



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD NOVEMBER 1, 2005

The Honorable Board of Supervisors of Lake County, California, met in regular session this 1st day of November, 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 9:07 a.m. by Chair Robey. Following a moment of silence, Supervisor 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 Lewis and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-23, with the exception of Consent Items C-11 and C-12. Consent Items C-11 and C-12 will be taken up immediately following the approval of the Consent Agenda.

Adopted proclamation designating the month of November 2005, as National Hospice Month in Lake County.

Adopted Resolution No. 2005-192, appropriating unanticipated revenue (received from a cash award from the California State Fair), in the amount of \$8,107.81, Budget Unit No. 1892 - Marketing and Economic Development.

Approved Irrevocable License Agreement between the County of Lake and Greig and/or Leslie Olson, for installation and maintenance of historical plaque on property located at 3915 Main Street, Kelseyville, and authorized the Chair to sign.

Adopted Resolution No. 2005-199, adopting 2005/2006 Memorandum of Understanding between the County of Lake and the Lake County Employees' Association Unit 3.

Adopted Resolution No. 2005-200, adopting 2005/2006 Memorandum of Understanding between the County of Lake and the Lake County Employees' Association Unit 4.

Adopted Resolution No. 2005-201, adopting 2005/2006 Memorandum of Understanding between the County of Lake and the Lake County Employees' Association Unit 5.

Adopted Resolution No. 2005-193, establishing salaries and fringe benefits for management employees for Fiscal Year 2005/2006.

Adopted Resolution No. 2005-194, establishing salaries and fringe benefits for employees assigned to the Confidential Unit, Section A, for Fiscal Year 2005/2006.

Adopted Resolution No. 2005-195, establishing salaries and fringe benefits for employees assigned to the Confidential Unit, Section B, for Fiscal Year 2005/2006.

Adopted Resolution No. 2005-196, amending Resolution No. 2005-139 to establish new classifications with salary ranges and amend position allocations to implement recent classification and Compensation Study.

Adopted Resolution No. 2005-197, approving the Standard Agreement between the County of Lake and the State Department of Mental Health for Fiscal Year 2005/2006 and authorizing the Director of Mental Health to sign Agreement Number 05-75020-000 and the Contractor Certification Clause(s).

Adopted Resolution No. 2005-198, approving Exhibit E: Certification Against Supplanting Funding Allocated to the County of Lake Public Health Emergency Preparedness Program, authorizing Health Services Director to sign Public Health Emergency Preparedness Program Funding Grant Agreement, and the submission of said Exhibit E to the State of California, Department of Health Services.

Approved Amendment No. 6 to Contract between the County of Lake and Nor-Cal Telecom, for telephone system maintenance, and authorized the Chair to sign.

Awarded Bid No. 06-10, to Rainbow Ag, for one (1) utility tractor and flail type roadside mower, in the amount of \$51,480, and authorized the Chair to sign Notice of Award.

Awarded Bid No. 06-08, to Ukiah Ford, for three (3) new 2006 Ford F-350 pickups, in the amount of \$69,720, and authorized the Chair to sign Notice of Award.

Awarded Bid No. 06-09, to Northlake Ford, for one (1) new 2006 full size, 2-wheel drive, dual rear wheel, utility truck, in the amount of \$28,875.49, and authorized the Chair to Sign.

(a) Approved Federal Equitable Sharing Agreement between the County of Lake and the Department of Justice/Treasury Department, to continue participation in the Federal Equitable Sharing Asset Forfeiture Program; and (b) approved Federal Annual Certification Report, and authorized the Chair to sign both documents.

Approved Second 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 Minutes of the Board of Supervisors Meetings held on September 27, October 4 and 11, 2005.

Sitting as the Board of Directors of Lake County Redevelopment Agency, adopted Resolution No. 2005-04(RD), finding that the use of Housing Set Aside Funds for the Eskaton Project in Clearlake Oaks will be of benefit to the project area and approving a forgivable loan for that project.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD NOVEMBER 1, 2005

Sitting as the Board of Directors of Lake County Sanitation District, approved Sewer Mainline Extension Agreement between Lake County Sanitation District and Richard Dunseth (APN 024-461-14), for construction of a sewer mainline extension, and authorized the Chair to sign.

CONSENT ITEM C-11 - CONSIDERATION OF PROPOSED FINDINGS AND DECISION IN THE APPEAL OF LAKEPORT OUTLAW KARTING (AB 05-04) - Supervisor Robey stated that on October 4, 2005, he had voted no on the intended decision to deny appeal AB 05-04, applied for by Lakeport Outlaw Karting, of Use Permit 04-22 and requested that this item be pulled from the Consent Agenda because he will also be voting no on this item.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Robey NO), approved Findings of Fact and decision in the appeal of Lakeport Outlaw Karting (ab 05-04), and authorized the Chair to sign.

CONSENT ITEM C-12 - CONSIDERATION OF PROPOSED FINDINGS AND DECISION IN THE APPEAL OF TEGTMEIER ASSOCIATES (AB 05-03) - Supervisor Robey stated that on October 4, 2005, he had voted no on the intended decision to deny appeal AB 05-04, applied for by Lakeport Outlaw Karting, of Use Permit 04-22 and requested that this item be pulled from the Consent Agenda because he will also be voting no on this item.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Robey NO), approved Findings of Fact and decision in the appeal of Tegtmeier Associates (AB 05-03), and authorized the Chair to sign.

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

2. **ITEM A-13 - PROPOSED RESOLUTION CANCELING DESIGNATED VEHICLE REPLACEMENT RESERVES, IN THE AMOUNT OF \$29,000, FOR ACQUISITION OF AN ULTRA LOW POLLUTING VEHICLE** - Director Brown offered Resolution No. 2005-191, and it was passed by a roll-call vote (5 ayes).

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

3. **ITEM A-16 - (a) CONSIDERATION OF REQUEST TO AUTHORIZE COUNTY EMPLOYEES TO PARTICIPATE IN THE BLOOD BANK OF THE REDWOODS BLOOD DRIVE SCHEDULED FOR NOVEMBER 9, 2005; and (b) PROPOSED DELEGATION OF AUTHORITY TO APPROVE FUTURE BLOOD DRIVES** - On motion of Supervisor Lewis and by vote of the Board (5 ayes), authorized County employees to participate in the Blood Bank of Redwoods Blood Drive scheduled for November 9, 2005.

On motion of Supervisor Brown and by vote of the Board (5 ayes), delegated the authority to Public Services Director Kim Clymire to approve future blood drives.

4. **ITEM A15 - Continued From October 11, 2005 - PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND NACHT & LEWIS FOR ARCHITECTURAL SERVICES, IN THE AMOUNT OF \$80,000, FOR DESIGN OF A NEW ANIMAL CONTROL FACILITY** - Supervisor Brown, Administrative Officer Kelly Cox, Public Works Director Gerry Shaul and Animal Control Director Denise Johnson will meet and consider other alternatives such as modular buildings and other building designs, their recommendations will be placed on the agenda at a later date for further consideration.

5. **ITEM A-10 - DISCUSSION OF AN AMENDMENT TO THE LAKE COUNTY ZONING ORDINANCE THAT WOULD INCLUDE "GOATS" IN THE DEFINITION OF DOMESTIC PETS** - Principal Planner Rick Coel was present.

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

After the General Plan Update is completed, a zoning ordinance amendment addressing the definition of domestic pets will be brought back to the Board for further consideration.

6. **ITEM A-4 - 9:15 A.M. - (a) PUBLIC HEARING - PROTEST HEARING FOR THE PROPOSED ESTABLISHMENT OF CSA 23 - "ZONE A" (GORDON SPRINGS) AND IMPOSING OF ASSESSMENTS; (b) PROPOSED RESOLUTION ACCEPTING AND CONFIRMING BALLOT TABULATION, ALL AS SET FORTH IN THE ENGINEER' S REPORT - (COUNTYWIDE COUNTY SERVICE AREA FOR ROAD IMPROVEMENT/MAINTENANCE PROGRAM)** - Public Works Director Gerry Shaul and Public Works Project Manager Patricia Beristianos were present.

Ms. Beristianos stated that the ballot process for the possible establishment of CSA 23 - "Zone A" (Gordon Springs), is not determined by the number of ballots received, but is determined by the appointment of costs based upon an analysis of the special and direct benefit to be received by each parcel in the benefit zone from the particular improvement.

Chair Robey opened the public hearing and Mr. Frank Dunn spoke. No one else was present wishing to speak and the public hearing was closed.

CSA 23 - "Zone A" - Gordon Springs Assessment:
For: \$1,764
Against: \$ 756

After confirming the ballot tabulation for "Zone A", on which there was not a majority protest and therefore the proposed assessment for "Zone A" shall be established.

Supervisor Brown offered Resolution No. 2005-189 (a Resolution accepting and confirming ballot tabulation for the establishment of "Zone A" (Gordon Springs) of County Service Area No. 23, approving formation of "Zone A" and Assessments for Zone A Road Maintenance), and it was passed by a roll-call vote (5 ayes).

7. **ITEM A-5 - 9:30 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF NOVEMBER 2005, AS NATIONAL HOSPICE MONTH IN LAKE COUNTY** - Supervisor Lewis read the proclamation into the record. The proclamation was presented to numerous representatives of Hospice.

8. **ITEM A-6 - 9:35 A.M. - PRESENTATION ON THE DIABETES PREVENTION "REACH OUT" CONFERENCE THAT WAS HELD IN WASHINGTON, D.C. AND ATTENDED BY STAFF FROM ALCOHOL AND OTHER DRUG SERVICES AND LAKE COUNTY TRIBAL HEALTH** - Health Services Director Ruth Lincoln, AODS Program Administrator Laura Solis and Substance Abuse Component Coordinator Esther Tarin-Flores were present.

Ms. Annie Barnes, member of the Reach Out Team was also present.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD NOVEMBER 1, 2005

Ms. Tarin-Flores gave a brief overview of the "Reach Out" Conference, which included effectiveness of Promotoras, identify barriers to health care and navigation of the health care system and develop training on health and cultural issues specific to various patient populations.

Ms. Barnes gave a power-point presentation on the Lake County "Reach Out" Program.

Chair Robey asked if anyone present wished to speak and the following persons spoke: Ms Marilyn Woodford, Ms. Reyna Lopez, Ms. Veronica Magee, Ms. Maria De Losanises, Ms. Sonia Montinous, Ms. Susan Jen, Ms. Kai Bravo, Ms. Michelle Price and Mr. Mike Ike. 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.

After a short recess, the Board reconvened at 10:21 a.m.

9. **ITEM A-7 - 10:00 A.M. - (a) DISCUSSION/CONSIDERATION OF REQUEST FOR FUNDING FOR AN ADDITIONAL DEPUTY SHERIFF TO BE ASSIGNED TO THE LAKE COUNTY NARCOTICS TASK FORCE; (b) CONSIDERATION OF REQUEST FOR APPROVAL TO MAIL ORDINANCE NO. 2746 (ADDING ARTICLE X TO CHAPTER 9 OF THE LAKE COUNTY CODE PERTAINING TO THE IDENTIFICATION OF PURCHASERS AND STORAGE OF OVER-THE-COUNTER PRODUCTS CONTAINING PSEUDOEPHEDRINE), TO ALL COUNTIES IN CALIFORNIA, CITIES IN CLOSE PROXIMITY TO LAKE COUNTY, THE CALIFORNIA STATE ASSOCIATION OF COUNTIES, THE REGIONAL COUNCIL OF RURAL COUNTIES AND THE CALIFORNIA LEAGUE OF CITIES (INCLUDING STATE AND FEDERAL REPRESENTATIVES); and (c) PROPOSED RESOLUTION REQUESTING THE STATE AND FEDERAL GOVERNMENT INCREASE FUNDING FOR METHAMPHETAMINE EDUCATION, PREVENTION, RESEARCH, ENFORCEMENT, CLEANUP OF LABORATORY AND ADDICTION TREATMENT - Sheriff Rodney Mitchell was present.**

On motion of Supervisor Farrington and by vote of the Board (5 ayes), authorized Supervisor, Supervisor Farrington and Sheriff Mitchell to work with both cities to acquire additional funding for a Deputy Sheriff to be assigned to the Lake County Narcotics Task Force.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the mailout of Ordinance No. 2746 (adding Article X to Chapter 9 of the Lake County Code pertaining to the identification of purchasers and storage of over-the-counter products containing Pseudoephedrine), to all counties in California, cities in close proximity to Lake County, the California State Association of Counties, the Regional Council of Rural Counties and the California League of Cities (including State and Federal representatives).

Supervisor Farrington offered Resolution No. 2005-190, and it was passed by a roll-call vote (5 ayes).

11. **ITEM A-14 - CONSIDERATION OF REQUEST FROM SHERIFF/CORONER TO AUTHORIZE ISSUANCE OF A PURCHASE ORDER TO NORTHLAKE FORD IN LAKEPORT, IN THE AMOUNT OF \$103,275.27, FOR PROCUREMENT OF SEVEN (7) 2006 FORD TAURUS SE SEDANS - Sheriff Rodney Mitchell was present.**

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the request from the Sheriff/Coroner to authorize issuance of a Purchase Order to Northlake Ford in Lakeport, in the amount of \$103,275.27, for the procurement of seven (7) 2006 Ford Taurus SE Sedans.

12. **ITEM A-11 - CONSIDERATION OF REQUEST FROM THE REGIONAL COUNCIL OF RURAL COUNTIES (RCRC) TO SUBMIT LEGISLATIVE PROPOSALS FOR CONSIDERATION DURING THE 2005/2006 LEGISLATIVE SESSION - On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the legislative proposals as presented.**

13. **ITEM A-12 - CONSIDERATION OF REQUEST TO WAIVE THE CONSULTANT SELECTION POLICY AND ENTER INTO AN EMERGENCY ABATEMENT AGREEMENT BETWEEN THE COUNTY OF LAKE AND WINZLER AND KELLY CONSULTING ENGINEERS, FOR DESIGN AND IMPLEMENTATION OF EMERGENCY STABILIZATION MEASURES AT THE RED ELEPHANT MINE IN MIDDLETOWN - Code Compliance Manager Hank Bouillierce and Senior Resource Planner Melissa Floyd were present.**

Ms. Floyd gave a brief overview of the proposal. In March 2005, the Board issued an Abatement Order at the Red Elephant Mine off of Morgan Valley Road in Middletown for the removal of two earthen embankments and site restoration for extensive grading that had taken place. To date, no action has been taken by the property owner to comply with the order. There is a concern that the embankments will completely wash-out this winter and result in significant downstream pollution if not stabilized. This proposal is only for emergency work that is needed to stabilize the site before winter. Long term restoration and abatement work will be approach through the normal Consultant Selection Board process.

On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the Consultant Selection Policy and approved the Emergency Abatement Agreement between the County of Lake and Winzler and Kelly Consulting Engineers, for design and implementation of emergency stabilization measures at the Red Elephant Mine in Middletown, and authorized the Chair to sign.

14. **ITEM A-17 - CLOSED SESSION - 1. Conference with Labor Negotiator Counsel, (a) County Negotiators : A. Grant and M. Perry, (b) Employee Organization: LCEA, LCCOA, SDA and DDAA; and sitting as the Board of Directors of IHSS Authority, 2. Conference with Labor Negotiator, (a) Authority Negotiator: F. Buchanan, (b) Employee Organization: AFSCME/UDW - 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 recessed for lunch at 11:43 a.m. and reconvened at 1:42 p.m.

15. **ITEM A-6 - 1:30 P.M. - MEETING WITH ASSEMBLYWOMAN PATTY BERG REGARDING COUNTY/STATE ISSUES - Assemblywoman Patty Berg was present and gave an overview of the State budget, issues and legislative proposals. Also, Assemblywoman Berg spoke on the Middle Creek Restoration Project, transportation funding, rural law enforcement funding, the Needle Exchange Program, the California Health Reliability Act Bill (affordable issuance for everyone), the Elder Abuse Act and Cal-Choice Dignity Act (assisted suicide).**

Supervisor Farrington was absent at 2:45 p.m.

Public Works Director Gerry Shaul spoke on the need for more transportation funding for road repairs.

There being no further business, the Board adjourned at 2:51 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board