



Minutes

County of Lake Board of Supervisors

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

The Honorable Board of Supervisors of Lake County, California, met in regular session this 24th day of October, 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 Supervisor 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-8, with the exception of C-5, which will be taken up later in the day.

Adopted Resolution No. 2006-207, approving submission of an application to the State Department of Health Services for children's dental disease prevention program funding for Fiscal Years (Fys) 2007 Through 2010 and authorizing the Health Services Director to sign said application and state approved contracts

Approved Contract between the County of Lake and the County of Mendocino, for laboratory services, and authorized the Chair to sign.

Approved lease agreement between the County of Lake and the Lake County Historical Society, for use of Nice Clubhouse, and authorized the chair to sign.

Adopted Resolution No. 2006-208, of intention to establish proposed Zone L (Walnut Vista Estates) of County Service Area No. 23, approving the engineer's report, the form of ballot and balloting process for the assessment, and setting a public hearing for protests and balloting determination on January 2, 2007, at 9:15 a.m.

Approved budget transfer B-036, in the amount of \$81,842 , to cover accrual \$66,998.63 plus remainder of estimated voice over internet protocol (VOIP) system cost of \$14,842.97 remaining as unclaimed expense for Fiscal Year 2005/2006, Budget Unit No. 5011 - Department of Social Services, and authorized the Chair to sign.

Sitting as Board of Directors Lake County Watershed Protection District Approved first amendment to the funding agreement between the Lake County Flood Control and Water Conservation District and the State of California, Department of Water Resources, under the Flood Protection Corridor Program, and authorized the Chair to sign.

Sitting as Board of Directors Lake County Watershed Protection District approved budget transfer B-037, in the amount of \$10,000 , to cover the cost to repair major damage to the Middle Creek weirs, caused by the winter storms of 2005/2006, Budget Unit No. 8109 - Flood Control, and authorized the Chair to sign.

2. **CONSENT AGENDA ITEM C-5, APPROVE PLANS AND SPECIFICATIONS FOR CONSTRUCTION ON MERRITT ROAD AT KELSEY CREEK FEDERAL-AID BRIDGE REPLACEMENT PROJECT NO. BRLO-NBIL (037), AND AUTHORIZE THE ASSISTANT PURCHASING AGENT TO ADVERTISE FOR BIDS** - Supervisor Brown stated that he has a potential conflict with the approval of this item, because he owns the adjacent property and he will be abstaining from any action taken on this item.

On motion of Supervisor Robey and by approval of the Board (4 ayes, Supervisor Brown ABSTAIN), approved plans and specifications for construction on Merritt Road at Kelsey Creek Federal-Aid Bridge Replacement Project No. BRLO-NBIL (037), and authorized the Assistant Purchasing Agent to advertise for bids.

3. **ITEM A-16 - CLOSED SESSION - Sitting as the Board of Directors of the Lake County IHSS Public Authority: 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.

The Board will go back into Closed Session later in the day.

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

EXTRA #1 - CLOSED SESSION - COUNTY COUNSEL - SITTING AS THE BOARD OF DIRECTORS OF LAKE COUNTY SANITATION DISTRICT - CONSIDERATION OF REQUEST FOR NECESSITY OF A CLOSED SESSION ITEM NOT ON THE POSTED AGENDA - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - PURSUANT TO SIBDIVISION (a) OF SECTION 54956.9 - NAME OF CASE: IN REGARD TO CALPINE, INC., et al (UNITED STATES BANKRUPTCY COURT, SOUTHERN DISTRICT, NEW YORK) - 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.

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 in Closed Session. 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.

The item will be discussed during Closed Session.

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5. **ITEM A-5 - 9:15 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 2210 SMITH LANE, KELSEYVILLE, CA (APN 008-047-05-00 - WILLIAM F. HAYES, TRUSTEE and MARIETTA HAYES, TRUSTEE)** - Code Compliance Manager Voris Brumfield, Code Compliance Officer Earl Iddings, William Hayes, and Bill Hayes were present and sworn in.

After an introduction by Voris Brumfield, Officer Earl Iddings gave the power point presentation regarding the property. Mr. William Hayes and Mr. Bill Hayes gave testimony. Community Development Director Rick Coel spoke regarding needed clarification on agricultural codes.

This item was continued to November 28, 2006.

6. **ITEM A-6 - 9:30 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 9483 PINTO PLACE, LOWER LAKE, CA (APN 049-031-07-00 - DAVID FALLSTEAD, PAULA FALLSTEAD and GERALDINE FALLSTEAD)** - Code Compliance Manager Voris Brumfield and Code Compliance Officer Earl Iddings were present and sworn in.

Mr. Iddings gave the power point presentation regarding the property.

On motion of Supervisor Robey and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 9483 Pinto Place, Lower Lake, 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.

7. **ITEM A-7 - 9:45 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 1477 LESLIE LANE, KELSEYVILLE, CA (APN 007-010-38-00 - JACKIE SALYER)** - Code Compliance Manager Voris Brumfield, Code Compliance Officer Earl Iddings, and Jack Salyer were present and sworn in.

Mr. Iddings gave the power point presentation regarding the property. Mr. Salyer gave testimony. Supervisor Farrington opened the hearing for public input and Mr. Albert Brookes spoke.

On motion of Supervisor Brown and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 1477 Leslie Lane, Kelseyville, 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.

8. **ITEM A-8 - 10:00 A.M. - PUBLIC HEARING - CONSIDERATION OF RECOMMENDATION FOR ALLOCATION OF SUPPLEMENTAL LOCAL LAW ENFORCEMENT SERVICES FUNDS (SLESF)** - Sheriff Rod Mitchell and Chief Deputy District Attorney Jon Hopkins were present and spoke regarding the allocation of funds.

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

On motion of Supervisor Robey and by vote of the Board (5 ayes) approved recommendations for allocation of Supplemental Local Law Enforcement Services Funds, as recommended in the Memorandum dated October 20, 2006, from Sheriff Rodney Mitchell and as recommended in the Memorandum dated October 25, 2006, from District Attorney Gary Luck.

9. **ITEM A-9 - 10:15 A.M. - HEARING - NUISANCE ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$18,723.18, LOCATED AT 11809 WIDGEON WAY, CLEARLAKE OAKS, CA (APN 035-272-10-00 - JOAN M. CORNETT and HAROLD C. CORNETT)** - Code Compliance Manager Voris Brumfield and Code Compliance Officer Kimberlee Heckard were present.

Ms. Heckard gave a brief background report and power point presentation showing the property before and after the abatement.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved the assessment of \$18,723.18 for nuisance abatement on property located at 11809 Widgeon Way, Clearlake Oaks, CA 95423 being APN 035-272-10-00 and owned by Joan M. Cornett and Harold C. Cornett be confirmed and the Enforcement Official be directed to prepare and have recorded in the office of the Lake County Recorder, a Notice of Lien in amount of \$18,723.18 pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

10. **ITEM A-10 - 10:30 A.M. - CONSIDERATION OF REQUEST FOR FUNDING FROM THE COUNTY OF LAKE (GEOTHERMAL MITIGATION AND COMMUNITY INVESTMENT FUND), IN THE AMOUNT OF \$21,000, TO COVER ALL COSTS RELATED TO THE INSTALLATION OF A STREET LIGHT AT THE INTERSECTION OF HIGHWAY 175 AND ANDERSON SPRINGS ROAD** - Supervisor Robey gave a brief summary.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the request for funding from the County of Lake (Geothermal Mitigation and Community Investment Fund), in the amount of \$21,000, to cover all costs related to the installation of a street light at the intersection of Highway 175 and Anderson Springs Road.

11. **ITEM A-11 - SUPERVISORS WEEKLY CALENDAR, TRAVEL, AND REPORTS -**

On motion of Supervisor Smith and by support of the Board (5 ayes), approved travel for Supervisor Robey to Orange County on November 28th through December 1, 2006 to attend the Annual CSAC Conference and authorized the County Administrator to notify CSAC of the designation of Supervisor Robey as the 2007 Lake County Delegate.

On motion of Supervisor Smith and by support of the Board (5 ayes), approved travel for Incoming Supervisor Denise Rushing to Orange County attend the CSAC New Supervisor's Workshop from November 28th through December 1, 2006.

12. **ITEM A-15 - (a) CONSIDERATION OF REQUEST FOR WAIVER OF THE CONSULTANT SELECTION POLICY AND DETERMINE AND FIND THAT IT IS NOT IN THE PUBLIC INTEREST TO FOLLOW THE CONSULTANT SELECTION BOARD PROCESS FOR PROFESSIONAL SERVICES; and (b) CONSIDERATION OF REQUEST FOR APPROVAL OF A PROPOSED SPECIAL SERVICES CONTRACT THAT WOULD PROVIDE PROFESSIONAL AND SPECIALIZED SERVICES TO THE COMMUNITY DEVELOPMENT DEPARTMENT** - Community Development Director Rick Coel gave a brief summary.

The following amendments were made to the contract: a typo was corrected on page 2, and the Comprehensive Automobile Liability Insurance was changed to three-hundred thousand dollard (\$300,000.00) combined single limit coverage per occurrence.

On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the consultant selection policy and approved the Special Services Contract, as amended, between the County of Lake and Melissa Floyd for a one-year term, not to exceed \$60,000 and authorized the Chair to execute said contract.

13. **ITEM A-12 - (a) DISCUSSION/CONSIDERATION OF PROPOSED AMENDMENT NO. 4 TO SOLID WASTE HANDLING AND RECYCLING SERVICES CONTRACT BETWEEN THE COUNTY OF LAKE AND SOUTH LAKE REFUSE-RECYCLING,**

LLC, TO DELETE CERTAIN FEES; and (b) DISCUSSION/CONSIDERATION OF PROPOSED AMENDMENT NO. 5 TO SOLID WASTE HANDLING AND RECYCLING SERVICES CONTRACT BETWEEN THE COUNTY OF LAKE AND TIMBERLINE DISPOSAL COMPANY, INC. TO DELETE CERTAIN FEES - Public Services Director Kim Clymire and Deputy Director Public Services Director Caroline Chavez were present.

Mr. Clymire gave a brief summary.

On motion of Supervisor Robey and as approved by the Board (5 ayes), approved Amendment No. 4 to Solid Waste Handling and Recycling Services contract between the County of Lake and South Lake Refuse-Recycling, LLC, to delete certain fees.

The amendment to the contract between the County of Lake and Timberline Disposal Company, Inc. was carried over to a later date.

The Ordinance submitted was inadvertently omitted from the November 14th agenda and was placed on the November 21, 2006 agenda.

After a short recess, the Board reconvened at 11:30 a.m.

- 14. **ITEM A-13 - PROPOSED ORDINANCE ESTABLISHING A PRIMA FACIE SPEED LIMIT ZONE ON HARTMANN ROAD, COUNTY ROAD NO. 104, FROM STATE HIGHWAY NO. 29 TO P.M. 0.61 - (45 M.P.H.)** - On motion of Supervisor Robey 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 Robey and by vote of the Board (5 ayes), advanced the ordinance two weeks to November 28, 2006.

- 15. **ITEM A-14 - PROPOSED ORDINANCE ESTABLISHING A PRIMA FACIE SPEED LIMIT ZONE ON DRY CREEK CUTOFF, COUNTY ROAD NO. 113, FROM ITS INTERSECTION WITH STATE HIGHWAY 29 TO ITS INTERSECTION WITH STATE HIGHWAY 175 - (40 M.P.H.)** - On motion of Supervisor Robey 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 Robey and by vote of the Board (5 ayes), advanced the ordinance two weeks to November 28, 2006.

- 16. **ITEM A-16 - CLOSED SESSION - 1. Conference with Labor Negotiator; (a) County Negotiations: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: SDA** - 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 11:55 a.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Mireya G. Turner
Assistant Clerk of the Board