



# Minutes

## County of Lake Board of Supervisors

### OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 26, 2006

The Honorable Board of Supervisors of Lake County, California, met in Regular Session this 26<sup>th</sup> day of September, 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 Rob Brown 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, with the exception of Consent Items C-1, C-8 and C-10, which will be taken up later in the day for further discussion.

Approved Subordination Agreement between the County of Lake and the City of Clearlake Redevelopment Agency, as recommended in the Memorandum dated September 13, 2006, from Chief Deputy Administrative Officer Matt Perry.

Approved Amendment No. 3 to Contract between the County of Lake and the Lake County Pear Association for the purpose of promoting and marketing the sale of Lake County pears (extending term of existing agreement) and authorized the Chair to sign.

Adopted Resolution No. 2006-178, amending Resolution No. 2006-164 to amend the effective date of the reclassification of a Senior Staff Services Analyst position in Budget Unit 5011 - Department of Social Services.

Adopted Resolution No. 2006-179, approving Agreement with County of Lake and California Department of Food and Agriculture and authorizing execution and signature for pest exclusion activities for Fiscal Year 2006/2007.

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

Approved advanced step hiring, part-time temporary Nurse Practitioner Marilyn W. Foster at the fifth step of the Family Nurse Practitioner salary range due to extraordinary qualifications.

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

Accepted Irrevocable Offers of Dedication for roadway and public utility purposes, a strip of land lying within Guenoc Rancho (portions of APNs 014-260-36 & 041-260-51 - Keith Investments, LLC).

Approved plans and specifications for debris removal from Scotts Creek , Bid No. 07-10.

Approved Contract between the Lake County Department of Social Services and Karen MacDougall, for update to the Lake County Children's Report Card, and authorized the Chair to sign.

Sitting as the Board of Directors of Lake County Watershed Protection District, adopted Resolution No. 2006-180, authorizing the Water Resources Program Coordinator to apply for grant funds under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 and authorized Deputy Director Public Works Water Resources to enter into any agreements and amendments thereto.

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 two (2) dogs and three (3) cats 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 - CONSIDERATION OF LETTER TO GOVERNOR SCHWARZENEGGER, IN OPPOSITION TO SB 1640, REGARDING THE ESTABLISHMENT OF A NEW STATEWIDE GROUNDWATER MONITORING AND REPORTING PROGRAM** - 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:

Ms. Kathy Mannion from RCRC notified Supervisor Brown on September 25, 2006, regarding this matter and action needs to be taken on this matter. The Governor has only until September 30, 2006, to act on this legislation and the next available agenda is October 3, 2006, which is after the deadline.

This item was continued later in the day for further consideration.

- BACK TO #1 - CONSENT ITEM C-1 - PROPOSED LETTER TO FEDERAL REPRESENTATIVES REGARDING GUEST WORKER PROGRAM** - Supervisor Brown requested that this item be pulled from the Consent Agenda for further discussion.

Agricultural Commissioner Steve Hajik was present.

There was consensus by the Board to also send this letter to State representatives.

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On motion of Supervisor Brown and by vote of the Board (5 ayes), approved letter to State and Federal representatives regarding Guest Worker Program, and authorized the Chair to sign.

4. **ITEM A-14 - CONSIDERATION OF PROPOSED RESOLUTION AUTHORIZING APPLICATION FOR DRIVING UNDER THE INFLUENCE PROSECUTION PROGRAM (DUIPP)** - Victim/Witness Administrator San Laird and Mayor of the City of Clearlake Judy Their were present.

Supervisor Smith offered Resolution No. 2006-177, and it was passed by a roll-call vote (5 ayes).

**BACK TO #1 - CONSENT ITEM C--8 - PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE, AND DAZZLING JANITORIAL FOR JANITORIAL SERVICES AT HEALTH BUILDING, LOCATED AT 922 BEVINS COURT** - There was consensus by the Board to go out for bids for janitorial services at the Health Building, located at 922 Bevins Court.

5. **ITEM A-11 - Advanced From September 12, 2006 - AN ORDINANCE AMENDING ARTICLE X OF CHAPTER TWO OF THE LAKE COUNTY CODE RELATING TO THE POLICIES AND PROCEDURES FOR THE PROCUREMENT OF SUPPLIES, MATERIALS, EQUIPMENT, AND CONTRACTUAL SERVICES - (SECOND READING)** - Supervisor Smith offered Ordinance No. 2794, and it was passed by a roll-call vote (5 ayes).
6. **ITEM A-12 - Advanced From September 12, 2006 - AN ORDINANCE AMENDING LAKE COUNTY ALCOHOL AND DRUG SERVICES (AODS) FEES FOR DRIVING-UNDER-THE-INFLUENCE PROGRAMS - (SECOND READING)** - Supervisor Smith offered Ordinance No. 2796, and it was passed by a roll-call vote (5 ayes).
7. **ITEM A-13 - Advanced From September 12, 2006 - AN ORDINANCE AMENDING CHAPTER 15 OF THE LAKE COUNTY CODE PROHIBITING SWIMMING, SUNBATHING AND PLAYING ON OR NEAR ANY COURTESY DOCK OR WATERCRAFT LAUNCH FACILITY IN A COUNTY PARK - (SECOND READING)** - Supervisor Smith offered Ordinance No. 2797, and it was passed by a roll-call vote (5 ayes).
8. **ITEM A-5 - 9:30 A.M. - CONSIDERATION OF REQUEST FROM LUCERNE COMMUNITY WATER ORGANIZATION FOR TEMPORARY RENTAL OF LUCERNE CLUBHOUSE FACILITY** - President of Lucerne Community Water Organization Craig Bach was present and stated that this request is being withdrawn and the organization will be looking at other options for a facility to hold their meetings.

Chair Farrington asked if anyone present wished to speak on this item and the following persons spoke: Ms. Sophie Jensen, Ms. Donna Christopher and Ms. Patricia Vandenberg. No one else was present wishing to speak and the public portion of this item was closed.

There was no action taken.

**BACK TO #1 - CONSENT ITEM C-10 - CONSIDERATION OF AN EASEMENT DEED AND DIRECT CLERK TO CERTIFY FOR RECORDATION (A PORTION OF APN 008-063-13 - COUNTY OF LAKE), AND APPROVE RIGHT-OF-WAY AGREEMENT BETWEEN COUNTY OF LAKE AND ROBERT W. DEUCHAR AND LOIS E. DEUCHAR, TRUSTEES OF THE ROBERT W. DEUCHAR AND LOIS E. DEUCHAR REVOCABLE TRUST OF 2005, FOR THE PROPOSED MERRITT ROAD BRIDGE PROJECT** - 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.

Supervisor Brown was absent at 9:37 a.m.

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved Easement Deed and directed Clerk to certify for recordation (a portion of APN 008-063-13 - County of Lake), and approved Right-of-Way Agreement between County of Lake and Robert W. Deuchar and Lois E. Deuchar, Trustees of the Robert W. Deuchar and Lois E. Deuchar Revocable Trust of 2005, for the proposed Merritt Road Bridge Project, and authorized the Chair to sign.

Supervisor Brown was present at 9:40 a.m.

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

**EXTRA #1 - CONSIDERATION OF LETTER TO GOVERNOR SCHWARZENEGGER, IN OPPOSITION TO SB 1640, REGARDING THE ESTABLISHMENT OF A NEW STATEWIDE GROUNDWATER MONITORING AND REPORTING PROGRAM** - On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Robey NO), approved letter to Governor Schwarzenegger, in opposition to SB 1640, regarding the establishment of a new Statewide Groundwater Monitoring and Reporting Program, and authorized the Chair to sign.

After a short recess, the Board reconvened at 10:06 a.m.

9. **ITEM A-6 - 10:00 A.M. - HEARING - APPEAL OF ADMINISTRATIVE PENALTIES ISSUED BY COMMUNITY DEVELOPMENT, CODE ENFORCEMENT DIVISION (JOHN UNIACK - APN 035-561-25-00)** - Code Compliance Manager Voris Brumfield, Code Compliance Officer Kimberlee Heckard and John Uniack were present and sworn in by the Clerk.

Ms. Heckard gave a brief overview of the issuance of an Order Imposing Administrative Penalty. This penalty was issued for placing, constructing, or installing fencing, a boat trailer, hedges, poles and chain in, on, under or over a County road or highway. Ms. Heckard also presented a power-point presentation showing the violations on the property.

Mr. Uniack presented testimony.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), denied the appeal of John Uniack and found that the Order to Impose Administrative Penalty dated July 26, 2006, was issued properly pursuant to Lake County Ordinance Code Section 13.33.3.

10. **ITEM A-7 - 10:15 A.M. - PUBLIC HEARING - APPEAL OF MARK LAURENCE AND KELLIE RISSO LAURENCE OF THE PLANNING COMMISSION'S CONDITIONS OF APPROVAL OF A TENTATIVE PARCEL MAP PM 04-31 FOR CHARLES AND CHRISTINA WOOTEN; LOCATED AT 17500 BUTTS CANYON ROAD, MIDDLETOWN, CA (APN 014-140-06)** - Community Development Director Mary Jane Fagalde and Associate Planner Catherine Young were present.

Mr. Mark Laurence and Ms. Kellie Risso Laurence were also present and presented a brief overview of their appeal.

Chair Farrington opened the public hearing and the following persons spoke: Mr. Charles Wooten and Mr. Greg Van Oss. No one else was present wishing to speak and the public hearing was closed.

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On motion of Supervisor Robey and by vote of the Board (5 ayes), upheld the decision of the Planning Commission and denied the appeal of Mark Laurence and Kellie Risso Laurence.

On motion of Supervisor Robey and by vote of the Board (5 ayes), directed the Community Development Department to refund Mark Laurence and Kellie Risso Laurence, the appeal process fee.

- 11. **ITEM A-8 - 10:45 A.M. - PRESENTATION OF LAKE COUNTY LIBRARY ADVISORY BOARD ANNUAL REPORT -** County Librarian Kathy Jansen was present.

Mr. Harold Riley, representative of the Lake County Library Board was also present.

Ms. Jansen was present and gave a brief overview of the report which included the following: (a) the Literacy Program and the 2005 Summer Reading Program for children; (b) the book budget; (c) the "First Five Mini-Grant" was awarded and will be used to purchase books and furniture for children; (c) the contribution of more than 2,267 hours by volunteers who mend books, cover books, tutoring the Literacy Program, and other tasks that provide services to the library; and (d) the Literacy Program for adults. Also, Bundita Kosolcharoen, age 10, selected the library as her Girl Scout Bronze Project, and her theme was "Kid Influences Young Kids". Her objectives were to influence children to start, love and enjoy reading and to become familiar with the library. She presented six story times and th Lakeport Library and raised \$750 to purchase children's books. She designed and sold bookmarks as a fund raiser.

There was no action taken on this item.

- 12. **ITEM A-9 - 11:00 A.M. - PRESENTATION OF CODE COMPLIANCE PROGRAM UPDATE -** Code Compliance Manager Voris Brumfield was present and gave a brief update, which included Code Compliance responsibilities, review of the caseload, Media and Public Education Programing, voluntary compliance and vehicle amnesty for 2006.

There was no action taken on this item.

- 13. **ITEM A-15 - CLOSED SESSION - 1. Public Employee Performance Evaluation, Title: Child Support Services Director; and 2. Conference With Legal Counsel - Existing Litigation (Subdivision (a) of Section 54956.9, Name of Case: County of Lake v. Material Solutions -** Chair Farrington announced that the Board of Supervisors will now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session with the following action taken: On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Release and Settlement Agreement between the County of Lake and Material Solutions, as submitted, in the amount of \$110,000, and authorized the Chair to sign.

There being no further business, the Board adjourned at 6:00 p.m.

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Chair - Lake County Board of Supervisors

KELLY F. COX  
Clerk of the Board

By: \_\_\_\_\_  
Georgine Hunt  
Assistant Clerk of the Board