



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD FEBRUARY 22, 2005

The Honorable Board of Supervisors of Lake County, California, met in regular session this 22nd 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, Dr. George McQueen led the salute to the flag of the United States of America.

Chair Robey announced that today is Groundhog Job Shadow Day, and the following high school students will be shadowing the Supervisors: Mr. Jonathan Peterson will be shadowing Supervisor Smith, Mr. Ales Fincher will be shadowing Supervisor Lewis, Mr. Jason Carr will be shadowing Supervisor Farrington, Mr. Ricky Gutierrez will be shadowing Supervisor Brown and Ms. Veronica Arroyo will be shadowing Chair Robey.

1. **ITEM A-1 - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Lewis and by vote of the Board (4ayes, Supervisor Robey ABSENT), approved Consent Agenda Items C-1 through C-13, with the exception of Consent Item C-9, which will be taken up immediately following the approval of the Consent Agenda.

Approved Minutes of the Board of Supervisors Meetings held on January 25 and February 1, 2005. (The January 25, 2005, Minutes were previously approved on January 15, 2005).

Adopted proclamation commending Eleanor Harr on her retirement from County service.

Adopted proclamation designating the week of February 20 through 26, 2005, as National Engineers' Week in Lake County.

Adopted proclamation designating February 22, 2005, as Job Shadow Day.

Appointed Chuck Leonard, to the Lake County Vector Control District Board of Directors to fill an unexpired term ending January 1, 2006.

Appointed Dennis Yows, to the Clearlake Advisory Sub-Committee, for a term expiring on January 1, 2007.

Appointed Robert Suenram, to the Fish and Wildlife Advisory Committee, for a term expiring on January 1, 2007.

Appointed Annette Wilson, to the Social Services Advisory Board, for a term expiring on January 1, 2007.

Awarded Bid No. 05-23, to R & C Construction, in the amount of \$196,700, for construction of District 3 Road Maintenance Facility at 1275 West Highway 20, Upper Lake, and approved Agreement between the County of Lake and R & C Construction, for construction of District 3 Road Maintenance Facility at 1275 West Highway 20, Upper Lake, and authorized the Chair to sign.

Approved request for advanced step hiring (Career Level) of a Social Worker III (Barbara Thompson), based on a finding of extraordinary qualifications per the February 9, 2005, Memorandum from the Social Services Director.

Sitting as the Board of Directors of Kelseyville County Waterworks District #3, approved Easement Deeds and directed Clerk to certify for recordation (APN 008-026-05 - John David; APN 08-023-23 - Myron Holdenried and Marilyn Holdenried; and APN 08-023-07 - Maryka Orchards; and approved Right-of-Way Agreements between Kelseyville County Waterworks District #3 and John David, Myron Holdenried and Marilyn Holdenried and Maryka Orchards, for the Kelseyville Water Project, and authorized the Chair to sign.

Sitting as the Board of Directors of Kelseyville County Waterworks District #3, approved Easement Deeds and directed Clerk to certify for recordation (APN's 008-038-26 and 008-038-19 - John M. Montelli - trustee, Connie Montelli - trustee, Dan N. Montelli and Jan Montelli) and approved Right-of-way Agreements between John M. Montelli - trustee, Connie Montelli - trustee, Dan N. Montelli and Jan Montelli, for the Kelseyville Water Project, and authorized the Chair to sign.

CONSENT ITEM C-9 - CONSIDERATION OF PROPOSED FIRST AMENDMENT TO CONTRACT BETWEEN THE COUNTY OF LAKE AND DAZZLING JANITORIAL SERVICES, TO PROVIDE JANITORIAL SERVICES TO THE HEALTH SERVICES DEPARTMENT - Supervisor Farrington had questions regarding the request from the contractor for a retroactive 3% cost of living adjustment for the period from October 1, 2004 to September 30, 2005, and requested that this item be pulled from the Consent Agenda for further discussion.

Supervisor Farrington made a motion to approve the First Amendment to Contract between the County of Lake and Dazzling Janitorial Services, to provide janitorial services to the Health Services Department, amending the retroactive 3% cost of living adjustment for the period of December 1, 2004 through September 30, 2005, and authorize the Chair to sign. Supervisor Farrington withdrew his motion in order to allow input from Health Services Director Ruth Lincoln regarding the retroactive 3% cost of living adjustment back to October 1, 2004.

This item was continued to later in the day.

2. **ITEM A-4 - 9:06 A.M. - PUBLIC HEARING - PLANNING COMMISSIONS' RECOMMENDATION FOR APPROVAL OF ZONING ORDINANCE AMENDMENTS FOR THE COUNTY OF LAKE TO AMEND THE LAKE COUNTY ORDINANCE CODE SECTION 21-45.20, CHAPTER 21 (ZONING ORDINANCE) PERTAINING TO OUTDOOR ADVERTISING AND OFF-SITE SIGNS** - Community Development Director Mary Jane Fagalde and Principal Planner Rick Coel were present.

Ms Fagalde gave an overview of the proposed amendments pertaining to outdoor advertising and off-site signs as follows:

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Section 45.22 - Off-site outdoor advertising (billboard) signs are permitted in the "C2", "C-3", "M1", "M2" and "PDC" districts within one thousand (1,000) feet of a community boundary as set forth in Maps B through L which are attached hereto as Exhibit A and are incorporated herein as if fully set forth, subject to first obtaining a major use permit in each case; and subject to the following regulations:

- (a) No more than four hundred (400) square feet in area per face.
- (b) One (1) sign per lot maximum.
- (c) Maximum sign height from ground level to bottom of sign: twelve (12) feet.
- (d) Signs shall be non-illuminated or illuminated by indirect lighting.
- (e) Design to be approved by the Planning Commission, consistent with developed sign design standards.

Section 45.23 - Off-site outdoor (billboard) signs other than community identification signs as defined in Section 45.16 are not permitted in the "SC" Scenic Combining District. One (1) permanent category sign or no more than two (2) temporary category signs not more than ten (10) square feet in area each may be permitted subject to approval of a minor use permit and subject to the following:

- (a) One (1) permanent category sign or up to two (2) temporary (in place no more than 4 months within a 12 month period) category signs, each not more than ten (10) square feet in area, carrying words or symbols to denote "Roadside Business"; "Food-Lodging-Gas"; "Resort Area"; "Produce"; or similar words or symbols which may identify an individual person, firm or place of business. Category signs shall be generally uniform in size, shape, lettering and appearance, to a design approved by the Community Development Department.

Chair Robey opened the public hearing and the following persons spoke: Mr. Phil Murphy and Mr. Jim Moravec.

The public hearing was continued to March 8, 2005, at 10:15 a.m.

After a short recess, the Board reconvened at 10:16 a.m.

3. **ITEM A-5 - 9:45 A.M. - PRESENTATION OF PROCLAMATION COMMENDING ELEANOR HARR ON HER RETIREMENT FROM COUNTY SERVICE** - Supervisor Lewis read the proclamation into the record. The proclamation was presented to Eleanor Harr.
4. **ITEM A-6 - 9:50 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE WEEK OF FEBRUARY 20 THROUGH 26, 2005, AS NATIONAL ENGINEERS' WEEK IN LAKE COUNTY** - Supervisor Brown read the proclamation into the record. The proclamation was presented to Public Works Director Gerry Shaul.
5. **ITEM A-11 - PRESENTATION OF PROCLAMATION DESIGNATING FEBRUARY 22, 2005, AS JOB SHADOW DAY** - Supervisor Smith read the proclamation into the record. The proclamation was presented to Dr. George McQueen.

BACK TO #1 - CONSENT ITEM C-9 - CONSIDERATION OF PROPOSED FIRST AMENDMENT TO CONTRACT BETWEEN THE COUNTY OF LAKE AND DAZZLING JANITORIAL SERVICES, TO PROVIDE JANITORIAL SERVICES TO THE HEALTH SERVICES DEPARTMENT - On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the First Amendment to Contract between the County of Lake and Dazzling Janitorial Services, to provide janitorial services to the Health Services Department, amending the retroactive 3% cost of living adjustment for the period of December 1, 2004 through September 30, 2005, and authorized the Chair to sign.

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

6. **ITEM A-7 - 10:00 A.M. - UPDATE ON THE FULL CIRCLE PROJECT AND CONSIDERATION OF ANY NECESSARY ACTION** - Special Districts Administrator Mark Dellinger was present and gave an overview of the project, which included the following:

Goals

1. Eliminate wastewater stresses to Clear Lake.
2. Use effluent recycling to support economic development and environmental protection, including geothermal energy production, agricultural production and ecosystem restoration.

Accomplishments

1. Approximately 60% of all Clear Lake basin effluent sources are now connected for recycling.
2. Wastewater reuse is supporting 70 MW of geothermal generation at the Geysers, wetlands restoration in North Lakeport, and vineyard irrigation in Kelseyville.
3. Preliminary engineering and environmental review of Kelseyville improvements have been paid by \$1.5 million in federal funds.

Engineering

1. Preliminary design. A preliminary design report (PDR) has been completed for a system connecting Kelseyville and Lakeport with Lower Lake (where it interconnects to the existing Geysers system). The initial priority is bringing Kelseyville into regulatory compliance, and using it as a foundation for developing the entire Full Circle system. For the sake of thoroughness, the PDR has also been peer reviewed to confirm the soundness of the design concept and cost estimates.
2. Alternatives. The PDR alternatives include pipeline to upper ponds, plant upgrades, pumping and storage, tertiary treatment, Clear Lake intake, Lakeport tertiary and connections, effluent pipeline to Highway 29 and effluent pipeline to Lower Lake.
3. Final Design. An engineer has been competitively selected and is ready to proceed with final design of the first Kelseyville improvement package using approximately \$1 million of federal funding already in-hand (this is DOE funding that assumes Full Circle implementation).

Environmental

1. DOE memorandum of agreement. LACOSAN has entered into a Memorandum of Agreement with U.S. DOE for preparation of a joint NEPA/CEQA environmental assessment and impact report.
2. Scoping. A public scoping meeting was held on February 11, 2005, to solicit agency and citizen input on issues to be examined during the environmental review process.

Schedule

1. 2005 - environmental review Stages 1-3; final design Stage 1; permitting Stage 1.

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2. 2006 - construction Stage 1.
3. 2007 - start up Stage 1; implementation continues for Stages 2 and 3.

Stakeholder Agreements

1. City of Lakeport. LACOSAN is in discussion with the City on an agreement-in-principle covering the City's treatment plan connection to Kelseyville.
2. Yolo County. It will be necessary to amend Lake County's 1995 agreement with Yolo County that provides for Clear Lake water to supplement Geysers injection, to allow for a second lake intake near Kelseyville and vineyard end-use of lake water in addition to Geysers injection.
3. Agricultural Customers. LACOSAN is in discussion with vineyard operators near Kelseyville, and has received positive interest in purchasing the project's recycled water.

Funding Sources

1. Local - Kelseyville (SRF loan) and City of Lakeport.
2. State - Small Community, Water Recycling and Integrated Regional.
3. Federal - Department of Energy (in-hand), EPA, USDA Rural Utilities, Economic Development Administration and Corps of Engineers.

There was no action taken on this item.

7. **ITEM A-8 - 11:00 A.M. - DISCUSSION/CONSIDERATION OF POSSIBLE REORGANIZATION OF LAKE COUNTY PUBLIC WORKS DEPARTMENT AND FORMATION OF SEPARATE DEPARTMENT FOR WATER RESOURCE RELATED PROGRAMS** - Public Works Director Gerry Shaul was present.

This item was continued to March 8, 2005, at 10:45 a.m.

8. **ITEM A-18 - Continued From February 15, 2005 - DISCUSSION AND APPROVAL OF COUNTY'S FEDERAL FUNDING REQUESTS FOR FEDERAL FISCAL YEAR 2006** - Public Works Director Gerry Shaul and Special Districts Administrator Mark Dellinger were present.

The following is a draft summary of Federal funding priorities for Federal Fiscal Year 2006:

1. Funding for development of the Full Circle Clean Water project to upgrade the Kelseyville wastewater disposal system, provide for water reclamation and reuse, and protect the water quality of Clear Lake.
2. Funding for the Army Corps of Engineers to remain the federal sponsor for the Middle Creek Ecosystem Restoration Project.
3. Funding for the Clear Lake Non-Hydrilla Weed Program.
4. Funding for maintenance and repairs to County roads.
5. Funding for earthquake retrofit of Lower Lake Historic Schoolhouse Museum building.
6. Funding for Lucerne-Alpine Senior Citizens Center building.
7. Funding for general improvements to existing senior centers and senior programs.
8. Funding for local law enforcement agencies to effectively combat the illegal use of methamphetamines in Lake County.
9. Funding for establishment of a United States Post Office in the Hidden Valley area of South Lake County.

Supervisor Lewis made a motion to make the County's top priority be funding for the Army Corps of Engineers to remain the federal sponsor for the Middle Creek Ecosystem Restoration Project. Motion failed due to lack of second.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Lewis NO), approved summary as presented, for Federal funding priorities for Federal Fiscal Year 2006.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved letter to Congressman Thompson stating appreciation for his efforts to secure a \$4 million appropriation in the federal transportation bill for Lake County's Soda Bay Road/South Main Street road improvement project, and request that he continue his efforts to obtain Congressional authorization for this funding in the final federal transportation bill, and authorized the Chair to sign.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved letters to Federal representatives, requesting support of funding for the Kelseyville wastewater disposal system and the Full Circle Project, and authorized the Chair to sign.

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Brown NO), approved letters to Federal representatives requesting support of funding for the Middle Creek Ecosystem Restoration Project, and authorized the Chair to sign.

9. **ITEM A-9 - 1:30 P.M. - UPDATE ON STATE LEGISLATION TO DESIGNATE PORTIONS OF CACHE CREEK AS WILD AND SCENIC AND REQUEST BOARD DIRECTION REGARDING THE DESIGNATION OF PORTIONS OF CACHE CREEK AS WILD AND SCENIC** - Assistant Director of Public Works Bob Lossius was present and gave a brief overview of the designation of portions of Cache Creek as Wild and Scenic. For several years there has been an ongoing discussion at the local, State and Federal level as to whether portions of Cache Creek should be designated as a State or Federal Wild and Scenic Creek. The Federal designation of Cache Creek as Wild and Scenic was withdrawn from the Federal legislation. However, for the last couple of years Assembly Member Lois Wolk, has been developing State legislation that would designate portion of Cache Creek as State Wild and Scenic. Staff in Lake and Yolo Counties have a number of concerns regarding the impact of State legislation and have been developing alternative legislation that would provide some of the same protection but maintain local control. Staff has recently been meeting with Assembly Member Wolk, her staff, Assembly member Lamalfa's staff and representatives from Yolo and Lake Counties to propose alternative legislation for Assembly Member Wolk. However, despite this effort, it is staffs' understanding that Assembly member Wolk has submitted draft legislation to Legislative Counsel that will designate portions of Cache Creek as State Wild and Scenic, from below Cache Creek Dam down to Camp Haswell, just above Rumsey, and on North Cache Creek from Indian Valley Reservoir to the confluence with Cache Creek. Some of staffs' concerns, that need further discussion are as follows:

The lack of local control once designated as State Wild and Scenic, State designation leading to Federal designation, the ability to manage stream flow for flood management impacts, the ability to comply with the Mercury TMDL, eradication of non-native invasive plants and impact to future water rights upstream of the designed area.

Ms. Kathleen Kelly, representative for Assembly Member Patty Berg was also present and stated that Assembly Member Berg at this time, has not endorsed and/or supported Assembly Member Wolk's legislation designating Cache Creek as Wild and Scenic.

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Chair Robey asked if anyone present wished to speak and the following persons spoke: Ms. Victoria Brandon, Mr. Chuck March, Ms. Julianna Vidich, Ms. Clara Arndt, Ms. Lynn Fischbein, Mr. Phil Murphy, Mr. Ken Roberts, Ms. Katherine Harris and Mr. Chuck Lamb. No one else was present wishing to speak and the public portion of this item was closed.

10. **ITEM A-12 - CONSIDERATION OF PROPOSED TRANSFER OF RISK MANAGEMENT FUNCTION FROM COUNTY ADMINISTRATIVE OFFICE TO COUNTY COUNSEL** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the transfer of Risk Management from the County Administrative Office to County Counsel's office, directed the Office Space Committee to review existing office space allocations on the third floor of the Courthouse and assign additional space to County Counsel's office in order to accommodate the new Risk Management staff positions.

Supervisor Brown offered Resolution No. 2005-30 (A Resolution amending Resolution No. 2004-140, establishing position allocations for Fiscal Year 2004-2005, County Counsel, adding one Deputy County Counsel I/II/III position and one Risk Analyst I position), and it was passed by a roll-call vote (5 ayes)

11. **ITEM A-13 - PROPOSED ORDINANCE AMENDING ARTICLE XIX OF CHAPTER 2 OF THE LAKE COUNTY CODE CONCERNING THE USE OF COUNTY OWNED VEHICLES** - On motion of Supervisor Farrington 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 Farrington and by vote of the Board (5 ayes), advanced the ordinance two weeks to March 8, 2005.

12. **ITEM A-14 - OVERVIEW OF THE AMERICANS WITH DISABILITIES ACT (ADA) AND UPDATE ON DISABILITIES ACCESS PROJECTS** - Public Services Director Kim Clymire and Facilities Maintenance Superintendent Bobby Allen were present.

Mr. Clymire gave an overview of ADA requirements for access to County facilities.

Mr. Allen presented a power-point presentation on improvements that have been made to County facilities including the following: Lakeport Library Building, Courthouse Annex Building, Upper Lake Justice Court Building, Courthouse, Public Service's Building, Lower Lake Schoolhouse Museum, Redbud Library Building, Victim Witness Building, Lower Lake Building & Safety Building, Kelseyville Justice Court Building, Evidence Building, Lower Lake Museum, South Shore Civic Center Building, District Attorney's Building, Alpine Park, Lower Lake Park, Clearlake Oaks Park, Visitor Center Building Remodel, Keeling Park, Upper Lake Park, Lakeside County Park, Lower Lake Museum parking lot, Health Department, South Shore Health Department and AODS.

The presentation also showed these improvements including the following: Additional parking spaces, book drops, automatic doors, drinking fountain, men's, women's and unisex restrooms (toilet, grab bars, sinks, door closer, mirrors and dispensers), ramps, handrails, automatic door openers for exterior & interior, enlarged door opening, built new partition wall and door, elevator constructed, lever door handles, built a new breakroom, sidewalks, curbs, gutters, boat dock and breakwater, constructed an ADA conference room, installation of playground equipment, automatic entrances, wireless intercoms, infrared flushometers, installed additional signs on outside and inside of Courthouse for public entrance access and increased restroom signage.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved Memorandum to all County Department Heads requesting that staff be made aware of the requirements of the ADA and that employees be sensitive to special needs of individuals with disabilities and the location of ADA entrances and exits to each of the County buildings in which they regularly work.

13. **ITEM A-15 - DISCUSSION/CONSIDERATION OF REQUEST FROM PUBLIC SERVICES FOR THE PARKS DIVISION TO ACQUIRE THE UPPER LAKE ROAD YARD** - Public Services Director Kim Clymire and Public Works Director Gerry Shaul were present.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved the request from Public Services, Parks Division, to acquire the Upper Lake Road Yard at a cost to the County's General Fund of \$100,000 to be paid by forgiving \$100,000 of the \$200,000 loan the County has already made to the Road Division from the General Fund in Fiscal Year 2004/2005. This transaction will be contingent upon there being no clouds on the property, including any contamination from storage tanks.

14. **ITEM A-17 - CONSIDERATION OF PROPOSED RESOLUTION AMENDING RESOLUTION NO. 2004-140 ESTABLISHING POSITION ALLOCATIONS FOR FISCAL YEAR 2004-2005, BUDGET UNIT NO. 2110 - DISTRICT ATTORNEY (ADDING ONE DEPUTY DISTRICT ATTORNEY I/II/III POSITION, UNTIL SUCH TIME AS AN EMPLOYEE ON EXTENDED LEAVE OF ABSENCE RETURNS TO FULL-TIME WORK)** - The following amendment was made to the resolution:

Supervisor Lewis offered Resolution No. 2005-31, as amended, and it was passed by a roll-call vote (5 ayes).

15. **ITEM A-16 - CONSIDERATION OF PROPOSED RESOLUTION TO APPROPRIATE UNANTICIPATED REVENUE FOR BUDGET UNIT NO. 4015 - ALCOHOL AND OTHER DRUG SERVICES, FOR ADDITIONAL FUNDING IN THE AMOUNT OF \$101,519.43 (RECEIVED FROM THE STATE DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS), FOR TREATMENT SERVICES PROVIDED TO THE DRUG MEDI-CAL ELIGIBLE AND OUTPATIENT DRUG FREE (NNA) CLIENT POPULATION** - Health Services Director Ruth Lincoln was present.

The Board requested additional information regarding what the inventory items are that are going to be purchased and what are the professional and specialized services that are to be provided.

This item was continued to March 8, 2005, for further consideration.

16. **ITEM A-19 - CLOSED SESSION - 1. Public Employee Performance Evaluation, Titles: Special Districts Administrator, Registrar of Voters and 2. Conference With Legal Counsel - Existing Litigation (Subdivision (a) of Section 54956.9) (a) Name of Case: Paget v. County et. al.** - 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 4:46 p.m.

By: _____
Georgine Hunt
Assistant Clerk of the Board