



MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD DECEMBER 4, 2007

The Honorable Board of Supervisors of Lake County, California, met in Regular Session this 4th 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 9:00 a.m. by Chair Smith. After a moment of silence Supervisor 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-15, with the exception of C-15, which will be taken up immediately following approval of the Consent Agenda.

Approved Minutes of the Board of Supervisors meetings held on November 13, 20 and 27, 2007.

Approved Agreement between the County of Lake and the Children's Museum of Arts & Science to provide funding toward a mobile museum and authorized the Chair to sign.

Approved Animal Control Agreement between the County of Lake and the City of Clearlake for Animal Control services and authorized the Chair to sign.

Approved Request from Butler-Keys Community Services District to permit the Registrar of Voters to render the services necessary to conduct the District's election to be held on June 3, 2008.

Adopted Resolution No. 2007-240, approving Agreement No. 07-0632 with the State of California, Department of Food and Agriculture and authorizing execution of the contract and signature for insect trapping activities for Fiscal Year 2007/2008.

Adopted Resolution No. 2007-241, accepting Official Canvass of the General District Election held on November 6, 2007.

Approved Agreement between the County of Lake and Tom Pinizzotto for professional administrative support for implementation of the Mental Health Services Act (MHSA) three-year plan (not to exceed \$24,000) and authorized the Chair to sign.

Approved Grant Deed and directed Clerk to certify for recordation (APN 034-044-10 - Jack Engle and Janice Engle); and approved Purchase Agreement between the County of Lake and Jack Engle and Janice Engle for Foothill Drive/Robin Hood Way drainage project and authorized the Chair to sign.

Approved Permit to conduct aeronautical activities at Lampson Airport (Jack Olof) and authorized the Chair to sign.

Adopted Resolution No. 2007-242, temporarily prohibiting parking and authorizing removal of vehicles and ordering the Department of Public Works to post signs (temporarily prohibiting parking on Hartmann Road from Coyote Valley Road to Hidden Valley Road, on December 8, 2007, from 4:00 p.m. to 9:00 p.m., during the annual community holiday tree lighting event).

Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 030-111-35 - Charles Potts and Virginia Potts); and approved Purchase Agreement between the County of Lake and Charles Potts and Virginia Potts for maintenance of the intersection of Pyle Road and Garden Drive and authorized the Chair to sign.

Approved Agreement between the County of Lake and Cogent, Inc. for hardware and software maintenance and support of the Congent Systems fingerprint machine in the amount of \$44,858.39 and authorized the Chair to sign.

Waived the 900 Hour Limit for extra-help Wastewater Maintenance Worker Billy Inman.

Adopted Resolution No. 2007-243, authorizing the cancellation of Paradise Valley, CSA #16 Designated Capital Improvement Reserves in the amount of \$10,000 to pay for Well #3 electrical panel and installation.

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

2. **CONSENT AGENDA ITEM C-15 - CONSIDERATION OF PROPOSED RESOLUTION AUTHORIZING LAKE COUNTY WATERSHED PROTECTION DISTRICT TO FILE GRANT APPLICATION AND SIGNATURE AUTHORIZATION TO EXECUTE AGREEMENT FOR THE SCOTTS VALLEY GROUNDWATER STUDY UPDATE** - Chair Smith asked if there was anyone present wishing to speak and Deb Bauman spoke.

Director Farrington offered Resolution No. 2007-244, authorizing Lake County Watershed Protection District to file grant application and signature authorization to execute agreement for the Scott's Valley Groundwater Study Update.

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

3. **CITIZEN'S INPUT** - Doug Rhodes spoke regarding a donation of the Holiday wreath.

Supervisor Rob Brown spoke regarding County employees' donations of Christmas gifts for Lake County children in foster care.

Carolyn Jarrett thanked the Board for their support of the Children's Museum of Arts and Science.

4. **ITEM A-12 - DISCUSSION/CONSIDERATION OF LEASE AGREEMENT BETWEEN THE COUNTY OF LAKE AND RICHARD P. DeFRANCISCI FOR LEASE OF BUILDING LOCATED AT 14671 OLYMPIC DRIVE, CLEARLAKE, FOR THE DIVISION OF ALCOHOL AND OTHER DRUG SERVICES CALWORKS BEHAVIORAL HEALTH UNIT IN THE AMOUNT OF \$34,000 ANNUALLY** - Mental Health Director Kristy Kelly, Alcohol and Other Drug Services Director Laura Solis, and CalWorks Coordinator Dr. Diane Dubow were present.

Ms. Kelly gave a brief summary.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the Lease Agreement between the County of Lake and Richard P. DeFrancisci for lease of building located at 14671 Olympic Drive, Clearlake, for the division of Alcohol and Other Drug Services, CalWorks Behavioral Health Unit in the amount of \$34,000 annually, and authorized the Chair to sign.

5. **ITEM A-4 - 9:15 A.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 report.

Chair Smith opened the public hearing and the following people spoke: Victoria Brandon and Phillip Murphy. No one else was present and the public hearing was closed.

The Board expressed interest in the possibility of other options and continued this item to December 18, 2007 at 1:30 p.m. to allow for further input from the Community Development Department.

6. **ITEM A-5 - 9:30 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A REZONE (RZ 07-07) PROPOSED FOR NIELS HOLGERSON AND CHARLOTTE BAYLOR AND CONSIDERATION OF A PROPOSED ORDINANCE REZONING LANDS CONSISTING OF .62 ACRE PARCEL FROM "R2" (TWO-FAMILY RESIDENTIAL DISTRICT) TO "R1" (SINGLE-FAMILY RESIDENTIAL DISTRICT); AND THE ADOPTION OF A NEGATIVE DECLARATION FOR RZ 07-07, BASED ON INITIAL STUDY 06-42; LOCATED AT 5555 LIVE OAK DRIVE, KELSEYVILLE, CA (APN 008-710-45)** - Community Development Director Rick Coel and Assistant Planner Brian Horn were present.

Mr. Horn presented the staff summary.

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

On motion of Supervisor Brown and by vote of the Board (5 ayes), found the Negative Declaration which was previously prepared for PM 06-11, does meet the requirements of Section 15162(a) of the CEQA Guidelines, and that no additional environmental review need be prepared with the findings listed in the Board memo, dated November 9, 2007.

On motion of Supervisor Brown 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 Brown offered Ordinance No. 2852, amending Section 21-3.7 of Chapter 21 of the Ordinance Code of the County of Lake by adopting a sectional district zoning map No. 3.7(b)1.365 rezoning lands of Holgersen/Baylor, and it was passed by roll call vote (5 ayes).

7. **ITEM A-6 - 9:45 A.M. - PUBLIC HEARING - CONSIDERATION OF RECOMMENDATION FOR ALLOCATION OF SUPPLEMENTAL LOCAL LAW ENFORCEMENT SERVICES FUNDS (SLESF)** - County Administrative Officer Kelly Cox gave a brief summary.

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

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved allocation of Supplemental Local Law Enforcement Services Funds (SLESF) to be allocated as follows: \$100,000 to Budget Unit 2201-Object Code 1.13 to partially fund overtime costs, and Budget Unit 2301-Object Code 18.00 to partially fund jail maintenance costs.

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

8. **ITEM A-7 - 10:00 A.M. - ANNUAL MEETING OF THE LAKE COUNTY REDEVELOPMENT AGENCY AND PRESENTATION OF THE AGENCY'S ANNUAL REPORT FOR FISCAL YEAR 2006/2007 (NORTHSHORE PROJECT AREA)** - Redevelopment Director Kelly Cox, Deputy Redevelopment Director Eric Seely, Administrative Analyst Doug Willardson and Administrative Analyst Kathy Barnwell were present.

Mr. Cox gave a power point presentation of the Redevelopment Agency's Annual Report.

No Board action was taken on this item.

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

9. **ITEM A-8 - 10:15 A.M. - DISCUSSION/CONSIDERATION OF A MODIFICATION TO THE SURCHARGE PORTION OF THE SPRING VALLEY WATER RATES AND ALTERNATIVE WATER CONSERVATION PROGRAMS** - Special Districts Administrator Mark Dellinger and Administrative Manager Karen Hanson were present.

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

Spring Valley CSA #2 Advisory Board Chair Jim Hershey and Spring Valley CSA #2 Secretary Monte Williams gave a power point presentation.

Supervisor Brown was absent at 11:10 a.m. and present at 11:15 a.m.

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On motion of Supervisor Rushing and by vote of the Board (3 ayes, Supervisors Farrington and Smith NO), lifted the surcharge portion of the Spring Valley water rates for the Winter months.

Special Districts staff was directed to return to the Board on December 18, 2007, to offer recommendations regarding Summer surcharge amounts.

10. **ITEM A-9 - 11:00 A.M. - DISCUSSION/CONSIDERATION OF PROPOSED SOCIAL HOST LIABILITY ORDINANCE WHICH WOULD ENFORCE LAWS PROHIBITING THE SERVICE TO AND CONSUMPTION OF ALCOHOLIC BEVERAGES BY UNDERAGE PERSONS AND IMPOSING A CIVIL FEE AGAINST SOCIAL HOSTS AND LANDOWNERS (INCLUDING LANDLORDS) FOR THE RECOVERY OF COSTS ASSOCIATED WITH PROVIDING LAW ENFORCEMENT, FIRE AND OTHER EMERGENCY RESPONSE SERVICES TO LOUD OR UNRULY GATHERINGS, INCLUDING THOSE WHERE ALCOHOLIC BEVERAGES ARE SERVED TO OR CONSUMED BY UNDERAGE PERSONS** - Clearlake Mayor Judy Thein, Sheriff Rodney Mitchell and California Highway Patrol Officer Adam Garcia were present.

Chair Smith introduced this item.

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

This item was continued to January 8, 2007 to allow for further input from the Sheriff's Department.

11. **ITEM A-10 - CLOSED SESSION - 1:30 P.M. - HEARING - EMPLOYEE APPEAL OF DISCIPLINARY ACTION (CLOSED SESSION)** - After a brief lunch recess, the Board reconvened into Closed Session at 1:30 p.m. for the reasons stated on the agenda.

The Board of Supervisors reconvened into Regular Session at 3:04 p.m. with no action taken.

12. **ITEM A-15 - UPDATE ON EMERGENCY ACTION TAKEN ON SEPTEMBER 11, 2007, REGARDING MT. HANNAH WATER TANK REPLACEMENT** - On motion of Supervisor Brown and by vote of the Board (5 ayes), deemed an emergency still exists.

13. **ITEM A-16 - DISCUSSION/CONSIDERATION OF A DONATION OF A COUNTY SURPLUS VEHICLE TO LAKEPORT SENIOR CENTER, INC. FOR USE IN THE MEALS ON WHEELS FOOD DELIVERY PROGRAM** - Supervisor Farrington gave a brief summary.

There was Board consensus to inquire to County departments regarding a possible vehicle to donate to the Lakeport Senior Center, Inc., for use in the Meals on Wheels food delivery program.

14. **ITEM A-17 - DISCUSSION/CONSIDERATION OF REVISIONS TO THE WIRELESS-COMMUNICATION DEVICES POLICIES AND THE PROPOSED RESOLUTION AMENDING RESOLUTION NO. 2006-166 ESTABLISHING SALARIES AND FRINGE BENEFITS FOR MANAGEMENT EMPLOYEES (REVISING THE WIRELESS-COMMUNICATION DEVICES POLICIES TO INCLUDE ADDITIONAL COMMUNICATION DEVICES)** - Administrative Analyst Doug Willardson presented the staff report.

On motion of Supervisor Robey and by vote of the Board (5 ayes), adopted revisions to the Wireless-Communication Devices Policies.

Supervisor Farrington offered Resolution No. 2007-245, Amendment No. 5 to Resolution 2006-166 establishing salaries and fringe benefits for management employees, and it was passed by roll call vote (5 ayes).

15. **ITEM A-13 - CONSIDERATION OF REQUEST TO AMEND THE AMOUNT OF CALL OUT PAY FOR 900 HOUR MARINE PATROL DEPUTIES IN THE AMOUNT OF \$38.6930 WHEN CALLED OUT BETWEEN THE HOURS OF 1900-0700** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the request to amend the amount of call out pay for 900 hour Marine Patrol Deputies in the amount of \$38.6930 when called out between the hours of 1900-0700.

16. **ITEM A-18 - Carried Over From November 27, 2007 - (a) CONSIDERATION OF REQUEST FOR APPROVAL OF: (a) BUDGET TRANSFER IN THE AMOUNT OF \$15,878 FOR UPGRADE TO CLERK'S MARRIAGE LICENSE SOFTWARE, BUDGET UNIT NO. 1121 - AUDITOR-CONTROLLER; and (b) APPROVE CONTRACT BETWEEN THE COUNTY OF LAKE AND SOUTHTECH SYSTEMS, INC. FOR MARRIAGE LICENSE SOFTWARE SYSTEM** - Auditor-Controller Pam Cochrane and Accountant II Marcy Harrison were present.

Ms. Cochrane presented the staff summary.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the budget transfer in the amount of \$15,878 for upgrade to Clerk's marriage license software, Budget Unit No. 1121 - Auditor-Controller.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the Contract between the County of Lake and Southtech Systems, Inc., for marriage license software system and authorized the Chair to sign.

17. **ITEM A-14 - 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.

18. **ITEM A-19 - CLOSED SESSION - 1. Public Employee Performance Evaluation: Title: Information Technology Director 2. Conference with Labor Negotiator (a) County Negotiators : A. Grant, R. Lambert and M. Perry (b) Employee Organization: SDA** - Chair Smith announced the Board would now go back into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session at 5:08 p.m. with no action taken.

There being no further business, the Board adjourned at 5:05 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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