



Minutes

County of Lake Board of Supervisors

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

The Honorable Board of Supervisors of Lake County, California, met in regular session this 22nd day of March, 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 Board Secretary Donna De Maria.

The meeting was called to order at 9:02 a.m. by Chair Robey, following a moment of silence, Supervisor Jeff Smith 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-10.

Adopted proclamation commending Michael Blakey upon his retirement from County service.

Appointed Frank Parker to the Upper Lake Cemetery District Board of Trustees, to fill an unexpired term ending November 14, 2007.

Adopted Resolution No. 2005-39, expressing support for the Lower Lake Parade and Barbeque in the community of Lower Lake to be held on May 29, 2005 (Lower Lake Days).

Waived the 900 hour limit for extra-help Facilities Maintenance Worker Brian Daughton (Health Administration).

Adopted Resolution No. 2005-40, approving the Maternal and Child Health (MCH) Grant Application with the State of California Department of Health Services for fiscal year 2004 through 2005, and authorized the Director of Health Services to sign said Application and Grant.

Adopted Resolution No. 2005-41, approving the Master Grant Agreement (MGA) between the County of Lake and the State of California for HIV prevention, counseling, and surveillance, for fiscal years 2004-2005 through 2006-2007, and authorized the Director of Health Services to sign.

Adopted Resolution No. 2005-42, to appropriate over-realized and unanticipated revenue (received from donations, Library Improvement Trust Fund 125.00, in the amount \$2,600), for the purpose of purchasing library materials, Budget Unit No. 6022 - Library.

Adopted Resolution No. 2005-43, to appropriate over-realized and unanticipated revenue (received from the State Library, in the amount \$3,000), for the Global Language Grant to fund materials expenditures, Budget Unit No. 6022 - library.

Waived the 900 hour limit for extra-help Office Assistant Rachel White.

Approved Engineering and Inspection Agreement between County of Lake and Dallas Hilligoss, for review of plans and specifications for a tentative subdivision map, located at 4013 Lakeview Drive, Nice, and authorized the Chair to sign.

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

EXTRA #1 - ADOPTION OF A PROCLAMATION COMMENDING BERTIL HOOVER - 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.

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

Bertil Hoover is currently in the hospital and not expected to return to work.

On motion of Supervisor Brown and by vote of the Board (5 ayes), adopted proclamation commending Bertil Hoover.

Supervisor Brown read the proclamation into the record. The proclamation was presented to Chief Probation Officer Steve Buchholz.

EXTRA #2 - CONSIDERATION OF REQUEST FOR NECESSITY OF A CLOSED SESSION ITEM NOT APPEARING ON THE POSTED AGENDA - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO SUBDIVISION (b) OF SECTION 54956.9 - NUMBER OF POTENTIAL CASES - ONE CASE - 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.

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

This matter has arisen since the posting of the current agenda which requires Board discussion or direction in Closed Session. Based on the facts, there is a need to take immediate action on this matter.

This item will be taken up during Closed Session.

3. **ITEM A-4 - 9:06 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 15849 MAIN STREET MIDDLETOWN, CA (APN 024-391-09-00 - BRIANA DANIELLE RATTANAVONG)** Code Compliance Officer Dana McDonald, Code Compliance Manager Hank Bouillerce, interested party Hanexaysana Rattanaovong were present and were sworn by the Clerk.

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Mr. McDonald gave a brief overview of the violations on the property, which include an unpermitted vehicle dismantling and auto repair; open and outdoor storage of, including but not limited to, public nuisance vehicles and vehicle parts on the property and on the public right-of-way.

Mr. Bouillercce gave a power-point presentation showing the conditions of the property.

Mr. Rattanavong presented testimony.

The Board directed Code Enforcement staff and interested parties to work with County Counsel to tighten issues regarding nuisance.

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

4. **ITEM A-5 - 9:30 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 27697 MORGAN VALLEY ROAD, MIDDLETOWN, CA (APN 013-018-05 - RED ELEPHANT MINE LLC - c/o WALTER JOHNSON, et ux.)** - There was consensus of the Board to take up Item A-6 at this time and come back to Item A-5 later in the day.

5. **ITEM A-6 - 10:00 A.M. - PRESENTATION OF PROCLAMATION COMMENDING MICHAEL BLAKEY UPON HIS RETIREMENT FROM COUNTY SERVICE** - Supervisor Brown read the proclamation into the record. The proclamation was presented to Michael Blakey.

6. **ITEM A-5 - 9:30 A.M. HEARING NOTICE OF NUISANCE ABATEMENT - 27697 MORGAN VALLEY MIDDLETOWN, CA (APN 013-018-05 - RED ELEPHANT MINE LLC - c/o WALTER JOHNSON, et ux.)** - Assistant Resource Planner Melissa Banks, Code Compliance Officer Dana McDonald, Code Compliance Manager Hank Bouillercce, property owner Walter Johnson and Barry Parkinson, legal representative of owner, John Jackson, general engineering contractor present and were sworn by the Clerk.

Ms. Banks gave a brief overview of the violations on the property, which included unpermitted grading and or construction, unpermitted surface mining, open and outdoor storage of, including but not limited to, unpermitted public nuisance vehicles, vehicle parts, construction equipment, a storage container, junk, scrap metal and debris.

Mr. Bouillercce gave a power-point presentation.

Mr. Johnson, Mr. Parkinson and Mr. Jackson each presented testimony.

A letter to Code Enforcement dated March 15, 2005 from prior property owner was presented and distributed.

The Board amended the abatement completion date from thirty (30) days to fifteen (15) days.

On motion of Supervisor Brown and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance, as amended, within fifteen (15) days and authorized staff to abate the nuisance if it is not voluntarily abated and all costs associated with this case to become a charge against the property.

7. **ITEM A-7 - 10:15 A.M. HEARING - NOTICE OF NUISANCE ABATEMENT - 84 LAFFERTY ROAD, LAKEPORT, CA (APN 029-281-39-00 - MILDRED M. McMACKIN and JODY L. BREWER)** - Code Enforcement Officer Anthony Howard, Code Enforcement Manager Hank Bouillercce and property owner Jody Brewer were all sworn by the Clerk.

Mr. Howard gave a brief overview describing the conditions of the property which included an unpermitted travel trailer and motor home occupancy, excessive open and outdoor storage consisting of, but not limited to, boxes, appliances, tires, household garbage, junk, trash, vehicle parts, public nuisance vehicles, bicycle parts, plastic, scrap wood, scrap metal, debris, and remove hazardous waste, interior fire hazard conditions and other miscellaneous items.

Mr. Bouillercce gave a power-point presentation.

Mr. Brewer presented testimony.

On motion of Supervisor Farrington and by vote of the Board (5 ayes) the Board adopted the order to complete abatement of the nuisance within thirty (30) days and authorize staff to abate the nuisance if it is not voluntarily abated. All costs associated with this case shall become a charge against the property.

The Board of Supervisors adjourned and convened as the Board of Directors of Kelseyville County Waterworks District No. 3.

8. **ITEM A-8 - 11:00 A.M. (a) PROPOSED RESOLUTION APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF 9. CERTAIN INSTALLMENT SALE FINANCING DOCUMENTS FOR KELSEYVILLE COUNTY WATERWORKS DISTRICT NO. 3** - Resource Manager Peggy King, Special Districts Administrator Manager Suzanne Schneider and Tax Collector Treasurer Kay Lytton were present.

Director Brown offered Resolution No. 2005-44, and it was passed by a roll-call vote (5 ayes).

The Board of Directors of Kelseyville County Waterworks District No. 3 adjourned and convened as the Board of Supervisors.

(b) PROPOSED RESOLUTION APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF CERTAIN INSTALLMENT SALE FINANCING DOCUMENTS FOR CSA NO. 6, FINLEY WATER - Resource Manager Peggy King, Special Districts Administrator Manager Suzanne Schneider and Treasurer-Tax Collector Kay Lytton were present.

Bond counsel, Steve Cassaleggio, was also present.

Supervisor Brown offered Resolution No. 2005-45, and it was passed by a roll-call vote (5 ayes).

9. **ITEM A-9 -SUPERVISORS WEEKLY CALENDAR, TRAVEL, AND REPORTS** - Supervisor Smith announced that Lynette Reynolds has been nominated as State Fish and Game Warden of the Year.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved letter of endorsement of Lynette Reynolds, and authorized the Chair to sign.

Chair Robey thanked Public Services Director Kim Clymire and Public Works Director Gerry Shaul for their assistance in resolving a problem in District 1.

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10. **ITEM A-10 - CONSIDERATION OF REQUEST TO APPROVE A ONE-TIME DONATION OF COMPENSATORY TIME BY MEMBERS OF THE SDA AND LCCOA TO AN OFFICE ASSISTANT IN THE SHERIFF'S DEPARTMENT WHO IS NOT COVERED BY THE SDA OR LCCOA MEMORANDUM OF UNDERSTANDING** - Chief Deputy Jeff Markham present and read a letter from Sheriff Mitchell into the record.

On motion of Supervisor Brown and by a vote of the Board (5 ayes), approved in concept the request for one-time donation of compensatory time by members of the SDA and LCCOA to an Office Assistant in the Sheriff's Department who is not covered by the SDA or LCCOA Memorandum of Understanding, subject to agreement through the necessary meet and confer process.

11. **ITEM A-12 - CONSIDERATION OF REQUEST TO WAIVE THE FORMAL BIDDING PROCESS AND APPROVE 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** - Assessor-Recorder Doug Wacker present.

On motion of Supervisor Brown and vote of the Board (5 ayes), approved waiving the normal Request for Proposals (RFP) process and directed Administrative Officer Kelly Cox to negotiate the price of the contract with Brown's River Records Preservation Services for the cost of restoration and preservation of vital records, up to \$105,000, and authorized the Chair to sign after completion of the negotiations.

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

12. **ITEM A-11- CONSIDERATION OF REQUEST FROM SODA BAY SPRINGS PROPERTY ASSOCIATION FOR LANDFILL FEE WAIVER FOR CLEAN-UP PROJECT ON PROPERTIES LOCATED IN SODA BAY** - Public Services Director Kim Clymire was present.

Supervisor Brown will do a site evaluation of the property to determine that this is public property and not private.

This item was continued to April 5, 2005, for further consideration.

13. **ITEM A-13 - CLOSED SESSION - 1. Public Employee Performance Evaluation, Title: Health Services Director; and 2. Conference With Legal Counsel - Existing Litigation (Subdivision (a) of Section 54956.9), (a) Name of Case: Forest Unlimited et. al. v. County of Lake, et. al.** - Chair Robey announced that the Board will now go into Closed Session for the reason stated on the agenda. Extra #2 will also be considered at this time.

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned at 12:43 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Donna De Maria
Board Secretary