



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD OCTOBER 17, 2006

The Honorable Board of Supervisors of Lake County, California, met in regular session this 17th day of October, 2006, there being present Supervisors Ed Robey, Gary Lewis, Rob Brown, Anthony Farrington, Administrative Officer Kelly Cox, County Counsel Anita Grant, and Assistant Clerk of the Board Mireya Turner. Supervisor Smith was absent.

The meeting was called to order at 9:00 a.m. by Chair Farrington. Following a moment of silence in honor of Steve Brodnansky, Elsie Pendleton, and Gus Schnable, Martha Steward 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 (4 ayes Supervisor Smith ABSENT), approved Consent Agenda Items C-1 through C-19, with the exception of Item C-5 and C-6, and will be taken up later in the day.

Approved Agreement between the County of Lake and Middletown Senior Citizens, Inc. for Fiscal Year 2006/2007 funding, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Senior Support Services, Inc. for Fiscal Year 2006/2007 funding, and authorized the Chair to Sign.

Approved Agreement between the County of Lake and the Live Oak Senior Center, Inc. for Fiscal Year 2006/2007 funding, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Kelseyville Seniors, Inc. for Fiscal Year 2006/2007 funding, and authorized the Chair to sign.

Approved Agreement between the County of Lake and the Area Agency on Aging for Fiscal Year 2006/2007 funding, and authorized the Chair to sign.

Approved Agreement between the County of Lake and the Highlands Senior Service Center, Inc. for Fiscal Year 2006/2007 funding, and authorized the Chair to sign.

Approved Agreement between the County of Lake and the Lakeport Senior Activity Center, Inc. for Fiscal Year 2006/2007 funding, and authorized the Chair to sign.

Approved Amendment to 2006/2008 Memorandum of Understanding by and between the County of Lake and the Lake County Employees' Association Unit 3, clarifying overtime definition of Article III, Section B, 1(a), and authorized the Chair to sign.

Approved Amendment to 2006/2008 Memorandum of Understanding between the County of Lake and the Lake County Employees' Association Unit 4, clarifying overtime definition of Article III, Section B, 1(a), and authorized the Chair to sign.

Approved Amendment to 2006/2008 Memorandum of Understanding between the County of Lake and the Lake County Employees' Association Unit 5, clarifying overtime definition of Article III, Section B, 1(a), and authorized the Chair to sign.

Approved Amendment to Kelseyville Unified School District's Conflict of Interest Code, pursuant to district's Resolution No. FY 2006/07-01, adopted by the district on August 23, 2006

Adopted Resolution No. 2006-188, approving the Managed Care/Mental Health Plan Contract between the County of Lake and the State Department of Mental Health for the Fiscal Year 2006/2007, and authorized Director of Mental Health to sign contract Number 06-76027-000.

Rejected all bids for Bid No. Pw07-02, for Construction of Perini Road Bridge Abutments on Seigler Canyon Creek, for the reasons stated in the memorandum from Public Works Director Gerry Shaul, dated October 1, 2006.

Approved Grant Deed for recordation (portions of APNs 008-001-07 and 008-001-08 - Regency Vineyards) and approved Purchase Agreement between County of Lake and Timberline Disposal, for Soda Bay Road Left Turn Lane, and authorized the Chair to sign.

Accepted Irrevocable Offer of Dedication for Roadway and Public Utility Purposes, (portion of Parcel 1 as shown on that certain parcel map filed September 3, 1969 in Book 1 of Parcel Maps at Page 54, Lake County Records) - Charles Warner and Linda Warner.

Approved Engineering and Inspection Agreement between the County of Lake and Courtney Bowden, for Engineering Services for the review of plans and specifications and the inspection of work, Located at 3757 Johnson Court, Lakeport, and authorized the Chair to sign.

Approved permit to conduct Aeronautical Activities at Lampson Airport (Tom's Aircraft), and authorized the Chair to sign.

Adopted Resolution No. 2006-189, authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under agreement dated May 18, 2006, (Lampson Airfield - Bid No. Pw 06-02).

Approved Engineering and Inspection Agreement between the County of Lake and Jon Strieter, for engineering services for the review of plans and specifications and the inspection of work, Located at 12279 Ridge Road, Loch Lomond, and authorized the Chair to sign.

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Approved advanced step hiring of a Senior Staff Services Analyst Sandra Young - (Career Salary Step Range), based upon extraordinary qualifications, as per memorandum from Social Services Director to the Board of Supervisors dated September 27, 2006.

Approved Amendment to South Lake County Fire Protection District's Conflict of Interest Code, adopted by the district on September 19, 2006.

Sitting as the Board of Directors for Lake County Sanitation District, accepted dedication and conveyance of mainline sewer extension, for purpose of providing sewer service to property located at 15571 Douglas Street, Middletown - (APN 024-461-14 - Richard Dunseth), and directed Clerk to certify for recordation.

Supervisor Smith was present at 9:05 a.m.

2. **ITEM A-14 - CONSIDERATION OF MATTERS PERTAINING TO ADMINISTRATION OF COUNTY TELECOMMUNICATIONS SYSTEM AND SYSTEM MAINTENANCE** - Information Technology Director Martin Franusich and Dennis Amendola of NorCal TeleCom were present.

Supervisor Brown stated to the Board that he has a conflict of interest with this project because he has a financial relationship with NorCal TeleCom and he will not be participating in this discussion.

Supervisor Brown was absent at 9:05 a.m.

There was no action taken on this item.

Supervisor Brown was present at 9:24 a.m.

3. **ITEM A-5 - 9:15 A.M. - PRESENTATION OF CODE COMPLIANCE PROGRAM UPDATE** - Code Compliance Manager Voris Brumfield and Code Compliance Officer Hank Bouillercce were present.

Ms. Brumfield and Mr. Bouillercce gave a power point presentation on the Vehicle Amnesty Days, October 13 and 14, 2006, as well as two abatements which took place during the week of October 3, 2006.

There was no action taken on this item.

4. **ITEM A-6 - 9:30 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 11032 GIFFORD SPRINGS ROAD, COBB (APN 050-201-08-00 - CHURCH OF DEVINE MAN)** - Code Compliance Manager Voris Brumfield, Code Compliance Officer Anthony Howard, Reverend Merrill Mazza, and Lila Earlenson were present and were sworn in by the Clerk.

Mr. Howard gave a brief overview and power point presentation regarding the conditions of the property. Mr. Mazza and Ms. Earlenson both gave testimony.

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 11032 Gifford Springs Road, Cobb, 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.

5. **ITEM A-7 - 9:45 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 12946 5th STREET, CLEARLAKE OAKS (APN 035-382-21-00 - OWEN LAMPMAN)** - Code Compliance Manager Voris Brumfield, Code Compliance Officer Kimberlee Heckard were present and were sworn in by the Clerk.

There was no representative for the property owner present.

Ms. Heckard gave a brief overview and power point presentation regarding the conditions of the property.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 12946 5th Street, Clearlake Oaks, 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.

6. **ITEM A-8 - 10:00 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 12916 5th STREET, CLEARLAKE OAK (APN 035-382-30-00 - OWEN LAMPMAN)** - Code Compliance Manager Voris Brumfield, Code Compliance Officer Kimberlee Heckard were present and were sworn in by the Clerk.

There was no representative for the property owner present.

Ms. Heckard gave a brief overview and power point presentation regarding the conditions of the property.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 12916 5th Street, Clearlake Oaks, 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-9 - 10:15 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 19657 BUTTS CANYON ROAD, MIDDLETOWN (APN 014-004-13-00 - WILLIAM WOITA AND BARBARA WOITA)** - Code Compliance Manager Voris Brumfield, Code Compliance Officer Anthony Howard and Sharon Woita were present and were sworn in by the Clerk.

Mr. Howard gave a brief overview and power point presentation regarding the conditions of the property.

Ms. Woita presented testimony.

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 19657 Butts Canyon Road, Middletown, 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-16 - CONSIDERATION OF RECOMMENDATION TO AWARD BID NO. 07-04 TO R&C CONSTRUCTION, FOR THE LOWER LAKE MUSEUM FACADE IMPROVEMENTS AND BELL TOWER CONSTRUCTION** - Public Services Director Kim Clymire was present.

On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Brown NO), awarded Bid No. 07-04 to R&C Construction of Middletown, in the amount of \$397,362.00, for the Lower Lake Museum Facade improvements and Bell Tower construction, and authorized the Chair to sign the Agreement and the Notice of Award.

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9. **ITEM A-10 - Continued From October 3, 2006 - 10:30 A.M. - PUBLIC HEARING - DISCUSSION/CONSIDERATION OF FISCAL YEAR 2006/2007 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM REGARDING POTENTIAL PROJECTS FOR THE GENERAL ALLOCATION GRANT AND THE PLANNING AND TECHNICAL ASSISTANCE GRANTS** - Deputy Director Redevelopment Agency Eric Seely, Deputy Administrative Officer Economic Development Debra Sommerfield, and Chief Deputy Administrative Officer Matt Perry were present.

Mr. Perry gave a brief summary of the item.

Chair Farrington opened the public hearing and the following persons spoke: Janet Cawn, Joan Moss and Janine Smith-Citron spoke. No one else was present wishing to speak and the public hearing was closed.

There was consensus on the Board to pursue CDBG Planning and Technical Assistance Grants in the following areas:

A. Economic Development Allocation Non-Specific Planning Studies

Primary: Development of a winery incubator and wine tasting center at a former pear packing facility, such as Mt. Konocti growers.

Alternate: Upper Lake downtown revitalization plan and historical preservation strategies, including adaptive re-use of historic Odd Fellows Hall.

B. Economic Development Allocation Specific Planning Studies

Primary: Development of marina at Clark's Island in Clearlake Oaks.

Alternate: Prepare feasibility study and strategy for redevelopment of Lucerne Hotel property to mixed-use facility including hotel.

C. General Allocation Non-Specific Planning Studies

The intention was voiced by the Board to pursue split funding for the following two studies:

Determine location, development and operating costs of domestic violence shelter.

Countywide study of needed handicapped accessibility improvements.

D. General Allocation Specific Planning Studies

Prepare feasibility study and strategy for redevelopment of Lucerne Hotel property to mixed-use facility including senior housing and community center.

Supervisor Lewis was absent at 11:55 a.m. and present at 12:01 p.m.

10. **CONSENT AGENDA ITEM C-5 - CONSIDERATION OF PROPOSED FINDINGS OF FACT AND DENY THE APPEAL (AB 06-01) OF SCOTT DE LEON, MELODY DE LEON, JEFF HAVRILLA, AND BETH HAVRILLA, AND AUTHORIZE THE CHAIR TO SIGN** - On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Farrington NO) approved Findings of Fact and denied the appeal (AB 06-01) of Scott De Leon, Melody De Leon, Jeff Havrilla, and Beth Havrilla, and authorized the Chair to sign.
11. **CONSENT AGENDA ITEM C-6 - CONSIDERATION OF PROPOSED FINDINGS OF FACT AND DENY THE APPEAL (AB 06-02) OF THOMAS MACOMBER AND ANNA MACOMBER, AND AUTHORIZE THE CHAIR TO SIGN** - On motion of Supervisor Brown and by vote of the Board (5 ayes) approved Findings of Fact and denied the appeal (AB 06-02) of Thomas Macomber and Anna Macomber, and authorized the Chair to sign.
12. **ITEM A-11 - 11:00 A.M. - (a) CONSIDERATION OF RECOMMENDATION FROM CALIFORNIA DEPARTMENT OF HEALTH SERVICES TO CONTINUE ORDINANCE 2791, ADOPTING EMERGENCY WATER CONSERVATION RESTRICTIONS FOR COUNTY SERVICE AREA (CSA) NO. 2, SPRING VALLEY LAKES; and (b) CONSIDERATION OF RECOMMENDATIONS OF PRELIMINARY DRAFT ENGINEERING REPORT ON SYSTEM CAPACITY OF COUNTY SERVICE AREA (CSA) NO. 2, SPRING VALLEY LAKES** - Special Districts Administrator Mark Dellinger, and CH2M Hill Engineer Jerry Dehn were present.

Mr. Dehn gave a brief summary of the status of the Spring Valley water expansion plan.

Chair Farrington asked if anyone present wished to speak on this item and the following persons spoke: Luther Winters, David Jones, Cathy Jones and Helen Mitchum. No one else was present wishing to speak and the public portion of this item was closed.

Supervisor Lewis withdrew his request for discussion/consideration of infrastructure funding.

Mr. Dellinger stated that an amendment has been made to Ordinance No. 2791, and a new ordinance with the amendment has been presented to the Board for consideration.

Ordinance No. 2791, was amended as follows:

Added: Section 8: This ordinance shall become effective immediately upon passage if passed and adopted by at least a four-fifths vote of the Board of Supervisors and shall continue for ten (10) months and fifteen (15) days, with updates as to the status of continuing emergency to the Board of Supervisors every thirty (30) days.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), waived the reading of the ordinance (an Urgency Ordinance Adopting Emergency Water Conservation Restrictions for County Service Area Nol 2, Spring Valley Lakes), and had it read in title only (Clerk so did).

Supervisor Lewis offered Ordinance No. 2798, and it was passed by a roll-call vote (5 ayes).

On motion by Supervisor Lewis and approved by the Board (5 ayes), approved the following actions: (a) directed staff to report to the Board on 90 day intervals; (b) directed staff to finalize capacity analysis consistent with requirements of the September 7, 2006, letter from the California Department of Health Services; (c) directed staff to investigate potential funding sources to finance phased system capacity improvements as recommended by the District's consulting engineer; and (d) directed staff to amend the CSA #2 Rate Ordinance No. 2732 to increase capital improvement fees for new connections.

The Board adjourned for lunch at 1:20 p.m. and reconvened at 2:25 p.m., with Supervisor Robey absent.

Supervisor Robey was present at 2:29 p.m.

13. **ITEM A-15 - PROPOSED CONTRACT BETWEEN COUNTY OF LAKE AND NORTH VALLEY BEHAVIORAL HEALTH FOR ACUTE PSYCHIATRIC SERVICE** - Mental Health Director Kristy Kelly was present.

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Ms. Kelly gave a brief summary of the services in the proposed contract.

On motion of Supervisor Smith and by vote of the Board (5 ayes) approved the contract between County of Lake and North Valley Behavioral Health for acute psychiatric service, and authorized the Chair to sign.

14. **ITEM A-17 - CONSIDERATION OF REQUEST FROM MENTAL HEALTH DEPARTMENT FOR APPROVAL OF \$20,000 PAYMENT TO THE FIRM OF "INTERIM PHYSICIANS", AS CONTRACT FEE FOR PERMANENT HIRING OF STAFF PSYCHIATRIST** - Mental Health Director Kristy Kelly was present.

Ms. Kelly gave a brief summary of the request.

On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Brown NO), approved \$20,000 payment to the firm of "Interim Physicians", as contract fee for permanent hiring of staff psychiatrist.

15. **ITEM A-13 - APPOINTMENT OF INTERIM COMMUNITY DEVELOPMENT DIRECTOR** - Community Development Director Mary Jane Fagalde and Assistant Community Development Director Rick Coel were present.

Supervisor Robey presented a brief summary on the background of this item.

On motion of Supervisor Robey and by vote of the Board (5 ayes) appointed Rick Coel as Interim Community Development Director, effective immediately, until a permanent Community Development Director is hired.

16. **ITEM A-18 - CLOSED SESSION - 1. Public Employee Performance Evaluations: Titles: County Administrative Officer, County Counsel, Mental Health Director 2. Conference with Labor Negotiator: (a) County Negotiators: 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 4:10 p.m to October 19, 2006, at the Calpine Visitor Center in Middletown.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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