



# Minutes

## County of Lake Board of Supervisors

### OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MAY 10, 2005

The Honorable Board of Supervisors of Lake County, California, met in regular session this 10<sup>th</sup> day of May, 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 9:03 a.m. by Chair Robey. Following a moment of silence, Supervisor Brown 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-12, with the exception of Consent Item C-7, which will be taken up immediately following the approval of the Consent Agenda.

Authorized Agricultural Department to destroy receipt booklets dated January 1, 1994 through January 31, 2000, pursuant to Government Code 26202.

Approved Agreement between the County of Lake and Comprehensive Support Systems, to provide specialized supported living services, and authorized the Chair to sign.

Adopted Resolution No. 2005-74, to appropriate unanticipated revenue (received from the State Department of Health Services Tobacco Control in the amount of \$75,000), for tobacco education services provided during Fiscal Year 2004/2005 - Budget Unit No. 4016 - Tobacco Education.

Adopted Resolution No. 2005-76, amending By-Laws for the Lake County Alcohol and Drug Community Advisory Board.

Approved letter to USDA Rural Development Manager Al Aiello, in support of the capital improvement project (expansion of Lakeside Health Center), and authorized the Chair to sign.

Approved Findings of Fact and grant the appeal of Mark Kittredge (AB 04-10), and authorized the Chair to sign.

Adopted Resolution No. 2005-75, amending Resolution No. 2005-14, establishing position allocations for Fiscal Year 2004/2005, Budget Unit No. 5011 - Department of Social Services (deleting one Staff Services Analyst I/II position and adding one Information Systems Coordinator II position).

Approved Lease Agreement between the County of Lake and Penna Realty Property Management, for office/conference space located at 16170 (C) Main Street, Lower Lake, and authorized the Social Services Director to sign.

Carried over from March 1, 2005 - (a) Awarded bid to Edge Wireless, in the amount of \$12,100 annually, for lease of Courthouse roof top space (10' X 10"), and Courthouse ground space (10' X 10') with related access rights for ancillary electrical and communications lines for the purpose of installing, operating, maintaining and upgrading telecommunications equipment for the provision of cellular telephone service; and (b) Approved Lease Agreement between the County of Lake and Edge Wireless, for lease of Courthouse roof top space (10' X 10"), and Courthouse ground space (10' X 10') with related access rights for ancillary electrical and Communications lines for the purpose of installing, operating, maintaining and upgrading telecommunications equipment for the provision of cellular telephone service, and authorized the Chair to sign the bid award and the lease agreement.

Sitting as the Board of Directors of Kelseyville County Waterworks District #3, approved Mainline Extension Agreement between the Kelseyville County Waterworks District #3 and Lyle and Jill James, for construction of a mainline extension to service APN's 008-054-16 and 008-054-17, and authorized the Chair to sign.

Sitting as the Board of Directors of Lake County Sanitation District, approved Mainline Extension Agreement between the Lake County Sanitation District and Damon Fanucchi, to extend a sewer mainline to serve APN 014-111-15, and authorized the Chair to sign.

**CONSENT AGENDA C-7 - CONSIDERATION OF REQUEST TO WAIVE THE 900 HOUR LIMIT FOR EXTRA-HELP BAILIFF DAVID JONES** - Administrative Officer Kelly Cox stated the Personnel Department has requested that this item was carried over to May 24, 2005.

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

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

**EXTRA #1 - PROPOSED RESOLUTION AMENDING RESOLUTION NO. 2005-60, A RESOLUTION OF INTENT TO MODIFY THE BOUNDARIES OF ZONE 5, IMPLEMENT NEW PROJECT, FORM AN ASSESSMENT DISTRICT FOR THE MODIFIED ZONE 5, APPROVE THE ENGINEER'S REPORT AND THE FORM OF BALLOT AND BALLOTING PROCESS FOR THE ASSESSMENT, AND SETTING A PUBIC HEARING (JULY 12, 2005), FOR PROTESTS AND BALLOTING DETERMINATION** - On motion of Director Brown 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:

On May 3, 2005, staff received a phone call from Supervisor Brown regarding his ballots for Zone 5 assessments. Supervisor Brown observed that his ballots for parcels in the Groundwater Management Benefit Zone did not reflect an assessment. After further review by staff, it was discovered that the assessment formula had not assessed all the Zone 5 properties that receive a benefit from groundwater management in Big Valley. It is imperative that staff mail out new ballots to the affected properties as soon as possible and notify all the property owners in Zone 5 of the revised date for

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the public hearing. The amending resolution accepts the engineer's report with revised Zone 5 assessments, sets the Zone 5 public hearing before the Lake County Board of Directors on July 12, 2005, at 9:06 a.m.

This item will be taken up for discussion after the approval of taking up Extra #2.

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

**EXTRA #2 - CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (SUBDIVISION (A) OF SECTION 54956.9) - NAME OF CASE: IN REGARD TO PSG V. COUNTY OF LAKE, ET. AL.** - On motion of Supervisor Brown 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 concerning existing litigation which requires Board direction in Closed Session.

This item will be taken up during Closed Session.

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

**BACK TO EXTRA #1 - PROPOSED RESOLUTION AMENDING RESOLUTION NO. 2005-60, A RESOLUTION OF INTENT TO MODIFY THE BOUNDARIES OF ZONE 5, IMPLEMENT NEW PROJECT, FORM AN ASSESSMENT DISTRICT FOR THE MODIFIED ZONE 5, APPROVE THE ENGINEER'S REPORT AND THE FORM OF BALLOT AND BALLOTING PROCESS FOR THE ASSESSMENT, AND SETTING A PUBIC HEARING (JULY 12, 2005), FOR PROTESTS AND BALLOTING DETERMINATION** - Assistant Public Works Director Bob Lossius and Water Resources Engineer Tom Smythe were present.

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

Chair Robey passed the gavel to Vice-Chair Farrington.

Director Robey offered Resolution No. 2005-72, and it was passed by a roll-call vote (4 ayes, Director Brown NO).

The gavel was passed back to Chair Robey.

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

(Later in the day, Extra #3 was presented to the Board for consideration).

**3. ITEM A-3 - CURRENT CONSTRUCTION PROJECTS - CONTRACT CHANGE ORDERS:**

**Change Order No. One, District 3 Road Maintenance Facility located at 1275 West Highway 20, Upper Lake** - This change order reflects changes in the metal building roof slope and roof overhang per County of Lake, Community Development Department review.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved Change Order No. One, for an increase of \$7,613.67, R & C Construction, District 3 Road Maintenance Facility, and authorized the Chair to sign.

**4. ITEM A-4 - 9:06 A.M. - PUBLIC HEARING - (a) INTENTION TO VACATE A PORTION OF A DRAINAGE EASEMENT WITHIN UNIT NO. 11 OF THE HIDDEN VALLEY LAKE SUBDIVISION IN THE COUNTY OF LAKE, 20057 POWDER HORN ROAD, HIDDEN VALLEY LAKE, MIDDLETOWN (APN 142-472-03); and (b) CONSIDERATION OF ACCEPTANCE OF AN IRREVOCABLE OFFER OF DEDICATION FOR A DRAINAGE EASEMENT, 20057 POWDER HORN ROAD, HIDDEN VALLEY LAKE, MIDDLETOWN (SERGIO and VALERIE SALVETTI), AND DIRECT CLERK TO CERTIFY FOR RECORDATION** - Water Resources Engineer Tom Smythe was present.

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

Supervisor Brown offered Resolution No. 2005-73, and it was passed by a roll-call vote (5 ayes).

On motion of Supervisor Brown and by vote of the Board (5 ayes), accepted the Irrevocable Offer of Dedication for a drainage easement, 20057 Powder Horn Road, Hidden Valley Lake, Middletown (Sergio and Valerie Salvetti), and directed the Clerk to certify for recordation.

**5. ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A ONE-YEAR EXTENSION OF TIME FOR THE APPROVED TENTATIVE SUBDIVISION MAP FOR NINE (9) RESIDENTIAL PARCELS; FOR MARR OLSEN; LOCATED AT 5365 McKEE ROAD, KELSEYVILLE, CA (APN 008-064-78)** - Community Development Director Mary Jane Fagalde and Associate Planner Emily Minton were present.

Ms. Minton gave a brief background report. On March 23, 2001, the Planning Commission approved a tentative subdivision map for the division of 2.65 acres into nine residential lots. The applicant plans to develop the lots with homes prior to sale. Access to the subdivision is proposed from McKee Road, which intersects with Bell Hill Road on the north side of Highway 29. The map conditions require that the proposed road, Oak Tree Court, be improved with a 32-foot width and curb, gutters and sidewalks. The permit requires McKee Road be improved to 22-feet wide from the new road intersection to Bell Hill Road. Connection to public water and sewer is also a requirement of the map approval. CC&R's must be recorded concurrently with the final map that will include provisions for the continued maintenance of Oak Tree Court and the proposed streetlights. The applicant was granted a two-year time extension in 2003 and is now requesting another time extension for one additional year. The applicant submitted this time extension prior to the March 22, 2005, expiration date. The Lake County Subdivision Ordinance and the State Subdivision Map Act authorize the extension of an approved map for a period or periods not exceeding a total of five years. This will be the last time extension allowed by state law.

On motion of Supervisor Brown and by vote of the Board (5 ayes), found that the Mitigated Negative Declaration, which was previously prepared for SD 00-02, does meet the requirements of Section 15162(a) of the CEQA Guidelines, and that no additional environmental review need be prepared with the findings listed in the Memorandum to the Board of Supervisors dated April 11, 2005.

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On motion of Supervisor Brown and by vote of the Board (5 ayes), approved an extension of time for SD 00-02 for a period of one year to March 22, 2006, with the findings listed in the Memorandum to the Board of Supervisors dated April 11, 2005.

6. **ITEM A-6 - 9:30 A.M. - PUBLIC HEARING - CONSIDERATION OF RECOMMENDATION FOR ALLOCATION OF THE JUSTICE ASSISTANCE GRANT (JAG) FUNDING FOR THE ENHANCEMENT OF BOATING SAFETY AND ENFORCEMENT PROGRAM ON WATERWAYS IN LAKE COUNTY** - Sheriff Rodney Mitchell was present.

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

On motion of Supervisor Brown and by vote of the Board (5 ayes), authorized the Sheriff/Coroner Administrative Manager to complete the electronic submission of Justice Assistance Grant application process.

7. **ITEM A-7 - 9:45 A.M. - DISCUSSION/CONSIDERATION OF REQUEST TO AUTHORIZE A CODE ENFORCEMENT "SWEEP" OF THE MIDDLETOWN AREA TO CLEAN UP BLIGHTED AREAS AND CODE VIOLATIONS** - Community Development Director Mary Jane Fagalde and Code Compliance Manager Hank Bouillercce were present.

Chair Robey gave a brief overview of the request. During the Middletown Area Plan Update Committee meeting held on April 26, 2005, a number of citizens complained that the town was beginning to look like a blighted area due to a number of properties hosting code violations. These citizens offered to provide addresses and photographs of the subject properties to assist the County's code enforcement process and request that the Board authorize a code enforcement sweep of the Middletown area to attack these problems before conditions worsen.

Ms. Fagalde stated that the department is aware of the situation in the Middletown area, and part of the problem was that the Code Compliance Officer that was assigned to the Middletown area was transferred to the Building Inspection Division and the vacant Code Compliance Officer position had to be advertised and qualified applicants had to be interviewed. The department has hired a qualified Code Compliance Officer that will be assigned to the Middletown area.

Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Ms. Helen Baine, Mr. John Jensen and Ms. Joan Moss. 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. **ITEM A-10 - Carried Over From April 19, 2005 and April 26, 2005 - STATUS REPORT FROM CODE COMPLIANCE** - Community Development Director Mary Jane Fagalde, Code Compliance Manager Hank Bouillercce and Code Compliance Officer Kevin Ingram were present.

Mr. Bouillercce gave a power-point presentation on clean-up projects located throughout the County, and the status reports are as follows:

Mr. Bouillercce presented the status report for the month of March. There are 670 active cases open at this time and 117 nuisance abatement cases pending. There have been 56 vehicles tagged, 28 vehicles towed, 3 vehicles impounded and 15 vehicles gone on arrival.

Mr. Bouillercce presented the status report for the month of April. There are 627 active cases open at this time and 117 nuisance abatement cases pending. There have been 40 vehicles tagged, 23 vehicles towed, 7 vehicles impounded and 30 vehicles gone on arrival.

There was no action taken on this item.

9. **ITEM A-11 - PROPOSED ORDINANCE AMENDING CHAPTER 19 OF THE LAKE COUNTY CODE, TO REGULATE ENCROACHMENTS (ABANDONED VEHICLES) ON COUNTY SERVICE AREA ROADS** - On motion of Supervisor Lewis and by vote of the Board (5 ayes), waived the reading of the ordinance and had it read in title only (Clerk so did).

On motion of Supervisor Lewis and by vote of the Board (5 ayes), advanced the ordinance two weeks to May 24, 2005.

10. **ITEM A-12 - (a) CONSIDERATION OF PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND MENDO-LAKE ALTERNATIVE SERVICES, FOR OPERATION OF A YOUTH FOR SENIORS PROGRAM; and (b) CONSIDERATION OF PROPOSED LEASE AGREEMENT BETWEEN THE COUNTY OF LAKE AND MENDO-LAKE ALTERNATIVE SERVICES, FOR LEASE OF PROBATION DEPARTMENT'S VAN, TOOL TRAILER AND PORTABLE RESTROOM, FOR OPERATION OF A YOUTH FOR SENIOR PROGRAM** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Agreement between the County of Lake and Mendo-Lake Alternative Services, for operation of a Youth for Seniors Program, and authorized the Chair to sign.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Lease Agreement between the County of Lake and Mendo-Lake Alternative Services, for lease of Probation Department's van, tool trailer and portable restroom, for Operation of a Youth for Senior Program, and authorized the Chair to sign.

After a short recess, the Board reconvened at 11:12 a.m.

11. **ITEM A-13 - CONSIDERATION OF PROPOSED LETTER TO CONGRESSIONAL DELEGATES, IN SUPPORT OF ACA 13, AUTHORIZING A BALLOT MEASURE TO EXEMPT "FLOOD CONTROL" FROM PROPOSITION 218** - Assistant Public Works Director Bob Lossius was present and gave a brief overview of ACA 13.

There was no action taken on this item.

12. **ITEM A-14 - CLOSED SESSION - 1. Conference with Labor Negotiator (a) County Negotiators : A. Grant and M. Perry, and (b) Employee Organization: LCEA., LCCOA, SDA and DDAA** - Chair Robey announced that the Board will now go into Closed Session for the reasons stated on the agenda. Extra #2 will also be discussed during Closed Session.

The Board reconvened into Regular Session with no action taken.

The Board adjourned for lunch at 11:50 a.m. and reconvened at 1:35 p.m.

13. **ITEM A-8 - Continued From April 12, 2005 - 1:30 P.M. - PUBLIC HEARING - PROTEST HEARING FOR PROPOSED ORDINANCE INCREASING WATER CHARGES AND FEES FOR CSA #2 - SPRING VALLEY LAKES** - Special Districts Administrator Mark Dellinger and Special District Administrative Manager Suzanne Schneider were present.

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Assistant Clerk of the Board Georgine Hunt stated that there were two more protests received since the April 12, 2005, hearing and one was valid and one was invalid. Also, Ms. Hunt stated that 102 valid written protests had been received by April 12, 2005, public hearing, and the total to date of valid written protests received is 103, which does not exceed the 51% that is required for a majority protest.

Chair Robey continued with the public hearing and the following persons spoke: Mr. Luther Winters, Mr. David Jones and Ms. Cathy Jones. No one else was present wishing to speak and the public hearing was closed.

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

On motion of Supervisor Lewis and by vote of the Board (5 ayes), advanced the ordinance two weeks to May 24, 2005.

**BACK TO #2 - ITEM A-2 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**

**EXTRA #3 - CONSIDERATION OF REQUEST TO APPROVE OUT-OF-STATE TRAVEL FOR NETWORK SYSTEMS ANALYST STEPHEN BRAY, TO DALLAS, TEXAS, FROM MAY 23-24, 2005, TO ATTEND THE HALFILE TRAINING (TRAINING AND TRAVEL EXPENSES ARE TO BE PAID FOR BY THE RECORDERS OFFICE)** - 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 item was originally placed on the May 17, 2005, agenda. However, it was determined that there would not be enough time to make travel arrangements by May 23, 2005, and in order to allow time to make these arrangements, this item is being requested as an extra.

Information Technology Director Martin Fransich was present.

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Brown NO), approved out-of-state travel for Network Systems Analyst Stephen Bray, to Dallas, Texas, from May 23-24, 2005, to attend the HalFILE training (training and travel expenses are to be paid for by the Records Office).

There being no further business, the Board adjourned at 2:42 p.m.

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Chair - Lake County Board of Supervisors

KELLY F. COX  
Clerk of the Board

By: \_\_\_\_\_  
Georgine Hunt  
Assistant Clerk of the Board