



# Minutes

## County of Lake Board of Supervisors

### OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 13, 2005

The Honorable Board of Supervisors of Lake County, California, met in regular session this 13<sup>th</sup> day of September, 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 Farrington 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-8.

Adopted proclamation designating the week of September 19<sup>th</sup> through September 23<sup>rd</sup>, 2005, as Adult Day Services Week in Lake County.

Appointed William Barquist to the Big Valley Groundwater Zone Management Commission, for a term expiring on October 15, 2008.

Appointed Patricia Beristianos to the Upper Lake Cemetery District Board of Directors, for a term expiring on September 23, 2009.

Authorized the Rotary Club of Middletown to place a town clock at the Middletown Library (all expenses will be paid for by the Rotary Club of Middletown) as per August 4, 2005, letter to County Librarian Kathy Jansen from Erica Bergstrom, President of Rotary Club of Middletown.

Approved Engineering and Inspection Agreement between County of Lake and Mack Hagemann, for review of plans and specifications for a Tentative Parcel Map, located at 750 Clover Drive Upper Lake, and authorized the Chair to sign.

Adopted Resolution No. 2005-155, approving Final Parcel Map and the signing of the Final Parcel Map (Rudden).

Sitting as the Board of Directors of Lake County Redevelopment Agency, approved Amendment No. 1 to Agreement between the Lake County Redevelopment Agency and SHN Consulting Engineers & Geologist, Inc., for engineering services for sidewalk replacement between 12<sup>th</sup> Avenue and 14<sup>th</sup> Avenue in Lucerne, and authorized the Chair to sign.

Sitting as the Board of Directors of Lake County Sanitation District, (a) waived the normal bidding process, finding that it would not serve the public's interest to invite sealed bids for purchase of a Valve Maintenance System for the reasons stated in Memorandum dated September 13, 2005, from Special Districts Administrator Mark Dellinger; and (b) approved purchase of a Valve Maintenance System, from the Wachs Company, in the amount of \$31,673.61, and authorized the Special Districts Administrator to sign purchase order.

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

**Change Order No. One, for Central Dispatch Facility** - This Change order reflects the cost of extending the walls in Room #112 and Room #111 for code compliance reasons.

The Board had questions of as to why the wall extensions were not included in the architect's plans and specifications and the high labor costs to extend the walls.

This item will be taken up later today for further consideration.

3. **CITIZEN'S INPUT** - Ms. Diana Wilson, Ms. Kimberly Pemberton, Ms. Kerri Allen and Paula Bentley each spoke on the United Domestic Workers Union and IHSS wages.

Mr. John Roddy spoke on IHSS wages.

4. **ITEM A-4 - 9:15 A.M. - (a) STATUS REPORT ON TIMBERLINE DISPOSAL'S SODA BAY ROAD FACILITY EXPANSION AND LEFT TURN LANE CONSTRUCTION; (b) PROPOSED AMENDMENT NO. 3 TO SOLID WASTE HANDLING AND RECYCLING SERVICES CONTRACT BETWEEN THE COUNTY OF LAKE AND TIMBERLINE DISPOSAL COMPANY, INC., TO INCREASE SERVICE RATES BASED ON CONSUMER PRICE INDEX (CPI); and (c) PROPOSED ORDINANCE DECREASING GATE FEES TO BE CHARGED AT THE EASTLAKE LANDFILL FOR COUNTY SOLID WASTE SERVICES** - Public Services Director Kim Clymire and Deputy Director of Public Services Caroline Chavez were present.

Mr. Jim Salyers and Mr. John Warren, representative for Timberline Disposal were present.

Mr. Joe Miller, representing SCS Engineers for Timberline Disposal was also present.

Ms. Chavez gave a brief overview of Timberline Disposal's Soda Bay Road Facility Expansion and left turn lane construction. The property acquisition (Right-of-Way Services Agreement), between the County of Lake and Timberline Disposal has been placed on the September 20, 2005, Agenda for consideration. Timberline has agreed to pay all costs associated with the acquisition of the necessary right-of-way, including the necessary title searches, property acquisition, to reimburse the County for the time and effort of the County staff and other necessary costs. An estimate was prepared by County staff and Timberline

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Disposal has agreed to pay a deposit of \$50,000 to cover the estimated costs of the acquisition before any services are performed.

Ms. Chavez also gave a brief overview of Timberline Disposal's proposed rate increase, which includes an eligible rate increase of 3.16% for 2004 and a 2.05% for 2005. Refuse collection service rates have also been adjusted to establish an incrementally consistent Pay-As-You-Throw (PAYT) rate structure in place of volume discounts to support County diversion goals and to mirror the rate methodology applied by the County's other franchise hauler. The ordinance will amend the gate tonnage fee reduction for franchise haulers from \$41 per ton to \$37 per ton at the Eastlake Landfill.

The following amendment was made to the agreement:

Page 2, Line 2 - Deleted "effective retroactive to July 1, 2005", and replaced it with "effective October 1, 2005".

Supervisor Lewis and by vote of the Board (5 ayes) approved Amendment No. 3 to Solid Waste Handling and Recycling Services Control, as amended, between the County of Lake and Timberline Disposal Company, to increase service rates based on Consumer Price Index (CPI), and authorized the Chair to sign.

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 September 27, 2005.

After a short recess, the Board reconvened at 10:38 a.m.

5. **ITEM A-5 - 10:15 A.M. - (a) PROGRESS REPORT ON THE ORDER TO ABATE NUISANCE, LOCATED AT 11200 WHEELER DRIVE, KELSEYVILLE, CA (APN 043-653-11-00 - BYRON DUERKSEN AND SYLVIA DUERKSEN); and (b) STATUS REPORT FROM CODE ENFORCEMENT** - Community Development Director Mary Jane Fagalde and Code Compliance Manager Hank Bouillerc were present.

Mr. Bouillerc presented the status report for the month of August. There are 602 active cases open at this time. There are currently 107 public nuisance vehicles cases, there have been 44 vehicles tagged, 40 vehicles towed, 2 vehicles impounded and 21 vehicles gone on arrival.

Ms. Fagalde gave a progress report on the Order to Abate Nuisance, located at 11200 Wheeler Drive, Kelseyville, CA (APN 043-653-11-00 - Byron Duerksen and Silvia Duerksen). A final notice to comply was sent to Mr. and Mrs. Duerksen on September 12, 2005. The notice informs Mr. Duerksen that he has failed to contact the Community Development to schedule an inspection of the work that has been done on his property. The notice also informs Mr. Duerksen that the failure to final permits is a violation of the Lake County Code, Chapter 5, Sections 5-14.1 and 5-14.2 and subject to legal action. Also, the 1997 Uniform Administrative Code, Section 303.4, states in part that: "Every permit issued by the Building Official under the provisions of the technical codes shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days."

Environment Health Director Ray Ruminski was also present.

Mr. Bryon Duerksen was also present and stated that the septic system is not located under the cement slab as previously thought and that after this hearing is completed, he will schedule an inspection of his property.

Mr. Ruminski agreed with Mr. Duerksen regarding the septic system and that it is in compliance with Environmental Health rules and regulations.

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

There was no further action taken on this item.

6. **ITEM A-6 - 11:00 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE WEEK OF SEPTEMBER 19<sup>TH</sup> THROUGH SEPTEMBER 23<sup>RD</sup>, 2005, AS ADULT DAY SERVICES WEEK IN LAKE COUNTY** - Supervisor Lewis read the proclamation into the record. The proclamation was presented to Ms. Caroline Denny, Ms. Aria Gleen and Ms. Olga Clary.

7. **ITEM A-7 - Advanced From August 23, 2005 - 11:05 A.M. - AN ORDINANCE 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 - (SECOND READING)** - Chair Robey asked if anyone present wished to speak on this item and Dr. Bob Gardner spoke. No one else was present wishing to speak and the public portion of this item was closed.

Supervisor Farrington offered Ordinance No. 2746, and it was passed by a roll-call vote (5 ayes).

8. **ITEM A-10 - CONSIDERATION OF RECOMMENDATION THAT: (a) THE RESPONSIBILITY FOR ADMINISTRATION OF THE WASTE TIRE ENFORCEMENT GRANT PROGRAM BE TRANSFERRED FROM ENVIRONMENTAL HEALTH DIVISION TO THE PUBLIC SERVICES DEPARTMENT; (b) THE BOARD PLACE A TEMPORARY FREEZE ON WORK RELATED TO IMPLEMENTATION OF RESTAURANT RATING SYSTEM; and (c) THAT THE BOARD PRIORITIZE OTHER DUTIES OF THE ENVIRONMENTAL HEALTH DIVISION IN ORDER TO ADDRESS THE DIVISION'S CURRENT BACKLOG** - Health Services Director Ruth Lincoln, Environmental Health Director Ray Ruminski and Environmental Health Specialist James Scott were present.

Ms. Lincoln gave a brief overview of why the Environmental Health Department is backlogged. There are currently two employees that are on extended medical leave and there has been problems with recruitment of two vacant Environmental Health Specialist positions. The issues have being addressed by staff and recommendations to relieve the backlog are being implemented by staff.

There was no action taken on this item at this time, however, if the department continues to be backlogged, this item will be brought back to the Board for further consideration.

The Board recessed for lunch at 12:05 p.m. and reconvened at 1:38 p.m.

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

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9. **ITEM A-8 - 11:30 A.M. - DISCUSSION REGARDING IMPACT OF THE MIDDLE CREEK FLOOD DAMAGE AND ECOSYSTEM RESTORATION PROJECT ON SALE OF PARCELS LOCATED PARTIALLY WITHIN PROJECT AREA AND CONSIDERATION OF BOARD POLICY DIRECTION TO ADDRESS PROPERTY OWNERS' CONCERNS** - Community Development Director Mary Jane Fagalde, Principal Planner Rick Coel and Water Resources Engineer Tom Smythe were present.

Director Lewis gave a brief overview of a proposed policy regarding parcels located partially within the Middle Creek Flood Damage Ecosystem Restoration Project.

There was consensus of the Board to have County Counsel prepare a resolution confirming effect of Middle Creek Flood Damage reduction and Ecosystem Restoration Project on properties in the project area.

The following Item was taken up sitting as the Board of Directors of Lake County Watershed Protection District and the Board of Supervisors.

10. **ITEM A-13 - (a) PROPOSED ORDINANCES ADDING ARTICLE VIII TO CHAPTER 5 OF THE LAKE COUNTY CODE REGARDING DRAINAGE EASEMENT ENCROACHMENTS; and (b) REVIEW OF DRAFT RESOLUTION THAT ESTABLISHES RULES AND REGULATIONS FOR DRAINAGE ENCROACHMENTS** - Public Works Director Gerry Shaul and Water Resources Engineer Tom Smythe were 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 two weeks to September 27, 2005.

On motion of Director 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 Director Lewis and by vote of the Board (5 ayes), advanced the ordinance two weeks to September 27, 2005.

Supervisor Lewis offered Resolution No. 2005-154, and it was passed by a roll-call vote (5 ayes).

(Resolution No. 2005-154 was amended on September 27, 2005 and the Board of Directors of Lake County Watershed Protection District's proposed Resolution establishing the rules and regulations governing the issuance of Encroachment Permits on County drainage easements was also adopted on September 27, 2005).

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

**BACK TO #2 - ITEM A-3 - CURRENT CONSTRUCTION PROJECTS - CONTRACT CHANGE ORDERS:**

**Change Order No. One, for Central Dispatch Facility** - This Change order reflects the cost of extending the walls in Room #112 and Room #111 for code compliance reasons.

Public Works Director Gerry Shaul was present and stated that he did not know why the wall extension was not included in the architect's plans and specifications.

This item was continued to September 20, 2005, in order to allow time for Public Works Director Gerry Shaul to contact the architect and find out the reason why the wall extensions were not included in the plans and specifications.

11. **ITEM A-12 - PROPOSED ORDINANCE ESTABLISHING A SPEED LIMIT ZONE OF 45 MPH ON ELK MOUNTAIN ROAD, COUNTY ROAD NO. 301, FROM THE HUNTER BRIDGE ACROSS MIDDLE CREEK TO THE ENTRANCE OF MIDDLE CREEK CAMPGROUND** - 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 September 27, 2005.

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

12. **ITEM A-14 - PROPOSED AGREEMENT BETWEEN THE LAKE COUNTY SANITATION DISTRICT AND THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, FOR A HEALTH WATERWAYS STUDY (REQUIRED AS A CONDITION OF THE NORTHERN CALIFORNIA RIVER WATCH LAWSUIT SETTLEMENT)** - Special Districts Administrator Mark Dellinger was present.

Director Farrington made a motion to approve the Agreement between the Lake County Sanitation District and the Regents of the University of California, for a Health Waterways Study (required as a condition of the Northern California River Watch lawsuit settlement), and authorized Special Districts Administrator Mark Dellinger to sign. Director Farrington withdrew his motion.

This item will be taken up later today.

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

13. **ITEM A-11 - REQUEST FOR BOARD TO REAFFIRM ITS POSITION ON NOT USING EMINENT DOMAIN PROCESS TO ACQUIRE RESIDENTIAL PROPERTIES** - Special Districts Administrator Mark Dellinger was present.

Supervisor Brown gave a brief overview of the request to reaffirm the Board's position previously taken as the Board of Directors of the Redevelopment Agency.

The Board agreed that the County will not use the eminent domain process to acquire residential properties, but did not see the need to adopt a policy regarding the Board's position.

There was no action taken on this item.

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

**BACK TO #12 - ITEM A-14 - PROPOSED AGREEMENT BETWEEN THE LAKE COUNTY SANITATION DISTRICT AND THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, FOR A HEALTH WATERWAYS STUDY (REQUIRED AS A CONDITION**

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**OF THE NORTHERN CALIFORNIA RIVER WATCH LAWSUIT SETTLEMENT)** - Special Districts Administrator Mark Dellinger and Resource Manager Peggy King were present.

On motion of Director Farrington and by vote of the Board (3 ayes, Directors Smith and Brown NO), approved the Agreement between the Lake County Sanitation District and the Regents of the University of California, for a Health Waterways Study (required as a condition of the Northern California River Watch lawsuit settlement, and authorized Special Districts Administrator Mark Dellinger to sign.

The Board of Directors stated that they would like to give the general public an overview of the lawsuit that was filed against the County by Northern California River Watch and asked Special Districts Administrator to invite Northern California River Watch to be present at a future Board meeting.

This item will be placed on the agenda at a later date.

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

14. **ITEM A-15 - CLOSED SESSION - Conference with Labor Negotiator: (a) County Negotiators : A. Grant and M. Perry and (b) Employee Organizations: LCEA,, LCCOA, SDA and DDAA; 2. Public Employee Performance Evaluation, Titles: (1) Veteran Services Officer and (2) Administrative Officer; and 3. Liability (Disability) Claim: Application of Jeff Crouch** - 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.

There being no further action, the Board adjourned at 7:42 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