



# Minutes

## County of Lake Board of Supervisors

### OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD APRIL 18, 2006

The Honorable Board of Supervisors of Lake County, California, met in regular session this 18<sup>th</sup> day of April, 2006, there being present Supervisors Ed Robey, Jeff Smith, Gary Lewis, Rob Brown, Anthony Farrington, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Georgine Hunt.

The meeting was called to order at 9:02 a.m. by Chair Farrington. Following a moment of silence, Supervisor Rob Brown 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-13.

Approved Minutes of the Board of Supervisors Meetings held on March 28 and April 4, 2006.

Adopted proclamation designating the week of April 23<sup>rd</sup> through April 29<sup>th</sup>, 2006, as National Victims' Rights Week in Lake County.

Adopted proclamation designating April 25, 2006, as Red Hat Day in Lake County.

Adopted Resolution No. 2006-70, approving Agreement between the County of Marin and County of Lake for Medi-Cal Administrative Activities (MAA) and Targeted Case Management (TCM), and authorizing the Director of Health Services to sign.

Adopted Resolution No. 2006-69, approving the Substance Abuse and Crime Prevention (SACPA) Proposition 36 Implementation Plan between the County of Lake and the State of California, Department of Alcohol and Drug Programs for the Fiscal Year 2006/2007.

Approved First Amendment to Agreement between the County of Lake and People Services, Inc., for provision of vocational services to Lake County Mental Health clients, and authorized the Chair to sign.

Approved Second Amendment to Agreement between the County of Lake Sunny Hills Children's Garden for children's group home and day treatment intensive services, and authorized the Chair to sign.

Waived the 900 hour limit for extra-help On-Call Emergency Response Specialist Diana Longacre.

Approved Memorandum of Understanding between the County of Lake and Buckingham Park Water District, Cache Creek Mobile Home Park, Golden State Water Company, California Water Service Company, Clearlake Oaks County Water District, Clearwater Mutual Water Company, Crescent Bay Improvement Company, Highlands Mutual Water District, Konocti County Water District, Konocti Harbor Resort and Spa, County of Lake Special District, City of Lakeport, Mt. Konocti Mutual Water Company, Nice Mutual Water Company, Richmond Park, Riviera West Mutual Water Company and Westwind Mobile Home Park, for Sanitary and Source Water Assessment Survey of the Clear Lake watershed area, and authorized the Chair to sign.

Approved the extension to June 1, 2006, to file Claim for Excess Proceeds for Parcel 062-191-02, Tax Deeded Land Sale #143, for the reasons provided in the Tax Collector's Memorandum dated April 5, 2006.

Approved advanced step hiring of a Deputy Probation Officer II Bart Larrabee - (5<sup>th</sup> Step Salary Range), based upon extraordinary qualifications, as per Memorandum from the Chief Probation Officer to the Board of Supervisors dated April 4, 2006.

Sitting as the Board of Directors of Lake County Watershed Protection District, approved Agreement between the Lake County Watershed Protection District and Green Valley Consulting Engineers, for engineering services for design of Clover Creek Diversion Weir modification, near Upper Lake, and authorize the Chair to sign.

Sitting as the Board of Directors of Lake County Watershed Protection District, approved Amendment Two to Agreement between Lake County Watershed Protection District and Petersen Tractor Service, LLC, for Middle Creek levee mowing, and authorize the Chair to sign.

2. **ITEM A-2 - PRESENTATION OF ANIMALS THAT ARE AVAILABLE FOR ADOPTION AT THE LAKE COUNTY ANIMAL CARE AND CONTROL SHELTER** - Animal Control Officer Morgan Nelsen was present and showed two (2) dogs and one (1) cat that are available for adoption at the Lake County Animal Care and Control Center.

3. **ITEM A-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**

**EXTRA #1 - CONSIDERATION OF LETTER OF OPPOSITION TO SENATE BILL 1612 (SIMITIAN) THE "CLEAN DRINKING WATER, WATER SUPPLY SECURITY AND ENVIRONMENTAL PROTECTION BOND ACT OF 2006", FOR THE PURPOSE OF FINANCING A WATER CONVEYANCE AND ENVIRONMENTAL IMPROVEMENT PROGRAM** - On motion of Supervisor Smith 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:

Supervisor Farrington received work late last week that the Senate Committee on Natural Resources and Water would be meeting on Senate Bill 1612 on April 18, 2006, and it is important that the Board of Supervisors consider the letter of opposition during today's meeting.

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This item will be taken up later in the day.

**EXTRA #2 - CONSIDERATION OF PROPOSED PROCLAMATION DECLARING THE EXISTENCE OF A LOCAL EMERGENCY AND REQUESTING THE GOVERNOR TO DECLARE A STATE OF EMERGENCY** - On motion of Supervisor Smith 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:

The spring storms of 2006 have caused extensive storm damage to property and infrastructure most of which has only recently been identified. As of April 17, 2006, the identified damage to the County maintained road system is estimated to exceed \$5 million. Local resources are inadequate to cope with the effect of this emergency and there is a need for State and Federal assistance. This proclamation and declaration of a local emergency must be submitted to the State Office of Emergency Services within 10 days of the disaster incident.

Public Works Director Gerry Shaul was present.

Supervisor Robey offered Proclamation (Resolution No. 2005-68), and it was passed by a roll-call vote (5 ayes).

**BACK TO EXTRA #1 - CONSIDERATION OF LETTER OF OPPOSITION TO SENATE BILL 1612 (SIMITIAN) THE "CLEAN DRINKING WATER, WATER SUPPLY SECURITY AND ENVIRONMENTAL PROTECTION BOND ACT OF 2006", FOR THE PURPOSE OF FINANCING A WATER CONVEYANCE AND ENVIRONMENTAL IMPROVEMENT PROGRAM** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved letter of opposition to Senate Bill 1612 (Simitian) the "Clean Drinking Water, Water Supply Security and Environmental Protection Bond Act of 2006", for the purpose of financing a Water Conveyance and Environmental Improvement Program, and authorized the Chair to sign.

**3. ITEM A-4 - CURRENT CONSTRUCTION PROJECTS - CONTRACT CHANGE ORDERS:**

**Change Order No. 5, New Central Dispatch Facility** - This change order reflects the cost of modifying the cabinetry and electrical wiring in the kitchen/break room.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Change Order No. 5, for an increase of \$1,134, BRCO Constructors, Inc., for the new Central Dispatch Facility, and authorized the Chair to sign.

**Change Order No. 6, New Central Dispatch Facility** - This change order reflects the cost of providing and installing the antenna and combining system. The work was intentionally not part of the original Central Dispatch Project and was intended to be bid separately and was done on the communication tower. Accordingly, plan and specifications were prepared and bids solicited, however, no bids were received. Time is now of the essence since the building construction is nearly completed.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Change Order No. 6, for an increase of \$50,268, BRCO Constructors, Inc., for the new Central Dispatch Facility, and authorized the Chair to sign.

**4. CITIZEN'S INPUT** - Ms. Beverly Del Bucchia, Ms. Stephanie Freeman and Ms. Anita Sambs asked the Board to consider initiating rent stabilization in mobilehome parks in Lake County.

Ms. Bev Bergstrom stated that two more parcels have been purchased for the construction of two homes through the Habitat for Humanities Program.

**5. ITEM A-5 - 9:15 A.M. - PRESENTATION BY SANDRA WEST ON THE PROGRESS OF MT. KONOCTI FACILITATION'S SIROLLI ECONOMIC DEVELOPMENT PROJECT IN LAKE COUNTY** - Mr. Lloyd Hambuck and Ms. Sandra West, representatives of Mt. Konocti Facilitation's Sirolli Economic Development Project were present.

Ms. Sandra West gave an overview of the progress of the project and the Client Survey Summary. This included the number of clients served, the number of clients that were mailed the survey, the number of completed surveys received and the number of surveys returned non-deliverable, This survey asked individuals what is their business status, what type of business a person plans to start, what types of assistance is being requested and what type of assistance has been received.

There was no action taken on this item.

**6. ITEM A-6 - 9:30 A.M. - PRESENTATION BY LIBRARY ADVISORY BOARD MEMBER HAROLD RILEY REGARDING PROPOSITION 81 (LIBRARY BOND) ON THE JUNE BALLOT AND REQUEST FOR BOARD SUPPORT AND ENDORSEMENT** - Mr. Harold Riley gave a brief overview of Proposition 81. Mr. Riley stated that this proposition will renovate old library buildings and establish new facilities for all Californians.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved a letter of support of Proposition 81, and authorized the Chair to sign.

**7. ITEM A-7 - 9:45 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE WEEK OF APRIL 23<sup>RD</sup> THROUGH APRIL 29<sup>TH</sup>, 2006, AS NATIONAL VICTIMS' RIGHTS WEEK IN LAKE COUNTY** - Supervisor Smith read the proclamation into the record. The proclamation was presented to District Attorney Gary Luck.

**8. ITEM A-8 - 9:50 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING APRIL 25, 2006, AS RED HAT DAY IN LAKE COUNTY** - Supervisor Lewis read the proclamation into the record. The proclamation was presented to numerous members of the Red Hat Club.

**9. ITEM A-13 - CONSIDERATION OF OUT-OF-STATE TRAVEL FOR VETERANS SERVICE REPRESENTATIVE ROBERT PENNY, TO RENO, NEVADA, FROM JUNE 4, THROUGH JUNE 10, 2006, TO ATTEND A CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS SANCTIONED TRAINING CONFERENCE** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved out-of-state travel for Veterans Service Representative Robert Penny, to Reno, Nevada, from June 4, through June 10, 2006, to attend a California Department of Veterans Affairs Sanctioned Training Conference.

**10. ITEM A-12 - CONSIDERATION OF REQUEST TO WAIVE THE FORMAL BIDDING PROCESS FOR VEHICLES, AND MAKE A DETERMINATION THAT COMPETITIVE BIDDING WOULD PRODUCE NO ECONOMIC BENEFIT TO THE COUNTY, APPROVE BUDGET TRANSFER B-217, IN THE AMOUNT OF \$25,000 FOR TWO PICK-UP TRUCKS, AND AUTHORIZE THE PUBLIC WORKS DEPARTMENT TO ISSUE PURCHASE ORDER FOR PROCUREMENT OF CERTAIN VEHICLES IN THE CURRENT BUDGET, THROUGH THE STATEWIDE BID CONTRACT AND/OR LOCAL VENDORS** - Public Works Director Gerry Shaul was present.

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On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the request to waive the formal bidding process for vehicles, and made a determination that competitive bidding would produce no economic benefit to the County.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Budget Transfer No. B-217, in the amount of \$25,000, for purchase of two pick-up trucks, Budget Unit No. 9905 - Central Garage, and authorized the Chair to sign.

On motion of Supervisor Smith and by vote of the Board (5 ayes), authorized the Public Works Department to issue a Purchase Order for procurement of certain vehicles in the current budget, through the Statewide Bid Contract (seven (7) mini pick-up trucks), and to Northlake Ford (3 mid-size sedans).

11. **ITEM A-14 - PROPOSED ORDINANCE ADDING CHAPTER 29 TO THE LAKE COUNTY CODE REGARDING STORM WATER MANAGEMENT** - Public Works Director Gerry Shaul and Community Development Director Mary Jane Fagalde were present.

On motion of Supervisor Brown 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 Brown and by vote of the Board (5 ayes), advanced the ordinance three weeks to May 9, 2006. (This motion was rescinded later in the day).

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

12. **ITEM A-15 - PROPOSED BUDGET TRANSFER B-213, FOR PURCHASE OF OFFICE FURNITURE, BUDGET UNIT NO. 8107 - LAKE COUNTY WATERSHED PROTECTION DISTRICT** - Public Works Director Gerry Shaul was present.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved Budget Transfer No. B-213, in the amount of \$2,500, for purchase of office furniture, Budget Unit No. 8107 - Lake County Watershed Protection District, and authorized the Chair to sign.

After a short recess, the Board reconvened at 10:45 a.m.

13. **ITEM A-9 - 10:30 A.M. - DISCUSSION/CONSIDERATION OF THE IMPLEMENTATION OF A COUNTY PROGRAM REQUIRING LAKE COUNTY IHSS EMPLOYEES TO BE CPR TRAINED AND CERTIFIED, SCREENED FOR CRIMINAL BACKGROUNDS AND PARTICIPATE IN A RANDOMIZED DRUG TESTING PROGRAM** - California United Homecare Workers President Mr. Tyrone Freeman was present and stated that he agreed with the implementation of a County Program requiring IHSS employees to be CPR trained and certified, screened for criminal backgrounds and randomized drug testing. Mr. Freeman also stated that he will work with the Board, the IHSS Advisory Committee and union representatives for the implementation of this program.

Chair Farrington asked if anyone present wished to speak on this item and the following persons spoke: Ms. Christy Murch, Mr. John Roddy and Mr. Tom Gressly. No one else was present wishing to speak and the public portion of this item was closed.

There was consensus by the Board to present these suggestions to the IHSS Advisory Committee for consideration. Recommendations from the committee will be brought back to the Board at a later date for discussion/consideration.

The Board adjourned for lunch at 12:01 p.m. and reconvened at 1:33 p.m.

14. **ITEM A-10 - 1:30 P.M. - PUBLIC HEARING - PROCEEDINGS ON PSG PROPERTY AND SUPPORT GROUP'S USE PERMIT, WHICH WOULD ALLOW PSG PROPERTIES AND SUPPORT GROUP TO OPERATE A RESIDENTIAL COMMUNITY CARE FACILITY IN AN EXISTING BUILDING COMPLEX; PROJECT IS LOCATED AT 10155 SOCRATES MINE ROAD, MIDDLETOWN, CA - (APN 013-058-11 and 013-058-12)** - Community Development Director Mary Jane Fagalde and Environmental Health Director Ray Ruminski were present.

Ms. Fagalde gave brief background report. On March 30, 2006, in the case of PSG Properties and Support, Inc., et al. v. the County of Lake, the United States District Court for the Northern District of California entered an Order Vacating the Prior Administrative Denial of a Use Permit by the Lake County Board of Supervisors. That court referred back to the Board of Supervisors the single determination of whether the Use Permit Application should be granted in light of the wastewater system disposal analysis since submitted by PSG to Lake County pursuant to a prior stipulation between the parties and consequent order. This hearing is being held pursuant to the terms of that court order. Staff from the Community Development and Environmental Health Departments have reviewed the report submitted by PSG's engineer (Environmental Engineering Associates), and while the report is not a focused EIR, it is comprehensive and addresses the issues that were covered in the Board's Interim Decision Order of December, 2003.

Mr. Neil Bloomfield, attorney for PSG Properties and Support, Inc., was also present.

This item was continued to later in the day.

- BACK TO #11 - ITEM A-14 - PROPOSED ORDINANCE ADDING CHAPTER 29 TO THE LAKE COUNTY CODE REGARDING STORM WATER MANAGEMENT** - On motion of Supervisor Brown and by vote of the Board (5 ayes), rescinded the motion advancing the ordinance three weeks to May 9, 2006.

On motion of Supervisor Brown and by vote of the Board (5 ayes), advanced the ordinance two weeks to May 2, 2006.

- BACK TO #14 - ITEM A-10 - 1:30 P.M. - PUBLIC HEARING - PROCEEDINGS ON PSG PROPERTY AND SUPPORT GROUP'S USE PERMIT, WHICH WOULD ALLOW PSG PROPERTIES AND SUPPORT GROUP TO OPERATE A RESIDENTIAL COMMUNITY CARE FACILITY IN AN EXISTING BUILDING COMPLEX; PROJECT IS LOCATED AT 10155 SOCRATES MINE ROAD, MIDDLETOWN, CA - (APN 013-058-11 and 013-058-12)** - Community Development Director Mary Jane Fagalde and Environmental Health Director Ray Ruminski were present.

Mr. Neil Bloomfield, attorney for PSG Properties and Support, Inc., was also present.

Chair Farrington opened the public hearing and the following persons spoke: Mr. Jeff Gospe, Ms. Joan Clay, Ms. Meriel Medrano and Mr. Dave Jackson. No one else was present and the public hearing was closed.

This item was continued after a short recess.

After a short recess, the Board reconvened at 3:31 p.m.

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**BACK TO #14 - ITEM A-10 - 1:30 P.M. - PUBLIC HEARING - PROCEEDINGS ON PSG PROPERTY AND SUPPORT GROUP'S USE PERMIT, WHICH WOULD ALLOW PSG PROPERTIES AND SUPPORT GROUP TO OPERATE A RESIDENTIAL COMMUNITY CARE FACILITY IN AN EXISTING BUILDING COMPLEX; PROJECT IS LOCATED AT 10155 SOCRATES MINE ROAD, MIDDLETOWN, CA - (APN 013-058-11 and 013-058-12) -** Community Development Director Mary Jane Fagalde and Environmental Health Director Ray Ruminski were present.

Mr. Neil Bloomfield, attorney for PSG Properties and Support, Inc., was also present.

After a lengthy discussion by the Board regarding amendments to the Use Permit, it was determined that this item needed to be continued to a later date.

This item was continued to May 2, 2006, at 1:30 p.m.

15. **ITEM A-11 - SUPERVISORS WEEKLY CALENDAR, TRAVEL, AND REPORTS** - A E-Mail dated April 18, 2006, was received by the Board, commending Code Enforcement Officer Allison Garrett, Code Enforcement Officer Kim Heckard and Animal Control Officer Dolores Lackey, for their initiative and volunteer efforts in assisting a resident of Clearlake Oake to relocate to a safe and clean place to stay while awaiting his new home.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Certificates of Appreciation to Code Enforcement Officer Allison Garrett, Code Enforcement Officer Kim Heckard and Animal Control Officer Dolores Lackey, and authorized the Chair to sign.

16. **ITEM A-16 - CLOSED SESSION - 1. Conference with Labor Negotiator, (a) County Negotiators: A. Grant and M. Perry, (b) Employee Organization: DDAA, LCCOA, LCEA and SDA; and 2. Public Employee Performance Evaluations: Titles: Public Works Director and Animal Control Director** - Chair Farrington 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 business, the Board adjourned at 5:24 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