



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD FEBRUARY 6, 2007

The Honorable Board of Supervisors of Lake County, California, met in regular session this 6th 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 dedicated to the memory of Easy Andrews, County Counsel Anita Grant led the salute to the flag of the United States of America.

Chair Smith announced that today is Groundhog Job Shadow Day, and the following high school students will be shadowing the Supervisors: Ms. Taqua Ammar will be shadowing Chair Smith, Ms. Daniella Cazares will be shadowing Supervisor Rushing, Ms. Sarah Jensen will be shadowing Supervisor Farrington, Ms. Cori Cockerton will be shadowing Supervisor Brown and Mr. Tyler O'Brien will be shadowing Supervisor Robey.

1. **ITEM A-3 - 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-C-17, with the exception of C-2, which will be taken up later in the day.

Approved Minutes of the Board of Supervisors meetings held on January 9, 16 and 23, 2007.

Approved Lake County's participation in the California State Fair in 2007, and authorized Clerk of the Board Kelly Cox to sign the Counties Exhibits Authorization and Appointment Form, as per the Memorandum to the Board of Supervisors from Deputy County Administrative Officer-Economic Development Debra Sommerfield, dated January 18, 2007.

Approved Agreement between the County of Lake and the Clear Lake Gleaners for the purpose of providing funding to pave the Gleaners distribution facility parking lot, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Spirit Wild for the purpose of providing funds to support the rescue and rehabilitation of Lake County wildlife, and authorized the Chair to sign.

Adopted Resolution No. 2007-23, declaring sufficient funds are available to fund a bad check diversion program and authorizing the District Attorney to execute agreement with Bounceback to conduct such a program.

Adopted Resolution No. 2007-24, declaring intent to contract back the emergency medical services appropriation (EMSA) program funding for Fiscal Year 2006/2007 to the California Department of Health Services.

Approved Agreement between the County of Lake and River Oak Center for Children for specialty mental health services for Fiscal Year 2006/2007, and authorized the Chair to sign.

Approved Local Agency-State Master Agreement between the County of Lake and the State of California, Department of Transportation, for administering agency-state agreement for federal-aid projects, and authorized the Chair to sign.

Adopted Resolution No. 2007-25, authorizing the Director of Public Works to sign local agency-state supplements to Local Agency-state Agreement No. 01-5914 as modified establishing funding for preliminary engineering, right-of-way, construction engineering and construction for federal-aid projects, and authorized the Chair to sign.

Approved plans and specifications for application of cape seal coating on various roads in Lake County, and authorized the Assistant Purchasing Agent to advertise for bids.

Approved Engineering and Inspection Agreement between the County of Lake and Kelseyville Lumber for engineering services for the review of plans and inspection of work as a condition of a Major Use Permit, located at 3505 Merritt Road and Big Valley Road, Kelseyville, and authorized the Chair to sign.

Approved permit to conduct aeronautical activities at Lampson Airport (Air Power), and authorized the Chair to sign.

Accepted Irrevocable Offers of Dedication for Roadway and Public Utility Purposes, (A portion of road - South Main Street, Lakeport), Myer et Al (Piedmont Lumber), and directed Clerk to certify for recordation.

Approved Easement Deed and directed Clerk to certify for recordation (an overhead easement), to facilitate the proposed Downtown Upper Lake Underground Utility District (Upper Lake Park), and authorized the Chair to sign.

Approved Agreement between the County of Lake and Pavement Engineering, Inc. for engineering services for design of pavement rehabilitation and drainage improvements for State Street near Kelseyville, and authorized the Chair to sign.

Waived the 900 hour limit for Extra-help Office Assistant Crystal Martin.

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

EXTRA #1 - CONSIDERATION OF THE APPOINTMENT OF E.J. INDREBO TO THE AIRPORT LAND USE COMMISSION - 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:

When the February 6, 2007 agenda was prepared, the Advisory Board appointments were inadvertently admitted. The Airport Land Use Commission has scheduled a meeting on February 12, 2007, and there are a number of items

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scheduled which require Mr. Indrebo's vote. The next available agenda will be February 13, 2007, a day after the scheduled meeting.

On motion of Supervisor Robey and by vote of the Board (5 ayes), appointed E.J. Indrebo to the Airport Land Use Commission, for a term expiring July 13, 2011.

3. **CITIZEN INPUT** - Lake County Superintendent of Schools Dave Geck spoke about Groundhog Job Shadow Month. He was presented with a proclamation by Supervisor Robey, who read it into the record.

Wendy White spoke regarding the Winter Yard Waste Ordinance.

John H. Roddy spoke regarding water districts in Lake County.

4. **ITEM A-5 -9:15 A.M. - DISCUSSION/CONSIDERATION OF THE FORMATION OF AN ADVISORY BOARD FOR CSA #2 - SPRING VALLEY** - Special Districts Director Mark Dellinger was present.

Supervisor Rushing introduced the item with a brief summary.

Chair Smith asked if any present wished to speak and the following people spoke: Helen Mitchum, Monte Winters, Don Scott and Mark Currier. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), established the Spring Valley County Service Area #2 Advisory Board, comprised of seven (7) members, with terms to expire on January 1st of every odd-numbered year; directed the Clerk to advertise vacancies, and to submit collected applications to the Board for approval on February 27, 2007.

5. **ITEM A-6 - 9:30 A.M. - HEARING - NUISANCE ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$19,464.34, LOCATED AT 3297 EAST HIGHWAY 20, NICE, CA (APN 032-123-02-00 - NANCY BROTMAN)** - Code Compliance Manager Voris Brumfield and Code Compliance Officer Kimberlee Heckard were present and sworn in by the Clerk.

Neither the property owner nor a representative were present.

Ms. Heckard gave a power point presentation regarding the condition of the property.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), confirmed the assessment of \$19,464.34 for nuisance abatement on property located at 3297 East Highway 20, Nice, CA (APN 032-123-02-00), and owned by Nancy Brotman, 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 \$19,464.34, pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

6. **ITEM A-7 - 9:35 A.M. - HEARING - NUISANCE ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$11,755.71, LOCATED AT 12703 EAST HIGHWAY 20, CLEARLAKE OAKS, CA (APN 035-231-46-00 - ESTATE OF BENNIE HANEY and BERNICE MASON)** - Code Compliance Manager Voris Brumfield and Code Compliance Officer Kimberlee Heckard were present and sworn in by the Clerk.

Neither the property owner nor a representative were present.

Ms. Heckard gave a power point presentation regarding the condition of the property.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), confirmed the assessment of \$11,755.71 for nuisance abatement on property located at 12703 East Highway 20, Clearlake Oaks, CA (APN 035-231-46-00), and owned by the Estate of Bennie Haney and Bernice Mason, 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 \$11,755.71, pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

7. **ITEM A-8 - 9:45 A.M. - PUBLIC HEARING - CONSIDERATION OF INITIAL STUDY 06-100 AND A MITIGATED NEGATIVE DECLARATION FOR THE NEW ANIMAL CARE AND CONTROL SHELTER FOR THE COUNTY OF LAKE; THIS PROJECT IS LOCATED AT 4913 HELBUSH DRIVE, LAKEPORT, CALIFORNIA - (APN 003-046-77)** - Community Development Director Rick Coel, Public Works Director Gerry Shaul, and Assistant Planner Aaron Hollister were present.

Mr. Hollister 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 Farrington and by vote of the Board (4 ayes, Supervisor Rushing NO), found that on the basis of the Initial Study IS 06-100, prepared by the Planning Division and the mitigation measures which have been added to the project, that the Animal Control Facility as proposed by the County of Lake will not have a significant effect on the environment and, therefore, a mitigated negative declaration shall be issued based on the findings in the Board Memo dated January 29, 2007.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Rushing NO), found that the Planning Commission report that the General Plan Conformity GPC 06-09 as proposed by the County of Lake is in conformity with the Lake County General Plan with the findings noted in the Staff Report dated January 02, 2007.

8. **ITEM A-14 - PROPOSED 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)** - Supervisor Rushing provided a brief summary on the proposed ordinance.

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).

On motion of Supervisor Rushing and by vote of the Board (5 ayes), advanced the ordinance to February 13, 2007.

9. **ITEM A-15 - PROPOSED 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)** - Supervisor Brown gave a brief summary on the proposed ordinance.

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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).

On motion of Supervisor Brown and by vote of the Board (5 ayes), advanced the ordinance one week to February 13, 2007.

10. **ITEM A-9 - 10:00 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 Steven Hajik gave a brief summary of this item.

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

After Board discussion, this public hearing was continued one week to February 13, 2007 at 10:10 a.m. for further consideration.

11. **ITEM A-10 - 10:30 A.M. - (a) PRESENTATION OF THE FISCAL YEAR 2006-2007 MIDYEAR BUDGET REVIEW; (b) PUBLIC HEARING - CONSIDERATION OF REQUEST TO TRANSFER FUNDS FROM SOCIAL SERVICES REALIGNMENT TRUST FUND TO MENTAL HEALTH REALIGNMENT TRUST FUND, AS AUTHORIZED BY SECTION 17600.20 OF THE WELFARE AND INSTITUTIONS CODE; and (c) PROPOSED RESOLUTION REVISING APPROPRIATIONS, REVENUE ESTIMATES AND POSITION ALLOCATIONS IN THE FISCAL YEAR 2006-2007 FINAL BUDGET** - County Administrative Officer Kelly Cox, Chief Deputy Administrative Officer Matt Perry, Mental Health Director Kristy Kelly and Mental Health Administrative Manager Caren Clifton were present.

Mr. Cox provided an overview of the midyear budget report.

Chair Smith opened the public hearing on the proposed transfer of funds from the Social Services realignment trust fund to the Mental Health realignment trust fund and Joan Moss spoke. 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 (5 ayes), found that reallocating \$400,000 of the realignment revenues from the Social Services Realignment Fund to the Mental Health Realignment Fund is the "most cost-effective" use of available resources to maximized client outcomes and authorized said reallocation.

Supervisor Robey offered Resolution 2007-20, and it was approved by a roll call vote (5 ayes).

12. **ITEM A-11 - 11:00 A.M. - CONSIDERATION OF REQUEST FOR THE BOARD TO ADOPT A PROPOSED RESOLUTION OPPOSING THE DEVELOPMENT OF A CASINO AT KONOCTI HARBOR RESORT AND SPA** - Supervisor Brown gave a summary of the events surrounding the possible sale of Konocti Harbor Resort and Spa, including the possible creation of a future casino.

Chair Smith asked if anyone present wished to speak and the following people spoke: Brad Welch, Ed Calkins, Robert Morse, Bob Olson, Walt Nagey, Marie Hughes, Rosemarie Schmalz, Larry Whitehouse, Sandra Orchid, Sybil Francis, Mildred Pickersgill, Angie Segal, John Griesgraber, John DeChaine, Joel Witherell, Phil Murphy, Armand Pauly, Thomasine Griesgraber, Dennis Everhart, Taqua Ammar, and Gene Lovi. No one else was present wishing to speak and the public portion of this item was closed.

Supervisor Brown offered Resolution 2007-21, and it was passed by roll call vote (5 ayes).

This item will be taken up again later in the day.

The Board recessed for lunch and reconvened at 2:15 p.m.

13. **ITEM A-16 - PROPOSED ORDINANCE AMENDING CHAPTER 17 OF THE LAKE COUNTY CODE, THE SUBDIVISION ORDINANCE REGARDING STORM WATER REQUIREMENTS** - Supervisor Brown gave a brief summary.

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).

On motion of Supervisor Brown and by vote of the Board (5 ayes), advanced the ordinance to February 13, 2007.

14. **ITEM A-13 - DISCUSSION/CONSIDERATION OF HIRING AN OUTSIDE CONSULTANT TO PERFORM A RATE AND FEASIBILITY ANALYSIS FOR THE CONSOLIDATION OF LAKE COUNTY SPECIAL DISTRICT'S WATER AND SEWER DISTRICTS** - Supervisor Farrington presented this item.

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

On motion of Supervisor Farrington and by vote of the Board (5 ayes), directed staff to prepare a Request for Proposals for a comprehensive rate analysis and to bring the responses to the Board for consideration. The committee who will work on the RFP shall consist of Special Districts Director Mark Dellinger, County Administrative Officer Kelly Cox or his designee and Public Works Director Gerry Shaul or his designee.

15. **CONSENT AGENDA ITEM C-2 - PROPOSED RESOLUTION PROVIDING FOR ESTABLISHMENT AND ADMINISTRATION OF A REVOLVING FUND TO PROVIDE LOANS TO COUNTY SERVICE AREAS** - Supervisor Farrington gave a brief summary.

Supervisor Robey offered Resolution 2007-22, and it was passed by a roll call vote (5 ayes).

- Back to ITEM A-11 - 11:00 A.M. - CONSIDERATION OF REQUEST FOR THE BOARD TO ADOPT A PROPOSED RESOLUTION OPPOSING THE DEVELOPMENT OF A CASINO AT KONOCTI HARBOR RESORT AND SPA -**

On motion of Supervisor Robey and by vote of the Board (5 ayes), reopened this item and authorized all five members of the Board of Supervisors to sign Resolution 2007-21, which was adopted earlier in the day.

16. **ITEM A-17 - CLOSED SESSION** - 1. Public Employee Performance Evaluation: Title: Agricultural Commissioner 2. Sitting as the Board of Directors of the Lake County IHSS Public Authority: Conference with Labor Negotiator: (a) Agency Negotiator: F. Buchanan (b) Employee Organization: United Domestic Workers of America - 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.

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There being no further business, the Board adjourned at 5:16 p.m

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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