



MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD DECEMBER 18, 2007

The Honorable Board of Supervisors of Lake County, California, met in Regular Session this 18th day of December 2007, there being present Supervisors Ed Robey, Denise Rushing, Anthony Farrington, Rob Brown, and Jeff Smith, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner.

The meeting was called to order at 9:03 a.m. by Chair Smith. After a moment of silence Chair Smith 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-19, with the exception of C-18 and C-19, which will be taken up later in the day.

Approved Minutes of the Board of Supervisors meetings held on December 4 and 11, 2007.

Acknowledged Court Appointment of Steve Buchholz as Chief Probation Officer on an extra-help basis effective January 1, 2008, and authorized hourly rate of compensation to be equivalent to his current hourly rate as a permanent employee.

Approved Budget Transfer B-69 in the amount of \$5,000 from Budget Unit No. 7999 - Contingencies to Budget Unit No. 1011 - Board of Supervisors, to cover fees from the County Sales Tax Audit Firm, and authorized the Chair to sign.

Approved Leave of Absence (Medical) for Library Assistant Socorro Duncan for the period of December 23, 2007 through December 23, 2008, and authorized Chair to sign leave of absence request form.

Adopted Resolution No. 2007-247 authorizing the Director, Public Works Department, to sign a notice of completion for work performed under agreement dated November 5, 2007 (storm damage repair: Elk Mountain Road - MPM 33.7 to 33.9, 35.6, 36.0 to 36.1, 36.8 and 37.2).

Adopted Resolution No. 2007-248 authorizing the Director, Public Works Department, to sign a notice of completion for work performed under agreement dated July 10, 2007 (construction of drainage improvement at Lampson Field Airport).

Adopted Resolution No. 2007-249 authorizing the Director, Public Works Department, to sign a notice of completion for work performed under agreement dated August 28, 2007 (construction on Perini Road at Seigler Canyon Creek Bridge Replacement Project).

Adopted Resolution No. 2007-250 approving final parcel map and the signing of the final parcel map (Dukes).

Approved Easement Deed and directed Clerk to certify for recordation (APN 043-071-28 - Theodora Spear); and approved Right-of-Way Agreement between the County of Lake and Theodora Spear for Point Lakeview Road Storm Damage Project and authorized the Chair to sign.

Approved Budget Transfer B-70 in the amount of \$23,250 for purchase of a food dehydrator, a vacuum sealer, night vision goggles and sniper digital trail cameras, Budget Unit No. 2201 - Sheriff/Coroner (funded by DEA grant), and authorized the Chair to sign.

Adopted Resolution No. 2007-251 to appropriate over-realized and unanticipated revenue (received from the California Multi-jurisdictional Methamphetamine Enforcement Team (Cal-MMET) Grant in the amount of \$86,250) to pay for costs associated with the State's Cal-MMET Program (6 GPS units, inspection mirror, 6 Nikon digital cameras, 2 laptop computers, 5 flashdrives, 5 tactical vests software, 2 night vision monoculars, GPS tracking system and an undercover vehicle) - Budget Unit No. 2201 - Sheriff/Coroner.

Approved Application for financial aid from State Department of Boating and Waterways, for Fiscal Year 2008/2009 and authorized Sheriff Rodney Mitchell to sign.

Waived the 900 Hour Limit for extra-help Eligibility Worker Tami Tucker.

Waived the 900 Hour Limit for extra-help Eligibility Worker Elizabeth Flores.

Approved Third Amendment to Contract between the County of Lake and California Engineering Company, Inc. for administration of housing services in the amount not to exceed \$30,000 and authorized the Chair to sign.

(A) Adopted Resolution No. 2007-252 appropriating available County moneys to the County Service Area Revolving Fund for a loan in the amount of \$20,000 to Budget Unit No. 8482 - County Service Area (CSA) #22 - Mt. Hannah (for funding the acquisition of rights-of-way related to the Water Tank Replacement Project); and

(B) Adopted Resolution No. 2007-253 appropriating unanticipated revenue (received from a loan of available County funds in the amount of \$20,000) to pay for the acquisition of rights-of-way related to the Water Tank Replacement Project - Budget Unit No. 8482 - County Service Area (CSA) #22.

Adopted Resolution No. 2007-254 appropriating unanticipated revenue (received from received from the Superior Court in the amount of \$10,000) to support staff expenditures associated with court case transfers (extra-help staff) - Budget Unit No. 1122 - Treasurer-Tax Collector.

2. **ITEM A-2 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA -**

EXTRA #1 - CONSIDERATION OF REQUEST TO APPOINT CINDY SILVA-BRACKETT AS INTERIM HEALTH SERVICES ADMINISTRATIVE MANAGER - On motion of Supervisor Robey and by vote of the Board (5 ayes), approved taking up this item as an extra.

Health Services Director Jim Brown gave a brief summary.

On motion of Supervisor Robey and by vote of the Board (5 ayes) appointed Cindy Silva-Brackett as Interim Health Director.

EXTRA #2 - CONSIDERATION OF LOAN OF \$100,000 FROM THE GENERAL FUND TO COVER INTERMITTENT CASH FLOW ISSUES IN AODS (FUND 141) - On motion of Supervisor Robey and by vote of the Board (5 ayes), approved taking up this item as an extra.

Substance Abuse Program Administrator Laura Solis and Mental Health Administrative Manager Caren Clifton spoke.

Supervisor Robey offered Resolution 2007-255, amending Resolution 2007-176 to reduce General Fund Contingencies to provide an interim loan to the Alcohol and Other Drug Services Division, and it was passed by roll call vote (5 ayes).

3. **CITIZEN'S INPUT** - Meriel Medrano and Joan Clay spoke regarding the new street light in Anderson Springs.

Diana Wells spoke regarding IHSS workers.

There was more Citizen's Input later in the day.

4. **ITEM A-4 - 9:15 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A GENERAL PLAN AMENDMENT PROPOSAL (GPAP 07-11) AND A REZONE (RZ 07-19) PROPOSED FOR THE FOLLOWING:**

(A) GENERAL PLAN AMENDMENT FROM SERVICE COMMERCIAL TO COMMUNITY COMMERCIAL AND REZONE FROM "C3-DR", SERVICE COMMERCIAL - DESIGN REVIEW TO "C2-DR", COMMUNITY COMMERCIAL - DESIGN REVIEW FOR A 2.4 ACRE PORTION OF THE 7 ACRE PROPERTY LOCATED AT 2570 SOUTH MAIN STREET, LAKEPORT (APN 008-003-04 - RICHARD KEMP);

(B) GENERAL PLAN AMENDMENT FROM RESOURCE CONSERVATION TO MEDIUM DENSITY RESIDENTIAL FOR A 1.8 ACRE PORTION OF THE 34 ACRE PROPERTY LOCATED AT 6850 ROBIN HILL DRIVE, LAKEPORT, CA (APN 004-029-28 - RH VENTURE);

(C) GENERAL PLAN AMENDMENT FROM RURAL RESIDENTIAL TO SUBURBAN RESIDENTIAL AND REZONE FROM "RR", RURAL RESIDENTIAL TO "R1-B4", SINGLE-FAMILY RESIDENTIAL-TWO DWELLING UNITS PER ACRE FOR THE 5 ACRE PROPERTY LOCATED AT 8678 UPPER LAKE-LUCERNE ROAD, UPPER LAKE, CA (APN 004-016-44 - GARY SABALONE)

(D) GENERAL PLAN AMENDMENT FROM COMMUNITY COMMERCIAL TO HIGH DENSITY RESIDENTIAL AND REZONE FROM "C2", COMMUNITY COMMERCIAL TO "R3", MULTI-FAMILY RESIDENTIAL FOR THE 1.7 ACRE PROPERTY LOCATED AT 75 LAKE STREET, CLEARLAKE OAKS, CA (APN 035-231-49 - COUNTY OF LAKE REDEVELOPMENT AGENCY);

(E) GENERAL PLAN AMENDMENT FROM RESOURCE CONSERVATION TO RURAL LANDS AND REZONE FROM "O-B3", OPEN SPACE-320 ACRE MINIMUM PARCEL SIZE TO "RL", RURAL LANDS FOR THE 360 ACRE PROPERTY LOCATED 8490 AND 8880 KELSEY CREEK DRIVE, KELSEYVILLE, CA (APNS 007-039-05 & 007-040-01 - GARY SCHWIRBLAT) -

Community Development Director Rick Coel and Senior Planner Emily Minton were present.

Chair Smith opened the public hearing.

Item A) Ms. Minton gave a power point presentation.

Item B) Ms. Minton gave a power point presentation.

Sheri Holden spoke.

Item C) Ms. Minton gave a power point presentation.

Item D) Ms. Minton gave a power point presentation.

Lawrence Ratcliffe spoke.

Item E) Ms. Minton gave a power point presentation.

No one else was present wishing to speak and the public hearing was closed.

On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Brown ABSTAIN), found that on the basis of the Initial Study IS 07-68, that the general plan amendment and rezoning as applied for by the Lake County Redevelopment Agency will not have a significant effect on the environment and adopted a negative declaration with the findings set forth in the Board memorandum dated November 16, 2007.

Supervisor Robey offered Resolution No. 2007-256 and it was passed by roll call vote (4 ayes, Supervisor Brown ABSTAIN).

On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Brown ABSTAIN), waived the reading of the ordinance, to be read in title only (Clerk so did).

Supervisor Robey offered Ordinance No. 2853, and it was passed by a roll call vote (4 ayes, Supervisor Brown ABSTAIN).

BACK TO CITIZEN'S INPUT - Lawrence Ratcliffe spoke regarding the Lake County Transit System.

5. **ITEM A-5 - 9:45 A.M. - HEARING - NUISANCE ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$14,696.56, LOCATED AT 433 FLINTLOCK PLACE, CLEARLAKE, CA (APN 628-240-01-00 - JANICE KRUEGER)** - Community Development Director Rick Coel, Code Enforcement Manager Voris Brumfield, Code Enforcement Officer Kimberlee Heckard and Code Enforcement Officer Hank Bouillercce were sworn in by the Clerk.

No owner representation was present.

Ms. Heckard gave a power point presentation on the abatement of the property.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), confirmed the assessment of \$14,696.56 for nuisance abatement on property located at 433 Flintlock Place, Clearlake, California (APN 628-240-01-00 - Janice Krueger) 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 \$14,696.56, pursuant to the Lake County Ordinance Code, Chapter 13, Section 13-10.

6. **ITEM A-6 - 9:50 A.M. - HEARING - NOTICE OF ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$2,580.12, LOCATED AT 4041 KENSINGTON WAY, LUCERNE, CA (APN 034-854-16-00 - JONATHAN NOONAN)** - Community Development Director Rick Coel, Code Enforcement Manager Voris Brumfield, Code Enforcement Officer Kimberlee Heckard and Code Enforcement Officer Hank Bouillercce were sworn in by the Clerk.

There was no owner representation present.

Ms. Heckard gave a power point presentation on the abatement of the property.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), confirmed the assessment of \$2,580.12 for nuisance abatement on property located at 4041 Kensington Way, Lucerne, California (APN 034-854-16-00 - Jonathan Noonan) 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 \$2,580.12, pursuant to the Lake County Ordinance Code, Chapter 13, Section 13-10.

7. **ITEM A-7 - 10:00 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 10784 BACHELOR VALLEY ROAD, WITTER SPRINGS, CA (APN 023-005-09-00 - ROBERT HAMEL and LINDA HAMEL)** - Community Development Director Rick Coel, Code Enforcement Manager Voris Brumfield, Code Enforcement Officer Kimberlee Heckard, Code Enforcement Officer Hank Bouillercce, Robert Hamel and Linda Hamel were sworn in by the Clerk.

Mr. Bouillercce gave a power point presentation on the conditions of the property.

Mr. and Mrs. Hamel presented testimony.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 10784 Bachelor Valley Road, Witter Springs, California, (APN 023-005-09-00 -Robert Hamel and Linda Hamel), 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 - UPDATE ON EMERGENCY ACTION TAKEN ON SEPTEMBER 25, 2007, REGARDING WATER DAMAGE REPAIRS AT THE HILL ROAD CORRECTIONAL FACILITY** - On motion of Supervisor Farrington and by vote of the Board (5 ayes), deemed an emergency still exists.

9. **ITEM A-20 - Advanced from December 11, 2007 - AN ORDINANCE ESTABLISHING FEES FOR REGISTRATION OF LICENSED STRUCTURAL PEST CONTROL OPERATORS - (SECOND READING)** - Supervisor Farrington offered Ordinance No. 2854 and it was passed by roll call vote (5 ayes).

The Board of Supervisors adjourned and convened as the Board of Directors of the Lake County Redevelopment Agency.

10. **ITEM A-13 - CONSIDERATION OF OPTION AGREEMENT FOR PURCHASE OF REAL PROPERTY FOR DEVELOPMENT OF A SHERIFF'S SUBSTATION TO BE LOCATED AT 6222 AND 6224 EAST HIGHWAY 20, LUCERNE, CA (NOBLE PROPERTY - APNs 034-123-01 and 034-123-02)** - Redevelopment Director Agency Director Kelly Cox provided the staff report on the proposed property acquisition.

This item was continued to later in the day to allow for input by the Sheriff's Department.

The Board of Directors of the Lake County Redevelopment Agency adjourned and reconvened as the Board of Supervisors.

11. **ITEM A-8 - 10:15 A.M. - DISCUSSION/CONSIDERATION OF REQUEST FROM WATERSHED COORDINATOR FOR AB 1905 FUNDS IN THE AMOUNT OF \$10,000 PER YEAR OVER A THREE YEAR PERIOD TO SUPPORT THE UPPER CACHE CREEK WATERSHED COORDINATOR PROGRAM** - Watershed Coordinator Greg Dills presented a brief overview of the program and the request for funding.

Deputy Public Works Director - Water Resources Pam Francis spoke.

Chair Smith asked if anyone was present wishing to speak and the following people spoke: Frank Ariazza and Victoria Brandon.

On motion of Supervisor Robey and by vote of the Board (5 ayes), allocated AB 1905 funds in the amount of \$10,000 per year over a three year period (total \$30,000) to fund the Upper Cache Creek Watershed Coordinator Program.

The Board of Supervisors adjourned and reconvened as the Board of Directors of the Lake County Redevelopment Agency.

- BACK TO ITEM A-13 - CONSIDERATION OF OPTION AGREEMENT FOR PURCHASE OF REAL PROPERTY FOR DEVELOPMENT OF A SHERIFF'S SUBSTATION TO BE LOCATED AT 6222 AND 6224 EAST HIGHWAY 20, LUCERNE, CA (NOBLE PROPERTY - APNs 034-123-01 and 034-123-02)** - Sheriff Rod Mitchell spoke.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Option Agreement for purchase of real property for development of a Sheriff's substation to be located at 6222 and 6224 East Highway 20, Lucerne, CA (Noble property - APNs 034-123-01 and 034-123-02), and authorized the Chair to sign.

The Board of Directors of the Lake County Redevelopment Agency adjourned and reconvened as the Board of Supervisors.

After a short recess, the Board reconvened at 11:00 a.m.

12. **ITEM A-9 - 10:30 A.M. - CONSIDERATION OF PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND LAKE COUNTY COMMUNITY RADIO TO PROVIDE LOCAL MATCHING FUNDS IN THE AMOUNT OF \$30,000 TO BE USED TOWARDS THE PURCHASE OF NECESSARY EQUIPMENT TO OPERATE A RADIO BROADCAST FACILITY** - County Administrative Officer Kelly Cox gave a brief summary.

Lake County Community Radio Vice President Linda Guibert spoke.

Chair Smith asked if anyone was present wishing to speak and Tyra St. John spoke. No one else was present wishing to speak and the public input portion of this item was closed.

Amendments were made to this agreement.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the agreement between the County of Lake and Lake County Community Radio to provide local matching funds in the amount of \$30,000 to be used towards the purchase of necessary equipment to operate a radio broadcast facility, as amended and authorized the Chair to sign.

On motion of Supervisor Robey and by vote of the Board (5 ayes), authorized the Chair to sign a letter of support for the Lake County Community Radio.

13. **ITEM A-19 - (A) CONSIDERATION OF PROPOSED RESOLUTION APPROPRIATING UNANTICIPATED REVENUE IN ORDER TO PURCHASE NEW VEHICLES FOR THE DISTRICT ATTORNEY'S OFFICE; and (B) CONSIDERATION OF REQUEST TO WAIVE THE FORMAL BID PROCESS AND AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$17,827.24 TO KATHY FOWLER CHEVROLET FOR PURCHASE OF A USED 2007 CHEVROLET IMPALA** - District Attorney Jon Hopkins gave a brief summary.

Supervisor Farrington offered Resolution 2007-257 amending Resolution No. 2007-176 to appropriate money received under the Southwest Border Prosecution Initiative Funds as unanticipated revenue in the FY 2007-08 Final Budget, and it was passed by roll call vote (5 ayes).

On motion of Supervisor Farrington and by vote of the Board (5 ayes), waived the formal bidding process, determined that competitive bidding would produce no economic benefit to the County and authorized the District Attorney/Purchasing Agent to issue a Purchase Order for procurement to Kathy Fowler Chevrolet in the amount of \$17,827.24 for a 2007 Chevrolet Impala.

14. **ITEM A-10 - 10:45 A.M. - PROPOSED ORDINANCE AMENDING THE URGENCY ORDINANCE ADOPTING EMERGENCY WATER CONSERVATION RESTRICTIONS FOR COUNTY SERVICE AREA (CSA) #2 - SPRING VALLEY LAKES** - Special Districts Administrator Mark Dellinger gave a brief summary.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), waived the reading of the Ordinance and had it read in title only (Clerk so did).

Supervisor Rushing offered Ordinance No. 2855, amending the urgency ordinance adopting emergency water conservation restrictions for County Service Area No. 2, Spring Valley Lakes, and it was passed by roll call vote (5 ayes).

15. **ITEM A-17 - UPDATE ON EMERGENCY ACTION TAKEN ON SEPTEMBER 11, 2007, REGARDING MT. HANNAH WATER TANK REPLACEMENT** - Special Districts Administrator Mark Dellinger was present.

On motion of Supervisor Robey and by vote of the Board (5 ayes), deemed an emergency still exists.

16. **ITEM A-18 - (A) PROPOSED RESOLUTION AUTHORIZING A LOAN OF AVAILABLE COUNTY FUNDS AND APPROPRIATING SAID FUNDS TO THE COUNTY SERVICE AREA REVOLVING FUND FOR TRANSFER TO BUDGET UNIT NO. 8462 - COUNTY SERVICE AREA (CSA) #2 - SPRING VALLEY - (FOR CONSTRUCTION OF THE QUAIL TRAIL BRIDGE - LOAN AMOUNT INCLUDES REQUEST FOR A \$10,000 INCREASE IN THE AMOUNT PREVIOUSLY APPROVED BY THE BOARD); and (B) PROPOSED RESOLUTION APPROPRIATING UNANTICIPATED REVENUE (RECEIVED FROM A LOAN OF AVAILABLE COUNTY FUNDS IN THE AMOUNT OF \$167,850) TO PAY FOR CONSTRUCTION OF QUAIL TRAIL BRIDGE - BUDGET UNIT NO. 8462 - SPRING VALLEY COUNTY SERVICE AREA (CSA) #2** - Special Districts Administrator Mark Dellinger and Administrative Manager Karen Hanson were present.

Supervisor Rushing offered Resolution 2007-258, appropriating unanticipated revenue to Budget Unit 8462, Spring Valley County Service Area #2, to pay for construction of the Quail Trail Bridge, and it was passed by roll call vote (5 ayes).

Supervisor Rushing offered Resolution 2007-259, authorizing a loan of available County funds and appropriating said funds to the County Service Area Revolving Fund for transfer to County Service Area #2 - Spring Valley, and it was passed by roll call vote (5 ayes).

The Board of Supervisors adjourned and convened as the Board of Directors of the Lake County Sanitation District.

17. **CONSENT AGENDA ITEM C-18 - CONSIDERATION OF PROPOSED SEWER MAINLINE EXTENSION AGREEMENT BETWEEN THE LAKE COUNTY SANITATION DISTRICT AND MOHAMMED HUSSAIN, APNs 003-034-49 and 003-034-50 (775 WEST STATE HIGHWAY 20, UPPER LAKE) AND AUTHORIZE THE CHAIR TO SIGN** - Special Districts Administrator Mark Dellinger was present.

Chair Smith asked if anyone was present wishing to speak and Janet Cawn spoke. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Sewer Mainline Extension Agreement between the Lake County Sanitation District and Mohammed Hussain, APNs 003-034-49 and 003-034-50 (775 West State Highway 20, Upper Lake) and authorized the Chair to sign.

18. **CONSENT AGENDA ITEM C-19 - CONSIDERATION OF PROPOSED RESOLUTION APPROPRIATING UNANTICIPATED REVENUE (RECEIVED FROM THE HEBEMATOLEL POMO UPPER LAKE INDIAN TRIBE IN THE AMOUNT OF \$368,100) TO PAY FOR THE NORTHWEST REGIONAL WASTEWATER TREATMENT FACILITY COLLECTION SYSTEM REHABILITATION - BUDGET UNIT NO. 8350 - LACOSAN** - Special Districts Administrator Mark Dellinger was present.

Chair Smith asked if anyone was present wishing to speak and Janet Cawn spoke. No one else was present wishing to speak and the public input portion of this item was closed.

Supervisor Rushing offered Resolution No. 2007-260, appropriating unanticipated revenue to Budget Unit 8350, Lake County Sanitation District (LACOSAN), to pay for collection system rehabilitation, and it was passed by roll call vote (5 ayes).

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD DECEMBER 18, 2007

The Board of Directors of the Lake County Sanitation District adjourned and reconvened as the Board of Supervisors.

19. **ITEM A-14 - CONSIDERATION OF PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND HOSPICE SERVICES OF LAKE COUNTY TO PROVIDE FUNDS IN THE AMOUNT OF \$50,000 TO BE USED TOWARDS THE HIRING OF A PROFESSIONAL DESIGN FIRM TO COMPLETE A FUNCTIONAL SPACE ANALYSIS TO DETERMINE THE SIZE AND COST OF CONSTRUCTING A NEW HOSPICE SERVICES FACILITY** - County Administrative Officer Kelly Cox gave a brief summary.

This item was continued to January 8, 2008, to allow for input by Hospice Services of Lake County.

20. **ITEM A-21 - CLOSED SESSION 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: SDA 2. Public Employee Disciplinary Action - Employee Appeal** - Chair Smith announced the Board would now go into Closed Session for reasons stated on the agenda.

The Board reconvened into Regular Session at 1:38 and announced the following action had been taken.

On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Brown ABSTAIN), approved the Findings of Fact in the matter of the Public Employees' Disciplinary Appeal, and authorized the Chair to sign.

21. **ITEM A-11 - Continued from December 4, 2007 - 1:30 P.M. PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A REZONE (RZ 07-12) OF 164.25 ACRES PROPOSED FOR PEACOCK ASSOCIATES FOR METRO PCS FROM "U" (UNCLASSIFIED) TO "RR" (RURAL RESIDENTIAL) AS A CONDITION OF THE APPROVED MINOR USE PERMIT (MUP 07-23), TO ALLOW THE REPLACEMENT OF A 51 FOOT HIGH UTILITY POLE WITH A 65 FOOT HIGH UTILITY POLE FOR THE CO-LOCATION OF A WIRELESS COMMUNICATION ANTENNA AND ASSOCIATED EQUIPMENT, ADOPTION OF NEGATIVE DECLARATION BASED ON THE INITIAL STUDY 07-37; LOCATED AT 3000 STATE HIGHWAY 53, CLEARLAKE, CA (APN 010-053-28)** - Community Development Director Rick Coel and Assistant Resource Planner Ted Elliott were present.

Mr. Elliott presented the staff summary.

Chair Smith opened the Public Hearing. Noone was present wishing to speak and the public hearing was closed.

On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Rushing NO), found on the basis of Initial Study No. 07-37 that the rezoning applied for by Peacock Associates on behalf of Metro PCS will not have a significant effect on the environment and adopted a negative declaration for the proposed rezoning with the findings listed in the Board memorandum dated November 5, 2007.

There being no further business, the Board adjourned at 2:23 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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