



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD FEBRUARY 13, 2007

The Honorable Board of Supervisors of Lake County, California, met in regular session this 13th day of February, 2007, there being present Supervisors Ed Robey, Denise Rushing, Rob Brown, Anthony Farrington, 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. Following a moment of silence, Supervisor Brown led the salute to the flag of the United States of America.

1. **ITEM A-3 - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-11, with the exception of C-2 and C-9, which will be taken up immediately after the Consent Agenda.

Approved Agreement between the County of Lake and the Hidden Valley Lake Community Services District for the purpose of providing funding for the development of a water and sewer infrastructure plan for Coyote Valley, and authorized the Chair to sign.

Adopted Resolution No. 2007-27, approving a third contract amendment to the original contract between County of Lake Health Services and North Coast Emergency Medical Services dated December 22, 1992, paragraph 19, for increase to funding and request the Chair of the Board to sign said amendment.

Approved Second Amendment to Agreement between the County of Lake and Milhous Children's Services for mental health services, and authorized the Chair to sign.

Approved Engineering and Inspection Agreement between the County of Lake and Bud Waddel and Rich Williams for Engineering Services for the review of plans and inspection of work as a condition of a tentative subdivision map, located at 21112 State Highway 175, Middletown, and authorized the Chair to sign.

(A) Accepted Irrevocable Offers of Dedication for roadway and public utility purposes, (a portion of Jacobsen Road, Kelseyville), Sara L. Dorn and Umpqua Bank, and directed Clerk to certify for recordation; and (B) Approved Deferred Improvement Agreement between the County of Lake and Sara L. Dorn or Successors in interest to construct future land development improvements, and authorized the Chair to sign.

Adopted Resolution No. 2007-28, to establish a portion of St. Helena Creek Road, Middletown as a one-way street.

Approved Amendment Six to Agreement between the County of Lake and MRO Engineers, Inc. (previously known as Martin, Rivett and Olson) for engineering services for the Soda Bay Bridge replacement over Cole Creek, and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Housing Commission, appointed Sandra Reed as the Section 8 Resident Member on the Lake County Board of Housing Commissioners.

Sitting as the Board of Directors for the Lake County Sanitation District, approved Easement Deed and directed Clerk to certify for recordation (APNs 014-092-07, 014-092-12, 014-091-18, 014-091-19, 014-092-02, 014-092-08, 014-091-17, 014-091-22, 014-092-05 and 014-091-01 - Jonathan F. Blakeslee and Laura A. Blakeslee; and approved right-of-way agreement between Lake County Sanitation District and Johnathan F. Blakeslee and Laura A. Blakeslee, for a sewer mainline extension constructed to serve APNs 014-092-07, 014-092-12, 014-091-18, 014-091-19, 014-092-02, 014-092-08, 014-091-17, 014-091-22, 014-092-05 and 014-091-01, and authorized the Chair to sign.

CONSENT ITEM C-2 - PROPOSED RESOLUTION AMENDING RESOLUTION NO. 2006-164 ESTABLISHING POSITION ALLOCATIONS FOR FISCAL YEAR 2006-2007, BUDGET UNIT NO. 8695, SPECIAL DISTRICTS ADMINISTRATION (DELETING ONE VACANT OFFICE AIDE/OFFICE ASSISTANT I/II POSITION AND ADDING ONE ACCOUNT CLERK II POSITION) - The Special Districts requested this item be pulled from today's agenda. At this time, there will be no further action taken.

CONSENT ITEM C-9 - APPROVE LEAVE OF ABSENCE (EDUCATION) FOR COMMUNICATIONS OPERATOR MELISSA VAGO, FOR THE PERIOD OF APRIL 1, 2007 THROUGH SEPTEMBER 15, 2007, AND AUTHORIZE THE CHAIR TO SIGN LEAVE OF ABSENCE REQUEST FORM - The Sheriff's Department requested this item be pulled from today's agenda. At this time, there will be no further action taken.

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

EXTRA #1 - (a) CONSIDERATION OF REQUEST FOR NECESSITY OF A CLOSED SESSION ITEM NOT ON THE POSTED AGENDA - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO SUBDIVISION (b) OF SECTION 54956.9 - NUMBER OF POTENTIAL CASES: ONE CASE - 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.

This item was considered as an extra for the following reasons:

A matter arose after the posting of the agenda concerning anticipated litigation which required the Board direction in Closed Session prior to the next scheduled Board meeting. This item will be taken up during Closed Session.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD FEBRUARY 13, 2007

3. **CURRENT CONSTRUCTION PROJECTS - CONTRACT CHANGE ORDERS -**

Change Order No. 2, Lower Lake Historic Schoolhouse Museum Bell Tower Addition, Lower Lake, CA - This change order reflects a discovery by the contractor of concealed site conditions different than the plans.

Public Services Director Kim Clymire gave a brief summary.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved Change Order No. 2, for an additional \$5,084.00, R&C Construction, and authorized the Chair to sign.

4. **CITIZEN INPUT** - John Ells spoke regarding the Lake County Computer Users Group.

5. **ITEM A-16 - Advanced From February 6, 2007 - AN ORDINANCE AMENDING SECTION 19-17.2 OF THE ORDINANCE CODE OF THE COUNTY OF LAKE BY ADDING THERETO A SUBSECTION PROVIDING FOR STOP SIGNS ON CERTAIN COUNTY ROADS (MAIN STREET, COUNTY ROAD NO. 311B, AT ITS INTERSECTION WITH MENDENHALL AVENUE, COUNTY ROAD NO. 311M, IN UPPER LAKE, DIRECTING WESTBOUND TRAFFIC ON MAIN STREET TO STOP) - (SECOND READING)** - Supervisor Rushing offered Ordinance 2811, and it was passed by a roll-call vote (5 ayes).

6. **ITEM A-17 - Advanced From February 6, 2007 - AN ORDINANCE ESTABLISHING A PRIMA FACIE SPEED LIMIT ZONE ON BOTTLE ROCK ROAD, COUNTY ROAD NO. 515, FROM A POINT 0.2 MILES SOUTH OF HARRINGTON FLAT ROAD TO A POINT 0.9 SOUTH OF HARRINGTON FLAT ROAD (45 MPH) - (SECOND READING)** - Supervisor Brown offered Ordinance 2812, and it was passed by a roll-call vote (5 ayes).

7. **ITEM A-18 - Advanced From February 6, 2007 - AN ORDINANCE AMENDING CHAPTER 17 OF THE LAKE COUNTY CODE, THE SUBDIVISION ORDINANCE REGARDING STORM WATER REQUIREMENTS - (SECOND READING)** - Supervisor Brown offered Ordinance 2813, and it was passed by roll-call vote (5 ayes).

8. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - PURCHASE OF REAL PROPERTY CONSISTING OF LAND LOCATED IN CLEARLAKE OAKS AT THE FOLLOWING LOCATIONS: 12586 ACORN STREET (APN 035-142-320-000); 12588 ACORN STREET (APN 035-142-130-000); 12583 ACORN STREET (APN 035-142-170-000); 12441 FOOTHILL (APN 035-142-230-000); 12453 FOOTHILL (APN 035-142-190-000); 12467 FOOTHILL (APN 035-142-180-000); 12475 FOOTHILL (APN 035-142-160-000); 12483 FOOTHILL (APN 035-142-150-000); 12497 FOOTHILL (APN 035-142-140-000); 12503 THE PLAZA (APN 035-142-120-000); AND 12505 THE PLAZA (APN 035-142-100-000), FOR THE ESTABLISHMENT OF A COUNTY PARK; THE AGREED PURCHASE PRICE IS \$375,000; THE SELLERS ARE GARY NYLANDER AND JERRI NYLANDER** -County Administrative Officer Kelly Cox gave a brief summary.

Chair Smith opened the Public Hearing and the following persons spoke: Kim Clymire and Thomas Brown. No one else was present wishing to speak and the public hearing was closed.

Supervisor Rushing offered Resolution 2007-26, and it was passed by a roll-call vote (5 ayes).

9. **ITEM A-14 - PROPOSED ORDINANCE ESTABLISHING A PRIMA FACIE SPEED LIMIT ZONE ON RIATA ROAD, COUNTY ROAD NO. 143C, FROM BRIDGE 14C-240 TO CABALLERO COURT (35 MPH)** - Supervisor Robey introduced the item with a brief summary.

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 to February 20, 2007.

10. **ITEM A-12 - DISCUSSION/CONSIDERATION OF PROPOSED REVISION TO APPLICATION FORM FOR ADVISORY BOARDS, COMMITTEES AND COMMISSIONS AND THE ADOPTION OF A PROPOSED CONFLICT OF INTEREST POLICY FOR ADVISORY BOARD MEMBERS** - County Administrative Officer Kelly Cox gave a brief summary.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the revisions to the application form, the addition of the Conflict of Interest Policy, and directed the Clerk of the Board to begin using the revised application form.

11. **ITEM A-15 - Continued From January 9, 16 and 23, 2007 - CONSIDERATION OF APPLICATIONS FROM MEMBERS OF THE PUBLIC FOR APPOINTMENT TO MISCELLANEOUS LAKE COUNTY COMMITTEES, COMMISSIONS AND ADVISORY BOARDS FOR ADVISORY BOARD MEMBERS** - On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Richard Smith to the Big Valley Groundwater Management Zone Commission, for a term expiring January 1, 2011.

On motion of Supervisor Robey and by vote of the Board (5 ayes), appointed Kevin Engle to the Heritage Commission, for a term expiring January 1, 2009.

On motion of Supervisor Robey and by vote of the Board (5 ayes), appointed Ellen Pearson to the Lower Lake County Water Works District 1, for a term expiring January 1, 2011.

12. **ITEM A-6 - 9:30 A.M. - CONSIDERATION OF REQUEST FOR FUNDING IN THE AMOUNT OF \$30,000 FOR LAKE COUNTY COMMUNITY RADIO TO BE USED AS MATCH FOR FEDERAL GRANT FUNDS** - Andy Weiss of Lake County Community Radio gave a presentation of the KPFZ business plan.

Chair Smith asked if anyone present wishing to speak on the public portion of this item and the following people spoke: Janet Cawn, Susan Kroner, Herb Gura, Linda Guebert, Tee Watts, Carol Bettencourt, John Roddy, Sandra Wade, Victoria Brandon, Thomas Brown, Roberto LoSanto, Annelie Durham, Dallas Woll and Tom Slate. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Robey and by vote of the Board (5 ayes), directed staff to compose a letter assuring LCCR the necessary funds, up to \$30,000 will be provided (with the understanding that various county and non-county funding options will be explored, prior to the time the actual funding will be released to LCCR, which is after the 2007-08 Final Budget is adapted, and authorized the Chair to sign.

The Board recessed briefly and reconvened at 11:00 a.m.

Supervisor Brown was absent, and returned at 11:02 a.m.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD FEBRUARY 13, 2007

13. **ITEM A-7 - 10:00 A.M. - PUBLIC HEARING - APPEAL OF DALLAS AND THERESA WOLL (AB 06-03) OF THE PLANNING COMMISSION'S DENIAL OF USE PERMIT (UP 06-05) TO ALLOW FOR THE CONTINUED OPERATION OF AN EXISTING PORTABLE CHEMICAL TOILET AND SEPTIC SERVICE BUSINESS WHICH IS CURRENTLY OPERATING IN AGRICULTURAL ZONING, WHICH IS IN VIOLATION OF THE LAKE COUNTY ZONING ORDINANCE; PROPERTY IS LOCATED AT 6584 JACOBSEN ROAD, KELSEYVILLE, CALIFORNIA (APN 007-014-04) - (APPELLANTS' ATTORNEY HAS REQUESTED THAT THIS ITEM BE CONTINUED TO MARCH 13, 2007, AT 9:15 A.M.)** - Community Development Director Rick Coel and Associate Planner Kevin Ingram were present.

Chair Smith opened the Public Hearing and asked if there was anyone present wishing to speak who could not attend the March 13th meeting. Susan Dawson was sworn in by the Clerk and spoke.

Chair Smith continued the Public Hearing until March 13, 2007, at 9:15 a.m.

14. **ITEM A-8 - Continued From February 6, 2007 10:10 A.M. - PUBLIC HEARING - CONSIDERATION OF PROPOSED ORDINANCE AMENDING CHAPTER THREE OF THE LAKE COUNTY CODE CONCERNING THE COMMERCIAL WEIGHING AND MEASURING DEVICE PROGRAM AND THE ANNUAL REGISTRATION FEES FOR INSPECTION AND TESTING OF WEIGHING AND MEASURING DEVICES** - Agricultural Commissioner Steve Hajik gave a summary.

Numerous amendments were made to the proposed ordinance.

On motion of Supervisor Robey and by vote of the Board (5 ayes), waived the reading of the ordinance, as amended, 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 to February 20, 2007.

15. **ITEM A-9 - 10:30 A.M. - HEARING - NUISANCE ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$19,825.43, LOCATED AT 11515 LAKESHORE DRIVE, CLEARLAKE PARK, CA (APN 037-141-17-00 - SUPERIOR MANAGEMENT SERVICES INC.)** - Code Compliance Manager Voris Brumfield was sworn in by the Clerk and gave a power point presentation.

Neither the property owner nor a representative were present.

On motion of Supervisor Robey and by vote of the Board (5 ayes), confirmed the assessment of \$19,825.43 for nuisance abatement on property located at 11515 Lakeshore Drive, Clearlake Park, CA (APN 037-141-17-00), and owned by Superior Management Services Inc., 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 \$19,825.43, pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

16. **ITEM A-10 - 10:45 A.M. - PROPOSED ORDINANCE AMENDING ORDINANCE NO. 2804 ESTABLISHING A CHANGE IN FEES FOR THE ISSUANCE OF MEDICAL MARIJUANA IDENTIFICATION CARDS IN LAKE COUNTY (FOR NON-MEDICAL BENEFICIARIES THE FEE WILL BE INCREASED FROM \$70.00 TO \$200.00 AND FOR MEDICAL BENEFICIARIES THE FEE WILL INCREASED FROM \$70.00 TO \$100.00)** - Health Services Director Jim Brown and County Health Officer Craig McMillan gave the brief summary of the item.

Chair Smith asked if anyone present wished to speak on this item and Phil Murphy spoke. No one else was present wishing to speak and the public portion of this item was closed.

This item was continued to later in the day.

17. **ITEM A-11 - SUPERVISORS WEEKLY CALENDAR, TRAVEL, AND REPORTS** - On motion of Supervisor Robey and by vote of the Board (5 ayes), authorized the expenditure for registration and per diem expenses, for Supervisor Rushing to attend the 2007 Business Alliance for Local Living Economies at University of California, Berkeley, on May 31-June 2, 2007.

BACK TO #16 - ITEM A-10 - 10:45 A.M. - PROPOSED ORDINANCE AMENDING ORDINANCE NO. 2804 ESTABLISHING A CHANGE IN FEES FOR THE ISSUANCE OF MEDICAL MARIJUANA IDENTIFICATION CARDS IN LAKE COUNTY (FOR NON-MEDICAL BENEFICIARIES THE FEE WILL BE INCREASED FROM \$70.00 TO \$200.00 AND FOR MEDICAL BENEFICIARIES THE FEE WILL INCREASED FROM \$70.00 TO \$100.00) - Sheriff Rod Mitchell was present.

On motion of Supervisor Robey and by vote of the Board (5 ayes), directed staff to consider the possible implementation of an interim program to identify qualified applicants for the medical marijuana identification cards, issuing a Lake County identification card, and to not pursue implementation of the California Medical Marijuana Identification Card until directed.

18. **ITEM A-13 - PROPOSED RESOLUTION OF INTENT TO AMEND THAT SECTION OF THE LAKE COUNTY ZONING ORDINANCE PERTAINING TO HOME OCCUPATION (DELETING THE LANGUAGE PROHIBITING HOME OCCUPATIONS BEING CONDUCTED IN DETACHED GARAGES, SHEDS AND OTHER ACCESSORY STRUCTURES)** - Supervisor Robey gave a summary of this item.

Supervisor Robey offered Resolution 2007-27, and it was passed by a roll-call vote (5 ayes).

19. **ITEM A-19 - CLOSED SESSION - 1. Conference with Labor Negotiator (a) County Negotiators : A. Grant and M. Perry (b) Employee Organization: LCCOA** - Chair Smith 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 12:56 p.m

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Mireya G. Turner

