



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MAY 2, 2006

The Honorable Board of Supervisors of Lake County, California, met in regular session this 2nd day of May, 2006, there being present Supervisors Jeff Smith, Gary Lewis, Anthony Farrington, Rob Brown and 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 9:01 a.m. by Chair Farrington. Following a moment of silence, 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-14.

Approved Minutes of the Board of Supervisors meetings held on April 11 and 18, 2006.

Adopted proclamation designating May 5, 2006, as California Peace Officers' Memorial Day and May 14 through 20, 2006, as National Police Week in Lake County.

Adopted proclamation designating the month of May 2006, as Motorcycle Awareness Month in Lake County.

Authorized the Californians Against Higher Insurance Rates to include the Lake County Board of Supervisors on the group letter to the Assembly Insurance Committee in support of AB 2840, requiring a study to be conducted before any changes can be made to the manner in which automobile insurance rates are calculated, and authorized the Chair to sign the coalition sign-up form.

Waived the 900 hour limit for extra-help Office Assistant Sharon Parks.

Adopted Resolution No. 2006-78, setting rate of pay for Election Officers for the June 6, 2006, Direct Primary Election pursuant to Section 12310 of the Elections Code.

Adopted Resolution No. 2006-74, approving the First Amendment to the Contract between the County of Lake and the State of California, for services to provide alcohol and/or drug services for Fiscal Years 2004/2005, 2005/2006, 2006/2007 and 2007/2008, and authorizing the Mental Health Director to sign.

Approved First Amendment to Agreement between the County of Lake and Drug Abuse Alternative Center (DAAC), for perinatal and day care rehabilitation services, and authorized the Chair to sign.

Adopted Resolution No. 2006-79, accepting gift of funds in the amount of \$758.75, from the Middletown Park Committee, for capital improvements to the Middletown Trailside Park and appropriating said funds as unanticipated revenue - (Budget Unit 7011 - Parks and Recreation).

Approved letters of opposition to the proposal by the State Water Resources Control Board to increase Water Quality Fees for irrigated agricultural lands waiver from \$0.12 per acre to \$0.31 per acre, and authorized the Chair to sign.

Authorized the Social Services Director to continue with lease negotiations with Ruff & Associates, for office facilities for Social Services, as per Memorandum from Social Services Director to the Board of Supervisors, dated April 18, 2006.

Adopted Resolution No. 2006-80, authoring application for Child Abuse Vertical Prosecution Program.

Adopted Resolution No. 2006-81, authorizing application for Anti-Drug Abuse Program.

Adopted Resolution No. 2006-82, authorizing application for Spousal Abuser Prosecution Program.

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 and one (1) cat that are available for adoption at the Lake County Animal Care and Control Center.

3. **CITIZENS INPUT** - Ms. Mary Ann McQueen, Ms. Marilyn Jarrett, Ms. Lorreine Koonce and Ms. Jane Swenson each spoke on the Board initiating an ordinance regarding rent stabilization in mobile home parks located in the unincorporated areas of Lake County.

Mr. Miles Leibuet stated that his children were taken out of the County by his ex-wife without his permission and that he has custody of the children and the Sheriff's Department is doing nothing to help him get his children back.

Sheriff Rodney Mitchell stated to the Board that all parents should be aware that drug dealers may be using candy wrappers to wrap marijuana in and to an unaware parent, it looks like real candy.

4. **ITEM A-6 - 9:30 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING MAY 5, 2006, AS CALIFORNIA PEACE OFFICERS' MEMORIAL DAY AND MAY 14 THROUGH 20, 2006, AS NATIONAL POLICE WEEK IN LAKE COUNTY** - Supervisor Robey read the proclamation into the record. The proclamation was presented to Deputy Sheriff Kip Ringin and Sergeant Mark Hommer.

Mr. Ringin and Mr. Hommer read off the names of the 18 California Peace Officers that were killed in the line of duty in 2005.

Mr. Ringin also read a poem dedicated to all Peace Officers that have killed in the line of duty.

5. **ITEM A-14 - CONSIDERATION OF OUT-OF-STATE TRAVEL FOR WARRANT/COURT LIAISON JAN SANDERS, TO ST. LOUIS, MISSOURI, FROM MAY 27 THROUGH MAY 31, 2006, TO ATTEND THE NATIONAL ASSOCIATION OF EXTRADITION OFFICIALS 42ND ANNUAL TRAINING CONFERENCE** - Sheriff Rodney Mitchell was present.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved out-of-state travel for Warrant/Court Liaison Jan Sanders, to St. Louis, Missouri, from May 27 through May 31, 2006, to attend the National Association of Extradition Officials 42nd Annual Training Conference.

6. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - (a) PROTEST HEARING FOR THE PROPOSED ESTABLISHMENT OF CSA #23 - "ZONE H" (DOHNARY RIDGE) AND IMPOSING OF ASSESSMENTS; (b) PROPOSED RESOLUTION ACCEPTING AND CONFIRMING BALLOT TABULATION, AS SET FORTH IN THE ENGINEER'S REPORT - (COUNTYWIDE COUNTY SERVICE AREA FOR ROAD IMPROVEMENT/MAINTENANCE PROGRAM)** - Public Works Director Gerry Shaul was present.

Mr. Shaul stated that the ballot process for the possible establishment of CSA 23 - "Zone H" (Dohnary Ridge), is not determined by the number of ballots received, but is determined by the appointment of costs based upon an analysis of the special and direct benefit to be received by each parcel in the benefit zone from the particular improvement.

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

Budget Tabulation for CSA 23 - "Zone H" - Dohnary Ridge:

| | |
|----------|------------|
| For: | \$1,374.00 |
| Against: | \$ 457.00 |

After confirming the ballot tabulation for "Zone H", there was not a majority protest and therefore the proposed assessment for "Zone H" shall be established.

Supervisor Robey offered Resolution No. 2006-75, (a Resolution accepting and confirming ballot tabulation for the establishment of "Zone H" (Dohnary Ridge of County Service Area No. 23, approving formation of "Zone H" and Assessments for "Zone H" Road Maintenance), and it was passed by a roll-call vote (5 ayes).

7. **ITEM A-15 - Advanced From April 18, 2006 - AN ORDINANCE ADDING CHAPTER 29 TO THE LAKE COUNTY CODE REGARDING STORM WATER MANAGEMENT - (SECOND READING)** - This item was continued to May 16, 2006.

8. **ITEM A-12 - CONSIDERATION OF BID AWARD NO. 06-12 TO "ALL ABOUT PLAY" IN THE AMOUNT OF \$133,875.55, FOR PURCHASE OF ADA GRANT FUNDED COMPLIANT PLAYGROUND EQUIPMENT AND THE INSTALLATION OF FOUR (4) ADA PLAY SYSTEMS, FOR KELSEYVILLE COMMUNITY PARK, MIDDLETOWN POOL AND TENNIS PARK, LOWER LAKE PARK AND LAKESIDE PARK** - On motion of Supervisor Brown and by vote of the Board (5 ayes), awarded Bid No. 06-12 to "All About Play" in the amount of \$133,875.55, for purchase of ADA grant funded compliant playground equipment and the installation of four (4) ADA play systems, for Kelseyville Community Park, Middletown Pool and Tennis Park, Lower Lake Park and Lakeside Park.

9. **ITEM A-13 - CONSIDERATION OF REQUEST FROM CONGRESSMAN MIKE THOMPSON FOR APPROVAL OF RESOLUTION REQUESTING THE SECRETARY OF COMMERCE TO EXPEDITE A DISASTER DECLARATION AND REQUEST THE SECRETARIES OF COMMERCE, AGRICULTURE AND INTERIOR TO IMMEDIATELY ADOPT A COMPREHENSIVE, BASIN-WIDE SOLUTION TO PROBLEMS IN THE KLAMATH RIVER** - Supervisor Smith explained to the Board that he owns property along the Klamath River that is currently be rented to farmers, and he will be abstaining from any action that is taken on this item due to the potential conflict of interest .

Supervisor Brown stated that he will also be abstaining on this item because he does not believe that any County should interfere with another county's policies, unless that County asked for support.

Supervisor Robey offered Resolution No. 2006-77, and it was passed by a roll-call vote (3 ayes, Supervisors Smith and Brown ABSTAIN).

10. **ITEM A-7 - 10:00 A.M. - HEARING - NUISANCE ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$24,542.16, LOCATED AT 27697 MORGAN VALLEY ROAD, MIDDLETOWN, CA (APN 013-18-05-00 - RED ELEPHANT MINE LLC)** - A Memorandum from Assistant Community Development Director Rick Coel, dated May 2, 2006, was received by the Board requesting that this item be pulled from today's agenda and carried over to May 16, 2006, at 9:15 a.m.

11. **ITEM A-16 - CONSIDERATION OF REQUEST TO AUTHORIZE PAYMENT OF 2006 DUES TO THE NATIONAL ASSOCIATION OF COUNTIES (NACO)** - Administrative Officer Kelly Cox gave a brief overview of the request. Lake County is not currently a member of the National Association of Counties (NACO). Lake County has been a member, on and off, in past years. The California State Association of Counties (CSAC) is requesting that all California counties join NACO in 2006 in order to assist in electing Sonoma County Supervisor Valerie Brown to the position of NACO Second Vice President. There is currently sufficient funding in the Board of Supervisors budget to pay the 2006 NACO dues.

After a short recess, the Board reconvened at 10:15 a.m.

12. **ITEM A-8 - 10:10 A.M. PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF MAY 2006, AS MOTORCYCLE AWARENESS MONTH IN LAKE COUNTY** - Supervisor Brown read the proclamation into the record. The proclamation was presented to Ms. Melissa Fulton.

The Board of Supervisors adjourned and convened as the Board of Directors of Lake County Air Quality Management District.

13. **ITEM A-9 - 10:15 A.M. - CONSIDERATION OF PROPOSED RESOLUTION AUTHORIZING PARTICIPATION IN THE STATE AIR RESOURCES CONTROL BOARD'S LOWER EMISSIONS SCHOOL BUS PROGRAM** - Air Pollution Control Officer Bob Reynolds was present.

Director Robey offered Resolution No. 2006-76, and it was passed by a roll-call vote (5 ayes).

The Board of Directors of Air Quality Management District adjourned and reconvened as the Board of Supervisors.

14. **ITEM A-17 - 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. Conference with Legal Counsel - Existing Litigation (Subdivision (a) Section 54956.9): Name of Case: PSG. et. al v. Board of Supervisors, et. al** - 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.

The Board adjourned for lunch at 11:40 a.m. and reconvened at 1:32 p.m.

15. **ITEM A-10 - 1:30 P.M. - Continued From April 18, 2006 - 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 was present and gave an overview of the proceedings. 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. 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. Additional conditions (C2, C3, C4 and C5) have been added to the Use Permit Conditions to mitigate issues identified in the report and by Environmental Health staff.

Staff recommended that the Board of Supervisors approve UP 03-06 with the following findings:

1. This project as conditioned is compatible with surrounding land uses.
2. This project is consistent with the Lake County General Plan and Zoning Ordinance.
3. The use will not be detrimental to the health, safety or welfare of people residing in the area.
4. The site is adequate in location and physical characteristics to accommodate the type of use and level of development proposed.
5. As conditioned, this project will not result in any significant environmental impacts. A negative declaration based on Initial Study No. 03-22 has been adopted on July 24, 2003, by the Lake County Planning Commission.
6. This project fulfills special housing needs and is consistent with state and federal fair housing laws.
7. This use permit is not intended to abridge or supercede the regulatory powers or permit requirements of any State or permit requirements of any State or Federal agency or any Special Districts or other Lake County Department or Division which may retain an advisory or regulatory function as specified by statute or ordinance, nor does this use permit grant any title or other real property solely to this applicant or assigns.

Mr. Neil Bloomfield, attorney for PSG was present.

Mr. Storm Goranson, representing Environment Engineering Association was present and stated that his firm will be doing the monitoring of the septic system.

Mr. Mike Ewing, attorney for Anderson Springs Community Alliance was also present.

Chair Farrington opened the public hearing and the following persons spoke: Mr. Jeff Gospe, Ms. Joan Clay, Mr. Tom Box and Ms. Laurie Carter. No one else was present wishing to speak and the public hearing was closed.

The following amendments were added to UP 03-06 findings:

Added to finding #1 - This is a non-conforming use of the property.

Add finding #8 - A third party will do the monitoring of wastewater treatment facility, which includes the septic tank, effluent, the leachfield area, groundwater and surface water. Monthly monitoring reports are to be prepared and an annual report containing all data collected each month shall also be prepared. These reports are to be submitted to the State Water Regional Board.

Supervisor Robey made a motion that the Use Permit for PSG does not meet the requirements and that the Use Permit be denied. This motion died for lack of a second.

Supervisor Farrington passed the gavel to Vice-Chair Smith.

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Robey NO), found that the Use Permit (UP 03-06), as amended, applied for by PSG Properties and Support, on property located at 10155 Socrates Mine Road, Middletown, California, does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and granted the Use Permit subject to the conditions and with the findings, as amended, listed in the Memorandum to the Board of Supervisors dated April 17, 2006.

There being no further business, the Board adjourned at 3:54 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board