



Minutes

County of Lake Board of Supervisors

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

The Honorable Board of Supervisors of Lake County, California, met in regular session this 6th day of March, 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 Georgine Hunt.

The meeting was called to order at 9:02 a.m. by Chair Farrington. Following a moment of silence, Supervisor Rob Brown led the salute to the flag of the United States of America.

1. **ITEM A-1 - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-7, including the correction to the date of the Minutes that are to be approved today (amended date from February 20, 2007, to February 13, 2007), as stated in the Erratum to the February 27, 2007, Agenda.

Approved Minutes of the Board of Supervisors meeting held on February 13, 2007.

Adopted proclamation declaring the month of March 2007 as Social Worker Appreciation Month.

Approved Budget Transfer B-144 in the amount of \$16,454 from Contingencies, Budget Unit No. 7999 to Sheriff-Jail, Budget Unit No. 2301, to finance an Energy Conservation Project at the Jail Facility, authorized the Chair to sign.

Approved Grant Deed and direct Clerk to certify for recordation (a portion of APN 008-027-02 - Allen K. Hobbs and Marilyn Lee Hobbs), and approved Purchase Agreement between the County of Lake and Allen K. Hobbs and Marilyn Lee Hobbs, for Gaddy Lane - Soda Bay Road Intersection Project, and authorize the Chair to sign.

Waived the 900 hour limit for extra-help Office Assistant Maria Cruz.

Approved Contract between the County of Lake and the Lake Family Resource Center for Indian Gaming Special Distribution Funds for Family Violence Reduction, and authorized the Chair to sign.

Sitting as the Board of Directors of Lake County Sanitation District, approved Mainline Extension Agreement between the Lake County Sanitation District and Jonathan Soderling, APN's 039-653-24 and 039-653-25 (3605 Vista Street, Clearlake), and authorize the Chair to sign.

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

EXTRA #1 - CONSIDERATION OF LETTERS TO ASSEMBLY MEMBER PATTY BERG AND GOVERNOR ARNOLD SCHWARZENEGGER, IN OPPOSITION TO SB 113 - PRESIDENTIAL PRIMARY ELECTION (MOVING CALIFORNIA'S PRESIDENTIAL PRIMARY ELECTION FROM JUNE TO FEBRUARY 5, 2008, AND PROVIDES NO GUARANTEE THAT COUNTIES WILL BE REIMBURSED BY THE STATE FOR THE COST OF THIS ELECTION) - On motion of Supervisor Farrington 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:

The State Assembly is expected to vote on this legislation at anytime, and it will likely be too late for the County to have input on this matter if it is placed on the next available agenda.

There was consensus by the Board to amend the letters to include a request that SB 113 be amended and language be included in SB 113, which would ensure full reimbursement to counties of the costs for this election. Also, there were other minor amendments made to the letters.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved letters, as amended to Assembly Member Patty Berg and Governor Arnold Schwarzenegger, in opposition to SB 113 - Presidential Primary Election, and authorized the Chair to sign both letters.

3. **CITIZENS' INPUT** - Mr. John Roddy stated that all independent water and sewer facilities should be operated by the County.

Mr. Phil Murphy asked the Board to include contract/agreement amounts and the cost for out-of-state travel, in the description of the agenda item.

The Board of Supervisors adjourned and convened as the Lake County Housing Commissioners, with Housing Commissioner Sandra Reed absent.

4. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING ON PROPOSED LAKE COUNTY HOUSING AUTHORITY STREAMLINED ANNUAL PLAN FOR FISCAL YEAR 2008** - Social Services Director Carol Huchingson, Housing Program Manager Steve Citron and Staff Services Analyst Ron Tafoya were present.

Mr. Citron gave a brief overview of the Streamlined Annual Plan for Fiscal Year 2008, and indicated that there would be no policy or program changes for the upcoming year. This hearing today is intended for the purpose of receiving public comment and input only.

The final Lake County Housing Authority Streamlined Annual Plan will be brought back to the Board on April 3, 2007, for approval.

The Lake County Board of Housing Commissioners adjourned and reconvened as the Board of Supervisors.

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5. **ITEM A-6 - Continued From February 20, 2007 - 9:30 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 6600 LYONS ROAD, LAKEPORT (APN 004-023-06-10 - DOROTHY BUCKNER)** - Code Enforcement Manager Voris Brumfield was present and stated that the application for participation in the County's Resort Revitalization Program has been approved, and through this program, the substandard mobile home will be removed, and no further action is required.
6. **ITEM A-18 - Advanced from February 27, 2007 - AN ORDINANCE ESTABLISHING A FEE FOR DVD COPIES (SECOND READING)** - Supervisor Robey offered Ordinance No. 2817, and it was passed by a roll-call vote (5 ayes).
7. **ITEM A-19 - Advanced from February 27, 2007 - AN ORDINANCE RESCINDING ORDINANCE NO. 2804 WHICH ESTABLISHED THE ISSUANCE OF MEDICAL MARIJUANA IDENTIFICATION CARDS AND FEES ASSOCIATED WITH THE DISPENSATION OF MEDICAL MARIJUANA IDENTIFICATION CARDS (SECOND READING); and**

ERRATUM ITEM A-1- AN ORDINANCE ESTABLISHING ISSUANCE OF MEDICAL MARIJUANA IDENTIFICATION CARDS UNDER THE COMPASSIONATE USE ACT OF 1996 AND THE MEDICAL MARIJUANA PROGRAM ACT SENATE BILL 420, AND TO ESTABLISH FEES ASSOCIATED WITH DISPENSATION OF THE MEDICAL MARIJUANA IDENTIFICATION CARD- (SECOND READING) - A Memorandum dated March 2, 2007, from Health Services Director Jim Brown was received, explaining to the Board that a new Ordinance is being submitted for issuance of Medical Marijuana Cards under the Compassionate Use Act of 1996 and the Medical Marijuana Program Act Senate Bill 420. The reasons for the replacement of the ordinance is that on February 28, 2007, the State notified all counties that the increase was changing from \$142 to \$66 for non-Medi-Cal beneficiaries and to \$33 for Medi-Cal beneficiaries to be effective on April 1, 2007. The Health Services Department will charge a total of \$100 for a non-Medi-Cal beneficiary and \$50 for a Medi-Cal beneficiary.

County Counsel Anita Grant stated to the Board that the Ordinance rescinding Ordinance No. 2804 can be offered today, but the new Ordinance that was presented today, will have to have a first reading and be advanced to March 13, 2007, which it can be offered at that time.

Supervisor Farrington offered Ordinance No. 2818 (an Ordinance rescinding Ordinance No. 2804, which established the issuance of Medical Marijuana Identification Cards and fees associated with the dispensation of Medical Marijuana Identification Cards), and it was passed by a roll-call vote (5 ayes).

On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the reading of the Ordinance (an Ordinance establishing issuance of Medical Marijuana Identification Cards under the Compassionate Use Act of 1996 and the Medical Marijuana Program Act Senate Bill 420, and to establish fees associated with dispensation of the Medical Marijuana Identification Card).

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

8. **ITEM A-7 - 9:45 A.M. - DISCUSSION/CONSIDERATION OF DONATING A PORTION OF COUNTY PROPERTY LOCATED AT 15837 18TH AVENUE AND 7000 SOUTH CENTER DRIVE, CLEARLAKE, TO HOSPICE SERVICES OF LAKE COUNTY, FOR THE PURPOSE OF CONSTRUCTING AN ADMINISTRATIVE BUILDING AND INPATIENT CARE CENTER (APNs 010-043-01 and 010-043-30)** - Executive Director of Hospice Services Marlene Kurowski and Human Resource Manager Jon Plante were present.

Ms. Kurowski gave a brief overview of what Hospice is planning for use of this property.

Chair Smith asked if anyone present wished to speak on this item and the following persons spoke: Mr. David Neft, Ms. Betty Isabella, Ms. Joyce Overton and Mr. Tom Jordan. No one else was present wishing to speak and the public portion of this item was closed.

This item will be brought back at a later date for further consideration.

After a short recess, the Board reconvened at 10:30 a.m.

9. **ITEM A-8 - 10:15 A.M. - PRESENTATION REGARDING THE TRIATHLON ONE O ONE EVENT TO BE HELD IN LAKE COUNTY ON JUNE 10, 2007** - Deputy County Administrative Officer of Economic Development Debra Sommerfield was present and introduced Executive Director of Triathlon One O One Shannon Kurek.

Mr. Kurek gave an overview of the race event. This is going to be a one day event which will be based in Library Park with a swim course just off the park and with bike and run courses through Lakeport (incorporated and unincorporated areas) and Kelseyville. The development of the course routes are designed to be safe and enjoyable for participants and residents. Also, maps were presented showing the swim course, the bike course and the run course.

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

There was no action taken on this item.

10. **ITEM A-9 - 10:30 A.M. - CONSIDERATION OF REQUEST FOR COUNTY TO ENTER INTO AN AGREEMENT WITH THE LAKEPORT REGIONAL CHAMBER OF COMMERCE, THE CITY OF LAKEPORT AND B.A.S.S., LLC, FOR HOSTING THE 2007 BASSMASTER ELITE SERIES BASS TOURNAMENT ON CLEAR LAKE, MARCH 29-APRIL 1, 2007** - County Administrative Officer Kelly Cox expressed concerns about the County being one of the parties in the agreement.

Chair Smith asked if anyone present wished to speak on this item and Mr. John Roddy spoke. 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), approved the donation of \$3,000 to the Lakeport Chamber of Commerce to be used toward the host fee for the 2007 Bassmaster Elite Series Bass Tournament on Clear Lake. Mr. Cox will contact the Lakeport Chamber of Commerce and inform them that the County will not sign the agreement, but will contribute \$3,000 toward the host fee for this tournament.

11. **ITEM A-10 - 10:55 A.M. - PRESENTATION OF PROCLAMATION DECLARING THE MONTH OF MARCH 2007 AS SOCIAL WORKER APPRECIATION MONTH** - Supervisor Robey read the proclamation into the record. The proclamation was presented to Social Services Director Carol Huchingson and numerous Social Services staff members.

The Board of Supervisors adjourned and convened as the Lake County Board of Equalization.

11. **ITEM A-11 - 11:00 A.M. - ASSESSMENT APPEAL HEARINGS:**

(a) SMITH MM TRUSTEE (dba KONOCTI HARBOR INN) - APPLICATION NO. 2006-32 - ASSESSMENT PARCEL NO. 009-002-330 - LOCATED AT 8710 SODA BAY ROAD, KELSEYVILLE, CA; and

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(b) **MARK LINBACK - APPLICATION NO. 2006-04 - ASSESSMENT PARCEL NO. 052-051-330-000 - LOCATED AT 1472 CASENTINI DRIVE, COBB, CA** - A Memorandum dated March 6, 2007, from Assistant Clerk of the Board Georgine Hunt, stating that the Clerk's Office had received requests to withdraw Assessment Appeal Application No. 2006-32 and Assessment Appeal Application No. 2006-04.

12. ITEM A-12 - 11:30 A.M. - ASSESSMENT APPEAL HEARING:

KMART CORPORATION - APPLICATION NO. 2004-21 - ASSESSMENT PARCEL NUMBER - 05-045-40-00 - LOCATED AT 2019 MAIN STREET, LAKEPORT, CA - A Memorandum dated March 6, 2007, from Assistant Clerk of the Board Georgine Hunt was received stating that a request to withdraw Assessment Appeal Application No. 2004-21, was received by the Clerk's Office, and no further action is necessary.

The Lake County Board of Equalization adjourned and reconvened as the Board of Supervisors.

13. ITEM A-16 - (a) CONSIDERATION OF REQUEST TO WAIVE THE FORMAL BIDDING PROCESS FOR PURCHASE OF A TACTICAL VEHICLE, AND MAKE A DETERMINATION THAT COMPETITIVE BIDDING WOULD PRODUCE NO ECONOMIC BENEFIT TO THE COUNTY; and (b) APPROVE THE PURCHASE OF A USED GMC TOPKICK 4500 (TO BE USED BY SWAT AS A TACTICAL VEHICLE) FROM LAKESHORE FIRE DEPARTMENT IN THE AMOUNT OF \$65,329 (VEHICLE IS BEING PURCHASED FROM THE OFFICE OF EMERGENCY SERVICES BUDGET) - Sheriff Rodney Mitchell and Lakeshore Fire Battalion Chief Willie Sapeta were present.

On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the formal bidding process for purchase of a tactical vehicles, and made a determination that competitive bidding would produce no economic benefit to the County.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the purchase of a used GMC Topkick 4500 (to be used by SWAT as a tactical vehicle) from Lakeshore Fire Department in the amount of \$65,329 (vehicle is being purchased from the Office of Emergency Services Budget).

14. ITEM A-17 - Continued From February 27, 2007 - (a) CONSIDERATION OF REQUEST TO WAIVE THE FORMAL BIDDING PROCESS FOR PURCHASE OF A VEHICLE, AND MAKE A DETERMINATION THAT COMPETITIVE BIDDING WOULD PRODUCE NO ECONOMIC BENEFIT TO THE COUNTY; and (b) APPROVE THE PURCHASE OF A 2008 F450 REGULAR CAB 2-WHEEL DRIVE PICK-UP TRUCK FROM HOLDER FORD IN THE AMOUNT OF \$39,759.87 - Sheriff Rodney Mitchell was present.

On motion of Supervisor Robey and by vote of the Board (5 ayes), waived the formal bidding process for purchase of a vehicle, and made a determination that competitive bidding would produce no economic benefit to the County.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the purchase of a 2008 F450 Regular Cab 2-wheel drive pick-up truck from Holder Ford in the amount of \$39,759.87.

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

15. ITEM A-15 - CONSIDERATION OF APPROVAL OF OUT-OF-STATE TRAVEL FOR UTILITY AREA 1 SUPERINTENDENT ROBERT SADERLUND, TO SALT LAKE CITY, UTAH, FROM MAY 18-25, 2007, TO ATTEND CONFERENCE TRAINING FOR "AZTECA CITYWORKS" (ASSET MANAGEMENT SOFTWARE) - Special Districts Administrator Mark Dellinger was present and stated that the cost, which includes travel, lodging, meals and training, will be \$2,200.

On motion of Director Robey and by vote of the Board (4 ayes, Director Brown NO), approved out-of-state travel for Utility Area 1 Superintendent Robert Saderlund, to Salt Lake City, Utah, from May 18-25, 2007, to attend conference training for "Azteca Cityworks" (asset management software training).

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

16. ITEM A-14 - DISCUSSION OF IMPACTS OF SB 1535, PERTAINING TO STATE DEPARTMENT OF FISH AND GAME FEES AND RECOMMENDATION TO REQUEST A CATEGORICAL EXEMPTION FOR PUBLIC AGENCIES - Supervisor Robey explained to the Board that Senate Bill 1535 was passed last year and went into effect January 1, 2007. This legislation raised the fees paid to the Department of Fish and Game and eliminated the fee exemption for project which have a "de minimus" impact on fish and wildlife. This new law has serious fiscal and legal consequences for counties, cities and other local government agencies, as it applies to all project which under CEQA result in a Negative Declaration or an EIR. County initiated projects which now fall under this law includes, but are not limited to General Plan updates, Area Plans, bridge replacements, road realignments, sewer plant upgrades, etc.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved letters to Assemblywoman Patty Berg, Senator Pat Wiggins and CSAC representatives, requesting a categorical exemption for public agencies from the Department of Fish and Game filing fees for Notices of Determination, and authorized the Chair to sign.

There being no further business, the Board adjourned at 12:26 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board