



# Minutes

## County of Lake Board of Supervisors

### MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JUNE 20, 2006

The Honorable Board of Supervisors of Lake County, California, met in regular session this 20<sup>th</sup> day of June, 2006, there being present Supervisors Jeff Smith, Gary Lewis, Anthony Farrington, Rob Brown, Ed Robey, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Georgine Hunt.

The meeting was called to order at 9:05 a.m. by Chair Farrington. Following a moment of silence, Supervisor Brown led the salute to the flag of the United States of America.

Supervisor Brown was absent at 9:06 a.m.

1. **ITEM A-1 - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Robey and by vote of the Board (4 ayes Supervisor Brown ABSENT), approved Consent Agenda Items C-1 through C-11, with the exception of Consent Item C-6, which will be taken up later in the day.

Approved Minutes of the Board of Supervisors Meeting held on June 6, 2006.

Adopted Resolution No. 2006-105, approving Agreement No. 06-0104, the Organic Program, with the Department of Food and Agriculture during the period of July 1, 2006 through June 30, 2007, and authorizing execution thereof.

Adopted Resolution No. 2006-104, to appropriate unanticipated revenue (additional funding in the amount of \$32,909, for the Public Health Emergency Preparedness Funding Grant Agreement) to enable the Local Health Department to plan, prepare for and respond to an Influenza Pandemic - Budget Unit No. 4011 - Health Services.

Approved Contract between the County of Lake and Candyce Hagler, as Coordinator of the Families for Literacy Program, and authorized the Chair to sign.

Authorized a Mental Health staff member(s) to provide transportation for up to ten clients, to Willows, California, to attend the California Network of Mental Health Clients, from June 20 through 21, 2006.

Approved First Amendment to Agreement between the County of Lake and Industrial Employers and Distributors Association (IEDA), for Public Authority labor negotiations consultant services, and authorized the Chair to sign.

Approved Amendment to the Child Abuse Prevention Intervention and Treatment (CAPIT)/Community Based Child Abuse Prevention (CBCAP)/Promoting Safe and Stable Families (PSSF) Three-year Plan.

Approved First Amendment to Contract between the County of Lake and California Engineering Company, Inc., for administrative subcontractor housing services, and authorized the Chair to sign.

Sitting as the Board of Director of Lake County Sanitation District, accepted dedication and conveyance of mainline sewer extension, for public utility purposes (sewer line extension), Lake Terrace Associates (7055 Old Highway 53, Clearlake - APN 010-050-03), and directed the Clerk to certify for recordation.

Sitting as the Board of Directors of Lake County Sanitation District, adopted Resolution No. 2006-106, authorizing the Special Districts Administrator to submit an application for the purpose of obtaining financial assistance under State and Federal Disaster Assistance Acts.

#### Carried over from May 16, 2006 and June 6, 2006

**CONSENT ITEM C-6 - PROPOSED RESOLUTION GRANTING INDUSTRIAL DISABILITY RETIREMENT TO MATTHEW A. WRISTEN, SAFETY EMPLOYEE** - Personnel Director Glenn Walters requested that this item be carried over to a later date for further consideration.

Supervisor Brown was present at 9:07 a.m.

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 one (1) dog, one (1) cat and two (2) kittens that are available for adoption at the Lake County Animal Care and Control Center.
3. **ITEM A-14 - CONSIDERATION OF REQUEST FOR APPROVAL OF ADVANCED STEP HIRING OF SPECIAL DISTRICTS ADMINISTRATIVE MANAGER DUE TO APPLICANT'S EXTRAORDINARY QUALIFICATIONS** - Special Districts Administrator Mark Dellinger was present and stated that the applicant has withdrawn her acceptance of the Administrative Manager position and requested that this item be pulled from today's agenda and no further action will be necessary.
4. **ITEM A-15 - Advanced From June 6, 2006 - AN ORDINANCE AMENDING CHAPTER 2 OF THE LAKE COUNTY CODE CHANGING LIBRARY HOURS (EXTENDING LIBRARY HOURS AT THE UPPER LAKE LIBRARY FROM 15 HOURS TO 25 HOURS A WEEK - 10:00 A.M.-3:00 P.M. ON WEDNESDAYS AND SATURDAYS; and AMENDING HOURS AT THE MIDDLETOWN LIBRARY ON WEDNESDAYS FROM 2:00 P.M.-7:00 P.M. TO 1:00 P.M.- 6:00 P.M.) - (SECOND READING)** - Supervisor Lewis offered Ordinance No. 2774, and it was passed by a roll-call vote (5 ayes).
5. **ITEM A-5 - 9:15 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 12395 PINE STREET CLEARLAKE OAKS, CA (APN 035-132-44-00 - JUSTIN WARD and WANDA WARD)** - Interim Code Compliance Officer Tom Blavet, Code Compliance Officer Allison Garrett, Mr. Edward Totten and Ms. Susie Totten were sworn in by the Clerk.

Ms. Garrett gave an overview of the conditions of the property which included open and outdoor storage of garbage, junk, scrap wood, appliances, household furniture and fixtures, dilapidated mobile or travel trailer, miscellaneous equipment and debris, and other miscellaneous items. Also, the dwelling is in need of immediate repair or demolition due to the substandard

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conditions of inadequate sanitation, hazardous plumbing, faulty weather protection, faulty wiring, unsafe building and fire, health and/or safety hazards. There are also one or more other substandard structures in need of demolition or repair that pose a threat to the public health, safety and welfare.

Mr. Blavet gave a power-point presentation showing the conditions of the property.

Mr. Edward Totten and Ms. Susie Totten each presented testimony.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on the property located at 12395 Pine Street in Clearlake Oaks within thirty (30) days and authorized staff to abate the nuisance if it is not voluntarily abated, all costs associated with this case shall become a charge against the property.

6. **ITEM A-6 - 9:30 A.M. - REPORT FROM THE PUBLIC DEFENDER PROGRAM OVERSIGHT COMMITTEE AND CONSIDERATION OF RECOMMENDATION TO EXTEND THE EXISTING CONTRACT WITH LAKE LEGAL DEFENSE SERVICES, INC., CONSIDER INCREASING FUNDING FOR INVESTIGATIVE SERVICES AND ALLOCATING SPACE FOR AN ATTORNEY-CLIENT MEETING ROOM** - Mr. Cameron Reeves, Chair of the Public Defender Program Oversight Committee was present and gave a brief overview of the Committee's recommendations as follows: The Committee is recommending that the contract with Lake Legal Defense Services (LLDS) be extended. This issue is timely because the County's contract with LLDS is scheduled to expire on September 30, 2006, unless the County provides a three-month advance notice that it wishes to extend the contract. The contract provides for an extension up to an additional twenty-four months. The Committee also recommends that the Board consider funding of an additional investigator and continue searching for adequate space within the Courthouse to provide an attorney-client meeting room. The Proposed Budget for Fiscal Year 2006/2007 includes a nominal increase in the public defender budget but not to the extent required to increase staffing.

On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Smith NO), directed staff to notify Lake Legal Defense Services of its intent to extend the contract for another twenty-four months and prepare a contract amendment, during the preparation of the Final Budget, staff is to consider the recommendation for increased investigative services along with the other requests from County departments for staffing increases and that the County Office Space Committees consider allocating space for an attorney-client meeting room after the Community Development Department relocates.

After a short recess, the Board reconvened at 9:59 a.m.

7. **ITEM A-16 - CONSIDERATION OF PROPOSED ORDINANCE AMENDING ARTICLE 9 OF CHAPTER TWENTY-ONE OF THE LAKE COUNTY CODE RELATING TO PARCELS DESIGNATED AS SUBURBAN (ANIMAL DENSITY)** - Chair Farrington stated that he has a private contract with one of the surrounding property owners of the pig farm and believes that he may have a conflict of interest regarding this matter.

The gavel was passed to Vice-Chair Smith.

Supervisor Farrington was absent at 10:01 a.m.

County Counsel Anita Grant gave a brief overview of the amendment. The County Counsels Office reviewed Article 9 of the Zoning Ordinance to determine whether it is possible to alleviate a situation where pigs maintained on property zoned as suburban reserve are being grouped together in an area near an adjoining property owner's property line. The existing ordinance may be amended in an attempt to alleviate the problems associated with this situation. Subdivision (a) of Section 9.16 of the Zoning Ordinance limits the raising, feeding and breeding of pigs on a parcel designated as suburban reserve to one hog or pig per 80,000 square feet of area. That subdivision may be amended to further restrict the raising of pigs on suburban reserve parcels by increasing the square footage or limiting the total number on any parcel such as the limitation imposed for beehives. Alternatively, the setbacks can be increased to require the property owner to maintain the pigs at a greater distance from the property line of the adjoining property owner. Unfortunately, neither solution will apply retroactively to address the situation currently facing the property owner who has raised this issue.

Assistant Community Development Director Rick Coel was present.

Chair Smith asked if anyone present wished to speak and Mr. Gerry Shaul, who is the owner of the adjoining property to of the pig farm. No one else was present wishing to speak and the public portion of this item was closed.

There was consensus by the Board that Supervisor Lewis, Supervisor Brown, Assistant Community Development Director Rick Coel and a representative of the Farm Bureau meet for a discussion of this issue and their recommendations will be brought back to the Board at a later date for further consideration.

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

The gavel was passed back to Chair Farrington.

8. **ITEM A7 - 10:00 A.M. - (a) STATUS REPORT BY SPECIAL DISTRICTS REGARDING THE NORTH LAKEPORT WATER (CSA #21) CEASE AND DESIST ORDER ISSUED BY THE CALIFORNIA DEPARTMENT OF HEALTH SERVICES; (b) REPORT ON CSA #21's CURRENT CAPACITY AND HOOK-UPS AVAILABLE; AND REPORT ON THE FORECASTED DEMAND OF CSA #21, AND THE NUMBER OF ENDING APPLICATIONS FOR SUBDIVIDED LOTS IN NORTH LAKEPORT** - Special Districts Administrator Mark Dellinger and Assistant Community Development Director Rick Coel were present.

Mr. Dellinger gave a brief status report which included the system description, existing capacity, current entitlements/assessments, interim plant improvements, regulatory requirements, full build out of plant, costs and proposed development in the service area. The recommendations are as follows: `Special Districts will require several months to complete the interim improvements and measure their effectiveness on the existing system. To accomplish the interim measures, an amendment to the current water systems engineering agreement will be brought to the Board for consideration. The amendment focuses primarily on the engineering needs for these improvements and the associated regulatory compliance. In the design of the plant's expansion, it may be possible to specify filters that provide more capacity than the existing ones. This would allow the plant to move water thorough the filtration process at a rate greater than which is currently forecast. This cannot be guaranteed, yet staff will pursue this course. With the forecasted growth in CSA #21, expansion of the plant should occur prior to the peak months of 2007. To accommodate this, it is advisable for an agreement to be reached between the District and developers where the developers would pay for future entitlements in advance so that the District can proceed with the expansion project. It is being recommended that the developers make proposals to provide such funds to make and/or provide the improvements to support their developments while protecting the existing customers and entitlements, and achieving regulatory compliance. In the absence of a solution such as this, staff is left with recommending a connection moratorium for the system.

Supervisor Brown was absent at 10:30 a.m. and was present at 10:45 a.m.

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Mr. Coel gave an update of subdivision proposal within North Lakeport CSA #21. The total of approved subdivisions but not yet developed is 37, there are 257 deemed complete/pending hearing and 2,218 are incomplete/in process. The total number of all housing being proposed is 2,512.

Chair Farrington asked if anyone present wished to speak on this item and the following persons spoke: Mr. Sami Kader, Ms. Debbie Blake and Mr. Mike Blake. No one else was present wishing to speak and the public portion of this item was closed.

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

9. **ITEM A-8 - 11:00 A.M. - PROPOSED AGREEMENT BETWEEN THE KELSEYVILLE COUNTY WATER WORKS DISTRICT #3 AND DAS HOMES, INC., FOR IMPROVEMENTS TO THE KELSEYVILLE WASTEWATER TREATMENT PLANT LOCATED ON GADDY LANE** - Special Districts Administrator Mark Dellinger was present and gave a brief background report. The developer DAS Homes, proposes to construct improvements to the Kelseyville Wastewater Treatment Plant located on Gaddy Lane. The improvements include an aerated lagoon with both fully and partially mixed cells and five floating aerators, piping to connect the new lagoon with existing treatment ponds, and electrical upgrades to support these improvements. In exchange for making those improvements (value of \$1,050,544), the agreement allows for the developer to receive 254 equivalent dwelling units or sewer connections with the District service area. The value of the proposed improvements was determined by the District and the engineer's review of the developer's capacity analysis and preliminary design report and their consistency with the District's Rules and Regulations and the Kelseyville Wastewater Treatment Plan Master Facilities Plan. There are a number of conditions placed on the release of equivalent dwelling units and a six (6) year time limit on the use of these equivalent dwelling units.

Ms. Sami Kader, representing Waterworks Engineers was also present.

The time period for the appeal process with the Planning Commission will not expire until June 23, 2006, and before any action can be taken on this item, the time period must be expired.

This item was continued to July 11, 2006, for further consideration.

10. **ITEM A-9 - 11:30 A.M. - PUBLIC HEARING - CONSIDERATION OF RECOMMENDATION FROM CALTRANS TO MODIFY THE EXISTING 55 M.P.H. SPEED ZONE TO A 50 M.P.H. SPEED ZONE ON STATE ROUTE 20, FROM POST MILE 12.07 TO POST MILE 12.35 IN NICE, AS DETERMINED IN THE ENGINEERING AND TRAFFIC SURVEY PREPARED BY CALTRANS DISTRICT 1 TRAFFIC SAFETY OFFICE FOR STATE ROUTE MEN-20-PM 11.95/15.40 IN AND NEAR THE COMMUNITY OF NICE** - Mr. Ralph Martinelli, Chief Traffic Safety Officer of Caltrans was present and gave a brief overview of the recommendation.

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

There was no action taken on this item.

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

11. **ITEM A-12 - Continued From June 13, 2006 - CONSIDERATION OF RECOMMENDATION FOR PURCHASE OF A NEW OR USED SIX-YARD DUMP TRUCK** - Special Districts Administrator Mark Dellinger was present.

On motion of Director Robey and by vote of the Board (3 ayes, Supervisors Brown and Farrington NO), awarded Bid No. 06-34 to Bayshore International in the amount of \$85,700, for purchase of a 2006 six-yard dump truck, and authorized the Chair to sign the bid award.

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

12. **ITEM A-13 - PROPOSED ORDINANCE AMENDING SECTION 45.4 OF CHAPTER 3 OF THE LAKE COUNTY CODE CONCERNING THE LAKE COUNTY AGRICULTURAL GRIEVANCE COMMITTEE** - Agricultural Commissioner Steve Hajik was present and gave a brief overview. When appointing a committee on an "as the need arises" basis, it is a time consuming process that is not conducive to resolving agricultural/urban interface problems in a timely manner. In addition, the Director of the University of California Cooperative Extension stated that she cannot serve on the committee due to the University of California policy. The recommendations are as follows: (1) Each of the committee members would have two-year terms and they would be staggered; and (2) Mr. David Bengston, the Mendocino County Agricultural Commissioner has agreed to be the fifth member of the committee, replacing the member representative from the University of California Cooperative Extension.

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

There was no action taken on this item.

13. **ITEM A-10 - 1:30 P.M. - PUBLIC HEARING - BOARD CONSIDERATION AND ACTION REGARDING IMPASSE IN NEGOTIATIONS WITH LAKE COUNTY CORRECTIONAL OFFICERS ASSOCIATION (LCCOA)** - County Counsel Anita Grant stated to the Board that negotiations have resumed with Lake County Correctional Officers Association and requested that this item be carried over to July 18, 2006.

14. **ITEM A-11 - SUPERVISORS WEEKLY CALENDAR, TRAVEL, AND REPORTS** - The Department of Public Works asked that the Board approve a thank you letter to Caltrans regarding the purchase of a street sweeper by the County of Lake. On June 6, 2006, the Board authorized the purchase of a street sweeper from the California Department of Transportation. Caltrans assisted the Department of Public Works with the purchase of a surplus sweeper. The low purchase price allowed the County an opportunity to add a very valuable and much needed piece of equipment to the existing fleet,

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved a thank you letter to Caltrans regarding their assistance with the purchase of a street sweeper by the County of Lake, and authorized the Chair to sign.

There being no further business, the Board adjourned at 12:25 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