

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA
MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JULY 6, 2004

The Honorable Board of Supervisors of Lake County, California, met in regular session this 6th day of July, 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. Rick Reynolds led the salute to the flag of the United States of America.

1. **ITEM A-1 - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-17, with the exception of Consent Item C-16, which will be taken up later in the day.
Approved Agreement between the County of Lake and the Mendocino County Sealer of Weights and Measures, for the use of Lake County Weights and Measures vehicle, and authorized the Chair to sign.
Approved Contract between the County of Lake and Community Care HIV/AIDS Program, for Provision of HIV/AIDS testing and counseling services for Lake County residents for Fiscal Year 2004/2005, and authorized the Chair to sign.
Adopted Resolution No. 2004-110, approving Standard Agreement 04-35234 between the County of Lake and the State of California for Immunization Assistance Program (IAP) for Fiscal Year 2004/2005 in the amount of \$28,314 and authorizing the Director of Health Services to sign.
Adopted Resolution No. 2004-111, authorizing the Public Services Director to execute all necessary documents related to the Visitor Information Center Division's participation in merchant services offered by credit card provider.
Approved Contract between the County of Lake and Peterson Tractor, for Caterpillar equipment repair and services, and authorized the Chair to sign.
Adopted Resolution No. 2004-112, approving Final Parcel Map and the signing of the Final Parcel Map (Morin).
Approved Engineering and Inspection Agreement between the County of Lake and Prendiville Investments, for review of plans and specifications for a Minor Use Permit, located at 9750 Highway 53, Lower Lake, CA, and authorized the Chair to sign.
Awarded Bid No. 04-06, to Western Emulsions, Inc., to furnish and apply asphaltic emulsion, in the amount of \$118,196.93, and authorize the Chair to sign the Notice of Award.
Awarded Bid No. 04-06, to Telfer Oil Company, to furnish and apply asphaltic emulsion for fog seal coat, in the amount of \$34,765, and authorized the Chair to sign the Notice of Award.
(a) Approved Third Amendment to Agreement between the County of Lake and Adventist Health Redbud Community Hospital, for services of a County Eligibility Worker (EW) at Adventist Redbud Community Hospital; (b) approved Third Amendment to the Agreement between the County of Lake and Mendocino Community Health Clinic, Inc. (Lakeside Clinic), for services of a County Eligibility Worker (EW) at Mendocino Community Health Clinic, Inc. (Lakeside Clinic); and (c) approve Third Amendment to Agreement between the County of Lake and Sutter Lakeside Hospital, for services of a County Eligibility Worker (EW) at Sutter Lakeside Hospital, and authorize the Chair to sign the three amendments to agreements.
Approved Second Amendment to Lease Agreement between the County of Lake the Lillian G. Allen Trust, for office space at 1206 South Main Street, Lakeport, and authorized the Chair to sign.
Approved Contract between the County of Lake and Sutter Lakeside Community Services, for Cal Learn teen parenting services, and authorized the Chair to sign.
Accepted Dedication and Conveyance of mainline water extension, Isle View Subdivision, Phase II/Grand View Estates, L.L.C., CSA #21 - Lakeport, authorized the Chair to sign and directed Clerk to certify for recordation.
Approved Contract between the County of Lake and Drug Abuse Alternatives Center, for provision of perinatal treatment for pregnant or parenting women experiencing alcohol or drug related problems for Lake County residents, for Fiscal Year 2004/2005, and authorized the Chair to sign.
(a) Approved Agreement between the County of Lake and the Lake County Air Quality Management District for funding of replacement of diesel engine (Cat 826C Landfill Compactor, Vehicle ID# 87X75168); and (b) approved Agreement between the County of Lake and the Lake County Air Quality Management District for funding of replacement of diesel engine (Cat 623E Earthmover, Vehicle ID# 6YF00268), and authorized the Chair to sign both agreements.
Sitting as the Board of Directors of Lake County Sanitation District, accepted Dedication and Conveyance of mainline sewer extension, Isle View Subdivision, Phase III/Briggs and Company, Inc., Lakeport, authorized the Chair to sign and directed Clerk to certify for recordation.
2. **ITEM A-2 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**
EXTRA #1 - CONSIDERATION OF REQUEST TO WAIVE THE NORMAL BIDDING PROCESS, FINDING THAT IT WOULD NOT SERVE THE PUBLIC'S INTEREST TO INVITE SEALED BIDS FOR PURCHASE OF A 2003 F350 DIESEL 4x4 PICK-UP TRUCK, AND AUTHORIZE THE SHERIFF'S DEPARTMENT TO ISSUE A PURCHASE ORDER TO CORNING FORD, NOT TO EXCEED \$32,000 - 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:
In June 2004, staff became aware that the amount of homeland security grant funds approved by the Counter Terrorism approval board for the purchase of a pick-up truck, were insufficient to secure a brand new vehicle, and staff began a search for a pre-owned vehicle that would meet the department's requirements. Staff was able to secure a pre-owned 2003 Ford F-350 Crew cab 4x4 diesel pick-up truck, for the purchase price of \$32,000, and the department must act quickly to insure successful completion of the purchase.
This item will be taken up later today for further consideration.

EXTRA #2 - CONSIDERATION OF REQUEST FOR NECESSITY OF A CLOSED SESSION ITEM NOT ON THE POSTED AGENDA - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO SUBDIVISION (b) OF SECTION 54956.9 - NUMBER OF POTENTIAL CASES: TWO CASES. On motion of Supervisor Robey 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:

A matter has arisen since the posting of the current agenda which requires Board discussion or direction in Closed Session. There is a need to take immediate action on this matter.

This item will be taken up during Closed Session.

3. **ITEM A-4 - 9:06 A.M. - PUBLIC HEARING - PLANNING COMMISSIONS' RECOMMENDATION FOR APPROVAL OF A REZONE (RZ 03-20) PROPOSED FOR NEILA FAYEREYNOLDS, OF A PORTION OF AN EXISTING 3.78-ACRE PARCEL FROM "A-SC" (AGRICULTURE-SCENIC) TO "SR-SC" (SUBURBAN RESERVE-SCENIC); AND ADOPTION OF A NEGATIVE DECLARATION BASED ON INITIAL STUDY 03-89; LOCATED AT 3305 HILL ROAD, LAKEPORT, CA (APN 015-015-24)** - Principal Planner Rick Coel and Senior Planner Penelope Shibley were present.

Ms. Shibley gave a brief background report. The applicant proposes to rezone a portion of an existing 3.78-acre parcel from Agriculture-Scenic to Suburban Reserve-Scenic. The rezone is necessary in order for the applicant to complete a requirement of an approved tentative parcel map to divide the property into two lots. The tentative parcel map was approved by the Planning Commission on June 10, 2004.

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

On motion of Supervisor Farrington and by vote of the Board (5 ayes), found on the basis of the Initial Study No. 03-89, that the rezone as applied for by Neila Faye Reynolds will not have a significant effect on the environment and, therefore, adopt a negative declaration for the proposed rezoning with the findings listed in the Board Memorandum dated June 23, 2004.

On motion of Supervisor Farrington 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 Farrington offered Ordinance No. 2692, and it was passed by a roll-call vote (5 ayes).

4. **ITEM A-12 - CONSIDERATION OF REQUEST TO APPROVE UPDATED FACILITY USE POLICY FOR LAKE COUNTY MUSEUMS** - Supervisor Robey stated that he has received correspondence from a constituent and would like time to discuss this issue with the constituent and requested that this item be continued to a later date.

This item was continued to July 20, 2004, for further consideration.

5. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A REZONE (RZ 04-05), PROPOSED FOR JOHN BLAIR, OF TWO (2) PARCELS FROM "C1" (LOCAL COMMERCIAL) TO "R2" (TWO FAMILY RESIDENTIAL); AND THE ADOPTION OF A NEGATIVE DECLARATION FOR RZ 04-05, BASED ON THE INITIAL STUDY 04-22; LOCATED AT 2289 AND 2279 HENDRICKS DRIVE, LUCERNE, CA (APN 006-401-15 AND 16)** - Principal Planner Rick Coel and Assistant Planner Deseree Salvador were present.

Ms. Salvador gave a brief background report. The applicant is requesting approval of a rezone from Community Commercial to Two-Family Residential. The rezone is an attempt to expedite the zoning change anticipated by the Shoreline Communities Area Plan in order to develop the two lots. Due to unforeseen delays in the adoption of the area plan and the applicant's timeline for building on the parcel, the applicant has decided to pursue this rezone application himself.

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

On motion of Supervisor Lewis and by vote of the Board (5 ayes), found on the basis of the Initial Study No. 04-22, that the rezone as applied for by John S. Blair will not have a significant effect on the environment and, therefore, adopt a negative declaration for the proposed rezoning with the findings listed in the Board Memorandum dated June 10, 2004.

On motion of Supervisor Lewis 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 Lewis offered Ordinance No. 2693, and it was passed by a roll-call vote (5 ayes).

After a short recess, the Board reconvened at 9:30 a.m.

6. **ITEM A-6 - 9:30 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A REZONE (RZ 04-02), PROPOSED FOR WAYNE CHATOFF, OF A THREE-ACRE PARCEL FROM "R3" (MULTI-FAMILY RESIDENTIAL) TO "R1-F3(2,500)-SC" (SINGLE-FAMILY RESIDENTIAL-2,500 SQUARE FOOT MINIMUM RESIDENTIAL FLOOR AREA-SCENIC); AND THE ADOPTION OF A NEGATIVE DECLARATION FOR RZ 04-02, BASED ON THE INITIAL STUDY 03-70; LOCATED AT 8825 EAST STATE HIGHWAY 20, GLENHAVEN, CA (APN 060-350-18)** - Principal Planner Rick Coel and Associate Planner Emily Minton were present.

Ms. Minton gave a brief background report. The applicant is requesting to rezone a three-acre lakefront parcel from Multi-Family Residential to Single-Family Residential-2,500 square foot minimum residential floor area. The Planning Commission heard this request in addition to a tentative parcel map proposal for the creation of three parcels on April 22, 2004. The Commission approved the tentative parcel map with a condition that the property be rezoned to the Single-Family Residential base zoning district. The Planning Commission recommends that the Scenic Combining District also be included in the zoning. Mr. Chatoff is requesting that the zoning not include the Scenic designation.

Chair Brown opened the public hearing and Mr. Wayne Chatoff spoke. No one else was present wishing to speak and the public hearing was closed.

Supervisor Lewis made a motion that the Board of Supervisors found on the basis of Initial Study No. 03-70 that the rezone applied for by Wayne Chatoff, with the exclusion of the Scenic designation, as modified by the Planning Commission, will not have a significant effect on the environment and, therefore, adopt a negative declaration for the proposed rezoning with the findings listed in the Board Memorandum dated June 9, 2004. This motion died for a lack of a second.

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On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Lewis NO), Supervisor Lewis made a motion that the Board of Supervisors found on the basis of Initial Study No. 03-70 that the rezoning applied for by Wayne Chatoff, with the exclusion of the Scenic designation, as modified by the Planning Commission, will not have a significant effect on the environment and, therefore, adopt a negative declaration for the proposed rezoning with the findings listed in the Board Memorandum dated June 9, 2004.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Lewis NO), waived the reading of the ordinance and had it read in title only (Clerk so did).

Supervisor Smith offered Ordinance No. 2694, and it was passed by a roll-call vote (4 ayes, Supervisor Lewis NO).

The Board of Supervisors adjourned and convened as the Lake County Housing Commissioners, with Commissioner Monica Morin present.

7. **ITEM A-7 - 10:00 A.M. - (a) DISCUSSION OF RECENT HUD FUNDING CUTS TO SECTION 8 HOUSING ASSISTANCE PAYMENTS AND ADMINISTRATIVE FEES AND THE RESULTING EFFECTS ON LOCAL SECTION 8 TENANTS AND THE PROGRAM OPERATING BUDGET; (b) CONSIDERATION OF RECOMMENDATION TO APPROVE AMENDMENT TO THE SECTION 8 ADMINISTRATIVE PLAN; and (c) CONSIDERATION OF RECOMMENDATION TO APPROVE LETTER TO FEDERAL ELECTED REPRESENTATIVES OBJECTING TO THE HUD IMPOSED CHANGES - Social Services Director Carol Huchingson and Housing Program Manager Steve Citron were present.**

Mr. Citron gave a brief overview of the changes that Congress has approved. In this law, the method for appropriating funds for Housing Assistance Payments and for calculating payment of administrative fees to Housing Authorities for program operation. These changes will impact not only the program budget, but the monthly rental obligations of the low-income, primarily aged and disabled client population. Since the funding cuts are retroactive, staff is attempting to recoup administrative fees overpaid by HUD to the former Section 8 contractor, for program operation from January through June, 2004. The existing Section 8 Administrative Plan provides for adjustments to Payment Standards. This amendment will clarify that HUD imposed funding cuts may necessitate lowering the local Payment Standard in the event it is determined that HUD funding is insufficient to support continued assistance for tenant families.

Chair Brown asked if anyone present wished to speak on this item and Mr. Phil Murphy spoke. 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 (6 ayes), approved Amendment to the Section 8 Administrative Plan.

On motion of Supervisor Farrington and by vote of the Board (6 ayes), approved letters to Senator Barbara Boxer, Senator Dianne Feinstein and Congressman Thompson, regarding the Board's concerns with the retroactive funding restrictions implemented by HUD for the Section 8 Housing Choice Voucher Program, and request action to immediately rescind these actions of HUD and restore this vital program to its full funding, and authorized the Chair to sign.

The Lake County Housing Commissioners adjourned and convened as the Board of Directors of Lake County Sanitation District.

8. **ITEM A-8 - 10:15 A.M. - HEARING - PRESENTATIONS/OBJECTIONS TO THE PRIME CONTRACTOR'S (HARBOROTH EXCAVATING) REQUEST TO SUBSTITUTE THE SERVICES OF THE SUBCONTRACTOR (STRONG HOLD MASONRY) WITH THEIR OWN WORK FORCES, FOR THE CONSTRUCTION OF B STREET PUMP STATION, SOUTHEAST GEYSERS EFFLUENT PIPELINE UPGRADE PROJECT - Special Districts Administrator Mark Dellinger was present and gave a brief background report. Harborth Excavating is the prime contractor for Contract No. 04-02. When Harborth Excavating bid the job in 2003, they listed Strong Hold Masonry as a subcontractor to install footings, a concrete slab and other related work. Harborth was awarded the bid as the lowest responsive, responsible bidder, and became the prime contractor. On May 29, 2004, Harborth sent a letter to LACOSAN requesting that they substitute the services of Strong Hold Masonry with their own work forces. Harborth contends that Strong Hold Masonry failed to execute a written contact after being provided a reasonable opportunity to do so.**

Attorney Mike Lunas, representing Harborth Excavating and Attorney Bill Hatcher, representing Strong Hold Masonry were present.

After receiving testimony from both the prime contractor-Harborth Excavating and the subcontractor-Strong Hold Masonry, the Board took this item under submission. (The Findings of Fact were approved on the July 20, 2004, agenda).

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

After a short recess, the Board reconvened at 11:57 a.m.

9. **ITEM A-9 - 11:30 A.M. - PUBLIC HEARING - APPEAL OF WILLIAM KINAMAN (AB 04-02) OF PLANNING COMMISSION'S DENIAL OF A REQUEST FOR DEVIATION FROM ROAD IMPROVEMENT REQUIREMENTS IN CONJUNCTION WITH CONDITIONS OF AN APPROVED TENTATIVE PARCEL MAP (PM 03-19). THE PROJECT IS LOCATED AT 11135 LAKESHORE DRIVE, CLEARLAKE PARK, CA (APN 036-391-11) - Principal Planner Rick Coel and Public Works Director Gerry Shaul were present.**

Mr. Coel gave a brief background report. On February 27, 2004, the Planning Commission approved a tentative parcel map for four lots located in a flood zone. The Planning Commission also partially denied DV 04-02, requesting a deviation from required roadway improvements along Lakeshore Drive. The appellant is appealing requirements that he improve Lakeshore Drive and dedicate ten feet of the property adjoining Patterson Drive.

Mr. William Kinaman was also present and gave testimony regarding his request for deviation from road improvements.

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

On motion of Supervisor Smith and by vote of the Board (5 ayes), made an intended decision to deny the appeal AB 04-02 of William Kinaman, and directed County Counsel to prepare proposed Findings of Fact.

The Board of Supervisors adjourned for lunch at 12:22 p.m. and reconvened at 1:32 p.m.

BACK TO #2 - ITEM A-2 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:

EXTRA #1 - CONSIDERATION OF REQUEST TO WAIVE THE NORMAL BIDDING PROCESS, FINDING THAT IT WOULD NOT SERVE THE PUBLIC'S INTEREST TO INVITE SEALED BIDS FOR PURCHASE OF A 2003 F350 DIESEL 4x4 PICK-UP TRUCK, AND AUTHORIZE THE SHERIFF'S DEPARTMENT TO ISSUE A PURCHASE ORDER TO CORNING FORD, NOT TO EXCEED \$32,000 - Sheriff Rodney Mitchell was present.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), waived the normal bidding process, finding that it would not serve the public's interest to invite sealed bids for the purchase of a 2003 F350 Diesel 4x4 pick-up truck, and authorized the Sheriff's Department to issue a Purchase Order to Corning Ford, not to exceed \$32,000.

The Board of Supervisors adjourned and convened as the Board of Directors of Lake County Air Quality Management District.

BACK TO #1 - ITEM A-1 - CONSENT ITEM C-16 - (a) PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND THE LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT FOR FUNDING OF REPLACEMENT OF DIESEL ENGINE (CAT 826C LANDFILL COMPACTOR, VEHICLE ID# 87X75168); and (b) PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND THE LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT FOR FUNDING OF REPLACEMENT OF DIESEL ENGINE (CAT 623E EARTHMOVER, VEHICLE ID# 6YF00268) - A Memorandum dated July 1, 2004, from Assistant Clerk of the Board, was received by the Board, requesting that this item be pulled from the Consent Agenda, because two additional items were inadvertently omitted from this item. It is being requested that the Board consider approval of the following additional two items:

1. Consideration of request to direct staff to proceed with a two phased approach as directed and accomplished in Fiscal Year 2003/2004 for Fiscal Year 2004/2005.
2. Consideration of request to direct staff to maintain a position in support of a change to facilitate removing the exclusion for attainment district in H&S 44223(a).

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved Agreement Between the County of Lake and the Lake County Air Quality Management District for funding of replacement of diesel engine (Cat 826C Landfill Compactor, Vehicle ID# 87X75168), approved Agreement Between the County of Lake and the Lake County Air Quality Management District for Funding of Replacement of Diesel Engine (Cat 623E Earthmover, Vehicle ID#6YF00268), and authorized the Chair to sign both agreements, directed staff to proceed with a two phased approach as directed and accomplished in Fiscal Year 2003/2004 for Fiscal Year 2004/2005, directed staff to maintain a position in support of a change to facilitate removing the exclusion for attainment districts in H&S 44223(a), and directed staff to bring back any requests from the private sector regarding requests for funding of replacement diesel engines.

The Board of Directors of Lake County Air Quality Management District adjourned and reconvened as the Board of Supervisors.

10. **ITEM A-11 - DISCUSSION/CONSIDERATION OF PROPOSED AMENDMENT TO THE LAKE COUNTY VEHICLE POLICY RELATIVE TO SUV'S, VEHICLE FUEL ECONOMY AND MINIMUM MILEAGE ACCUMULATION FOR VEHICLE REPLACEMENT** -Sheriff Rodney Mitchell and Public Works Director Gerry Shaul were present.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), increased the replacement mileage from the existing 120,000 miles for general pool vehicles, to 130,000 miles (law enforcement pursuit vehicles will remain at the current 120,000 mileage level), all requests for the purchase of 4x4 vehicles must have approval by the Board of Supervisors, and an EPA rating of at least 20/28 city/highway miles per gallon will be required when purchasing new pool vehicles (sedans).

11. **ITEM A-13 - CLOSED SESSION - A-13 - 1. Conference with Labor Negotiator, (a) County Negotiators : A. Grant and J. Hammond, (b) Employee organizations: LCEA, LCSDA, LCCOA and DDA; 2. Public Employee Performance Evaluations, Titles: Personnel Director and County Counsel; 3. Conference with Legal Counsel - Anticipated Litigation (a) Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9: One Potential Case (b) Initiation of Litigation Pursuant to Subdivision (c) of Section 54956.9: One Potential Case; and Sitting as the Board of Directors of the Lake County IHSS Public Authority. 4. Conference with Labor Negotiator, Agency Negotiator: Fran Buchanan - IEDA, Employee Organization: United Domestic Workers of America (U.D.W.A.) - Chair Brown announced that the Board will now go into Closed Session for the reasons stated on the agenda. Also, Extra #2, will be taken up during Closed Session.**


The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned at 4:07 p.m.


Chair - Lake County Board of Supervisors



KELLY F. COX
Clerk of the Board

By: 
Georgine Hunt
Assistant Clerk of the Board