



# MINUTES

## COUNTY OF LAKE

### BOARD OF SUPERVISORS

#### OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MAY 13, 2008

The Honorable Board of Supervisors of Lake County, California, met in Regular Session this 13<sup>th</sup> day of May, 2008, there being present Supervisors Jeff Smith, Denise Rushing, Anthony Farrington, Rob Brown, and Ed Robey, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Georgine Hunt.

The meeting was called to order at 9:00 a.m. After a moment of silence, Supervisor Farrington led the salute to the flag of the United States of America.

1. **ITEM A-1 - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-18.

Approved letter to State Legislative representatives in support of SB 1407 (Perata), relative to courthouse construction funding and authorized the Chair to sign.

Adopted Resolution No. 2008-90 revising the Fiscal Year 2007/2008 Final Budget to provide for a transfer of monies from the Animal Care and Control Budget to the Spay Neuter Programs Budget.

Approved letter to State Legislative representatives in support of AB 541 (Hoffman), relative to generically engineered crops and authorized the Chair to sign.

Adopted Proclamation designating the month of May 2008, as Older Californians Month in Lake County.

(a) Adopted Resolution No. 2008-91 approving a Cooperative Agreement with the U.S. Department of Agriculture to provide an Animal Damage Control Program for the County of Lake; and (b) Approved letter to the United States Department of Agriculture verifying the intent of the Board to enter into the 2008/2009 USDA Wildlife Services Management Program and authorized the Chair to sign.

Adopted Resolution No. 2008-92 approving Agreement No. 08-0092 with the State of California, Department of Food and Agriculture for compliance with Egg Inspection Agreement and authorizing execution thereof.

Waived the 900 hour limit for extra-help Pest-Detection Trappers Lynn Eutenier and Steve Woods (not to exceed 950 hours total).

Adopted Resolution No. 2008-93 cancelling designated reserves in the District Attorney SP Drug/Gang Act Fund (in the amount of \$26,372).

Approved Budget Transfer B-291 in the amount of \$18,460 for purchase of RevQ software (including training and support) for probation collections, Budget Unit No. 2302 - Probation, and authorized the Chair to sign.

Adopted Resolution No. 2008-94 approving submission of a full proposal to the Pacific Forest and Watershed Lands Stewardship Council's Youth Investment Program for an Infrastructure Grant to build a skateboard park at Hammond Avenue Park.

Adopted Resolution No. 2008-95 approving Application for Used Oil Recycling Block Grant 14<sup>TH</sup> Cycle Fiscal Year 2008/2009.

Adopted Resolution No. 2008-96 amending Resolution setting rate of pay for Election Officers for the June 3, 2008, Direct Primary Election pursuant to Section 12310 of the Elections Code.

Awarded bid to GTL for the replacement of the inmate phone system at the Lake County Jail/Hill Road Facility and Juvenile Hall (at no cost to the County) and authorized Sheriff Rodney Mitchell to sign the Contract with GTL.

Waived the 900 hour limit for extra-help Bailiffs Steve Jones, Mike Wood, James Everhart and Robert Piveronas and Evidence Technician Bill Mooney.

Approved Amendment 1 to the Memorandum of Understanding (MOU) between the County of Lake and California Statewide Automated Welfare System Consortium IV in the amount of \$2,352 and authorized Social Services Director Carol Huchingson to sign.

Approved annual delegation of investment authority to the County Treasurer per Government Code Section 53607.

Sitting as the Board of Directors of Lake County Sanitation District, approved plans and specifications for Sodium Hypochlorite Storage and Feed System improvements at the Middletown Wastewater Treatment Facility and authorized the Special Districts Administrator Mark Dellinger to advertise for bids.

Sitting as the Board of Directors of Lake County Sanitation District, approve plans and specifications for the construction of the Bear Canyon Zero Booster Pump Station at the Middletown Wastewater Treatment Facility and authorized the Special Districts Administrator Mark Dellinger to advertise for bids.

2. **ITEM A-3 - Consideration of items not appearing on the posted Agenda:**

**EXTRA #1 - Consideration of request to find it in the public interest to waive the normal bidding process and authorize the Public Works Director/Assistant Purchasing Agent to issue a purchase order in the amount of \$88,548.95 to Sacramento Truck Center for purchase of four (4) used 2001 Kenworth Model T-600 trucks (trucks can be equipped with water tank systems or 10-yard dump systems and will replace 2 water trucks and two 10-yard dump trucks) - 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 the posting agenda.**

This item was considered as an extra for the following reasons:

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On May 7, 2008, after difficult negotiations over several conversations the Heavy Equipment Fleet Supervisor was able to secure a very favorable price for the purchase of four used 2001 Kenworth Model T-600 trucks from the Sacramento Truck Center. Used equipment is sold to the first buyer, therefore the County must act quickly in obtaining approval to purchase.

This item will be taken up later in the day.

**EXTRA #2 - Consideration of request for necessity of a Closed Session item not on the posted Agenda - Conference with Legal Counsel - Existing Litigation (Pursuant to Subdivision (a) of Section 54956.9 - Name of Case: Residents for Responsible Solar Power, et al. v. County of Lake, et al. - On motion of Supervisor Smith 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:

This matter has arisen since the posting of today's agenda concerning existing litigation which requires Board direction in Closed Session. Based on these facts, there is a need to take immediate action on this matter.

This item will be taken up during Closed Session.

3. **CITIZEN'S INPUT** - Rosemarie Miller spoke regarding a Discretion Ordinance to control the visibility of pornographic materials in Lake County markets.

Mr. Phil Murphy spoke on prohibiting Genetically Engineered (GE) crops in Lake County and organic growers impact on local agriculture.

4. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - 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)** - Community Development Director Rick Coel and Associate Planner Kevin Ingram were present.

Supervisor Farrington stated that he owns property across the street from the proposed project and will not be participating in this hearing. Supervisor Farrington was absent at 9:18 p.m.

Mr. Ingram gave a brief overview of the project.

Mr. James Clement and Ms. Debbie Magestic were present and they gave a power-point presentation showing the concerns some surrounding property owners have with this project, which included flooding, noise, dust, traffic, parking, the size of the carriage house/clubhouse, excessive outdoor lighting and the impact on campsites in the State park.

Mr. John Van Eck, Mrs. Joanne Van Eck and Ms. Mary Jane Fagalde were present and they gave a power-point presentation explaining the uses and activities the Van Eck's are proposing for this project.

Chair Robey opened the public hearing and the following persons spoke: Mr. Ray Ruminski, Ms. Marlene Kurowski, Mr. Glen Claypool and Mr. James Cox.

The Board will make a site visit of the Van Eck's property on June 17, 2008, at 1:30 p.m. and the public hearing was continued to June 17, 2008, at 2:30 p.m.

After a short recess, the Board reconvened at 11:11 a.m. with Supervisor Farrington present. Supervisor Farrington was present at 11:11 a.m.

5. **ITEM A-6 - 10:30 A.M. - HEARING - Notice of Nuisance Abatement - 19872 Powder Horn Road, Hidden Valley Lake, CA (APN 142-462-08-00 - Toni L. Day)** - Community Development Director Rick Coel, Code Enforcement Manager Voris Brumfield, Code Enforcement Officer Roderic Hillard and Joan Stonark were sworn in by the Clerk.

Neither the owner, nor representation was present.

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

On motion of Supervisor Smith and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 19872 Powder Horn Road, California (APN 142-462-08-00 - Toni L. Day), within thirty (30) 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, and authorized the Chair to sign the abatement order.

6. **ITEM A-7 - 11:00 A.M. - HEARING - Notice of Nuisance Abatement - 13129 Third Street, Clearlake Oaks, CA (APN 035-411-08-00 - Estate of Karen Johnstone)** - Code Enforcement Manager Voris Brumfield and Code Enforcement Officer Allison Garrett were sworn in by the Clerk.

Neither the owner, nor representation was present.

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

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 13129 Third Street, Clearlake Oaks, California (APN 035-411-08-00), within thirty (30) 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, and authorized the Chair to sign the abatement order.

7. **ITEM A-8 - 11:20 A.M. - Presentation of Proclamation designating the month of May 2008, as Older Californians Month in Lake County** - Supervisor Brown read the proclamation into the record. The proclamation was presented to Ms. Susan Era and Ms. Lori Sweeney.

Ms. Era and Ms. Sweeney showed a power-point presentation on goals of the Area Agency on Aging.

Ms. Pat Grabham, representing Live Oak Senior Center also spoke.

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8. **ITEM A-9 - 11:30 A.M. - Consideration of a request from Susie Wiloth for waiver of use permit fees for an equine therapy and riding center located at 18115 Diamond Ridge Road, Lower Lake, CA** - Code Enforcement Manager Voris Brumfield and Code Enforcement Officer Roderic Hillard were present.

This item was continued later in the day.

The Board recessed for lunch at 12:01 and reconvened at 1:35 p.m.

9. **ITEM A-10 - 1:30 P.M. - (a) Consideration of proposed Ordinance establishing an inspection program for all water vessels launched in the County of Lake; and (b) Discussion/consideration of decontamination station locations in Lake County** - Deputy Director of Water Resources Pam Frances was present and gave an overview of the decontamination station locations and the proposed ordinance.

Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Ms. Melissa Fulton, Ms. Susanne Lyons, Ms. Betsy Cawn, Ms. Joan Moss and Mr. Paul Kolb. No one else was present wishing to speak and the public portion of this item was closed.

There were amendments made to the ordinance.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), waived the reading of the Ordinance and had it read in title only (Clerk so did).

On motion of Supervisor Rushing and by vote of the Board (5 ayes), advanced the Ordinance one week to May 20, 2008.

On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Supervisors Smith, Farrington and Supervisor Brown (alternate) to serve on the Quagga Ad Hoc Committee.

The discussion regarding the locations for the decontamination stations will be brought back to the Board at a later date.

- BACK TO #8 - ITEM A-9 - 11:30 A.M. - Consideration of a request from Susie Wiloth for waiver of use permit fees for an equine therapy and riding center located at 18115 Diamond Ridge Road, Lower Lake, CA** - Community Development Director Rick Coel was present and gave a brief overview of the riding center. The center has been opened for approximately two years and has been operating without use permits. The riding center has applied for a use permit and is requesting a waiver of the fees.

Ms. Susie Wiloth was also present and stated that this is a non-profit organization and asked that the use permit fees be waived.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the waiver of use permit fees for an equine therapy and riding center located at 18115 Diamond Ridge Road, Lower Lake, and the applicant will pay the cost of the use permit notice to be mailed out to the surrounding property owners and the cost of the legal publication of the use permit.

10. **ITEM A-13 - Update on emergency action taken on September 11, 2007, regarding Mt. Hannah water tank replacement** - On motion of Supervisor Brown 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.

11. **ITEM A-12 - Consideration of proposed Agreement between the Lake County Redevelopment Agency and California Engineering Company, Inc. for preparation of an application for a Community Development Block Grant for the Clearlake Oaks Senior Center Project** - Deputy Redevelopment Director Eric Seely was present and gave brief overview of the project.

On motion of Director Rushing and by vote of the Board (5 ayes), approved the Agreement between the Lake County Redevelopment Agency and California Engineering Company, Inc. for preparation of an application for a Community Development Block Grant for the Clearlake Oaks Senior Center Project and authorized Redevelopment Agency Executive Director Kelly Cox to sign.

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

12. **ITEM A-14 - Consideration of proposed Resolution amending Resolution No. 2007-177 establishing position allocations for Fiscal Year 2007/2008, Budget Unit No. 1903, Department of Public Works (temporarily increasing the number of Accountant I/II allocations by one)** - Supervisor Brown offered Resolution No. 2008-97 and it was passed by a roll-call vote (5 ayes).

- BACK TO #2 - ITEM A-3 - Consideration of items not appearing on the posted Agenda:**

**EXTRA #1 - Consideration of request to find it in the public interest to waive the normal bidding process and authorize the Public Works Director/Assistant Purchasing Agent to issue a purchase order in the amount of \$88,548.95 to Sacramento Truck Center for purchase of four (4) used 2001 Kenworth Model T-600 trucks (trucks can be equipped with water tank systems or 10-yard dump systems and will replace 2 water trucks and two 10-yard dump trucks)** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Budget Transfer B-322 in the amount of \$155,000, for the purchase of four (4) used 2001 Kenworth Model T-600 trucks, Budget Unit No. 9907 - I.S.F., and authorized the Chair to sign.

On motion of Supervisor Brown and by vote of the Board (5 ayes), found it in the public interest to waive the normal bidding process and authorize the Public Works Director/Assistant Purchasing Agent to issue a purchase order in the amount of \$88,548.95 to Sacramento Truck Center for purchase of four (4) used 2001 Kenworth Model T-600 trucks (trucks can be equipped with water tank systems or 10-yard dump systems and will replace 2 water trucks and two 10-yard dump trucks)

13. **ITEM A-15 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry; and (b) Employee Organizations: LCEA, LCCOA, SDA AND DDAA; 2. Public Employee Performance Evaluation: Title: Community Development Director; and 3. Conference with Legal Counsel - Anticipated Litigation - (a) Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9: Two Potential Cases** - Chair Robey announced that the Board will now go into Closed Session for the reasons stated on the agenda. Extra #2 will also be taken up at this time.

The Board reconvened into Regular Session with no action taken.

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There being no further business, the Board adjourned at 5:18 p.m.

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Chair - Lake County Board of Supervisors

KELLY F. COX  
Clerk of the Board

By: \_\_\_\_\_  
Georgine Hunt  
Assistant Clerk of the Board