



MINUTES

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JULY 24, 2007

The Honorable Board of Supervisors of Lake County, California, met in regular session this 24th 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 Supervisor Rushing 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-12, with the exception of C-6, which will be taken up immediately following the Consent Agenda.

Approved Minutes of the Board of Supervisors meeting held on July 10, 2007.

Approved Second Amendment to Agreement between the County of Lake and Lake Legal Defense Services, Inc. to provide indigent criminal defense services (a revision to the "Term" section of the original agreement), and authorized the Chair to sign.

Awarded Bid No. 07-49 and approved Agreement between the County of Lake and Chernoh Excavating for abatement of nuisance on property located at 14700 Big Canyon Road, Middletown, in the amount of \$12,159 (APN 012-006-30-00 - Inger Ross-Kristensen, formerly Louis Stayer), and authorized the Chair to sign both documents.

Approved Agreement between the County of Lake and Laboratory Corporation of America Holdings for professional services for paternity testing, at the rate of \$42.00 per individual tested, \$126 per trio, and authorized the Chair to sign.

Approved Contract between the County of Lake and Lake Family Resources for tobacco control program services for Fiscal Years 2007/2008 through 2009/2010, in the amount of \$150,000, and authorized the Chair to sign.

Adopted Resolution No. 2007-148, authorizing the Director, Public Works Department, to sign a notice of completion for work performed under agreement dated April 10, 2007 (Gaddy Lane State Street to Soda Bay Road pavement rehabilitation in Kelseyville).

Adopted Resolution No. 2007-149, authorizing the Director, Public Works Department, to sign a notice of completion for work performed under agreement dated April 10, 2007 (Gaddy Lane drainage improvements in Kelseyville).

Adopted Resolution No. 2007-150, authorizing the Director, Public Works Department, to sign a notice of completion for work performed under agreement dated May 30, 2007 (construction of improvements on Soda Bay Road, Gaddy Lane to Clearlake State Park and Seigler Canyon Road, PM 1.8 to 2.2 in Lake County).

Approved Mainline Extension Agreement between the County of Lake and Nick Voegtly for the construction of a water mainline extension to serve APN 011-051-051(12590 Ridge Road, Loch Lomond), and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Redevelopment Agency, approved revision to Section IV (A) of the Lake County Redevelopment Agency Housing Rehabilitation Program Guidelines (correcting/clarifying an inconsistency in the guidelines).

Sitting as the Board of Directors of the Lake County Sanitation District, accepted dedication and conveyance of mainline sewer extension for public utility purposes, Anthony Cacharelis (16163 42nd Avenue, Clearlake - APN 041-274-46, and directed Clerk to certify for recordation.

Approved Administrative Encroachment Permit for Konocti Harbor Resort for a Jet Ski Thrill Show to be held on August 31, September 1 and 2, 2007, from 9:00 A.m. to 5:00 P.M. each day, and authorized the Chair to sign.

2. **CONSENT AGENDA ITEM C-6 - CONSIDERATION OF ADMINISTRATIVE ENCROACHMENT PERMIT FOR KONOCTI HARBOR RESORT FOR A JET SKI THRILL SHOW TO BE HELD ON AUGUST 31, SEPTEMBER 1 and 2, 2007, FROM 9:00 A.M. TO 5:00 P.M. EACH DAY, AND AUTHORIZE THE CHAIR TO SIGN** - On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Rushing NO), approved the Administrative Encroachment Permit for Konocti Harbor Resort for a Jet Ski Thrill Show to be held on August 31, September 1 and 2, 2007, from 9:00 a.m. to 5:00 p.m. each day, and authorized the Chair to sign.

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

EXTRA #1 - NECESSITY FOR EXTRA CLOSED SESSION ITEM NOT ON THE POSTED AGENDA - A matter arose regarding an employee grievance hearing held in Closed Session on July 17, 2007, which must be considered by the Board before the next regularly scheduled Board meeting.

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

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This item will be taken up during Closed Session.

4. **ITEM A-14 - CONSIDERATION OF BOARD POSITION ON PROPOSED STATE LEGISLATION** - County Administrative Officer Kelly Cox gave a brief summary on both pieces of legislation.

A) SB 145 - Court facilities - On motion of Supervisor Robey and by vote of the Board, approved letters of support for SB 145 to Senators Corbett and Wiggins, Assemblywoman Berg and the members of the Assembly Appropriations Committee, and authorized the Chair to sign.

B) AB 679 - Illegal dumping assessments - On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved letters of support for AB 679, with language to support even larger fines for illegal dumping to Assemblyman Benoit, Senator Wiggins and Assemblywoman Berg, and authorized the Chair to sign.

5. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - REVIEW OF: (1) ANNUAL GRANTEE PERFORMANCE REPORTS FOR COMMUNITY DEVELOPMENT BLOCK GRANTS: CLEARLAKE OAKS PLAZA RESTORATION AND HOUSING REHABILITATION - #05-STBG-1421; and (2) PROGRAM INCOME ACTIVITIES, INCLUDING HOUSING REHABILITATION REVOLVING LOAN FUND, BUSINESS EXPANSION AND RETENTION REVOLVING LOAN FUND, AND PUBLIC WORKS FACILITIES** - Deputy County Administrative Officer Matt Perry and Housing Program Manager Steve Citron were present.

Mr. Perry gave a review of the above item.

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

No Board action was taken on this item.

6. **ITEM A-6 - 9:30 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 16821 MEADOW COURT, COBB (APN 051-023-09-00 - KEVIN WRIGHT and ERIN WRIGHT)** - Due to a discrepancy in the advertised time, this item was carried over to 9:45 a.m.

7. **ITEM A-15 - Carried over from July 17, 2007 - DISCUSSION/CONSIDERATION OF PROPOSED RESOLUTION ESTABLISHING A FIRE SAFE ADVISORY COMMITTEE IN THE COUNTY OF LAKE** - Supervisor Rushing gave a summary of the resolution.

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

Supervisor Rushing offered Resolution 2007-151, establishing a Fire Safe Advisory Committee in the County of Lake, and it was passed by roll call vote (5 ayes).

- BACK TO ITEM A-6 - 9:30 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 16821 MEADOW COURT, COBB (APN 051-023-09-00 - KEVIN WRIGHT and ERIN WRIGHT)** - Community Development Director Rick Coel, Code Compliance Manager Voris Brumfield, and Code Compliance Officer Anthony Howard were sworn in by the Clerk.

No owner representation was present.

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

On motion of Supervisor Brown and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 16821 Meadow Court, Cobb, California (APN 051-023-09-00 - Kevin Wright and Erin Wright), 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 - CONSIDERATION OF A PROPOSED CONTRACT BETWEEN THE COUNTY OF LAKE AND REDWOOD CHILDREN'S SERVICES, INC. FOR OPERATION OF A DROP-IN CENTER FOR TRANSITION AGE YOUTH WHO ARE LIVING WITH A SERIOUS MENTAL ILLNESS, IN THE AMOUNT OF \$50,000** - Mental Health Director Kristy Kelly gave a brief summary.

Various amendments were made to the agreement.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the contract between the County of Lake and Redwood Children's Services, Inc. for operation of a drop-in center for transition age youth who are living with a serious mental illness, in the amount of \$50,000.

9. **ITEM A-17 - CONSIDERATION OF A PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND ESTHER TARIN-FLORES FOR SPANISH LANGUAGE INTERPRETER SERVICES WITH A MAXIMUM REIMBURSEMENT AMOUNT OF \$10,000** - Mental Health Director Kristy Kelly gave a brief summary.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the agreement, as amended, between the County of Lake and Esther Tarin-Flores for Spanish language interpreter services with a maximum reimbursement amount of \$10,000.

10. **ITEM A-7 - 10:00 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 23492 JERUSALEM GRADE, MIDDLETOWN (APN 013-013-11-00 - DOUGLAS SCHAUER and GRACE SCHAUER)** - Community Development Director Rick Coel, Code Compliance Manager Voris Brumfield, Code Compliance Officer Anthony Howard and Gary Huggins were sworn in by the Clerk.

Mr. Howard gave a power point presentation.

Mr. Huggins gave testimony.

On motion of Supervisor Robey and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 23492 Jerusalem Grade, Middletown, California (APN 013-013-11-00 - Douglas Schauer and Grace Schauer), 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.

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11. **ITEM A-13 - PROPOSED ORDINANCE AMENDING CHAPTER 2 OF THE LAKE COUNTY CODE MODIFYING THE OFFICE HOURS OF THE DEPARTMENT OF SOCIAL SERVICES (DEPARTMENT WILL BE OPEN TO PUBLIC FROM 8:30 A.M. TO 4:30 P.M.)** - County Administrative Officer Kelly Cox gave a brief summary.

On motion of Supervisor Robey and by vote of the Board (5 ayes), waived the reading of the ordinance, to be read in title only. (Clerk so did).

On motion of Supervisor Robey and by vote of the Board (5 ayes), advanced the ordinance to August 7, 2007.

After a brief recess, the Board reconvened at 10:32 a.m.

12. **ITEM A-8 - 10:30 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 14554 DRY CREEK ROAD, MIDDLETOWN (APN 014-005-02-00 - RALPH W. UETZ)** - Community Development Director Rick Coel, Code Compliance Manager Voris Brumfield and Code Compliance Officer Anthony Howard were sworn in by the Clerk.

No owner representation was present.

Mr. Howard gave a power point presentation.

On motion of Supervisor Robey and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 14554 Dry Creek Road, Middletown, California (APN 014-005-02-00 - Ralph W. Uetz), 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.

13. **ITEM A-9 - 10:45 A.M. - CONSIDERATION OF REQUEST TO UTILIZE COUNTY PROPERTY ADJACENT TO OAK HILL MIDDLE SCHOOL FOR SCHOOL PARKING** - County Administrative Officer Kelly Cox and Assistant Superintendent of Konocti Unified School District Cliff Lance were present.

Mr. Cox gave a brief summary.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved in concept, an agreement between the County of Lake and Konocti Unified School District for use of County property adjacent to Oak Hill Middle School for school parking, for an initial period of five years, with the possibility of one-year extensions to the agreement.

14. **ITEM A-18 - APPROVAL OF FINDINGS OF FACT - APPEAL OF CHERYL LITTLE DEER (APPEAL 07-04) OF THE PLANNING COMMISSION'S APPROVAL OF A USE PERMIT (UP 06-19) FOR U.S. CELLULAR TO ALLOW INSTALLATION AND OPERATION OF A MAJOR WIRELESS COMMUNICATION FACILITY ON PROPERTY LOCATED AT 802, 902 AND 1010 WEST HIGHWAY 20, UPPER LAKE, CA (APNs. 003-033-12, 003-003-13 and 003-033-14)** - Amendments were made to the Findings of Fact.

On motion of Supervisor Brown and by vote of the Board (3 ayes, Supervisors Rushing and Farrington NO), approved the Findings of Fact, as amended, and denied Appeal 07-04 of the Planning Commission's approval of a use permit (UP 06-19) for U.S. Cellular to allow installation and operation of a major wireless communication facility on property located at 802, 902, and 1010 West Highway 20, Upper Lake, CA (APNs 003-033-12, 003-033-13 and 003-033-14).

15. **ERRATUM A-1 - PROPOSED ORDINANCE ADOPTING TEMPORARY MORATORIUM ON APPROVAL OF APPLICATIONS FOR WIRELESS TELECOMMUNICATION FACILITIES** - County Counsel Anita Grant gave a summary.

This item was continued to later in the day.

16. **ITEM A-10 - 11:00 A.M. - CONSIDERATION OF PROPOSED RIDGELINE TRAILS PROJECT AND RESOLUTION APPROVING AN APPLICATION TO THE NATIONAL PARKS SERVICE RIVERS, TRAILS AND CONSERVATION ASSISTANCE PROGRAM** - Public Services Director Kim Clymire gave an introduction, offering appreciation to the productive efforts of Chuck Lamb and Holly Harris in organizing this project.

Chuck Lamb and Holly Harris were present and spoke.

Supervisor Rushing offered Resolution No. 2007-152, approving an application to the National Parks Service Rivers, Trails and it was passed by roll call vote (5 ayes).

- Back to ERRATUM A-1 - PROPOSED ORDINANCE ADOPTING TEMPORARY MORATORIUM ON APPROVAL OF APPLICATIONS FOR WIRELESS TELECOMMUNICATION FACILITIES** - Community Development Director Rick Coel was present.

On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the reading of the ordinance, to be read in title only. (Clerk so did).

Supervisor Brown offered Ordinance No. 2832, and it was passed by roll call vote (5 ayes).

17. **ITEM A-11 - 11:15 A.M. - UPDATE ON CLEAR LAKE AQUATIC PLANT MANAGEMENT PROGRAM** - Deputy Public Works Director - Water Resources Pam Francis was present.

This item was continued for a few minutes.

After a quick recess, the board reconvened at 11:35 a.m.

Ms. Francis gave a power point presentation.

No board action was taken on this item.

18. **ERRATUM A-2 - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: SDA** - Chair Smith announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session at 12:29 p.m.

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On motion of Supervisor Robey seconded by Supervisor Rushing and vote of the Board (5 ayes), accepted the proposed decision in the grievance filed by Michael Morshed and authorized the Chairman to sign, and denied the grievance for the reasons stated in the decision.

There being no further business, the meeting was adjourned at 12:30 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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