



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD OCTOBER 11, 2005

The Honorable Board of Supervisors of Lake County, California, met in regular session this 11th day of October, 2005, there being present Supervisors Jeff Smith, 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 9:05 a.m. by Chair Robey. Following a moment of silence, Supervisor Lewis 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-11.

Approved Minutes of the Board of Supervisors meeting held on September 13, 2005.

Adopted proclamation designating the month of October 2005, as Domestic Violence Awareness Month in Lake County.

Approved letter to President Bush endorsing the request of the Western Counties Alliance relative to increasing funding for PILT payments to local government, and authorized the Chair to sign.

Adopted Resolution No. 2005-178, amending Resolution No. 2005-139, to establish a new classification and amend the position allocation for Budget Unit No. 1890 - Visitor Center (establishing a special classification of "Visitor Center Manager" to replace the feneric "Office Manager").

Approved permit to conduct aeronautical activities at Lampson Airport (Lake Aero Styling and Repair), and authorized the Chair to sign.

Approved permit to conduct aeronautical activities at Lampson Airport (Steve's Aircraft), and authorized the Chair to sign.

Approved permit to conduct aeronautical activities at Lampson Airport (Westgate Petroleum Company, Inc.), and authorized the Chair to sign.

Approved permit to conduct aeronautical activities at Lampson Airport (Mediplane, Inc., dba REACH), and authorized the Chair to sign.

Adopted Resolution No. 2005-179, setting rate of pay for election officers for the November 8, 2005, consolidation Special Statewide Election pursuant to Section 12310 of the Elections Code.

Adopted Resolution No. 2005-180, appropriating unanticipated revenue (received from Anti-Drug Abuse Program of the Office of Emergency Services), in the amount of \$3,365, to cover expenses for services of the Lake County Narcotics Task Force during Fiscal Year 2004/2005, Budget Unit No. 2114 - DA Grant Programs.

Sitting as the Board of Directors of Lake County Air Quality Management District, adopted Resolution No. 2005-181, "Year 8" Carl Moyer Program, authorizing the Air Pollution Control Officer to submit grant application and sign program documents.

2. **CITIZEN'S INPUT** - Public Services Director Kim Clymire announced to the Board that Mr. Mike McCutchan will be moving to Brookings, Oregon, and presented a Certificate of Appreciation to Mr. McCutchan for his exemplary service in filming the Board of Supervisors meetings. Mr. Clymire introduced Ms. Gabriel Fellows, who will be replacing Mr. McCutchan with the filming of the Board of Supervisors meetings.

Ms. Joan Moss wrote and sang a song in honor of County Counsel Cameron Reeves, who will be retiring from County service at the end of the week.

3. **ITEM A-4 - September 20, 2005 - 9:15 A.M. - DISCUSSION/CONSIDERATION OF PROPOSED AMENDMENTS TO CHAPTER 23 OF THE LAKE COUNTY ORDINANCE CODE, (THE LAKE COUNTY SHORELINE ORDINANCE), REGARDING PLACEMENT, REMOVAL, LOCATION AND ENFORCEMENT OF PRIVATE BUOYS ON CLEAR LAKE** - Assistant Public Works Director Bob Lossius, Clear Lake Land Coordinator Skip Simpkins and Chair of the Clear Lake Advisory Sub-Committee George Speake were present.

Mr. Speake gave an overview of the proposed amendments regarding the placement, removal, location and enforcement of private buoys on Clear Lake.

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

On motion of Supervisor Farrington and by vote of the Board (5 ayes), directed staff to contact Sheriff Rodney Mitchell for any other suggestions/recommendations that he may have regarding this issue, and bring back to the Board at a later date, an amended ordinance regarding placement, removal, location and enforcement of private buoys on Clear Lake.

4. **ITEM A-11 - CONSIDERATION OF REQUEST FOR OUT-OF-STATE TRAVEL FOR CMHC TRAINER KELLY LARSON AND ONE INFORMATION TECHNOLOGY STAFF MEMBER TO DUBLIN, OHIO, FOR APPLICATIONS GENERATING SYSTEM TRAINING SESSIONS FOR USE OF THE CMHC SOFTWARE, FROM OCTOBER 16, 2005 THROUGH OCTOBER 19, 2005 AND FROM NOVEMBER 7 THROUGH NOVEMBER 8, 2005** - Interim Mental Health Director Kristy Kelly was present.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown NO), approved out-of-state travel for CMHC Trainer Kelly Larson and one Information Technology staff member to Dublin, Ohio, for Applications Generating System

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Training Sessions for use of the CMHC software, from October 16, 2005 through October 19, 2005, and from November 7 through November 8, 2005.

5. **ITEM A-5 - 10:00 A.M. - DISCUSSION/CONSIDERATION OF REQUEST TO INCREASE THE ALLOWABLE SIZE OF A GRANNY UNIT FROM 1008 SQUARE FEET TO 1282 SQUARE FEET** - Chair Robey stated that he was unaware that there are provisions in the Zoning Ordinance that would allow this request. Chair Robey stated that he will notify and inform his constituent that he needs to contact the Community Development Department regarding this request.

There was no action taken on this item.

The Board of Supervisors adjourned and convened as the Board of Directors of Kelseyville County Waterworks District #3.

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

Change Order No. 3, Change Order No. 3, Kelseyville/Finley Water Improvement Project - Special Districts Administrator Mark Dellinger was present.

This change order addresses several changes to the project as follows:

1. Site D3 - Main Street: Additional work needed in Main Street including an isolation valve to manage water pressure in the event of a shut down, existing water main had no tracer wire so additional potholing needed to locate for tie-in to new water main, and pavement removal quantities in Main Street exceeded original estimate resulting in additional pavement grinder time. Cost: \$13,845.48.
2. Site A2D2 - Kelseyville/Finley Pipeline: Additional water valve needed to isolate Finley System from Kelseyville feed line for maintenance during a shut down, additional surveying was needed at the Murphy property to determine location of pipeline and easement due to field changes (cost split equally between contractor and district). Cost: \$4,036.64.
3. Site K6 - Water Tank: Additional rebar is needed for tank ring support, traffic rated lids needed for water loading valve vaults. Cost: \$1,186.55.
4. Site D5 - Lillian Drive: The proposed water main tie-in configuration at Lillian Drive and Single Springs Drive were modified in order to avoid the re-use of existing old valves in poor condition and to improve water flow for the system, an additional water valve is needed at Lillian/Konocti Terrace for maintenance and future shut downs. Cost: \$15,031.59.
5. Site P2 - New Well: Drilling of the original well proved to be outside of the aquifer and resulted in insufficient production quantities. An alternative well site has been agreed upon with the landowner and this cost includes an underground well vault along with a small diameter monitoring well to measure drawdown within the aquifer and long term performance. Cost: \$99,378.

Mr. Dellinger stated that he contacted the drilling company and the drilling company explained that the pre-drilling tests on the site showed sufficient production quantities. It was after the well was drilled, it was discovered that the well would produce insufficient quantities, and Mr. Dellinger does not believe the drilling company is at fault and cannot be held responsible for having to abandon the original well and find an alternative well site.

On motion of Director Brown and by vote of the Board (5 ayes), approved Change Order No. 3, for an increase of \$133,478.52, Argonaut Constructors, Kelseyville/Finley Water Improvement Project, and authorized the Chair to sign.

The Board of Directors of Kelseyville County Waterworks District #3 adjourned and convened as the Board of Directors of Lake County Sanitation District.

7. **ITEM A-10 - DISCUSSION/CONSIDERATION OF REQUEST TO WAIVE SEWER CONNECTION FEES WHICH ARE BEING IMPOSED FOR EXPANSION OF AN AUTOMOBILE REPAIR GARAGE IN KELSEYVILLE** - Director Brown gave a brief overview of the request. Ken Young, of Young's Automotive in Kelseyville, is planning to expand his automobile repair shop located on Gunn Street in Kelseyville. The expansion consists of constructing a new building on his property, in addition to his existing building. The new building will have three new service bays and his offices will be relocated from his existing building to the new building. The existing building has two restrooms and two restrooms will be included in the new building. This project is not anticipated to result in any noticeable increase in the amount of wastewater which will be generated from this business.

County Counsel Cameron Reeves stated that the fees can be waived if the Board can determine that there will not be a noticeable increase in the amount of wastewater generated from the business.

On motion of Director Brown and by vote of the Board (5 ayes), it was determined by the Board that this project would not result in any noticeable increase in the amount of wastewater which will be generated from the expansion of the automobile repair garage, and approved the request for waiver of sewer connection fees which are being imposed for this expansion.

An amendment to the sewer ordinance, omitting sewer expansion fees if it can be determined that a project will not have a noticeable increase in the amount of wastewater generated, will be brought back to the Board at a later date for consideration.

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

8. **ITEM A-6 - 10:30 A.M. - PUBLIC HEARING - REVIEW OF ANNUAL GRANTEE PERFORMANCE REPORT FOR WORK FUNDED BY COMMUNITY DEVELOPMENT BLOCK GRANT #02-EDBG-881: BUSINESS ASSISTANCE LOANS AND TECHNICAL ASSISTANCE TO MICROENTERPRISE BUSINESSES** - Chief Deputy Administrative Officer Matt Perry was present.

Mr. Jeff Lucas, representing Community Development Services was also present.

Mr. Perry gave a brief overview of the Annual Grantee Performance Report. Under contract with the County, Community Development Services (CDS), promoted the business loan program, including personally visiting 59 businesses and responding to 37 inquiries. However, since residential real estate values have escalated in recent years, potential borrowers found they could more easily access capital from home equity loans without the job creation requirements and other administrative burdens of this program. CDS did conduct a thorough review of two applications from potential borrowers. However, these businesses lacked adequate cash flow, loan security, or job creation capacity. Therefore, despite concerted efforts by CDS, no loans were made from this grant. The County currently has no open CDBG grants for business assistance loans. However, should a viable business seek assistance, the County has \$105,000 budgeted from program income to be available for such loans. Additionally, if the business seeks more than this amount and has adequate cash flow, loan security, and job creation capacity, the County could apply for a CDBG grant to provide money to loan to that specific business.

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On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved the Annual Grantee Performance Report for work funded by Community Development Block Grant #02-EDBG-881: business assistance loans and technical assistance to microenterprise businesses, and authorized Chief Deputy Administrative Officer Matt Perry to sign the Annual Grantee Performance Report.

9. **ITEM A-7 - 10:35 A.M. - PROCLAMATION DESIGNATING THE MONTH OF OCTOBER 2005, AS DOMESTIC VIOLENCE AWARENESS MONTH IN LAKE COUNTY** - Supervisor Lewis read the proclamation into the record. The proclamation was presented to Ms. Gloria Flaherty.

After a short recess, the Board reconvened at 10:56 a.m.

10. **ITEM A-12 - 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** - Public Works Director Gerry Shaul and Animal Control Director Denise Johnson were present.

The Board asked Ms. Johnson to contact other counties that have recently built new animal control facilities, and ask if staff could review those plans, and if the plans could accommodate the needs of the Lake County Animal Care and Control, find out if that County would be willing to allow the County of Lake to use them.

This item was continued to November 1, 2005, for further discussion.

The following item was taken up by the Board of Supervisors and the Board of Directors of the Lake County Watershed Protection District.

11. **ITEM A-13 - (a) PROPOSED ORDINANCE ESTABLISHING FEES FOR LAKE COUNTY WATERSHED PROTECTION DISTRICT ACTIVITIES; and (b) PROPOSED ORDINANCE ESTABLISHING A PERMIT AND SERVICE FEE SCHEDULE FOR THE ENGINEERING AND INSPECTION AND SURVEY DIVISIONS OF THE DEPARTMENT OF PUBLIC WORKS** - Assistant Public Works Director Bob Lossius was present.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), waived the reading of the ordinance (establishing a permit and service fee schedule for the Engineering and Inspection and Survey Division of the Department of Public Works), 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 October 25, 2005.

On motion of Director Lewis and by vote of the Board (5 ayes), waived the reading of the ordinance (establishing fees for Lake County Watershed Protection District activities), and had it read in title only (Clerk so did).

On motion of Director Lewis and by vote of the Board (5 ayes), advanced the ordinance two weeks to October 25, 2005

The Board of Directors of Lake County Watershed Protection District adjourned.

12. **ITEM A-14 - CLOSED SESSION - 1. Conference with Labor Negotiator (a) County Negotiators : A. Grant and M. Perry, (b) Employee Organization: LCEA, LCCOA, SDA and DDAA; 2. Liability (Disability) Claim: Application of Jeff Crouch and 3. Public Employee Appointments: Titles: County Counsel and Mental Health Director; and**

Sitting as the Board of Directors of IHSS Authority - 4. 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 will go back into Closed Session later today.

The Board adjourned for lunch at 12:50 p.m. and reconvened at 1:36 p.m.

13. **ITEM A-8 - Continued From September 27, 2005 - 1:30 P.M. - DISCUSSION/CONSIDERATION OF A MORATORIUM ON THE USE OF GENETICALLY MODIFIED ORGANISMS (GMO) IN LAKE COUNTY OR IN THE ALTERNATIVE A MORATORIUM ON PLANTING AND CULTIVATING GENETICALLY-ENGINEERED ALFALFA IN LAKE COUNTY** - Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Ms. Denise Rushing, Mr. Steve Hajik, Mr. Stephen Elias, Mr. Phil Murphy, Mr. Paul Colt, Mr. Tom Slate, Ms. Sybil Francis, Mr. Robert Logan, Mr. Duane Furman, Ms. Lynn Gallagher and Ms. Katherine Harris. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Lewis and by vote of the Board (3 ayes, Supervisors Farrington and Robey NO), denied the request for a moratorium on the use of genetically-engineered alfalfa in Lake County.

- BACK TO #12 - ITEM A-14 - CLOSED SESSION - 1. Conference with Labor Negotiator (a) County Negotiators : A. Grant and M. Perry, (b) Employee Organization: LCEA, LCCOA, SDA and DDAA; 2. Liability (Disability) Claim: Application of Jeff Crouch and 3. Public Employee Appointments: Titles: County Counsel and Mental Health Director; and**

Sitting as the Board of Directors of IHSS Authority - 4. Conference with Labor Negotiator. (a) Authority Negotiator: F. Buchanan, (b) Employee Organization: AFSCME/UDW - Chair Robey announced that the Board will now go back into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session with the following action taken:

On motion of Supervisor Lewis and by vote of the Board (5 ayes), appointed Kristy Kelly as the Mental Health Director, effective October 11, 2005.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), appointed Anita Grant as County Counsel, effective October 11, 2005.

There being no further action, the Board adjourned at 3:25 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