

**BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA**  
**MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD APRIL 27, 2004**

The Honorable Board of Supervisors of Lake County, California, met in regular session this 27<sup>th</sup> day of April, 2004, there being present Supervisors Ed Robey, Jeff Smith, Gary Lewis, Anthony Farrington and Rob Brown, Administrative Officer Kelly Cox, County Counsel Cameron Reeves and Assistant Clerk of the Board Georgine Hunt.

The meeting was called to order at 9:01 a.m. by Chair Brown, following a moment of silence, Mr. Chuck March led the salute to the flag of the United States of America.

1. **ITEM A-1 - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Robey and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-15.

Approved Minutes of the Board of Supervisors Meeting held on April 13, 2004.

Adopted proclamation designating the first week of May, 2004, as Hire a Veteran Week in Lake County.

Appointed Janell Rivera, James Robbins, Dave Garzoli, James Dowdy, Deborah Pardee and Steve Schepper to the Emergency Medical Care Committee (EMCC), for terms ending January 1, 2005.

Approved Contract between the County of Lake and Bay Area Economics, to provide a feasibility study of a northshore business incubator and to develop a Clearlake Oaks business attraction strategy funded by a community development block grant, and authorized the Chair to sign.

Authorized Clerk to provide notice to school entities that the Board of Supervisors will not authorize issuance of Tax and Revenue Anticipation Notes for 2004/2005.

Approved Amendment Number One to the 2003/2004 Agreement between the County of Lake and Willow Glenn Care Center, for community residential services for Lake County residents (mental health services), and authorized the Chair to sign.

Adopted Resolution No. 2004-61, approving the Proposition 36 Implementation Plan between the County of Lake and the State of California, Department of Alcohol and Drug Programs for the Fiscal Years 2004/2005 in conjunction with the Proposition 36 Oversight Committee.

Approved request for authorization for the Public Services Director or designee to apply for the Carl Moyer Grant for engine replacement for two Solid Waste pieces of heavy equipment used at the landfill.

Approved Engineering and Inspection Agreement between the County of Lake and Dora Martin, for review of plans and specifications for a Major Use Permit (frontage improvements), located at 2345 East Highway 20, Nice, CA, and authorized the Chair to sign.

Adopted Resolution No. 2004-62, approving the application for funding for the Main Street Pedestrian and Beautification Project in Upper Lake under the Federal Transportation Enhancement Activities Program.

Adopted Resolution No. 2004-63, changing mileage to the County maintained road system.

Adopted Resolution No. 2004-64, authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under agreement dated August 27, 2002 (construction of rehabilitation improvements on County Club Drive from Highway 20 to Foothill Drive).

Adopted Resolution No. 2004-65, of intention to name an existing unnamed road in the County of Lake (Olive Hill Lane), Clearlake Oaks, CA, and set hearing for **June 1, 2004, at 9:06 a.m.**

Approved Emergency Management Performance Grant Application for Fiscal Year 2004, to prepare for, respond to, mitigate and recover from emergencies and disasters, and authorized the Chair to sign.

Sitting as the Board of Directors, adopted Resolution No. 2004-66, authorizing the Assistant Director of Public Works to sign State Water Resources Control Board Grant establishing funding for Clear Lake watershed mercury and nutrient assessment.

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

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

**EXTRA #1 - CONSIDERATION OF REQUEST TO PURCHASE PROPERTY LOCATED AT 6224 4<sup>TH</sup> AVENUE, LUCERNE** - On motion of Supervisor Lewis 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 property is to be sold at auction on May 5, 2004. This property is currently owned by Sharon Calderon who has a loan through the County's First Time Homebuyers Program (FTHB) in the amount of \$47,268. The loan is secured by a deed of trust in second position, but the estate sale only requires a buyer to pay the remaining balance on the first mortgage, fees, charges and expenses of the trustee to wit. The remaining balance is \$27,260. Potentially the County could lose the entire amount of the FTHB loan. Staff is proposing the Board to establish an amount for the bid which staff can make at the trustee sale.

Deputy Redevelopment Director Andy Peterson was present.

On Motion of Director Lewis and by vote of the Board (5 ayes), authorized the expenditure of funds in the amount of \$75,000, from Redevelopment Housing Set Aside dollars, and authorized staff to bid on the property located at 6224 4<sup>th</sup> Avenue, Lucerne.

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

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

**Change Order No. 5, Southeast Geysers Effluent Pipeline Upgrade Project** - This change order provides for deletion of ductile iron pipe, installation of owner-furnished steel pipe, miscellaneous materials furnished by the owner, cathodic protection facilities, and costs associated with delays.

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On motion of Director Robey and by vote of the Board (5 ayes), approved Change Order No. 5, for an increase of \$76,822.74, Harborth Excavating, Southeast Geysers Effluent Pipeline Upgrade Project, and authorized the Chair to sign.

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

4. **CITIZENS INPUT** - Mr. John Roddy stated that part of Mission Rancheria Road has been re-paved and wanted to thank the Public Works Department for fixing this road.

Ms. Tina Ayer Woods stated that she is offering water safety instruction to children in Lake County, and if anyone is interested please contact her.

Mr. Gerald Marciniak stated that his neighbors have built a carport without acquiring the proper permits. He does not believe that the structure meets set back codes and would like to have the Building Department determine if this is a legal structure.

5. **ITEM A-15 - DISCUSSION/CONSIDERATION OF REQUEST TO INITIATE A COUNTYWIDE MORATORIUM ON PROPOSED COMMERCIAL BILLBOARDS LOCATED ON SCENIC HIGHWAYS THROUGHOUT LAKE COUNTY** - Chair Brown asked if anyone present wished to speak on this item and the following persons spoke: Mr. Angel LaMonica and Mr. Philip Murphy. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the initiation of a Countywide moratorium on proposed commercial billboards located on scenic highways throughout Lake County, and directed staff to prepare an ordinance that would change the requirements or prohibit any new billboards from being constructed on scenic highways throughout Lake County.

6. **ITEM A-4 - 9:06 A.M. - PUBLIC HEARING - APPEAL OF ANGELO LAMONICA (AB 04-04) OF PLANNING COMMISSION'S DENIAL OF A MAJOR USE PERMIT APPLICATION (UP 04-03) PROPOSING AN OFF-SITE OUTDOOR ADVERTISING (BILLBOARD) SIGN; PROJECT IS LOCATED AT 3740 HIGHLAND SPRINGS ROAD, LAKEPORT, CA (APN 008-022-31)** - Principal Planner Rick Coel and Assistant Planner Erik Lundquist were present.

Mr. Angelo LaMonica was also present.

Chair Brown asked if anyone present wished to speak on this item and the following persons spoke: Mr. Paul Redding, Mr. Philip Murphy, Mr. John Roddy, Mr. Steve DeVoto, Ms. Tina Ayer Woods, Ms. Inez Weinkus and Ms. Melissa Fulton. No one else was present wishing to speak and the public hearing was closed.

On motion of Supervisor Farrington and by vote of the Board (3 ayes, Supervisors Smith and Brown NO), made an intended decision to deny the appeal (AB 04-04) of Angelo LaMonica, and directed County Counsel to prepare proposed finding of fact.

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

7. **ITEM A-5 - 9:45 A.M. - PRESENTATION BY PHILIP MURPHY REGARDING A PROPOSAL TO BAN GENETICALLY MODIFIED ORGANISMS (GMO) IN LAKE COUNTY** - Mr. Philip Murphy gave an overview of the proposal to ban genetically modified organisms in Lake County.

Chair Brown asked if anyone present wished to speak on this item and the following persons spoke: Mr. Thurston Williams, Mr. Charlie Fowler, Mr. Brock Zoller, Mr. Chuck March, Mr. Greg Guisti, Ms. Julianna Vidich and Mr. John Roddy. No one else was present wishing to speak and the public portion of this item was closed.

Mr. Murphy will conduct meetings with all interested persons and bring their recommendations back to the Board at a later date.

8. **ITEM A-6 - Continued From April 6, 2004 - 10:30 A.M. - DISCUSSION/CONSIDERATION OF REQUEST FROM THE ELEM INDIAN COLONY FOR THE COUNTY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING ACKNOWLEDGING THAT THE ELEM TRIBE HAS PLANS TO UTILIZE LANDS LOCATED AT 127 LONG VALLEY ROAD, CLEARLAKE OAKS, CA, EXCLUSIVELY FOR HOUSING** - Mr. Victor Fajeran was present.

County Counsel Cameron Reeves stated that during the last hearing, the Board told Mr. Fajeran that he could pick-up an example of a Memorandum of Understanding from County Counsel's Office and bring the proposed Memorandum of Understanding back to the Board for consideration today. However, Mr. Fajeran has not come into the office to pick-up the paperwork.

Mr. Fajeran stated that he had misunderstood the process, and thought that the County was going to prepare the Memorandum of Understanding.

This item was continued to a later date.

9. **ITEM A-7 - 11:00 A.M. - PUBLIC HEARING - CONSIDERATION OF ALLOCATION OF \$73,471 OF HR 2389 TITLE III FUNDS (\$25,000 TO THE SOUTH LAKE FIRE SAFE COUNCIL, AND \$48,471 TO THE LAKE COUNTY FIRE SAFE COUNCIL), TO CONTINUE OPERATION OF THE FIRE SAFE CHIPPER PROGRAM AND OTHER FIRE PREVENTION AND OTHER FIRE PREVENTION AND PLANNING ACTIVITIES** - Chief Deputy Administrative Officer Matt Perry was present.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved the allocation of \$73,471 of HR 2389 Title III funds (\$25,000 to the South Lake Fire Safe Council, and \$48,471 to the Lake County Fire Safe Council), to continue operation of the Fire Safe Chipper Program and other fire prevention and planning activities, approved Agreement between the County of Lake and the West Lake Resource Conservation District, to provide fire prevention education and planning services, and approved Agreement between the County of Lake and the South Lake Fire Safe Council, to provide fire prevention education and planning services, and authorized the Chair to sign both agreements.

8. **ITEM A-8 - Continued From April 13, 2004 - 11:15 A.M. - PUBLIC HEARING - INTENTION TO ACQUIRE (PURCHASE) REAL PROPERTY CONSISTING OF APPROXIMATELY 7 ACRES OF LAND LOCATED AT 8135 SODA BAY ROAD, KEELSEYVILLE, CA, (LAKE COUNTY LAND TRUST - APN 009-002-38), TO BE USED AS A COUNTY PARK** - Public Services Director Kim Clymire was present.

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

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the acquisition (purchase) of real property in the amount of \$100,000, consisting of approximately 7 acres of land located at 8135 Soda Bay Road, Keelseyville, CA (Lake County Land Trust - APN 009-002-38), to be used as a County Park.

9. **ITEM A-9 - 11:30 A.M. - PRESENTATION OF ANNUAL REPORT FROM THE FISH AND WILDLIFE ADVISORY COMMITTEE** - Mr. Doug Eastley gave a brief report on fish and wildlife issues and current committee activities.

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10. **ITEM A-10 - 11:45 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE FIRST WEEK OF MAY, 2004, AS HIRE A VETERAN WEEK IN LAKE COUNTY** - Supervisor Lewis read the proclamation into the record. The proclamation will be presented to Veterans Service Office Jim Brown at a later date.

The Board recessed for lunch at 12:23 p.m. and reconvened at 1:31 p.m.

11. **ITEM A-11 - Continued From April 13, 2004 - 1:30 P.M. - (a) DISCUSSION REGARDING LAFCO'S RESPONSIBILITIES AND OPERATIONAL ISSUES INCLUDING THE BUDGETARY IMPACT THAT LAFCO HAS ON THE COUNTY; (b) CONSIDERATION OF PROPOSED BUDGET TRANSFER FROM GENERAL FUND CONTINGENCIES BUDGET AND REQUEST FOR AUTHORIZATION TO RELEASE THE BALANCE OF THE COUNTY'S SHARE OF THE 2003/2004 LAFCO BUDGET; AND (C) BOARD DIRECTION TO ADMINISTER OFFICER REGARDING PROPOSED AMENDMENT TO AGREEMENT BETWEEN THE COUNTY OF LAKE AND THE LOCAL AGENCY FORMATION COMMISSION OF LAKE COUNTY FOR COUNTY SERVICES** - Clerk-Auditor/Controller Pam Cochrane was present.

Chair Brown asked if anyone present wished to speak on this item and the following persons spoke: Mr. John Benoit, Mr. Dick Lamkin, Mr. Chuck Leonard, Mr. Scott Brown and Mr. John Roddy. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Brown NO), approved Budget Transfer B-311, in the amount of \$10,660, from Budget Unit No. 7999 - Contingencies to Budget Unit No. 2706 - Contribution to Non County Government, for financing the required County contribution to LAFCO, authorized the Chair to sign, and authorized the release the balance of the County's share of the 2003/2004 LAFCO budget.

On motion of Supervisor Robey and by vote of the Board (3 ayes, Supervisors Smith and Lewis NO), requested LAFCO to continue utilizing the Lake County Clerk-Auditor/Controller for its financial services rather than removing its accounts and funds from the County Treasury.

Supervisor Lewis was absent at 2:50 p.m.

12. **ITEM A-13 - Advanced From April 13, 2004 - AN ORDINANCE ADDING ARTICLE V TO CHAPTER 18 OF THE LAKE COUNTY CODE ALLOWING THE REASSESSMENT OF DAMAGED OR DESTROYED PROPERTY - (SECOND READING)** - Supervisor Robey offered Ordinance No. 2684, and it was passed by a roll-call vote (4 ayes, Supervisor Lewis ABSENT).

Supervisor Lewis was present at 2:53 p.m.

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

13. **ITEM A-14 - CONSIDERATION OF REQUEST FOR DIRECTION REGARDING POSSIBLE ACQUISITION OF REAL PROPERTY LOCATED AT 6195 EAST STATE HIGHWAY 20, LUCERNE, CA, TO ADD TO LUCERNE HARBOR AS PART OF THE PROMENADE PROJECT** - Deputy Redevelopment Director Andy Peterson and Public Services Director Kim Clymire were present.

On motion of Director Robey and by vote of the Board (4 ayes, Director Brown NO), directed staff to pursue the possible acquisition of real property located at 6195 East State Highway 20, Lucerne, CA, to add to the Lucerne Harbor as part of the Promenade Project.

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

14. **ITEM A-16 - CLOSED SESSION - 1. Employee Disciplinary Appeal** - Chair Brown announced that the Board will now go into Closed Session for the reason stated on the agenda.

The Board reconvened into Regular Session with the following action taken: On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Farrington NO), approved the Findings of Fact and decision in the Appeal of Eva Keiser, authorized the Chair to sign, and directed the Clerk to provide copies of the Findings of Fact to the Personnel Director and the Appellant.

There being no further business, the Board adjourned at 3:24 p.m.



Chair - Lake County Board of Supervisors

KELLY F. COX  
Clerk of the Board



By:   
Georgine Hunt  
Assistant Clerk of the Board

