



# Minutes

## County of Lake Board of Supervisors

### OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD DECEMBER 12, 2006

The Honorable Board of Supervisors of Lake County, California, met in regular session this 12<sup>th</sup> day of December, 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 Mireya Turner.

The meeting was called to order at 9:00 a.m. by Chair Farrington. Following a moment of silence in honor of Mary Jadeker and Jim Mattsinger, Planning Commissioner Marvin Butler led the salute to the flag of the United States of America.

1. **ITEM A-1 - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Robey and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-10, with the exception of C-7, which will be taken up immediately following the approval of the Consent Agenda.

Approved Minutes of the Board of Supervisors meeting held on October 19, 2006.

Adopted Proclamation designating the month of December 2006, as Drunk and Drugged Driver (3d) Awareness Month in Lake County.

Adopted Proclamation commending Betty Cleveland upon her retirement from county service.

Approved Agreement between the County of Lake and the Active Network Inc., for content management software, and authorized the Administrative Officer to sign.

(a) Waived the 900-hour limit for extra-help Mental Health Specialist Kathleen Wood; and (b) waived the 900-hour limit for extra-help Mental Health Specialist Rebecca Rees.

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

Adopted Resolution No. 2006-229, amending Board of Supervisor's Resolution No. 2004-60, establishing an underground utility district, Island Drive, Clearlake Oaks area, County of Lake.

Approved Budget Transfer B-058, in the amount of \$11,887, to purchase two MAV units, Budget Unit No. 2114 - DA grants, and authorized the Chair to sign.

Sitting as Board of Directors Lake County Air Quality Management District, approved District/State Air Resources Board Subvention application for Fiscal Year 2006/2007 and Fiscal Year 2005/2006 final financial report, and authorized Air Pollution Control Officer to sign and submit application and report to the State Air Resources Board.

2. **CONSENT AGENDA ITEM C-7 - CONSIDERATION OF PROPOSED RESOLUTION AMENDING BOARD OF SUPERVISOR'S RESOLUTION NO. 2004-184, ESTABLISHING AN UNDERGROUND UTILITY DISTRICT, MAIN STREET, UPPER LAKE AREA, COUNTY OF LAKE** - An error was noted on the wording of the Memorandum. Supervisors Lewis recommended the change of "Island Drive Underground Utility District" to "Upper Lake Utility District".

On motion of Supervisor Lewis and by vote of the Board (5 ayes), adopted Resolution No. 2006-228, amending Board of Supervisors Resolution No. 2004-184, establishing an underground utility district, Main Street, Upper Lake area, County of Lake.

3. **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.

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

5. **EXTRA #1 - COMMUNITY DEVELOPMENT - CODE COMPLIANCE DIVISION - CONSIDERATION OF REQUEST TO AWARD BID NO. 07-23 TO AJAY CONSTRUCTION COMPANY AND APPROVE AGREEMENT BETWEEN THE COUNTY OF LAKE AND CHERNOH EXCAVATING FOR ABATEMENT OF NUISANCE ON PROPERTY LOCATED AT 3297 EAST HIGHWAY 20, NICE, CA - (BROTMAN - APN 032-123-02)** - On motion of Supervisor Lewis 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.

The item was considered as an extra for the following reasons:

This matter has arisen since the posting of the current agenda concerning a matter which requires Board consideration. Based on the facts, there is a need to take immediate action on this matter and it has come to the attention of County Counsel since today's agenda was posted.

Code Compliance Manager Voris Brumfield spoke regarding the additional health and safety violations occurring on the property as time passes. Chernoh Excavating, the low bidder for Bid No. 07-23 can begin abatement Thursday, December 14, should the Board take action today.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), awarded Bid No. 07-23 for Nuisance Abatement for APN 032-123-02 to Chernoh Excavating and authorized the Chair to sign the contract.

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

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Change Order No. 1, Construction of Improvements on Soda Bay Road, Gaddy Lane to Clearlake State Park & Seigler Canyon Road, PM 1.8 to PM 2.2 in Lake County, CA - This change order reflects changes to provide a more economical solution to the rutting problems on Soda Bay Road.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Change Order No. 1, for a decrease of \$96,080.00, Granite Construction Company, and authorized the Chair to sign.

7. **ITEM A-15 - Advanced From November 28, 2006 - AN ORDINANCE ESTABLISHING ISSUANCE OF MEDICAL MARIJUANA IDENTIFICATION CARDS UNDER THE COMPASSIONATE USE ACT OF 1996 AND THE MEDICAL MARIJUANA PROGRAM ACT SENATE BILL 420, AND TO ESTABLISH FEES ASSOCIATED WITH DISPENSATION OF THE MEDICAL MARIJUANA IDENTIFICATION CARD - (SECOND READING)** - Supervisor Brown offered Ordinance No. 2804, and it was passed by a roll-call vote (5 ayes).
8. **ITEM A-16 - Advanced From November 21, 2006 - AN ORDINANCE AMENDING DISPOSAL FEES TO BE CHARGED TO FRANCHISE HAULERS AT THE EASTLAKE LANDFILL - (SECOND READING)** - Supervisor Brown offered Ordinance No. 2805, and it was passed by a roll-call vote (5 ayes).
9. **ITEM A-5 - 9:15 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 12440 PINE STREET, CLEARLAKE OAKS, (APN 035-143-45-00 - GUY ARCHINI)** - Code Compliance Manager Voris Brumfield, Code Compliance Officer Allison Garrett, Guy Archini and Alison Lutz Archini were present and were sworn in by the Clerk.

Ms. Garrett presented a power point presentation regarding the condition of the property.

Mr. and Mrs. Archini gave testimony.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 12440 Pine Street, Clearlake Oaks, California, within thirty (30) days and authorized staff to abate the nuisance if it is not voluntarily abated, all cost associated with this case will become a charge against the property.

10. **ITEM A-6 - 9:30 A.M. - PUBLIC HEARING - UPDATE ON THE ACCOMPLISHMENTS OF CDBG CONTRACT NO. 03-PTAA-009, BUSINESS INCUBATOR FEASIBILITY STUDY AND THE CLEARLAKE OAKS BUSINESS ATTRACTION STUDY, AND AN OVERVIEW OF THE RECOMMENDATIONS OF THE STUDIES** - County Administrative Officer Kelly Cox and Chief Deputy Administrative Officer Matt Perry were present.

Mr. Perry gave the presentation of the study.

Chair Farrington opened the public hearing and the following people spoke: Donna Christopher and Joan Moss. No one else was present wishing to speak and the public hearing was closed. By consensus of the Board, the proposed responses to the recommendations in the studies, were approved.

11. **ITEM A-7 - 9:45 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF DECEMBER 2006, AS DRUNK AND DRUGGED DRIVER (3D) AWARENESS MONTH IN LAKE COUNTY** - Supervisor Smith read the proclamation into the record. The proclamation was presented to Substance Abuse Prevention Coordinator Catherine Rose. Numerous other people involved in prevention of drunk and drugged driving also spoke.
12. **ITEM A-8 - 9:50 A.M. - PRESENTATION OF PROCLAMATION COMMENDING BETTY CLEVELAND UPON HER RETIREMENT FROM COUNTY SERVICE** - Supervisor Robey read the proclamation into the record. The proclamation was presented to Betty Cleveland. Ms. Cleveland spoke.
13. **ITEM A-9 - 10:00 A.M. - CONSIDERATION OF ENGINEERING EVALUATION OF CAPITAL IMPROVEMENT FEES AND PROPOSED ORDINANCE INCREASING THE CHARGES AND FEES FOR COUNTY SERVICE AREA NO. 2 - SPRING VALLEY LAKES (INCREASING CAPITAL IMPROVEMENT FEES FROM \$4,136 TO \$18,010 PER SINGLE FAMILY DWELLING UNIT)** - Special Districts Administrator Mark Dellinger was present and gave the report.

Chair Farrington asked if anyone wished to speak on this item and the following people spoke: Helen Mitchum, Joan Moss and Monte Winters. No one else was present wishing to speak and the public portion of this item was closed.

Supervisor Brown requested this item be tabled until after hearing the input from agenda item A-10.

The Board adjourned briefly and returned at 11:05 a.m.

14. **ITEM A-10 - 10:30 A.M. - DISCUSSION/CONSIDERATION OF HAVING MONTHLY UPDATES ON THE URGENCY ORDINANCE ADOPTED BY THE BOARD OF SUPERVISORS REGARDING EMERGENCY WATER CONSERVATION RESTRICTIONS, HAVING MORE COMMUNITY INVOLVEMENT BY SPECIAL DISTRICTS REGARDING WATER RESTRICTIONS AND THE POSSIBILITY OF AN AMENDMENT TO THE COMPOSITION OF SPRING VALLEY LAKES TASK FORCE** - Supervisor Robey gave the introduction to the item.

Monte Winters gave a presentation regarding CSA #2 issues.

Chair Farrington interrupted this presentation for the following timed item.

15. **ITEM A-12 - 11:15 A.M. - PRESENTATION OF EMPLOYEE SERVICE AWARDS** - Chair Farrington and Secretary III Penny Dahl presented certificates and pen/pencil sets in recognition of fifteen or more years of employment with the County of Lake (or in the case of department heads or Board members, five or more years of service). The following employees received certificates for ten years of service: Gary Lewis - District 3 Supervisor.

The following employees received pen/pencil sets for fifteen years of service: Gail Woodworth - Child Support Services, Kelli Brown - Assessor's Office, Ronnie Warren - Jail Facilities, Thomas Andrews - Sheriff-Coroner's Office, James Samples - Sheriff-Coroner's Office, and Jennifer Hammond - County Administrative Office.

The following employees received pen/pencil sets for twenty years of service: Janell Rivera - Sheriff Central Dispatch, and Donna Howard - County Museum/Cultural Services.

The following employees received pen/pencil sets for twenty-five years of service: Cathy Saderlund - Auditor-Controller's Office, Kim Clymire - Public Services Department, Carol Sewall - Probation/Juvenile Court, Michael Thompson - Special Districts, and James Plank - Special Districts.

The following employees received pen/pencil sets for thirty years of service: Robert Renker - Assessor's Office, Kenneth Saderlund - Assessor's Office, and Steven Buchholz - Probation/Juvenile Court.

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Back to ITEM A-10 - **DISCUSSION/CONSIDERATION OF HAVING MONTHLY UPDATES ON THE URGENCY ORDINANCE ADOPTED BY THE BOARD OF SUPERVISORS REGARDING EMERGENCY WATER CONSERVATION RESTRICTIONS, HAVING MORE COMMUNITY INVOLVEMENT BY SPECIAL DISTRICTS REGARDING WATER RESTRICTIONS AND THE POSSIBILITY OF AN AMENDMENT TO THE COMPOSITION OF SPRING VALLEY LAKES TASK FORCE** - Monte Winters continued his presentation.

Chair Farrington asked if anyone wished to speak on this item and Toni Field spoke and presented a petition to the Clerk of the Board. No one else was present wishing to speak and the public portion of this item was closed.

Back to ITEM A-9 - **CONSIDERATION OF ENGINEERING EVALUATION OF CAPITAL IMPROVEMENT FEES AND PROPOSED ORDINANCE INCREASING THE CHARGES AND FEES FOR COUNTY SERVICE AREA NO. 2 - SPRING VALLEY LAKES (INCREASING CAPITAL IMPROVEMENT FEES FROM \$4,136 TO \$18,010 PER SINGLE FAMILY DWELLING UNIT)** -

Chair Farrington asked if anyone wished to speak on this item and the following people spoke: Florence Kinder and Helen Mitchum. No one else was present wishing to speak and the public portion of this item was closed.

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 two weeks to January 9, 2007.

16. ITEM A-11 - **Continued From September 12, 2006 - 11:00 A.M. - CONSIDERATION OF A PROPOSED RESOLUTION ESTABLISHING THE MIDDLETOWN AREA TOWN HALL AS A MUNICIPAL ADVISORY COUNCIL** - Supervisor Robey presented a summary and suggested an amendment to the proposed resolution: the deletion on page 2, line 6, from the word "from" and through the end of the sentence.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved Resolution 2006-227, as amended, establishing the Middletown Area Town Hall as a municipal advisory council.

17. ITEM A-13 - **11:30 A.M. - UPDATE FROM ENVIRONMENTAL HEALTH REGARDING THE STATUS OF THE GROUNDWATER AND SURFACE WATER MONITORING REQUIREMENTS OF THE USE PERMIT ISSUED TO PERSONAL SUPPORT GROUP (PSG) FACILITY** - Health Services Director Jim Brown and Environmental Health Director Ray Ruminski gave the update.

Chair Farrington asked if anyone wished to speak on this item and the following people spoke: Joan Clay, Martha Webster, and Jeff Gospey. No one else was present wishing to speak and the public portion of this item was closed.

18. **ITEM A-13 - CLOSED SESSION** - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: LCEA, LCCOA, SDA and DDAA; and 2. Public Employee Performance Evaluation: Title: Information Technology 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 1:10 p.m.

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Chair - Lake County Board of Supervisors

KELLY F. COX  
Clerk of the Board

By: \_\_\_\_\_  
Mireya G. Turner  
Assistant Clerk of the Board