



MINUTES

County of Lake Board of Supervisors

MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JULY 10, 2007

The Honorable Board of Supervisors of Lake County, California, met in regular session this 10th day of July, 2007, there being present Supervisors Denise Rushing, Anthony Farrington, Rob Brown, Ed Robey, 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, County Administrative Officer Kelly Cox led the salute to the flag of the United States of America.

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-14.

Appointed David Fromer to the Emergency Medical Care Committee, Member at Large category, for a term expiring January 1, 2008.

Approved Contract between the County of Lake and North Valley Behavioral Health for Fiscal Year 2007/2008, for acute psychiatric services in the amount of \$650 per day, and authorized the Chair to sign.

Adopted Resolution No. 2007-135 amending Resolution No. 2007-129 establishing position allocations for Fiscal Year 2006/2007, Budget Unit No. 4014, Mental Health (correcting errors in the Fiscal Year 2007/2008 proposed budget position allocation chart; and revised classification for a Managed Care Clinical Coordinator).

Approved Contract between the County of Lake and Peterson Tractor Company for Caterpillar equipment repair and service in an amount not to exceed \$100,000, and authorized the Chair to sign.

Adopted Resolution No. 2007-136 dissolving the Lower Lake Historic Schoolhouse Museum petty cash fund.

Accepted Irrevocable Offers of Dedication for Roadway and Public Utility Purposes, (a segment of road right-of-way that is needed to provide access to an approved tentative parcel map in the Rice Fork area near Lake Pillsbury, to connect the subject parcel map to Rice Fork Road), David Howard Luhrs; Jolane Marie Luhrs; Steven Michael Luhrs; Carolyn Gail Luhrs; Robert Edward Luhrs, Jr.; Cheryl Ann Luhrs; Dennis Michael Fuller; Linda Marie Fuller; and Dorothy C. Munucciani, Trustee of the Dorothy C. Munucciani 2004 Revocable Trust, and direct Clerk to certify for recordation.

Adopted Resolution No. 2007-137 authorizing the Director, Public Works Department, to sign a notice of completion for work performed under agreement dated November 8, 2005 (electric meter conversion for Nice and Island Drive utility undergrounding in Nice and Clearlake Oaks).

Approved Letters to Senator Feinstein, Senator Boxer and Congressman Thompson in support of extending the Secure Rural Schools and Communities Act for a period of 4 to 6 Years and authorized the Chair to sign.

Approved First Amendment to the agreement between the County of Lake and Leslie Wilson, MA, MFT, for Specialty Mental Health Services, in an amount not to exceed \$30,000, and authorized the Chair to sign.

Adopted Proclamation designating the Month of July as Parks and Recreation Month.

Adopted Proclamation designating the week of July 15 through 21, 2007, as Invasive Weed Awareness Week in Lake County.

Sitting as the Board of Directors of the Lake County Sanitation District, approved Sewer Mainline Extension Agreement between the Lake County Sanitation District and Homer Williams, APN 038-271-28 (13261 Country Club Drive, Clearlake), and authorized the Chair to sign.

Approved Sewer Mainline Extension Agreement between the Lake County Sanitation District and Habematolel Pomo of Upper Lake, APN's 004-013-16, 004-013-17, 004-010-34 and 004-010-35 (555, 557, 635 and 665 East Highway 20, Upper Lake), and authorized the Chair to sign.

Approved Right of Entry Agreement between Lake County Sanitation District and Habematolel Pomo of Upper Lake for APN's 004-013-16, 004-013-17, 004-010-34 and 004-010-35 (555, 557, 635 and 665 East Highway 20, Upper Lake), and authorized the Chair to sign.

2. **ITEM A-16 - APPROVE OUT-OF-STATE TRAVEL FOR ALL HAZARDS COORDINATOR STEVEN FINCH TO LAS VEGAS, NEVADA, FROM JULY 18-20, 2007, TO ATTEND THE MEDICAL RESERVE CORPS WESTERN SUMMIT** - On motion of Supervisor Robey and by vote of the Board (5 ayes), approved out-of-state travel for All Hazards Coordinator Steven Finch to Las Vegas, Nevada, from July 18-20, 2007, to attend the Medical Reserve Corps Western Summit.
3. **ITEM A-21 - Advanced from June 26, 2007 - AN ORDINANCE ESTABLISHING A PERMIT AND SERVICE FEE SCHEDULE FOR THE ENVIRONMENTAL HEALTH PROGRAMS OF THE LAKE COUNTY DEPARTMENT OF HEALTH SERVICES (INCREASING ENVIRONMENTAL HEALTH FEES FOR INSPECTION OF FOOD ESTABLISHMENTS) - (SECOND READING)** - Supervisor Farrington offered Ordinance No. 2829, and it was passed by roll call vote (5 ayes).
4. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - INTENTION TO NAME EXISTING UNNAMED ROADS IN THE COUNTY OF LAKE AS FOLLOWS: OAK HAVEN ROAD, BLACKBASS PASS, EAST ROAD and ROCKY TRAIL. (ALL ARE LOCATED WITHIN THE LOWER LAKE AREA)** - County Surveyor Steve Farr gave a brief summary.

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Chair Smith opened the public hearing and the following people spoke: Ernie Emery, Dave Rapetski, Beth Ruttiger, Joyce Anderson and Betty Bailey. No one else was present wishing to speak and this public hearing was closed.

On motion of Supervisor Robey and by vote of the Board (5 ayes), named existing unnamed roads in the County of Lake as follows: Oak Haven Road, Black Bass Pass, East Road, and Rocky Trail, all located within the Lower Lake area.

5. **ITEM A-6 - 9:25 A.M. - (a) PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF JULY AS PARKS AND RECREATION MONTH; and (b) PRESENTATION OF PROCLAMATION DESIGNATING THE WEEK OF JULY 15 THROUGH 21, 2007, AS INVASIVE WEED AWARENESS WEEK IN LAKE COUNTY** - A) Supervisor Robey read the Proclamation into the record and presented it to Public Services Director Kim Clymire, who spoke.

B) Supervisor Rushing read the Proclamation into the record and presented it to Deputy Agricultural Commissioner Chuck Morse, who spoke.

Joyce Anderson also spoke.

6. **ITEM A-7 - 9:30 A.M. - DISCUSSION/CONSIDERATION OF REQUEST FROM KELSEYVILLE UNIFIED SCHOOL DISTRICT FOR A DEVIATION OR A VARIANCE FOR DRIVEWAY ENCROACHMENT INTERMOUNTAIN HIGH SCHOOL SITE, LOCATED AT 13420 BOTTLE ROCK ROAD, COBB** - Architect Alexis Persinger gave a brief summary. Public Works Director Gerry Shaul, California Highway Patrol Commander Lt. Dane Hayward, California Highway Patrol Officer Josh Dye were present.

Officer Dye gave a power point presentation.

Chair Smith asked if anyone was present wishing to speak and the following people spoke: Robert Stark and Kelseyville Unified School District Assistant Superintendent of Business Services Kathy Garrison. No one else was present wishing to speak and the public input portion was closed.

The Board directed the school district to work with staff to

Supervisor Robey was absent at 10:48 and present at 10:50 a.m.
Supervisor Brown was absent at 10:49 and present at 10:54 a.m.

7. **ITEM A-8 - 9:45 A.M. - DISCUSSION/CONSIDERATION OF A PROPOSED RESOLUTION ADOPTING A ROAD IMPACT FEE PROGRAM TO PROVIDE FOR ROADWAY MAINTENANCE AND REPAIR OF COUNTY ROADWAYS RELATED TO DAMAGES CAUSED BY CONSTRUCTION ACTIVITY; and A PROPOSED RESOLUTION ADOPTING A ROAD IMPACT FEE PROGRAM TO PROVIDE FOR ROADWAY MAINTENANCE AND REPAIR OF COUNTY ROADWAYS RELATED TO DAMAGES CAUSED BY REFUSE COLLECTION VEHICLES** - Public Works Director Gerry Shaul, Community Development Director Rick Coel, Public Services Director Kim Clymire, Chief Building Inspector Mary Jane Fagalde, Area Planning Council member Phil Dow, and HF&F Representative Rob Hilton were present.

Mr. Dow gave a brief summary.

Mr. Hilton gave a power point presentation.

Amendments were made to the proposed resolution

Chief Smith asked if anyone was present wishing to speak and the following people spoke: Fletcher Thornton, Jack Laird, Bruce McCracken and Bob Pastori. No one else was present wishing to speak and the public portion of this item was closed.

Supervisor Rushing offered Resolution No. 2007-138, adopting a road impact fee program to provide roadway maintenance and repair of county roadways related to damages caused by construction activity, as amended, and it was passed by roll call vote (5 ayes).

Supervisor Robey offered Resolution No. 2007-139, adopting a road impact fee program to provide for roadway maintenance and repair of county roadways related to damages caused by refuse collection vehicles, and it was passed by roll call vote (5 ayes).

8. **ITEM A-20 - Advanced from June 26, 2007 - AN ORDINANCE ADDING CHAPTER 30 TO THE LAKE COUNTY CODE REGARDING GRADING REGULATIONS - (SECOND READING)** - Community Development Director Rick Coel, and Roland Shaul were present.

Mr. Coel gave a brief summary of suggested amendments since the first reading.

Various amendments were made to the ordinance.

On motion of Supervisor Rushing 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 Brown and by vote of the Board (5 ayes), advanced the ordinance to July 17, 2007.

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

9. **ITEM A-10 - 11:15 A.M. - DISCUSSION/CONSIDERATION OF PROPOSED RESOLUTION APPROVING A BID IN THE AMOUNT OF \$137,500 AND AWARDED A CONTRACT TO UNDERWATER RESOURCES FOR THE NORTHWEST WASTEWATER TREATMENT EFFLUENT STORAGE RESERVOIR DAM OUTLET MODIFICATION** - Special Districts Administrator Mark Dellinger and Utility Systems Compliance Coordinator Peggie King were present.

Mr. Dellinger gave a brief summary.

Director Robey offered Resolution No. 2007-140 approving a bid in the amount of \$137,500 and awarding a contract to Underwater Resources for the Northwest Wastewater Treatment Effluent Storage Reservoir Dam Outlet Modification, and it was passed by roll call vote (5 ayes).

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

10. **ITEM A-9 - Continued From June 12, 2007 11:00 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 11745 EAST HIGHWAY 20, CLEARLAKE OAKS (APN 035-273-02-00 - ESTATE OF RANDALL COVA)** - Community

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Development Director Rick Coel, Code Compliance Manager Voris Brumfield and Code Compliance Officer Kimberly Heckard were present.

There was no owner representation present.

The request for a second continuance of this item, made via letter by representation of the Estate of Randall Cova, was denied.

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

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 11745 East Highway 20, Clearlake Oaks, California, (APN 035-273-02-00 - Estate of Randall Cova), 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.

After a brief lunch recess, the Board reconvened at 1:35 p.m.

11. ITEM A-12 - 1:30 P.M. - PUBLIC HEARING - CONSIDERATION OF PROPOSED RESOLUTION OF INTENT TO AMEND CHAPTER 21 OF THE LAKE COUNTY ZONING ORDINANCE REGARDING CONVERSION, CLOSURE OR CESSATION OF USE OF MOBILE HOME PARKS - Community Development Director Rick Coel and Senior Planner Penelope Shibley were present.

Ms. Shibley gave the staff summary.

Chair Smith opened the public hearing and the following people spoke: Christopher Layton, Robert Stark, Jeff Hancock, Mary Ann McQueen, Tony Pascale, Virginia Mayo, Richard McCullough, Bob Clifton, Janet Cawn, Dick Forbes, Nikki Tavares, Ralph Calvin, Betty Cherkow. No one else was present wishing to speak and the public hearing was closed.

Various amendments were made to the resolution.

Supervisor Farrington offered Resolution No. 2007-141, Resolution of Intent to amend Chapter 21 of the Lake County Zoning Ordinance regarding conversion, closure or cessation of use of mobile home parks, as amended, and it was passed by roll call vote (5 ayes).

12. ITEM A-13 - Continued from June 26, 2007 - 3:00 P.M. - (a) DISCUSSION OF SOUTH MAIN STREET/SODA BAY IMPROVEMENT PROJECT; and (b) CONSIDERATION OF PROPOSED AMENDMENT NO. TWO TO THE AGREEMENT BETWEEN THE COUNTY OF LAKE AND QUINCY ENGINEERING FOR SOUTH MAIN STREET/SODA BAY ROAD CORRIDOR IMPROVEMENT PROJECT IN LAKE COUNTY (AN INCREASE OF \$519,215.76) - Public Works Director Gerry Shaul, Area Planning Council member Phil Dow, Lakeport Mayor Roy Parmentier, and Lakeport Community Development Director Richard Knoll were present.

Mr. Shaul gave a staff summary.

Mayor Parmentier and Lakeport Community Development Director Richard Knoll assured the Board that the City does not intend to pursue annexation of the South Main Street area in the foreseeable future and that it would be many years before annexation would be considered.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved Amendment No. Two to the Agreement between the County of Lake and Quincy Engineering for South Main Street/Soda Bay Road Corridor Improvement Project in Lake County (an increase of \$519,215.76), and authorized the Chair to sign.

13. ITEM A-17 - CONSIDERATION OF RECOMMENDATION FOR AWARD OF BID NO. 07-30 FOR THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS AT LAMPSON FIELD AIRPORT (AIP PROJECT NO. 3-06-0117-08) - Public Works Director Gerry Shaul gave a brief summary.

On motion of Supervisor Brown and by vote of the Board (5 ayes), awarded Bid No. 07-30 for the construction of drainage improvements at Lampson Field Airport to Jackson Equipment Company, in the amount of \$257,886.84, and authorized the Chair to sign the bid award.

13. ITEM A-19 - CONSIDERATION OF RECOMMENDATION FOR AWARD OF BID NO. 07-38 FOR THE CONSTRUCTION OF CLOVER CREEK DIVERSION WEIR MODIFICATION IN UPPER LAKE - Public Works Director Gerry Shaul gave a brief summary.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), awarded Bid No. 07-38 for the construction of Clover Creek Diversion Weir Modification in Upper Lake to Anderson Construction, in the amount of \$117,191.00, and authorized the Chair to sign.

14. ITEM A-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA

EXTRA # 1 - APPROVAL OF HIRING EXTRA HELP AT ADVANCE STEP - Due to the sudden resignation of the extra help Construction Engineer hired to perform the resident engineer/inspection duties for the new Animal Control Facility currently under construction, the need to take action came subsequent to the posting of the current agenda.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved taking up this item as an extra.

Public Works Director Gerry Shaul gave a brief summary.

On motion of Supervisor Brown and by vote of the the Board (5 ayes), approved the hiring of William M. Turner, Jr. as an extra help employee for the position of Construction Engineer at Step 5 (career) in classification 3-0421.

After a short recess, the Board reconvened at 3:43 p.m.

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

15. ITEM A-18 - (a) CONSIDERATION OF AWARD OF BID NO. 07-39 TO RICHARDSON ENGINEERING CONTRACTORS IN THE AMOUNT OF \$294,100 FOR CONSTRUCTION OF SOUTHEAST GEYSERS EFFLUENT PIPELINE CHLORINATION FACILITY AND AUTHORIZE THE CHAIR TO SIGN BID AWARD; (b) AUTHORIZE THE SPECIAL DISTRICTS ADMINISTRATOR TO ISSUE A NOTICE TO PROCEED TO RICHARDSON ENGINEERING CONTRACTORS;

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and (c) AUTHORIZE THE SPECIAL DISTRICTS ADMINISTRATOR TO ENTER INTO A CONSTRUCTION AGREEMENT WITH RICHARDSON ENGINEERING CONTRACTORS AS APPROVED BY THE BOARD OF DIRECTORS ON MAY 1, 2007 - Special District Administrator Mark Dellinger and Utility Systems Compliance Coordinator Peggie King were present.

Mr. Dellinger gave a brief summary.

On motion of Director Robey and by vote of the Board (5 ayes), awarded Bid No. 07-39 to Richardson Engineering Contractors in the amount of \$294,100 for construction of Southeast Geysers Effluent Pipeline Chlorination Facility and authorized the Chair to sign bid award.

On motion of Director Robey and by vote of the Board (5 ayes), authorized the Special Districts Administrator to issue a notice to proceed to Richardson Engineering Contractors.

On motion of Director Robey and by vote of the Board (5 ayes), authorized the Special Districts Administrator to enter into a construction agreement with Richardson Engineering Contractors as approved by the Board of Directors on May 1, 2007

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

16. ITEM A-22 - CONSIDERATION OF BOARD POSITION ON PROPOSED STATE LEGISLATION - County Administrative Officer Kelly Cox gave an update on Senate Constitutional Amendment (SCA) 12.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the letter of support for SCA 12, and authorized the Chair to sign.

Supervisor Rushing presented the proposed letter of support of maintaining funding for the Williamson Act in the State Budget.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the letter to Governor Schwarzenegger, expressing support of the Williamson Act and authorized the Chair to sign.

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

17. ITEM A-14 - Continued from May 22, June 5 and 26, 2007 - 4:00 P.M. - (a) DISCUSSION/CONSIDERATION OF RECOMMENDATIONS FROM THE CLEAR LAKE ADVISORY SUBCOMMITTEE REGARDING ZEBRA (QUAGGA) MUSSELS; and (b) BOARD ACTION IN RESPONSE TO FURTHER INFORMATION FROM WATER RESOURCES DIVISION - At the request of the Public Works Director Gerry Shaul, this item was carried over to July 17, 2007.

The Board of Directors of the Lake County Watershed Protection District adjourned and convened as the Board of Directors of the Lake County Air Quality Management District.

Supervisor Brown was absent at 4:12 and present at 4:24 p.m.

18. ITEM A-11 - 11:30 A.M. - UPDATE ON AIR TOXICS "HOT SPOTS" AND ASSESSMENT ACT AIR TOXICS EMISSION INVENTORY FOR 2007 AND POLICY CONSIDERATIONS - Air Pollution Control Officer Bob Reynolds gave a summary presentation.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSENT), adopted the policy applicable to the District staff in continuing to implement the air toxics program and specifically the quadrennial updates.

19. ITEM A-23 - CLOSED SESSION - 1. Conference with Legal Counsel - Anticipated Litigation - (a) Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9: One Potential Case 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 the Board would 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 meeting was adjourned at 6:11 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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