



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD JULY 26, 2005

The Honorable Board of Supervisors of Lake County, California, met in regular session this 26th day of July, 2005, there being present Supervisors Jeff Smith, 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 9:03 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 Lewis and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-11, with the exception of Consent Item C-6, which will be taken up later today.

Approved Minutes of the Board of Supervisors meetings held on June 5 and 12, 2005.

Approved Agreement between the County of Lake and Karen Maresca MacDougall, for consultation services to prepare the Mental Health Services Act (MHSA) Three-Year Plan for community services and support for Lake County Mental Health, and authorized the Chair to sign.

Approved Engineering and Inspection Agreement between County of Lake and Rim Rock Ranch Vineyard Estates, for review of plans and specifications for a Tentative Parcel Map, located at 20600 Hartmann Road, Middletown, and authorized the Chair to sign.

Adopted Resolution No. 2005-129, declaring intent to vacate a public lake access easement (to Clear Lake), in the Paradise Valley Subdivision, in the County of Lake, and set public hearing on August 23, 2005, at 9:15 a.m.

Approved the Group Health Insurance Committee's recommendation to continue with the Calpers Health Insurance Program for the 2006 Calendar Year.

Approved Agreement between the County of Lake and Regents of the University of California, Davis, for training services, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Sutter Lakeside Hospital, for services of a County Eligibility Worker, and authorized the Chair to sign.

Approved additional distribution of excess proceeds from Tax Sale #142 per Section 4675 of the Revenue and Taxation Code, as recommended in Memorandum dated July 15, 2005, from Treasurer-Tax Collector Kay Lytton.

Adopted Resolution No. 2005-130, accepting the dedication of roadway easement in the County of Lake, Gordon Springs Subdivision No. 1.

Sitting as the Board of Directors of Lake County Watershed Protection District, adopted Resolution No. 2005-131, accepting and confirming ballot tabulation (majority protest) for the modification of Zone 5 boundaries, implement a new groundwater project, proposed assessment district and assessments for Zone 5.

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

EXTRA #1 - APPROVE LETTER(S) OF SUPPORT FOR PROPOSED LEGISLATION THROUGH PORAC FOR PROCESSING MISDEMEANOR SEX CRIME COMPLAINTS AND THE MAINTENANCE OF SUCH COMPLAINTS AND CONVICTIONS BY THE COURTS; and (b) APPROVE LETTER(S) OF SUPPORT FOR PROPOSED LEGISLATION THAT WOULD CHANGE POSSESSION OF CHILD PORNOGRAPHY FROM THE CURRENT MISDEMEANOR STATUS TO A FELONY - The Board could not make a determination that this item was an emergency situation and it will be placed on the August 9, 2005, agenda, for consideration.

Supervisors Lewis and Brown were absent at 9:22 a.m.

3. **CITIZEN'S INPUT** - Ms. Kim Le and Mr. John Jenkel each stated that they are appalled by Supervisors Lewis and Brown inappropriate behavior during Citizen's Input and they should not be allowed to leave the meeting when a citizen is speaking.

Supervisors Lewis and Brown were present at 9:26 a.m.

4. **ADDENDUM-1 - Continued From July 19, 2005 - (a) REVIEW OF BOARD'S POSITION ON EXCHANGE OF TRIBAL TRUST LANDS IN CONNECTION WITH THE MIDDLE CREEK FLOOD DAMAGE REDUCTION AND ECOSYSTEM RESTORATION PROJECT; and**

(b) CONSIDERATION OF REQUEST FOR OUT-OF-STATE TRAVEL TO WASHINGTON D.C., FOR ONE BOARD MEMBER AND ASSISTANT PUBLIC WORKS DIRECTOR BOB LOSSIUS, TO PROVIDE TESTIMONY TO CONGRESS CONCERNING LEGISLATION THAT WILL BE CONSIDERED BY THE U.S. SENATE PRIOR TO THE CONGRESSIONAL SUMMER BREAK, WHICH BEGINS AUGUST 1, 2005, (TESTIMONY WILL PERTAIN TO THE COUNTY'S POSITION ON THE EXCHANGE OF TRIBAL TRUST LANDS IN CONNECTION WITH THE MIDDLE CREEK FLOOD DAMAGE

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REDUCTION AND ECOSYSTEM RESTORATION PROJECT) - Robinson Rancheria's General Manager Scott Sirios was present.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), confirmed the Board's support on the exchange of tribal trust lands and authorized Supervisor Lewis to provide testimony to Congress, contingent upon the following two conditions: (1) that Robinson Rancheria provide a signed agreement with the County, for collection and payment of TOT taxes; and (2) that Robinson Rancheria provide a signed Memorandum of Understanding with the County, to cover the cost of the County's tax loss from the exchange of the three parcels.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved out-of-state travel to Washington D.C., for Supervisor Lewis and Assistant Public Works Director Bob Lossius, to provide testimony to Congress concerning legislation that will be considered by the U.S. Senate prior to the Congressional Summer Break, which begins August 1, 2005, all travel expenses will be paid for by Robinson Rancheria (testimony will pertain to the County's position on the exchange of tribal trust lands in connection with the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project).

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

5. **ITEM A-4 - 9:15 A.M. - PUBLIC HEARING - PROPOSED PURCHASE OF REAL PROPERTY LOCATED AT 6273 EAST HIGHWAY 20, LUCERNE, CA (THE KENNETH D. and EVA JEANNE SIDWELL TRUST - APN 034-191-15), FOR THE ESTABLISHMENT OF THE PROMENADE IN LUCERNE** - Administrative Officer Kelly Cox gave a brief overview of the purchase. In March of this year, the Board authorized staff to pursue the acquisition of the additional parcels for the Promenade Project in Lucerne. This property is at the end of 13th Avenue and is one of the first priority acquisitions. However, in this case the owners have asked that the County lease the property back to them until October 1, 2005. Staff has agreed to lease back the property, subject to approval to purchase the property by the Board.

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

Director Lewis offered Resolution No. 2005-03 (RD), and it was passed by a roll-call vote (4 ayes, Director Brown NO).

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

6. **ITEM A-5 - 9:30 A.M. - CONSIDERATION OF REQUEST TO USE THE LOWER LAKE MUSEUM DURING THE MONTH OF SEPTEMBER AND THE REDBUD LIBRARY DURING THE MONTH OF OCTOBER, FOR A PHOTO EXHIBIT BY PHOTOJOURNALIST TAKASHI MORIZUMI ENTITLED "CHILDREN OF THE GULF WAR"** - Ms. Lyn Fischbein was present and gave a brief overview of the photo exhibit.

Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Ms. Jessica Walsh, Mr. Tom Slate, Mr. John Jensen and Ms. Joan Moss. No one else was present wishing to speak and the public portion of this item was closed.

Chair Robey stated that a Memorandum was received, dated July 22, 2005, from Public Services Director, opposing the display at the Lower Lake Museum, but if the photographs could be displayed for people who want to see them and who know what they are going to be exposed to, and if there was a proper way of displaying them, he would be in support of having the exhibit placed in the Lower Lake Museum.

Supervisor Farrington made a motion to allow the photo exhibit to be displayed in the Lower Lake Museum, motion failed due to vote (2 ayes, Supervisors Smith, Lewis and Brown NO).

Ms. Fischbein stated that she did not contact the County Librarian regarding the exhibit.

This request to have the exhibit displayed in Redbud Library will be considered later today.

After a short recess, the Board reconvened at 10:51 a.m.

The Board of Supervisors adjourned and reconvened as the Board of Directors of Lake County Air Quality Management District.

7. **ITEM A-6 - 10:00 A.M. - CONSIDERATION OF PROPOSED AMENDMENTS TO AIR QUALITY MANAGEMENT DISTRICT'S RULES AND REGULATIONS TO IMPLEMENT A COUNTY-WIDE UNIFORM OPEN WASTE BURNING PERMIT FEE, AND DELEGATION TO FIRE AGENCIES TO RETAIN BURN PERMIT FEES** - Air Pollution Control Officer Bob Reynolds and Deputy Air Pollution Control Officer Ross Kauper were present.

Mr. Reynolds gave a power-point presentation on lot clearing and open waste burning, which included residential and agricultural properties and Smoke Management Plans.

Mr. Kauper gave a power-point presentation on the Burn Program costs and the proposed fee evaluation for lot clearing of agricultural and residential properties.

Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Mr. Francis Schutz, Mr. Philip Murphy, Mr. Tom Slate, Mr. Tim Prather, Mr. Chuck March, Mr. Russ Greenwald and Mr. Arnold Polly. No one else was present wishing to speak and the public portion of this item was closed.

This item was continued to August 9, 2005, at 3:00 p.m., for further consideration.

The Board of Directors of Lake County Air Quality Management District adjourned and reconvened as the Board of Supervisors.

8. **ITEM A-7 - 11:00 A.M. - CONSIDERATION OF RECOMMENDATION FROM THE CONSULTANT SELECTION BOARD (CSB) AND REQUEST TO AUTHORIZE SOCIAL SERVICES DIRECTOR CAROL HUCHINGSON TO ENTER INTO LEASE NEGOTIATIONS WITH PAUL FORRESTER AND RUFF AND ASSOCIATES, FOR OFFICE FACILITIES TO BE CONSTRUCTED AT 947 BEVINS COURT, LAKEPORT** - Social Services Director Carol Huchingson was present.

Chair Robey asked if anyone present wished to speak on this item and Mr. Philip Murphy spoke. 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), authorized Social Services Director Carol Huchingson to enter into lease negotiations with Paul Forrester and Ruff and Associates, for office facilities to be constructed at 947 Bevins Court, Lakeport.

9. **ITEM A-8 - 11:30 A.M. - PUBLIC HEARING - PLANNING COMMISSIONS' RECOMMENDATION FOR APPROVAL OF A REZONE (RZ 04-09) PROPOSED FOR PROVIDENCE HOMES, INC., REZONING LANDS CONSISTING OF 14 ACRES FROM "R1-RD-FF" (SINGLE-FAMILY RESIDENTIAL-RESIDENTIAL DESIGN REVIEW-FLOODWAY FRINGE) AND "RR-**

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FF" (RURAL RESIDENTIAL FLOODWAY FRINGE) TO "PDR-DR-FF" (PLANNED DEVELOPMENT RESIDENTIAL-DESIGN REVIEW-FLOODWAY FRINGE) AND "O-WW-FF" (OPEN SPACE-WATERWAY-FLOODWAY FRINGE) AND A GENERAL PLAN OF DEVELOPMENT (GPD 04-01) FOR THE CREATION OF 30 RESIDENTIAL LOTS ON 14 ACRES; AND THE ADOPTION OF A NEGATIVE DECLARATION FOR RZ 04-09, BASED ON THE INITIAL STUDY 04-36; LOCATED AT 18765 HARTMANN ROAD, MIDDLETOWN, CA (APN 014-260-24) - Community Development Director Mary Jane Fagalde and Associate Planner Catherine Young were present.

Ms. Katherine McDowell, representing the Providence Homes, Inc., was also present.

Ms. Young gave a brief overview of the rezone. The applicant is requesting a rezone of lands consisting of 14 acres from "R1-RD-FF" (Single-Family Residential-Residential Design Review-Floodway Fringe) and "RR-FF" (Rural Residential-Floodway Fringe) to "PDR-DR-FF" (Planned Development Residential-Design Review-Floodway Fringe) and "O-WW-FF" (Open Space-Waterway-Floodway Fringe) and a General Plan of Development (GPD 04-01) for the creation of 30 residential lots.

Chair Robey opened the public hearing and Ms. Diana Mann spoke. No one else was present wishing to speak and the public hearing was closed.

The gavel was passed to Vice-Chair Farrington.

On motion of Supervisor Robey and by vote of the Board (5 ayes), found on the basis of Initial Study No. 04-36, that the general plan amendment and rezoning applied for by PLK Hartman, LLC, will not have a significant effect on the environment and therefore adopted a negative declaration for the proposed general plan of development and rezoning with the finding list in the Board Memorandum dated July 21, 2005.

On motion of Supervisor Robey and by vote of the Board (5 ayes), the environmental effect of this general plan of development has been reviewed and considered, as set forth in the proposed Mitigated Negative Declaration, which has been prepared for this project and approved the proposal for the reasons listed in the Board Memorandum dated July 21, 2005.

On motion of Supervisor Robey 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 Robey offered Ordinance No. 2743, and it was passed by a roll-call vote (5 ayes).

The gavel was passed back to Chair Robey.

10. ITEM A-13 - CONSIDERATION OF APPROVAL OF DRUG ENFORCEMENT ADMINISTRATION MARIJUANA ERADICATION AGREEMENT BETWEEN THE COUNTY OF LAKE AND DRUG ENFORCEMENT ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF JUSTICE, IN THE AMOUNT OF \$76,500 - Sheriff Rodney Mitchell was present.

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

Supervisor Robey stated that in the past he has taken a position against this program, and again he will be voting no on this item.

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Robey NO), approved the Drug Enforcement Administration Marijuana Eradication Agreement between the County of Lake and Drug Enforcement Administration of the United States Department of Justice, for marijuana eradication, in the amount of \$76,500, and authorized the Chair to sign.

BACK TO #6 - ITEM A-5 - 9:30 A.M. - CONSIDERATION OF REQUEST TO USE THE LOWER LAKE MUSEUM DURING THE MONTH OF SEPTEMBER AND THE REDBUD LIBRARY DURING THE MONTH OF OCTOBER, FOR A PHOTO EXHIBIT BY PHOTOJOURNALIST TAKASHI MORIZUMI ENTITLED "CHILDREN OF THE GULF WAR" - Ms. Lyn Fischbein was present.

Chair Robey stated that a Memorandum was received, dated July 26, 2005, from County Librarian Kathy Jansen, stating that she has no objection to the exhibit being displayed at Redbud Library.

This item will be brought back to the Board later today for further consideration to display the exhibit at the Lower Lake Museum.

The Board adjourned for lunch at 12:59 p.m. and reconvened at 1:44 p.m.

11. CONSENT ITEM C-6 - CONSIDERATION OF AWARD OF BID FOR THE LAKE AQUATIC HERBICIDE SPRAY PROGRAM TO CLEAN LAKES, INC., FOR TREATMENT OF PUBLIC ACCESS AREAS ON CLEAR LAKE, FOR A SUM NOT TO EXCEED \$15,495.62 - Supervisor Farrington stated that he had questions regarding the program, but during lunch he talked to Public Services Director Kim Clymire and his questions were answered.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), awarded the bid for the Lake Aquatic Herbicide Spray Program to Clean Lakes, Inc., for treatment of public access areas on Clear Lake, for a sum not to exceed previously, and authorized the Chair to sign Purchase Order No. 05-7011-19.

BACK TO #6 - ITEM A-5 - 9:30 A.M. - CONSIDERATION OF REQUEST TO USE THE LOWER LAKE MUSEUM DURING THE MONTH OF SEPTEMBER AND THE REDBUD LIBRARY DURING THE MONTH OF OCTOBER, FOR A PHOTO EXHIBIT BY PHOTOJOURNALIST TAKASHI MORIZUMI ENTITLED "CHILDREN OF THE GULF WAR" - Ms. Lyn Fischbein was present.

Public Services Director Kim Clymire was present and stated that he talked to Ms. Fischbein and has agreed that the graphic photographs will not be displayed and signs will be posted at the entrances to the Lower Lake Museum stating that the exhibit may be offensive to some people and may not be suitable for everyone's viewing.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), reconsidered the motion denying the display of the photo exhibit at the Lower Lake Museum that was previously made.

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Brown NO), allowed the use of the Lower Lake Museum during the month of September, and Redbud Library during the month of October, for a photo exhibit.

12. ITEM A-11 - CONSIDERATION OF APPOINTMENT TO THE LAKE COUNTY AIRPORT LAND USE COMMISSION - On motion of Supervisor Farrington and by vote of the Board (5 ayes), appointed Todd Falconer to the Lake County Airport Land Use Commission, for a term expiring on July 26, 2009.

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13. **ITEM A-12 - DISCUSSION/CONSIDERATION OF AN AMENDMENT TO THE TRANSPORTATION JOINT POWERS AGREEMENT, THAT WOULD ALLOW THE BOARD OF DIRECTORS OF THE LAKE TRANSIT AUTHORITY TO ADOPT ITS OWN BUDGET, AND THAT NO SEPARATE APPROVALS BY THE MEMBER ENTITIES SHOULD BE REQUIRED (THE AMENDMENT WOULD REMOVE THE PROVISION THAT BEFORE THE BUDGET CAN BE FINALIZED, IT REQUIRES APPROVAL OR RATIFICATION BY EACH MEMBER ENTITY)** - On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved in concept an amendment to the Transportation Joint Powers Agreement, that would allow the Board of Directors of the Lake Transit Authority to adopt its own budget, and that no separate approvals by the members' entities should be required, and the proposed amended Transportation Joint Power Agreement will be brought back to the Board at a later date for consideration.

14. **ITEM A-9 - 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 employee appeal of disciplinary action.

The Board reconvened into Regular Session and continued the employee appeal of disciplinary action hearing to August 16, 2005, at 1:30 p.m.

There being no further business, the Board adjourned at 2:16 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board