

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA
MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MAY 25, 2004

The Honorable Board of Supervisors of Lake County, California, met in regular session this 25th day of May, 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. Mark Borghesani 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-7, with the exception of Consent Items C-3 and C-6, which both of these items will be taken up immediately following the approval of the Consent Agenda.

Approved Agreement between the County of Lake and Smith & Newell, for audit services, and authorized the Chair to sign. Appointed Mayor Buzz Bruns, Councilman Dick Lamkin and Councilman Ted Mandrones to the Indian Gaming Local Benefit Committee (City of Lakeport representatives).

Approved Agreement between the County of Lake and Regents of the University of California, Davis, for training services, and authorized the Chair to sign.

Adopted proclamation commending Thomas C. Malley for his countless hours of volunteer work and his dedicated service as a member of the Lower Lake Cemetery District Board of Directors.

Sitting as the Board of Directors of Lake County Sanitation District, accepted dedication and conveyance of mainline sewer extension, for public utility purposes, Callayomi Rancho (21239 Santa Clara Road), Middletown, and directed Clerk to certify for recordation.

CONSENT ITEM C-3 - PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND NACHT & LEWIS ARCHITECTS, FOR ARCHITECTURAL SERVICES FOR DESIGN OF A CENTRAL DISPATCH FACILITY - Chair Brown requested that this item be pulled from the Consent Agenda for further discussion.

Sheriff Rodney Mitchell and Public Works Director Gerry Shaul were present and each gave a brief overview of the project.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved Agreement between the County of Lake and Nacht & Lewis Architects, for architectural services for design of a Central Dispatch Facility, and authorized the Chair to sign.

The Board of Supervisors adjourned and convened as the Board of Directors of Lake County Flood Control and Water Conservation District.

CONSENT ITEM C-6 - PROPOSED AMENDMENT NUMBER 1 TO AGREEMENT BETWEEN THE COUNTY OF LAKE AND WENZLER & KELLY, FOR ENGINEERING SERVICES TO EVALUATE MODIFICATION TO FLOOD ZONES 1 AND 5 - Director Farrington requested that this item be pulled from the Consent Agenda for further discussion.

Assistant Public Works Director Bob Lossius was present and gave a brief overview of the proposal.

Chair Brown asked if anyone present wished to speak on this item and Mr. John Roddy spoke. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Director Farrington and by vote of the Board (5 ayes), approved Amendment Number 1 to Agreement between the County of Lake and Wenzler & Kelly, for engineering services to evaluate modification to Flood Zones 1 and 5, and authorized the Chair to sign.

The Board of Directors of Lake County Flood Control and Water Conservation District adjourned and reconvened as the Board of Supervisors.

2. **ITEM A-16 - REQUEST FOR OUT-OF-STATE TRAVEL FOR CHAPLAIN CINDY EUCALYPTUS, TO ST. LOUIS, MISSOURI, FROM JULY 12-16, 2004, TO ATTEND THE POLICE CHAPLAIN ANNUAL TRAINING SEMINAR** - Sheriff Rodney Mitchell was present and stated that the department will be using asset forfeiture funds to pay for all expenses, and therefore, there will be no general fund cost to the County.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved out-of-state travel for Chaplain Cindy Eucalyptus, to St. Louis, Missouri, from July 12-16, 2004, to attend the Police Chaplain Annual Training Seminar.

3. **ITEM A-4 - 9:06 A.M. - DISCUSSION REGARDING AN AMENDMENT TO THE GENERAL PLAN AND THE ZONING ORDINANCE THAT WOULD RESTRICT THE SIZE OF RETAIL STORES** - Mr. Dan Obermeyer, representing the Committee for Hometown Development, gave an overview of the impact of large chain stores on communities, which included the economy, local government's ability to provide adequate services and facilities, jobs and household income, quality of small town rural lifestyle, and the attraction of investment capital. The proposed amendment to the General Plan and the Zoning Ordinance would restrict the size of non-independent, formula retail stores to less than 40,000 square feet. Also, if a retail store is being proposed that is larger than 40,000 square feet, it would be allowed if that retail store has ten (10) or less establishments in operation.

Chair Brown asked if anyone present wished to speak on this item and Mr. John Roddy spoke. No one else was present wishing to speak and the public portion of this item was closed.

Supervisor Robey stated that this was an informational item only, and that there needs to be more discussion with staff, both of the cities, and interested citizens regarding the proposal to restrict the size of retail stores, and recommendations will be brought back to the Board at a later date.

There was no action taken on this item.

4. **ITEM A-5 - 9-45 A.M. - CONSIDERATION OF REQUEST FROM RICK BRYAN, OWNER OF STERLING SHORE ESTATES, FOR A WAIVER OF WATER AND SEWER CONNECTION FEES (5830 ROBIN HILL DRIVE, LAKEPORT)** - Special Districts Administrator Mark Dellinger was present and gave a brief overview of concerns that the district has with this request, which included that this may be precedence setting and if the fees are not paid a lien would have to be placed on the property.

Mr. Rick Bryan, owner of Sterling Shore Estates, was present and gave a brief overview of his request for a waiver of water and sewer connections fees for an unoccupied mobilehome. Mr. Bryan is asking that the fees be deferred until the unit is sold.

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On motion of Supervisor Farrington and by vote of the Board (5 ayes), denied the request from Rick Bryan, owner of Sterling Shore Estates, for waiver of water and sewer connection fees, located at 5830 Robin Hill Drive, Lakeport.

After a short recess, the Board reconvened at 10:32 a.m.

5. **ITEM A-6 - Advanced From May 11, 2004 - 10:15 A.M. - AN ORDINANCE AMENDING ARTICLE IX OF CHAPTER 9 OF THE LAKE COUNTY CODE PERTAINING TO PERMITTING AND OPERATION OF MEDICAL TRANSPORTATION SERVICES (REVISED AMBULANCE ORDINANCE) - (SECOND READING) -** Supervisor Robey offered Ordinance No. 2687, and it was passed by a roll-call vote (5 ayes).

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

6. **ITEM A-7 - 10:30 A.M. - DISCUSSION/CONSIDERATION OF THE SECTION 8 RESIDENT ADVISORY BOARD'S RECOMMENDATION CONCERNING HUD'S FISCAL YEAR BUDGET PROPOSAL TO CONVERT THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM TO FLEXIBLE VOUCHER PROGRAM -** Social Services Director Carol Huchingson was present.

Mr. Steve Citron, representing Connelly and Associates, was also present.

Ms. Huchingson requested that the Board send letters to the County's federal elected representatives with the following recommendations:

With the limited amount of information that we are able to glean out of the 2005 HUD budget it appears that this attempt to redefine the largest housing assistance program in America needs much more thought, clarification, consultation and discussion, including public hearings at all local levels before the development/approval of a budget and implementing legislation. With the information available today, the Lake County Board of Housing Commissioners cannot support this proposal.

On motion of Commissioner Robey and by vote of the Board (5 ayes), approved letters to the County's federal elected representatives, as recommended by Social Services Director Carol Huchingson, and authorized the Chair to sign.

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

7. **ITEM A-13 - PROPOSED RESOLUTION OF INTENT TO PARTICIPATE IN THE RURAL ALLIANCE, INC. LOCAL RURAL SCHOLARSHIP PROGRAM AND NAMING THE RECIPIENT(S) -** Supervisor Lewis announced that the following two students had been nominated to receive the scholarship:

1. Jesse James Bracisco - Middletown High School
2. Diane Cristine Francys Goodwin-Nelson - Kelseyville High School

Supervisor Lewis offered Resolution No. 2004-80, and it was passed by a roll-call vote (5 ayes).

8. **ITEM A-14 - (a) PROPOSED ORDINANCE ESTABLISHING FEES FOR THE COUNTY CLERK/AUDITOR-CONTROLLER'S OFFICE; and (b) PROPOSED AGREEMENTS BETWEEN THE COUNTY OF LAKE AND HIDDEN VALLEY LAKE COMMUNITY SERVICES DISTRICT; BUCKINGHAM PARK COUNTY WATER DISTRICT; COUNTY WATERWORKS DISTRICT NO. 1; and THE CITY OF LAKEPORT, FOR COLLECTION OF DISTRICT REVENUES THROUGH THE COUNTY'S TAX ROLL -** Auditor-Controller Pam Cochrane and Chief Deputy Auditor-Controller Cathy Saderlund were present.

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).

On motion of Supervisor Farrington and by vote of the Board (5 ayes), advanced the ordinance two weeks to June 8, 2004.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved Agreements between the County of Lake and Hidden Valley Lake Community Services District; Buckingham Park County Water District; County Waterworks District No. 1; and the City of Lakeport, for collection of district revenues through the County's tax roll, and authorized the Chair to sign.

9. **ITEM A-15 - DISCUSSION/CONSIDERATION OF REQUEST TO OFFER THE 9/80 FLEX WORK SCHEDULE TO STAFF IN THE CLERK/AUDITOR-CONTROLLER'S OFFICE -** Auditor-Controller Pam Cochrane and Chief Deputy Auditor-Controller Cathy Saderlund were present.

On motion of Supervisor Robey and by vote of the Board (5 ayes), made an intended decision to approve the request to offer the 9/80 flex work schedule to staff in the Clerk/Auditor-Controller's Office, subject to the meet and confer process.

After a short recess, the Board reconvened at 11:17 a.m.

10. **ITEM A-9 - 11:15 A.M. - PRESENTATION OF PROCLAMATION COMMENDING THOMAS C. MALLEY FOR HIS COUNTLESS HOURS OF VOLUNTEER WORK AND HIS DEDICATED SERVICE AS A MEMBER OF THE LOWER LAKE CEMETERY DISTRICT BOARD OF DIRECTORS -** Supervisor Robey read the proclamation into the record. The proclamation was presented to Mr. Thomas C. Malley.

9. **ITEM A-8 - Continued From May 11, 2004 - 11:00 A.M. - PUBLIC HEARING - APPEAL (AA 03-06) OF RICHARD KUEHN OF PLANNING COMMISSION'S DENIAL OF AN ADMINISTRATIVE APPEAL OF A NOTICE OF VIOLATION ISSUED BY THE COMMUNITY DEVELOPMENT DEPARTMENT CONCERNING THE USE OF A DRIVEWAY AS A ROADWAY FOR THROUGH RESIDENTIAL TRAFFIC; PROPERTY IS LOCATED AT 14010 SANNS COURT, AND FURTHER DESCRIBED AS APN 006-480-42 -** Community Development Director Mary Jane Fagalde was present and gave an overview of the appeal. Mr. Kuehn was issued a Notice of Violation on November 26, 2003, requiring him to immediately cease diversion of through traffic from Round Mountain Road to a driveway that intersected Sanns Court and to apply for the required use permit within seven (7) days.

Mr. Lewis Warren, attorney for Mr. Richard Kuehn, was present and gave an overview of the legality of this road and gave a power-point presentation showing the roadway that Mr. Kuehn has constructed.

Mr. Peter Windrem, attorney for Mr. Clay Shannon and Ms. Marguerite Shannon was present and gave an overview of why this is an illegally constructed road and gave a power-point presentation showing the roadway that Mr. Kuehn has constructed and existing roads on the Round Mountain area.

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This item was continued later today.

The Board of Supervisors adjourned for lunch at 12:17 p.m. and reconvened at 1:15 p.m.

10. ITEM A-17 - CLOSED SESSION:

Sitting as the Board of Directors of the Lake County IHSS Public Authority - 1. Conference with Labor Negotiator, Agency Negotiator: Fran Buchanan - IDEA, Employee Organization: United Domestic Workers of America (U.D.W.A.); and

Sitting as the Board of Directors of Lake County Sanitation District - 2. Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9: One Potential Case - Chair Brown announced that the Board will now go into Closed Session for the reasons stated on the agenda.

The Board reconvened back into Regular Session with no action taken. The Board will go back into Closed Session later today.

11. ITEM A-10 - 1:30 P.M. - PRESENTATION OF LAKE COUNTY HERITAGE COMMISSION'S ANNUAL REPORT - Public Services Director Kim Clymire and Public Services Analyst Jacqueline Armstrong were present.

Ms. Armstrong introduced the following members of the Lake County Heritage Commission, the Cultural Resources Committee, the Historical Society, the Lower Lake Historic Schoolhouse Preservation Committee, the Friends of the Lake County Museum, the Lake County Genealogy Society and the Middletown Historical Society: Ms. Anita Crabtree, Ms. Linda Lake, Ms. Marybeth Alteneeder, Mr. John Weaver, Ms. Jane Weaver and Ms. Lisa Corbridge. Ms. Armstrong also presented an informational power-point presentation showing the functions and responsibilities of each of these organizations..

There was no action taken.

12. ITEM A-11 - 1:45 P.M. - DISCUSSION/CONSIDERATION OF REQUEST FOR ADDITIONAL FUNDING IN THE AMOUNT OF \$1,677, FOR THE COST OF PRINTING THE GRAND JURY FINAL REPORT, INCLUDING AN INSERT IN THE LOCAL NEWSPAPERS - Foreman of the Grand Jury Bill Teft was present and gave a brief overview of the request.

Chair Brown asked if anyone present wished to speak on this item and Mr. John Roddy spoke. No one else was present wishing to speak and the public portion of this item was closed.

This item will be brought back to the Board after the approval of the final budget.

BACK TO #9 - ITEM A-8 - Continued From May 11, 2004 - 11:00 A.M. - PUBLIC HEARING - APPEAL (AA 03-06) OF RICHARD KUEHN OF PLANNING COMMISSION'S DENIAL OF AN ADMINISTRATIVE APPEAL OF A NOTICE OF VIOLATION ISSUED BY THE COMMUNITY DEVELOPMENT DEPARTMENT CONCERNING THE USE OF A DRIVEWAY AS A ROADWAY FOR THRUHOUS RESIDENTIAL TRAFFIC; PROPERTY IS LOCATED AT 14010 SANNS COURT, AND FURTHER DESCRIBED AS APN 006-480-42 - Community Development Director Mary Jane Fagalde and County Surveyor Steve Farr were present.

Mr. Lewis Warren, attorney for Mr. Richard Kuehn and Mr. Peter Windrem, attorney for Mr. Clay Shannon and Ms. Marguerite Shannon were present.

Chair Brown stated that the public hearing was opened on May 11, 2004, and remained opened for this hearing. Chair Brown asked if anyone present wished to speak at this public hearing and the following persons spoke: Mr. John Roddy, Mr. Gary Nylander and Mr. Jim Bomla.

This item was continued after Closed Session.

BACK TO #10 - ITEM A-17 - CLOSED SESSION - The Board went back into Closed Session at 3:34 p.m. and reconvened into Regular Session at 4:00 p.m., with no action taken, the justification for Closed Session announced by County Counsel Cameron Reeves as:

“A THREAT TO PUBLIC SERVICES OR FACILITIES”, Consultant With: Lake County Sheriff, Sergeant Mark Hommer.

The Board will go back into Closed Session later today.

BACK TO #9 - ITEM A-8 - Continued From May 11, 2004 - 11:00 A.M. - PUBLIC HEARING - APPEAL (AA 03-06) OF RICHARD KUEHN OF PLANNING COMMISSION'S DENIAL OF AN ADMINISTRATIVE APPEAL OF A NOTICE OF VIOLATION ISSUED BY THE COMMUNITY DEVELOPMENT DEPARTMENT CONCERNING THE USE OF A DRIVEWAY AS A ROADWAY FOR THRUHOUS RESIDENTIAL TRAFFIC; PROPERTY IS LOCATED AT 14010 SANNS COURT, AND FURTHER DESCRIBED AS APN 006-480-42 - Community Development Director Mary Jane Fagalde was present.

Mr. Louis Warren, attorney for Mr. Richard Kuehn and Mr. Peter Windrem, attorney for Mr. Clay Shannon and Ms. Marguerite Shannon were present.

The item was continued to June 8, 2004, at 1:35 p.m. The public hearing remained opened.

BACK TO #10 - ITEM A-17 - CLOSED SESSION - The Board went back into Closed Session at 4:30 p.m. in Department 1 of the Superior Court for the same reason (A threat to public services or facilities to consult with the Lake County Sheriff and the presiding judge), and reconvened into Regular Session at 4:50 p.m. with no action taken.

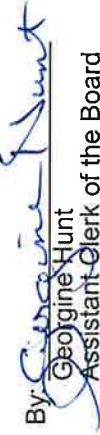
After a short recess, the Board reconvened at 5:25 p.m., and Chair Brown announced that the Board will go back into Closed Session. The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned at 5:40 p.m.


Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board



By: 
Georgine Hunt
Assistant Clerk of the Board

