



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MARCH 14, 2006

The Honorable Board of Supervisors of Lake County, California, met in regular session this 14th day of March, 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 Gary 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-12. (After the agenda was distributed, it was discovered that the numbering on the Consent Agenda was incorrect and that Consent Agenda Item Number C-6 had been omitted).

Adopted proclamation recognizing the month of March, 2006, as American Red Cross Month in Lake County.

Adopted proclamation designating the month of March, 2006, as National Women's History Month in Lake County.

Adopted proclamation designating the week of March 12th through March 18th, 2006, as Pulmonary Rehabilitation Week in Lake County.

Adopted Resolution No. 2006-52, in support of application for federal funding to construct Interpretive Center at Highlands Park in Clearlake.

Approved letters to Senator Chesbro and Assemblywoman Berg in support of Senate Bill 288, restoring \$20 million in funding to the Indian Gaming Special Distribution Fund, and authorized the Chair to sign both letters.

Authorized Auditor-Controller to reissue check for \$26.42 to Chicago Title that was issued on March 3, 2003, never cashed, and subsequently outlawed (cancelled).

Approved Resolution No. 2006-53, to appropriate unanticipated revenue (received from the California Department of Health Services in the amount of \$68,788), for HIV prevention activities and the purchase of a mobile van that will provide HIV/Hepatitis C testing, prevention and counseling services to clients, Budget Unit No. 4011 - Health Services.

Adopted Resolution No. 2006-54, amending Resolution No. 2005-139, revising position allocations for Fiscal Year 2005-2006, Budget Unit No. 4014 - Mental Health (reducing the 1 fte Staff Services Analyst position to a .60 fte Staff Services Analyst position)

Approved Agreement between the County of Lake and Comprehensive Support Systems, to provide specialized supported living services, and authorized the Chair to sign.

Adopted Resolution No. 2006-55, of intention to establish proposed Zone H (Dohnary Ridge Estates) of County Service Area No. 23, approved the Engineer's Report, the form of ballot and balloting process for the assessment, and setting a public hearing for protests and balloting determination.

Accepted dedication and conveyance of mainline water extension, for public utility purposes, Lyle and Jill James, 5105 and 5185 Konocti Road, Kelseyville, and directed Clerk to certify for recordation.

2. **ITEM A-2 - PRESENTATION ON 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 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 - PROPOSED RESOLUTION AUTHORIZING THE SUBMISSION OF FISCAL YEAR 2006 EMERGENCY MANAGEMENT PERFORMANCE GRANT APPLICATION IN THE AMOUNT OF \$57,125, BUDGET UNIT 2704 - OFFICE OF EMERGENCY SERVICES, TO BE USED PRIMARILY FOR SALARY AND BENEFITS - 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.

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

The Sheriff's Department was not notified until March 2, 2006, that the grant deadline was March 15, 2006 and not May 15, 2006, and therefore, the department did not have the ability to have this item placed on the agenda.

This item will be taken up later in the day for further discussion.

EXTRA #2 - PROPOSED RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE STATE OF CALIFORNIA OFFICE OF EMERGENCY SERVICES (OES), VICTIM-WITNESS BRANCH, VICTIM-WITNESS REQUEST FOR APPLICATION (RFA) - 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:

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Traditionally, the Request for Application (RFA) is due no earlier than May. This year Victim-Witness was notified by the State of California Office of Emergency Services (OES) that the RFA could be submitted early, but it was not a requirement. This item was going to be placed on the agenda in April. On March 8, 2006, Victim-Witness again was notified by OES stating that the RFA must be submitted by March 17, 2006.

This item will be taken up later in the day for further discussion.

EXTRA #3 - CONSIDERATION OF APPROVAL OF LETTERS TO ASSEMBLYWOMAN BERG AND SENATOR CHESBRO, IN SUPPORT OF PROPOSED INFRASTRUCTURE PACKAGE - 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.

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

The legislature will be taking action on this item any day and it is very important that these letters are provided to Assemblywoman Berg and Senator Chesbro prior to the legislation taking action as the deadline could be any time.

This item will be taken up later in the day for further discussion.

BACK TO EXTRA #2 - PROPOSED RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE STATE OF CALIFORNIA OFFICE OF EMERGENCY SERVICES (OES), VICTIM-WITNESS BRANCH, VICTIM-WITNESS REQUEST FOR APPLICATION (RFA) - Victim-Witness Administrator Sam Laird was present.

Supervisor Lewis offered Resolution No. 2006-50, and it was passed by a roll-call vote (5 ayes).

4. **CITIZEN'S INPUT** - Ms. Christy Murch spoke on the IHSS Support Group that she has started. This groups will provide training, proper hygiene, the proper way to lift/move patients, CPR training, etc., to all interested IHSS employees.

Ms. Felicia Smith stated that all IHSS employees need proper training and has become a member of the IHSS Support Group.

Mr. David Smith also stated that he has become a member of the IHSS Support Group.

The Board of Supervisors adjourned and convened as the Board of Directors of the Kelseyville County Waterworks District No. 3.

5. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - PROPOSED MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY 06-07, FOR THE KELSEYVILLE WASTEWATER TREATMENT SYSTEM UPGRADE AND CONSIDERATION OF ADOPTION OF THE MITIGATION, MONITORING AND OPERATION PLAN** - Special Districts Administrator Mark Dellinger and Utility Systems Compliance Coordinator Peggy King were present.

Ms. King gave a brief overview of the upgrade. Kelseyville County Waterworks District No. 3 is proposing to coordinate a series of wastewater treatment system improvements in order to comply with a Cease and Desist Order from the Regional Water Quality Board. An Initial Study/Mitigated Negative Declaration has been prepared identifying the proposed project's potentially significant impacts and adoption mitigation measurer in order to avoid and/or mitigate them.

Chair Farrington opened the public hearing. No one was present wishing to speak and the public hearing was closed.

On motion of Director Brown and by vote of the Board (5 ayes), found on the basis of the Initial Study/Mitigated Negative Declaration prepared by Kelseyville County Waterworks District No. 3, with assistance from Criterion Planners and the mitigation measurer which have been added to the project, that the Kelseyville Wastewater Treatment System Upgrade will not have a significant effect on the environment and therefore a mitigated negative declaration will be issued for the upgrade, with the findings listed in the Board Memorandum dated March 1, 2006.

Director Brown offered Resolution No. 2006-51 (approving the Kelseyville Wastewater Treatment System Upgrade and adopting the Mitigation, Monitoring and Operating Plan), and it was passed by a roll-call vote (5 ayes).

The Board of Directors of Kelseyville County Waterworks District No. 3 adjourned and reconvened as the Board of Supervisors.

6. **ITEM A-17 - Advanced From February 28, 2006 - AN ORDINANCE PRESCRIBING THE SERVICE FEE SCHEDULE FOR THE MENTAL HEALTH DEPARTMENT - (SECOND READING)** - Supervisor Smith offered Ordinance No. 2763, and it was passed by a roll-call vote (5 ayes).

BACK TO #3 - ITEM A-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:

EXTRA #1 - PROPOSED RESOLUTION AUTHORIZING THE SUBMISSION OF FISCAL YEAR 2006 EMERGENCY MANAGEMENT PERFORMANCE GRANT APPLICATION IN THE AMOUNT OF \$57,125, BUDGET UNIT 2704 - OFFICE OF EMERGENCY SERVICES, TO BE USED PRIMARILY FOR SALARY AND BENEFITS - Supervisor Brown offered Resolution No. 2006-49, and it was passed by a roll-call vote (5 ayes).

EXTRA #3 - CONSIDERATION OF APPROVAL OF LETTERS TO ASSEMBLYWOMAN BERG AND SENATOR CHESBRO, IN SUPPORT OF PROPOSED INFRASTRUCTURE PACKAGE - On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved letters to Assemblywoman Berg and Senator Chesbro, in support of proposed Infrastructure Package, and authorized the Chair to sign.

7. **ITEM A-16 - PROPOSED ORDINANCE AUTHORIZING AN AMENDMENT (PRE-RETIREMENT OPTIONAL SETTLEMENT 2 DEATH BENEFIT) TO CONTRACT BETWEEN THE COUNTY OF LAKE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEMS** - 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 March 28, 2006.

After a short recess, the Board reconvened at 9:50 a.m.

8. **ITEM A-6 - Continued From February 28, 2006 - 9:45 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 6585 JACOBSEN ROAD, KELSEYVILLE, CA (APN 007-014-04-00 - DALLAS WOLL AND THERESA WOLL)** - Assistant Director of Community Development Rick Coel and Code Compliance Manager Hank Bouillerc were present.

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Mr. Bouillercce gave a brief overview of the violation on the property, which included the operation of a commercial plumbing business entitled "Roto-Rooter Plumbers", and are providing plumbing, sewer and drain services and this type of business is not allowed the Agriculture (A) zoning district.

Mr. Coel gave a power-point presentation showing the commercial business that is being operated on the property.

Mr. Frear Schmid, attorney for the Dallas and Theresa Woll, was also present and stated that a use permit application for the operation of the business on the property has been submitted to the Community Development Department and is awaiting the department's approval or denial of the use permit.

Mr. Coel stated that it takes about 75 days to process a use permit and requested that this item be continued for 90 days, which would allow the department time to determine if this business can or cannot continue to operate at this location.

This item was continued for 90 days, and if it has been determined that the business can continue to operate at this location, there will not be a need for the Board to take an action on this item.

9. **ITEM A-7 - 10:15 A.M. - PRESENTATION BY THE HABEMATOLEL POMO OF UPPER LAKE, REGARDING THE TRIBE'S FUTURE PLANS AND DEVELOPMENT OF RECENTLY ACQUIRED LANDS** - Habematolel Pomo of Upper Lake Chair Carmella Icaey-Johnson and Mr. Robert Rosette, attorney for Habematolel Pomo of Upper Lake were present.

Ms. Johnson gave a brief overview of the development of the recently acquired lands in Upper Lake. The tribe is comprised of 181 members and has purchased sixty (60) acres of land in Upper Lake. The tribe plans to build a small casino, restaurant and a small convention center on the property. The economic benefits of the project will directly create approximately 175+ jobs with an estimated annual payroll of \$4.1 million. An additional 50+ jobs could be created indirectly. In its first full year of operation, the project could generate up to \$7.3 million in direct spending in the overall economic activity. The tribe is willing to enter into a legally binding Memorandum of Understanding with the County to mitigate all impacts of the tribe's casino on the County or any other local government entity.

Mr. Rosette stated that the tribe is engaged in the federal process to restore its tribal land and under federal law, the tribe will be authorized to offer gaming on its restored tribal lands under the Indian Gaming Regulatory Act.

There was no action taken on this item.

11. **ITEM A-15 - DISCUSSION/CONSIDERATION OF REQUEST TO WAIVE SEWER CONNECTION FEES ARE BEING IMPOSED FOR EXPANSION OF A FLORIST SHOP IN KELSEYVILLE** - Special District Administrator Mark Dellinger and Supervising Accountant Wendy Thorn were present.

Supervisor Brown stated to the Board that only a sink will be installed in this expansion of the florist shop and the main building is already hooked-up to sewer. The florist shop will run a line from the sink and will connect into the existing sewer line.

Supervisor Smith stated that he will be abstaining on this item, because he also did an expansion and installed a sink and was charged for the sewer connection.

Supervisor Brown made a motion to waive the sewer connection fees that are being imposed for expansion of a florist shop in Kelseyville, motion dies due to vote (2 ayes, Supervisors Lewis and Farrington NO, Supervisor Smith ABSTAIN).

There was no other action taken on this item.

12. **ITEM A-9 - 11:30 A.M. - (a) PRESENTATION OF PROCLAMATION RECOGNIZING THE MONTH OF MARCH, 2006, AS AMERICAN RED CROSS MONTH IN LAKE COUNTY; and (b) AUTHORIZE CHAIR TO SIGN LETTER IN SUPPORT OF MAINTAINING LAKE COUNTY CHAPTER OF THE AMERICAN RED CROSS** - Supervisor Robey read the proclamation into the record. The proclamation was presented to numerous representatives of the Lake County Chapter of the American Red Cross.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the letter to Mr. Pat Hofmaster, representative of the American Red Cross, expressing the Board of Supervisors support of maintaining the Lake County Chapter of the American Red Cross, and authorized the Chair to sign.

13. **ITEM A-10 - 11:35 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF MARCH, 2006, AS NATIONAL WOMEN'S HISTORY MONTH IN LAKE COUNTY** - Supervisor Lewis read the proclamation into the record. The proclamation will be presented at a later date.

14. **ITEM A-11 - 11:40 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE WEEK OF MARCH 12TH THROUGH MARCH 18TH, 2006, AS PULMONARY REHABILITATION WEEK IN LAKE COUNTY** - Supervisor Brown read the proclamation into the record. The proclamation was presented to Respiratory Care Practitioner Nancy Perrin and other numerous respiratory care providers.

15. **ITEM A-8 - Carried Over From February 21, 2006 - 11:00 A.M. - APPEAL OF ADMINISTRATIVE PENALTIES ISSUED BY COMMUNITY DEVELOPMENT, CODE ENFORCEMENT DIVISION (WILLIAM T. HYDE - APNs 049-061-09, 049-062-01 and 012-039-04)** - The Clerk swore in Code Compliance Manager Hank Bouillercce, Code Compliance Officer Rod Hilliard, property owner William Hyde, Mr. Ledo Forassiepi and Mr. Kevin Ingle.

Mr. Hilliard gave a brief overview of the violations on the properties, which included occupancy of a travel trailer, accessory use, open and outdoor storage consisting of but not limited to, a travel trailer, a tractor, a box truck, a picnic table, lawn furniture, a generator, scrap wood and other debris.

Mr. Bouillercce gave a power-point presentation showing the conditions of the three properties.

Mr. Hyde stated that he is in the process of cleaning up the three properties, but the rain has delayed his progress. Mr. Hyde stated that when the rainy season is over, he will resume with the clean-up.

Mr. Forassiepi and Mr. Ingle each provided testimony.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), denied the appeal of William Hyde and found that the Order Imposing Administrative Penalties, dated January 12, 2006, were issued properly pursuant to Lake County Ordinance Code Section 13.33.3, on properties located at 9016 Pebble Road, 8950 and 9002 Stagecoach Lane, Lower Lake.

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16. **ITEM A-12 - 11:45 A.M. - PRESENTATION BY THE SHERIFF MITCHELL REGARDING PUBLIC SAFETY EMPLOYEES RECRUITMENT AND RETENTION ISSUES** - Sheriff Rodney Mitchell and Deputy Sheriff Sergeant Dave Garzoli were present.

Sheriff Mitchell gave an overview of the following: (1) how law enforcement agencies across America are competing for qualified applicants from a diminishing pool of interested and eligible candidates; (2) the high increase of the department's portion of Workers Compensation; (3) the cost of overtime that is being paid to employees to cover the vacant positions; and (4) why positions are remaining or becoming vacant in the Lake County Sheriff's Department, which include that the veteran professionals are being lured to higher paying agencies and "new hires" are being drawn to other agencies with the best pay and benefits package.

There was no action taken on this item.

17. **ITEM A-13 - 1:30 P.M. - DISCUSSION/CONSIDERATION OF A PROPOSED ORDINANCE REQUIRING LAKE COUNTY IN-HOME SUPPORT SERVICES (IHSS) EMPLOYEES TO BE CPR TRAINED AND CERTIFIED, PASS CRIMINAL BACKGROUND CHECKS, AND PARTICIPATE IN A RANDOM DRUG TESTING PROGRAM** - Chair Farrington requested that this item be pulled from today's agenda and that it be placed on an agenda at a later date.

18. **ITEM A-18 - CLOSED SESSION - 1. Conference with Labor Negotiator, (a) County Negotiators : A. Grant, R. Lambert and M. Perry, (b) Employee Organization: DDAA, LCCOA, LCEA and SDA; 2. Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Section 54956.9): Name of Case: PSG. et. al v. Board of Supervisors, et. al; 3. Public Employee Disciplinary Appeal; 4. Conference with Legal Counsel - Potential Litigation - Significant Exposure to Litigation Pursuant to Subdivision (a) of Section 54956.9: One Potential Case; and Sitting as the Board of Directors of the Lake County IHSS Public Authority; 5. Conference with Labor Negotiator (a) Agency Negotiator: F. Buchanan, (b) Employee Organization: United Domestic Workers of America** - 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 2:15 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board