



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD JUNE 21, 2005

The Honorable Board of Supervisors of Lake County, California, met in regular session this 21st day of June, 2005, there being present Supervisors Jeff Smith, Gary Lewis, Anthony Farrington, Rob Brown and Ed Robey, Administrative Officer Kelly Cox, Senior Deputy County Counsel Anita Grant and Board Secretary Donna De Maria.

The meeting was called to order at 9:05 a.m. by Chair Robey. Following a moment of silence in honor of Bill Dunlavy and Lloyd Brothers, 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 Smith and by vote of the Board (5 ayes) approved Consent Agenda Items C-1 through C-9.

Approved Minutes of the Board of Supervisors meeting held on June 7, 2005.

Denied appeal and adopted Decision affirming Vicious Animal Abatement Order and authorized the Chair to sign (Denise Hudson).

Approved First Amendment to Agreement Between the County of Lake and California Forensic Medical Group, Inc., to Provide Medical Services in Lake County Detention Facilities, and authorized the Chair to sign.

Approved the Recommendation to Transfer Responsibility for the Administration of Non-section 8 Portion of the Housing Program to the Department of Social Services, effective July 1, 2005.

Authorized Mental Health staff to provide County transportation for two clients, to Sacramento, on June 23 and July 8, 2005, to attend the Mental Health Services Act Workshops, as requested in the Health Services Director's memorandum dated May 31, 2005.

Approved First Amendment to Mental Health Administrative Services Organization Agreement Between the County of Lake and Valueoptions, Inc., to provide Specialty Mental Health services to minors who are Medi-Cal beneficiaries residing outside of home and County, and authorized the Chair to sign.

Approved First Amendment to Agreement Between the County of Lake and Sunny Hills Children's Garden, for Children's Group Home and Day Treatment Intensive Services, and authorized the Chair to sign.

Adopted Resolution No. 2005-105, Order Approving Final Parcel Map and the Signing of the Final Parcel Map (Lunas).

Sitting as the Board of Directors - Lake County Sanitation District approved Mainline Extension Agreement Between the Lake County Sanitation District and Sunrise Real Estate Company, Inc., to Extend a Sewer Main to Service APN 042-282-20, 042-282-21 and 042-283-35, and authorized the Chair to sign.

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

EXTRA #1 - PROPOSED RESOLUTION APPROPRIATING UNANTICIPATED REVENUE (RECEIVED FROM THE FEDERAL VICTIMS OF CRIME ACT, IN THE AMOUNT OF \$10,000), FOR PURCHASE OF A SERVER, SOFTWARE, INSTALLATION, UPDATED BROCHURES AND MATERIALS - BUDGET UNIT NO. 2113 - VICTIM WITNESS - 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 of today's agenda.

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

There is a need to take immediate action before the next available agenda in order to meet a June 30, 2005 deadline.

Victim Witness Administrator Sam Laird was present.

Supervisor Farrington offered Resolution No. 2005-106 Appropriating Unanticipated Revenue in the amount of \$10,000 and it was passed by a roll-call vote (5 ayes).

3. **ERRATUM TO CLOSED SESSION ITEM** - The June 21, 2005 agenda, Item A-22, Closed Session, reads Public Employee Performance Evaluation Agricultural Commissioner and should instead read Public Works Director.

CITIZEN'S INPUT - Three people requested time to speak during Citizen's Input. They were Doug Wacker, Assessor/Recorder, Rachel Bell and John Jenkel.

4. **ITEM A-4 - 9:06 A.M. - CONSIDERATION OF PROPOSED ORDINANCE AMENDING ORDINANCE NO. 2225 TO INCREASE THE FEE IMPOSED UPON LOCAL AGENCIES FOR JAIL BOOKING FEES** - Sheriff Rodney Mitchell was present.

Clearlake Police Chief Robert Chalk was present and spoke.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), waived the reading of the ordinance and read it in title only (Clerk so did).

On motion of Supervisor Farrington and by vote of the Board (5 ayes), advanced the ordinance one week to June 28, 2005.

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5. **ITEM A-5 - 9:30 A.M. - DISCUSSION/CONSIDERATION OF THE SALE OF COUNTY-OWNED REAL PROPERTY, LOCATED AT 10315 and 10325 EAST HIGHWAY 20, CLEARLAKE OAKS, CA (APN 035-693-30 AND 31) -** Pulled at the request of Jeff Rein for further evaluation. To be brought back to the Board at a later date.

6. **ITEM A-6-9:45 A.M. - (a) RECOGNITION OF AIR QUALITY MANAGEMENT DISTRICT FOR BEING SELECTED BY THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY (CALIFORNIA EPA) AIR RESOURCES BOARD TO RECEIVE THE "CIRCLE OF EXCELLENCE AWARD FOR TOP PERFORMANCE IN AIR MONITORING - SMALL DISTRICT CATEGORY"; and (b) POWER-POINT PRESENTATION OF THE FEDERALLY CERTIFIED WEIGHING LABORATORY AND MONITORING SITES IN LAKE COUNTY AND INNOVATIONS IMPLEMENTED TO ACHIEVE THE DISTRICTS' HIGH PERFORMANCE -** The Board of Supervisors adjourned and reconvened as the Board of Directors of Lake County Air Quality Management District. Robert Reynolds, John Thompson, Elizabeth Knight and Doug Gearhart were present from Air Quality Management District.

Supervisor Lewis read the Proclamations into the record and then presented them to Robert Reynolds, John Thompson, Elizabeth Knight and Doug Gearhart in recognition of their special efforts to Lake County.

The Board adjourned for recess at 10:06 a.m.

The Board of Supervisors reconvened at 10:14 a.m.

7. **ITEM A-6- 9:45 A.M. -** Continued - Robert Reynolds commenced with a Power Point presentation.

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

8. **ITEM A-7 - 10:00 A.M. -** Continued from June 7, 2005 **CONSIDERATION OF PROPOSED RESOLUTION MAKING APPLICATION FOR THE DISSOLUTION OF COUNTY SERVICE AREA NO. 16 - PARADISE VALLEY WATER -** Mark Dellinger was present.

Richard Kuehn and Mario Alliotto were present and spoke on behalf of Paradise Valley residents.

After the discussion was closed, it was recommended that the Dissolution Resolution, Paragraph 3, be amended to read "on or about October 1, 2005" instead of September 1, 2005.

Supervisor Lewis offer Resolution No.2005-107 for passage as amended and a roll-call vote was taken (5 ayes).

9. **ITEM A-8 - 10:30 A.M. - PRESENTATION BY SUTTER LAKESIDE COMMUNITY SERVICES, "STOMP" (STOP THE TOBACCO OUTBREAK ON MINORS PERIOD), REGARDING THE YOUTH TOBACCO PURCHASING SURVEY, AN UPDATE ON NEW REVISIONS TO THE CURRENT CALIFORNIA TOBACCO LAWS, AN OVERVIEW OF THE BENEFITS OF SMOKE FREE OUTDOOR EVENTS IN LAKE COUNTY, AND RECOGNITION OF LOCAL EVENT ORGANIZERS WHO HAVE ADOPTED SMOKE FREE EVENT POLICIES -** Jenise Smith, Michael Rupe and Evonne Donahue, along with two youth advocates made the presentation. No action was taken.

10. **ITEM A-9 - 11:00 A.M. -** Carried over from June 7, 2005 **(a) CONSIDERATION OF PROPOSED ORDINANCE PROVIDING FOR MANDATORY SPAYING AND NEUTERING OF CATS AND DOGS; (b) CONSIDERATION OF PROPOSED ORDINANCE ESTABLISHING FENCING REQUIREMENTS FOR THE CONTROL OF ANIMAL; (c) CONSIDERATION OF PROPOSED ORDINANCE PROVIDING FOR ADMINISTRATIVE PENALTIES FOR INHUMANE TREATMENT OF ANIMALS -** Denise Johnson was present.

Discussion by the Board on each of the three ordinances after which Chair Robey opened the discussion to the public. Several persons presented their views.

(a) On motion of Supervisor Farrington and by vote of the Board (5 ayes), waive the reading of the ordinance and read it 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 5, 2005.

(b) On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Robey NO), waived the reading of the ordinance and read it in title only (Clerk so did).

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Robey NO), advanced the ordinance two weeks to July 5, 2005.

(c) On motion of Supervisor Farrington and by vote of the Board (5 ayes), waived the reading of the ordinance and read it 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 5, 2005.

11. **ITEM A-10 - 1:30 P.M. -** Continued from June 14, 2005 - **PRESENTATION BY LOCAL WATER WELL DRILLERS AND PUMP DEALERS REGARDING THEIR CONCERNS PERTAINING THE COUNTY'S WATER WELL ORDINANCE -** Ray Ruminski was present.

Matt Hutton, Dave Queasy, Larry Herman and Dan McCulland, well drillers from the area, all spoke concerning the water well ordinance.

After much discussion and on motion of Supervisor Lewis and by vote of the Board (5 ayes) a committee is to be formed to investigate the interpretation of the ordinance. Ray Ruminski is to solicit a cross section of knowledgeable people to clarify the ordinance. A time limit of one (1) year was suggested for completion of the ordinance change.

Past practice to rule until a new ordinance is brought forward. Ray Ruminski to bring back recommendations to the Board.

Supervisors Lewis and Brown are to be a part of the committee.

12. **ITEM A-17 -** Advanced From June 7, 2005 - **AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 3 OF THE LAKE COUNTY CODE ESTABLISHING A RIGHT TO FARM ORDINANCE - (Second Reading) -** Supervisor Lewis offered Ordinance No. 2736 for passage and it passed with a roll-call vote (5 ayes)

13. **ITEM A-12 (a) CONSIDERATION OF PROPOSED AMENDMENT NUMBER TWO TO THE 2003-2004 MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE COUNTY OF LAKE AND THE LAKE COUNTY EMPLOYEES' ASSOCIATION (LCEA), UNIT 3 TO CONTINUE CURRENT HEALTH INSURANCE CONTRIBUTION UNTIL OCTOBER 31, 2005 ; (b) CONSIDERATION OF PROPOSED AMENDMENT NUMBER TWO TO THE 2003-2004 MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE COUNTY OF LAKE AND THE LAKE COUNTY EMPLOYEES' ASSOCIATION (LCEA), UNIT 4 TO CONTINUE CURRENT HEALTH INSURANCE CONTRIBUTION UNTIL OCTOBER 31, 2005; and (c) PROPOSED AMENDMENT NUMBER TWO TO THE 2003-2004 MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE COUNTY OF LAKE AND THE LAKE COUNTY EMPLOYEES' ASSOCIATION (LCEA), UNIT 5 TO CONTINUE CURRENT HEALTH INSURANCE CONTRIBUTION UNTIL OCTOBER 31, 2005** - On motion of Supervisor Brown the amendments were offered and passed by vote of the Board (5 ayes) and authorized the Chair to sign.
14. **ITEM A-13 - (a) CONSIDERATION OF PROPOSED AMENDMENT NUMBER ONE TO THE 2004-2005 MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE COUNTY OF LAKE AND THE LAKE COUNTY DEPUTY DISTRICT ATTORNEYS' ASSOCIATION TO CONTINUE CURRENT HEALTH INSURANCE CONTRIBUTION UNTIL OCTOBER 31, 2005; (b) CONSIDERATION OF PROPOSED AMENDMENT NUMBER ONE TO THE 2004-2005 MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE COUNTY OF LAKE AND THE LAKE COUNTY SHERIFF'S DEPUTIES ASSOCIATION UNIT NUMBER 16 TO CONTINUE CURRENT HEALTH INSURANCE CONTRIBUTION UNTIL OCTOBER 31, 2005; and (c) CONSIDERATION OF PROPOSED AMENDMENT NUMBER FOUR TO THE 2004-2005 MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE COUNTY OF LAKE AND THE LAKE COUNTY CORRECTIONAL OFFICERS' ASSOCIATION UNIT NUMBER 6 TO CONTINUE CURRENT HEALTH INSURANCE CONTRIBUTION UNTIL OCTOBER 31, 2005** - On motion of Supervisor Smith the amendments were offered for passage and passed by a vote of the Board (5 ayes) and authorized the Chair to sign.
15. **ITEM A-14 - CONSIDERATION OF PROPOSED RESOLUTION AMENDING RESOLUTION NO. 2004-155, ESTABLISHING SALARIES AND FRINGE BENEFITS FOR MANAGEMENT EMPLOYEES FOR FISCAL YEAR 2004-2005 TO CONTINUE CURRENT HEALTH INSURANCE CONTRIBUTION UNTIL OCTOBER 31, 2005** - On motion of Supervisor Farrington Resolution No. 2005-108 was offered for passage and passed by a roll-call vote of the Board (5 ayes).
16. **ITEM A-15 - CONSIDERATION OF PROPOSED RESOLUTION AMENDING RESOLUTION NO. 2004-156, ESTABLISHING SALARIES AND FRINGE BENEFITS FOR EMPLOYEES ASSIGNED TO THE CONFIDENTIAL UNIT, SECTION "A" FOR FISCAL YEAR 2004-2005 TO CONTINUE CURRENT HEALTH INSURANCE CONTRIBUTION UNTIL OCTOBER 31, 2005** - On motion of Supervisor Lewis Resolution No. 2005-109 was offered for passed and passed by a roll-call vote of the Board (5 ayes).
17. **ITEM A-16 - CONSIDERATION OF PROPOSED RESOLUTION AMENDING RESOLUTION NO. 2004-157, ESTABLISHING SALARIES AND FRINGE BENEFITS FOR EMPLOYEES ASSIGNED TO THE CONFIDENTIAL UNIT, SECTION "B" FOR FISCAL YEAR 2004-2005 TO CONTINUE CURRENT HEALTH INSURANCE CONTRIBUTION UNTIL OCTOBER 31, 2005** - On motion of Supervisor Brown Resolution No. 2005-110 was offered for passed and passed by a roll-call vote of the Board (5 ayes).
18. **ITEM A-19 - Advanced from June 14, 2005 - AN ORDINANCE INCREASING THE CHARGES AND FEES FOR COUNTY SERVICE AREA NO. 21 - NORTH LAKEPORT WATER - (Second Reading)** - Supervisor Farrington offered Ordinance No. 2736 for passage and it passed with a roll-call vote (5 ayes).
19. **ITEM A-18 - PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND PUBLIC RESOURCE MANAGEMENT GROUP, FOR CONSULTING SUPPORT SERVICES (PREPARATION OF STATE SB 90 CLAIMS, PREPARATION OF THE COUNTYWIDE COST ALLOCATION PLAN AND PREPARATION OF CLAIMS FOR FEDERAL REIMBURSEMENT)** - Brief discussion presented by Kelly Cox. On motion of Supervisor Farrington and by vote of the Board (5 ayes) waived the CSB process due to the expertise Public Resource Management Group has in this area. On motion of Supervisor Smith and by vote of the Board (5 ayes) approved the contract and authorized the Chair to sign.
20. **ITEM A-20-(a) APPROVAL OF FISCAL YEAR 2005-2006 BUDGET TABULATION, AS AMENDED THEREBY CONSTITUTING THE FISCAL YEAR 2005-2006 PROPOSED BUDGET; (b) PROPOSED RESOLUTION APPROVING POSITION ALLOCATIONS FOR FISCAL YEAR 2005-2006, TO CONFORM TO THE PROPOSED BUDGET; and (c) CONSIDERATION OF REQUESTS FOR AUTHORIZATION TO PURCHASE CERTAIN FIXED ASSETS AND FILL NEW POSITIONS PRIOR TO ADOPTION OF THE FINAL BUDGET** - (a) On motion of Supervisor Brown and by vote of the Board (5 ayes) approved the proposed budget for Fiscal Year 2005-2006. (b) Supervisor Brown offered Resolution No. 2005-111 and it was passed by a roll call vote (5 ayes). (c) On motion of Supervisor Lewis and by a vote of the Board (5 ayes) the purchase of certain fixed assets and permission to fill new positions prior to adoption of the final budget was authorized, as recommended in the memorandum dated June 17, 2005 from the Administrative Officer.
21. **ITEM A-21- CONSIDERATION OF PROPOSED AMENDMENT NO. 1 TO SOLID WASTE HANDLING AND RECYCLING SERVICES CONTRACT BETWEEN THE COUNTY OF LAKE AND SOUTHLAKE REFUSE-RECYCLING, L.L.C. TO INCREASE SERVICE RATES** - On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Farrington NO) Amendment No. 1 to the above contract was approved and authorized the Chair to sign.
22. **ITEM A-22 - 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 Appointment: Mental Health Director. 3. Public Employee Performance Evaluation Title: Public Works Director** - Chair Robey announced that the Board will now go into Closed Session for the reason stated on the agenda.

The Board reconvened into Regular Session. Supervisor Brown Absent.

On motion of Supervisor Lewis, seconded by Supervisor Farrington, appointed Kristy Kelly as Interim Mental Health Director (Department Head of Mental Health) effective July 1, 2005, and directed the Personnel Department to re-open recruitment for the position of Mental Health Director. Passed 4-0 (Brown absent).

There being no further business, the Board adjourned at 5:56 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Donna De Maria
Board Secretary