



# Minutes

## County of Lake Board of Supervisors

### OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MAY 17, 2005

The Honorable Board of Supervisors of Lake County, California, met in regular session this 17<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 9:01 a.m. by Chair Robey. Following a moment of silence, Supervisor 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-23.

Approved Minutes of the Board of Supervisors meeting held on May 3, 2005.

Approved letter to Congressman Thompson, requesting continued support of Federal funding for the Coast Guard Auxiliary for its operations on Clear Lake, and authorized the Chair to sign.

Adopted Proclamation designating the week of May 21st through May 27th, 2005, as North American Safe Boating Week in Lake County.

Adopted Proclamation designating the week of May 15th through May 21st, 2005, as Emergency Medical Services Week in Lake County.

Adopted Proclamation designating the week of May 15th through May 21st, 2005, as National Public Works Week in Lake County.

Adopted Proclamation designating the month of May 2005, as Watershed Awareness Month in Lake County.

Approved Amendment No. 1 to Contract between the County of Lake and U.S. Cellular, for provision of cellular phone services, and authorized the Chair to sign.

Waived the 900 hour limit (for an additional 50 hours) for extra-help Pest Detection Trapper Lynn Eutenier.

Waived the 900 hour limits (not to exceed an additional 99 hours) for extra-help Deputy Assessor-Recorder Kathleen O'Conner and extra-help Deputy Assessor-Recorder Teresa Herlihy.

Authorized Mental Health Specialist Jackie Smythe to provide transportation for five clients, to Sacramento, on May 16 and May 25, 2005, to attend the Mental Health Services Act Workshops.

Approved First Amendment to the Agreement between the County of Lake and Drug Abuse Alternatives Center, for provision of perinatal treatment for pregnant or parenting women experiencing alcohol or drug related problems for Lake County residents Fiscal Year 2004/2005, and authorized the Chair to sign.

Authorized Clerk of the Board to issue notification that the Board will not authorize the Issuance of TRANS (Tax and Revenue Anticipation Notes for School Districts) on behalf of the Lakeport Unified School District and the Upper Lake Union High School District.

Adopted Resolution No. 2005-78, amending Resolution No. 2004-140, establishing position allocations for Fiscal Year 2004/2005, Budget Unit No. 6022- County Library (adding one Library Assistant I position).

Adopted Resolution No. 2005-79, amending Resolution No. 2004-140, establishing position allocations for Fiscal Year 2004/2005, Budget Unit No. 3011 - Road Department (deleting one Road Superintendent position and adding one Public Works Superintendent position), and Budget Unit No. 1908 - Engineering and Inspection Division (deleting one .5fte Grid Specialist position and adding one full-time Survey Technician I/II position).

Approved Contract between the County of Lake and Redwood Children's Services, Inc., for emergency foster care beds and services, and authorized the Chair to sign.

Approved First Amendment to Contract between the County of Lake and Dazzling Janitorial Services, for janitorial services at the Department of Social Services Facility in Lower Lake, and authorized the Chair to sign.

Approved Memorandum of Understanding (MOU) between the County of Lake and Lake Transit Authority, for local public transportation services for Calworks participants, and authorized the Chair to sign.

Adopted Resolution No. 2005-80, authorizing application for an Anti-Drug Abuse Enforcement Grant.

Adopt Resolution No. 2005-81, authorizing application for Victim-Witness Assistance Funds.

Adopted Resolution No. 2005-82, authorizing application for Vertical Prosecution Funds.

Adopted Resolution No. 2005-83, authorizing application for a Spousal Abuser Prosecution Program.

Adopted Resolution No. 2005-84, amending Resolution No. 2004-140, to temporarily add another Special Districts Administrative Manager position allocated in Budget Unit No. 8695 - Special Districts Administration.

**OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MAY 17, 2005**

Sitting as the Board of Directors of Lake County Sanitation District, approve Mainline Extension Agreement between the Lake County Sanitation District and Anthony Cacharelis, to extend a sewer mainline to serve APN 041-274-46, and authorized the Chair to sign.

2. **EXTRA #1 - CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (PURSUANT TO SUBDIVISION (A) OF SECTION 54956.9) - NAME OF CASE: HELEN OLIVER V. COUNTY OF LAKE, ET. AL.** - 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 concerning existing litigation which requires Board direction in Closed Session.

This item will be taken up during Closed Session.

Supervisors Lewis and Brown were absent at 9:13 a.m.

3. **CITIZEN'S INPUT** - Ms. Megan Clemens and Mr. John Jenkel asked the Board to adopt a resolution urging Congressional representatives to declare an immediate cease fire in Afghanistan and Iraq.

Supervisors Lewis and Brown were present at 9:17 a.m.

Mr. Gary Saylor informed the Board that the formation of Northshore Fire Protection District will be completed in June. The district has purchased new ambulances and as of today, there have been no problems with providing emergency services to the citizens in the Northshore area.

4. **ITEM A-4 - 9:06 A.M. - PUBLIC HEARING - PROTEST HEARING FOR PROPOSED ORDINANCE INCREASING WATER AND LIGHTING CHARGES AND FEES FOR CSA #21 - NORTH LAKEPORT WATER** - Special Districts Administrator Mark Dellinger and Special District Administrative Manager Suzanne Schneider were present.

Assistant Clerk of the Board stated that one (1) valid written protest had been received, which does not exceed the 51% that is required for a majority protest.

Chair Robey opened the public hearing and the following persons spoke: Mr. Dean DeVries, Mr. Michael Santarelli, Mr. Ray Emery and Ms. Donna Peterson. No one else was present wishing to speak and the public hearing was closed.

On motion of Supervisor Farrington 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 Farrington and by vote of the Board (5 ayes), advanced the ordinance two weeks to June 7, 2005. (On June 7, 2005, the Board carried over the adoption of the ordinance to June 14, 2005.)

5. **ITEM A-5 - 9:30 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE WEEK OF MAY 21ST THROUGH MAY 27TH, 2005, AS NORTH AMERICAN SAFE BOATING WEEK IN LAKE COUNTY** - Supervisor Lewis read the proclamation into the record. The proclamation was presented to numerous members of the Lake County Coast Guard Auxiliary.

6. **ITEM A-6 - 9:35 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE WEEK OF MAY 15TH THROUGH MAY 21ST, 2005, AS EMERGENCY MEDICAL SERVICES WEEK IN LAKE COUNTY** - Supervisor Brown read the proclamation into the record and he will present it at the next North Coast Emergency Medical Services meeting.

7. **ITEM A-7 - 9:45 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE WEEK OF MAY 15TH THROUGH MAY 21ST, 2005, AS NATIONAL PUBLIC WORKS WEEK IN LAKE COUNTY** - Supervisor Farrington read the proclamation into the record. The proclamation was presented to Assistant Director of Public Works Bob Lossius.

After a short recess, the Board reconvened at 10:35 a.m.

8. **ITEM A-8 - 10:30 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR DENIAL OF A REZONE (RZ 04-19) PROPOSED FOR DAN AND LOUISE GARRISON, REZONING A 12,000 SQUARE FOOT LAKEFRONT PARCEL FROM "CR-DR-FF" (RESORT COMMERCIAL-DESIGN REVIEW-FLOODWAY FRINGE) TO "R2-SC-FF" (TWO-FAMILY RESIDENTIAL-SCENIC COMBINING-FLOODWAY FRINGE); LOCATED AT 3870 LAKESHORE BOULEVARD, LAKEPORT, CA (APN 029-231-61)** - Community Development Director Mary Jane Fagalde was present and gave a brief overview of why the Planning Commission denied the rezone as follows: (1) There is the availability of this parcel to be merged with adjacent lots to the north; (2) the lot is adjacent to an existing Commercial Resort use to the north; and (3) this proposal is not consistent with the Lakeport Area Plan or the Lake County General Plan..

Chair Robey opened the public hearing and the following persons spoke: Mr. Dan Garrison, Ms. Louise Garrison, Mr. Paul Munic and Ms. Teresa Lyndall. 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 (4 ayes, Supervisor Smith NO), made an intended decision to grant the appeal and approved the rezone (RZ 04-19) proposed for Dan and Louise Garrison, rezoning a 12,000 square foot lakefront parcel from "CR-DR-FF" (Resort Commercial-Design Review-Floodway Fringe) to "R2-SC-FF" (Two-Family Residential-Scenic Combining-Floodway Fringe); located at 3870 Lakeshore Boulevard, Lakeport, CA (APN 029-231-61), and directed staff to bring back the proposed ordinance at a later date. (The proposed ordinance was brought back to the Board on June 7, 2005, for further consideration).

9. **ITEM A-9 - 11:00 A.M. - HEARING - NUISANCE ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$14,321.78, LOCATED AT 12518 OAK STREET, CLEARLAKE OAKS, CA (APN 035-152-38-00 - GERALD DAVIDSON, PAMELA DAVIDSON, JUAN GUARJARDO and SHIRLEY GUARJARDO)** - Code Compliance Manager Hank Bouillerc was present and gave a brief background report. On March 18, 2003, the Board conducted a nuisance abatement hearing for violations at the property of Gerral and Pamela Davidson (Juan and Shirley Guarjardo, tenants/buyers) and upheld the Order to Abate. The abatement was completed on December 3, 2003, and included removal from the property of an above-ground pool and decking, removal of open and outdoor storage. Also, for public safety, it was necessary for the contractors to construct a rip rap retaining wall.

Ms. Bouillerc gave a power-point presentation showing the property before and after the abatement.

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the assessment of \$14,321.78, for nuisance abatement, including construction of a rip rap retaining wall, at the Gerald and Pamela Davidson and Juan and Shirley Guarjardo property located at 12518 Oak Street, Clearlake Oaks, CA, being APN 035-152-38-00 be confirmed

**OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MAY 17, 2005**

and directed the Enforcement Official to prepare and record in the Office of the Lake County Recorder, a Notice of Lien in the amount of \$14,321.78, pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

10. **ITEM A-10 - 11:15 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 15849 MAIN STREET, MIDDLETOWN, CA (APN 024-391-09-00 - BRIANA DANIELLE RATTANAVONG)** - Code Compliance Manager Hank Bouillercce and Code Compliance Officer Anthony Howard and Mr. Hanexaysana Rattanavong, representative for the property owner, and Mr. John Peschon were sworn in by the Clerk.

Ms. Howard gave a brief overview of overview of the violations on the property, which included an open and outdoor storage of public nuisance vehicles that are wrecked, abandoned, salvaged, and/or unregistered, dismantled, and/or inoperable vehicles and parts thereof, resulting in the spillage of hazardous waste, creating conditions tending to be detrimental to nearby properties or property values.

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

Mr. Rattanavong presented testimony.

Mr. Peschon also presented testimony.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), adopted the order to complete the abatement of the nuisance within thirty (30) days, which allows the property owner to abate the nuisance by immediately removing all public nuisance, wrecked, salvaged, dismantled, and/or inoperable vehicles and parts thereof from the property and public roadway/right-of-way, clean and manage all spillage of hazardous waste from the property and public roads in accordance to the California Health and Safety Code, cease further activities consisting of, but not limited to, auto wrecking and repair, as defined as any violation of state law, rules, or regulations or violations of the Lake County Code, 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.

The Board adjourned for lunch at 12:18 p.m. and reconvened at 1:39 p.m.

11. **ITEM A-11 - 1:30 P.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF MAY 2005, AS WATERSHED AWARENESS MONTH IN LAKE COUNTY** - Chair Robey read the proclamation into the record. The proclamation was presented to Upper Putah Creek Watershed Coordinator Dwight Holford, .

12. **ITEM A-12 -1:35 P.M. - PRESENTATION BY UPPER CACHE CREEK WATERSHED COORDINATOR GREG DILLS AND UPPER PUTAH CREEK WATERSHED COORDINATOR DWIGHT HOLFORD, REGARDING CURRENT ACTIVITIES AND PROJECTS THAT ARE BEING IMPLEMENTED BY WATERSHED GROUPS AND RESOURCE CONSERVATION DISTRICTS IN LAKE COUNTY** - Upper Cache Creek Watershed Coordinator Greg Dills and Upper Putah Creek Watershed Coordinator Dwight Holford were present.

Mr. Dills gave a background report on the Cache Creek Watershed and Mr. Holford gave a background report on the Putah Creek Watershed. Both groups are providing watershed management, which includes distribution of materials to stakeholders, improving coordination and collaboration among local entities by facilitating interactions among government agencies, non-profits and local stakeholders.

Also, Mr. Dills gave a power-point presentation showing the current activities and projects that are being implemented by watershed groups and resource conservation districts.

Chair Robey asked if anyone wished to speak on this item and Mr. Frank Arriza 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.

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

13. **ITEM A-14 - PROPOSED RESOLUTION AUTHORIZING THE ASSISTANT DIRECTOR OF PUBLIC WORKS TO SIGN CALIFORNIA WILDLIFE CONSERVATION BOARD GRANT ESTABLISHING FUNDING FOR THE ACQUISITION OF LAND FOR THE MIDDLE CREEK FLOOD DAMAGE REDUCTION AND ECOSYSTEM RESTORATION PROJECT** - Assistant Director of Public Works Bob Lossius was present.

Director Lewis offered Resolution No. 2005-77, and it was passed by a roll-call vote (4 ayes, Director Brown NO).

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

14. **ITEM A-15 - CONSIDERATION OF REQUEST FOR ADVANCED STEP HIRING OF AN EXTRA-HELP CONSTRUCTION ENGINEER - (5TH STEP SALARY RANGE)** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the advanced step hiring of extra-help employee Jim Ybright as a Construction Engineer at the 5<sup>th</sup> step of the salary range.

15. **ITEM A-17 - 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)** - This item was taken up as an extra and approved on May 10, 2005.

After a short recess, the Board reconvened at 3:12 p.m.

16. **ITEM A-16 - PROPOSED ORDINANCE PROHIBITING PERSONAL WATERCRAFT FROM OPERATING ON BLUE LAKES** - Sheriff Rodney Mitchell was present.

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 three weeks to June 7, 2005.

16. **ITEM A-18 - CLOSED SESSION - 1. Conference with Labor Negotiator, (a) County Negotiators : A. Grant and M. Perry, (b) Employee Organization: LCEA, LCCOA, SDA and DDAA; and 2. Public Employee Performance Evaluation, Title: Public Services Director** - Chair Lewis announced that the Board will now go into Closed Session for the reasons stated on the agenda. Extra #1 will also be discussed at this time.

The Board reconvened into Regular Session with Supervisor Brown absent at 3:34 p.m.

**OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MAY 17, 2005**

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the Settlement Agreement between the County of Lake and Helen Oliver, and authorized the Chair to sign.

There being no further business, the Board adjourned at 3:35 p.m.

\_\_\_\_\_  
Chair - Lake County Board of Supervisors

KELLY F. COX  
Clerk of the Board

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