



# MINUTES

## COUNTY OF LAKE

### BOARD OF SUPERVISORS

#### OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MARCH 18, 2008

The Honorable Board of Supervisors of Lake County, California, met in regular session this 18<sup>th</sup> day of March, 2008, there being present Supervisors Jeff Smith, Denise Rushing, Anthony Farrington, Rob Brown, Ed Robey, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner.

The meeting was called to order at 9:03 a.m. by Chair Robey, with Supervisor Farrington absent (Supervisor Farrington was present at 9:04 a.m.). Following 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-21 with the exception of Consent Items C-6, and will be taken up immediately following the approval of the Consent Agenda.

Approved Minutes of the Board of Supervisors meetings held on March 4 and 6, 2008.

Adopted Proclamation designating March 18, 2008, as National Agriculture Day in Lake County.

Appointed Cheri Lee Glenn Holden to the Clear Lake Advisory Subcommittee (Recreation Industry Category) for a term expiring January 1, 2009.

Appointed Richard Reeves to the Building Board of Appeals (District 1 Representative) for a term expiring on January 1, 2009.

Waived the 900 hour limit for extra-help Office Assistant Dallas Cook (to a maximum no greater than 999 hours in Fiscal Year 2007/2008).

Adopted Resolution No. 2008-46 amending Resolution No. 2007-177 establishing position allocations for Final Budget for Fiscal Year 2007/2008, Budget Unit No. 1121 - Auditor-Controller (temporarily increasing the number of Account Clerk I/II allocations by one through June 30, 2008).

Adopted Resolution No. 2008-47 prohibiting parking on State Route 20 along the Third Avenue Plaza in Lucerne.

Adopted Resolution No. 2008-48 declaring intent to contract back the Emergency Medical Services Appropriation (EMSA) program funding for Fiscal Year 2007/2008 to the California Department of Public Health.

Adopted Resolution No. 2008-49 amending Resolution No. 2007-177 establishing position allocations for Fiscal Year 2007/2008, Budget Unit No. 4015 - Alcohol & Other Drug Services (deleting one Substance Abuse Prevention Coordinator and adding one Compliance Technician).

Adopted Resolution No. 2008-50 approving final parcel map and the signing of the final parcel map (Boydjief).

Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 008-010-24 - Myron Holdenried, Brent Holdenried, Marilyn Holdenried and Debbi Holdenried); and approved Purchase Agreement between the County of Lake and Myron Holdenried, Brent Holdenried, Marilyn Holdenried and Debbi Holdenried for Soda Bay Road Curve Realignment Project and authorized the Chair to sign.

Adopted Resolution No. 2008-51 accepting Official Canvass of the Presidential Primary Election held on February 5, 2008.

Waived the 900 hour limit for extra-help Bailiffs Duayne Emis, David Jones, Mike Powers, Mike Wood and Cliff Swetnam and Marine Patrol Deputies Jim Campbell, Paul Simpson and Lloyd Wells.

Approved Operating and Financial Plan for Cooperative Patrol between the County of Lake and U.S. Forest Service, for reimbursable services provided by Law Enforcement in the Lake Pillsbury region and authorized the Chair to sign.

Approved Reporting Service Subscription Agreement between the County of Lake and the National Council on Crime and Delinquency for internet access to safe measures in the amount of \$20,000, and authorized the Chair to sign.

Waived of the 900 hour limit for extra-help Eligibility Worker Elizabeth Gutierrez.

Sitting as the Board of Directors of the Lake County Redevelopment Agency, adopted Resolution No. 2008-04 (RD) determining that planning and administrative expenses are necessary for the production, improvement or preservation of low and moderate income housing.

Sitting as the Board of Directors of the Lake County Redevelopment Agency, adopted Resolution No. 2008-05 (RD) accepting conveyance of real property located at 5747 Tully Trail, Lucerne, CA (APN 033-443-28).

Sitting as the Board of Directors of the Lake County Sanitation District, adopted Resolution No. 2008-52 ordering the summary vacation of a sanitary sewer line easement, Streets and Highways Code Section 83333.

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Sitting as the Board of Directors of the Lake County Sanitation District Adopted Resolution No. 2008-53, authorizing the Special Districts Administrator to sign a Notice of Completion for work performed under agreement dated July 25, 2007 (Southeast Geysers Effluent Pipeline Chlorination Facility).

2. **CONSENT AGENDA ITEM C-6 - CONSIDERATION OF PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND IMPACT CONSULTING AND TRAINING FOR A PEAR SHED ADAPTIVE RE-USE STUDY IN THE AMOUNT OF \$18,660 (\$15,160 WILL BE PAID FOR BY CDBG GRANT AND \$3,500 WILL BE PAID BY CDBG PROGRAM INCOME)**  
-This item was pulled to allow for discussion.

Chair Robey asked if anyone was present wishing to speak and the following people spoke: Phil Murphy, Chuck March and Robert Stark. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown NO), approved the Agreement between the County of Lake and Impact Consulting and Training for a Pear Shed Adaptive Re-use Study in the amount of \$18,660 (\$15,160 will be paid for by CDBG Grant and \$3,500 will be paid by CDBG Program Income), and authorized the Chair to sign.

3. **ITEM A-2 - PRESENTATION OF ANIMALS THAT ARE AVAILABLE FOR ADOPTION AT THE LAKE COUNTY ANIMAL CARE AND CONTROL SHELTER** - Animal Control Officer Morgan Hermann presented one dog and one cat currently available for adoption.

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

**Change Order No. 2 - Animal Care Facility, Phase 2** - This change order addresses extra work requested by the owner which are enhancements to the minimum code requirements specified.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Change Order No. 2, for an increase of \$6,055.00, REM Construction, and authorized the Chair to sign.

5. **CITIZEN'S INPUT** - Robert Stark spoke regarding the upcoming 2<sup>nd</sup> Cobb Area Water District Water Forum.

Michael Dunlap spoke regarding a Public Records request.

6. **ITEM A-5 - 9:15 A.M. - PRESENTATION OF CALIFORNIA HIGHWAY PATROL'S CERTIFICATE OF ACHIEVEMENT TO THE LAKE COUNTY DEPARTMENT OF PUBLIC WORKS FOR THE 9<sup>TH</sup> CONSECUTIVE SATISFACTORY SAFETY COMPLIANCE RATING** - Public Works Director Gerry Shaul was present.

Chair Robey presented the award to Heavy Equipment Fleet Maintenance Lead Worker Don Hoberg, who spoke.

7. **ITEM A-6 - 9:20 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING MARCH 18, 2008, AS NATIONAL AGRICULTURE DAY IN LAKE COUNTY** - Supervisor Brown read the Proclamation into the record and presented it to local 4-H members, California Women for Agriculture Co-Presidents Stephanie Cruz-Green and Joanne Van Eck and California Women for Agriculture Board Members Marilyn Holdenreid and Margaret Eutenier, who spoke.

8. **ITEM A-7 - 9:30 A.M. - HEARING - NUISANCE ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$2,695.10 - 4348 LAKEVIEW TERRACE, LUCERNE, CA (APN 034-472-43-00 - ROSS BISER and LUCIA BISER)** - Code Compliance Manager Voris Brumfield was sworn in by the Clerk.

Neither the property owner nor a representative were present.

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

On motion of Supervisor Rushing and vote of the Board (5 ayes), confirmed the assessment of \$2,695.10 for nuisance abatement on property located at 4348 Lakeview Terrace, Lucerne, CA (APN 034-472-43-00 - Ross Biser and Lucia Biser), pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

9. **ITEM A-8 - 9:35 A.M. - HEARING - NUISANCE ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$1,266.71 - 10310 MULBERRY STREET, LOCH LOMOND, CA (APN 050-022-17-00 - KENNETH DENGLER)** - Code Compliance Manager Voris Brumfield was sworn in by the Clerk.

Neither the property owner nor a representative were present.

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

On motion of Supervisor Rushing and vote of the Board (5 ayes), confirmed the assessment of \$1,266.71 for nuisance abatement on property located at 10310 Mulberry Street, Loch Lomond, CA (APN 050-022-17-00 - Kenneth Dengler), pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

10. **ITEM A-9 - 9:45 A.M. - DISCUSSION/CONSIDERATION OF PROPOSED ACQUISITION OF PROPERTY ON MT. KONOCTI FOR PUBLIC PARKS PURPOSES** - Public Services Director Kim Clymire gave a power point presentation regarding the proposed acquisition.

Chair Robey asked if there was anyone present wishing to speak and the following people spoke: Peter Windrem, Nancy Ruzicka, Victoria Brandon, Tom Nixon, Marilyn Waits, Tony Marchete, Michael Friel, Tom Slate, Carolyn Marchete, Gary Olson, Monte Winters, Brad Barnwell, Louise Talley, Brad Onorato and Art Carson. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Brown and by vote of the Board (5 ayes), renewed its endorsement of the proposed acquisition of property on Mt. Konocti for public parks purposes, with interest in purchasing the communications tower property section, with a tentative commitment to contribute \$1.2 million from one-time unanticipated federal geothermal royalties in the Fiscal Year 2008-09 budget.

After a brief recess, the Board reconvened at 11:07 a.m.

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11. **ITEM A-10 - 11:00 A.M. - (a) UPDATE BY CODE COMPLIANCE REGARDING THE PROGRESS ON THE ABATEMENT OF NUISANCE LOCATED AT 9100 and 9250 ADOBE CREEK ROAD, KELSEYVILLE, CA (APNs 011-003-51-00 and 011-003-052-00 - CHARLES LAWRENCE FOWLER); and (b) REQUEST FOR BOARD DIRECTION AS TO FURTHER ACTION** - Community Development Director Rick Coel, Code Compliance Manager Voris Brumfield, Environmental Health Director Ray Ruminski and Charles Fowler were present.

Code Compliance Manager Voris Brumfield gave a power point presentation on the update of the abatement.

Charles Fowler spoke.

Chair Robey asked if anyone was present wishing to speak and the following people spoke: Joan Moss, John Brooks, Richard Schnabl and Tom Macomber. No one else was present wishing to speak and the public input portion of this item was closed.

No action was taken by the Board. The award of bids for the necessary abatements will be scheduled for consideration on the Board's agenda of April 1, 2008.

The Board recessed for lunch and reconvened at 1:33 p.m.

12. **ITEM A-11 - 1:30 P.M. - PRESENTATION OF AWARDS TO LOCAL STUDENTS WHO PARTICIPATED IN A POSTER CONTEST REGARDING QUAGGA MUSSELS** - Clear Lake Advisory Subcommittee member Suzanne Lyons presented prizes to the following students: Theresa Rasmussen, Morgan Kuck, Evey Ross, Chasen Tom, Camrie Enger and Caleb Blyleven.

13. **ITEM A-12 - 1:35 P.M. - DISCUSSION OF QUAGGA MUSSEL ISSUES AND CONSIDERATION OF OPTIONS TO LIMIT THE CURRENT EXPOSURE TO THE THREAT OF A QUAGGA MUSSEL INFESTATION IN CLEAR LAKE** - Public Works Director Gerry Shaul, Deputy Public Works Director - Water Resources Pam Francis, and Water Resources Program Coordinator Carolyn Ruttan were present.

After an introduction by Supervisor Rushing, Mr. Shaul presented a brief summary.

Ms. Francis gave a power point presentation on the quagga mussel issues.

After a brief recess, the Board reconvened at 3:21 p.m.

Chair Robey asked if there was anyone present wishing to speak and the following people spoke: Phil Murphy, Robert Stark, Jack Bettencourt, Ed Calkins, Paul Breunig, Victoria Brandon, John Brooks, Tom Slate, Paul Kolb, Melissa Fulton, Lynette Shimek and Louise Talley. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Farrington and by vote of the Board approved moving forward with the thirteen suggested actions recommended by staff in the Memorandum dated March 12, 2008.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), appointed Supervisors Smith and Brown to a task force with staff, assigned to bring recommendations to the Board regarding an ordinance establishing an inspection fee for boats entering Clear Lake.

This item was continued to March 20, 2008, at 1:30 p.m.

14. **ITEM A-14 - CONSIDERATION OF REQUEST FROM SHERIFF MITCHELL FOR APPOINTMENT OF WORKING GROUP FOR IMPLEMENTATION OF SYRINGE EXCHANGE PROGRAM** - This item was carried over to March 25, 2008.

15. **ITEM A-15 - CONSIDERATION OF PROPOSED THIRD AMENDMENT TO AGREEMENT BETWEEN THE COUNTY OF LAKE AND LAKE LEGAL DEFENSE SERVICES INC. TO PROVIDE INDIGENT CRIMINAL DEFENSE SERVICES (EXTENDING EXPIRATION DATE TO SEPTEMBER 30, 2010, MODIFYING THE ASSIGNMENT OF JUVENILE CASES, AND INCORPORATING A 5% COST OF LIVING ADJUSTMENT EFFECTIVE OCTOBER 1, 2008)** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Third Amendment to Agreement between the County of Lake and Lake Legal Defense Services Inc. to provide indigent criminal defense services (extending expiration date to September 30, 2010, modifying the assignment of juvenile cases, and incorporating a 5% cost of living adjustment effective October 1, 2008), and authorized the Chair to sign.

16. **ITEM A-16 - CONSIDERATION OF APPROVAL OF FINDINGS OF FACT - APPEAL OF BRAD PETERS, JOHNNIE LEE AND HARRY WHITLOCK (AB 07-06) OF THE PLANNING COMMISSION'S OF MODIFIED TENTATIVE SUBDIVISION MAP (SD 07-02) TO ALLOW A 90+ ACRE PARCEL TO BE SUBDIVIDED INTO 4 RESIDENTIAL PARCELS BETWEEN 2.13 ACRES AND 3.00 ACRES (WITH BUILDING ENVELOPES TO MINIMIZE IMPACTS TO AGRICULTURE) AND ONE AGRICULTURAL PARCEL OF 76.15 ACRES. THIS PROJECT IS LOCATED AT 3454, 3565, 3585 AND 3595 HILL ROAD, LAKEPORT, CA (APNS 005-012-33, 005-015-35, 005-017-75 AND 005-017-77)** - On motion of Supervisor Farrington and by vote of the Board (3 ayes, Supervisors Smith and Brown NO), granted the appeal, approved the Findings of Fact, and authorized the Chair to sign.

17. **ITEM A-18 - DISCUSSION/CONSIDERATION OF WAIVING OF NORMAL TIMELINES IN THE GRADING ORDINANCE TO ALLOW GRADING TO OCCUR PRIOR TO APRIL 15** - Community Development Director Rick Coel gave a brief summary.

Chair Robey asked if anyone was present wishing to speak and Marilyn Waits spoke.

Board consensus supported the waiving of normal timelines in the Grading Ordinance to allow grading to occur prior to April 15, 2008.

18. **ITEM A-17 - CONSIDERATION OF APPROVAL OF THE WRITTEN DECISION IN THE APPEAL OF ADMINISTRATIVE PENALTIES ISSUED BY ANIMAL CARE AND CONTROL (YVONNE L. METZLER)** - On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSTAIN), approved the Findings of Fact, denied the appeal, and authorized the Chair to sign.

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19. **ITEM A-19 - CONSIDERATION OF REQUEST TO ADD ONE .5 NURSE PRACTITIONER-PHYSICIAN'S ASSISTANT TO BUDGET UNIT NO. 4011 - PUBLIC HEALTH** - Supervisor Brown announced he would abstain due to a financial relationship with the proposed hire.

Supervisor Smith offered Resolution 2008-54 and it was passed by roll call vote (4 ayes, Supervisor Brown ABSTAIN).

20. **ITEM A-21 - UPDATE ON EMERGENCY ACTION TAKEN ON SEPTEMBER 11, 2007, REGARDING MT. HANNAH WATER TANK REPLACEMENT** - On motion of Supervisor Smith and by vote of the Board (5 ayes), found the emergency still exists.

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

21. **ITEM A-20 - DISCUSSION/CONSIDERATION OF PROVIDING FUNDING FOR ADDITIONAL REPAIRS TO THE LUCERNE ALPINE SENIOR CENTER COMMUNITY BUILDING** - County Administrative Officer Kelly Cox presented a brief summary.

Prior to committing to provide additional Redevelopment Agency funding to the Lucerne Alpine Seniors for needed repairs to the Senior Center building. Staff was directed to conduct a comprehensive inspection of the building and its deficiencies and report back to the Board. Staff was also directed to investigate ways to ensure the building remain a public building in the future if Redevelopment Agency funds are to be used to make costly repairs to the building.

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

22. **ITEM A-22 - 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** - 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 6:35 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