

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA
MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 7, 2004

The Honorable Board of Supervisors of Lake County, California, met in regular session this 7th day of September, 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, Chief Appraiser Jim Campbell 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-25.

Approved Minutes of the Board of Supervisors Meetings held on August 3, August 10, and August 17, 2004; and Minutes of the Final Budget Hearings held on August 12, and August 13, 2004.

Appointed Ethel George as the Senior Community Representative and Beverly Chapman as the Senior Consumer Representative, to the In-Home Supportive Services (IHSS) Advisory Board, for terms expiring January 1, 2005.

Adopted Resolution No. 2004-145, supporting Proposition 1A (limiting the State's ability to take and use local government funding).

Approved request from Lake County Land Trust for waiver of septic permit and Site Inspection Fees, on the Rodman Slough Preserve Property.

Approved the Plans and Specifications for the Lower Wolf Creek Bridge Replacement Project (CSA #2 - Spring Valley).

Approved Agreement between the County of Lake and Marta Fuller, for dental health education and prevention services, Fiscal Year 2004-2005, and authorized the Chair to sign.

(a) Approved Agreement between the County of Lake and Mendo-Lake Alternative Services, for alternative sentencing services and the Lake County Justice System Subvention Program; and (b) Approved Lease Agreement between the County of Lake and Mendo-Lake Alternative Service, Inc., to provide space for the conduct of alternative sentencing services, and authorized the Chair to sign both agreements.

Adopted Resolution No. 2004-146, to appropriate unanticipated revenue in the amount of \$3,675 (received R & C Construction for Creekside Pines Subdivision Park Impact Fees), for capital improvements to the Middletown County Park pool facility, Budget Unit No. 7011 - Parks and Recreation.

Approved Memorandum of Agreement between the County of Lake and the Bureau of Indian Affairs, preparation of the necessary Roadway Improvement Plans for construction and/or reconstruction of approximately one and eight-tenths (1.80) of a mile of County roads (Mission Rancheria Road, Mission Way, Soda Bay Road's realignment and existing Soda Bay Road), and authorized the Chair to sign.

Adopted Resolution No. 2004-149, authorizing the Public Works Director to sign a Notice of Completion for work performed under agreement dated May 4, 2004 (construction of sidewalks on County Club Drive, Lucerne).

Adopted Resolution No. 2004-144, approving Final Parcel Map and the signing of the Final Parcel Map (Marks).

Approved Engineering and Inspection Agreement between the County of Lake and William Kinaman, for review of Plans and Specifications for a Tentative Parcel Map, located at 11135 Lakeshore Drive, Clearlake Park, and authorized the Chair to sign.

Approved Engineering and Inspection Agreement between the County of Lake and Charles Ewing, for review of Plans and Specifications for a Tentative Subdivision Map, located at 21034 and 21044 Berry Street, Middletown, and authorized the Chair to sign.

Approved Engineering and Inspection Agreement between the County of Lake and Dennis Aiello and James Morrow, for review of Plans and Specifications for a Tentative Parcel Map, located at 15998 Main Street, Middletown, and authorized the Chair to sign.

Approved Federal Annual Certification Report of Asset Forfeiture Funds that have been received and expended during the Fiscal Year 2003/2004, and authorized the Chair to sign.

Approved Contract between the County of Lake and Dazzling Janitorial Services, for janitorial services at the Department of Social Services facility in Lower Lake, and authorized the Chair to sign.

Approved Agreement between the County of Lake and the Lake County Redevelopment Agency, providing a loan of operating funds from the County to the Agency, and authorized the Chair to sign.

Sitting as the Board of Directors of Lake County Redevelopment Agency, approved Agreement between the County of Lake and the Lake County Redevelopment Agency, providing a loan of operating funds from the County to the Agency, and authorized the Chair to sign.

Adopted Resolution No. 2004-02(RD), providing funds for the Caltrans Livable Communities Grant for the Highway 20 Northshore Traffic Calming and Beautification Plan.

Sitting as the Board of Directors of Lake County Air Quality Management District, approved District/State Air Resources Board Subvention Application for Fiscal Year 2004/2005 and Fiscal Year 2003/2004 Final Financial Report, and authorized Air Pollution Control Officer to sign and submit application and report to the State Air Resources Board.

Sitting as the Board of Directors of Kelseyville County Waterworks District #3, approved Easement Deed and directed Clerk to certify for recordation (APN 08-026-20 - Edwin A. Rohner, trustee); and approved Right-of-Way Agreement between the Kelseyville County Waterworks District #3 and Edwin A. Rohner, trustee, for the Kelseyville/Finley Water Project, and authorized the Chair to sign.

Sitting as the Board of Directors of Kelseyville County Waterworks District #3, approved Easement Deed and directed Clerk to certify for recordation (APN 08-026-01 - Arthur L. Newman, trustee and Anne S. Newman, trustee); and approved Right-of-Way Agreement between the Kelseyville County Waterworks District #3 and Arthur L. Newman, trustee and Anne S. Newman, trustee, for the Kelseyville/Finley Water Project, and authorized the Chair to sign.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 7, 2004

Sitting as the Board of Directors of Kelseyville County Waterworks District #3, approved Easement Deed and directed Clerk to certify for recordation (APN 242-010-01 - Clear Lake Presbyterian Church); and approved Right-of-Way Agreement between the Kelseyville County Waterworks District #3 and Clear Lake Presbyterian Church, for the Kelseyville/Finley Water Project, and authorized the Chair to sign.

Sitting as the Board of Directors of Kelseyville County Waterworks District #3, approved Mainline Extension Agreement between the Kelseyville County Waterworks District No. 3 and Rural Communities Housing Development, to extend a water main to service APN 007-015-40, and authorized the Chair to sign.

Sitting as the Board of Directors of Kelseyville County Waterworks District #3, approved Mainline Extension Agreement between the Kelseyville County Waterworks District No. 3 and Rural Communities Housing Development, to extend a sewer main to service APN 007-015-40, and authorized the Chair to sign.

2. **CITIZEN'S INPUT** - Mr. David Smith spoke on the final provisions of AB 2747 regarding the expedition of realignment payments to counties that will reduce the burden of In-Home Supportive Service (IHSS) costs.

Family Support Director Gail Woodworth stated that during the Lake County Fair, Family Support had participants submit tickets for a drawing of a backpack full of school supplies, and asked Chair Brown to draw a ticket to determine the winner. Ms. Heather Wichlaz's ticket was drawn and was the winner of the backpack.

The Board of Supervisors adjourned and convened as the Lake County Board of Equalization. The gavel was passed to Lake County Board of Equalization Chair Lewis.

3. **ITEM A-4 - Continued From September 9, 2003 - 9:06 A.M. - ASSESSMENT APPEAL HEARING: (1) K-MART CORPORATION #4918 - APN 800-000-513-000** - Chief Appraiser Jim Campbell was present and stated that Stipulations for Change of Assessments have been received and asked the Board to accept the stipulations.

On motion of Board Member Farrington and by vote of the Board (5 ayes), accepted the Stipulation for the Local Assessment Roll Assessed Value for Assessment Number 800-000-513-000 as follows: Personnel Property changed from \$728,200 to \$655,380; Fixtures changed from \$437,200 to \$393,480; for a total changed from \$1,165,400 to \$1,048,860, for Tax Year 2001/2002.

On motion of Board Member Farrington and by vote of the Board (5 ayes), accepted the Stipulation for the Local Assessment Roll Assessed Value for Assessment Number 005-045-400-000 as follows: Land changed from \$2,761,322 to \$2,485,189; Improvements changed from \$4,443,430 to \$3,999,087; for a total changed from \$7,204,752 to \$6,484,276, for Tax Year 2002/2003.

The Lake County Board of Equalization adjourned and reconvened as the Board of Supervisors. The gavel was passed back to Board of Supervisors Chair Brown.

4. **ITEM A-5 - 9:15 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 9847 WITTER SPRINGS ROAD, WITTER SPRINGS, CA (APN 003-029-11-00 - LILA BENNETT AND EVAN BENNETT)** - The Clerk swore in Code Enforcement Manager Hank Bouillorce, Code Enforcement Officer Anthony Howard and representative of the property owner Gail Bennett.

Mr. Howard gave an overview of the past conditions of the property which included an unpermitted occupied mobile home, another dilapidated mobile home being used as storage, public nuisance vehicles, open and outdoor storage of scrap metal, business equipment and a travel trailer being occupied. At the current time, the property owners have cleaned up the property, the public nuisance vehicles, the dilapidated mobile and the travel trailer have been removed, the outdoor storage has been reduced to the required maximum. The only remaining violation is the unpermitted mobile home and the owners have not secured the required permits for the mobile home.

Mr. Bouillorce gave a power-point presentation showing the unpermitted mobile home that is located on the property.

Ms. Bennett presented testimony.

The Order to Abate was amended to read as follows: The owner(s) of the property are to abate the public nuisance. The abatement order allows the property owner to abate the nuisance by obtaining the appropriate permit(s) to legalize, remove and/or demolish the unpermitted structure.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), adopted the order, as amended, to complete abatement of the nuisance within thirty (30) days and authorized staff to abate the nuisance if it is not voluntarily abated, and all costs associated with this case shall become a charge against the property.

5. **ITEM A-6 - 9:45 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 4959 GADDY LANE, KELSEYVILLE, CA (APN 008-062-30-00 - EVELYN NORTON)** - Community Development Director Mary Jane Fagalde and Code Enforcement Manager Hank Bouillorce were present.

Mr. Bouillorce stated that he received a telephone call from property owner Ms. Evelyn Norton and she requested a continuance of this hearing.

This hearing was continued to September 21, 2004, at 9:45 a.m.

After a short recess, the Board reconvened at 10:26 a.m.

6. **ITEM A-7 - 10:00 A.M. - UPDATE ON STATUS OF PROPOSED GUENOC COLLEGE PROJECT AND REQUEST FOR DIRECTION REGARDING COUNTY'S MANAGEMENT OF DONATED LAND DURING PERIOD OF TIME UNTIL LAND IS TRANSFERRED TO COLLEGE** - Administrative Officer Kelly Cox gave an overview of the project. In March of 1998, Magoon Estates donated 1,040 acres of land to the Lake County Business Outreach and Response Team (BORT) for development of a new college. Shortly thereafter, BORT transferred ownership of the property to the County. It was originally anticipated by the Board of Supervisors that the subject land would be transferred to a college entity within a short period of time, however, six years later the property is still under the County's ownership. In light of the extended period of time during which the County has and will likely continue to own this property, it is appropriate and necessary that certain actions be taken by the Board relative to the ongoing management of the property. Board direction is requested relative to the following:

1. Which department does the Board wish to assign responsibility to for day-to-day management of the property?
2. Does the Board wish to have "No Trespassing" signs posted on the property or is it the Board's desire that members of the public have free access to this property during the period of time while it is under the County's ownership?

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 7, 2004

3. A Middletown resident has advised the Board that hunting has taken place on the property on at least one occasion since the time it was transferred to the County. Does the Board wish to post "No Hunting" signs on the property or take any other action to address the issue?
4. Does the Board wish to establish a deadline for transfer of the property to a college entity? If the Guenoc Valley College organization has not made a reasonable amount of progress in its efforts to recruit a college, the Board may wish to assign this endeavor to another entity or ask that BORT to assume its previous responsibilities relative to this project.

Dr. Fran Peritti, President of the Guenoc Valley College organization was present and gave an update on the organization's efforts to recruit a college.

There was consensus by the Board to assign responsibility of the property to Public Services with limited maintenance being done on the property, and "No Hunting" and "No Trespassing" signs are to be posted.

Staff will work with interest parties including the Guenoc Valley College organization, BORT and the Superintendent of Schools regarding the transfer of the property to another entity. If the transfer with the interested parties cannot be completed in a timely manner, the Board may consider transferring the property back to Magoon Estates.

This item will be brought back to the Board at a later date for further consideration.

7. **ITEM A-8 - 10:30 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 15753 LAWRENCE ROAD, LOWER LAKE, CA (APN 122-104-05-00 - HARRY SAGER AND SUSAN SAGER)** - The Clerk swore in Code Enforcement Manager Hank Bouillercce, Code Enforcement Officer Kimberlee Heckard, and representatives for the property owners Mr. Robert Layton and Ms. Susan Abreu.

Ms. Heckard gave an overview of the property conditions which included substandard structures, unpermitted structures, a fence exceeding the height limit in the front yard setback, open and outdoor storage, public nuisance vehicles and trailers.

Mr. Bouillercce gave a power-point presentation showing the conditions of the property.

Mr. Layton and Ms. Abreu each presented testimony.

On motion of Supervisor Robey and by vote of the Board (5 ayes), adopted the order, as amended, to complete abatement of the nuisance within thirty (30) days and authorized staff to abate the nuisance if it is not voluntarily abated, and all costs associated with this case shall become a charge against the property.

8. **ITEM A-9 - 10:45 A.M. - PUBLIC HEARING - PLANNING COMMISSIONS' RECOMMENDATION FOR APPROVAL OF A REZONE (RZ 04-03) PROPOSED FOR MARK MITCHELL, REZONING LANDS CONSISTING OF 4.12 ACRES FROM "SR-SC (SUBURBAN RESERVE-SCENIC) TO "R1-SC" (SINGLE-FAMILY RESIDENTIAL-SCENIC); AND THE ADOPTION OF A NEGATIVE DECLARATION FOR RZ 04-03, BASED ON THE INITIAL STUDY 04-14; LOCATED AT 5705 LAKESHORE BOULEVARD, LAKEPORT, CA (APN 004-029-46)** - Principal Planner Rick Coel was present and gave a brief overview of the rezone. The applicant is requesting approval of a rezone of 4.12 acres from "SR-SC" to "R1-SC" in order to fulfill a requirement of an approved tentative subdivision map (SD 04-03).

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 Initial Study 04-14 that the rezoning applied for by Mark Mitchell on property located at 5705 Lakeshore Boulevard, Lakeport, 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 July 27, 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. 2698, and it was passed by a roll-call vote (5 ayes).

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

9. **ITEM A-16 - PROPOSED RESOLUTION PROVIDING NORTHSORE REDEVELOPMENT FUNDS IN THE AMOUNT OF \$35,000, FOR THE ACQUISITION OF PROPERTIES LOCATED AT 2490 LAKESHORE BOULEVARD., NICE, CA (APN 031-052-23) AND 6935 HAMMOND AVENUE, NICE, CA (APN 031-052-23), FOR A COMMUNITY PARK IN NICE** - Deputy Redevelopment Director Andy Peterson was present.

Director Lewis offered Resolution No. 2004-03(RD), and it was passed by a roll-call vote (5 ayes).

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

10. **ITEM A-10 - Continued From August 24, 2004 - 10:50 A.M. - PUBLIC HEARING - INTENTION BY THE COUNTY OF LAKE TO ACQUIRE (PURCHASE) REAL PROPERTIES FROM DOMINIC AFFINITO, CONSISTING OF LANDS LOCATED AT 2490 LAKESHORE BOULEVARD, NICE, CA (APN 031-052-23) AND 6935 HAMMOND AVENUE, NICE, CA (APN 031-052-23); TO BE USED AS A COUNTY PARK** - Public Services Director Kim Clymire was present.

Chair Brown opened the public hearing and the following persons spoke: Mr. John Ryan and Ms. Renee Felciano. No one else was present wishing to speak and the public hearing was closed.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved the purchase of real properties from Dominic Affinito, consisting of lands located at 2490 Lakeshore Boulevard, Nice, CA (APN 031-052-23) and 6835 Hammond Avenue, Nice, CA (APN 031-052-23), to be used as a County park. determine if that no further environmental review is necessary, that the proposed project is consistent with the Countywide goals of the General Plan, the Lake County General Plan Objectives and Policies related to Public Services, and is consistent with the Northshore Redevelopment Plan.

11. **ITEM A-11 - 11:00 A.M. - PUBLIC HEARING - PROPOSED RESOLUTION ESTABLISHING THE COUNTY'S COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING REHABILITATION PROGRAM GUIDELINES** - Deputy Redevelopment Director Andy Peterson was present.

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

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 7, 2004

Supervisor Lewis offered Resolution No. 2004-147, and it was passed by a roll-call vote (5 ayes).

12. **ITEM A-12 - 11:15 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 11200 WHEELER DRIVE, KELSEYVILLE, CA (APN 043-653-11-00 - BYRON DUERKSEN AND SYLVIA DUERKSEN)** - The Clerk swore in Community Development Director Mary Jane Fagalde, Code Enforcement Officer Hank Bouillercce, adjourning property owners Mr. Gordon Bell and Mrs. Jan Bell.

Mr. Bouillercce gave an overview of the property conditions which included construction of improvements without the necessary building permits, failure to obtain a zoning clearance prior to construction, open and outdoor storage of building debris, miscellaneous building equipment.

Mr. and Mrs. Bell each presented testimony.

On motion of Supervisor Robey and by vote of the Board (5 ayes), adopted the order, as amended, to complete abatement of the nuisance within thirty (30) days and authorized staff to abate the nuisance if it is not voluntarily abated, and all costs associated with this case shall become a charge against the property.

The Board adjourned for lunch at 12:15 p.m. and reconvened at 1:35 p.m.

Sergeant Dave Garzoli gave an update of the Geyser Fire. There have been 13,525 acres burned, there were four residential structures and eight outbuildings destroyed. The evacuations that took place were all in Sonoma County. At the current time it is 85% contained, and 100% containment is expected tonight.

13. **ITEM A-13 - 1:30 P.M. - HEARING - APPEAL OF VICIOUS ANIMAL ABATEMENT ORDER, LOCATED AT 12742 OAK GROVE AVENUE, CLEARLAKE OAKS, CA (DELANA WEATHERS)** - Animal Control Director Denise Johnson and Animal Control Officer Richard Hillard were present.

Ms. Delana Weathers was also present.

Mr. Hillard gave an overview of the Vicious Animal Abatement Order. On July 28, 2004, there was a report of a dog attack at 12580 Highway 20, in Clearlake Oaks. The victim was contacted and gave a stated that he was walking into the market and there was a dog that was unattended and not on a leash, he was walking past the dog to enter the market and the dog jumped up and began to bite him on the stomach, as he pushed the dog off, he was also bit on the right forearm. It was deemed that this is a vicious dog and the dog was impounded by Animal Control.

Ms. Weathers stated that she will take full responsibility for the dog and has found an owner who will abide by all conditions set forth by Animal Control.

On motion of Supervisor Lewis and by vote of the Board (3 ayes, Supervisors Smith and Brown NO), made an intended decision to adopt the Vicious Animal Abatement Order, and the dog may be transferred to a new owner if the new owner has adequate facilities and complies with all conditions set forth by Animal Control.

14. **ITEM A-14 - Continued From Hearing Held on 8-17-04 and Site Visit Held on 8-19-04 - 2:00 P.M. - PUBLIC HEARING - APPEAL (AB 04-05) BY RICHARD AND CHERYL RIEDEL OF THE PLANNING COMMISSION'S APPROVAL OF GRANT AND JACQUELINE JORDAN'S TENTATIVE PARCEL MAP (PM 03-12) CONDITIONS REGARDING ROAD IMPROVEMENTS; THIS PROJECT IS LOCATED AT 19767 MONTE VISTA COURT, MIDDLETOWN, CA (APN 013-011-58)** - Principal Planner Rick Coel, Associate Planner Emily Minton and Special Projects Engineer Todd Mansell were present.

Attorney Charles Meibeyer, representative for the appellants and appellant Ms. Cheryl Riedel were present.

Attorney Paul Swanson, representative for Grant and Jacqueline Jordan, and Mr. Grant Jordan were present.

On motion of Supervisor Robey and by vote of the Board (5 ayes), made an intended decision to grant the appeal of Richard and Cheryl Riedel, and approved a 20 foot wide road deviation with 2 foot wide shoulders, for the project located at 19767 Monte Vista Court, Middletown, and directed staff to prepare alternative roadway plans and bring recommendations back to the Board on September 14, 2004, at 10:20 a.m., for further consideration.

15. **ITEM A-17 - PROPOSED RESOLUTION OF INTENT TO AMEND SECTIONS OF THE ZONING ORDINANCE PERTAINING TO OFF-ROAD VEHICLE COURSES AND RETREATS** - Community Development Director Mary Jane Fagalde and Principal Planner Rick Coel were present.

Ms. Fagalde gave an overview of the proposal to amend the zoning ordinance pertaining to off-road vehicle courses. The zoning ordinance does not contain provisions to allow off-road vehicle courses in any zoning district. The current definition of outdoor recreational facility does not cover this. There are areas in the County where off-road vehicle use is occurring, without provisions for protection against erosion control and other environmental impacts. The most blatant of these is in the area above Nice, within the paper subdivision. Trespassing is difficult to stop on these privately owned, unbuildable lots due to the fracture ownership and the lack of owner presence. The amendment would include allowing off-road vehicle course in "APZ" (Agricultural Preserve Zone) zoning district. Staff has reviewed the provisions of the Williamson Act, and had determined that an off-road vehicle course could, if conditioned through the use permit and CEQA process, be found to be consistent with the Act. Also, the "RL" (Rural Lands) zoning district would be appropriate for this type of use, as long as it is contained on a large, secluded parcel with very little or no residential development in the vicinity.

Ms. Fagalde gave an overview of the proposal to amend the zoning ordinance pertaining to retreats. The zoning ordinance allows outdoor recreational facilities, campgrounds, RV parks, churches, and private schools subject to approval of use permits in the "RL (Rural Lands) zoning district. It also allows campgrounds and RV parks with the "TPZ" (Timber Preserve Zone) zoning district upon use permit approval. However, the zoning ordinance does not contain provisions for retreats in any district.

Chair Brown asked if anyone present wished to speak and the following persons spoke: Mr. Gene Merdock, Mr. Harry Whitlock, Ms. Shirley Patten Brooks, Mr. Scott Lubich, Mr. John Madej and Ms. Joan Cox. No one else was present wishing to speak and the public portion of this item was closed.

Supervisor Lewis offered Resolution No. 2004-148, and it was passed by a roll-call vote (4 ayes, Supervisor Farrington NO).

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 7, 2004

16. **ITEM A-18 - PROPOSED ORDINANCE AMENDING CHAPTER 17 OF THE LAKE COUNTY ORDINANCE CODE PROVIDING FOR DEFERRAL OF ROAD IMPROVEMENTS UNDER SPECIFIED CIRCUMSTANCES** - Due to potential conflicts of interest Supervisors Farrington and Brown were absent during this discussion. Chair Brown passed the gavel to Vice-Chair Robey.

Public Works Director Gerry Shaul was present and gave a brief overview of the amendment. This ordinance was developed to allow the Planning commissioners (or on appeal to the Board of Supervisors), to grant a deferral of road improvements within certain General Plan land use designations when it is determined that the improvements are not currently needed for health and safety purposes or for the orderly development of the surrounding area. As a condition of the deferral, the subdivider will be required to enter into an Improvement Deferral Agreement with the County.

On motion of Supervisor Lewis and by vote of the Board (3 ayes, Supervisors Farrington and Brown ABSENT), waived the reading of the ordinance and had it read in title only (Clerk so did).

On motion of Supervisor Lewis and by vote of the Board (3 ayes, Supervisor Farrington and Brown ABSENT), advanced the ordinance two weeks to September 21, 2004. (On September 21, 2004, Supervisor Smith was absent, and the Board could not offer the ordinance because Supervisors Farrington and Brown could not vote of the ordinance due to conflicts of interest, and the ordinance requires a three-fifths vote, and the offering of the ordinance was continued to October 5, 2004).

Supervisor Lewis was absent at 4:45 p.m. and Supervisors Farrington and Brown were present at 4:46 p.m.

Supervisor Robey passed the gavel back to Chair Brown.

17. **ITEM A-20 - CONSIDERATION OF REQUEST FOR LEAVE OF ABSENCE (MEDICAL) FOR NURSE PRACTITIONER ELLE HARR, FOR THE PERIOD OF MARCH 10, 2004 THROUGH SEPTEMBER 15, 2005** - Health Services Director Ruth Lincoln and Director of Public Health Nursing Jan MacLean were present. Ms. Lincoln gave an brief overview of the request. Ms. Harr is requesting an extension of medical leave without pay from March 10, 2004, through September 15, 2005, during which she expects to be able to work approximately six hours per day.

On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Lewis ABSENT), approved the request for leave of absence (medical) for Nurse Practitioner Elle Harr, for the period of March 10, 2004, through September 15, 2005.

18. **ITEM A-19 - Advanced From August 24, 2004 - AN ORDINANCE AMENDING CHAPTER 15 OF THE LAKE COUNTY CODE ESTABLISHING A CURFEW FOR FOUNTAIN PARK LOCATED IN CLEARLAKE OAKS - (SECOND READING)** - Supervisor Robey offered Ordinance No. 2699, and it was passed by a roll-call vote (3 ayes, Supervisor Brown NO, Supervisor Lewis ABSENT).


19. **ITEM A-21 - CLOSED SESSION - 1. Conference with Labor Negotiator. (a) County Negotiators : A. Grant and J. Hammond, (b) Employee Organizations: LCEA; 2. Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Section 54956.9): Name of Case: River Watch v. LACOSAN; and Sitting as the Board of Directors of the Lake County IHSS Public Authority: 3. Conference with Labor Negotiator. (a) Agency Negotiator: IEDA - F. Buchanan. (b) Employee Organization: United Domestic Workers of America** - Chair Brown announced that the Board will 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 5:03 p.m.


Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: 
Georgine Hunt
Assistant Clerk of the Board



