



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MAY 22, 2007

The Honorable Board of Supervisors of Lake County, California, met in regular session this 22nd day of May, 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 9:05 a.m. by Chair Smith. Following a moment of silence, County Counsel Anita Grant 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-25, with the exception of C-8 and C-17, which will be taken up immediately following the approval of the Consent Agenda.

Approved Minutes of the Board of Supervisors meetings held on May 1 and 8, 2007.

Adopted Proclamation designating the week of May 20th through May 26th, 2007 as Emergency Medical Services Week.

Adopted Proclamation designating the week of May 20th through May 26th, 2007 as National Public Works Week in Lake County.

Adopted Proclamation designating the month of May 2007 as Older Californians Month in Lake County.

Approved First Amendment to Contract between the County of Lake and Dazzling Janitorial Services for janitorial services at the Department of Social Services Facility in Lower Lake, and authorized the Chair to sign.

Approved letters to Senator Dutton and Senator Lowenthal in support of Senate Bill 286 - Transportation Bond-local Streets and Roads (passage of this bill will provide funding for road improvements, construction, safety and traffic relief), and authorized the Chair to sign both letters.

Adopted Resolution No. 2007-107 approving Agreement No. 07-0040 with the State of California, Department of Food and Agriculture and authorizing execution and signature of advertising and labeling of petroleum and automotive products as well as inspection of Public Weighmasters.

Approved Amendment to the Memorandum of Understanding between the County of Lake and CSAC Excess Insurance Authority to continue participation in the General Liability Program, and authorized the Chair to sign.

Approved Amendment to the Memorandum of Understanding between the County of Lake and CSAC Excess Insurance Authority to continue participation in the Excess Workers' Compensation Liability Program, and authorized the Chair to sign.

Approved Lake County Priorities for Child Care Report, and authorized the Chair to sign.

Adopted Resolution No. 2007-108 approving the County of Lake and the State of California Combined Negotiated Net (NNA) and Drug Medi-Cal (DMC) multi-year contract to provide alcohol and/or drug services for Fiscal Years 2007/2008, 2008/2009 and 2009/2010 and authorizing the Mental Health Director to sign.

Adopted Resolution No. 2007-109 approving the State of California Alcohol and Drug Programs Strategic Prevention Plan for the County of Lake Division of Alcohol and Other Drug (AODS) Services for Fiscal Years 2007/2008, 2008/2009 and 2009/2010.

Adopted Resolution No. 2007-110 authorizing the Chair, Lake County Board of Supervisors to sign a Notice of Completion for work performed under agreement dated April 12, 2007 (installation of a built-up roofing system at the Redbud Library, Clearlake).

Approved Amendment No. Two to Agreement between the County of Lake and Northwest Biosurvey for environmental services for Lampson Airport Sewer Extension Project, and authorized the Chair to sign.

Approved plans and specifications for the construction of drainage improvements at Lampson Field Airport, and authorized the Assistant Purchasing Agent to advertise for bids.

(A) Approved waiver of the permit fees in the amount of \$215 for the National Water Ski Racing Association - Region 1/NorCal Boat and Ski Club; and (B) approved Property Usage Permit and Administrative Encroachment Permit for the National Water Ski Racing Association - Region 1/NorCal Boat and Ski Club, and authorized the Chair to sign.

Approved Engineering and Inspection Agreement between the County of Lake and Kevin Vallauri for engineering services for the review of plans and inspection of work as a condition of a tentative parcel map, located at 21210 Santa Clara Road, Middletown (APN 024-461-19), and authorized the Chair to sign.

Adopted Resolution No. 2007-111 temporarily authorizing a road closure, prohibiting parking and authorizing removal of vehicles and ordering the Department of Public Works to post signs (roads located in Middletown, for purposes of conducting Middletown Days Parade and events).

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Approved Easement Deed (PG&E) and directed Clerk to certify for recordation (APNs 027-211-06 and 027-211-07 - Edward E. Seely and Frances A. Seely, Trustees), and approved right-of-way Agreement between County of Lake and Edward E. Seely and Frances A. Seely, Trustees, for rehabilitating of a portion of downtown Upper Lake, undergrounding of utility lines), and authorized the Chair to sign.

Adopted Resolution No. 2007-112 approving final parcel map and the signing of the final parcel map (Hathcock et Al).

Waived the 900 hour limit for extra-help Evidence Technician William Mooney (not to exceed 1,000 hours).

Sitting as the Board of Directors of Lake County Sanitation District, adopted Resolution No. 2007-113 appropriating unanticipated revenue in the amount of \$125,000 (received from payment of mitigation measures for the Davita, Adagio and Olympic Village developments), for collection system rehabilitation, Budget Unit No. 8350 - Buildings and Improvements-Current.

Sitting as the Board of Directors of Lake County Sanitation, approved Mainline Extension Agreement between the Lake County Sanitation District and Donald Trip to extend a sewer mainline to service 3614 Mountain View Street, Clearlake (APN 039-652-07), and authorized the Chair to sign.

2. **CONSENT AGENDA ITEM C-8 - CONSIDERATION OF PROPOSED FINDINGS OF FACT AND GRANT THE APPEAL (AP 07-02) OF ROBERT FRANKLIN 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 of Supervisor Robey and by vote of the Board (4 ayes, Supervisory Farrington NO), approved Findings of Fact and granted the Appeal (AP 07-02) of Robert Franklin 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, and authorized the Chair to sign.

This item was taken up again later in the day.

3. **CONSENT AGENDA ITEM C-17 - (A) CONSIDERATION OF WAIVER OF PERMIT FEES IN THE AMOUNT OF \$215 FOR TRIATHLON ONE O ONE; and (B) CONSIDERATION OF PROPERTY USAGE PERMIT AND ADMINISTRATIVE ENCROACHMENT PERMIT FOR TRIATHLON ONE O ONE** - On motion of Supervisory Brown and by vote of the Board (5 ayes), waived the permit fees in the amount of \$215 for Triathlon One O One, and approved the Property Usage Permit and Administrative Encroachment Permit for Triathlon One O One, and authorized the Chair to sign.

4. **ITEM A-2 - PRESENTATION OF ANIMALS THAT ARE AVAILABLE FOR ADOPTION AT THE LAKE COUNTY ANIMAL CARE AND CONTROL SHELTER** - Animal Control Officer Morgan Nelsen presented one (1) canine and one (1) feline available for adoption.

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

Change Order No. 3, Lower Lake Schoolhouse Museum Bell Tower Addition - This change order reflects a change from plans to use mock louvers to authentic louvers.

Public Services Director Kim Clymire gave a brief summary.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved Change Order No. 3, for an additional \$4,849.00, R&C Construction, and authorized the Chair to sign.

The Board of Supervisors adjourned and convened as the Board of Directors of Lake County Redevelopment Agency.

6. **ITEM A-14 - Advanced From May 8, 2007 - PROPOSED ORDINANCE OF THE BOARD OF DIRECTORS OF THE LAKE COUNTY REDEVELOPMENT AGENCY CONTAINING A DESCRIPTION OF THE LAKE COUNTY REDEVELOPMENT AGENCY'S PROGRAM TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN IN THE NORTHSORE REDEVELOPMENT PROJECT AREA, PURSUANT TO SB 53 - (SECOND READING)** - Director Rushing offered Ordinance No. 2821, and it was passed by a roll-call vote (4 ayes, Director Brown NO).

The Board of Directors of Lake County Redevelopment Agency adjourned and convened as the Board of Supervisors.

7. **ITEM A-5 - 9:15 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE WEEK OF MAY 20TH THROUGH MAY 26TH, 2007 AS EMERGENCY MEDICAL SERVICES WEEK** - Supervisor Brown read the proclamation into the record.

8. **ITEM A-6 - 9:20 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE WEEK OF MAY 20TH THROUGH MAY 26TH, 2007 AS NATIONAL PUBLIC WORKS WEEK IN LAKE COUNTY** - Supervisor Farrington read the proclamation into the record and presented it to Public Works Director Gerry Shaul, who spoke.

9. **ITEM A-15 - CONSIDERATION OF REQUEST TO HIRE EXTRA-HELP DISASTER RECOVERY ENGINEER AT A RATE OF \$50 PER HOUR (POSITION WILL BE RESPONSIBLE FOR THE DESIGN OF SMALL PROJECTS, PREPARATION OF RFPs FOR LARGE PROJECTS, PREPARATION OF CONTRACT DOCUMENTS, PREPARATION OF BID PACKAGES AND ALL OTHER ASSOCIATED WORK NECESSARY TO EFFECT MAXIMUM REIMBURSEMENT FOR ALL ELIGIBLE ROAD AND FLOOD CONTROL FACILITIES)** - Public Works Director Gerry Shaul gave a brief summary.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the hiring of Mr. Budge Campbell as an extra-help Disaster Recovery Engineer at a rate of \$50 per hour.

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

10. **ITEM A-17 - CONSIDERATION OF REQUEST TO WAIVE THE FORMAL BIDDING PROCESS FOR PURCHASE OF FLASH BOARD SYSTEM FOR THE MODIFICATIONS TO THE CLOVER CREEK DIVERSION WEIR PROJECT; AND MAKE A DETERMINATION THAT COMPETITIVE BIDDING WOULD PRODUCE NO ECONOMIC BENEFIT TO THE COUNTY FOR PURCHASE OF A FLASH BOARD SYSTEM, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR/ASSISTANT PURCHASING AGENT TO ISSUE PURCHASE ORDER TO FLOOD CONTROL AMERICA IN THE AMOUNT OF \$36,550, FOR THE PURCHASE OF A FLASH BOARD SYSTEM** - On motion of Director Rushing and by vote of the Board (5 ayes), waived the formal bidding process for purchase of the flash board system for the modifications to the Clover Creek Diversion Weir Project, and made the determination that competitive bidding would produce no economic benefit to the County for purchase of a flash board system, and authorized the Public Works Director/Assistant Purchasing Agent to issue a purchase order to Flood Control America in the amount of \$36,550, for the purchase of a flash board system.

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

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11. **ITEM A-7 - 9:30 A.M. - DISCUSSION/CONSIDERATION OF PROPOSED ORDINANCE ESTABLISHING FEES FOR THE WILDLIFE SERVICES PROGRAM** - Agricultural Commissioner Steven Hajik and USDA APHIS Wildlife Services Sacramento District Supervisor Jack Parriott gave a brief summary.

There was Board consensus to not proceed with adoption of the proposed ordinance and to work with the Agricultural Department to encourage the Cities of Lakeport and Clearlake to financially support the program, and the Board voiced its intention to fund the balance through the General Fund.

12. **ITEM A-16 - CONSIDERATION OF REQUEST FOR 900 HOUR EXTRA-HELP DEPUTY SHERIFF'S TO RECEIVE CALL OUT PAY** - Sheriff Rod Mitchell gave a brief summary.

This item will be amended and will be brought back before the Board at a future date.

13. **ITEM A-18 - PROPOSED AMENDMENT NO. ONE TO MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF LAKE AND THE SHERIFF'S DEPUTIES' ASSOCIATION, FOR FISCAL YEARS 2006/2008 (TO PROVIDE ALTERNATIVE WORK SCHEDULE)** - County Counsel Anita Grant gave a brief summary.

Sheriff Rod Mitchell was present.

Chair Smith asked if anyone present wished to speak on this item and Ms. Joan Moss 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), approved Amendment No. one to the Memorandum of Understanding between the County of Lake and the Sheriff's Deputies Association, for Fiscal years 2006/2008 (to provide alternative work schedule).

After a short recess, the Board reconvened at 10:55 a.m.

14. **ITEM A-8 - Carried Over From May 1, 2007 - 10:00 A.M. - PRESENTATION BY REPRESENTATIVES OF DRUG POLICY ALLIANCE NETWORK, REGARDING THE SYRINGE EXCHANGE PROGRAMS (SEP) IN CALIFORNIA** - Mr. Nikos Leverenz notified Assistant Clerk of the Board Mireya Turner, that he is unable to attend today's meeting and requested that this item be carried over to June 19, 2007, at 11:15 a.m.

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

15. **ITEM A-9 - 10:30 A.M. - DISCUSSION/CONSIDERATION OF RECOMMENDATIONS FROM THE CLEAR LAKE ADVISORY SUBCOMMITTEE REGARDING ZEBRA (QUAGGA) MUSSELS AND REQUEST FOR AUTHORIZATION TO EXPEND TOT AQUATIC PLANT MANAGEMENT FUNDS FOR PUBLIC EDUCATION AND OUTREACH FOR AQUATIC INVASIVE SPECIES** - Water Resources Deputy Director Pam Francis and Water Resources Program Coordinator Carolyn Ruttan gave a power point presentation.

Chair Smith asked if anyone present wished to speak on this item and the following persons spoke: Ed Calkins, Robert Stark, Steven Hajik, Terry Knight, Janet Cawn, Tiffany Revelle and Jim Hershey. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Director Robey and by vote of the Board (5 ayes), authorized spending funds from Budget Unit No. 1892 - Marketing and Economic Development - Water Quality Improvement, to test ten (10) of the most used launch sites for the presence of Quagga mussels.

There was consensus by the Board for staff to write state officials, strongly encouraging them to set up testing sites to mitigate threat of Clear Lake exposure to the Quagga mussel, and for staff to bring ideas and suggestions for mussel mitigation measures back before the Board on June 5, 2007, at 1:30 p.m.

On motion of Director Rushing and by vote of the Board (5 ayes), approved requiring the sponsors of the lake related events approved on today's Board agenda be required to guarantee that the watercraft involved in the events be decontaminated before entering the lake.

This item was continued to June 5, 2007, at 1:30 p.m.

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

Supervisor Brown was absent at 11:18 a.m. and was present at 11:20 a.m.

16. **ITEM A-10 - 11:00 A.M. - DISCUSSION/CONSIDERATION OF CLARIFICATION AND MODIFICATIONS TO URGENCY ORDINANCE NO. 2798 ADOPTING EMERGENCY WATER CONSERVATION RESTRICTION FOR COUNTY SERVICE AREA NO. 2 - SPRING VALLEY LAKES** - Special Districts Administrator Mark Dellinger gave a brief presentation.

Chair Smith asked if anyone present wished to speak on this item and the following persons spoke: Florence Kinder and Jim Hershey. 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), directed staff to modify Urgency Ordinance No. 2798 to read as follows: SECTION 2: Any water use exceeding 1,000 cubic feet per month per single family dwelling equivalent will be surcharged in the amount of \$6.00 per each 100 cubic feet in excess per bi-monthly billing.

An amended urgency ordinance will be brought back to the board for further consideration on June 5, 2007.

17. **ITEM A-19 - CLOSED SESSION - 1. 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; and 2. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: SDA** - Chair Smith announced that the Board will now go into Closed Session for the reason stated on the agenda.

The Board reconvened into Regular Session with no action taken.

18. **ITEM A-11 - 1:20 P.M. - (a) PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF MAY 2007 AS OLDER CALIFORNIANS MONTH IN LAKE COUNTY; and (b) UPDATE ON THE AREA ON AGING** - Supervisor Robey read the proclamation into the record and presented it to Social Services Director Carol Huchingson and Susan Era, who spoke.

Laurie Sweeney of the Area Agency on Aging also spoke.

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19. **ITEM A-12 - 1:30 P.M. - PUBLIC HEARING - DISCUSSION/CONSIDERATION OF A PROPOSED ORDINANCE RESCINDING THE GRADING ORDINANCE LOCATED IN CHAPTER 5 OF THE LAKE COUNTY CODE AND ADOPTING A NEW GRADING ORDINANCE TO BE ADDED AS CHAPTER 30 OF THE LAKE COUNTY CODE; THIS ORDINANCE WAS DEVELOPED AND REVIEWED BY THE GRADING ADVISORY COMMITTEE AND INCLUDES DETAILED DEFINITIONS, MORE CLEARLY DEFINED THRESHOLDS FOR ENVIRONMENTAL REVIEW BASED ON WATERCOURSE CORRIDORS AND MORE DETAILED GRADING DESIGN STANDARDS FOR EROSION AND STORMWATER CONTROL; THE PROPOSED GRADING ORDINANCE HAS BEEN FOUND TO BE CATEGORICALLY EXEMPT FROM CEQA, AS A CLASS 8 EXEMPTION: "ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF THE ENVIRONMENT"** - Community Development Director Rick Coel, Special Projects Consultant Melissa Floyd, Chief Building Inspector Mary Jane Fagalde, Water Resources Engineer Tom Smythe, Deputy Public Works Director-Water Resources Pam Francis and Air Pollution Control Officer Bob Reynolds were present.

Peter Windrem, Chair of the Grading Ordinance Committee gave a presentation of the proposed ordinance.

Chair Smith opened the public hearing and the following persons spoke: Roland Shaul, Robert Krieger, Julianna Vidich, Bobby Dutcher, Victoria Brandon, James Evans, Steven Hajik and Robert Riggs.

There was consensus by the Board for staff to address various suggested revisions to the ordinance and an amended ordinance will be brought back to the Board for further consideration on June 26, 2007, at 1:30 p.m.

The public hearing was continued to June 26, 2007, at 1:30 p.m.

BACK TO ITEM #2 - CONSENT AGENDA ITEM C-8 - CONSIDERATION OF PROPOSED FINDINGS OF FACT AND GRANT THE APPEAL (AP 07-02) OF ROBERT FRANKLIN 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 of Supervisor Rushing and by vote of the Board (5 ayes), rescinded the motion approving the Findings of Fact and granted the Appeal (AP 07-02) of Robert Franklin 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, and authorized the Chair to sign.

On motion of Supervisor Robey and by vote of the Board (3 ayes, Supervisors Rushing and Farrington NO), approved Findings of Fact and granted the Appeal (AP 07-02) of Robert Franklin 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, and authorized the Chair to sign.

There being no further business, the meeting was adjourned at 4:45 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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