



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD JUNE 7, 2005

The Honorable Board of Supervisors of Lake County, California, met in regular session this 7th day of , 2005, there being present Supervisors Jeff Smith, Gary Lewis, Rob Brown and Ed Robey, Administrative Officer Kelly Cox, County Counsel Cameron Reeves and Assistant Clerk of the Board Georgine Hunt. Supervisor Farrington was absent all day.

The meeting was called to order at 9:05 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 (4 ayes, Supervisor Farrington ABSENT), approved Consent Agenda Items C-1 through C-27.

Approved Minutes of the Board of Supervisors meetings held on May 17 and 24, 2005.

(a) Authorized and directed the Chairman of the Board to issue a written notification to Indigent Representation Administration (IRA), to terminate the existing Contract between the County and IRA effective in 90 days; and (b) Directed the County Administrative Officer, working in conjunction with County Counsel and a committee of two Board Members, to review options for providing indigent criminal legal defense services and negotiate a new contract for such services to present to the Board of Supervisors for approval within 90 days.

Approved the revisions to the Lake County Accommodations Rating System as recommended in the May 11, 2005, Memorandum from the Lake County Accommodations Rating Program Committee

(a) Approved Contract between the County of Lake and South Lake Fire Safe Council, to provide fire prevention education and planning services; and (b) Approved Contract between the County of Lake and West Lake Resource Conservation, to provide fire prevention education and planning services, and authorized the Chair to sign both contracts.

Adopted Resolution No. 2005-90, appointing representatives (County Counsel Cameron Reeves and Senior Deputy County Counsel Anita Grant, alternate), to the CSAC-Excess Insurance Authority Board of Directors.

Continued from March 22, 2005 - Approved Contract between the County of Lake and Brown's River Bindery, Inc., dba Brown's River Records Preservation Services, for restoration and preservation of official and vital records, and authorized the Chair to sign.

Designated Lake County Arts Council as County's authorized partner to the California Arts Council, per letter dated April 29, 2005, from California Arts Council.

Adopted Resolution No. 2005-91, appropriating unanticipated revenue in the amount \$1,000, for purchase of a mobile communications radio for the new truck and a palm-pilot and a portable printer needed for the Weights and Measures Scale Inspection and Petroleum Program, Budget Unit No. 2601 - Agricultural Commissioner.

Approved Agreement between the County of Lake and the State Department of Finance, for the State-County Property Tax Administration Grant Program, and authorized the Chair to sign.

Approved Budget Transfer B-285, in the amount of \$5,650, to cover retiree insurance stipend, the increase for insurance contributions/costs and the increased cost for the Lexis Online Research charges, from Budget Unit No. 7999 - Contingencies to Budget Unit No. 1231 - County Counsel, and authorized the Chair to sign.

Adopted Resolution No. 2005-92, approving the County funding request for Mental Health Community Program Planning and the acceptance of Mental Health Services Act Planning Funds in the amount of \$93,752.

Adopted Resolution No. 2005-94, appropriating unanticipated revenue in the amount of \$74,000, for purchase of Cisco Switches, an Enterprise Tape Backup System, and the required associated software and hardware components to be used for improving the efficiency and effectiveness of County of Lake Network Communications - Budget Unit No. 1904 - Information Technology.

Adopted Resolution No. 2005-94, to appropriate over-realized and unanticipated revenue (received from shared revenue from Civil Judgments of Air District Cases in the amount of \$2,000), for various office improvements and equipment, Budget Unit No. 1231 - County Counsel.

Adopted Resolution No. 2005-95, amending Resolution No. 2005-53, establishing position allocations for Fiscal Year 2004/2005, Budget Unit No. 2112 - Child Support Services (deleting one full-time Child Support Officer I/II/III and adding one .8 fte Child Support Officer I/II/III).

Waived the 900 hour limit for extra-help Juvenile Correction Officer Robert C. Krentz.

Adopted Resolution No. 2005-96, authorizing the Public Services Department to access criminal history information for employment and licensing purposes.

Approved Agreement between the County of Lake and Regatta Watercraft Rental, for operation of a mobile concession at Lakeside County Park, and authorized the Chair to sign.

Waived the 900 hour limit for extra-help Janitorial Employee Isaac Tsuchiya.

Carried over from May 24, 2005 - Approved Plans and Specifications for construction of drainage improvements and paved parking areas at the South Shore Health Services Building, Clearlake.

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Adopted Resolution No. 2005-97, changing mileage in County Maintained Road System.

Adopted Resolution No. 2005-98, temporarily authorizing a road closure, prohibiting parking and authorizing removal of vehicles and ordering the Department of Public Works to post signs (roads located in Middletown, for purposes of conducting Middletown Days Parade and events).

Approved letter of support to Sonoma County Board of Supervisors, requesting their participation in the Geysers Impact Mitigation Fund Program and in other matters relating to Geysers seismic problems, and authorized the Chair to sign.

Accepted dedication and conveyance of mainline water extension, for public utility purposes, Grand View Estates, L.L.C., Lakeport, and directed Clerk to certify for recordation.

Approved request from Sutter Lakeside Community Services for waiver of event application fees (Community Development Department fees), for the "California Wine Country Carriage Classic" to be held on June 9 through 12, 2005, at 4965 Steelhead Lane, Kelseyville (Van Eck property).

Sitting as the Board of Directors of Lake County Watershed Protection District, approved Budget Transfer B-251, in the amount of \$9,500, to cover extra staff time required to complete the Environmental Impact Report (EIR) for the Aquatic Weed Program, Budget Unit No. 1672 - Lakebed Management, and authorized the Chair to sign.

Sitting as the Board of Directors of Kelseyville County Waterworks District #3, approved Easement Deed and directed Clerk to certify for recordation (APN 024-061-01 - Darryl Ruth Garcia; and approved Right-of-Way Agreement between Kelseyville County Waterworks District #3 and Darryl Ruth Garcia, for the Kelseyville Water Project, and authorized the Chair to sign.

Sitting as the Board of Directors of Lake County Sanitation District, (a) Approved Second Amendment to Agreement between the Lake County Sanitation District and Criterion Planners and Engineers, for professional services, for inclusion of Kelseyville Wastewater Treatment Plant into the Full Circle Project; and (b) Approved Agreement between the Lake County Sanitation District and CH2M Hill, for professional services, for inclusion of Kelseyville Wastewater Treatment Plant into the Full Circle Project, and authorized the Chair to sign both agreements.

2. **CITIZEN'S INPUT** - Ms. Donna Peterson stated the statements made on May 17, 2005. during Citizen's Input by Mr. John Jenkel, were inappropriate and unprofessional.

3. **ITEM A-4 - 9:06 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 5787 ROLAND DRIVE, LUCERNE, CA (APN 034-301-15 - ROBERT GARZINI)** - Community Development Director Mary Jane Fagalde and Code Compliance Officer Ron Yoder were sworn in by the Clerk.

Neither the property owner nor a representative were present.

Mr. Yoder gave a brief overview of the violations on the property, which included a dilapidated substandard structure, with damages consisting of broken windows, broken exterior doors and holes in the siding. The interior is full of trash, garbage, junk and rubbish.

Ms. Fagalde gave a power-point presentation showing the conditions of the property.

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), adopted the order to complete the abatement of the nuisance within thirty (30) days and authorized staff to abate the nuisance if it is not voluntarily abated and all costs associated with this case shall become a charge against the property.

4. **ITEM A-5 - 9:15 A.M. - (a) HEARING - NOTICE OF NUISANCE ABATEMENT - 5770 ROLAND DRIVE, LUCERNE, CA (APN 033-371-23 - ROBERT JUSTICE); and (b) HEARING - NOTICE OF NUISANCE ABATEMENT - 4823 UTOPIA TRAIL, LUCERNE, CA (APN 033-371-06 - ROBERT JUSTICE)** - Community Development Director Mary Jane Fagalde and Code Compliance Officer Ron Yoder were sworn in by the Clerk.

Neither the property owner nor a representative were present.

Mr. Yoder gave a brief overview of the violations on the properties, which included substandard structures in dilapidated conditions, open and outdoor storage, trash, junk nuisance vehicles, scrap wood, scrap metal, white metal appliances, tires, rubbish and vehicle parts.

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), adopted the order to complete the abatement of the nuisance within thirty (30) days and authorized staff to abate the nuisance if it is not voluntarily abated and all costs associated with this case shall become a charge against the property, located at 5770 Roland Drive, Lucerne, CA (APN 033-371-23).

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), adopted the order to complete the abatement of the nuisance within thirty (30) days and authorized staff to abate the nuisance if it is not voluntarily abated and all costs associated with this case shall become a charge against the property, located at 4823 Utopia Trail, Lucerne, CA (APN 033-371-06).

5. **ITEM A-16 - CONSIDERATION OF REQUEST FROM THE LAKE COUNTY EMPLOYEES ASSOCIATION FOR A LETTER OF SUPPORT OF SB 840, THE CALIFORNIA HEALTH INSURANCE RELIABILITY ACT (CHIRA), FOR THE CREATION OF A SINGLE PAYER HEALTH INSURANCE PROGRAM FOR ALL CALIFORNIANS** - Supervisor Brown wanted to know what the fiscal impact SB 840 will have on the State and counties, and how the program is going to be funded.

This item will be referred back to the Insurance Committee for further information and recommendations. If the Insurance Committee's recommendations are favorable, this item will be brought back to the Board for further consideration.

6. **ITEM A-18 - Advanced From May 17, 2005 - AN ORDINANCE INCREASING THE CHARGES AND FEES FOR COUNTY SERVICE AREA NO. 21 - NORTH LAKEPORT WATER - (SECOND READING)** - A Memorandum dated June 1, 2005, from Supervisor Farrington was received, requesting that this item be carried over to June 14, 2005.

7. **ITEM A-19 - Advanced From May 17, 2005 - AN ORDINANCE PROHIBITING PERSONAL WATERCRAFT FROM OPERATING ON BLUE LAKES - (SECOND READING)** - Supervisor Lewis offered Ordinance No. 2733, and it was passed by a roll-call vote (4 ayes, Supervisor Farrington ABSENT).

8. **ITEM A-20 - Continued From May 24, 2005 - PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND CH2M HILL, FOR ENGINEERING SERVICES FOR CSA #21 - NORTH LAKEPORT, CSA #2 - SPRING VALLEY, CSA #7 - BONANZA SPRINGS, CSA #13 - KONO TAYEE, CSA #20 - SODA BAY AND CSA #18 - STARVIEW** - On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved Agreement between the County

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of Lake and CH2M Hill, for engineering services for CSA #21 - North Lakeport, CSA #2 - Spring Valley, CSA #7 - Bonanza Springs, CSA #13 - Kono Tayee, CSA #20 - Soda Bay and CSA #18 - Starview, and authorized the Chair to sign.

9. **ITEM A-6 - 9:30 A.M. PRESENTATION OF 2004 PUBLIC WORKS EMPLOYEE OF THE YEAR AWARD BY NORTH COAST REGIONAL DIRECTOR OF COUNTY ENGINEERS ASSOCIATION OF CALIFORNIA FARHAD MANSOURIAN TO BE PRESENTED TO WATER RESOURCES ENGINEER TOM SMYTHE** - Public Works Director Gerry Shaul presented the 2004 Public Works Employee of the Year Award to Water Resources Engineer Tom Smythe.

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

10. **ITEM A-17 - REQUEST FOR BOARD'S DIRECTION REGARDING PAYMENT OF THE DEPARTMENT OF WATER RESOURCES ANNUAL SAFETY OF DAMS FEE IN THE AMOUNT OF \$10,810** - Assistant Director of Public Works Bob Lossius was present and gave a brief overview of the fee. This is the yearly dam fee that is imposed by the State Department of Water Resources and must be paid by Flood Zone 1. Each year the District has been required to pay the State a dam safety fee. The State has used this fee to conduct two dam safety inspections per year. In Fiscal Year 2003-2004, the fee increased by more than 400%, from \$2,584 to \$10,810. This fee was increased due to the State budget crisis, in order to fund staff and maintain programs in the Division of Safety of Dams.

There was consensus by the Board to send a letter to Senator Wes Chesbro and Assemblywoman Berg inviting them to attend the Board of Supervisors meeting on June 28, 2005, at 10:00 a.m., for discussion of the dam fee increase and other various State fees being imposed on the County.

This item was continued to June 28, 2005, at 10:00 a.m.

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

11. **ITEM A-7 - 9:45 A.M. CONSIDERATION OF REQUEST FOR EXTENSION OF LEAVE OF ABSENCE (MEDICAL REASONS) FOR MENTAL HEALTH SPECIALIST PAT GOODSON, FOR THE PERIOD OF APRIL 1, 2005 THROUGH AUGUST 1, 2005** - Mental Health Director Kristy Kelly and Mental Health Specialist Pat Goodson were present.

Ms. Kelly stated that she does not support leave beyond June 7, 2005. Ms. Kelly also stated that Ms. Goodson absence has created a heavy burden on staff, which must be addressed soon.

Ms. Goodson stated that she is unable to come back to work until August 1, 2005.

The Board stated that they also cannot support the request for extension of leave through August 1, 2005, and can only support the extension of leave to June 7, 2005.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington), approved the extension of leave of absence for Mental Health Specialist Pat Goodson, for the period of April 1, 2005 through July 7, 2005, and denied the request for extension of leave of absence to August 1, 2005.

12. **ITEM A-8 - 10:00 A.M. (a) PROPOSED ORDINANCE PROVIDING FOR MANDATORY SPAYING AND NEUTERING OF CATS AND DOGS; (b) PROPOSED ORDINANCE ESTABLISHING FENCING REQUIREMENTS FOR THE CONTROL OF ANIMALS; and (c) PROPOSED ORDINANCE PROVIDING FOR ADMINISTRATIVE PENALTIES FOR INHUMANE TREATMENT OF ANIMALS** - A Memorandum dated June 1, 2005, from Supervisor Farrington was received, requesting that this item be carried over to June 14, 2005, at 11:00 a.m.

After a short recess, the Board reconvened at 10:15 a.m.

13. **ITEM A-21 - CLOSED SESSION - 1. Conference with Labor Negotiator, (a) County Negotiators : A. Grant and M. Perry (b) Employee Organization: LCEA, LCCOA, SDA and DDAA; 2. Liability Claim (a) Claimant: Sharon Leuzinger, (b) Agency claimed against: County of Lake; 3. Conference with Legal Council - Anticipated Litigation - Initiation of Litigation Pursuant to Subdivision (c) of Section 54956.9 - One Potential Case** - 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. The Board will go back into Closed Session after the approval of Extra #1.

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

EXTRA #1 - CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO SUBDIVISION (B) OF SECTION 54956.9: ONE POTENTIAL CASE - On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved taking up this item due to the fact that the need arose after the posting of today's agenda.

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

County Counsel Cameron Reeves became aware of this matter on June 3, 2005, and more detail has been provided today, which requires Board consideration in Closed Session. There is a need to take immediate action on this matter.

This item will be taken up during Closed Session.

- BACK TO #13 - ITEM A-21 - CLOSED SESSION - 1. Conference with Labor Negotiator, (a) County Negotiators : A. Grant and M. Perry (b) Employee Organization: LCEA, LCCOA, SDA and DDAA; 2. Liability Claim (a) Claimant: Sharon Leuzinger, (b) Agency claimed against: County of Lake; 3. Conference with Legal Council - Anticipated Litigation - Initiation of Litigation Pursuant to Subdivision (c) of Section 54956.9 - One Potential Case** - Chair Robey announced that the Board will now go back into Closed Session for the reasons stated on the agenda. Extra #1 will also be discussed during this time.

The Board reconvened into Regular Session with no action taken.

15. **ITEM A-9 - 11:00 A.M. - PRESENTATION OF VOLUNTEER AWARDS BY CALTRANS DISTRICT DIRECTOR ANITA BREAK** - Caltrans District 1 Director Charlie Fielder presented the Volunteer Awards to Mr. Bob Garcia and Ms. Donna Garcia.

Chair Robey also presented proclamations commending Mr. Bob Garcia and Ms. Donna Garcia for their volunteer efforts.

16. **ITEM A-10 - 11:15 A.M. - HEARING - APPEAL OF VICIOUS ANIMAL ABATEMENT ORDER, LOCATED AT 9160 FAIRWAY DRIVE, KELSEYVILLE (DENISE HUDSON)** - Animal Control Director Denise Johnson and Animal Control Officer Morgan Nelsen were present.

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Ms. Nelsen presented testimony.

Ms. Denise Hudson was also present and presented testimony.

Chair Robey asked if anybody present wished to speak on this item and Mr. Doug Herren 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 (4 ayes, Supervisor Farrington ABSENT), made an intended decision to deny the appeal and uphold the Vicious Animal Abatement Order and directed County Counsel to prepare a written decision to be brought back to the Board at a later date. (The written decision was placed on the June 21, 2005, agenda).

BACK TO #13 - ITEM A-21 - CLOSED SESSION - 1. Conference with Labor Negotiator, (a) County Negotiators : A. Grant and M. Perry (b) Employee Organization: LCEA, LCCOA, SDA and DDAA; 2. Liability Claim (a) Claimant: Sharon Leuzinger, (b) Agency claimed against: County of Lake; 3. Conference with Legal Council - Anticipated Litigation - Initiation of Litigation Pursuant to Subdivision (c) of Section 54956.9 - One Potential Case - Chair Robey announced that the Board will now go back into Closed Session for the reasons stated on the agenda. Extra #1 will also be discussed during this time.

The Board reconvened into Regular Session with no action taken.

The Board adjourned for lunch at 12:20 p.m. and reconvened at 1:35 p.m.

17. **ITEM A-11 - 1:30 P.M. - CLOSED SESSION - EMPLOYEES' GRIEVANCE HEARING - (APPELLANTS' ATTORNEY HAS REQUESTED THAT THIS ITEM BE CONTINUED TO JULY 19, 2005, AT 1:30 P.M.)** - At the request of the appellant's attorney, this item was continued to July 19, 2005, at 1:30 p.m.

18. **ITEM A-12 - 1:31 P.M. - PROPOSED RESOLUTION MAKING APPLICATION FOR THE DISSOLUTION OF COUNTY SERVICE AREA NO. 16 - PARADISE VALLEY WATER** - Special Districts Administrator Mark Dellinger, Special Districts Administrative Manager Suzanne Schneider and Special Districts Administrative Manager Charles Berg were present.

Chair Robey asked if anyone present wished to speak and the following persons spoke: Mr. Richard Kuehn and Mr. Mario Alliotto. No one else was present wishing to speak and the public portion of this item was closed.

This item was continued to June 21, 2005, at 10:00 a.m.

19. **ITEM A-13 - 1:45 P.M. - PROPOSED ORDINANCE AMENDING ARTICLE IV OF CHAPTER 3 OF THE LAKE COUNTY CODE ESTABLISHING A RIGHT TO FARM ORDINANCE** - Director of Lake County Farm Bureau Mr. Chuck March was present.

Chair Robey asked if anyone present wished to speak on this item and Ms. Victoria Brandon 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 (4 ayes, Supervisor Farrington ABSENT), waived the reading of the ordinance and had it read in title only (Clerk so did).

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), advanced the ordinance two weeks to June 21, 2005.

20. **ITEM A-14 - 2:00 P.M. - DISCUSSION/CONSIDERATION OF SUPPORT OF AB 1328 (WOLK) DESIGNATING CACHE CREEK AS A WILD AND SCENIC RIVER, BASED ON REVISIONS OF THE PROPOSED BILL** - Chair Robey asked if anyone present wished to speak on this item and Ms. Victoria Brandon spoke. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the support of AB 1328 (Wolk), as amended, designating Cache Creek as a Wild and Scenic River, based on revisions of the proposed bill.

There being no further business, the Board adjourned at 2:36 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board