



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD AUGUST 9, 2005

The Honorable Board of Supervisors of Lake County, California, met in regular session this 9th day of August, 2005, there being present Supervisors Jeff Smith, Anthony Farrington, Rob Brown and Ed Robey, Administrative Officer Kelly Cox, County Counsel Cameron Reeves and Assistant Clerk of the Board Georgine Hunt.

The meeting was called to order at 9:03 a.m. by Chair Robey. Following a moment of silence, Supervisor Smith 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-9. (Later in the day, the Supervisor Brown made a motion to rescind the approval of the Consent Agenda, and requested that Item C-3 be pulled from the Consent Agenda for further discussion. The motion failed due to a lack of a second).

Approved Minutes of the Board of Supervisors Meeting held on July 26, 2005.

(a) Approve Agreement between the County of Lake and Middletown Senior Citizens, Inc., for Fiscal Year 2005-2006 funding; (b) approved Agreement between the County of Lake and Senior Support Services, Inc., for Fiscal Year 2005-2006 funding; and (c) approved Agreement between the County of Lake and the Live Oak Senior Center, Inc., for Fiscal Year 2005-2006 funding, and authorized the Chair to sign all three agreements.

Approved out-of-state travel for Substance Abuse Program Coordinator Esther Tarin-Flores, to Washington, D.C., from August 22-26, 2005, to attend the Office of Rural Health Program Conference (travel expenses are being paid in full by Lake County Tribal Health).

Adopted Resolution No. 2005-134, approving procedure for naming County buildings, parks, and other facilities and acceptance of donations to memorialize individuals and enhance County buildings, parks and facilities.

Adopted Proclamation commending Gail Gibson upon her retirement from County service.

Approved Escrow Agreement between the County of Lake and BRCO Constructors, Inc., for security deposits in lieu of retention, and authorized the Chair to sign (Central Dispatch Project).

Approved letter(s) of support for proposed legislation through PORAC for processing misdemeanor sex crime complaints and the maintenance of such complaints and convictions by the courts; and (b) approved letter(s) of support for proposed legislation that would change possession of child pornography from the current misdemeanor status to a felony, and authorized the Chair to sign letters.

Approved Agreement between the County of Lake and Adventist Redbud Community Hospital, for the services of a County Eligibility Worker (EW) at Adventist Redbud Community Hospital, and authorized the Chair to sign.

Sitting as the Board of Directors of Lake County Sanitation District, approved Programmatic Agreement between the Lake County Sanitation District and the United States Department of Energy and the California State Historic Preservation Officer, and authorized the Special Districts Administrator to sign.

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

EXTRA #1 - CONSIDERATION OF REQUEST TO REMOVE 4 TH NOTICE OF NUISANCE ON PROPERTY LOCATED AT 1325 BELL HILL ROAD, KELSEYVILLE - On motion of Supervisor Brown 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:

The need to take action came to the attention of Supervisor Brown subsequent to the posting of the current agenda. On August 5, 2005, Supervisor Brown was contacted by potential buyers of the property located at 1325 Bell Hill Road, Kelseyville, and they informed Supervisor Brown that their lending source has denied their loan because there is a recorded Notice of Nuisance on the property. It is being requested by the potential buyers that the Notice of Nuisance be removed from the title, by removing the Notice of Nuisance, it would allow the potential buyer and the lending source to proceed with the approval of the loan. The potential buyers have agreed to sign an agreement with the County, with the conditions that they will complete the abatement of the nuisance within thirty days after the close of escrow, and that the new property owners will be liable for all costs associated with the abatement. There is a need to take immediate action before the next available agenda. The current owner of this property is in default of his payments and the property is in jeopardy of going into foreclosure by as early as next week. If it does go into foreclosure, it will take months for the County to be able to proceed with the abatement.

Community Development Director Mary Jane Fagalde was present.

On motion of Supervisor Brown and by vote of the Board (5 ayes), directed staff to prepare an agreement with the buyer, including conditions that property will be brought into compliance within thirty (30) days after the close of escrow, the buyer will also be required to provide a security deposit in the amount of \$1,000 (this is the estimated cost if the County was to complete the abatement), to the Community Development Department, the new property owners will be liable for all costs associated with the abatement, and authorized staff to remove the recorded Notice of Nuisance on property located at 1325 Bell Hill Road, Kelseyville, after the security deposit has been received and the agreement has been signed by the buyer.

Supervisor Brown announced that he had jury duty and was absent at 9:15 a.m.

3. **ITEM A-4 - 9:06 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A REZONE (RZ 05-04) PROPOSED FOR ROGER AYLARD, FROM "RL" (RURAL LANDS) AND "RL-WW" (RURAL LANDS-WATERWAY) TO "RL-B3" (RURAL LANDS-SPECIAL LOT SIZE/DENSITY COMBINING DISTRICT - 35 ACRES) AND "RL-WW-B3" (RURAL LANDS-WATERWAY COMBINING DISTRICT-SPECIAL LOT SIZE/DENSITY COMBINING DISTRICT - 60 ACRES); AND THE ADOPTION OF A NEGATIVE DECLARATION FOR RZ 05-04, BASED ON THE INITIAL STUDY 05-34; LOCATED AT 12205 ELK MOUNTAIN ROAD AND 1375 MAHONEY DRIVE, UPPER LAKE, CA (APN'S 002-025-15 and 022-011-07)** - Community Development Director Mary Jane Fagalde and Senior Planner Penelope Shibley was present.

Ms. Shibley gave a brief overview of the rezone. The applicant is requesting a rezone in order to transfer density between two "RL" (Rural Lands) zoned properties in Upper Lake, located off of Elk Mountain Road. This density transfer is necessary to complete a lot line adjustment of 20 acres from the Aylard's 55-acre property to the Barnes' 197-acre property. This lot line adjustment to reconfigure the two parcels is necessary in order to resolve a lawsuit.

Chair Robey 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 (4 ayes, Supervisor Brown ABSENT), found on the basis of the Initial Study No. 05-34, that the rezone as applied for by Roger Aylard 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 August 9, 2005.

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Brown ABSENT), waived the reading of the ordinance and had it read in title only (Clerk so did).

Supervisor Lewis offered Ordinance No. 2744, and it was passed by a roll-call vote (4 ayes, Supervisor Brown ABSENT).

Supervisor Brown was present at 9:21 a.m.

After a short recess, the Board reconvened at 9:27 a.m.

4. **ITEM A-17 - PROPOSED SHORELINE COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF LAKE AND THE BIG VALLEY BAND OF POMO INDIANS, ESTABLISHING A COOPERATIVE REGULATORY PROGRAM FOR THE FORESHORE OF CLEAR LAKE WITHIN THE BIG VALLEY RANCHERIA** - Assistant Director of Public Works Bob Lossius was present.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved the Shoreline Cooperative Agreement between the County of Lake and the Big Valley Band of Pomo Indians, establishing a Cooperative Regulatory Program for the foreshore of Clear Lake within the Big Valley Rancheria, and authorized the Chair to sign.

5. **ITEM A-5 - 9:30 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A TWO (2) YEAR EXTENSION OF TIME OF AN APPROVED SUBDIVISION MAP FOR 37 RESIDENTIAL LOTS FOR STEVE MURPHY (CRYSTAL LAKE ESTATES SUBDIVISION); LOCATED AT 441 CRYSTAL LAKE WAY, LAKEPORT, CA (APN 028-261-01)** - Community Development Director Mary Jane Fagalde and Associate Planner Emily Minton were present.

Ms. Minton stated that the applicant is requesting a two-year extension of an approved tentative subdivision map.

Chair Robey opened the public hearing and Ms. Geraldine Croshaw spoke. 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 (5 ayes), found that the Mitigated Negative Declaration which was previously prepared for SD 02-06, does meet the requirements of Section 15162(a) of the CEQA Guidelines, and that no additional environmental review need be prepared with the findings listed in the Board Memorandum dated July 6, 2005.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved an extension of time for SD 02-06, for a period of two years to March 27, 2007, with the findings listed in the Board Memorandum dated July 6, 2005.

6. **ITEM A-6 - 9:45 A.M. - PUBLIC HEARING - REVIEW OF ANNUAL GRANTEE PERFORMANCE REPORTS FOR COMMUNITY DEVELOPMENT BLOCK GRANTS: (1) ON-SITE INFRASTRUCTURE IMPROVEMENTS IN THE HARMONY PARK SUBDIVISION IN UPPER LAKE - GRANT #98-STBG-1248; (2) HOUSING REHABILITATION - GRANT #03-STBG-1829; and (3) ENTERPRISE FUND - GRANT #02-EDBG-881; (4) HOUSING REHABILITATION REVOLVING LOAN FUND, BUSINESS EXPANSION AND RETENTION REVOLVING LOAN FUND AND PUBLIC WORKS FACILITIES** - Chief Deputy Administrative Officer Matt Perry and Housing Program Manager Steve Citron were present.

Mr. Jeff Lucas, representing Community Development Services, was also present.

Mr. Citron gave a brief overview of the Harmony Park Grant, the Owner Occupied Housing Rehabilitation Grant, the Enterprise Fund Grant, Housing Rehabilitation Revolving Loan Fund and a status report of the Revolving Loan Funds.

Mr. Perry gave a brief overview of the Business Expansion and Retention Revolving Loan Fund, the Business Property Facade Improvement Revolving Loan Fund and the Non-Revolving Activities Account.

Chair Robey 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), approved the Annual Grantee Performance Reports for each of the following activities: (1) #98-STBG-1248 - On-Site Infrastructure Improvements in Harmony Park; (2) #-STBG-1829 - Housing Rehabilitation; (3) #02-EDBG-881 - Enterprise Fund; and (4) Program Income Activities.

7. **ITEM A-7 - 10:00 A.M. - UPDATE REPORT FROM SHANNON GUNIER AND ERICA LUNDQUIST REGARDING LAKE COUNTY WINEGRAPE COMMISSION'S RESEARCH AND EDUCATION PROGRAM AND THE SUCCESS OF THE SUSTAINABLE WORKBOOK PROJECT** - Executive Director of the Lake County Winegrape Commission Shannon Gunier and Viticulturist Erica Lundquist were present.

Mr. John Adriance, Chair of the Lake County Winegrape Growers, was present.

Ms. Guiner gave a brief update on the Lake County winegrape and wine industry. There have been over 35 million dollars in winegrape sales, 140 Lake County winegrape growers and 12 wineries. One of the biggest accomplishments this past year was that Lake County growers stepped in and contributed over \$18,000 to fund County-wide weather stations for growers of all Lake County crops. This daily forecasting will help growers reduce water usage as well as a reduction in spraying for powdery mildew.

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Ms. Lundquist gave an update report on the Lake County Winegrape Commission's Research and Education Program, and the workbook project, and the success that the program is having.

There was no action taken on this item.

8. **ITEM A-8 - 10:15 A.M. - PRESENTATION BY ENTERPRISE FACILITATOR LOYD HAMBRICK ON THE PROGRESS OF FREE CONFIDENTIAL START-UP AND EXPANSION ASSISTANCE AND BUSINESS COACHING SERVICES** - Mr. Enterprise Facilitator Loyd Hambrick stated that seven businesses have contacted him and he will be providing expansion assistance and business coaching services to those businesses. Also, he has been the guest speaker at numerous community and business events, and the interest by businesses throughout Lake County is increasing. Mr. Hambrick believes the more contact you have with businesses, the request for services will also increase.

There was no action taken on this item.

After a short recess, the Board reconvened at 10:41 a.m., with Supervisor Brown absent.

9. **ITEM A-9 - 10:30 A.M. - DISCUSSION/CONSIDERATION OF A JOINT POWERS AUTHORITY (JPA) BETWEEN THE COUNTY OF LAKE AND THE COUNTY OF MENDOCINO - AREA AGENCY ON AGING (AAA), FOR PLANNING AND SERVICE AREA 26** - Social Services Director Carol Huchingson was present.

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the Joint Powers Authority (JPA) Agreement between the County of Lake and the County of Mendocino-Area Agency on Aging (AAA), for Planning and Service Area 26, and authorized the Chair to sign.

After a short recess, the Board reconvened at 10:55 a.m.

10. **ITEM A-10 - 10:50 A.M. - (a) DISCUSSION/CONSIDERATION OF REQUEST FROM THE FISH AND WILDLIFE ADVISORY COMMITTEE TO DONATE \$500 TO THE LAKE COUNTY WILDLIFE RESCUE AND REHABILITATION CENTER (ALLOCATION OF FUNDS FROM BUDGET UNIT NO. 2701 - FISH AND WILDLIFE PROPAGATION AND PROTECTION); and (b) PROPOSED LETTER TO THE CALIFORNIA FISH AND GAME COMMISSION REQUESTING A REVISION TO THE CALIFORNIA SPORT FISHING REGULATIONS ON CLEAR LAKE (REVISING THE DAILY BAG LIMIT OF 25 CRAPPIE PER ANGLER/DAY AND 25 IN POSSESSION TO A DAILY BAG LIMIT OF 10 CRAPPIE PER ANGLER/DAY AND 10 IN POSSESSION)** - Agricultural Commissioner Steve Hajik was present.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the request from the Fish and Wildlife Advisory Committee to donate \$500 to the Lake County Wildlife Rescue and Rehabilitation Center (allocation of funds from Budget Unit No. 2701 - Fish and Wildlife Propagation and Protection).

Supervisor Brown was present at 11:16 a.m.

The following amendment was made to the letter:

Changed 10 in possession to 20 in possession.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the letter, as amended, to the California Fish and Game Commission requesting a revision to the California Sport Fishing Regulations on Clear Lake (revising the daily bag limit of 25 Crappie per angler/day and 25 in possession to a daily bag limit of 10 Crappie per angler/day and 20 in possession), and authorized the Chair to sign.

11. **ITEM A-11 - 11:15 A.M. - PRESENTATION OF PROCLAMATION COMMENDING GAIL GIBSON UPON HER RETIREMENT FROM COUNTY SERVICE** - Supervisor Lewis read the Proclamation into the record. The proclamation was presented to Ms. Gail Gibson.

12. **ITEM A-12 - 11:20 A.M. - REVIEW OF THE 9-80 WORK SCHEDULE FOR HEALTH SERVICES AND CONSIDERATION OF REQUEST FOR CONTINUANCE OF THE 9-80 WORK SCHEDULE** - Health Services Director Ruth Lincoln was present and gave a brief overview of the work schedule. Since January of 2005, monitoring and evaluation of the following areas was conducted: (1) Improved availability to the public; (2) increased productivity with timely completion of paperwork/reports; (3) decreased absenteeism and CTO; and (4) improved phone response times.

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Brown NO), authorized the continuance on a temporary basis, the 9-80 work schedule for Health Services.

- BACK TO #1 - ITEM A-1 - CONSENT AGENDA - CONSIDERATION OF OUT-OF-STATE TRAVEL FOR SUBSTANCE ABUSE PROGRAM COORDINATOR ESTHER TARIN-FLORES, TO WASHINGTON, D.C., FROM AUGUST 22-26, 2005, TO ATTEND THE OFFICE OF RURAL HEALTH PROGRAM CONFERENCE (TRAVEL EXPENSES ARE BEING PAID IN FULL BY LAKE COUNTY TRIBAL HEALTH)** - Health Services Director Ruth Lincoln was present.

Supervisor Brown made a request to revisit Consent Item C-3. Supervisor Brown stated that Ms. Tarin-Flores will be receiving her normal pay from the County while in Washington, D.C., and he doesn't believe that the conference will provide any benefit to the employee, to the department or to the County.

Supervisor Brown made a motion to rescind the approval of the Consent Agenda, this motion failed due to the lack of a second.

No further action was taken on this item.

The Board recessed for lunch at 11:57 a.m. and reconvened at 1:31p.m.

13. **ITEM A-13 - 1:30 P.M. - PRESENTATION FROM COUNTY ADMINISTRATIVE OFFICER REGARDING FISCAL YEAR 2005-2006 RECOMMENDED FINAL BUDGET** - Administrative Officer Kelly Cox gave a brief overview of the Fiscal Year 2005-2006 recommended Final Budget. The recommended total appropriation in the Final Budget for Fiscal Year 2005-2006 is \$153.3 million. The recommended Final Budget is balanced and will not require any employee layoffs, work week reduction or unpaid employee furloughs. This budget reflects the Board's stated priorities and provides opportunities for the County to make improvements in many areas of service to the public. During Final Budget Hearings, to be held on August 12, 2005, a more thorough overview will be provided to the Board.

14. **ITEM A-14 - 1:45 P.M. - DISCUSSION REGARDING AN AMENDMENT TO THE GENERAL PLAN AND THE ZONING ORDINANCE THAT WOULD RESTRICT THE SIZE OF RETAIL STORES** - Community Development Director Mary Jane Fagalde was present.

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Mr. Dan Obermeyer, representing the Committee for Hometown Development, gave an overview of the impact of large chain stores has 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 fewer establishments in operation.

Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Mr. John Roddy, Ms. Denise Rushing and Mr. Bill Burnett. 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 (5 ayes), directed staff to include the following wording in the General Plan Update: "limit the size of formula retail businesses to no more than 40,000 square feet to be consistent with the rural character of the area."

After a short recess, the Board reconvened at 3:00 p.m.

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

15. **ITEM A-15 - Continued From July 26, 2005 - 3:00 P.M. - CONSIDERATION OF PROPOSED AMENDMENTS TO AIR QUALITY MANAGEMENT DISTRICT'S RULES AND REGULATIONS TO IMPLEMENT A COUNTY-WIDE UNIFORM OPEN WASTE BURNING PERMIT FEE, AND DELEGATION TO FIRE AGENCIES TO RETAIN BURN PERMIT FEES** - Air Pollution Control Officer Bob Reynold and Deputy Air Pollution Control Officer Ross Kauper were present.

Mr. Mark Reina, representative of the California Department of Forestry, was also present.

Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Mr. Gary Saylor, Mr. Jim Robbins, Mr. Tom slate, Mr. Russ Greenwall, Ms. Juliana Vidich, Mr. Bob Prather, Mr. Don Eutenier, Mr. Al Moorhead, Mr. Jim McMurray, Ms Frances Shuttes, Mr. Dan Prather and Mr. Ray Tate. No one else was present wishing to speak and the public portion of this item was closed.

The following amendments were made to "Exhibit A": Changed Category C - Smoke Management Plans Initial Fee from \$60 to \$20, the Annual Renewal Fee from \$40 to \$20 and deleted the Extended Review Fee of \$50.

Director Farrington offered Resolution No. 2005-133, as amended, and it was passed by a roll-call vote (4 ayes, Director Brown NO).

There being no further business, the meeting was adjourned to August 12, 2005, at 8:30 a.m., for Final Budget Hearings for Fiscal Year 2005/2006 (if Final Budget Hearings are not concluded on August 12, 2005, the hearings will be continued to August 15, 2005, at 9:00 a.m.).

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board