CONJUNCTION WITH CONDITIONS OF AN APPROVED PARCEL MAP)** - On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Smith NO), approved the Findings of Fact in the Appeal of William Gross/Joseph and Denise Simpson (AB 03-03), and authorized the Chair to sign.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Smith NO), granted the appeal and request for deviation in this matter.

8. **ITEM A-14 - Advanced From January 18, 2005 - AN ORDINANCE AMENDING CHAPTER 17 OF THE LAKE COUNTY CODE, THE SUBDIVISION ORDINANCE REGARDING ROAD MAINTENANCE REQUIREMENTS FOR ROADS AND STREETS - (SECOND READING)** - Supervisor Lewis offered Ordinance No. 2725, and it was passed by a roll-call vote (4 ayes, Supervisor Brown NO).

9. **ITEM A-15 - Advanced From January 18, 2005 - AN ORDINANCE ESTABLISHING APPLICATION FEES FOR COUNTY SERVICE AREA NO. 23 FOR THE ESTABLISHMENT OF ZONES OF BENEFIT - (SECOND READING)** - Supervisor Lewis offered Ordinance No. 2726, and it was passed by a roll-call vote (4 ayes, Supervisor Brown NO).

After a short recess, the Board reconvened at 10:09 a.m.

10. **ITEM A-6 - 10:00 A.M. - CONSIDERATION OF REQUESTS FROM THE AIRPORT LAND USE COMMISSION THAT THE COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION PROVIDE STAFF SUPPORT TO PROVIDE TECHNICAL WORK ON THE UPDATES OF THE LAKE COUNTY AIRPORT LAND USE COMPATIBILITY PLAN AND THE LAMPSON FIELD MASTER PLAN** - Public Works Director Gerry Shaul and Community Development Director Mary Jane Fagalde were present.

Chair of the Airport Land Use Commission Richard Persons was also present.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), authorized the Community Development Department, Planning Division, to provide staff support to the Airport Land Use Commission, for technical work for the update of the Compatibility Plan, and that Public Works staff and a representative from County Counsel be present at the Airport Land Use Commission meeting to provide technical advice and answer questions.

The request to provide staff support for technical work on the Lampson Field Master Plan will be brought back to the Board at a later date for further consideration.

11. **ITEM A-7 - 10:30 A.M. - DISCUSSION/CONSIDERATION OF PROPOSED RESOLUTION DECLARING SUFFICIENT FUNDS ARE AVAILABLE TO FUND A BAD CHECK DIVERSION PROGRAM AND AUTHORIZING THE DISTRICT ATTORNEY TO EXECUTE AGREEMENT WITH COMPUTER SUPPORT SERVICES TO CONDUCT SUCH PROGRAM** - District Attorney Gary Luck was present.

Supervisor Lewis offered Resolution No. 2005-16, and it was passed by a roll-call vote (5 ayes).

- BACK TO #1 - ITEM A-1 - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Lewis and by vote of the Board (5 ayes), rescinded Consent Items C-1 through C-12.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Consent Items C-1 through C-12, with the exception of Consent Item C-10, which will be taken up immediately following the re-approval of the Consent Agenda.

CONSENT ITEM C-10 - CONSIDERATION OF PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE (LAKE COUNTY SHERIFF'S DEPARTMENT) AND PACIFIC BELL TELEPHONE COMPANY, DBA SBC CALIFORNIA, FOR INMATE PAY PHONE SERVICES - Supervisor Brown stated that he has a conflict of interest and will be abstaining from any action taken on this item.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSTAIN), approved the Agreement between the County of Lake (Lake County Sheriff's Department) and Pacific Bell Telephone Company, dba SBC California, for inmate pay phone services, and authorized the Chair to sign.

After a short recess, the Board reconvened at 10:50 a.m.

12. **ITEM A-8 - 10:45 A.M. - DISCUSSION/CONSIDERATION OF A DRAFT "RIGHT TO FARM" ORDINANCE INITIATED BY THE LAKE COUNTY FARM BUREAU** - Lake County Farm Bureau Executive Director Chuck March and Agricultural Conservation Easement Program Coordinator Mary Jadiker were present.

Mr. March gave an overview of the draft "Right to Farm" Ordinance. This ordinance is an educational tool notifying all property owners in the County that agriculture is an important industry and certain agricultural uses should not be considered nuisances. A disclosure statement would be printed and made available to property owners and real estate agents that the County permits agricultural operations and activities, and if the owner's property is adjacent to or near property used for agricultural operation or activities or on agricultural lands, they may be subject to inconveniences or discomforts arising from such operations or activities, including but not limited to noise, odors, insects, fumes, dust, the operation of machinery of any kind during any twenty-four hour period (including aircraft), the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides, the storage of livestock feed and other agricultural commodities and the storage and disposal of manure. These agricultural operations or activities shall not be considered a nuisance and that residents or users of nearby property should be prepared to accept such inconvenience or discomfort as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector.

Chair Robey asked if anyone wished to speak on this item and the following persons spoke: Ms. Mary O'Meara and Mr. Chris Ruttan. No one else was present wishing to speak and the public portion of this item was closed.

There was consensus by the Board that staff will prepare a "Right to Farm" ordinance, and it will be brought back to the Board at a later date for further discussion and consideration.

13. **ITEM A-13 - CONSIDERATION OF RECOMMENDATION TO WAIVE THE CONSULTANT SELECTION POLICY AND ENTER INTO AN AGREEMENT WITH THE FIRM "CDM" FOR PREPARATION OF REPORT AND ANALYSIS OF LAKE COUNTY WATER RESOURCES** - Assistant Public Works Director Bob Lossius was present and gave a brief background report. Staff has prepared and negotiated an agreement and scope of work with Camp Dresser and McKee, Inc., for the preparation of a water inventory/analysis report and expanded Groundwater Management Plan. The total cost for services will be \$237,783 (\$197,400 from the district's AB 303 Grant and \$40,383 from the County of Lake).

Mr. Bob Vince, representing Camp Dresser and McKee, Inc., was also present.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved Budget Transfer B-078, in the amount of \$40,383, for the transfer savings from appropriation for the Cove Resort demolition to finance the general fund share of the cost of a County water needs analysis report, Budget Unit Nos. 1781/1011 - Building Program/Board of Supervisors, and authorized the Chair to sign.

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

On motion of Supervisor Farrington and by vote of the Board (5 ayes), that the Board determined that it would be in the best interest of the County to waive the Consultant Selection Policy, approved the Agreement between the Lake County Watershed Protection District and Camp Dresser and McKee, Inc., for preparation of a water inventory/analysis report and expanded Groundwater Management Plan, and authorized the Chair to sign.

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

The Board adjourned for lunch at 11:36 a.m. and reconvened at 1:30 p.m.

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

- BACK TO #4 - ITEM A-4 - 9:06 A.M. - HEARING - DECLARING THE PUBLIC NECESSITY FOR TAKING AND CONDEMNING PROPERTY FOR THE KELSEYVILLE/FINLEY WATER IMPROVEMENT PROJECT AND AUTHORIZING THE FILING OF SUIT FOR CONDEMNATION THEREFORE** - Special Districts Administrator Mark Dellinger and Right-of-Way Agent Kurt Ackermann were present.

Director Farrington offered Resolution No. 2005-15, and it was passed by a roll-call vote (5 ayes).

14. **ITEM A-9 - 1:30 P.M. - (a) PRESENTATION BY THE SOUTH LAKE COUNTY FIRE PROTECTION DISTRICT REGARDING THE REGIONAL TRAINING FACILITY PROJECT AND CONSIDERATION OF REQUEST FOR THE COUNTY TO PROVIDE FUNDING FOR THIS PROJECT; and (b) CONSIDERATION OF ENDORSEMENT BY THE BOARD OF SUPERVISOR FOR A COUNTY EMERGENCY RESPONSE TEAM (CERT) PROGRAM** Mr. Mike Wink, Mr. Robert MacIntyre and Mr. Mark Reina, representatives of South Lake County Fire Protection District were present.

Mr. Wink gave a power-point presentation on the proposed emergency services training facility that will be constructed at the Middletown Fire Station.

Mr. MacIntyre gave an overview of the County Emergency Response Team (CERT) Program. CERT members are a volunteer resource that can assist with public safety activities. They are trained to respond to emergencies and disasters, assist with evacuations and traffic control, promote community awareness of potential hazards and preparedness measures and supplement staffing at special events.

There was no action taken on this item.

15. **ITEM A-16 - CLOSED SESSION - 1. Conference With Legal Counsel - Existing Litigation (Subdivision (a) of Section 54956.9) Name of Case: County v. John Nady; and**

Sitting as the Board of Directors of IHSS Authority - 2. Conference with Labor Negotiator, (a) Agency Negotiator: F. Buchanan and (b) Employee Organization: UDWA - 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 3:25 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board