



# MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

## OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MARCH 25, 2008

The Honorable Board of Supervisors of Lake County, California, met in regular session this 25<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. Following a moment of silence in memory of Tessa Walker of Hidden Valley, Supervisor Smith 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-20 with the exception of Consent Item C-16, which will be taken up later in the day.

Adopted Proclamation appointing Mary McMillan as the Lake County Poet Laureate for 2008/2009.

Adopted Proclamation designating the month of March 2008, as Social Worker Appreciation Month in Lake County.

Appointed Patricia E. Sullivan to the Middletown Cemetery District Board of Trustees for a term expiring on January 1, 2012.

Appointed John Gaffney (Senior Community Representative), to the IHSS Public Authority Advisory Board for a term expiring on January 1, 2010.

Approved Second Amendment to the 2007/2008 Agreement between the County of Lake and David H. Williams, MD for specialty mental health services (reduction of the total maximum compensation to \$126,000) and authorized the Chair to sign.

Approved First Amendment to the Agreement between the County of Lake and San Sousee for adult residential services (reduction of the total maximum compensation to \$115,000) and authorized the Chair to Sign.

Adopted Resolution No. 2008-55, appropriating unanticipated revenue in the amount of \$80,000 (received from Social Services) for costs associated with residential treatment services for CalWorks participants - Budget Unit No. 4015 - Alcohol and Other Drug Services (AODS).

Adopted Resolution No. 2008-56, approving the Second Amendment to the Contract between the County of Lake and Lake County Community Action Agency (New Beginnings) and authorizing the Mental Health Director to sign the necessary amendment for Fiscal Year 2007/2008.

Approved Engineering and Inspection Agreement between County of Lake and Damon Fanucchi for review of plans and specifications and inspection of work for a tentative subdivision map (SD 06-14), located at 15375 Stonefield Court, Middletown (APN 014-111-22) and authorized the Chair to sign.

Approved Engineering and Inspection Agreement between County of Lake and Syd Kelly for review of plans and specifications and inspection of work for a tentative subdivision map (SD 05-08), located at 21000 Santa Clara Road, Middletown (APN 014-380-09) and authorized the Chair to sign.

Awarded Bid No. 08-21 to Bond Blacktop Inc. in the amount of \$358,825.09 for the Riviera Heights Cape Seal Coating Project and authorized the Chair to sign the notice of award.

Adopted Resolution No. 2008-57, approval of right of way certification all County maintained street name signs State Agreement No. HSIPL 5914 (053).

Adopted Resolution No. 2008-58, authorizing the Director, Public Works Department, to sign a notice of completion for work performed under agreement dated October 1, 2008 (emergency repair of Jail facilities damaged by water intrusion).

Approved letters to State Senator Patricia Wiggins and State Assembly Member Patricia Berg regarding opposition to delays in payment of Highway Users Tax to local agencies and opposition to changing the allocation of Proposition 42 Revenue and authorized the Chair.

Awarded Bid No. 08-14 to Playgrounds by Design in the amount of \$38,550 for Hinman Park Gazebo Project and authorized the Chair to sign the notice of award.

Adopted Resolution No. 2008-59, amending Resolution No. 2007-177 establishing position allocations for Fiscal Year 2007/2008, Budget Unit No. 2601 - Agriculture Commissioner (deleting one Deputy Agricultural Commissioner-Sealer of Weights and Measures and adding one Deputy Weights and Measures Sealer-Agricultural Biologist/Deputy Agricultural Commissioner-Weights and Measures Inspector/Deputy Agricultural Commissioner-Sealer of Weights and Measures).

Adopted Resolution No. 2008-60, setting rate of pay for Election Officers for the June 3, 2008, District Primary Election pursuant to Section 12310 of the Elections Code.

Adopted Proclamation designating April 3, 2008 as the Day to End Sexual Violence, April 23<sup>rd</sup>, 2008 as Denim Awareness Day and the month of April 2008 as Sexual Assault Awareness Month in Lake County.

Sitting as the Board of Directors of the Lake County Watershed Protection District, approved Agreement between the Lake County Watershed Protection District and Alameda County Flood Control and Water Conservation District for right of way and relocation services for the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project in the amount of \$35,000 and authorized the Chair to Sign.

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

**EXTRA #1 - CONSIDERATION OF A PROPOSED INTERIM URGENCY ORDINANCE ESTABLISHING AN INSPECTION PROGRAM FOR ALL WATER VESSELS LAUNCHED IN THE COUNTY OF LAKE** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved taking up this item due to the fact that the need arose after to posting of today's agenda.

This item will be taken up later in the day.

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

**CHANGE ORDER NO. 1 - ELECTRIC METER CONVERSIONS FOR UPPER LAKE UTILITY UNDERGROUNDING IN UPPER LAKE, CA** - This change order reflects the cost of extending the electric connection from the existing conduit to the meter main.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Change Order No. 1, for an increase of \$515.50, Lawrence Electric, Inc., and authorized the Chair to sign.

**CHANGE ORDER NO. 1 - SCOTTS VALLEY ROAD REPAIR PM 4.75 IN LAKE COUNTY, CA** - This change order reflects the balancing of the final in-place material quantities.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Change Order No. 1, for an increase of \$1,387.40, Bouthillier's Construction, and authorized the Chair to sign.

4. **ITEM A-5 - 9:10 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING APRIL 3, 2008 AS THE DAY TO END SEXUAL VIOLENCE, APRIL 23<sup>RD</sup>, 2008 AS DENIM AWARENESS DAY AND THE MONTH OF APRIL 2008 AS SEXUAL ASSAULT AWARENESS MONTH IN LAKE COUNTY** - Supervisor Robey presented the Proclamation to Gloria Flaherty, who read it into the record.

5. **ITEM A-6 - 9:15 A.M. - PUBLIC HEARING - APPEAL OF RICHARD T. SIRI, SR. (AB 08-01) OF THE PLANNING COMMISSIONS DECISION OF THE CONDITION OF THE APPROVED TENTATIVE PARCEL MAP (PM 07-03) REQUIRING DEDICATION OF A 10' PEDESTRIAN EASEMENT PROVIDING ACCESS TO CLEAR LAKE FROM LAKESHORE BOULEVARD; PROJECT IS LOCATED AT 4445 AND 4436 LAKESHORE BOULEVARD, LAKEPORT, CA (APNs 029-141-20 AND 029-141-22)** - Community Development Director Rick Coel, Associate Planner Kevin Ingram, Richard Siri and Don Fulkerson were sworn in by the Clerk.

Mr. Ingram presented the staff summary.

Mr. Siri and Mr. Fulkerson presented testimony.

This item was continued two weeks, to April 8, 2008, at 10 a.m.

After a brief recess, the Board reconvened at 10:40 a.m.

6. **ITEM A-7 - 9:45 A.M. - PUBLIC HEARING - APPEAL OF JEANNE FORD (AB 07-07) OF THE PLANNING COMMISSION'S DENIAL OF A REQUEST FOR VARIANCE TO ALLOW AN EXISTING DECK WITHIN THE SIDE AND REAR YARD SETBACK; PROJECT IS LOCATED AT 535 WALNUT DRIVE, LAKEPORT, CA (APN 029-161-37)** - Community Development Director Rick Coel, Assistant Planner Bill Stockton, Jeanne Ford and Brian Reemer were sworn in by the Clerk.

Mr. Stockton presented the staff summary.

Ms. Ford and Mr. Reemer presented testimony.

This item was continued to later in the day.

Supervisor Brown was absent at 11:00 a.m. and present at 11:04 a.m.

7. **ITEM A-9 - 10:25 A.M. - PRESENTATION OF PROCLAMATION APPOINTING MARY MCMILLAN AS THE LAKE COUNTY POET LAUREATE FOR 2008/2009** - Supervisor Rushing read a poem by Mary McMillan, read the Proclamation into the record and presented it to Mary McMillan.

8. **ITEM A-10 - 10:30 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF MARCH 2008, AS SOCIAL WORKER APPRECIATION MONTH IN LAKE COUNTY** - Supervisor Smith read the Proclamation and presented it to Deputy Social Services Director Patricia Shuman, who spoke.

9. **ITEM A-12 - 11:00 A.M. - CONSIDERATION OF PROPOSED ORDINANCE ESTABLISHING A BOAT INSPECTION FEE TO PREVENT QUAGGA MUSSEL INFESTATION IN CLEAR LAKE** - Deputy Public Works Director - Water Resources - Pam Francis presented the staff summary.

On motion of Supervisor Smith and by vote of the Board (5 ayes), waived the reading of the ordinance, to be read in title only. (Clerk so did.)

Supervisor Smith offered Ordinance No. 2862, an interim urgency ordinance establishing an inspection program for all water vessels launched in the County of Lake, and it was passed by roll call vote (5 ayes).

Supervisor Brown was absent at 11:34 a.m. He was absent the rest of the day.

**BACK TO ITEM A-7 - 9:45 A.M. - PUBLIC HEARING - APPEAL OF JEANNE FORD (AB 07-07) OF THE PLANNING COMMISSION'S DENIAL OF A REQUEST FOR VARIANCE TO ALLOW AN EXISTING DECK WITHIN THE SIDE AND REAR YARD SETBACK; PROJECT IS LOCATED AT 535 WALNUT DRIVE, LAKEPORT, CA (APN 029-161-37)** - Chair Robey asked if anyone was present wishing to speak. No one was present wishing to speak and the public hearing was closed.

On motion of Supervisor Farrington and by vote of the Board (3 ayes, Supervisor Smith NO, Supervisor Brown ABSENT), granted the appeal of Jeanne Ford (AB 07-07), and directed County Counsel to prepare proposed Findings of Fact.

10. **ITEM A-8 - 10:15 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A TWO (2) YEAR EXTENSION OF TIME OF A TENTATIVE SUBDIVISION MAP TO CREATE 14 RESIDENTIAL LOTS ON 140 ACRES BASED ON INITIAL STUDY IS 03-84, FOR PROJECT APPLICANT JOHN PHILLIP OWNBEY; PROJECT IS LOCATED AT 16239 SPRUCE GROVE ROAD, MIDDLETOWN, CA (APN 013-060-38)** - Community Development Director Rick Coel, Assistant Planner Brian Horn and John Phillip Ownbey were present.

Chair Robey asked if anyone was present wishing to speak. No one was present wishing to speak and the public hearing was closed.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), found the Mitigated Negative Declaration, previously prepared for SD 03-02 does meet the requirements of Section 15162(a) of the CEQA Guidelines, and that no additional environmental review need be prepared with the findings listed in the memo dated February 29, 2008.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved an extension of time for Subdivision 03-02 for a period of two years to October 13, 2009, with the findings listed in the memo dated February 29, 2008.

11. **ITEM A-11 - 10:35 A.M. - REPORT REGARDING THE CURRENT STATUS OF THE LAKEPORT TRANSFER STATION AND CONSIDERATION OF OPTIONS FOR ITS FUTURE OPERATION INCLUDING STAFF'S RECOMMENDATION FOR TRANSITIONAL CLOSURE OVER THE NEXT 18 MONTHS TO COINCIDE WITH THE EXPANSION OF LAKE COUNTY WASTE SOLUTION'S TRANSFER STATION ON SODA BAY ROAD IN LAKEPORT** - Public Services Director Kim Clymire, Deputy Public Services Director Caroline Chavez and Community Development Director Rick Coel were present.

Mr. Clymire and Ms. Chavez presented a brief summary.

Lake County Waste Solutions Co-owners Bruce McCracken and Dave Carroll spoke.

The Board directed staff to explore the possibility of a transitional closure of the current transfer station over the next 18 months to coincide with the expansion of Lake County Waste Solution's transfer station on Soda Bay in Lakeport, and to return to the Board in six months with recommendations.

On motion of Supervisor Smith and by vote of the Board (3 ayes, Supervisor Farrington NO), supported Lake County Waste Solution in moving forward with their plans of acquiring the County waste stream from the transfer station, in the future with a new facility and directed staff to return to the Board in six months, to report on the status of Lake County Waste Solution's proposal, at which time the Board will decide whether or not to close the transfer station in approximately 18 months, and directed staff to agendize a discussion of mandatory/universal garbage collection, imposing road impact fees on the franchise haulers and a possible rate adjustment if such road impact fees are enacted.

Chair Robey passed the gavel to Vice-Chair Rushing.

12. **CONSENT AGENDA ITEM C-16 - CONSIDERATION OF PROPOSED BUDGET TRANSFER B-197 IN THE AMOUNT OF \$40,000, BUDGET UNIT 7011 - PARKS FOR CONSTRUCTION OF A WADING POOL AT THE MIDDLETOWN PARK** - Public Services Director Kim Clymire and Deputy Public Services Director Caroline Chavez were present.

On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved Budget Transfer B-197 in the amount of \$40,000, Budget Unit 7011 - Parks, for construction of a wading pool at the Middletown Park, and authorized the Chair to sign.

Vice-Chair Rushing returned the gavel to Chair Robey.

13. **ITEM A-14 - CONSIDERATION OF REQUEST FOR APPROVAL OF A LETTER TO THE U.S. DEPARTMENT OF INTERIOR REGARDING COMMENTS ON THE PROPOSED LAND TRUST ACQUISITION OF THE HABEMATOLEL POMO TRIBE** - On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the letter to the U.S. Department of Interior regarding comments on the proposed land trust acquisition of the Habematolel Pomo Tribe, and authorized the Chair to sign.

14. **ITEM A-15 - Carried Over From March 18, 2008 - CONSIDERATION OF REQUEST FROM SHERIFF MITCHELL FOR APPOINTMENT OF WORKING GROUP FOR IMPLEMENTATION OF SYRINGE EXCHANGE PROGRAM** - At the request of Supervisor Brown, this item was continued one week to April 1, 2008.

There being no further business, the Board adjourned at 1:00 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