



MINUTES

COUNTY OF LAKE

BOARD OF SUPERVISORS

MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MAY 6, 2008

The Honorable Board of Supervisors of Lake County, California, met in Regular Session this 6th 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 Mireya Turner.

The meeting was called to order at 9:01 a.m. After a moment of silence, David James 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-27.

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

Adopted Proclamation designating the week of May 4th through May 10th as National Correctional Officers' Week in Lake County.

Adopted Proclamation designating the month of May as Watershed Awareness Month in Lake County.

Adopted Proclamation designating the month of May as National Military Appreciation Month in Lake County.

Appointed Esterlina T. Gould to the Lake County Child Care Planning and Development Council for a term expiring on January 1, 2011.

Reappointed Mary Cardinale-Stein to the Emergency Medical Care Committee for a term expiring on January 1, 2009.

Approved Agreement between the County of Lake (Marketing and Economic Development Program) and the Lakeport Regional Chamber of Commerce for design and construction of the Lake County exhibit at the 2008 California State Fair, in the amount of \$6,000 (funded by the Marketing Program TOT funds), and authorized the Chair to sign.

Approved First Amendment to Agreement between the County of Lake and Pacific Municipal Consultants for preparation of an Environmental Impact Report for the Valley Oaks subdivision and commercial development project, (an increase of \$18,200) and authorized the Chair to sign.

Waived the 900 hour limit for extra-help Office Assistant Darla Lewis (to a maximum of 1300 hours) and extra-help Office Assistant Sharon Parks (to a maximum of 1200 hours).

Approved Budget Transfer B-256 in the amount of \$31,000 from Budget Unit No. 1904 - Information Technology, to support data storage needs, and authorized the Chair to sign.

Approved the Agreement between the County of Lake and Jeri E. Owens, M.D. in the amount of \$124,800, for specialty mental health services, and authorized the Chair to sign.

Approved the Second Amendment between the County of Lake and Kings View Corporation for telepsychiatry services (reducing the total maximum compensation to \$90,000), and authorized the Chair to sign.

Approved the Fourth Amendment to the Agreement between the County of Lake and Willow Glen Care Center for mental health services (reducing the total maximum compensation to \$185,000), and authorized the Chair to sign.

Approved First Amendment to the Agreement between the County of Lake and Esther Tarin-Flores for Spanish language interpreter and translation services (reducing the total maximum compensation to \$2,000), and authorized the Chair to sign.

Approved First Amendment to the Agreement between the County of Lake and ValueOptions, Inc., for administration of specialty mental health services (reducing the total maximum compensation to \$7,500 per fiscal year), and authorized the Chair to sign.

(a) Adopted Resolution No. 2008-84 appropriating unanticipated revenue to Budget Unit 4014, Mental Health Department, to pay for mental health services in conjunction with agreement between County of Lake and Casa Pacifica; and (b) Approved Contract between the County of Lake and Casa Pacifica for mental health services, for a maximum contract amount of \$14,000 for fiscal year 2007-2008, to be paid by revenue from Medi-Cal/Early Periodic Screening, Development & Training, and authorized the Chair to sign.

Adopted Resolution No. 2008-85 amending Resolution No. 2007-177 establishing position allocations for Fiscal Year 2007-2008, Budget Unit No. 4121, Integrated Waste Management (extending the addition of one (1) Solid Waste Heavy Equipment Operator allocation through September 30, 2008.).

Approved Plans and Specifications for the construction of drainage improvements at Lampson Field Airport Phase II, and authorized the Public Works Director/Assistant Purchasing Agent to advertise for bids.

Approved Plans and Specifications for 2005/2006 Storm Damage Repair: Elk Mountain Road Baserock Placement MPM 19.0 to 24.4, and authorized Public Works Director/Assistant Purchasing Agent to advertise for bids.

Approved purchase of 120 tons of Class II Baserock and Rip Rap materials from Epidendio Construction, Inc., in the amount of \$34,460, for storm damage repairs at the intersection of Bartlett Spring Road and Twin Valley Road, and authorized the Public Works Director/Assistant Purchasing Agent to issue a purchase order.

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Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 024-124-01 - Marie Steele); and approved Purchase Agreement between the County of Lake and Marie Steele for Kelseyville Main Street Sidewalk Project, and authorized the Chair to sign.

Adopted Resolution No. 2008-86 to appropriate unanticipated revenue to the Heavy Equipment Budget (in the amount of \$65,000 from user fees from various County departments) for the purchase of diesel fuel for ongoing operational activities of the Heavy Equipment Division.

Accepted Irrevocable Offers of Dedication for roadway and public utility purposes, (half width of Right of Way for Jacobsen Road along the frontage of the parcel described in the Condition Certificate of Compliance which lies approximately one mile southwest of the town of Kelseyville) Rogers et al, and directed Clerk to certify for recordation.

Approved Engineering and Inspection Agreement between the County of Lake and Parker Plastics, for engineering services for the review of plans and specifications and the inspection of work as a condition of tentative parcel map (PM 06-32), located at 12762 South State Highway 29, Lower Lake, and authorized the Chair to sign.

Approved Controlled Substance Operations Cooperative Agreement (United States Forest Service will pay Lake County \$35,000 to defray cost relating to the suppression of manufacturing and trafficking of controlled substances), and authorized the Chair to sign.

Approved Claims for Payment of Excess Proceeds from Tax Sale #145A (Group 2 Final) per Section 4675 of the Revenue and Taxation Code as recommended in memorandum dated April 24, 2008, from Treasurer-Tax Collector Sandra Kacharos.

Approved Claims for Payment of Excess Proceeds from Tax Sale #145 (Group 3 Final) per Section 4675 of the Revenue and Taxation Code as recommended in memorandum dated April 24, 2008, from Treasurer-Tax Collector Sandra Kacharos.

2. **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 canine available for adoption.

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

Extra #1 - Consideration of proposed ordinance of an urgency measure adopting and interim ordinance establishing a temporary moratorium on the approval of applications to construct, modify, or place wireless communication facilities - On motion of Supervisor Rushing 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 was considered an extra for the following reason:

On May 27, 2008, the Board will consider a proposed ordinance amending certain provisions of the Lake County Zoning Ordinance pertaining to telecommunications facilities. The prior moratorium has lapsed. The Chair of the Board of Supervisors expressed his concern that immediate action be taken to ensure that no applications for such facilities be approved during the brief time period before the above-described ordinance is made effective. The expiration of the previous moratorium came to the attention of the Board after the posting of the Regular Agenda.

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

Supervisor Brown offered Ordinance No. 2865, and it was passed by roll call vote (5 ayes).

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

Change Order No. 3 - Animal Care Facility, Phase 2 - This change order addresses extra work requested by the County.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved Change Order No. 3, for an increase of \$5,101.00, REM Construction, and authorized the Chair to sign.

5. **CITIZEN'S INPUT** - Paul Kolb spoke on Quagga mussel prevention.

The Human Resources Department staff thanked the Board for their support of the EATS Program.

Rosemarie Miller spoke regarding a Discretion Ordinance to control the visibility of pornographic materials in Lake County markets.

Shelly Mascari spoke regarding the Child Care industry in Lake County. Supervisor Rushing read into the record a proclamation declaring May 9, 2008 as Child Care Provider Appreciation Day in Lake County, and presented it to Ms. Mascari.

6. **ITEM A-5 - 9:10 A.M. - Presentation by David James of an historical print by acclaimed western artist Frank Magsino to be donated to the County of Lake** - David James gave a brief presentation and presented two historical prints by acclaimed western artist Frank Magsino as a donation to the County of Lake.

7. **ITEM A-6 - Continued from April 15, 2008 - 9:15 A.M. - HEARING - Notice of Nuisance Abatement - 6294 Sixth Street, Lucern, CA (APN 034-113-30-00 - Jayne Coronado aka Jayne Mosser)** - Code Enforcement 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 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 6294 Sixth Street, Lucerne, California, (APN 034-113-30-00 - Jayne Coronado aka Jayne Mosser), 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.

The Board of Supervisors adjourned and convened as the Lake County Board of Equalization.

The gavel was passed to Board of Equalization Chair Rushing.

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8. **ITEM A-7 - 9:30 A.M. - ASSESSMENT APPEAL HEARING - Adam and Christi Brodrick - Application No. 2007-68 - Assessment Parcel No. 050-063-120 - Located at 10523 Foothill Road, Loch Lomond, CA** - Chair Rushing read the application into the record.

Neither the property owner nor a representative were present.

The Clerk reported on the notification process and verified the address on the returned notice was the same as listed on the application.

On motion of Board Member Brown and by vote of the Board (5 ayes), denied the appeal.

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

The gavel was returned to Chair Robey.

9. **ITEM A-8 - 9:40 A.M. - Presentation of Proclamation designating the week of May 4th through May 10th as National Correctional Officers' Week in Lake County** - Supervisor Brown read the Proclamation into the record and presented it to Sheriff Rod Mitchell, who spoke.

10. **ITEM A-9 - 9:45 A.M. - Presentation by Lake County/City Area Planning Council of the Regional Blueprint Planning Program for Lake County, coordinated with the City of Lakeport and the City of Clearlake** - Lake County/City Area Planning Council Associate Planner Terri Persons gave a power point presentation.

This item was informational only, no Board action was taken.

11. **ITEM A-23 - Consideration of request to approve appointment of Craig Woodworth as Acting Interim Chief District Attorney Investigator, effective as of April 15, 2008** - District Attorney Jon Hopkins presented a brief summary.

On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Craig Woodworth as Acting Interim Chief District Attorney Investigator, effective as of April 15, 2008.

12. **ITEM A-10 - 10:15 A.M. - PUBLIC HEARING - Consideration of a decision to use Community Development Block Grant (CDBG) Program Income of up to \$700,000 for curb, gutter and sidewalks around the perimeter of Nylander Park in Clearlake Oaks, on Lake Street in support of a senior housing complex in Clearlake Oaks, at the 3rd Avenue Plaza site in Lucerne and along Main Street in Upper Lake and up to \$56,000 for activity delivery associated with said projects (Program Income monies will be transferred from the Business Expansion Revolving Loan Account to augment the grant funds provided for this project in Grant No. 05-STBG-1421)** - Administrative Analyst Doug Willardson gave a brief summary.

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

Supervisor Rushing offered Resolution No. 2008-87, and it was passed by roll call vote (5 ayes).

After a brief recess, the Board reconvened at 10:37 a.m.

13. **ITEM A-24 - Consideration of County Identification Badge Policy and Budget Transfer to purchase equipment and supplies for identification badges** - Human Resources Director Kathy Ferguson and Assessor Doug Wacker were present.

Ms. Ferguson presented the staff summary.

Chair Robey asked if anyone was present wishing to speak and Janet Cawn spoke. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown NO), approved the County Identification Badge Policy (subject to Meet and Confer with the bargaining units), and Budget Transfer to purchase equipment and supplies for identification badges, and authorized the Chair to sign.

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

14. **ITEM A-11 - 10:30 A.M. - PUBLIC HEARING - Consideration of the proposed Replacement Housing Plan for Clark's Island located at 12565 East State Highway 20, Clearlake Oaks** - Administrative Analyst Doug Willardson gave a brief summary.

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

Director Rushing offered Resolution No. 2008-06 (RD), and it was passed by roll call vote (5 ayes).

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

15. **ITEM A-12 - 10:35 A.M. - Consideration of request for Board direction relative to Guenoc College property** - By request of the County Administrative Office, this item was carried over to a future date to provide for additional research.

16. **ITEM A-22 - Consideration of request for refund of fees paid by William Sullivan for Appeal No. AB-08-07, in the amount of \$407.00** - Supervisor Smith gave a brief summary.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the refund of fees paid by William Sullivan for Appeal No. AB-08-07, in the amount of \$407.00.

17. **ITEM A-13 - 11:00 A.M. - Consideration of a request from John Peters for waiver of major use permit fees for Remote Control Car Park; to be located at 3851 Hill Road, Lakeport, CA** - Community Development Director Rick Coel, and Applicants John Peters and Derek Bastian were present.

Supervisor Farrington gave a brief summary.

Chair Robey asked if anyone was present wishing to speak and Jim Comstock spoke. No one else was present wishing to speak and the public input portion of this item was closed.

The Board of Supervisors adjourned and convened as the Lake County Housing Commission.

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Commissioner Deborah Figueroa was present.

18. **ITEM A-14 - 11:15 A.M. - Consideration of proposed Resolution to delete and add signatories to the Lake County Housing Commission bank accounts (Lake County Section 8 Program and Section 8 FSS Money Market Escrow Account)** - Social Services Director Carol Huchingson presented a brief summary.

Supervisor Smith offered Resolution No. 2008-88, and it was passed by roll call vote (6 ayes).

The Lake County Housing Commission adjourned and reconvened as the Board of Supervisors.

19. **ITEM A-15 - 11:20 A.M. - Presentation of Proclamation designating the month of May as Watershed Awareness Month in Lake County** - Supervisor Farrington read the Proclamation into the record and presented it to Watershed Coordinator Greg Dills, who spoke.

20. **ITEM A-16 - 11:25 A.M. - Presentation of Proclamation designating the month of May as National Military Appreciation Month in Lake County** - At the request of those receiving the Proclamation, this item was continued to later in the day.

21. **ITEM A-26 - Consideration of request to approve the Drug Enforcement Administration Marijuana Eradication (DEA) Agreement (DEA will pay Lake County \$245,000 to defray cost relating to the eradication and suppression of illicit marijuana) and authorize the Sheriff to sign the Letter of Agreement and Workplace Certifications** - Sheriff Rod Mitchell gave a brief summary.

Chair Robey asked if anyone was present wishing to speak and Louise Talley spoke. 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 (4 ayes, Supervisor Robey NO), approved the Drug Enforcement Administration Marijuana Eradication (DEA) Agreement (DEA will pay Lake County \$245,000 to defray cost relating to the eradication and suppression of illicit marijuana) and authorized the Sheriff to sign the Letter of Agreement and Workplace Certifications.

22. **ITEM A-27 - Consideration of proposed letters to appropriate governmental representatives requesting that consideration be given to initiating changes to current laws and regulations in order to allow the County of Lake to use grant monies provided for marijuana eradication to address our more serious drug-related problems** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved letters to appropriate governmental representatives requesting that consideration be given to initiating changes to current laws and regulations in order to allow the County of Lake to use grant monies provided for marijuana eradication to address our more serious drug-related problems, and authorized the Chair to sign.

23. **ITEM A-17 - 11:30 A.M. - PUBLIC HEARING - Appeal of Ronald Jacobs (AB 08-03) of the Planning Commission's decision to grant the appeal of Erik Thorsen, Trustee, Edgar F. Thorsen Trust, regarding the issuance of a Lakebed Encroachment Permit and supporting California Environmental Quality Act (CEQA) Notice of Exemption to Ronald Jacobs for the construction of pier/covered deck/gangway/suspended platform/covered electric boat lift; project located at 1925 Westlake Drive, Kelseyville, CA (APN 044-171-18 - Erik Thorsen, Trustee, Edgar F. Thorsen Trust)** - Community Development Director Rick Coel, Assistant Resource Planner Ted Elliott, Ron Jacobs, Deborah Christin Jacobs, Erik Thorsen and Jeremy Olsan were sworn in by the Clerk.

Mr. Elliott presented the staff summary.

Mr. and Mrs. Jacobs gave testimony.

Chair Robey opened the public hearing and the following people spoke: Jeremy Olsan, and Mr. Thorsen. No one else was present wishing to speak and the public hearing was closed.

This item was continued to June 3, 2008, at 11 a.m., to allow for further consideration of the Board.

After a lunch recess, the Board reconvened at 1:32 p.m.

24. **ITEM A-18 - 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 locate 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)** - (Appellant's representation has requested a continuance to May 20, 2008, at 1:30 p.m.) - Chair Robey announced this item would be carried over to May 20, 2008, at 1:30 p.m.

- BACK TO ITEM A-16 - 11:25 A.M. - Presentation of Proclamation designating the month of May as National Military Appreciation Month in Lake County** - Supervisor Brown read the Proclamation into the record and presented it to Frank Parker, who spoke. Many members of the public were present in support.

25. **ITEM A-19 - 1:35 P.M. - Workshop on Genetically Engineered (GE) Crops in Lake County** - Chair Robey gave a brief introduction.

University of California Cooperative Extension Specialist Dr. Peggy Lemeaux and University of California, Davis, Seed Biotech Center Director Kent Bradford gave a power point presentation on research and applications of agricultural genetic engineering.

Dr. Leavitt of the California Department of Food and Agriculture (CDFA) gave a brief presentation regarding current State regulations in genetic engineering research and use.

Chair Robey asked if anyone was present wishing to speak and the following people spoke: Jeff Smith, Sarah Ryan, Brock Zoller, Paul Frey, Gina Thompson, Ron Rose, Monte Black, Dave Rosenthal, Doug Mosel, Michelle Scully and Cheryl Little Deer.

This item was continued to later in the day.

After a brief recess, the Board reconvened at 3:48 p.m.

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26. **ITEM A-20 - 3:30 P.M. - Consideration of possible revision to existing ordinance imposing charges on business owners who handle or retail hazardous materials** - Environmental Health Director Ray Ruminski and Health Services Administration Manager Denise Pomeroy were present.

Mr. Ruminski presented the staff summary.

Staff was directed to bring recommended revisions to this ordinance back to the Board at a future date.

BACK TO ITEM A-19 - 1:35 P.M. - Workshop on Genetically Engineered (GE) Crops in Lake County -

Chair Robey asked if anyone was present wishing to speak and the following people spoke: Victoria Brandon, Chuck March, Steve Elias, Tom Slate, Greg Peters, Maverick Hurley, Janet Cawn, Joanne Sacato, Pat Scully and Carter Irwin. 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.

After a brief recess, the Board reconvened at 5:35 p.m.

27. **ITEM A-25 - Consideration of request to add one Engineering Technician I/II position to Budget Unit No. 1908, Engineering & Inspection Division** - Supervisor Smith offered Resolution No. 2008-89, and it was passed by roll call vote (5 ayes).

28. **ITEM A-28 - CLOSED SESSION - Sitting as the Board of Directors of Lake County Redevelopment Agency - 1. Conference with Real Property Negotiators: (a) Property: 3605 and 3655 Lakeshore Boulevard, Nice, CA (APNs 032-133-35 and 032-137-01) (b) Agency Negotiator: Eric Seely (c) Negotiating Parties: Lake County Redevelopment Agency and Joan Bartz (d) Under Negotiation: Price and terms 2. Conference with Real Property Negotiators: (a) Property: APNs 009-003-09, 19, 40, 41 and 45, APN 009-002-09 (Property situated on Mt. Konocti) (b) County Negotiator: Kim Clymire and Kelly Cox (c) Negotiating Parties: County of Lake and Michael Fowler, Diana Madura, individually and as successor trustee of the Elsa/Fowler Revocable Trust of 2002 and Buckingham Peak, LLC (d) Under Negotiation: Price and terms** - Chair Robey announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned at 6:15 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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