



# Minutes

## County of Lake Board of Supervisors

### OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD NOVEMBER 8, 2005

The Honorable Board of Supervisors of Lake County, California, met in regular session this 8<sup>th</sup> day of November, 2005, there being present Supervisors Jeff Smith, Gary Lewis, Rob Brown, Ed Robey, Administrative Officer Kelly Cox, County Counsel Anita Grant and Board Secretary Donna De Maria. Supervisor Anthony Farrington was absent all day.

The meeting was called to order at 9:03 a.m. by Chair Robey. Following a moment of silence, Kelly Cox 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-11, with the exception of Consent Item C-10, which will be taken up immediately following the approval of the Consent Agenda.

Approved Ninth Amendment to Contract between the County of Lake and Parker, Lucas & Associates, dba Community Development Services, for economic development services, and authorized the Chair to sign.

Adopted Resolution No. 2005-203, appointing directors of certain special district boards in lieu of holding a General District Election on November 8, 2005.

Waived the 900 hour limit for extra-help Juvenile Correctional Officer Becky Willson.

Adopted Resolution No.2005-202, accepting conveyance of real property for purpose of establishing a new County park located at 6935 Hammond Avenue, 2490 Lakeshore Boulevard, Nice, California.

Waived the Consultant Selection Policy and formal bidding process pursuant to Memorandum dated October 24, 2005, from Public Works Director Gerry Shaul, and approved Agreement between the County of Lake and Pavement Engineering, Inc., for engineering services for design of concrete walkways, landscaping and decorative lighting along Main Street in Kelseyville, CA, RPSTPLE-5914(044), and authorized the Chair to sign.

Approved Engineering and Inspection Agreement between the County of Lake and Carolyn Boccucci, for review of plans and specifications for a building permit, located at 21042 Barnes Street, Middletown, and authorized the Chair to sign.

Approved Engineering and Inspection Agreement between the County of Lake and Tim Grogan (Isle View Subdivision), for review of plans and specifications for a Minor Use Permit, located at 3.1 miles north of the Lakeport city limits, and authorized the Chair to sign.

Approved Engineering and Inspection Agreement between County of Lake and Providence, for review of plans and specifications for a Tentative Subdivision Map, located at 18765 Hartmann Road, Middletown, and authorized the Chair to sign.

Adopted Resolution No.2005-204, revising appropriations and revenue estimates in the Fiscal Year 2005/2006 Final Budget.

Sitting as the Board of Directors of Lake County Redevelopment Agency, authorized the expenditure of Redevelopment Agency funds up to \$500 per electric hookup, per property, in the Phase I Utility Undergrounding Project in Nice, as per recommendation in the October 24, 2005, Memorandum from Deputy Redevelopment Director Andy Peterson to the Building Directors of the Redevelopment Agency.

2. **CONSENT ITEM C-10 - PROPOSED LETTER TO SENATOR DIANE FEINSTEIN IN SUPPORT OF THE MIDDLE CREEK FLOOD DAMAGE REDUCTION AND ECOSYSTEM RESTORATION PROJECT** - Supervisor Brown requested that this item be pulled from the Consent Agenda and stated to the Board that he would not be voting in favor of this letter.

On motion of Supervisor Lewis and by vote of the Board (3 ayes, Supervisor Brown NO and Supervisor Farrington ABSENT) approved letter to Senator Diane Feinstein in support of the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project, and authorized the Chair to sign.

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

**Change Order No. Three (3) - Central Dispatch Facility** - This change order reflects the cost of rerouting the main power service from PG&E's primary electric line on Helbush Drive. which would have been installed in a joint trench with telephone and CATV (these utilities all originate at the same location on Helbush Drive). PG&E required that the new dispatch facility's main power service tie into the existing PG&E secondary power transformer located at the existing Voc-Ed building. PG&E asserted that their policy is to provide only one transformer/meter service per parcel regardless of whether the "customer" is an essential service facility and requires redundancies such as separate dedicated utility services.

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved Change Order No. Three, for an increase of \$12,207.90, BRCO Constructors, Inc., for Central Dispatch Facility, and authorized the Chair to sign.

4. **ITEM A-10 - SUPERVISORS WEEKLY CALENDAR, TRAVEL, AND REPORTS** - On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved out-of-state travel for Chair Robey and Administrative Officer Kelly Cox to Reno, Nevada, on November 17, 2005, to attend a Bureau of Land Management meeting on geothermal royalties.

5. **ITEM A-4 - 9:15 A.M. - HEARING - APPEAL OF VICIOUS ANIMAL ABATEMENT ORDER, LOCATED AT 3956 COUNTRY CLUB DRIVE, LUCERNE, CA (JOHN PEMBERTON and MARIA QUINONES)** - Animal Control Director Denise Johnson and Animal Control Officer Morgan Nelson, Animal Control Officer Jessica Leishman and Animal Control Officer Deanne Snider were present.

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Mr. John Pemberton and Ms. Maria Quinones, owners of the two dogs that the Vicious Animal Abatement Order has been issued on, were also present.

All parties wishing to present testimony were sworn by the Clerk.

Officer Nelson presented an overview of the incident and John Pemberton and Maria Quinones responded and presented their testimony as to the events of the incident.

There being no further testimony by all parties and members of the public, the public portion of this item was closed.

Supervisor Lewis was absent at 10:00 a.m.

Supervisor Lewis was present at 10:20 a.m.

The two dogs housed at Animal Control are to be released to John Pemberton and Maria Quinones after Animal Control personnel has inspected the Pemberton/Quinones back yard in regards to Item No. 5 of the Abatement Order. Any modifications regarding this item should be made. During the one week between getting their dogs back and the reading of the decision next Tuesday, John Pemberton and Maria Quinones are to abide by all 8 points in the Abatement Order.

The matter was taken under submission and the Board will render its decision on November 15, 2005, at 11:40 a.m.

After a short recess, the Board reconvened at 10:50 a.m.

6. **ITEM A-5 - 10:15 A.M. - DISCUSSION/CONSIDERATION OF REQUEST FROM PARADISE VALLEY HOMEOWNERS TO RESCIND RESOLUTION NO. 2005-107 (DISSOLUTION OF COUNTY SERVICE AREA NO. 16 - PARADISE VALLEY WATER)** - On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), directed County Counsel to prepare a resolution to rescind Resolution No. 2005-107, and bring it back to the Board at a later date for further consideration.

7. **ITEM A-11 - DISCUSSION/CONSIDERATION REGARDING AN AMENDMENT TO THE MAPPING FOR THE UPPER LAKE-NICE AREA PLAN (REZONING THE PROPERTIES FROM AGRICULTURAL TO RURAL RESIDENTIAL WITH SPECIAL LOT SIZE DENSITY)** - Community Development Director Mary Jane Fagalde and Senior Planner Rick Coel were present.

County Counsel and staff will work together to discuss alternatives that would provide a remedy this situation.

The item will be brought back to the Board at a later date for further discussion.

8. **ITEM A-6 - 11:15 A.M. - PRESENTATION OF EMPLOYEE SERVICE AWARDS** -Chair Robey and Administrative Analyst Jennifer Hammond presented fifteen (15) Years of Service certificates and pen/pencil sets in recognition of their years of service to Kathy Harrison - Social Services Department; David Garzoli - Sheriff's Department; D. Michael Morshed - Sheriff's Department; Robert Brasier - Special Districts; and Linda Stanley - Special Districts.

Chair Robey and Administrative Analyst Jennifer Hammond presented twenty (20) Years of Service certificates and pen/pencil sets in recognition to their years of service to Uta Davis - Social Services Department; Esterlina Gould - Social Services Department; Charles Morse - Agricultural Department; Stanley Beach - Assessor-Recorder; and Christopher Rivera - Sheriff's Department.

Chair Robey and Administrative Analyst Jennifer Hammond presented twenty-five (25) Years of Service certificates and pen/pencil sets in recognition of their years of service to Kelly Cox - Administrative Office; Pamela Cochrane - Auditor-Controller; Michael Curran - Sheriff's Department; and Crystal Esberg - Sheriff's Department.

The following employees were absent from the presentation: Tammie-Crump-Widener - Child Support Services (15) ; Barbara Ringen - Tax Collector-Treasurer (15), Alice Riedle, - Sheriff's Department (15), Gary Crane - District Attorney (15), Andrew Tritchler - Agricultural Department (20), David Hutton - Community Development Department (20), and Ray Ruminski - Environmental Health (20) and James Campbell - Assessor-Recorder (30).

9. **ITEM A-12 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators : A. Grant and M. Perry and (b) Employee Organizations: LCCOA, SDA and DDAA; 2. Conference with Legal Counsel - Anticipated Litigation (a) Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9: (1) 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 adjourned for lunch at 12:00 p.m. and reconvened at 1:33 p. m.

The Board continued to sit as the Board of Supervisors and also convened as the Board of Directors of Lake County Sanitation District for the next item.

10. **ITEM A-7 - Continued From October 18, 2005 - 1:30 P.M. - (a) DISCUSSION OF THE FULL CIRCLE PROJECT (A LONG-TERM CLEAN WATER INITIATIVE ENCIRCLING CLEAR LAKE)** - Special Districts Administrator Mark Dellinger was present.

Mr. Dellinger presented an overview and updates regarding the Full Circle Project.

There was consensus of the Board to continue to move forward with this project.

The Board also requested that Administrator Director Mark Dellinger advise the Board of any changes that occur so that the public can be kept informed.

**Continued From September 27 and October 18, 2005 - (b) CONSIDERATION OF AMENDMENT NO. 1 TO WATER SUPPLY AGREEMENT BETWEEN LAKE COUNTY SANITATION DISTRICT, THE COUNTY OF LAKE AND YOLO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR THE FULL CIRCLE PROJECT** - Special Districts Administrator Mark Dellinger was present.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved Amendment No. 1 to Water Supply Agreement between Lake County Sanitation District, the County of Lake and Yolo County Flood Control and Water Conservation District for the Full Circle Project, and authorized the Chair to sign.

On motion of Director Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved Amendment No. 1 to Water Supply Agreement between Lake County Sanitation District, the County of Lake and Yolo County Flood Control and Water Conservation District for the Full Circle Project, and authorized the Chair to sign.

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The Board of Directors of Lake County Sanitation District adjourned.

11. **ITEM A-8 - 2:00 P.M. - DISCUSSION/CONSIDERATION OF RECOMMENDATIONS BY THE ANDERSON SPRINGS GEOTHERMAL IMPACT MITIGATION FUND COMMITTEE, INCLUDING A REQUEST FOR FUNDING FROM THE COUNTY OF LAKE FOR REPAIR OF THE ANDERSON CREEK SIDE POOL** - Special Districts Administrator Mark Dellinger was present.

After much discussion, this matter was referred to legal counsel for consideration as to whether or not AB1905 Funds could legally be used for the pool project and the legal opinion will be brought back to the Board at a later date for further discussion.

12. **ITEM A-9 - 2:15 P.M. - DISCUSSION/CONSIDERATION OF REQUEST FROM ANDERSON SPRINGS FOR FUNDING TO COMPLETE AN EVALUATION OF 195 EXISTING ON-SITE SEWAGE SYSTEMS IN THE COMMUNITY OF ANDERSON SPRINGS AND TO DETERMINE WHICH WASTEWATER DISPOSAL SYSTEM IS MOST EFFECTIVE** - Special Districts Administrator Mark Dellinger was present and gave a brief overview of the proposal, which also included other possible remedies to the wastewater disposal system in this area.

Special Districts Administrator Mark Dellinger will schedule a meeting with Environmental Health Director Ray Ruminski, Supervisor Robey and Supervisor Brown to further discuss this matter.

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

There being no further business, the Board adjourned at 4:05 p.m.

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Chair - Lake County Board of Supervisors

KELLY F. COX  
Clerk of the Board

By: \_\_\_\_\_  
Donna De Maria  
Board Secretary