



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MAY 23, 2006

The Honorable Board of Supervisors of Lake County, California, met in regular session this 23rd day of May, 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 9:01 a.m. by Chair Farrington. Following a moment of silence, Social Services Director Carol Huchingson 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-13.

Adopted proclamation honoring the Lakeport Elks (Lakeport Lodge #2704) on their Twentieth Anniversary and proclaiming the week of June 18 through the June 24, 2006, as Lakeport Elks Week in Lake County.

Adopted proclamation designating the week of May 21 through May 27, 2006, as National Public Works Week in Lake County.

Approved Agreement between the County of Lake and the City of Clearlake, for participation in the Lake County Marketing Program, and authorized the Chair to sign.

Waived the 900 hour limit for extra-help Field Worker Lynn Eutenier, to a maximum of 950 hours.

Adopted Resolution No. 2006-92, amending Resolution No. 2006-196, establishing position allocations for Fiscal Year 2005-2006, Budget Unit No. 1121 - Auditor-Controller (adding one Payroll Coordinator as a temporary allocation from May 23, 2006 through September 15, 2006).

(a) Adopted Resolution No. 2006-94, establishing 2006/2007 appropriations limit for the County of Lake; and (b) adopted Resolution No. 2006-93, establishing 2006/2007 appropriations limit for Special Districts governed by the Board of Supervisors.

Approved First Amendment to Agreement between the County of Lake and Karen MacDougall, for consultation services to prepare the Mental Health Services Act (MHSA) Three-Year Plan for Community Services and Support (CSS), for Lake County Mental Health, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Phoenix Programs, Inc., for crisis residential services, and authorized the Chair to sign.

Adopted Resolution No. 2006-95, amending Resolution No. 2006-54, establishing position allocations for Fiscal Year 2006-2007, Budget Unit No. 4014 - Mental Health (deleting eighteen (18) Senior/Mental Health Specialist full-time allocations; deleting one (1) .75 fte Senior/Mental Health Specialist Allocation; deleting two (2) .5 fte Senior/Mental Health Specialist allocations, adding eighteen (18) full-time Mental Health Specialist I/II/Senior allocations; adding one (1) .75 Mental Health Specialist I/II/Senior allocation; and adding two (2) fte Mental Health Specialist I/II/Senior allocations).

Adopted Resolution No. 2006-96, appropriating unanticipated revenue (received from a Juvenile Accountability Block Grant in the amount of \$100,319), for training and miscellaneous items - Budget Unit No. 2302 - Probation Officer/Juvenile Court; and computer equipment, cameras, communications and security equipment, Budget Unit No. 2003 - Juvenile Home.

Adopted Resolution No. 2006-97, amending Resolution No. 2005-196, establishing position allocations for Fiscal Year 2005-2006, Budget Unit No. 1908 - Engineering and Inspection (adding one Deputy County Surveyor allocation).

Approved Engineering and Inspection Agreement between the County of Lake and Tim Grogan Builders, Inc., for engineering services for the review of plans and inspection of work as a condition of a Minor Use Permit, located at Clear Lake Havens Subdivision, Lakeport, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Brelje and Race, for professional services for system improvement evaluations for County Service Area Nos. 7, 18 and 22, and authorized 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 one (1) dog 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 #3 - CONSIDERATION OF REQUEST FOR APPROVAL OF ADVANCED STEP HIRING (STEP 4) OF A SOCIAL WORKER IV (SHEILA ROCKWELL) - 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:

Social Services Director Carol Huchingson had requested and received approval from the Personnel Director to appoint Ms. Rockwell at the third step of the salary range for Social Worker IV. This written employment offer was presented to Ms. Rockwell. However, on Ms. Rockwell's first day of employment (May 5, 2006), it was discovered that the Social Services Director had made an error in the written offer. Although it was referred to step three, it was quoted, in writing, the rate of step four. Upon discovery of this error, the Social Services Director met with Ms. Rockwell to explain what happened and she advised the Social Services Director that she had turned down another offer of employment based on

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MAY 23, 2006

the expectation that she would be paid the rate that was quoted. The Social Services Director is confident that Ms. Rockwell's education and experience, and the department's recruiting difficulties justify the appointment at step four.

Social Services Director Carol Huchingson was present.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved the request of advanced step hiring (step four) of a Social Worker IV (Sheila Rockwell).

The Board will consider three other extras later today.

4. **CITIZEN'S INPUT** - Mr. Chris Sorenson stated that on May 2, 2006, Sheriff Rodney Mitchell said that drug dealers may be using candy wrappers to wrap marijuana in and to an unaware parent, it looks like real candy. Mr. Sorenson explained to the Board that the candy wrappers are being given to patients for medicinal purposes and are not being sold to anyone unless they have a medical marijuana card.

The Board of Supervisors adjourned and convened as the Board of Directors of IHSS Public Authority.

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

EXTRA #1 - CONSIDERATION OF REQUEST FOR NECESSITY OF A CLOSED SESSION ITEM NOT APPEARING ON THE POSTED AGENDA - CONFERENCE WITH LABOR NEGOTIATOR, (a) AGENCY NEGOTIATOR: F. BUCHANAN, C. HUCHINGSON AND M. DIBBLE; and (b) EMPLOYEE ORGANIZATION: UNITED DOMESTIC WORKERS OF AMERICA - On motion of Director 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:

On May 17, 2006, circumstances arose in regard to the Lake County IHSS Public Authority and the status of negotiations with the United Domestic Workers of America which should be addressed as soon as practically possible. This item has come to the attention of County Counsel Anita Grant since the posting of today's agenda. Based on these facts, there is a need to take immediate action on this matter.

This item will be discussed during Closed Session.

The Board of Directors of IHSS Public Authority adjourned and reconvened as the Board of Supervisors.

EXTRA #4 - CONSIDERATION OF REQUEST FOR APPROVAL OF ADMINISTRATIVE ENCROACHMENT PERMIT FEE FOR NOR CAL BOAT AND SKI CLUB FOR BOAT AND SKI RACES ON CLEAR LAKE FOR 2006 - On motion of Supervisor Brown 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:

For a number of years the Board of Supervisors has approved a fee waiver for an Encroachment Permit generated by the Water Resources Division of the Department of Public Works for the Nor Cal Boat and Ski Club races. Usually this is approved as consent item. The waiver is generated because this is such a long standing event with positive economic impacts for Lake County. However, this year, due to a delay in getting the paperwork completed, the paperwork for this request was not received until May 22, 2006. The first race is scheduled for June 3, 2006, and the next available agenda date is June 6, 2006, which is after the scheduling of the first race.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the request for approval of Administrative Encroachment Permit Fee for Nor Cal Boat and Ski Club for boat and ski races on Clear Lake for 2006.

The Board will take up Extra #2 later today.

5. **ITEM A-5 - 9:15 A.M. - HEARING - NUISANCE ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$9,999.76, LOCATED AT 12742 OAK GROVE AVENUE, CLEARLAKE OAKS, CA (APN 035-172-63-00 - CLIFF ORTIZ)** - Interim Code Manager Tom Blavet, Code Compliance Officer Kimberlee Heckard, property owner Cliff Ortiz and tenant Dave Green were sworn in by the Clerk.

Ms. Heckard gave a brief overview of the abatement that was completed on April 20, 2006. The abated included removal of all open and outdoor storage and public nuisance vehicles.

Mr. Blavet gave a power-point presentation showing the conditions before and after the abatement was completed.

Mr. Ortiz and Mr. Green each presented testimony.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved the assessment of \$9,999.76, for nuisance abatement on property located at 12742 Oak Grove Avenue, Clearlake Oaks, California, being APN 025-172-63-00 and owned by Cliff Ortiz be confirmed and directed the Enforcement Official to prepare and have recorded in the office of the Lake County Recorder, a Notice of Lien in the amount of \$9,999.76, pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

6. **ITEM A-6 - 9:25 A.M. - PRESENTATION OF PROCLAMATION HONORING THE LAKEPORT ELKS (LAKEPORT LODGE #2704) ON THEIR TWENTIETH ANNIVERSARY AND PROCLAIMING THE WEEK OF JUNE 18 THROUGH THE JUNE 24, 2006, AS LAKEPORT ELKS WEEK IN LAKE COUNTY** - Chair Farrington read the proclamation into the record. The proclamation will be presented at a later date.

7. **ITEM A-7 - 9:30 A.M. - DISCUSSION/CONSIDERATION OF PROPOSED ORDINANCE AMENDING ARTICLE 10F CHAPTER 27 OF THE LAKE COUNTY CODE RELATING TO FIRE MITIGATION FEES** - President of Lake County Fire Chiefs Association Jim Robbins was present and gave a brief overview of the amendment which dictates the fees charged by the various Lake County Fire Districts for new construction. The fire districts are requesting an increase to \$1.00 per square foot. The current fire mitigation fees are as follows: (a) 46 cents per square foot maximum for unsprinklered buildings; and (b) 23 cents per square foot maximum for sprinklered buildings. At the present time, all eight of the fire districts are charging the maximum amounts. The fire mitigation fees have not been increased since their inception in 1992. Several of the local fire districts are eligible for the SB 621 gaming funds which have been used to purchase equipment in the past mitigation fees have been earmarked for.

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).

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MAY 23, 2006

On motion of Supervisor Lewis and by vote of the Board (5 ayes), advanced the ordinance two weeks to June 6, 2006.

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

EXTRA #2 - CONSIDERATION OF REQUEST FOR AUTHORIZATION TO NEGOTIATE AND SIGN A WRITTEN AGREEMENT WITH CALPINE FOR OPERATION OF THE CALPINE VISITORS CENTER IN MIDDLETOWN FOR APPROXIMATELY FOUR MONTHS, AT A MAXIMUM COUNTY COST OF \$4,000 PER MONTH, TO BE FUNDED BY GEOTHERMAL ROYALTY REVENUES AND/OR COUNTY MARKETING PROGRAM FUNDS, WITH AN OBJECTIVE OF REOPENING THE FACILITY BY THIS WEEKEND, FOR THE MEMORIAL DAY HOLIDAY - On motion of Supervisor Robey 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:

Since the Board will not be meeting again until June 6, 2006, which is after the Memorial Day holiday weekend, staff is requesting authorization to negotiate and sign a written agreement with Calpine for operation of the Calpine Visitor Center in Middletown, with the objective of reopening the facility by this weekend, for the Memorial Day holiday.

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

On motion of Supervisor Robey and by vote of the Board (3 ayes, Supervisors Brown and Farrington NO), authorized Administrative Officer Kelly Cox to negotiate and sign a written agreement with Calpine for operation of the Calpine Visitors Center in Middletown for approximately four months, at a maximum County cost of \$4,000 per month, to be funded by Geothermal Royalty Revenues and/or County Marketing Program funds, with an objective of reopening the facility by this weekend, for the Memorial Day Holiday.

8. ITEM A-8 - 9:45 A.M. - DISCUSSION/CONSIDERATION OF RECOMMENDATIONS FROM THE BOARD OF DIRECTORS OF LAKE COUNTY FARM BUREAU, TO BE INCLUDED IN THE GENERAL PLAN UPDATE - Assistant Community Development Director Rick Coel and Executive Director of the Lake County Farm Bureau Chuck March were present.

Mr. March gave a brief overview of the recommendations. The Lake County Farm Bureau was asked to comment on the staff's proposal to reduce the agricultural zoning minimum acreage size from a forty-acre minimum to a twenty-acre minimum. This has triggered a large amount of discussion within the agricultural community. Some have circulated a petition requesting that the agricultural zone be reduced to five-acres and County staff has proposed the reduction to twenty-acres, and some are opposed to any reduction at all. Questions arose during the Board of Supervisors meeting as to the number of parcels zoned throughout the County that the reduction may affect. The Farm Bureau has requested that the Community Development Department do an inventory of parcels ranging from those currently conforming to the forty-acre zoning, twenty-acres, and so on, down to five-acres and less. Further questions arose as to parcels on "prime soils" with the same breakdown on parcel sizes. The Farm Bureau Land Use Committee made a recommendation to the Farm Bureau Board of Directors, and it was accepted unanimously by the Directors, that a report be made to the Board of Supervisors stating the following positions:

1. Temporarily keep the forty-acre minimum in the General Plan Update as not to delay the process.
2. The Board of Supervisors immediately appoint a committee to develop an Agricultural Element to be amended into the General Plan upon final approval.
3. All sectors of Lake County Agriculturists be represented on said committee, including, but not limited to Pear Industry, Grape Industry, Walnut Industry, Farmers Market (speciality crops), Cattleman's Association, Nursery Products, as well as representation from organizations such as the California Women for Agriculture, Lake County Chapter.
4. Funds be made available by Lake County for professional technical assistance in the development of this element; and
5. The Board of Supervisors immediately research and start a process to halt the Certificate of Compliance process on historical parcels.

Chair Farrington asked if anyone present wished to speak on this item and the following persons spoke: Ms. Victoria Brandon, Mr. Phil Murphy, Ms. Joan Moss, Mr. Ken Barr, Mr. Ron Bertolucci and Mr. Dennis Pluth. 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), approved the formation of a General Plan Agricultural Element Advisory Committee, consisting of representatives from the agriculture community, (Pear Industry, Grape Industry, Walnut Industry, Farmers Market (speciality crops), Cattleman's Association, Nursery Products, as well as representation from organizations such as the California Women for Agriculture, Lake County Chapter), the Board will consider the composition of General Plan Agricultural Element Advisory Committee on June 13, 2006 (appointments to the General Plan Agricultural Element Advisory Committee will be made on July 11, 2006).

After a short recess, the Board reconvened at 10:52 a.m.

9. ITEM A-10 - 10:45 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE WEEK OF MAY 21 THROUGH MAY 27, 2006, AS NATIONAL PUBLIC WORKS WEEK IN LAKE COUNTY - Supervisor Lewis read the proclamation into the record. The proclamation was presented to Public Works Director Gerry Shaul, Accountant Sherri Lolonis, Public Works Administrative Manager Louise Olney, Public Works Services Technician Cara Bowin, Secretary Lori Price, Accountant Deborah Kelsay, Public Works Service Technician Elisha Ayala and Office Assistant Michelle Albo.

10. ITEM A-9 - Continued From May 9, 2006 - 10:15 A.M. - DISCUSSION/CONSIDERATION OF PROPOSED RESOLUTION APPROVING A COOPERATIVE AGREEMENT WITH THE U.S. DEPARTMENT OF AGRICULTURE TO PROVIDE WILDLIFE SERVICES TO PROVIDE ANIMAL DAMAGE CONTROL FOR THE COUNTY OF LAKE - Agricultural Commissioner Steve Hajik was present and gave a brief overview of the Fiscal Year 2006/2007 Work Plan. The plan includes eighteen staff months for the period of July 1, 2006 through June 30, 2007. The Cooperator's share of the salary (excluding overtime), benefits, program supervisor, support services and equipment are \$69,817.50 for services rendered during the course of Fiscal Year 2006/2007. The amount represents approximately 59% of the total cost of the program in the County and is based on statewide averages.

Sacramento District Supervisor of Wildlife Services Jack Parriott was also present.

Chair Farrington asked if anyone present wished to speak on this item and the following persons spoke: Mr. Phil Murphy, Ms. Jackie Rodriguez, Mr. Margarita Shannon, Ms. Stephanie Freeman, Mr. Dennis Pluth, Mr. Greg Guisti and Mr. Wayne Reddell. No one else was present wishing to speak and the public portion of this item was closed.

Supervisor Smith offered Resolution No. 2006-91, and it was passed by a roll-call vote (5 ayes).

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MAY 23, 2006

11. **ITEM A-11 - 11:00 A.M. - (a) DISCUSSION/CONSIDERATION OF INITIATING AN ORDINANCE THAT WOULD ESTABLISH DEVELOPER IMPACT FEES TO MITIGATE FOR RESIDENTIAL DEVELOPMENT IMPACTS ON COUNTY ROADS AND PUBLIC FACILITIES; (b) INITIATION OF REQUEST FOR PROPOSALS (RFP) FOR PREPARATION OF A NEXUS STUDY AND MITIGATION REVIEW FOR DEVELOPMENT AND ITS IMPACT ON COUNTY ROADS AND PUBLIC FACILITIES; and (c) INITIATION OF AN ORDINANCE THAT WOULD REQUIRE DEVELOPERS TO ENTER INTO DEVELOPMENT AGREEMENTS WITH THE COUNTY FOR PAYMENT OF TRAFFIC MITIGATION FEES** - Public Works Director Gerry Shaul was present.

On motion of Supervisor Brown and by vote of the Board (5 ayes), authorized the Public Works Director to establish Developer Impact Fees to mitigate for residential development impacts on County roads, directed the Public Works Director to issue Request for Proposals (RFP) for preparation of a Nexus Study and Mitigation Review for development and its impact on County roads, and approved the initiation of an ordinance that would require developers to enter into development agreements with the County for payment of Traffic Mitigation Fees.

12. **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** - Chair Farrington announced that the Board will now go into Closed Session for the reasons stated on the agenda. Extra #1 will also be taken up during Closed Session.

The Board reconvened into Regular Session with no action taken.

13. **ITEM A-14 - PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND NACHT & LEWIS ARCHITECTS, FOR ARCHITECTURAL SERVICES FOR DESIGN OF NEW ANIMAL CONTROL FACILITY** - Public Works Director Gerry Shaul and Animal Control Director Denise Johnson were present.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Nacht & Lewis Architects, in the amount of \$285,500, for architectural services for design of new Animal Control Facility, and authorized the Chair to sign.

14. **ITEM A-13 - STATUS REPORT ON 2005/2006 STORM DAMAGE TO COUNTY MAINTAINED ROADS AND OTHER RELATED FUNDING ISSUES** - Public Works Director Gerry Shaul and Water Resources Engineer Tom Smythe were present.

Mr. Smythe gave a power-point presentation showing storm damage to County maintained roads. These roads are the County's arterial and major collectors which consist of 29 roads, totaling approximately 136 miles.

Mr. Shaul stated that the local share of \$600,000 is within the County's ability to fund, the County must also be capable of "fronting" the entire expense until the reimbursements are received.

Administrative Officer Kelly Cox stated that there is funding available to cover the shortfall of \$4 million, and when the reimbursement of the funds is received, they will be appropriated back into the funding source(s).

There was consensus by the Board, for the Public Works Department to proceed with repairs on County roads, and when the reimbursements are received, this funding will be allocated back into the funding source(s).

Supervisor Brown was absent at 1:24 p.m.

15. **ITEM A-15 - Advanced From May 9, 2006 - PROPOSED ORDINANCE AMENDING CHAPTER 2 OF THE LAKE COUNTY CODE PERTAINING TO THE DELEGATION OF AUTHORITY OF THE COUNTY PURCHASING AGENT - (SECOND READING)** - Supervisor Smith offered Ordinance No. 2773, and it was passed by a roll-call vote (4 ayes, Supervisor Brown ABSENT).

Supervisor Brown was present at 1:27 p.m.

There being no further business, the Board adjourned at 1:32 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board