



# MINUTES

## COUNTY OF LAKE

### BOARD OF SUPERVISORS

#### OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD AUGUST 5, 2008

The Honorable Board of Supervisors of Lake County, California, met in Regular Session this 5<sup>th</sup> day of August, 2008, there being present Supervisors Jeff Smith, Denise Rushing, Anthony Farrington and Ed Robey, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner. Supervisor Brown was absent, but present later in the day.

The meeting was called to order at 9:00 a.m. After a moment of silence, Chair Robey 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-18, with the exception of C-15, which will be taken up immediately following the Consent Agenda.

Approved Minutes of the Board of Supervisors meetings held on July 8, July 15, and July 22, 2008.

Adopted Resolution No. 2008-140 authorizing application for the Federal Hazardous Materials Emergency Preparedness Grant (HMEP) to the Governor's Office of Emergency Services for Fiscal Year 2008/2009, and authorized the Director of Health Services to sign grant application and grant.

Adopted Resolution No. 2008-141 approving the Maternal and Child Health (MCH) Grant Application with the State Department of Health Services for Fiscal Year 2008/2009, and authorizing the Director of Health Services to sign application and grant.

Approved Contract between the County of Lake and Gerardo Toribio, MD for specialty Mental Health services, in the amount of \$70,200 per year and authorized the Chair to sign.

Adopted Resolution No. 2008-142 approving final parcel map and the signing of the final parcel map (Lampson).

Approved Grant Deed and directed Clerk to certify for recordation (A portion of Meadow Drive - Catherine Simpson, Trustee of the Catherine A. Simpson Revocable Trust of 2007); and approved Purchase Agreement between the County of Lake and Catherine Simpson for Soda Bay Road/Big Valley Rancheria Road Rehabilitation Project and authorized the Chair to sign.

Adopted Resolution No. 2008-143 approving Right-of-Way Certification Main Street Kelseyville Sidewalk Project, Federal Project No. STPLE 5914 (044), and authorizing Chair to sign Right-of-Way Certificate.

Approved Grant Deed and directed Clerk to certify for recordation (A portion of Meadow Drive - Mark E. Duncan and Kelly L. Duncan); and approved Purchase Agreement between the County of Lake and Mark E. Duncan and Kelly L. Duncan for Soda Bay Road/Big Valley Rancheria Road Rehabilitation Project and authorized the Chair to sign.

Approved Grant Deed and directed Clerk to certify for recordation (A portion of Meadow Drive - Carl E. Martin and Betty Martin); and approved Purchase Agreement between the County of Lake and Carl E. Martin and Betty Martin for Soda Bay Road/Big Valley Rancheria Road Rehabilitation Project and authorized the Chair to sign.

Approved Grant Deed and directed Clerk to certify for recordation (A portion of Meadow Drive - Dawn A. Thomas); and approved Purchase Agreement between the County of Lake and Dawn A. Thomas for Soda Bay Road/Big Valley Rancheria Road Rehabilitation Project and authorized the Chair to sign.

Approved Grant Deed and direct Clerk to certify for recordation (A portion of Meadow Drive - Robert W. Sonnennburg, Trustee under that certain Declaration of Trust executed 4/10/1991); and approved Purchase Agreement between the County of Lake and Robert W. Sonnennburg for Soda Bay Road/Big Valley Rancheria Road Rehabilitation Project and authorized the Chair to sign.

Approved Grant Deed and directed Clerk to certify for recordation (A portion of Meadow Drive - Elva Mercado); and approve Purchase Agreement between the County of Lake and Elva Mercado for Soda Bay Road/Big Valley Rancheria Road Rehabilitation Project and authorized the Chair to sign.

Approved Engineering and Inspection Agreement between County of Lake and Dennis De La Montanya for construction new subdivision map road and drainage improvements, located at 8245 Point Drive, Kelseyville, and authorized the Chair to sign.

Adopted Resolution No. 2008-144 authorizing the Director, Public Works Department, to Sign a Notice of Completion for work performed under Agreement dated May 27, 2008 (Gaddy Lane, State Street to Loasa Road Pavement Rehabilitation).

Appointed Suzanne Lyons to the Clear Lake Advisory Subcommittee for a term expiring on January 1, 2010.

Approved the request and order consolidation of the South Lake County Fire Protection District's Special election with the Municipal Election to be held on November 4, 2008, for the purpose of establishing a new appropriations limit.

Approved Agreement between the County of Lake and the Regents of the University of California, Davis for training services, in the amount of \$55,200 (funded by State and Federal funds in the amount of \$46,920 and an In-Kind Match by UCD of \$8,280) and authorized the Chair to sign.

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

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2. **CONSENT AGENDA ITEM C-15 - Consideration of proposed Contract between the County of Lake and Pestmaster Services for vegetation control services on levee crowns, reservoir access roads, within levee cross sections, on dam faces and other appurtenant flood control structures, in the amount of \$19,522.30** - Public Works Director Brent Siemer gave a brief summary.

On motion of Director Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the Contract between the County of Lake and Pestmaster Services for vegetation control services on levee crowns, reservoir access roads, within levee cross sections, on dam faces and other appurtenant flood control structures, in the amount of \$19,522.30, and authorized the Chair to sign.

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

3. **ITEM A-4 - Current Construction Projects - Contract Change Orders -**

**Change Order No. 1 - Gaddy Lane - State Street to Loasa Road Pavement Rehabilitation in Kelseyville, CA** - This change order addresses the balancing of final in-place material quantities.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved Change Order No. 1, for an increase of \$1,478.23, Granite Construction Company and authorized the Chair to sign.

**Citizen's Input** - Judy Kempler spoke regarding the decreasing amount of water in Cole Creek and County response.

Ronnie Reid and spoke regarding a Code Enforcement notice.

Michael Kircy spoke regarding a Code Enforcement notice.

4. **ITEM A-5 - 9:10 A.M. - Consideration of appointments to fill vacancies on Lower Lake Waterworks District #1 Board of Directors** - Chair Robey introduced this item.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown ABSENT), appointed Cynthia LeBrun and Michael Smith to the Lower Lake Waterworks District #1 Board of Directors, for terms expiring January 1, 2010.

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

5. **ITEM A-6 - 9:15 A.M. - (A) PUBLIC HEARING - Review and public comment on the Proposed 2008/2009 Lake County Air Quality Management District Budget, in accordance with California Public Health and Safety Code Section 40131; and (B) Proposed Resolution to establish Post Employment Health Benefits Designation in the amount of \$80,175** - Air Quality Management Officer Bob Reynolds, Deputy Air Quality Management Officer Doug Gearhart and Senior Air Quality Specialist Elizabeth Knight were present.

(A) Mr. Reynolds gave a brief summary.

Supervisor Brown was present at 9:33 a.m.

Chair Robey opened the public hearing and Tom Slight spoke. No one else was present wishing to speak and the public hearing was closed.

Board consensus opposed any further state subvention cuts to local Air Districts.

(B) An amendment was made to the proposed resolution, changing the amount of the Post Employment Health Benefits Designation from \$80,175 to \$70,000.

Director Smith offered Resolution 2008-145 and it was passed by roll call vote (5 ayes).

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

6. **ITEM A-7 - 9:30 A.M. - Presentation by Rev. Shannon Kimbell-Auth about the Innisfree Project to abate homelessness in Lake County** - Reverend Shannon Kimbell-Auth gave a presentation to the Board on the Innisfree Project.

Chair Robey asked if there was anyone present wishing to speak and Rae Eby-Carl spoke. No one else was present wishing to speak and the public input portion of this item was closed.

This item was informational only. No Board action was taken on this item.

7. **ITEM A-8 - 10:00 A.M. - PUBLIC HEARING - Intention to Change the Name of an Existing Road from "Scotts Creek Drive" to "Rue du Bateau" Located in the Blue Lakes Valley Estates Subdivision No. 1, Upper Lake, California** - Public Works Director Brent Siemer gave a brief summary.

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

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the naming an existing road from "Scotts Creek Drive" to "Rue Du Bateau" located in the Blue Lakes Valley Estates Subdivision No. 1, Upper Lake, California.

8. **ITEM A-18 - Consideration of approval of Findings of Fact - Appeal of James Clement (AB 08-06) of the Planning Commission's approval of a Minor Use Permit (MUP 06-63) for John and Joanne Van Eck to allow the operation of 9 commercial stables, riding academy for a maximum of 15 students per week and the construction of a carriage house/clubhouse facility (approximately 2,200 square feet) to be used for approved special events (up to 3 per year); this project is located at 4965 Steelhead Drive, Kelseyville, CA (APN 008-018-15)** - As required by State law, Supervisor Farrington recused himself and was absent at 10:30 a.m.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the Findings of Fact and authorized the Chair to sign.

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On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), granted the appeal in part.

Supervisor Farrington was present at 10:35 a.m.

9. **ITEM A-9 - 10:15 A.M. - PUBLIC HEARING - (a) Purchase of real property consisting of approximately 176 acres of land in Kelseyville, California, located on Mt. Konocti, commonly known as Buckingham Peak (APN 009-002-09), the agreed purchase price is \$1,200,000; the seller is Buckingham Peak, LLC a California Limited Liability Company; (b) Consideration of Option to Purchase Agreement for the acquisition of property on Mt. Konocti (APNs 009-003-09, 19, 40, 41 and 45), consisting of approximately 1,512 acres for a purchase price of \$2,600,000; the Optioners are Michael Fowler and Diana Madura, Individually and as Successor Trustee of the Elsa Fowler Revocable Trust of 2002; and (c) Consideration of proposed Memorandum of Understanding between the County of Lake, Conservation Partners, and Cal-BLMX Inc., regarding the acquisition of Mt. Konocti property for conservation purposes - Public Services Director Kim Clymire was present.**

County Administrative Officer Kelly Cox presented the staff report.

Chair Robey opened the public hearing and the following people spoke: Victoria Brandon, Suzanne Shultz, Gary Whelan, Randy Ridgel and Mildred Pickersgill. No one else was present wishing to speak and the public hearing was closed.

(A) Supervisor Brown offered Resolution No. 2008-139 and it was passed by roll call vote (5 ayes).

(B) On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Option to Purchase Agreement and Addendum No. 1 for the acquisition of property on Mt. Konocti (APNs 009-003-09, 19, 40, 41 and 45), consisting of approximately 1,512 acres for a purchase price of \$2,600,000; the Optioners are Michael Fowler and Diana Madura, Individually and as Successor Trustee of the Elsa Fowler Revocable Trust of 2002 and authorized the Chair to sign.

(C) Mr. Clymire presented a brief summary.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Memorandum of Understanding between the County of Lake, Conservation Partners, and Cal-BLMX Inc., regarding the acquisition of Mt. Konocti property for conservation purposes and authorized the Chair to sign.

After a brief recess, the Board reconvened at 10:52 a.m.

10. **ITEM A-10 - 10:30 A.M. - Discussion of the creation of a Special Assessment District for the bridge over Big Canyon Creek at Ettawa Springs, Middletown - Public Works Director Brent Siemer and Community Development Director Rick Coel were present.**

Robert Riggs gave a brief summary on behalf of the residents.

Chair Robey asked if anyone was present wishing to speak and the following people spoke: Eric Ruppe, Lina Hale, Elizabeth Solliday. No one else was present wishing to speak and the public input portion of this item was closed.

Board consensus supported County involvement with the construction of the bridge over Big Canyon Creek at Ettawa Springs, Middletown, in concept, and directed staff to bring options to the Board for future consideration.

11. **ITEM A-11 - 11:00 A.M. - HEARING - Notice of Nuisance Abatement - 11809 Widgeon Way, Clearlake Oaks, CA (APN 035-275-10 - Joan Cornett) - Community Development Director Rick Coel, Code Enforcement Manager Voris Brumfield, Chief Building Officer Dave Jezek, Walter Blanchard and Neil Bloomfield were sworn in by the Clerk.**

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

Neither the owner, nor a representative were present.

Mr. Blanchard and Mr. Bloomfield gave testimony.

Due to the immediate health and safety hazards, amendments were made to the Order to Abate.

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 11809 Widgeon Way, Clearlake Oaks, CA (APN 035-275-10 - Joan Cornett), within seven (7) 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, pending the result of the responsibility allocation study and authorized the Chair to sign the abatement order.

12. **ITEM A-12 - 11:05 A.M. - HEARING - Notice of Nuisance Abatement - 11793 Widgeon Way, Clearlake Oaks, CA (APN 035-272-09 - Neil Bloomfield) - Community Development Director Rick Coel, Code Enforcement Manager Voris Brumfield, Chief Building Officer Dave Jezek, Walter Blanchard and Neil Bloomfield were sworn in by the Clerk.**

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

Mr. Blanchard and Mr. Bloomfield gave testimony.

Due to the immediate health and safety hazards, amendments were made to the Order to Abate.

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 11793 Widgeon Way, Clearlake Oaks, CA (APN 035-272-09 - Neil Bloomfield), within seven (7) 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, pending the result of the responsibility allocation study, and authorized the Chair to sign the abatement order.

13. **ITEM A-13 - 11:30 A.M. - Presentation of Annual Report from the Lake County Mental Health Board - Mental Health Director Kristy Kelly and Board Chair Dr. Katherine Andre were present.**

Dr. Andre presented the Annual Report from the Lake County Mental Health Board.

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This item was informational only. No Board action was taken on this item.

14. **ITEM A-24 - Consideration of recommended Bid Award for Clearlake Oaks Plaza Project (Bid NO 08-40)** - Public Works Director Brent Siemer and Deputy Redevelopment Director Eric Seely were present.

Mr. Seely presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), awarded Bid No. 08-40 to KAT Construction in the amount of \$914,132.52, for the Clearlake Oaks Plaza Project and authorized the Chair to sign.

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

15. **ITEM A-14 - Continued from May 6, 2008 - 1:30 P.M. - PUBLIC HEARING - Appeal of Heart Consciousness Church/Harbin Hot Springs (AB 08-02) of the Planning Commission's approval of a Minor Use Permit (MUP 06-41) for Eagle Consulting on behalf of U.S. Cellular, for the construction and operation of a wireless communication facility on leased parcels, which will consist of a synthetic pine tree-type 62-foot high steel monopole with six panel antennas; project located at 19237, 19241, 19657, 19672 and 19682 Harbin Springs Road, Middletown, CA (APNs 014-240-01, 014-240-05, 014-240-06, 014-240-08 and 014-240-09)(Clerk's Notation: US Cellular has withdrawn its application for this Minor Use Permit.)** - Chair Robey announced that US Cellular had withdrawn its application, rendering this appeal moot.

16. **ITEM A-23 - Discussion and request for Board direction regarding the Falconer Property Acquisition - Lampson Field** - Public Works Director Brent Siemer gave a brief summary.

Peter Windrem spoke on behalf of the sellers.

The Board supported the Falconer Property Acquisition - Lampson Field, in concept if the acquisition costs are entirely funded by grants, and directed staff to return to the Board with options for consideration.

17. **ITEM A-15 - 1:35 P.M. - Update from the Quagga Mussel Task Force and discussion regarding inspection stations and decontamination units in Lake County** - Deputy Public Works Director - Water Resources Pam Francis gave a power point presentation.

Chair Robey asked if anyone was present wishing to speak and the following people spoke: Ed Calkins, Cheri Holden and Melissa Fulton.

The Board directed staff to return two decontamination units and to return to the Board for direction regarding the refunded amount. Staff was also directed to return to the Board with an update on the activities of the Mussel Task Force.

After a brief recess, the Board reconvened at 3:07 p.m.

- BACK TO ITEM A-15 - 1:35 P.M. - Update from the Quagga Mussel Task Force and discussion regarding inspection stations and decontamination units in Lake County** - The Board requested an update from the Sheriff's Office regarding enforcement of the Inspection Program for all boats entering Clear Lake.

18. **ITEM A-21 - Continued from July 22, 2008 - Consideration of proposed Agreement between the County of Lake and SHN Consulting Engineers & Geologists, Inc for engineering services for Victoria Drainage-Luceme Channelization and Culvert Upgrade in the amount of \$27,760** - Public Works Director Brent Siemer gave a brief summary.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and SHN Consulting Engineers & Geologists, Inc for engineering services for Victoria Drainage-Luceme Channelization and Culvert Upgrade in the amount of \$27,760, and authorized the Chair to sign.

19. **ITEM A-22 - Consideration of Award of Bid No. 08-41 for one (1) new smooth single drum vibratory compactor** - Public Works Director Brent Siemer gave a brief summary.

On motion of Supervisor Brown and by vote of the Board (5 ayes), awarded Bid No. 08-41 to Rental Solutions in the amount of \$77,344.00 for one (1) new smooth single drum vibratory compactor and authorized the Chair to sign.

20. **ITEM A-19 - (a) Consideration of proposed resolution approving the necessary documents to achieve the transfer of responsibility of the Fourth Floor of the Lake County Courthouse (the Court Facility) from the County to the State and provide for the continued maintenance thereof; (b) Consideration of proposed Memorandum of Joint Occupancy Agreement; (c) Consideration of proposed Transfer Agreement between the Judicial Council of California, Administrative Office of the Courts, and the County of Lake for the transfer of responsibility for Court Facility; (d) Consideration of proposed Joint Occupancy Agreement between the Judicial Council of California, Administrative Office of the Courts, and the County of Lake; and (e) Consideration of proposed Memorandum of Understanding between Judicial Council of California, Administrative Office of the Courts, and the County of Lake for Court Facility services relating to Lakeport Court Facility** - Deputy County Administrative Officer Matt Perry provided the staff report.

Supervisor Brown offered Resolution No. 2008-146, and it was passed by roll call vote (5 ayes).

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Memorandum of Understanding between the Judicial Council of California, Administrative Office of the Courts, and the County of Lake for Court Facility Services relating to Lakeport Court Facility and authorized the Chair to sign.

21. **ITEM A-20 - Consideration of request for approval of Advanced Step Hiring (5<sup>th</sup> Step) of applicant for the position of Chief Probation Officer** - County Administrative Officer Kelly Cox gave a brief summary.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Advanced Step Hiring (5<sup>th</sup> Step) of Meredith Helton for the position of Chief Probation Officer.

22. **ITEM A-25 - Consideration of requested amendment to Uniform and Clothing Purchase Policy to allow Department to purchase such clothing and personal equipment for staff use while assigned to specialty units** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Amendment to the Uniform and Clothing Purchase Policy.

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By consensus, Mr. Cox was directed to follow up with the Sheriff to discuss issues relative to the implementation of this policy amendment.

23. **ITEM A-17 - Consideration of approval of Findings of Fact - Appeal of Vicious Animal Abatement Order, located at 5012 Blue Court, Kelseyville (Frances Layton)** - Due to his absence during the hearing on July 8, 2008, Supervisor Brown recused himself.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSTAIN) approved the Findings of Fact and authorized the Chair to sign.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSTAIN) denied the appeal.

24. **ITEM A-26 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: LCEA, LCCOA, SDA and DDAA 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: California United Homecare Workers 3. Conference with Legal Counsel - Anticipated Litigation - (a) Significant Exposure to Litigation Pursuant to Sub division (b) of Section 54956.9: One Potential Case** - Chair Robey announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board returned to Regular Session with no action taken.

There being no further business, the Board adjourned at 3:50 p.m.

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Chair - Lake County Board of Supervisors

KELLY F. COX  
Clerk of the Board

By: \_\_\_\_\_  
Mireya G. Turner  
Assistant Clerk of the Board