



MINUTES

County of Lake

Board of Supervisors

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JUNE 19, 2007

The Honorable Board of Supervisors of Lake County, California, met in regular session this 19th day of June, 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 Robey 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-13, with the exception of C-5 and C-10, which will be taken up later in the day.

Approved Minutes of the Board of Supervisors meeting held on June 5, 2007.

Appointed John Gaffney to the Emergency Medical Care Committee, Consumer Interest Group category, for a term expiring January 1, 2008.

Adopted Resolution No. 2007-120 urging congress to amend Federal regulations to allow Federal financial participation for medical services provided to incarcerated individuals.

Adopted Resolution No. 2007-121 approving Agreement No. 07-0088 egg inspection agreement with the Department of Food and Agriculture during the period July 1, 2007 through June 30, 2008 and authorized the Chair to sign.

Approved Contract between the County of Lake and Dazzling Janitorial Services to provide janitorial services to the Health Services Department, and authorized the Chair to sign.

Approved Leave of Absence (Medical) for Library Assistant Socorro Duncan for the period of June 18, 2007 through July 21, 2007, and authorized Chair to sign leave of absence request form.

Approved Contract between the County of Lake and Roberto Dansie for the provision of cultural competence training and authorized the Chair to sign.

(A) Adopted Resolution No. 2007-122 to appropriate unanticipated revenue in the amount of \$37,500 (received from the Lake County Area Planning Council), for the Short Span Bridge Inspection Program, Budget Unit No. 1908 - Engineer and Inspection; and (B) Adopted Resolution No. 2007-123 to appropriate unanticipated revenue in the amount of \$56,000 (received from Federal Highway Administration Grant) for Bridge Maintenance Program, Budget Unit No. 1908 - Engineer and Inspection.

Approved Agreement between the County of Lake and Ruzicka Associates for surveyor services for right-of-way purposes for storm damage project and authorized the Chair to sign.

Adopted Resolution No. 2007-124 authorizing the Director of Public Works to sign grant documents, for the "\$25 million for purchase of low emission construction equipment by public agencies program" of the California Air Resources Board (grant awarded in the amount of \$407,640, and will be used for the purchase of three (3) low-polluting front loaders).

Approved Lease Agreement between the County of Lake and Zachary Hosler for rental unit located at 130 "C" Sunnyvale Drive, Healdsburg, California (to be used when officers are assigned to training in the Sonoma County area), and authorized the Chair to sign.

2. **ITEM A-4 - CURRENT CONSTRUCTION PROJECTS - CONTRACT CHANGE ORDERS -**

CHANGE ORDER NO. 2 - CONSTRUCTION OF IMPROVEMENTS ON SODA BAY ROAD, GADDY LANE TO CLEARLAKE STATE PARK & SEIGLER CANYON ROAD, PM 1.8 TOPM 2.2, LAKE COUNTY - This change order reflects changes necessitated due to conditions discovered after the existing pavement was milled.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved Change Order No. 2, in the amount of \$136,984.50, Granite Construction Company, and authorized the Chair to sign.

3. **ITEM A-18 - (a) CONSIDERATION OF REQUEST TO WAIVE THE FORMAL BIDDING PROCESS AND MAKE A DETERMINATION THAT COMPETITIVE BIDDING WOULD PRODUCE NO ECONOMIC BENEFIT TO THE COUNTY FOR THE PURCHASE OF A LIVESCAN FINGERPRINTING SYSTEM; (b) APPROVE THE PURCHASE OF A LIVESCAN FINGERPRINTING SYSTEM FROM COGENT SYSTEMS IN THE AMOUNT OF \$44,858.39** - County Administrative Officer Kelly Cox explained an inadvertent error on the agenda; the Sheriff's Department had actually completed the bidding process for this item.

Sheriff Rod Mitchell was present.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the purchase of a Livescan fingerprinting system from Cogent Systems in the amount of \$44,858.39 and authorized Sheriff/Coroner and Asst. Purchasing Agent to issue purchase order and sign contract.

4. **ITEM A-23 - CONSIDERATION OF REQUEST FOR APPEAL OF CALL OUT PAY FOR AT A FLAT RATE OF \$155.15 FOR 900 HOUR MARINE PATROL DEPUTIES** - Sheriff Rod Mitchell gave a brief summary.

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On motion of Supervisor Robey and by vote of the Board (5 ayes), approved call out pay for a flat rate of \$155.15 for 900 hour Marine Patrol Deputies, with the understanding that the deputies would complete the four hours of work per call out.

5. **CITIZEN'S INPUT** - Tom Wahl spoke on Nice park planning. Joan Moss gave a memorial for Bonnie Perkins.

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

6. **ITEM A-5 - 9:15 A.M. - (a) PUBLIC HEARING - DRAFT BUDGET HEARING FOR LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT, FOR REVIEW AND PUBLIC COMMENT ON THE PROPOSED 2007/2008 DISTRICT BUDGET, IN ACCORDANCE WITH CALIFORNIA PUBLIC HEALTH AND SAFETY CODE SECTION 40131; and (b) PROPOSED RESOLUTION TRANSFERRING FUNDS TO THE LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT CAPACITY EXPANSION RESERVE AND AIR MONITORING EQUIPMENT RESERVE** - Air Pollution Control Officer Bob Reynolds, Deputy Air Pollution Officer Doug Gearhart, and Air Quality Specialist Elizabeth Knight were present.

Mr. Reynolds gave a brief summary.

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

Director Robey offered Resolution No. 2007-125, transferring funds to the Lake County Air Quality Management District Capacity Expansion Reserve and Air Monitoring Equipment Reserve, and it was passed by roll call vote (5 ayes).

On motion of Director and by vote of the Board (5 ayes), endorsed the continuance of existing policy for School Bus Retrofit and Carl Moyer Programs.

The Board of Directors of Lake County Air Quality Management District adjourned and reconvened as the Board of Supervisors.

7. **ITEM A-6 - 9:30 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 6335 and 6339 EAST HIGHWAY 20, LUCERNE (APN 034-231-03-00 and 034-231-13-00 - DOMINIC and JULIETTE AFFINITO)** - Community Development Director Rick Coel, Code Compliance Manager Voris Brumfield, Code Compliance Officer Roderic Hilliard, Dominic Affinito, Dennis Cox, Donna Christopher, and Lenny Mathews were sworn in.

Mr. Hilliard gave a power point presentation on the condition of the property.

Mr. Affinito, Mr. Cox, Lenny Mathews, Donna Christopher, and Sophie Jenson gave testimony.

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 6335 and 6339 East Highway 20, Lucerne, California, (APN 034-231-03-00 and 034-231-13-00 - Dominic and Juliette Affinito), 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-7 - 10:15 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 4041 KENSINGTON WAY, LUCERNE (APN 034-854-16-00 - JONATHAN NOONAN)** - Community Development Director Rick Coel, Code Compliance Manager Voris Brumfield, and Code Compliance Officer Roderic Hilliard were present

Mr. Hilliard gave a power point presentation on the condition of the property.

No owner representation was present.

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 4041 Kensington Way, Lucerne, California, (APN 034-854-16-00 - Jonathan Noonan), 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 recess, the Board reconvened at 10:35 a.m.

9. **CONSENT AGENDA ITEM C-10 - CONSIDERATION OF PROPOSED RESOLUTION CANCELING DESIGNATED RESERVES FOR LAMPSON FIELD INFRASTRUCTURE PROJECTS AND AMENDING RESOLUTION 2006-163 TO PROVIDE FOR AN INTERIM LOAN FROM THE GENERAL FUND TO LAMPSON FIELD FUND** - Public Works Director Gerry Shaul was present.

County Administrative Officer Kelly Cox gave a brief summary.

Supervisor Farrington offered Resolution No. 2007-126 (canceling designated reserves for Lampson Field infrastructure projects and amending Resolution 2006-163 to provide for an interim loan from the General Fund to Lampson Field Fund), and it was passed by roll call vote (5 ayes).

10. **ITEM A-13 - DISCUSSION/CONSIDERATION OF A LOAN IN THE AMOUNT OF \$450,000 TO THE DEPARTMENT OF PUBLIC WORKS FOR THE REPLACEMENT OF PERINI ROAD BRIDGE OVER SIEGLER CREEK (TO BE REPAID BY PROPOSITION 42 MONIES)** - Public Works Director Gerry Shaul was present.

Supervisor Robey and Mr. Shaul gave brief summaries.

On motion by Supervisor Robey and by vote of the Board (5 ayes), directed staff to request bids for the replacement of Perini Road Bridge over Siegler Creek, including abutments, and bring results to the Board for consideration.

11. **ITEM A-14 - PROPOSED ORDINANCE ESTABLISHING A PERMIT AND SERVICE FEE SCHEDULE FOR THE ENVIRONMENTAL HEALTH PROGRAMS OF THE LAKE COUNTY DEPARTMENT OF HEALTH SERVICES** - Health Services Director Jim Brown, Environmental Health Director Ray Ruminski, and Health Services Administrative Manager John Moore were present.

Mr. Brown gave a brief summary.

The Board directed staff to remove the food service fees from the ordinance, to be brought back before the Board in a separate ordinance for consideration at a later date.

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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 one week to June 26, 2007.

12. **ITEM A-22 - PROPOSED RESOLUTION APPROVING AN INCREASE IN PENALTIES ON SPECIFIC OFFENSES, INCLUDING MOVING TRAFFIC VIOLATIONS, BY TWO DOLLARS FOR EVERY TEN DOLLARS COLLECTED TO PROVIDE A SPECIFIC SHARE FOR EMERGENCY DEPARTMENTS APPROVED FOR PEDIATRICS AND ADDITIONAL FUNDING FOR MADDY FUND RECIPIENTS, INCLUDING NORTH COAST EMS** - Health Services Administrative Manager John Moore gave a brief summary.

Supervisor Brown offered Resolution No. 2007-127 (approving an increase in penalties on specific offenses, including moving traffic violations, by two dollars for every ten dollars collected to provide a specific share for emergency departments approved for Pediatrics and additional funding for Maddy Fund recipients, including North Coast EMS), and it was passed by roll call vote (5 ayes).

13. **ITEM A-8 - Continued From June 5, 2007 - 11:00 A.M. - PUBLIC HEARING - (a) PROPOSED ORDINANCE ADDING ARTICLE IX TO CHAPTER 5 AND SECTION 13-7 TO CHAPTER 13 OF THE LAKE COUNTY CODE, REGARDING SUMMARY ABATEMENT (PROVIDING THE COMMUNITY DEVELOPMENT DIRECTOR THE AUTHORITY TO ORDER A SUMMARY ABATEMENT OF A PUBLIC NUISANCE AND SET THE PROCEDURES TO BE FOLLOWED BY THE COMMUNITY DEVELOPMENT DIRECTOR)** - Community Development Director Rick Coel and Chief Building Official Mary Jane Fagalde were present.

Ms. Fagalde 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 Robey and by vote of the Board (5 ayes), waived the reading of the ordinance (adding Article IX to Chapter 5 of the Lake County Code, regarding summary abatement) 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 one week to June 26, 2007.

On motion of Supervisor Robey and by vote of the Board (5 ayes), waived the reading of the ordinance (adding Section 13-7 to Chapter 13 of the Lake County Code, regarding summary abatement) 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 one week to June 26, 2007.

14. **ITEM A-15 - Advanced From June 5, 2007 - AN ORDINANCE ADDING ARTICLE VIII TO CHAPTER 5 OF THE LAKE COUNTY CODE, REGARDING REGULATION OF VACANT STRUCTURES, REQUIRING THAT VACANT STRUCTURES ARE PROPERLY SECURED AND BOARDED DURING TEMPORARY PERIODS OF VACANCY PURSUANT TO A PERMIT (6 MONTHS WITH ONE 6 MONTH EXTENSION) - (SECOND READING)** - Supervisor Brown offered Ordinance No. 2824, (adding Article VIII to Chapter 5 of the Lake County Code, regarding regulation of vacant structures), and it was passed by roll call vote (5 ayes).

15. **ITEM A-16 - Advanced From June 5, 2007 - AN ORDINANCE ADDING ARTICLE V TO CHAPTER 13 OF THE LAKE COUNTY CODE, REGARDING GRAFFITI ABATEMENT, (PROHIBITING GRAFFITI, AND TO PROVIDE A PROCEDURE FOR THE PROMPT REMOVAL, WITHIN TEN (10) DAYS, OF THE APPEARANCE OF GRAFFITI BY THE OWNER OR OCCUPANT OF ANY PROPERTY IN THE COUNTY OF LAKE) - (SECOND READING)** - Supervisor Brown offered Ordinance No. 2825 (an ordinance adding Article V to Chapter 13 of the Lake County Code, regarding graffiti abatement), and it was passed by roll call vote (5 ayes).

16. **ITEM A-9 - Carried Over From May 1, and May 22, 2007 - 11:15 A.M. - PRESENTATION BY REPRESENTATIVES OF DRUG POLICY ALLIANCE NETWORK, REGARDING THE SYRINGE EXCHANGE PROGRAMS (SEP) IN CALIFORNIA** - Nikos Leverenz gave a presentation to the board.

Chair Smith asked if anyone was present wishing to speak on this item and the following people spoke: Tom Wahl, AODS Director Laura Solis, and AODS Treatment Coordinator Mark Messerer. No one else was present wishing to speak and the public portion of this item was closed.

No board action was taken on this item.

After a lunch recess, the board reconvened at 1:30 p.m. Supervisor Farrington was absent, and present at 1:32 p.m.

17. **ITEM A-10 - Continued From May 15, 2007 1:30 P.M. - PUBLIC HEARING - APPEAL (AB 07-04) OF CHERYL LITTLE DEER 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 CONSISTING OF A 120 FOOT STEEL MONOPOLE WITH SIX (6) PANEL ANTENNAS AND CONSTRUCTION OF EQUIPMENT SHELTERS, ON PROPERTY LOCATED AT 802, 902 AND 1010 WEST HIGHWAY 20, UPPER LAKE, CA (APN 003-033-14, 003-033-12 AND 003-022-14)** - Community Development Director Rick Coel, Assistant Resource Planner Ted Elliott, Cheryl Little Deer, Joan Moss, Victoria Brandon, Carol Prack, Dennis Heinrichs, Phil Murphy, Joyce White, Dennis Everhart, Greg Johnson, Janet Cawn, Alan Potter, and Charmaine Larson were sworn in by the Clerk.

Mr. Elliott gave a brief staff summary.

Chair Smith continued with the public hearing and the following people spoke: Joan Moss, Victoria Brandon, Carol Prack, Dennis Heinrichs, Phil Murphy, Joyce White, Dennis Everhart, Greg Johnson, Janet Cawn, Alan Potter, and Charmaine Larson. No one else was present wishing to speak and the public hearing was closed.

There was Board consensus to take the item under submission.

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

18. **ITEM A-11 - 2:30 P.M. - CONSIDERATION OF STAFF RECOMMENDATIONS REGARDING COMMENTS TO THE U.S. DEPARTMENT OF INTERIOR'S ENVIRONMENTAL ASSESSMENT FOR THE HABEMATOLEL POMO TRIBE OF UPPER LAKE, RELATIVE TO THE TRIBE'S PROPOSED TRUST ACQUISITION OF LAND LOCATED IN UPPER LAKE** - Deputy

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Public Works Director Bob Lossius, Deputy Public Works Director - Water Resources Pam Francis, and Tribal Representatives Peter Bontadelli, Robert Rosette, and Carmela Icaay-Johnson were present.

Mr. Lossius gave a brief summary.

Chair Smith asked if any was 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.

It was directed that this matter be placed on the Board's June 26, 2007 agenda for formal action.

After a short recess, the board reconvened at 4:25 p.m. Supervisor Brown was absent.

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

19. **ITEM A-19 - Continued from June 12, 2007 - CONSIDERATION OF PROPOSED ACTION TO DECLARE AN EMERGENCY RELATED TO THE ZEBRA (QUAGGA) MUSSELS** - Deputy Public Works Director - Water Resources Pam Francis gave a brief summary.

Supervisor Brown was present at 4:30 p.m.

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

Supervisor Robey offered Resolution No. 2007-130 (declaring the need for emergency action to protect Clear Lake from certain specified invasive species), and it was passed by roll call vote (5 ayes).

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

20. **ITEM A-17 - (a) APPROVAL OF FISCAL YEAR 2007-2008 BUDGET TABULATION, AS AMENDED THEREBY CONSTITUTING THE FISCAL YEAR 2007-2008 PROPOSED BUDGET; (b) PROPOSED RESOLUTION APPROVING POSITION ALLOCATIONS FOR FISCAL YEAR 2007-2008, TO CONFORM TO THE PROPOSED BUDGET; and (c) CONSIDERATION OF REQUESTS FOR AUTHORIZATION TO PURCHASE CERTAIN FIXED ASSETS AND FILL NEW POSITIONS PRIOR TO ADOPTION OF THE FINAL BUDGET** - County Administrative Officer Kelly Cox and Clerk/Auditor Pam Cochrane were present.

A) Mr. Cox gave a brief summary.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the Fiscal Year 2007-08 Proposed Budget Tabulation, as revised by the County Administrative Officer during Preliminary Budget Hearings.

B) Mr. Cox gave a brief summary.

Various amendments were made to the resolution.

Supervisor Robey offered Resolution No. 2007-129 as amended, (establishing position allocations to conform to the proposed budget for Fiscal Year 2007-08) and it was passed by roll call vote (5 ayes).

C) Mr. Cox gave a brief summary.

Various amendments were made to the request.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the request from County departments for authorization to purchase certain fixed assets and fill new positions prior to adoption of the FY 07/08 Final Budget, as amended.

21. **ITEM A-20 - Carried over from June 5, 2007 DISCUSSION/CONSIDERATION OF REQUEST FOR PROPOSAL (RFP) FOR A RATE AND FINANCIAL STUDY OF SPECIAL DISTRICTS AND POSSIBLE FUNDING SOURCES FOR THIS PROJECT** - Deputy County Administrator Jeff Rein, Special Districts Administrator Mark Dellinger, and Public Works Director Gerry Shaul were present.

Mr. Rein gave a brief summary.

Supervisor Brown was absent at 5:31 p.m. and present at 5:33 p.m.

Amendments were made to the RFP.

On motion of Supervisor Farrington and by vote of the Board (5 ayes) approved the Request for Proposal (RFP) for a rate and financial study of Special Districts, as amended, and directed staff to issue the RFP to consultants, and to return proposals to the Board at a later date for consideration of funding sources.

22. **CONSENT AGENDA ITEM C-5 - CONSIDERATION OF RESOLUTION APPROVING AGREEMENT NO. 07-0246, THE ORGANIC PROGRAM, WITH THE DEPARTMENT OF FOOD AND AGRICULTURE DURING THE PERIOD JULY 1, 2007 THROUGH JUNE 30, 2008 AND AUTHORIZING THE CHAIR TO SIGN** - Supervisor Rushing offered Resolution No. 2007-128, approving Agreement No. 07-0246, the Organic Program, with the Department of Food and Agriculture, during the period July 1, 2007-June 30, 2008, and it was passed by roll call vote (5 ayes).

23. **ITEM A-21 - CONSIDERATION OF PROPOSED FINDINGS OF FACT AND GRANT THE APPEAL (AP 07-03) OF DAMON FANUCCHI IN PART TO ALLOW AS AN ALTERNATIVE TO THE ROAD IMPROVEMENT REQUIREMENTS OF CURB, GUTTER AND SIDEWALKS, ANOTHER MEANS OF PEDESTRIAN ACCESS SUBJECT TO THE APPROVAL OF THE COMMUNITY DEVELOPMENT AND PUBLIC WORKS DEPARTMENT** - On motion Supervisor Robey and by vote of the Board (5 ayes), approved the Findings of Fact and authorized the Chair to sign.

On motion of Supervisor Robey and by vote of the Board (5 ayes), granted the appeal in part to allow as an alternative to the road improvement requirements of curb, gutter, and sidewalks, another means of pedestrian access subject to the approval of the Community Development and Public Works Department.

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24. **ITEM A-15 - CLOSED SESSION 1. Public Employee Performance Evaluation: Title: Social Services Director** - Chair Robey announced the Board would now go into Closed Session for the reason stated on the agenda.

The Board reconvened into Regular Session with no action taken.

There being no further business, the meeting was adjourned at 6:30 p.m

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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