



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD JULY 5, 2005

The Honorable Board of Supervisors of Lake County, California, met in regular session this 5th day of July, 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 9:01 a.m. by Chair Robey. Following a moment of silence, 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-17.

Appointed Michael Powers to the Kelseyville Cemetery District Board of Trustees, for a term expiring January 1, 2009.

Appointed Barbara Ehr to the Mental Health Advisory Board, for a term expiring June 30, 2007.

Approved assignment of the County's Agreement with Lee's Vending Company to Canteen Services of Ukiah, effective July 1, 2005.

Authorized the expenditure of funds in the amount of \$2,000 from Courthouse Construction Trust Fund 457, for the purchase of an accordion-style partition that will be temporarily extended across the Fourth Floor hallway when juveniles are escorted into the courtroom and the construction of a small closet to house the partition when it is retracted.

Adopted Resolution No. 2005-118, approving Contract No. 05-0015c and authorizing execution thereof for the electronic submission of pesticide use data during Fiscal Year 2005-2006.

Authorized County employees to participate in the Blood Bank of the Redwoods Blood Drive scheduled for July 21, 2005.

Approved Engineering and Inspection Agreement between County of Lake and Kirk Fletcher, for review of plans and specifications for a Tentative Parcel Map, located at 4448 Hill Road, Lakeport, and authorized the Chair to sign.

Accepted Irrevocable Offers of Dedication for roadway and public utility purposes, to extend the public right-of-way for Callayomi Street, Middletown, (Kevin Harris and William Tobin); and directed Clerk to certify for recordation.

Approved Engineering and Inspection Agreement between County of Lake and Mark Laurence, for review of plans and specifications for a Tentative Parcel Map, located at 21125 Loconomi Road, Middletown, and authorized the Chair to sign.

Approved the waiver of the \$350 application fee to initiate the formation of a benefit zone under the Countywide County Service Area for Road Improvement/Maintenance Program, located within the Gordon Springs Subdivision No. 2.

Adopted Resolution No. 2005-119, accepting the dedication of roadway easement in the County of Lake, Gordon Springs Subdivision No. 2 (Dogwood Lane, Madrone Lane, Kelsey Creek Drive East and Kelsey Creek Drive West).

Approved Engineering and Inspection Agreement between County of Lake and Curtis Holdings, Inc., for review of plans and specifications for a development project, located at 9120 Main Street, Upper Lake, and authorized the Chair to sign.

Approved First Amendment to Contract between the County of Lake and Sutter Lakeside Community Services, for Lake County Child Abuse Prevention Intervention Treatment (CAPITt) services, and authorized the Chair to sign.

Adopted Resolution No. 2005-120, authorizing release of lien pursuant to Welfare and Institutions Code Section 17405 (G.D. and Nellie Salsbury).

Approved Contract between the County of Lake and the Lake County Office of Education, for the Lake County Pediculosis Anti-Lice Program, and authorized the Chair to sign.

Approved Second Amendment to Contract between the County of Lake and the Lake County Office of Education, for Community Based Family Resources and Support (CBFRS) services, and authorized the Chair to sign.

Sitting as the Board of Directors of Kelseyville County Waterworks District No. 3, adopted Resolution No. 2005-117, authorizing the Chair of Kelseyville County Waterworks District No. 3 to authorize the Lake County Sanitation District (on behalf of Kelseyville County Water District No. 3) and the Special Districts Administrator to submit an integrated Regional Water Management Implementation Grant Application to the California Department of Water Resources and State Water Resources Control Board to construct portions of the Full Circle Project.

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

EXTRA #1 - CONSIDERATION OF REQUEST FROM EVAN KILKEN (PACIFIC COAST ENTERTAINMENT), FOR AN ADMINISTRATIVE ENCROACHMENT PERMIT, TO CONDUCT A "PERSONAL WATERCRAFT" (JET SKI) RACE ON THE WATER OF CLEARLAKE (OFFSHORE WATER AT WILLOW POINT, LAKEPORT), FROM JULY 9-10, 2005 - On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved taking up this item due to the fact that the need arose after the posting agenda.

This item was considered as an extra for the following reasons:

Evan Kilken, the applicant for this encroachment permit, seeks to hold a personal watercraft closed course race on July 9, 2005 and July 10, 2005. Mr. Kilken successfully applied to the Lakeport City Council for permission to hold this event

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD JULY 5, 2005

several months ago, but neglected to make application to Lakebed Management until June 27, 2005. The necessary review and approval by the Sheriff's Department, the execution of an agreement addressing special conditions and instructions, and the provision of the required insurance coverage were completed on June 30, 2005. This item could not be placed on the next available agenda, which is July 12, 2005, and the race is to be held on July 9-10, 2005.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the request from Evan Kilken (Pacific Coast Entertainment), for Property Usage Permit and Administrative Encroachment Permit, to conduct a "Personal Watercraft" (jet ski) Race on the waters of Clearlake (offshore water at Willow Point, Lakeport), from July 7-10, 2005.

3. **CITIZEN'S INPUT** - Ms. Elizabeth Neylon spoke on the value of listening.

Ms. Raychel Bell addressed what she believed was inappropriate behavior by the Supervisors.

Mr. John Jenkel spoke on articles that were printed in the Lake County Record Bee.

4. **ITEM A-4 - 9:06 A.M. - (a) PUBLIC HEARING - APPEAL OF MARK LAURENCE (AB 05-02) OF PLANNING COMMISSION'S DENIAL OF A REQUEST FOR DEVIATION FROM ROAD IMPROVEMENT REQUIREMENTS IN CONJUNCTION WITH CONDITIONS OF AN APPROVED TENTATIVE PARCEL MAP (PM 03-06); THE PROJECT IS LOCATED AT 21125 LOCONOMI ROAD, MIDDLETOWN, CA (APN 014-140-07)** - Community Development Director Mary Jane Fagalde, Associate Planner Emily Minton and Special Projects Engineer Todd Mansell were present.

Mr. Mark Laurence was also present.

Ms. Minton gave a brief background report. The Planning Commission approved a tentative parcel map on February 24, 2005, for the creation of one ten-acre parcel and two five-acre parcels. The conditions of approval require that the applicant improve Loconomi Road to meet County Minor Road Standards (10-foot wide travel lanes with 2-foot wide shoulders, constructed of Class 2 aggregate base rock). The applicant requested that the Planning Commission grant a deviation to allow a reduction in standards to improve Loconomi Road to a twenty-foot width. On April 28, 2005, the Planning Commission denied the deviation citing the development potential on Loconomi Road.

Mr. Laurence stated that after all the weeds along the roadway had been cleared, the roadway is more than twenty-two feet in width and that he will improve the road with Class 2 aggregate base rock.

Mr. Mansell stated the roadway does meet the required width and if it is repaved with Class 2 aggregate base rock, it will meet the County Minor Road Standards. However, the County did not inspect or approve the drainage crossing and the crossing will need to be inspected. If the crossing is structurally safe, he believes all the conditions have been met.

Mr. Laurence agreed to construct a new crossing if the existing crossing is determined unsafe.

The Board determined that no deviation from road improvements was required.

Mr. Lawrence withdrew his appeal.

(b) CONSIDERATION OF REQUEST FOR REFUND OF FEE IN THE AMOUNT OF \$407, THAT WAS PAID BY MARK LAURENCE FOR THIS APPEAL HEARING - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the refund in the amount of \$407, that was paid by Mark Laurence for this Appeal Hearing.

5. **ITEM A-5 - 9:45 A.M. - CONSIDERATION OF REQUEST FOR A PAYROLL DEDUCTION OPTION FOR EMPLOYEES SUBSCRIBING TO PRE-PAID LEGAL SERVICES** - Ms. Jacqueline Craig, Mr. Bill Craig, Ms. Peggy Dimauro and Mr. Fred Langston were present.

Auditor-Control Pam Cochrane was also present.

Mr. Langston gave a brief overview of the pre-paid legal services that are available to County employees, and is requesting that the Board approve a payroll deduction option for employees subscribing to these services.

This item will be brought back to the Board at a later date for further consideration.

6. **ITEM A-6 - 10:00 A.M. - (a) PRESENTATION BY CANTREE DIRECTOR PHIL SMOLEY OF BOARD OF REALTORS CANTREE AWARD PLAQUES TO THE AUDITOR-CONTROLLER'S OFFICE, INFORMATION TECHNOLOGY DEPARTMENT, BUILDINGS AND GROUNDS AND TAX COLLECTOR'S OFFICE; and (b) CONSIDERATION OF REQUEST TO PLACE A PERMANENT PLAQUE IN THE COURTHOUSE DISPLAYING THE PAST AND PRESENT WINNERS OF THE CAN DRIVE** - Mr. Phil Smoley was present and gave a brief overview of the Cantree Can Drive. County employees have donated over \$50,000 in can goods. Mr. Smoley presented plaques to the Auditor-Controller's Office, Information Technology Department, Buildings and Grounds and the Tax Collector's Office.

There was consensus by the Board to allow a permanent plaque to be placed in the Courthouse displaying the past and present winners of the can drive.

After a short recess, the Board reconvened at 10:45 a.m.

7. **ITEM A-7 - 10:15 A.M. - UPDATE ON APPLICATION FOR PLANNING AND SERVICE AREA (PSA) DESIGNATION FOR OPERATION OF AN AREA AGENCY ON AGING (AAA) WITHIN THE EXCLUSIVE BOUNDARIES OF THE COUNTY OF LAKE** - Social Services Director Carol Huchingson was present and gave an update on the application. Ms. Huchingson stated that she was informed by the California Department of Aging that they are not in favor of designating Lake County as a separate PSA from Mendocino County, with its own Area Agency on Aging.

Chair Robey asked if anyone present wished to speak on this item and Mr. Andy Russoff spoke. 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.

8. **A-10 - CONSIDERATION OF REQUEST FOR OUT-OF-STATE TRAVEL FOR CHAPLIN BOB SOLA, TO SAN ANTONIO, TEXAS, FROM JULY 11-15, 2005, TO ATTEND THE POLICE CHAPLAIN ANNUAL TRAINING SEMINAR** - On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Brown NO), approved out-of-state travel for Chaplin Bob Sola, to San Antonio, Texas, from July 11-15, 2005, to attend the Police Chaplain Annual Training Seminar.

9. **ITEM A-8 - Advanced From June 21, 2005 - 11:00 A.M. - (a) AN ORDINANCE PROVIDING FOR MANDATORY SPAYING AND NEUTERING OF CATS AND DOGS - (SECOND READING)** - Animal Control Director Denise Johnson was present.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD JULY 5, 2005

Chair Robey asked if anyone present wished to speak on the item (including b and c), and the following persons spoke: Celeste Adair, Ms. Judy Kempler, Mr. Art Treddy, Mr. Hohnathan Donahue, Mr. Paul Redding and Ms. Victoria Chamberland. No one else was present wishing to speak and the public portion of this item was closed.

There were numerous amendments made to the Ordinance providing for mandatory spaying and neutering of cats and dogs:

Because this ordinance was amended, it will have to have another first reading and be advanced at least two weeks before it can be adopted.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), waived the reading of the ordinance, as amended, 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 July 19, 2005, at 10:00 a.m..

Advanced From June 21, 2005 - (b) AN ORDINANCE ESTABLISHING FENCING REQUIREMENTS FOR THE CONTROL OF ANIMALS - (SECOND READING)- Supervisor Farrington offered Ordinance No. 2738, and it was passed by a roll-call vote (5 ayes).

Advanced From June 21, 2005 - (c) AN ORDINANCE PROVIDING FOR ADMINISTRATIVE PENALTIES FOR INHUMANE TREATMENT OF ANIMALS - (SECOND READING) - Supervisor Farrington requested that this ordinance be adopted at the same time as the Ordinance providing for mandatory spaying and neutering of cats and dogs:

This ordinance was continued to July 19, 2005, at 10:00 a.m., for further consideration.

- 10. **ITEM A-11 - CLOSED SESSION - 1. Conference with Labor Negotiator, (a) County Negotiators : A. Grant and M. Perry, (b) Employee Organization: LCEA,, LCCOA, SDA and DDAA; 2. Conference With Legal Counsel - Existing Litigation (Subdivision (a) of Section 54956.9), (a) Name of Case: John Jenkel v. Board of Supervisors et. al.; and 3. Public Employee Performance Evaluation, Titles: County Counsel and Personnel Director** - 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 at 12:40 p.m. with the following action taken:

On motion of Supervisor Brown and by vote of the Board (5 ayes), directed the Personnel Department to begin conducting an open recruitment for the position of County Counsel, in light of the notification the Board has received from the current County Counsel relative to the to his retirement at the end of September, 2005.

Board members expressed regret about Mr. Reeves' decision to retire and encouraged him to reconsider. Mr. Reeves stated that although he will be retiring and plans to do some traveling, he will not be moving out of Lake County and therefore he may be available to assist the County in the future, in some manner other than as County Counsel. Mr. Reeves believes the position of County Counsel must be filled by someone on a full-time basis. The Board thanked and commended Mr. Reeves.

There being no further business, the Board adjourned at 12:41 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board