



## CITY COUNCIL REGULAR MEETING

Clearlake City Hall Council Chambers

14050 Olympic Dr, Clearlake, CA

Thursday, September 16, 2021

Workshop 5:30 PM

Regular Meeting 6:00 PM

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On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which allows Council Members to attend City Council meetings telephonically. On June 11, 2021, Governor Newsom extended this Order through September 30, 2021. Please be advised that some, or all, of the Clearlake City Council Members may attend this meeting telephonically.

The City Council meetings are viewable in person in the Council Chambers, via livestreaming on the City's YouTube Channel ([https://www.youtube.com/channel/UCTyifT\\_nKS-3woxEu1ilBXA](https://www.youtube.com/channel/UCTyifT_nKS-3woxEu1ilBXA)) or "Lake County PEG TV Live Stream" at <https://www.youtube.com/user/LakeCountyPegTV/featured> and the public may participate through Zoom at the link listed below. The public can submit comments and questions in writing for City Council consideration by sending them to the Administrative Services Director/City Clerk at [mswanson@clearlake.ca.us](mailto:mswanson@clearlake.ca.us). To give the City Council adequate time to review your questions and comments, please submit your written comments prior to 4:00 p.m. on the day of the meeting.

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## AGENDA

**MEETING PROCEDURES:** *All items on agenda will be open for public comments before final action is taken. Citizens wishing to introduce written material into the record at the public meeting on any item are requested to provide a copy of the written material to the Administrative Services Director/City Clerk prior to the meeting date so that the material may be distributed to the City Council prior to the meeting. Speakers must restrict comments to the item as it appears on the agenda and stay within a three minutes time limit. The Mayor has the discretion of limiting the total discussion time for an item.*

### AMERICANS WITH DISABILITY ACT (ADA) REQUESTS

If you need disability related modification, including auxiliary aids or services, to participate in this meeting, please contact Melissa Swanson, Administrative Services Director/City Clerk at the Clearlake City Hall, 14050 Olympic Drive, Clearlake, California 95422, phone (707) 994-8201, ext 106, or via email at [mswanson@clearlake.ca.us](mailto:mswanson@clearlake.ca.us) at least 72 hours prior to the meeting, to allow time to provide for special accommodations.

### AGENDA REPORTS

Staff reports for each agenda item are available for review at [www.clearlake.ca.us](http://www.clearlake.ca.us). Any writings or documents pertaining to an open session item provided to a majority of the City Council less than 72 hours prior to the meeting, shall be made available for public inspection on the City's website at [www.clearlake.ca.us](http://www.clearlake.ca.us).

**Zoom Link:** <https://clearlakeca.zoom.us/j/84700174234>

### A. ROLL CALL

**B. WORKSHOP**

1. **5:30 P.M.** Presentation of MuniCode Agenda Management Processes for City Council Members

**C. PLEDGE OF ALLEGIANCE**

- D. INVOCATION/MOMENT OF SILENCE:** *The City Council invites members of the clergy, as well as interested members of the public in the City of Clearlake, to voluntarily offer an invocation before the beginning of its meetings for the benefit and blessing of the City Council. This opportunity is voluntary and invocations are to be less than three minutes, offered in a solemn and respectful tone, and directed at the City Council. Invocational speakers who do not abide by these simple rules of respect and brevity shall be given a warning and/or not invited back to provide a subsequent invocation for a reasonable period of time, as determined appropriate by the City. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the City Council with, nor express the City Council's preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the City Council's respect for the diversity of religious denominations and faith represented and practiced among the citizens of Clearlake. If a scheduled invitational speaker does not appear at the scheduled meeting, the Mayor will ask that the City Council observe a moment of silence in lieu of the invocation. More information about the City's invocation policy is available upon request by contacting the Administrative Services Director/City Clerk at (707) 994-8201x106 or via email at [mswanson@clearlake.ca.us](mailto:mswanson@clearlake.ca.us).*

- E. ADOPTION OF THE AGENDA** *(This is the time for agenda modifications.)*

**F. PRESENTATIONS**

2. Presentation of September's Adoptable Dogs
3. Swearing In of New and Promoted Police Department Employees
4. Presentation of a Proclamation Declaring September 24, 2021 as Native American Day

- G. PUBLIC COMMENT:** *This is the time for any member of the public to address the City Council on any matter not on the agenda that is within the subject matter jurisdiction of the City. **The Brown Act, with limited exceptions, does not allow the Council or staff to discuss issues brought forth under Public Comment.** The Council cannot take action on non-agenda items. Concerns may be referred to staff or placed on the next available agenda. Please note that comments from the public will also be taken on each agenda item. Comments shall be limited to three (3) minutes per person.*

- H. CONSENT AGENDA:** *All items listed under the Consent Agenda are considered to be routine in nature and will be approved by one motion. There will be no separate discussion of these items unless a member of the Council requests otherwise, or if staff has requested a change under Adoption of the Agenda, in which case the item will be removed for separate consideration. Any item so removed will be taken up following the motion to approve the Consent Agenda.*

5. Continuation of Declaration of Local Emergency Issued on March 14, 2020 and Ratified by Council Action on March 19, 2020

Recommended Action: By motion keep declaration of emergency active and set next review in sixty days

6. Continuation of Declaration of Local Emergency Issued on October 9, 2017 and Ratified by Council Action October 12, 2017

Recommended Action: By motion keep declaration of emergency active and set next review in 30 days

7. Continuation of Declaration of Local Emergency Issued on August 18, 2021 and Ratified by Council Action on August 19, 2021

Recommended Action: By motion keep declaration of emergency active and set next review in sixty days

8. Warrants

Recommended Action: Receive and file

9. Minutes of the August 11, 2021 Lake County Vector Control District Board Meeting

Recommended Action: Receive and file

10. Solar Powered Lighting Purchase for Austin Park Promenade

Recommended Action: Authorize purchase

## **I. PUBLIC HEARING**

11. Consideration of Appeal application AP 2021-03 in regards to the Planning Commission's denial of companion application AP 2021-02 following the Director's determination of Administrative Use Permit application AUP 2021-07, authorizing a drive-through/walk up coffee shop with limited outdoor seating located at 14760 Olympic Drive, further described as APN 039-570-18.

Recommended Action: Make a finding either to deny or approve Appeal application AP 2021-03 via the associated Resolution No. 2021-46 in reconsideration of Administrative Use Permit AUP 2021-07

## **J. BUSINESS**

12. Update and Discussion on the Cache Fire

Recommended Action: Provide Direction to Staff

13. Award of Contract for the Sulphur Fire Disaster Roadway Improvement Project

Recommended Action: Authorize City Manager to enter into a contract with Argonaut Constructors for the Sulphur Fire Disaster Roadway Improvement Project in the amount of \$6,494,914.00 and authorize the City Manager to approve up to 10% for additional unforeseen contract amendments.

14. Award of contract for Inspection and Materials Testing for the Sulphur Fire Roadway Disaster Repair Project

Recommended Action: Authorize City Manager to enter into contract with Green Valley

Consulting Engineers for the total amount of \$227,360.00 and authorize the City Manager to approve up to 10% for additional unforeseen contract amendments.

15. Consideration of Extending Temporary Agreements with North Bay Animal Services for Animal Control Officer and Kennel Technician Services

Recommended Action: Approve continuation of agreements and waive competitive bidding.

16. Consideration of Response to the 2020-21 Lake County Civil Grand Jury Report

Recommended Action: Approve Letter in Response and Authorize the Mayor to Sign.

17. Discussion and Possible Action Regarding California's Redistricting Process

Recommended Action: Adopt Resolution

**K. CITY MANAGER AND COUNCILMEMBER REPORTS**

**L. FUTURE AGENDA ITEMS**

**M. CLOSED SESSION**

(18) Conference with Legal Counsel- Existing Litigation: Pursuant to Government Code Section 54956.9: Case No. CV-421149; Name of Case: City of Clearlake v. County of Lake, a political subdivision of the State of California; Board of Supervisors of the County of Lake, a public body of the County of Lake; Barbara C. Ringen, in her official capacity as the Treasurer-Tax Collector of the County of Lake; and Does 1 through 30, inclusive

(19) Conference with Legal Counsel- Liability Claims- Pursuant to Government Code 54961: Claimant: Benjamin Finneston; Agency Claimed Against: City of Clearlake

**N. ANNOUNCEMENT OF ACTION FROM CLOSED SESSION**

**O. ADJOURNMENT**

POSTED: September 10, 2021

BY:



Melissa Swanson, Administrative Services Director/City Clerk





## **Native American Day September 24, 2021**

**WHEREAS, As the First Americans, Native Americans have helped shape the future of the United States through every turn of our history;**

**WHEREAS, the contributions of Native Americans have enhanced the freedom, prosperity, and greatness of America today;**

**WHEREAS, their customs and traditions are respected and celebrated as part of a rich legacy throughout the United States, California and Lake County;**

**WHEREAS, Native American Day began in 1968 and recognition was expanded by Governor Brown in September 2014, designating the fourth Friday of every September Native American Day; and**

**WHEREAS, in honor of Native American Day, community celebrations, as well as numerous cultural, artistic, educational and historical activities take place.**

**NOW, THEREFORE, BE IT PROCLAIMED that the City of Clearlake does hereby designate September 24, 2021 as Native American Day and urge all our citizens to recognize the contributions of Native American people and the rich history of the Native American people in California.**

**Dated this 16<sup>th</sup> day of September, 2021**

**Dirk Slooten, Mayor**



# CITY OF CLEARLAKE

## City Council

### STAFF REPORT

**SUBJECT:** Continuation of Declaration of Local Emergency Issued on March 14, 2020 and Ratified by Council Action March 19, 2020

**MEETING DATE:**  
August 5, 2021

**SUBMITTED BY:** Melissa Swanson, Administrative Services Director/City Clerk

**PURPOSE OF REPORT:** ☐ Information only ☐ Discussion ☒ Action Item

#### WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to keep declaration of emergency active and set next review in sixty days.

#### BACKGROUND/DISCUSSION:

On March 13, 2020 City Manager Flora, as the Director of Emergency Services for the City of Clearlake, declared in the attached Proclamation by the Director of Emergency Services Declaring a Local Emergency due to the state and federal declaration of the COVID-19/Coronavirus pandemic:

“That conditions of disaster or extreme peril to the safety of the persons and property have within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City”

According to California Government Code Section 8630:

- (a) A local emergency may be proclaimed only by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body.
- (b) Whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body.
- (c) The governing body shall review the need for continuing the local emergency at least once every 30 days until the governing body terminates the local emergency.
- (d) The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

On March 19<sup>th</sup>, 2020, the Council ratified the Proclamation of the Local Emergency by a Resolution No. 2020-10. The Council must continue the Proclamation every 60 days or terminate the local emergency.

It is recommended that the City Council again continue the Proclamation of Emergency ratified in Resolution No. 2020-10 and review the status of the Proclamation again within 60 days.

**OPTIONS:**

1. Move to continue the Proclamation of Emergency ratified in Resolution No. 2020-10 and review the status of the Proclamation again within 60 days
2. Other direction

**FISCAL IMPACT:**

☒ None      ☐ \$      Budgeted Item? ☐ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☒ No      If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other:

Comments: There is potential for recovery of costs by the City due to the declared state of emergency.

**STRATEGIC PLAN IMPACT:**

- ☐ Goal #1: Make Clearlake a Visibly Cleaner City
- ☐ Goal #2: Make Clearlake a Statistically Safer City
- ☐ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☐ Goal #4: Improve the Image of Clearlake
- ☒ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

**SUGGESTED MOTIONS:**

Move to continue the Proclamation of Emergency ratified in Resolution No. 2020-10 and review the status of the Proclamation again within 60 days.

- ☐ **Attachments:**
- 1)
  - 2)



# CITY OF CLEARLAKE

## City Council

### STAFF REPORT

**SUBJECT:** Continuation of Declaration of Local Emergency Issued on October 9, 2017 and Ratified by Council Action October 12, 2017

**MEETING DATE:**

**SUBMITTED BY:** Melissa Swanson, Administrative Services Director/City Clerk

**PURPOSE OF REPORT:** ☐ Information only ☐ Discussion ☒ Action Item

#### WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to keep declaration of emergency active and set next review in 30 days

#### BACKGROUND/DISCUSSION:

On October 9<sup>th</sup>, 2017, former City Manager Folsom, as the Director of Emergency Services for the City of Clearlake, declared in a Proclamation by the Director of Emergency Services Declaring a Local Emergency:

“That conditions of extreme peril to the safety of the persons and property have arisen within the City of Clearlake caused by the wildfire on October 9<sup>th</sup>, 2017.”

According to California Government Code Section 8630:

- (a) A local emergency may be proclaimed only by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body.
- (b) Whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body.
- (c) The governing body shall review the need for continuing the local emergency at least once every 30 days until the governing body terminates the local emergency.
- (d) The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

On October 12<sup>th</sup> the Council ratified the Proclamation of the Local Emergency by adoption of Resolution No. 2017-78. The Council must continue the Proclamation every 30 days or terminate the local emergency.

It is recommended that the City Council again continue the Proclamation of Emergency ratified in Resolution No. 2017-78 and review the status of the Proclamation again within 30 days.

**OPTIONS:**

1. Move to continue the Proclamation of Emergency ratified in Resolution No. 2017-78 and review the status of the Proclamation again within 30 days.
2. Other direction

**FISCAL IMPACT:**

☒ None      ☐ \$      Budgeted Item? ☐ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☐ No    If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund   ☐ Measure P Fund   ☐ Measure V Fund   ☐ Other:

Comments: There is potential for recovery of costs by the City due to the declared state of emergency.

**STRATEGIC PLAN IMPACT:**

- ☐ Goal #1: Make Clearlake a Visibly Cleaner City
- ☐ Goal #2: Make Clearlake a Statistically Safer City
- ☐ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☐ Goal #4: Improve the Image of Clearlake
- ☒ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

**SUGGESTED MOTIONS:**

Move to continue the Proclamation of Emergency ratified in Resolution No. 2017-78 and review the status of the Proclamation again within 30 days.

- ☐ **Attachments:**      1)
- 2)



# CITY OF CLEARLAKE

## City Council

### STAFF REPORT

**SUBJECT:** Continuation of Declaration of Local Emergency Issued on August 18, 2021 and Ratified by Council Action August 19, 2021

**MEETING DATE:**  
August 5, 2021

**SUBMITTED BY:** Melissa Swanson, Administrative Services Director/City Clerk

**PURPOSE OF REPORT:** ☐ Information only ☐ Discussion ☒ Action Item

#### WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to keep declaration of emergency active and set next review in sixty days.

#### BACKGROUND/DISCUSSION:

On August 18, 2021 City Manager Flora, as the Director of Emergency Services for the City of Clearlake, declared a Local Emergency due to the Cache Fire:

“A local emergency exists based on the existence of conditions of disaster or of extreme peril to the safety of persons and property”

According to California Government Code Section 8630:

- (a) A local emergency may be proclaimed only by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body.
- (b) Whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body.
- (c) The governing body shall review the need for continuing the local emergency at least once every 30 days until the governing body terminates the local emergency.
- (d) The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

On August 19, 2021, the Council ratified the Proclamation of the Local Emergency by adoption of Resolution No. 2021-44. The Council must continue the Proclamation every 60 days or terminate the local emergency.

It is recommended that the City Council again continue the Proclamation of Emergency Resolution No. 2021-44 and review the status of the Proclamation again within 60 days.

**OPTIONS:**

1. Move to continue the Proclamation of Emergency ratified in Resolution No. 2021-44 and review the status of the Proclamation again within 60 days
2. Other direction

**FISCAL IMPACT:**

☒ None      ☐ \$      Budgeted Item? ☐ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☒ No      If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other:

Comments: There is potential for recovery of costs by the City due to the declared state of emergency.

**STRATEGIC PLAN IMPACT:**

- ☐ Goal #1: Make Clearlake a Visibly Cleaner City
- ☐ Goal #2: Make Clearlake a Statistically Safer City
- ☐ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☐ Goal #4: Improve the Image of Clearlake
- ☒ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

**SUGGESTED MOTIONS:**

Move to continue the Proclamation of Emergency ratified in Resolution No. 2020-10 and review the status of the Proclamation again within 60 days.





Clearlake, CA

Section H, Item 8.

Check Register

Packet: APPKT00793 - 9/2/21 AP Check Run AA

By Check Number

| Vendor Number                         | Vendor Name                    | Payment Date | Payment Type | Discount Amount | Payment Amount | Number |
|---------------------------------------|--------------------------------|--------------|--------------|-----------------|----------------|--------|
| <b>Bank Code: AP-Accounts Payable</b> |                                |              |              |                 |                |        |
| VEN01085                              | ACC BUSINESS                   | 09/02/2021   | Regular      | 0.00            | 603.58         | 11199  |
| VEN01168                              | ADAM J GIORDANO                | 09/02/2021   | Regular      | 0.00            | 400.00         | 11200  |
| 001911                                | ADAMS ASHBY GROUP INC          | 09/02/2021   | Regular      | 0.00            | 1,187.50       | 11201  |
| 001506                                | ADELINE BROWN                  | 09/02/2021   | Regular      | 0.00            | 600.00         | 11202  |
| VEN01157                              | AMAZING KIND CARPET CLEANING   | 09/02/2021   | Regular      | 0.00            | 600.00         | 11203  |
| 000085                                | ARAMARK UNIFORM SERVICES       | 09/02/2021   | Regular      | 0.00            | 98.62          | 11204  |
| 001759                                | BOAR'S BREATH RESTAURANT       | 09/02/2021   | Regular      | 0.00            | 2,250.00       | 11205  |
| 000068                                | BOB'S JANITORIAL               | 09/02/2021   | Regular      | 0.00            | 547.29         | 11206  |
| 002162                                | CALIFORNIA ENGINEERING         | 09/02/2021   | Regular      | 0.00            | 832.35         | 11207  |
| 2404                                  | CALTRONICS                     | 09/02/2021   | Regular      | 0.00            | 59.05          | 11208  |
| 000024                                | CLEARLAKE POLICE ASSOCIATION   | 09/02/2021   | Regular      | 0.00            | 1,500.00       | 11209  |
| 000218                                | CLEARLAKE VETERINARY CLINIC    | 09/02/2021   | Regular      | 0.00            | 99.20          | 11210  |
| 002327                                | DEBRA SALLY D.V.M.             | 09/02/2021   | Regular      | 0.00            | 1,113.50       | 11211  |
| 000774                                | DEEP VALLEY SECURITY           | 09/02/2021   | Regular      | 0.00            | 82.90          | 11212  |
| 000160                                | DEPT OF JUSTICE                | 09/02/2021   | Regular      | 0.00            | 429.00         | 11213  |
| 002010                                | DIEPENBROCK & COTTER LLP       | 09/02/2021   | Regular      | 0.00            | 2,622.30       | 11214  |
| 000851                                | ENTERPRISE TOWING              | 09/02/2021   | Regular      | 0.00            | 75.00          | 11215  |
| 2411                                  | ERIN MCCARRICK                 | 09/02/2021   | Regular      | 0.00            | 75.00          | 11216  |
| VEN01108                              | FAWN CHRISTINE WILLIAMS        | 09/02/2021   | Regular      | 0.00            | 75.00          | 11217  |
| 001959                                | FOREMOST PROMOTIONS            | 09/02/2021   | Regular      | 0.00            | 1,704.24       | 11218  |
| 001732                                | GARY PRICE CONSULTING SERVICES | 09/02/2021   | Regular      | 0.00            | 9,315.00       | 11219  |
| 000797                                | GRANITE CONSTRUCTION           | 09/02/2021   | Regular      | 0.00            | 125,396.68     | 11220  |
| 001593                                | K&R TREE SPECIALISTS           | 09/02/2021   | Regular      | 0.00            | 3,600.00       | 11221  |
| 002156                                | KATHRYN L DAVIS                | 09/02/2021   | Regular      | 0.00            | 75.00          | 11222  |
| 002286                                | LISA WILSON                    | 09/02/2021   | Regular      | 0.00            | 75.00          | 11223  |
| 002169                                | LOS CARNEROS INVESTIGATIVE SVC | 09/02/2021   | Regular      | 0.00            | 1,200.00       | 11224  |
| 000793                                | MEDIACOM                       | 09/02/2021   | Regular      | 0.00            | 805.25         | 11225  |
| VEN01048                              | Minnesota Life Insurance       | 09/02/2021   | Regular      | 0.00            | 885.75         | 11226  |
| 001392                                | OFFICE DEPOT                   | 09/02/2021   | Regular      | 0.00            | 43.85          | 11227  |
| 000129                                | PARAMEX SCREENING              | 09/02/2021   | Regular      | 0.00            | 75.00          | 11228  |
| 000016                                | PARSAC                         | 09/02/2021   | Regular      | 0.00            | 23,473.94      | 11229  |
| 000130                                | PITNEY BOWES                   | 09/02/2021   | Regular      | 0.00            | 701.68         | 11230  |
| 002355                                | RAINBOW AG                     | 09/02/2021   | Regular      | 0.00            | 836.27         | 11231  |
| 002031                                | REDWOOD COAST FUELS            | 09/02/2021   | Regular      | 0.00            | 947.71         | 11232  |
| 002215                                | ROBERT COKER                   | 09/02/2021   | Regular      | 0.00            | 75.00          | 11233  |
| 002376                                | ROBERT DEWALT                  | 09/02/2021   | Regular      | 0.00            | 200.00         | 11234  |
| 001448                                | SIRCHIE                        | 09/02/2021   | Regular      | 0.00            | 143.96         | 11235  |
| 000676                                | SONOMA STATE UNIVERSITY        | 09/02/2021   | Regular      | 0.00            | 75.00          | 11236  |
| 002000                                | SUB TERRA CONSULTING           | 09/02/2021   | Regular      | 0.00            | 3,140.40       | 11237  |
| 001812                                | SUTTER HEALTH                  | 09/02/2021   | Regular      | 0.00            | 25.00          | 11238  |
| 002375                                | THOMAS DEWALT                  | 09/02/2021   | Regular      | 0.00            | 800.00         | 11239  |
| 001540                                | US BANK CORPORATE PMT. SYSTEM  | 09/02/2021   | Regular      | 0.00            | 17,741.48      | 11240  |
|                                       | **Void**                       | 09/02/2021   | Regular      | 0.00            | 0.00           | 11241  |
|                                       | **Void**                       | 09/02/2021   | Regular      | 0.00            | 0.00           | 11242  |
|                                       | **Void**                       | 09/02/2021   | Regular      | 0.00            | 0.00           | 11243  |
|                                       | **Void**                       | 09/02/2021   | Regular      | 0.00            | 0.00           | 11244  |
|                                       | **Void**                       | 09/02/2021   | Regular      | 0.00            | 0.00           | 11245  |
|                                       | **Void**                       | 09/02/2021   | Regular      | 0.00            | 0.00           | 11246  |

Check Register

Packet: APPKT0079

Section H, Item 8.

| Vendor Number | Vendor Name            | Payment Date | Payment Type | Discount Amount | Payment Amount | Number |
|---------------|------------------------|--------------|--------------|-----------------|----------------|--------|
| 002206        | VICTOR MEDICAL COMPANY | 09/02/2021   | Regular      | 0.00            | 2,208.37       | 11247  |

Bank Code AP Summary

| Payment Type   | Payable Count | Payment Count | Discount    | Payment           |
|----------------|---------------|---------------|-------------|-------------------|
| Regular Checks | 158           | 43            | 0.00        | 206,794.87        |
| Manual Checks  | 0             | 0             | 0.00        | 0.00              |
| Voided Checks  | 0             | 6             | 0.00        | 0.00              |
| Bank Drafts    | 0             | 0             | 0.00        | 0.00              |
| EFT's          | 0             | 0             | 0.00        | 0.00              |
|                | <b>158</b>    | <b>49</b>     | <b>0.00</b> | <b>206,794.87</b> |

**Fund Summary**

| <b>Fund</b> | <b>Name</b> | <b>Period</b> | <b>Amount</b>     |
|-------------|-------------|---------------|-------------------|
| 999         | Pooled Cash | 9/2021        | 206,794.87        |
|             |             |               | <b>206,794.87</b> |



Clearlake, CA

Section H, Item 8.

# Check Register

Packet: APPKT00811 - 9/9/21 AP Check Run AA

By Check Number

| Vendor Number                         | Vendor Name                    | Payment Date | Payment Type | Discount Amount | Payment Amount | Number |
|---------------------------------------|--------------------------------|--------------|--------------|-----------------|----------------|--------|
| <b>Bank Code: AP-Accounts Payable</b> |                                |              |              |                 |                |        |
| 2418                                  | BICOASTAL MEDIA, LLC           | 09/09/2021   | Regular      | 0.00            | 726.00         | 11248  |
| 001293                                | CDW GOVERNMENT                 | 09/09/2021   | Regular      | 0.00            | 754.37         | 11249  |
| 000024                                | CLEARLAKE POLICE ASSOCIATION   | 09/09/2021   | Regular      | 0.00            | 1,500.00       | 11250  |
| 000218                                | CLEARLAKE VETERINARY CLINIC    | 09/09/2021   | Regular      | 0.00            | 254.03         | 11251  |
| 000548                                | COMPUTER LOGISTICS             | 09/09/2021   | Regular      | 0.00            | 450.00         | 11252  |
| 000774                                | DEEP VALLEY SECURITY           | 09/09/2021   | Regular      | 0.00            | 82.90          | 11253  |
| 002285                                | DELL FINANCIAL SERVICES LLC    | 09/09/2021   | Regular      | 0.00            | 2,118.42       | 11254  |
| 000120                                | FED EX                         | 09/09/2021   | Regular      | 0.00            | 15.76          | 11255  |
| VEN01120                              | FLOCK GROUP INC.               | 09/09/2021   | Regular      | 0.00            | 14,116.67      | 11256  |
| 002065                                | HERC RENTALS INC               | 09/09/2021   | Regular      | 0.00            | 5,238.28       | 11257  |
| 000121                                | HIGHLANDS WATER COMPANY        | 09/09/2021   | Regular      | 0.00            | 7,382.99       | 11258  |
| 001775                                | JONES & MAYER                  | 09/09/2021   | Regular      | 0.00            | 10,612.78      | 11259  |
| 001176                                | KEVIN NESS JEWELERS            | 09/09/2021   | Regular      | 0.00            | 168.56         | 11260  |
| 001598                                | KONOCETTES                     | 09/09/2021   | Regular      | 0.00            | 768.98         | 11261  |
| 001251                                | MARK A CLEMENTI PHD            | 09/09/2021   | Regular      | 0.00            | 774.00         | 11262  |
| 002281                                | MENDO LAKE INTERIORS           | 09/09/2021   | Regular      | 0.00            | 4,749.00       | 11263  |
| 001489                                | NAPA AUTO PARTS                | 09/09/2021   | Regular      | 0.00            | 517.41         | 11264  |
| 000026                                | NATIONWIDE RETIREMENT SOLUTION | 09/09/2021   | Regular      | 0.00            | 1,300.08       | 11265  |
| VEN01191                              | NORTH BAY ANIMAL SERVICES      | 09/09/2021   | Regular      | 0.00            | 11,486.00      | 11266  |
| 001913                                | OCCU-MED LTD                   | 09/09/2021   | Regular      | 0.00            | 492.80         | 11267  |
| 001392                                | OFFICE DEPOT                   | 09/09/2021   | Regular      | 0.00            | 65.24          | 11268  |
| 000130                                | PITNEY BOWES                   | 09/09/2021   | Regular      | 0.00            | 517.61         | 11269  |
| 001536                                | PRECISION WIRELESS SERVICES    | 09/09/2021   | Regular      | 0.00            | 190.31         | 11270  |
| 000506                                | SIGNS OF RANDY HARE            | 09/09/2021   | Regular      | 0.00            | 652.50         | 11271  |
| VEN01194                              | SUNNY COMMUNICATIONS, INC      | 09/09/2021   | Regular      | 0.00            | 287.00         | 11272  |
| 000099                                | U.S. CELLULAR                  | 09/09/2021   | Regular      | 0.00            | 859.77         | 11273  |
| 000708                                | VALIC LOCKBOX                  | 09/09/2021   | Regular      | 0.00            | 695.00         | 11274  |
| 001723                                | VALLEY TOXICOLOGY SERVICE      | 09/09/2021   | Regular      | 0.00            | 255.00         | 11275  |

## Bank Code AP Summary

| Payment Type   | Payable Count | Payment Count | Discount    | Payment          |
|----------------|---------------|---------------|-------------|------------------|
| Regular Checks | 49            | 28            | 0.00        | 67,031.46        |
| Manual Checks  | 0             | 0             | 0.00        | 0.00             |
| Voided Checks  | 0             | 0             | 0.00        | 0.00             |
| Bank Drafts    | 0             | 0             | 0.00        | 0.00             |
| EFT's          | 0             | 0             | 0.00        | 0.00             |
|                | <b>49</b>     | <b>28</b>     | <b>0.00</b> | <b>67,031.46</b> |

**Fund Summary**

| Fund | Name        | Period | Amount    |
|------|-------------|--------|-----------|
| 999  | Pooled Cash | 9/2021 | 67,031.46 |
|      |             |        | <hr/>     |
|      |             |        | 67,031.46 |



Clearlake, CA

Check Register

Packet: APPKT00812 - 9/9/21 NCO EMERGENCY TEMP HOUSING  
CACHE FIRE

By Check Number

| Vendor Number                  | Vendor Name               | Payment Date | Payment Type | Discount Amount | Payment Amount | Number |
|--------------------------------|---------------------------|--------------|--------------|-----------------|----------------|--------|
| Bank Code: AP-Accounts Payable |                           |              |              |                 |                |        |
| 002187                         | NORTH COAST OPPORTUNITIES | 09/09/2021   | Regular      | 0.00            | 100,000.00     | 11276  |

Bank Code AP Summary

| Payment Type   | Payable Count | Payment Count | Discount | Payment    |
|----------------|---------------|---------------|----------|------------|
| Regular Checks | 1             | 1             | 0.00     | 100,000.00 |
| Manual Checks  | 0             | 0             | 0.00     | 0.00       |
| Voided Checks  | 0             | 0             | 0.00     | 0.00       |
| Bank Drafts    | 0             | 0             | 0.00     | 0.00       |
| EFT's          | 0             | 0             | 0.00     | 0.00       |
|                | 1             | 1             | 0.00     | 100,000.00 |

## Fund Summary

| Fund | Name        | Period | Amount            |
|------|-------------|--------|-------------------|
| 999  | Pooled Cash | 9/2021 | 100,000.00        |
|      |             |        | <u>100,000.00</u> |

## MINUTES OF PREVIOUS MEETING

**August 11, 2021**

The Ethics AB 1234 Compliance Training Webinar was held in the District Board Room from 11:00 AM to 1:00 PM. All Trustees, The District Manager and District Office Manager were in attendance.

The regular monthly meeting of the Board of Trustees of the Lake County Vector Control District was called to order at 1:33 P.M. by President Giambruno.

Board Present: Rob Bostock, Curt Giambruno, Chuck Leonard, Ron Nagy, and George Spurr.

Absent: None.

District Personnel: Jamesina J. Scott, Ph.D., Manager and Research Director and Ms. Jacinda Franusich, Office Manager.

Guests: None.

Citizen's Input: None.

Agenda Additions and/or Deletions: None.

**Approve Minutes of July 14, 2021 Regular Meeting with a Correction to the Check Numbers to Include Checks 20275-20287 Making the Total Expenditures for July 2021 \$385,229.65**

Mr. Leonard moved to approve the Board Minutes of July 14, 2021 with corrections. Mr. Nagy seconded the motion. Motion carried unanimously.

**Research Report**

Dr. Scott reported on arbovirus activity. One mosquito sample from Lake County has tested positive for West Nile virus (WNV) so far this year.

In the rest of California, West Nile virus has been detected in 770 mosquito samples, 109 WNV-positive dead birds have been reported, and 10 sentinel chickens have tested positive for antibodies to WNV. Additionally, four human cases of West Nile virus illness, including one death, have been reported in 2021.



Nine mosquito samples from Imperial County have tested positive for St. Louis encephalitis.

In the rest of the United States, twenty-six states have reported West Nile virus activity in birds, mosquitoes, sentinel chickens and humans in 2021.

Dr. Scott reported on adult biting fly activity. Carbon dioxide-baited traps were set in a variety of locations during July. Several mosquito species were collected including *Culex tarsalis* and *Anopheles freeborni*.

New Jersey Light Traps were set in the Reclamation and near the City of Clearlake. The mosquito species that were collected from the sites included *Anopheles franciscanus* and *Culex tarsalis*.

Large Red Boxes from Kelseyville, Lakeport, and Upper Lake were sampled in July. Among the mosquito species collected were *Culex tarsalis*, *Anopheles franciscanus*, and *Anopheles freeborni*.

Dr. Scott reported tick testing. Twenty-four *Ixodes pacificus* ticks that were removed from Lake County residents have been submitted to the Sonoma County Public Health Laboratory for testing for *Borrelia burgdorferi*. One tick was in poor condition and could not be tested; all twenty-three ticks that were tested were negative.

Dr. Scott reported on the Clear Lake Gnat, Chironominae, and Tanypodinae Surveillance in Clear Lake. Due to mechanical issues with the District boat lake checks were not completed in July.

### **Operation Report**

No rainfall was recorded in the District's rain gauge during July. The total seasonal rainfall is 11.26 inches, which is 52% of the average precipitation for the season.

On July 1, the level of Clear Lake was at -0.25 feet on the Rumsey Gauge. The lake level decreased to -0.94 feet by July 31.

Seventy-eight service requests were completed in July. This number includes four yellowjacket requests.

The wild rice was treated aurally on June 16 and July 13 with VectoMax FG.

District Vector Control Technicians completed the annual droplet size spectrum testing on July 7.

Dr. Tara Thiemann of the University of the Pacific and two of her students visited the District on July 27-28 to test locally-collected *Culex tarsalis* for resistance to pesticides. This part of an ongoing project between the University of the Pacific, Lake County Vector Control and several other mosquito control districts.

On July 7 all District field employees completed their annual pesticide safety training.

Dr. Scott sent a news release to the local media on July 30 regarding the first West Nile virus activity of 2021 in Lake County. The release was published by the Lake County News on August 3 and in the Lake County Record-Bee on July 31.

Dr. Scott assisted Vector Control Technician Sandi Courcier with a service request in Anderson Springs. The residents reported numerous itchy welts after using the community's park and swim area. Dr. Scott and Ms. Courcier suspected swimmer's itch. Snails were collected and District Entomologist Cassie Urquhart was able to identify cercariae and confirm the suspected swimmer's itch.

Dr. Scott has begun preparing the application for the City of Lakeport to correct the District's zoning and general plan designations.

Dr. Scott participated in the MVCAC Summer Board of Directors Meeting via Zoom on July 15.

#### **Declaration of surplus vehicle: 1985 Jeep Scrambler 4WD**

After some discussion Mr. Bostock moved to declare the 1985 Jeep Scrambler 4WD as surplus property. Mr. Leonard seconded the motion. Motion carried unanimously.

#### **Approve Fiscal Year 2020/2021 Prop. 4 Compliance Resolution No. 21-04**

Mr. Bostock moved to approve the 2020/2021 Prop. 4 Compliance Resolution No. 21-04. Mr. Spurr seconded the motion. Motion approved with a roll call vote as follows: 5 in favor (Mr. Bostock, Mr. Giambruno, Mr. Leonard, Mr. Nagy, and Mr. Spurr), and none against.

**Approve Checks for the Month of August 2021**

Mr. Nagy moved to approve Check Nos.20288–20328 for the month of August 2021 in the amount of \$50,602.49. Mr. Spurr seconded the motion. Motion carried unanimously.

**Other Business**

Dr. Scott mentioned that she has been researching systems to try and improve the sound and speaking quality of District board meetings. These systems may help those who have difficulty hearing during meetings.

**Announcement of Next Regular Board Meeting**

The next regular meeting of the Board will be at 1:30 PM on September 8, 2021 at the Lake County Vector Control District Office, 410 Esplanade Lakeport, CA 95453.

Mr. Nagy moved to adjourn the meeting. Mr. Spurr seconded the motion. There being no other business the meeting was adjourned by President Giambruno at 2:32 PM.

Respectfully submitted,

Ronald Nagy  
Secretary



# CITY OF CLEARLAKE

City Council

| STAFF REPORT                                                       |                                                                                                                               |
|--------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| SUBJECT: Solar Powered Lighting Purchase for Austin Park Promenade | MEETING DATE: 09/09/2021                                                                                                      |
| SUBMITTED BY:                                                      | Dale Goodman – Public Works Director                                                                                          |
| PURPOSE OF REPORT                                                  | <input type="checkbox"/> Information Only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item |

**WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:**

The City Council is being asked to approve the purchase of six (6) RS240 Single Head Retroflex System poles with Brazo fixtures from Great Basin Lighting, for installation just west of the sitting wall in the Austin Park Promenade project area.

**BACKGROUND/DISCUSSION:**

As part of the Austin Park Promenade project, the decision was made to include lighting along the eastside sitting wall to illuminate the future sidewalk. Although not part of the original plan, it was determined that the lights should be installed during this project, rather than come back later, as part of the future Lakeshore pedestrian improvements project between Austin Park and Highlands Park.

These are solar powered lights, so the placement of footings did not include conduit for power to be supplied to the fixtures. The solar panel wraps around the upper part of the pole.

**OPTIONS:**

- ☐ Move to
- ☐ Move to
- ☒ Direct staff to make purchase.
- ☒ Other direction

**FISCAL IMPACT:**

☐ None ☐ \$ 39,380.98 Budgeted Item? ☒ Yes ☐ No  
Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase: \$ .  
Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☒ Other: Capital Projects.  
Comments:

**STRATEGIC PLAN IMPACT**

- ☐ Goal #1: Make Clearlake a Visibly Cleaner City
- ☒ Goal #2: Make Clearlake a Statistically Safer City

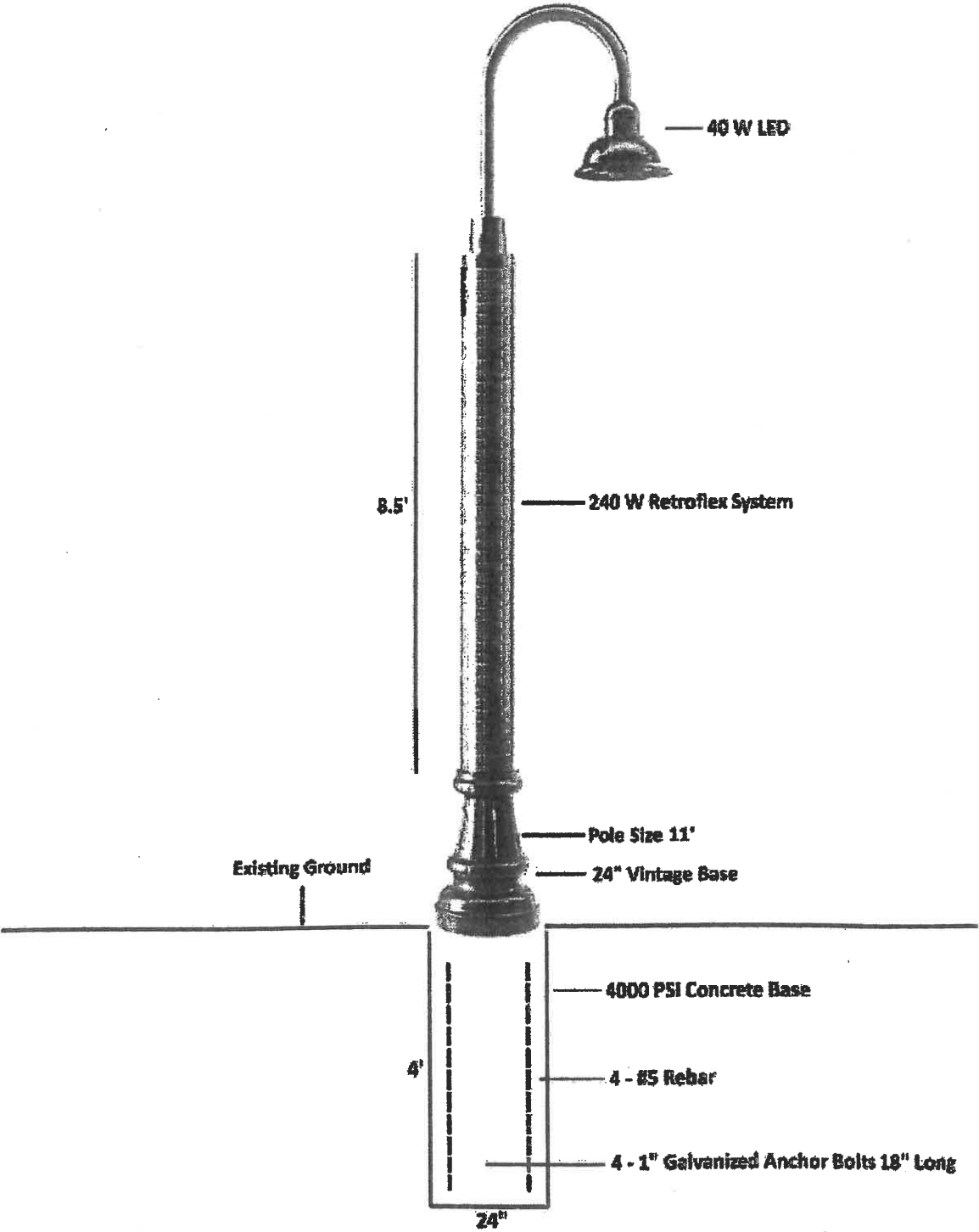
- ☒ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☒ Goal #4 Improve the Image of Clearlake
- ☐ Goal #5 Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Move to authorize the purchase of six (6) RS240 Single Head Retroflex Poles w/ Brazo fixtures from Great Basin Lighting, for installation just west of the sitting wall in the Austin Park Promenade project area.

- ☐ Attachments: 1) RS240 Single Head Retroflex Pole w/ Brazo fixture

RS240 SINGLE HEAD RETROFLEX SYSTEM





## City Council

| STAFF REPORT                                                                                                                                            |                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| <b>SUBJECT:</b> Appeal Application, AP 2021-03                                                                                                          | <b>MEETING DATE</b> 9/16/21<br><b>(Regular):</b>      |
| <b>SUBMITTED BY:</b> Susanna Gutierrez & Mark Roberts, Planning Department                                                                              |                                                       |
| <b>PURPOSE OF REPORT:</b> <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item |                                                       |
| <b>LOCATION:</b> 14760 Olympic Drive<br>APN: 039-570-18-000                                                                                             | <b>APPLICANT/OWNER:</b> Diane Drake (Sister's Coffee) |
| <b>ZONING:</b> Mixed Use (MUX)                                                                                                                          | <b>GENERAL PLAN:</b> Mixed Use                        |

**WHAT IS BEING ASKED OF THE PLANNING COMMISSION:**

1. The City Council is being asked to consider Appeal Application AP 2021-03, filed by Diane Drake (representative of Sister's Coffeehouse), contesting the Director of Community Development's adoption of Resolution CDD 2021-03 approving Administrative Use Permit Application AUP 2021-07 and corresponding environmental filing Categorical Exemption CE 2021-06 at a duly noticed public administrative hearing held July 27<sup>th</sup>, 2021 authorizing the installation of drive-through/walk up coffee shop with limited outdoor seating located at 14760 Olympic Drive, further described as APN 039-570-18 in the Mixed Use (MUX) zoning district, within the Olympic Drive Corridor.
  - i. The Planning Commission considered companion application Appeal AP 2021-02 at a regularly scheduled meeting on August 24, 2021 and moved to deny *Resolution PC 2021-19, A Resolution of the Planning Commission of the City of Clearlake for Appeal Application AP 2021-02* upholding the Director's approval of Administrative Use Permit AUP 2021-07 and Categorical Exemption, CE 2021-06 for the operation of a Drive-Through Coffee Shop based on the finding that the proposed use could be established and maintained without jeopardy to persons or property within or adjacent to the proposed site and without damage to the resources of the site and its surroundings, as required by Zoning Code Section 18-28.060.

**BACKGROUND/DISCUSSION:**

- Administrative Use Permit AUP 2021-07<sup>1</sup>
  - The applicant is requesting approval of an administrative use permit application allowing the development of a drive through and walk-up coffee shop with limited outdoor seating located at the address noted above. The development would include but is not limited to:
    - Constructing a 10' X 16' commercial coffee kiosk (example below), including one (1) drive through window and one (1) walk up window.
    - Outside seating area with approximately three (3) tables/chairs with umbrellas.
    - Hours of operation would be Monday through Friday 6:00AM to 6:00PM and Saturday/Sunday from 8:00AM to 5:00 PM. During non-peak hours there would be one (1) employee and two or more employees during peak operational hours (to be determined - typically 7:00 AM to 11:00 AM).
    - The installation of a drive through entrance, approximately 24 feet in width, with an exit lane approximately 12 feet in width.
      - The stacking lane measures 12 feet in width and 250 feet in length (exceeding the minimum requirement of 114 feet in length).
    - Approximately 15 parking spaces and one (1) ADA parking space.
    - Any significant changes to be brought back for Director/PC approval.
- Appeal AP 2021-02<sup>2</sup>
  - Appeal Application AP 2021-02 was received August 2, 2021 (*within the 10-day deadline for submittal as described in Chapter 18-36.020 of the CMC*) filed by Diane Drake of Sisters Coffeehouse, located in the Burns Valley Mall at 14812 Olympic Drive on the grounds that the proposed development would be detrimental to their business. April Sides and business partners Lisa Reynolds & Shana Parker of Mudslinger's Coffee submitted rebuttal appeal documents.<sup>3</sup>
  - The Planning Commission **denied** Resolution PC 2021-19 on August 24, 2021 for Appeal Application AP 2021-02, **upholding the Director's approval of Administrative Use Permit AUP 2021-07 and Categorical Exemption, CE 2021-06** based on the finding that the proposed use could be established and maintained without jeopardy to persons or property within or adjacent to the proposed site and without damage to the resources of the site and its surroundings, as required by Zoning Code Section 18-28.060.
- Appeal AP 2021-03<sup>4</sup>
  - Appeal Application AP 2021-03 was received September 2, 2021, (*within the 10-day deadline for submittal as described in Chapter 18-36.020 of the CMC*) filed by Diane Drake of Sisters Coffeehouse, located in the Burns Valley Mall at 14812 Olympic Drive on the grounds that the proposed development would be detrimental to their business. April Sides and business partners Lisa Reynolds & Shana Parker of Mudslinger's Coffee submitted rebuttals to the appeal<sup>5</sup>.

<sup>1</sup> Included in Attachment #2 (staff report)

<sup>2</sup> Included in Attachment #2

<sup>3</sup> Included in Attachment #2

<sup>4</sup> Attachment #3

<sup>5</sup> Attachment #4



**GENERAL PLAN, LAND USE AND ZONING COMPLIANCE:**

- Zoning Code Regulations:
  - This application was filed in accordance with Land Use Table 5 from **Section 18-18.030** “Commercial, recreation and amusement uses allowed by zones”, subject to the performance standards of **Section 18-19.070** “Drive-through Facilities”
  - The Zoning Code requires the approval of an administrative use permit for the operation of a drive-through restaurant in the Mixed-Use (MUX) district. Similarly, a walk-in restaurant (no drive-through) would require the same level of review. The code does not distinguish separate regulations for a coffee shop with respect to general restaurant operations.

| <b>Table 5. Commercial, Recreation and Amusement Uses</b>                                                   |                  |     |     |                       |    |            |            |            |
|-------------------------------------------------------------------------------------------------------------|------------------|-----|-----|-----------------------|----|------------|------------|------------|
| P=Use Allowed; L=Use Subject to Administrative Permit; C=Use Subject to Use Permit from Planning Commission |                  |     |     |                       |    |            |            |            |
| Land Use                                                                                                    | Zoning Districts |     |     |                       |    |            |            |            |
|                                                                                                             | Residential      |     |     | Business & Commercial |    | Mixed- Use | Industrial | Open Space |
|                                                                                                             | RR & LDR         | MDR | HDR | GC                    | CD | MUX        | IN         | O          |
| Heavy Retail, Home Center                                                                                   | -                | -   | -   | C                     | P  | C          | P          | -          |
| Hotels, Motels                                                                                              | -                | -   | -   | P                     | P  | C          | L          | -          |
| Restaurant; No Drive-Through                                                                                | -                | -   | -   | P                     | P  | L          | L          | -          |
| Restaurant; With Drive-Through                                                                              | -                | -   | -   | L                     | L  | L          | L          | -          |

- Use Permit Considerations
  - In order to comply with **Section 18-28.40** of the Zoning Code, the granting of a use permit, the Planning Commission must find that the proposed use will not be detrimental to the health, safety or welfare of persons working or living at the site or within the vicinity. The Director, Planning Commission or Council may deny the proposal or attach conditions as deemed necessary to secure the purposes of these regulations.
- This application is part of a larger, publicly sponsored mixed use development to include residential, commercial, and recreational facilities.
- General Plan:
  - **Program CI 4.1.2.3** *The City shall develop a sidewalk master plan that prioritizes sidewalk development with emphasis on: accessing parks (Austin, Highland and Redbud Parks), schools, along Lakeshore Drive, on Rumsey to Olympic to access the senior center, along Highways 53 and 29, and in the Avenues (40th Avenue, 32nd Avenue and 18th Avenue).*
  - **Program LU 4.3.1.3** Develop a gateway and landscape plan along Highway SR 53 beginning with more attractive entry monuments and landscaping treatments at Olympic Drive, Lakeshore Drive, Dam Road and the north and south City entrances interchange. The City shall coordinate with Caltrans to secure use of the right-of-way for these improvements, with an agreement as to maintenance and liability.
    - Conditions of approval contain curb/gutter/sidewalk standards.

- **Program LU 6.1.1.2** - Update the City's zoning regulations to allow residential-serving commercial uses along Olympic Drive.
  - **Program LU 6.3.1.3** - *The uses and height and area standards will be established in the zoning code and design standards to help preserve and enhance the downtown environment.*
  - **Program ED 2.2.1.1** - Through the Zoning Code Update, the City shall designate appropriate land for commercial land use along highly accessible commercial corridors such as Lakeshore and Olympic Drives and State Route 53.
  - **Policy ED 4.1.1** - The City should attract growth and revitalization along the Lakeshore Drive and Olympic Drive loop.
  - **Program ED 4.3.1.1** - The City should implement streamline programs for permitting and development applications for commercial revitalization projects along Lakeshore Drive and Olympic Drive.
  - **Objective ED 4.4** - Develop mixed-use residential, commercial, office, and retail along Lakeshore Drive and Olympic Drive.
  - **Program CI 1.2.2.2** - Reduce parking requirements for nonresidential development located in commercial centers with sufficient on-street parking, or when parking can be shared with adjacent uses with different timing for parking needs.
  - **Chapter 10** - defines the purpose of Clearlake's "Economic Development" as *sustaining a business climate that supports and nurtures diversified business opportunities, promotes fiscal responsibility and stability, and develops a vibrant downtown that is a welcoming and visitor-serving destination.*
- Off-Street Parking:
    - **Section 18-20.090** of the Zoning Code states: *the right to occupy and use any premises shall be contingent on preserving the required parking and maintaining its availability to the intended users, including residents, staff, and/or customers.*
    - Furthermore, **ADA code** clarifies: *Accessible spaces are required where parking facilities are altered or added. The term 'alterations' includes resurfacing of vehicular ways (§106.5)*
    - The total square footage of the proposed structure is **160 square feet in size (10' X 16")**, necessary to determine the minimum required number of parking spaces for the business (shown in the Table below). Note: Interior hallways used for access to office suites/other nonessential space need not be counted in determining gross floor area for the use. The operation is proposing approximately 15 parking spaces and one (1) ADA parking space, which exceeds the minimum requirement of one space per 250 square feet.

|                                                                                                                                  |                                                      |                        |
|----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|------------------------|
| Commercial Lodging: Other                                                                                                        | 1 space per guest room + 2 spaces per 10 guest rooms | 1 space per 75 rooms   |
| Commercial Retail: 0 to 2,000 structure's square feet of floor area                                                              | 1 space per 250 sf.                                  | 1 space per 25,000 sf. |
| Commercial Retail: 2,001 to 5,000 structure's square feet of floor area – greater of minimum requirement or space per floor area | 8 spaces minimum requirement or 1 / 300              | 1 space per 25,000 sf. |
| Commercial Retail: 5,000 plus structure's square feet of floor area greater of minimum requirement or space per floor area.      | 17 spaces minimum requirement, or 1 / 400            | 1 space per 25,000 sf. |

- Land Use:
  - Exterior Lighting, Trash/Recycling Containment, Signage, Landscaping:
    - Preliminary plans have been included as part of the original staff report (included as Attachment 2).
    - Any new lighting, trash enclosures, signage and landscaping will be subject to compliance with the City's general Design Standards.

#### ENVIRONMENTAL DETERMINATION:

Upon review, staff determined the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303(c) [New Construction or Conversion of Small Structures – Class 3].

- The project qualifies for the above exemption as the proposed use is similar to that of a restaurant and is less than 10,000 square feet in size (actual size of structure is approximately 160 square feet) and will not involve the use of hazardous substances/materials. Final operational plans will require compliance with all applicable Federal, State, and local regulations, including approval from Lake County Environmental Health.

#### AGENCY AND PUBLIC REVIEW:

No discretionary comments were received by the agencies noticed for this project. Staff has also provided the Commission with various written comments received before the meeting.

#### BUSINESS LICENSE REQUIREMENTS:

- The applicant will be required to fulfill all standard business license requirements, including: applying for a local license through HDL, providing a fictitious name statement/seller's permit, and meeting all other applicable federal/state/local regulations.

#### OPTIONS:

1. Move to Deny Resolution CC 2021-46, A Resolution of the Planning Commission of the City of Clearlake denying Appeal Application AP 2021-03, and upholding the Director's approval of Administrative Use Permit 2021 2021-07 and Categorical Exemption CE 2021-06 for the operation of a Drive-Through Coffee Shop based on the finding that the proposed use could be established

and maintained without jeopardy to persons or property within or adjacent to the site and without damage to the resources of the site and its surroundings, as required by Zoning Code Section 18-28.060.

2. Move to Adopt Resolution CC 2021-46, A Resolution of the City Council of the City of Clearlake approving Appeal Application AP 2021-03, revoking the Director's approval of Administrative Use Permit AUP 2021-07 and Categorical Exemption CE 2021-06 for the operation of a Drive-Through Coffee Shop, based on the finding that the proposed use could not be established and maintained without jeopardy to persons or property within or adjacent to the proposed site and without damage to the resources of the site and its surroundings, as required by Zoning Code Section 18-28.060.
3. Provide alternate direction to Staff.

- Attachments:**
- 1) Resolution CC 2021-46
  - 2) Staff Report Appeal AP 2021-02 (Planning Commission)
  - 3) Appeal Application 2021-03
  - 4) Appeal Rebuttal from Mudslinger's

**Attachment 1: Resolution****RESOLUTION No. CC 2021-46**

**A Resolution of the City Council of the  
City of Clearlake Denying Appeal Application AP 2021-03, upholding the Director's approval of  
Administrative Use Permit 2021-07 and Categorical Exemption, CE 2021-06 authorizing the  
installation of drive-through/walk up coffee shop with limited outdoor seating located at 14760  
Olympic Drive, further described as Assessor Parcel Number (APN) 039-570-18 when located in the  
Mixed Use (MUX) Zoning District**

WHEREAS, applicant Lisa Reynolds (Representative of Mudslingers Coffee) applied for approval of an Administrative Use Permit Application AUP 2021-07 and environmental filing Categorical Exemption CE 2021-06 authorizing a drive-through/walk up coffee shop with limited outdoor seating located at 14760 Olympic Drive, further described as APN 039-570-18 in the Mixed Use (MUX) Zoning District in accordance with Section 18-28 of the Zoning Code; and

WHEREAS, Appeal Application 2021-02, filed by Diane Drake (representative of Sister's Coffee), contesting the determination of the Director of Administrative Use Permit AUP 2021-07 was denied by the Planning Commission at a duly noticed public hearing at the regularly scheduled meeting on August 24, 2021, by a roll call vote; and upheld the approval of Administrative Use Permit, AUP 2021-07, and,

WHEREAS, this application, filed by Diane Drake (representative of Sister's Coffee) AP 2021-03 appealing the decision of the Planning Commission of Appeal Application 2021-02 regarding the Director's approval of Administrative Use Permit AUP 2021-07, complies with Section 18-36 of the Zoning Code; and

WHEREAS, the City Council has considered this project, the staff report, public testimony, on this date (September 16, 2021) at a duly noticed public hearing, and found that the project is compatible with the surrounding area, and will not be detrimental to adjacent property owners or the public at large, and approval of the Administrative Use Permit is in the public interest; and

WHEREAS, the appeal and administrative use permit application has been processed in accordance with the City's Environmental Review Guidelines; and

WHEREAS, adequate public noticing was made for the project in accordance with Section 18-28.030 the Municipal Code; and

WHEREAS, in accordance with Section 18-28 of the Zoning Code the use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to the property, improvements or potential development in the vicinity with respect to aspects including, but not limited to, the following:

- a) The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures,
- b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic and the adequacy of proposed off-street parking and loading,

- c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, odor,
- d) Treatment given, as appropriate, to such aspects as landscaping, open spaces, parking areas, loading areas, service areas, lighting, and signs; and

WHEREAS, based on certain conditions of approval, the project does not comply with the Clearlake Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clearlake that Appeal Application AP 2021-03 contesting the Planning Commission's decision on August 24, 2021 is hereby denied and Administrative Use Permit 2021-07 is approved.

**PASSED AND ADOPTED on this 16th day of September 2021 by the following vote:**

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Dirk Slooten, Mayor

ATTEST: \_\_\_\_\_  
Melissa Swanson, City Clerk

**Attachment 1: Resolutions****RESOLUTION No. CC 2021-46**

**A Resolution of the City Council of the  
City of Clearlake Approving Appeal Application AP 2021-03, revoking Administrative Use Permit AUP  
2021-07 and Categorical Exemption CE 2021-06 authorizing the installation of drive-through/walk up  
coffee shop with limited outdoor seating located at 14760 Olympic Drive, further described as  
Assessor Parcel Number (APN) 039-570-18 when located in the Mixed Use (MUX) Zoning District**

WHEREAS, applicant Lisa Reynolds (Representative of Mudslingers Coffee) applied for approval of an Administrative Use Permit Application AUP 2021-07 and environmental filing Categorical Exemption CE 2021-06 authorizing a drive-through/walk up coffee shop with limited outdoor seating located at 14760 Olympic Drive, further described as APN 039-570-18 in the Mixed Use (MUX) Zoning District in accordance with Section 18-28 of the Zoning Code; and

WHEREAS, Appeal Application 2021-02, filed by Diane Drake (representative of Sister's Coffee), contesting the determination of the Director of Administrative Use Permit AUP 2021-07 was denied by the Planning Commission at a duly noticed public hearing at the regularly scheduled meeting on August 24, 2021 by a roll call vote; and

WHEREAS, this application, filed by Diane Drake (representative of Sister's Coffee) AP 2021-03 appealing the decision of the Planning Commission of Appeal Application 2021-02 regarding the Director's approval of Administrative Use Permit AUP 2021-07, complies with section 18-36 of the Zoning Code; and

WHEREAS, the City Council has considered this project, the staff report, public testimony, on this date (September 16, 2021) at a duly noticed public hearing, and found that the project (Appeal 2021-03) is not compatible with the surrounding area, as it will be detrimental to adjacent property owners or the public at large, and approval is in the public interest; and

WHEREAS, the appeal and administrative use permit application has been processed in accordance with the City's Environmental Review Guidelines; and

WHEREAS, adequate public noticing was made for the project in accordance with Section 18-28.030 the Municipal Code; and

WHEREAS, In accordance with Section 18-28 of the Zoning Code the use as proposed will be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to the property, improvements or potential development in the vicinity with respect to aspects including, but not limited to, the following:

- a) The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures,
- b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic and the adequacy of proposed off-street parking and loading,
- c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor,

- d) Treatment given, as appropriate, to such aspects as landscaping, open spaces, parking areas, loading areas, service areas, lighting, and signs; and

WHEREAS, based on certain conditions of approval, the project does not comply with the Clearlake Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clearlake that Appeal Application 2021-03 contesting the Planning Commission's decision on Appeal Application 2021-02 is hereby approved and Administrative Use Permit 2021-07 nullified.

**PASSED AND ADOPTED on this 16th day of September 2021 by the following vote:**

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Dirk Slooten, Mayor

ATTEST: \_\_\_\_\_  
Melissa Swanson, City Clerk





## Planning Commission

|                                                                                                                                                         |                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| <b>STAFF REPORT</b>                                                                                                                                     |                                                       |
| <b>SUBJECT:</b> Appeal Application, AP 2021-02                                                                                                          | <b>MEETING DATE</b> 8/24/21<br><b>(Regular):</b>      |
| <b>SUBMITTED BY:</b> Susanna Gutierrez & Mark Roberts, Planning Department                                                                              |                                                       |
| <b>PURPOSE OF REPORT:</b> <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item |                                                       |
| <b>LOCATION:</b> 14760 Olympic Drive<br>APN: 039-570-18-000                                                                                             | <b>APPLICANT/OWNER:</b> Diane Drake (Sister's Coffee) |
| <b>ZONING:</b> Mixed Use (MUX)                                                                                                                          | <b>GENERAL PLAN:</b> Mixed Use                        |

### WHAT IS BEING ASKED OF THE PLANNING COMMISSION:

- The Planning Commission is being asked to consider Appeal Application AP 2021-02, filed by Diane Drake (representative of Sister's Coffeehouse), contesting the Director of Community Development's adoption of Resolution CDD 2021-03 approving Administrative Use Permit application AUP 2021-07 and corresponding environmental filing Categorical Exemption CE 2021-06 at a duly noticed public administrative hearing held July 27<sup>th</sup>, 2021 authorizing the installation of through/walk up coffee shop with limited outdoor seating located at 14760 Olympic Drive, further described as APN 039-570-18 in the Mixed Use (MUX) zoning district, within the Olympic Drive Corridor.

### BACKGROUND/DISCUSSION:

- Administrative Use Permit AUP 2021-07<sup>1</sup>
  - The applicant is requesting approval of an administrative use permit application allowing the development of a drive through and walk-up coffee shop with limited outdoor seating located at the address noted above. The development would include but is not limited to<sup>2</sup>:
    - Constructing a 10' X 16' commercial coffee kiosk (example bellow), including one (1) drive through window and one (1) walk up window.
    - Outside seating area with approximately three (3) tables/chairs with umbrellas.
    - Hours of operation Monday through Friday 6:00AM to 6:00PM and Saturday/Sunday from 8:00AM to 5:00 PM. During non-peak hours there would be one (1) employee and two or more employees during peak operational hours (to be determined - typically 7:00 AM to 11:00 AM).

<sup>1</sup> Attachment #2 (staff report)

<sup>2</sup> Any significant changes to be brought back for Director/PC approval

- The installation of a drive through entrance, approximately 24 feet in width and an exit lane approximately 12 feet in width.
  - The stacking lane measures 12 feet in width and 250 feet in length (exceeding the minimum requirement of 114 feet in length).
- Approximately 15 parking spaces and one (1) ADA parking space.
- Appeal AP 2021-02<sup>3</sup>
  - Appeal application AP 2021-02 was received August 2, 2021 (within the 10-day deadline for submittal as described in Chapter 18-36.020 of the CMC) filed by Diane Drake of Sisters Coffeehouse, located in the Burns Valley Mall at 14812 Olympic Drive on the grounds that the proposed development would be detrimental to their business. April Sides and business partners Lisa Reynolds & Shana Parker of Mudslinger's Coffee submitted rebuttal appeal documents.<sup>4</sup>

#### GENERAL PLAN, LAND USE AND ZONING COMPLIANCE:

- Zoning Code Regulations:
  - This application was filed in accordance to Land Use Table 5 from **Section 18-18.030** "Commercial, recreation and amusement uses allowed by zones", subject to the performance standards of **Section 18-19.070** "Drive-through Facilities"
  - The Zoning Code requires the approval of an administrative use permit for the operation of a drive-through restaurant in the Mixed-Use (MUX) district. Similarly, a walk-in restaurant (no drive-through) would require the same level of review. The code does not distinguish separate regulations for a coffee shop with respect to general restaurant operations.

| Table 5. Commercial, Recreation and Amusement Uses                                                          |                  |     |     |                       |    |            |            |            |
|-------------------------------------------------------------------------------------------------------------|------------------|-----|-----|-----------------------|----|------------|------------|------------|
| P=Use Allowed; L=Use Subject to Administrative Permit; C=Use Subject to Use Permit from Planning Commission |                  |     |     |                       |    |            |            |            |
| Land Use                                                                                                    | Zoning Districts |     |     |                       |    |            |            |            |
|                                                                                                             | Residential      |     |     | Business & Commercial |    | Mixed- Use | Industrial | Open Space |
|                                                                                                             | RR & LDR         | MDR | HDR | GC                    | CD | MUX        | IN         | O          |
| Heavy Retail, Home Center                                                                                   | -                | -   | -   | C                     | P  | C          | P          | -          |
| Hotels, Motels                                                                                              | -                | -   | -   | P                     | P  | C          | L          | -          |
| Restaurant, No Drive-Through                                                                                | -                | -   | -   | P                     | P  | L          | L          | -          |
| Restaurant, With Drive-Through                                                                              | -                | -   | -   | L                     | L  | L          | L          | -          |

- Use Permit Considerations
  - In order to comply with **Section 18-28.40** of the Zoning Code, the granting of a use permit, the Planning Commission must find that the proposed use will not be detrimental to the health, safety or welfare of persons working or living at the site or within the vicinity. The Director, Planning Commission or Council may deny the proposal or attach conditions as deemed necessary to secure the purposes of these regulations.

<sup>3</sup> Attachment #3

<sup>4</sup> Attachment #4

- This application is part of a larger, publicly sponsored mixed use development residential, commercial, and recreational facilities.
- General Plan:
  - **Program CI 4.1.2.3** *The City shall develop a sidewalk master plan that prioritizes sidewalk development with emphasis on: accessing parks (Austin, Highland and Redbud Parks), schools, along Lakeshore Drive, on Rumsey to Olympic to access the senior center, along Highways 53 and 29, and in the Avenues (40th Avenue, 32nd Avenue and 18th Avenue).*
  - **Program LU 4.3.1.3** Develop a gateway and landscape plan along Highway SR 53 beginning with more attractive entry monuments and landscaping treatments at Olympic Drive, Lakeshore Drive, Dam Road and the north and south City entrances interchange. The City shall coordinate with Caltrans to secure use of the right-of-way for these improvements, with an agreement as to maintenance and liability.
    - Conditions of approval contain curb/gutter/sidewalk standards.
  - **Program LU 6.1.1.2** Update the City's zoning regulations to allow for more residential-serving commercial uses along Olympic Drive.
  - **Program LU 6.3.1.3** *The uses and height and area standards will be established in the zoning code and design standards to help preserve and enhance the downtown environment.*
  - **Program ED 2.2.1.1** Through the Zoning Code Update, the City shall designate appropriate land for commercial land use along highly accessible commercial corridors such as Lakeshore and Olympic Drives and State Route 53.
  - **Policy ED 4.1.1** The City should attract growth and revitalization along the Lakeshore Drive and Olympic Drive loop.
  - **Program ED 4.3.1.1** The City should implement streamline programs for permitting and development applications for commercial revitalization projects along Lakeshore Drive and Olympic Drive.
  - **Objective ED 4.4** Develop mixed-use residential, commercial, office, and retail along Lakeshore Drive and Olympic Drive.
  - **Program CI 1.2.2.2** Reduce parking requirements for nonresidential development located in commercial centers with sufficient on-street parking, or when parking can be shared with adjacent uses with different timing for parking needs.
  - **Chapter 10** defines the purpose of Clearlake's "Economic Development" as *sustaining a business climate that supports and nurtures diversified business opportunities, promotes fiscal responsibility and stability, and develops a vibrant downtown that is a welcoming and visitor-serving destination.*
- Off-Street Parking:
  - **Section 18-20.090** of the Zoning Code states: *the right to occupy and use any premises shall be contingent on preserving the required parking and maintaining its availability to the intended users, including residents, staff, and/or customers.*
  - Furthermore, **ADA code** clarifies: *Accessible spaces are required where parking facilities are altered or added. The term 'alterations' includes resurfacing of vehicular ways (§106.5)*

- The total square footage of the proposed structure is **160 square feet in size** necessary to determine the minimum required number of parking spaces for the business (shown in the Table below). Note: Interior hallways used for access to office suites/other nonessential space need not be counted in determining gross floor area for the use. The operation is proposing approximately 15 parking spaces and one (1) ADA parking space, which exceeds the minimum requirement of one space per 250 square feet.

|                                                                                                                                  |                                                      |                        |
|----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|------------------------|
| Commercial Lodging: Other                                                                                                        | 1 space per guest room + 2 spaces per 10 guest rooms | 1 space per 75 rooms   |
| Commercial Retail: 0 to 2,000 structure's square feet of floor area                                                              | 1 space per 250 sf.                                  | 1 space per 25,000 sf. |
| Commercial Retail: 2,001 to 5,000 structure's square feet of floor area – greater of minimum requirement or space per floor area | 8 spaces minimum requirement or 1 / 300              | 1 space per 25,000 sf. |
| Commercial Retail: 5,000 plus structure's square feet of floor area greater of minimum requirement or space per floor area.      | 17 spaces minimum requirement, or 1 / 400            | 1 space per 25,000 sf. |

- Land Use:
  - Exterior Lighting, Trash/Recycling Containment, Signage, Landscaping:
    - Preliminary plans have been included as part of the original staff report (included as Attachment 2).
    - Any new lighting, trash enclosures, signage and landscaping will be subject to compliance with the City's general Design Standards.

#### AGENCY AND PUBLIC REVIEW:

No discretionary comments were received by the agencies noticed for this project. Staff has also provided the Commission with various written comments received before the meeting.

#### BUSINESS LICENSE REQUIREMENTS:

- The applicant will be required to fulfill all standard business license requirements, including: applying for a local license through HDL, providing a fictitious name statement/seller's permit, and meeting all other applicable federal/state/local regulations.

#### OPTIONS:

1. Move to Adopt Resolution PC 2021-19, A Resolution of the Planning Commission of the City of Clearlake Approving for application AUP 2021-02 revoking the Director's approval of Administrative Use Permit 2021 2021-07 and Categorical Exemption, CE 2021-06 for the operation of a Drive-Through Coffee Shop, based on the finding that the proposed use could not be established and maintained without jeopardy to persons or property within or adjacent to the proposed site and without damage to the resources of the site and its surroundings, as required by Zoning Code Section 18-28.060.
2. Move to Deny Resolution PC 2021-19, A Resolution of the Planning Commission of the City of Clearlake for Appeal application AUP 2021-02 upholding the Director's approval of Administrative

Use Permit 2021 2021-07 and Categorical Exemption, CE 2021-06 for the operation Through Coffee Shop. based on the finding that the proposed use could be established and maintained without jeopardy to persons or property within or adjacent to the proposed site and without damage to the resources of the site and its surroundings, as required by Zoning Code Section 18-28.060.

3. Provide alternate direction to Staff.

- Attachments:**
- 1) Resolution PC 2021-19
  - 2) Staff Report AUP 2021-07
  - 3) Appeal Application 2021-02
  - 4) Appeal Rebuttal from Mudslinger's

**RESOLUTION No. PC 2021-19**

**A Resolution of the Planning Commission of the  
City of Clearlake Approving Appeal, AUP 2021-02, Administrative Use Permit AUP 2021-07 and  
Categorical Exemption, CE 2021-06 authorizing the installation of through/walk up coffee shop with  
limited outdoor seating located at 14760 Olympic Drive, further described as APN 039-570-18 in the  
Mixed Use (MUX) zoning district**

WHEREAS, applicant Lisa Reynolds (Representative of Mudslingers Coffee) applied for approval of an administrative use permit AUP 2021-07 to install a through/walk up coffee shop with limited outdoor seating located at 14760 Olympic Drive, further described as APN 039-570-18 in the Mixed Use (MUX) zoning district in accordance with Section 18-28 of the Zoning Code; and

WHEREAS, this application, filed by Diane Drake (representative of Sister's Coffee) AP 2021-02 appealing the determination of the Director of Administrative Use Permit AUP 2021-07, is in compliance of section 18-36 of the Zoning Code; and

WHEREAS, the appeal and administrative use permit application has been processed in accordance with the City's Environmental Review Guidelines; and

WHEREAS, adequate public noticing was made for the project in accordance with section 18-28.030 the Municipal Code; and

WHEREAS, In accordance with Section 18-28 of the Zoning Code the use as proposed **will** be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to the property, improvements or potential development in the vicinity with respect to aspects including, but not limited to, the following:

- a) The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures,
- b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic and the adequacy of proposed off-street parking and loading,
- c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor,
- d) Treatment given, as appropriate, to such aspects as landscaping, open spaces, parking areas, loading areas, service areas, lighting, and signs; and

WHEREAS, based on certain conditions of approval, the project does not comply with the Clearlake Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Clearlake that Appeal 2021-02 is hereby approved and Administrative Use Permit 2021-07 nullified.

**PASSED AND ADOPTED on this 24th day of August 2021 by the following vote:**

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Chairman, Planning Commission

ATTEST: \_\_\_\_\_  
City Clerk, Planning Commission



**STAFF REPORT  
CLEARLAKE ADMINISTRATIVE USE PERMIT HEARING  
FOR THE MEETING OF July 27, 2021**

**To:** City of Clearlake Planning Commission

**From:** Mark Roberts – Senior Planner  
Susanna Gutierrez – Assistant Planner

**Application File(s):** Administrative Use Permit application AUP 2021-07  
Categorical Exemption, CE 2021-06

**Subject:** Mudslingers Drive Through and Walk-up Coffee Shop

---

**Data Summary:**

**Location:** 14760 Olympic Drive, Clearlake, CA 95422

**Assessor Parcel Number(s):** 039-570-18-000

**Applicant(s):** Lisa Reynolds (Representative of Mudslingers Coffee)

**Land Use Designation:** MUX, Mixed Use

**General Plan Designation:** Mixed Use

---

**I. RECOMMENDATIONS:**

- Adopt Resolution CDD 2021-03 approving Administrative Use Permit application AUP 2021-07 for the operation of a drive through and walk-up coffee shop with limited outdoor seating and find the project exempt (CE 2021-06) from the California Environment Quality Act (CEQA) Guidelines under Section 15303 (Class 3 New Construction or Conversion of Small Structures) located at 14760 Olympic Drive, Clearlake, CA, further described as assessor parcel number 039-570-18-000.

**II. BACKGROUND/SITUATION:** The applicant is requesting approval of an administrative use permit application allowing the development of a drive through and walk-up coffeeshop with limited outdoor seating located at the address noted above. The development would include but is not limited to:

- Constructing a 10' X 16' commercial coffee kiosk (example bellow), including one (1) drive through window and one (1) walk up window.
- Outside seating area with approximately three (3) tables/chairs with umbrellas.



- Hours of operation Monday through Friday 6:00AM to 6:00PM and Saturday/Sunday from 8:00AM to 5:00 PM. During non-peak hours there would be one (1) employee and two or more employees during peak operational hours (to be determined - typically 7:00 AM to 11:00 AM).
- The installation of a drive through entrance, approximately 24 feet in width, with an exit lane approximately 12 feet in width.
  - The stacking lane measures 12 feet in width and 250 feet in length (*exceeding the minimum requirement of 114 feet in length*).
- Approximately 15 parking spaces and one (1) ADA parking space.

#### ABOUT MUDSLINGERS

The retail drive-thru coffee concept is the fastest growing niche in the retail coffee industry. Helped by the enormous success of major chains like Starbucks, many “mom and pop” drive-thru operations started in the northwest part of the country. The concept was immediately successful, but, in most cases, was unrefined. Other opportunities that have arisen out of this market are Franchises, with excessive start-up costs, royalties, and fees that hinder new business owners. Mudslingers Drive-Thru Coffee; a Manufacturer, Licensor and Consulting service in the drive-thru coffee industry has helped to bring a refinement to this fast-growing industry. With a very successful 18 years in business we provide customizable turnkey drive-thru units, strong branding, menu, extensive consulting services and operational systems.



The drive-thru concept offers its customers coffee and espresso-based products that maintain all of the quality of a high class “sit-down” coffee house while providing the convenience of a drive-thru. In most cases, because overhead and operational costs are lower in the drive-thru concept, the menu is priced lower than the competition. In short, why pull into a “sit down” coffee house, take the kids out of the car seats, and wait in line to pay for a higher price latte than you can get down the street at a Mudslingers Drive-Thru Coffee.



#### THE KIOSK

Mudslingers Drive-Thru Coffee kiosks are unique in that there is no interior sit down; drive-thru only. The building is 10' x 16' long. There is no order box. Customers pull up to the window, order at the window, pay at the same window as well as receive their drink, in an average of under a minute.



#### ***Additional noted items:***

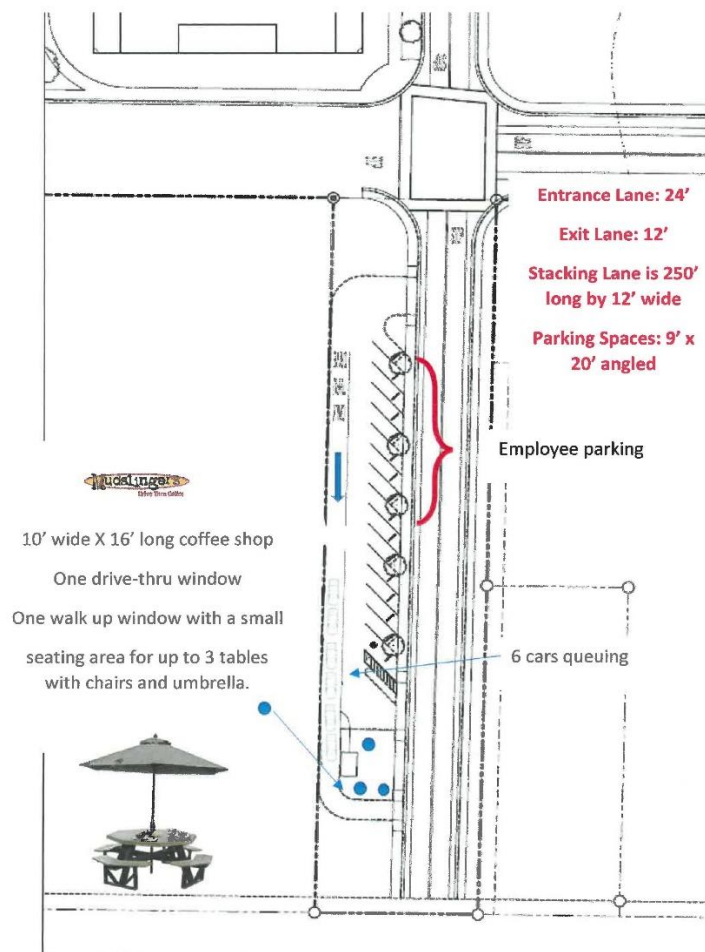
1. Hours of operation will be Mon – Fri 6:00 a.m. – 6:00 p.m., Sat & Sun 8:00 a.m. – 5:00 p.m.
2. One employee will work the majority of the shifts with two employees at peak hours as the business grows (peak hours are typically morning from 7:00 a.m. – 11:00 a.m.).
3. There is a restroom inside for employees only.
4. Garbage is typically one bag per day and will be removed with the closing employee. A dumpster will either be shared with another business in the plaza or Mudslingers will place their own dumpster behind the plaza with the others.
5. All buildings have heat and ac units.
6. The ceiling has storage for paper goods.
7. Exterior lighting, landscaping, and signage will be per the ordinance.
8. Lighting will be minimal and pointed back at the building in order to light up the menu boards and the entryway to the building.

## THE MENU

Products will consist of espresso-based drinks such as: mocha, latte, cappuccino, blended and hot. Smoothies will be 100% fruit-based liquid that is blended with ice. Regular and hot tea and of course the Mudslingers house blend coffee (decaf and regular). Some food products will be provided that are shelf stable and pre-packaged such as to go oatmeal and granola bars.



| Mudslingers                                 |        |  |
|---------------------------------------------|--------|--|
| Small Drink Station                         |        |  |
| If you don't see what you want, please ask! |        |  |
| <b>Signature Drinks</b>                     |        |  |
| Latte                                       | \$3.50 |  |
| Cappuccino                                  | \$3.50 |  |
| Mocha                                       | \$4.50 |  |
| Smoothie                                    | \$5.50 |  |
| Hot Tea                                     | \$2.50 |  |
| Cold Brew                                   | \$4.50 |  |
| House Blend                                 | \$3.50 |  |
| Decaf House Blend                           | \$3.50 |  |
| Granola Bar                                 | \$1.50 |  |
| Oatmeal                                     | \$2.50 |  |
| Hot Chocolate                               | \$3.50 |  |
| Ice Cream                                   | \$2.50 |  |
| Donut                                       | \$1.50 |  |
| Cookie                                      | \$1.50 |  |
| Apple Pie                                   | \$2.50 |  |
| Chocolate Cake                              | \$2.50 |  |
| Ice Cream Cake                              | \$4.50 |  |
| Smoothie                                    | \$5.50 |  |
| Hot Tea                                     | \$2.50 |  |
| Cold Brew                                   | \$4.50 |  |
| House Blend                                 | \$3.50 |  |
| Decaf House Blend                           | \$3.50 |  |
| Granola Bar                                 | \$1.50 |  |
| Oatmeal                                     | \$2.50 |  |
| Hot Chocolate                               | \$3.50 |  |
| Ice Cream                                   | \$2.50 |  |
| Donut                                       | \$1.50 |  |
| Cookie                                      | \$1.50 |  |
| Apple Pie                                   | \$2.50 |  |
| Chocolate Cake                              | \$2.50 |  |
| Ice Cream Cake                              | \$4.50 |  |



Front of building facing road  
Walk up window with seating



One drive-thru window  
One walk up window with a small seating area

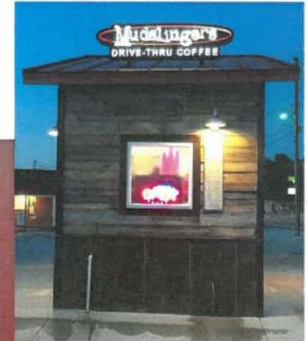


## LIGHTING

There are three exterior lights that shine back onto the building menu boards. There is one light above the door to light the entry way. The Mudslingers Sign up top is a lit sign from within.



Mudslingers sign lights from within.



Lights that shine back onto the menu boards on the building.



Light under the awning above the door to light the entryway.



## HEIGHT

The building at its highest point is 14'8" tall.



## SIGNAGE



Menu Boards: 3' wide x 4' tall  
Mudslingers Brand Sign: 60" wide x 18" high  
Mudslinger lit sign on top: 6' wide x 2' high

- Three menu boards on the building and one sandwich board for patrons in the seating area.
- One lit sign on top of the building
- One Mudslingers Brand sign on the back of the building



**III. ENVIRONMENTAL SETTING:** The project site lies on a slightly westward sloping, rectangular parcel located on the north side of Olympic Drive just east of the intersection with Old Hwy 53 containing approximately 43,560 square feet. The property is currently undeveloped but is the proposed site of a multi-phase mixed use development, tentatively including the City's new Public Works yard, baseball fields, housing, and more.

The project site is surrounded by vacant parcels to the north and northeast; there is multifamily residential development located to the south and southeast; retail (Rite Aid) to the southwest, and professional offices (Bank of the West) and [Shopping Plaza – Grocery Outlet, Dollar General, Safeway Plaza, etc.] to the West.

## IV. GENERAL PLAN, LAND USE AND ZONING COMPLIANCE CONSIDERATION:

The project is located within the MUX, Mixed Use Zoning District and is designated Mixed Use by the General Plan Land Use Map. The Zoning Code determines drive-thrus (defined a "special use") allowable upon securing an administrative use permit. On May 19, 2021, the applicant submitted a use permit application to the City of Clearlake for processing/consideration.

Conditions of Approval: Based on Staff review and agency/public concerns, Conditions of Approval have been incorporated to ensure the proposed use will not be use will not be detrimental to the health, safety or welfare of persons working or living at the site or within the vicinity.

Parking: Staff has interpreted the proposed parking facilities - fifteen (15) standard and one (1) ADA parking space - to be sufficient to support the proposed use as there will be no more than +/- two employee during peak shift and limited outdoor seating.

Circulation: The site is currently accessible via Olympic Drive. The envisioned configuration proposes customers to access the property through the proposed twenty-four (24) foot wide entrance located on the northwestern portion (as referenced in the application materials above). Once the vehicles have entered, they are directed down a twelve (12) foot wide, 250 feet long stacking lane (exceeding the minimum requirement of 114 feet in length) until reaching the drive through window. All vehicles will exit through the proposed twelve (12) foot wide exit lane located in the southern portion of the project parcel.

- V. **ENVIRONMENTAL DETERMINATION:** Upon review, staff determined the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303(c) [New Construction or Conversion of Small Structures – Class 3]. The project qualifies for the above exemption as the proposed use is similar to that of a restaurant and is less than 10,000 square feet in size (actual size of structure is approximately 160 square feet) and will not involve the use of hazardous substances/materials. Final operational plans will require compliance with all applicable Federal, State, and local regulations, including approval from Lake County Environmental Health.
- VI. **AGENCY COMMENTS:** The Community Development circulated the project to various Federal, State, local agencies for review, including the City of Clearlake (Police Department, Public Works, City Engineer and Building Department), Lake County Fire Protection District, Lake County Special Districts, Lake County Environmental Health Department, and the local water district/tribal organizations. The City received comments from the following agencies: (Refer to Attachment C for full details).

• *Lake County Environmental Health Comments dates May 28, 2021.*

• *Lake County Special Districts dated June 1, 2021.*

• *Lake County Air Quality Management District dated June 9, 2021.*

All agency’s comments and/or concerns have been incorporated into the proposed Conditions of Approval.

VII. **PUBLIC COMMENTS:** The public hearing was noticed at least ten (5) days in advance in an electronic publication of the *Lake County News* on July 20<sup>th</sup>, 2021 and mailed (via USPS) to all surrounding property owners (*including those who have requested to be notified in writing or via email*) within 300 feet of the subject parcel, as required pursuant to the Clearlake Municipal Code. All property owners’ mailing addresses are drawn from the electronic database supplied by the Lake County Assessor Office. Staff has included the public comment received in Attachment B.

VIII. **FINDINGS OF APPROVAL:** Pursuant to Section 18-28.040, to grant a use permit, the Community
- Page 6 of 16
- 48

Development Director, Planning Commission or City Council must evaluate the application in compliance with the following regulations: (1)*That the proposed use will not be detrimental to the health, safety or welfare of persons working or living at the site or within the vicinity;* (2) *The Community Development Director, Planning Commission or the City Council may deny the proposal or attach conditions as deemed necessary to secure the purposes of these regulations. Actions on use permits shall be justified by written findings, based on substantial evidence in view of the whole record.*

The project was circulated to various CA State and local agencies for review/commenting from May 25, 2021, to June 9, 2021. It was also sent to the local Tribal Organizations in accordance with AB 52 (Section 21080.3.1(b) of the PRC). As previously stated, the City did not receive any adverse comments during this time. The few agency comments (indicated in Section VI of the Staff Report) we did receive has been incorporated into the Conditions of Approval. Additionally, the project is in an area that is heavily developed with residential and commercial uses and is adequate in size, and shape, to accommodate the proposed use. Therefore, staff has determined the project will not be detrimental to the health, safety and general welfare of the public and has met all applicable Federal, State and local agency requirements with the incorporated Conditions of Approval.

**IX. ALTERNATIVES:** The Director should open and close the public hearing, consider the applicant's, staff's and public comments and then either approve the project by adoption of the attached resolution or decline and provide alternative direction to staff.

**X. ATTACHMENTS:**

- Attachment A – Resolution No. CDD 2021-03
- Attachment B – Public Comments
- Attachment C– Agency Comments

## Attachment A: Resolution

### RESOLUTION No. CDD 2021-03

#### **A Resolution of the Planning Commission of the City of Clearlake Approving an Administrative Use Permit AUP 2021-07 and Categorical Exemption, CE 2021-06 for the operation of a Mudslingers Coffee Kiosk at 14760 Olympic Drive**

WHEREAS Lisa Reynolds applied for approval of a conditional use permit to for the operation of a drive through/walk-up coffee shop in the MUX, Mixed Use Zoning District located at 14760 Olympic Drive, Clearlake, APN 039-570-18: and

WHEREAS, the Director, on July 27<sup>th</sup> 2021, concurred with the City Zoning Code Section 18-19.07 and 18-18.02, Drive through Facilities are subject to a use permit; and

WHEREAS this use permit application has been made in accordance with Section 18-19.07 and 18-18.02 of the Zoning Code, as further defined as uses general allowed; and

WHEREAS the project is Categorical Exempt from Environmental Review in Pursuant to Section 15301 of the State California Environment Quality Act (CEQA) Guidelines under Section 15303 (Class 3 New Construction or Conversion of Small Structures) and,

WHEREAS the use permit application has been processed in accordance with the City's Environmental Review Guidelines; and

WHEREAS adequate public noticing was made for the project in accordance with the Municipal Code; and

WHEREAS the General Plan designates the project site as Mixed Use. As conditioned, the proposed use would be consistent with the General Plan; and

WHEREAS, in accordance with Section 18-1.4.445 (b) of the Zoning Code the use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to the property, improvements or potential development in the vicinity with respect to aspects including, but not limited to, the following:

- a) The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures,
- b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic and the adequacy of proposed off-street parking and loading,
- c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor,
- d) Treatment given, as appropriate, to such aspects as landscaping, open spaces, parking areas, loading areas, service areas, lighting, and signs.

WHEREAS, based on certain conditions of approval included as Exhibit A, the project complies with the Clearlake Zoning Code.



NOW, THEREFORE, BE IT RESOLVED by the Director of Community Development of the City of Clearlake that the project is hereby approved, subject to the associated Conditions of Approval.

**PASSED AND ADOPTED on this 27th day of July 2021:**

BY: \_\_\_\_\_  
Alan Flora, Director

ATTEST: \_\_\_\_\_  
Mark Roberts, Senior Planner



Exhibit A: Conditions of Approval**CITY OF CLEARLAKE  
CONDITIONS OF APPROVAL****MUDSLINGERS COFFEE**

Pursuant to the approval of the Community Development Director on **July 27, 2021** there is hereby granted to Lisa Reynolds of Mudslingers Coffee an **Administrative Use Permit, AUP 2021-07 and a Categorical Exemption, CE 2021-06** with the following conditions of approval to allow a Drive Through/Walk Up Coffee Shop located at **14760 Olympic Drive, Clearlake, CA 95422 further described as APN: 039-570-18.**

**GENERAL CONDITIONS:**

1. The use hereby permitted shall substantially conform to the **Site Plan(s), and Project Description** and any conditions of approval imposed by the above **Conditional Use Permits** and Review Authority as shown on the approved site plan.
2. This application for Use Permit AUP 2021-07 was submitted, pursuant to Section 18-19.07 and 18-18.02 of the Zoning Ordinance, by Lisa Reynolds, for the for the operation of a drive through/walk up Coffee Shop, in the MUX, Mixed Use Zoning District located at 14760 Olympic Drive, Clearlake, APN 039-570-18.
3. The Administrative Use Permit may be transferred to new owners at the same location upon notifying the City Planning Department of said ownership transfer and upon the new owner's written agreement to maintain all conditions of approval.
4. The Administrative Use Permit shall be subject to revocation or modification by the Planning Commission if the Commission finds that there has been a) noncompliance with any of the foregoing conditions, or b) the Commission finds that the use for which this permit is hereby granted is so exercised as to be substantially detrimental to persons or property in the neighborhood of the use. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to the City of Clearlake Municipal Code.
5. At no time shall vehicles block and/or create traffic congestion along Olympic Drive and/or the neighboring roadways.
6. The drive through facility shall always maintain sufficient stacking to accommodate a minimum of six (6) vehicles (approximately +/- 144 feet).
7. The drive through facility shall maintain a minimum of a twelve (12) foot wide land on curves and eleven (11) feet on straight sections. All drive through lanes shall be integrated with on-site circulation arrows and shall merge with the driveway.
8. Drive-through aisles shall be separated from landscaping areas by a six-inch high, poured in place, concrete curb or other suitable protective device meeting City's approval. Landscaping shall screen drive-through aisles to the extent feasible.

9. Driveways, access roads and parking areas shall be surfaced with asphalt concrete in a manner to minimize dust. Driveway approaches shall be constructed of concrete and built to minimum City of Clearlake standards. An encroachment permit shall be obtained from the City of Clearlake – Public Works Department for any work within the right-of-way.
10. All refuse generated by the facility shall be stored in the approved disposal/storage containers, and appropriately covered. Removal of waste shall be on a weekly basis to avoid excess waste. All trash receptacles/containers shall always remain covered to prevent fugitive odors and rodent infestation.
11. **Prior to operation**, for the proposed development the following shall be completed:
  - a) *Civil site plans identifying existing and proposed storm drains, drainage ditches, curbs, sidewalks, gutters, and striping, as regulated by the City's Design and Construction Standards, Off-Street Parking Regulations, and Parking Design Standards to be found in compliance with all other applicable local/federal/state laws (including ADA and CASP requirements)*
  - b) *Submit for review and approval by the City Planning Department final landscaping and irrigation. Plans shall demonstrate compliance with the City's Municipal Code regarding landscaping.*
  - c) *Submit for review and approval by the City Planning Department revised building elevations that adds brick or rock wainscot to the front and sides of the building.*
  - d) *Submit for review and approval by the City Planning Department a detailed trash enclosure plan. The plans shall show that the enclosure will be constructed of block with an attractive cap and the gates should incorporate solid metal materials painted to match the building colors. The gates should be mounted on separate posts mounted inside the enclosure. A hose bib should be located next to the enclosure for maintenance.*
  - e) *Submit for review and approval by the City Planning Department an exterior lighting plan. Lighting poles, if used, should not exceed 15 feet in height. All lighting shall be shield and directed downwards and adhere to all Federal, State and local agency requirements, including the dark-sky requirements found at <https://www.darksky.org/>. All lighting shall not project beyond the project parcel boundaries*
  - f) *Submit for review and approval by the City Planning Department a detailed sign program for all existing and proposed signs. The sign plan shall comply with the City's.*
12. **Prior to operation**, all handicap parking areas, routes of travel, building access and bathrooms shall meet American with Disabilities Act (ADA) requirements and be subject to review and approval of a Certified Accessibility Access Specialist (CASP).
13. **Prior to operation**, the applicant shall meet all requirements of Lake County Special Districts.
14. **Prior to operation** the permit holder shall meet and operate in full compliance with fire safety rules and regulations of the Lake County Fire District.
15. **Prior to operation**, the applicant shall secure any required permits from the City of Clearlake (Building Department, Planning and Public Works), Fire District, Lake County Air Quality Management District, Lake County Water Resources Department, Lake County Environmental Health Department and/or all applicable Federal, State and local agency permits.

16. Any demolition or renovation is subject to the Federal National Emissions Standard for Hazardous Air Pollutants (NESHAP) for asbestos in buildings requires asbestos inspections by a Certified Asbestos Consultant for all major renovations and all demolition. An Asbestos Notification Form with the Asbestos inspection report must be submitted to the District at least 14 days prior to beginning any demolition work. The applicant must contact the District for more details and proper approvals. Regardless of asbestos content or reporting requirements all demolition and renovation activities should use adequate water/ amended water to prevent dust generation and nuisance conditions.
17. Construction activities that involve pavement, masonry, sand, gravel, grading, and other activities that could produce airborne particulate should be conducted with adequate dust controls to minimize airborne emissions. A dust mitigation plan may be required should the applicant fail to maintain adequate dust controls.
18. Any stationary prime power or backup diesel generator requires an application submitted to LCAQMD. All engines must be notified to LCAQMD prior to beginning construction activities and prior to engine Use. Mobile diesel equipment used for construction and/or maintenance must be in compliance with State registration requirements. All equipment units must meet Federal, State and local requirements. All equipment units must meet RICE NESHAP/NSPS requirements including proper maintenance to minimize airborne emissions and proper record-keeping of all activities, all units must meet the State Air Toxic Control Measures for CI engines and must meet local regulations. Contact LCAQMD for more details.
19. Site development, vegetation disposal, and site operation shall not create nuisance odors or dust. During the site preparation phase, the district recommends that any removed vegetation be chipped and spread for ground cover and erosion control. Burning is not allowed on commercial property, materials generated from the commercial operation, and waste material from construction debris, must not be burned as a means of disposal.
20. Significant dust may be generated from increase vehicle traffic if driveways and parking areas are not adequately surfaced. Surfacing standards should be included as a requirement in the use permit to minimize dust impacts to the public, visitors, and road traffic. At a minimum, the district recommends chip seal as a temporary measure for primary access roads and parking. Paving with asphaltic concrete is preferred and should be required for long term occupancy. All areas subject to semi-truck / trailer traffic should require asphaltic concrete paving or equivalent to prevent fugitive dust generation. Gravel surfacing may be adequate for low use driveways and overflow parking areas; however, gravel surfaces require more maintenance to achieve dust control, and permit conditions should require regular palliative treatment if gravel is utilized. White rock is not suitable for surfacing (and should be prohibited in the permit) because of its tendency to break down and create excessive dust. Grading and re-graveling roads should utilizing water trucks if necessary, reduce travel times through efficient time management and consolidating solid waste removal/supply deliveries, and speed limits.
21. During construction activities, if any subsurface archaeological remains are uncovered, all work shall be halted within 100 feet of the find and the applicant shall retain a qualified cultural resources consultant from the City's approved list of consultants to identify and investigate any subsurface historic remains and define their physical extent and the nature of any built features or artifact-bearing deposits. Significant historic cultural materials may include finds from the late

19th and early 20th centuries including structural remains, trash pits, isolated artifacts, etc.

- The cultural resource consultant's investigation shall proceed into formal evaluation to determine their eligibility for the California Register of Historical Resources. This shall include, at a minimum, additional exposure of the feature(s), photo-documentation and recordation, and analysis of the artifact assemblage(s). If the evaluation determines that the features and artifacts do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists – e.g., there is an intact feature with a large and varied artifact assemblage – it will be necessary to mitigate any Project impacts. Mitigation of impacts might include avoidance of further disturbance to the resources through Project redesign. If avoidance is determined to be infeasible, pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during Project excavation or testing, curation may be an appropriate mitigation. This language of this mitigation measure shall be included on any future grading plans and utility plans approved by the City for the Project.
- If human remains are encountered, no further disturbance shall occur within 100 feet of the vicinity of the find(s) until the Lake County Coroner has made the necessary findings as to origin (California Health and Safety Code Section 7050.5). Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Lake County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then identify the “most likely descendant(s)”, which parties agree will likely be the Koi Nation based upon the Tribe's ancestral ties to the area and previous designation as MLD on projects in the geographic vicinity. The landowner shall engage in consultations with the most likely descendant (MLD). The MLD will make recommendations concerning the treatment of the remains within 48 hours as provided in Public Resources Code 5097.98.
- The developer/landowner shall relinquish ownership of all sacred items, burial goods and all archaeological artifacts that are found on the project area to the Koi Nation for proper treatment and disposition.

22. Any modifications and/or additions to a use requiring use permit approval shall itself be subject to use permit approval. The addition of an allowed use to a premise occupied by a conditionally allowed use shall require use permit approval of the type required for the existing use. The Community Development Director shall determine when such an addition and/or change is of such a minor or incidental nature that the intent of these regulations can be met without further use permit control.
23. This use permit does not abridge or supersede the regulatory powers and permit requirements of any federal, state, or local agency requirements, which may retain a regulatory or advisory

function as specified by statute or ordinance. The applicant shall obtain and maintained permits as may be required from each agency.

24. The applicant shall agree to indemnify, defend, and hold harmless the City or its agents, officers and employees from and against any and all claims, actions, demands or proceeding (including damage, attorney fees, and court cost awards) against the City or its agents, officers, or employees to attach, set aside, void, or annul an approval of the City, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. In providing any defense under this Paragraph, the applicant shall use counsel reasonably acceptable to the City. The City shall promptly notify the applicant of any claim, action, demands or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the City harmless as to that action. The City may require that the applicant post a bond, in an amount determined to be sufficient, to satisfy the above indemnification and defense obligation. Applicant understands and acknowledges that City is under no obligation to defend any claim, action, demand or proceeding challenging the City's actions with respect to the permit or entitlement.
25. If the approved use permit is not established within one (1) year of the date of approval or such longer time as may be stipulated as a condition of approval, the use permit shall expire.
26. If a structure(s) or associated site development authorized by use permit is not issued building permits (if building permits are required) within three (3) years of the date of approval, the use permit shall expire.
27. **Upon written request received prior to expiration**, the Community Development Director may grant renewals of use permit approval for successive periods of not more than one (1) year each.
  - a. *Approvals of such renewals shall be in writing and for a specific period.*
  - b. *Renewals may be approved with new or modified conditions upon a finding that the circumstances under which the use permit was originally approved have substantially changed.*
  - c. *Renewal of a use permit shall not require public notice or hearing unless the renewal is subject to new or modified conditions. In order to approve a renewal, the Community Development Director must make the findings required for initial approval.*
28. The Planning Commission may revoke or modify the use permit in the future if the Commission finds that the use to which the permit allows is detrimental to health, safety, comfort, general welfare of the public; constitutes a public nuisance; if the permit was obtained or is being used by fraud; and/or if one or more the conditions upon which a permit was granted are in noncompliance or have been violated. Applicant shall be notified of potential violations of the use permit prior to action taken by the Planning Commission.
29. Said Use Permits shall be subject to revocation or modification by the Planning Commission if the Commission finds that there has been:
  - a. *Noncompliance with any of the foregoing conditions of approval; or*

- b. *The Planning Commission finds that the use for which this permit is hereby granted is so exercised as to be substantially detrimental to persons or property in the neighborhood of the use. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to the City of Clearlake Municipal Code. 15.*

30. The applicant shall adhere to all applicable requirements in the City of Clearlake Municipal Code.

**ACCEPTANCE**

**I have read and understand the foregoing Use Permit and agree to each and every term and condition/mitigation measure thereof.**

Date: \_\_\_\_\_

\_\_\_\_\_

Applicant or Authorized Agent Signature

\_\_\_\_\_

Printed Name of Authorized Agent

---

To be Completed by Authorized Staff Only:

Date of Project Approved: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Staff Name

Date

## Attachment B – Public Comments

**From:** diane drake <[dianedrk@yahoo.com](mailto:dianedrk@yahoo.com)>  
**Sent:** Tuesday, February 16, 2021 4:00 PM  
**To:** Mark Roberts <[mroberts@clearlake.ca.us](mailto:mroberts@clearlake.ca.us)>  
**Subject:** Sisters Coffeehouse/Mudslingers

Good Afternoon Mark,

My name is Diane and I own Sisters Coffeehouse with my sister Erin. We recently found out about the proposal for the Mudslingers drive-thru set to go in the lot by the recycling center in the Burns Valley Mall. I would like to know what we can do to petition against this business going in so close to our coffee shop as this would most certainly put us out of business.

Just to give you a brief background, Sisters Coffeehouse has been open for just over 3 years. We made the decision to go into business together because we work extremely well together and family is everything to us. We have both worked with the public in this community for a combined 25+ years. We have created a fun, relaxing, inviting atmosphere where people can get a consistent drink and be part of our family. In fact, up until Covid-19 and the stay at home orders, my 4 year old daughter was at the shop everyday helping customers and being a sort of shop mascot. Many of our customers would say she was their favorite employee! She would greet several customers by name calling each one of them her "friends" and could even recite some of our regular customers orders.

We have grown our business from a struggling coffeeshop to a thriving business. We have built a loyal customer base, participated in the 4<sup>th</sup> of July parade and street fair for 2 years (we were unable to participate this year for obvious reasons), we have donated to several causes through-out our community including schools, special needs groups, sports teams etc. We have survived power outages and this global pandemic, to now be faced with a competitor in a lot so close to us it would block all potential new business coming in off of Olympic Dr. as well as take away customers coming in/leaving from doing their daily shopping. We have looked at the possibility of doing some kind of drive-up/ drive-thru for our business but with where we are in the strip mall there is no safe way we could offer that service to our customers.

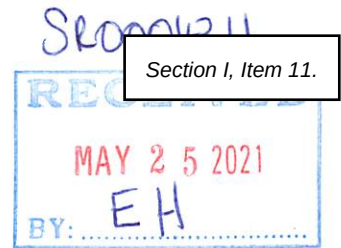
We just want the chance to continue to grow and serve the community we live in. We want to have the opportunity to remain open and after the world can get back to some sort of normal I would love to be able to have my daughter back in our coffee shop helping her "friends". We would like to continue to be contributing members of Clearlake. We truly believe if the Mudslingers drive-thru is allowed to build so close to us, and with Marcel's already approved and opening within the month, we will be put out of business. Please help us keep our dream alive.

Sincerely,  
Diane Drake  
Owner at Sisters Coffeehouse  
707-349-4674





**City of Clearlake**  
 14050 Olympic Drive, Clearlake, California 95422  
 (707) 994-8201 Fax (707) 995-2653



Distribution Date: May 25, 2021

**REQUEST FOR REVIEW (RFR)**  
*Project: Mudslingers Coffee*

|   | CITY DEPARTMENTS          |   | LOCAL AGENCIES              |   | STATE/FEDERAL AGENCIES                                                                                               |
|---|---------------------------|---|-----------------------------|---|----------------------------------------------------------------------------------------------------------------------|
| @ | Building Dept             | @ | Air Quality Management      |   | CalTrans                                                                                                             |
| @ | Code Enforcement          | @ | Assessor's/Recorders Office |   | BLM                                                                                                                  |
| @ | Police Department         | @ | Environmental Health Dept.  |   | CA Dept. of Fish & Wildlife                                                                                          |
| @ | Public Works/Engineering. |   | Lakebed Management          |   | Army Core of Eng.                                                                                                    |
|   |                           |   | Lake County Surveyor        |   | U.S Fish & Wildlife Serv.                                                                                            |
|   |                           |   | Lake County Water Resources |   | Sonoma State (NWIC)                                                                                                  |
|   |                           |   | Lake County Tax Collector   |   | CHP                                                                                                                  |
|   | <b>OTHER AGENCIES</b>     |   | Lake Transit                | @ | CA Dept. of Drinking Water                                                                                           |
|   | PG&E                      |   | Lake Area Planning Council  |   | Cal Fire                                                                                                             |
|   |                           |   |                             |   | ABC                                                                                                                  |
|   |                           |   | <b>WATER DISTRICT</b>       |   |                                                                                                                      |
|   |                           |   | Golden State Water          |   | <b>CANNABIS PROJECTS</b>                                                                                             |
|   |                           | @ | Konocti Water Co,           |   | Cal Cannabis (all cannabis projects)                                                                                 |
|   |                           |   | Highlan Water Co.           |   | CA Dept. Public Health (Manufacturing)                                                                               |
|   |                           |   |                             |   | Bureau of Cannabis Control (retailers, distributors, 3 <sup>rd</sup> party testing laboratories and microbusinesses) |

**Request:** Please review and comment on the enclosed application packet material for the proposed project below. Please return all comments by June 9, 2021. Please email your comments to [mroberts@clearlake.ca.us](mailto:mroberts@clearlake.ca.us) or mail them to the address listed in the letterhead above.

**Application:** Conditional Use Permit, CUP 2021-30 & Categorical Exemption, CE 2021-06

**From:** Mark Roberts – Senior Planner

**Applicant:** Lisa Reynolds

**Owner(s):** City of Clearlake

**APN(s):** 039-570-18

**Location:** 14760 Olympic Drive; Clearlake, CA 95422

**Land Use Designation(s):** "MUX" Mixed Use Commercial

**General Plan Designation(s):** "MUX" Mixed Use Commercial



**Project Description:** The applicant is requesting approval for a Conditional Use Permit to allow a drive to through/walk up coffee shop located at the above noted address. According to the application packet, the development would consist of the following: *(Refer to attached Application packet for full details)*

- Construction of a 10' X 16' structure, consisting of one (1) drive through window and one (1) walk up window. There would be an outside seating area with approximately three (3) tables/chairs with umbrellas.
- The hours of operation would be Monday through Friday 6:00AM to 6:00PM and Saturday/Sunday from 8:00AM to 5:00 PM.
- During non-peak hours there would be one (1) employee and two or more employee during peak operational hours. (peak hours are typically 7:00 AM to 11:00 AM)

**Access Lanes:**

- The entrance land is approximately 24 feet in width.
- The exist land is approximately 12 feet in width.
- The staking lane is approximately 12 feet in width and 250 feet in length.
- There will be approximately 15 parking's spaces and one 91) ADA parking space.

**Prosed Signage:**

- Menu Board is 3' wide X 4' tall.
- Mudslingers Brand Sign: 60" wide X 18" tall.
- Mudslingers Lighted Sign (Roof top): 6' wide X 2 tall.

**COMMENTS:**

See attached memorandum

NAME:

Tina Rubin

DATE:

5/28/21



## COUNTY OF LAKE

Health Services Department  
Environmental Health Division  
922 Bevins Court  
Lakeport, California 95453-9739  
Telephone 707/263-1164  
FAX 707/263-1681

Denise Pomeroy  
Health Services Director

Gary Pace, MD, MPH  
Health Officer

Craig Wetherbee  
Environmental Health Director

### MEMORANDUM

DATE: May 28, 2021

TO: Mark Roberts, Planner

FROM: Tina Dawn-Rubin, Environmental Health Aide

RE: CUP 2021-30 Conditional Use Permit, CE 2021-26  
Mixed Use Commercial

APN: 039-570-18 14760 Olympic Dr, Clearlake

Lake County Division of Environmental Health (EH) does not have any files for this parcel. Environmental Health Division does not have any concerns on the wastewater treatment system if the property is connected to a public sewer & water system.

The applicant must comply with the California Retail Food Code Regulations and applicant must have a potable water supply.

The applicant must apply and pay for plan check application: submit three sets of complete plans and supporting documents for review of any proposed retail food facility and must obtain approval from the Division of Environmental Health for construction before obtaining any building permits. Food facilities must be permitted and inspected prior to opening to the public.

**From:** [Lori Baca](#)  
**To:** [Mark Roberts](#)  
**Subject:** RE: Request for Review (RFR) Conditional Use Permit, CUP 2021-30 - Mudslingers coffee  
**Date:** Tuesday, June 1, 2021 11:17:10 AM  
**Attachments:** [image003.png](#)  
[image001.png](#)

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mark,

Parcel 039-570-18 located at 14760 Olympic Drive in Clearlake is within LACOSAN service area and is an actively billed sewer account with 1 SFD entitlement. The proposed Drive-Thru project shouldn't require additional Capacity Fees, however, the developer should contact our office at (707) 263-0119 and speak with Steven Phillips regarding the appropriate sizing and installation of a grease trap.

Have a wonderful day!

Lori A. Baca  
Customer Service Supervisor  
[Lori.Baca@lakecountyca.gov](mailto:Lori.Baca@lakecountyca.gov)  
Office Number (707) 263-0119  
Fax (707) 263-3836



---

**From:** Mark Roberts [mailto:mroberts@clearlake.ca.us]  
**Sent:** Tuesday, May 25, 2021 2:42 PM  
**To:** Lori Baca <Lori.Baca@lakecountyca.gov>  
**Subject:** [SUSPICIOUS MESSAGE] Request for Review (RFR) Conditional Use Permit, CUP 2021-30 - Mudslingers coffee  
**Importance:** High

**This Message contains suspicious characteristics and has originated outside your organization. This message appears to be from an individual who works for the County, but does not come from a County address.**

---

Good Afternoon,

This email is in regards to the Request for Review (RFR) for the proposed drive through/walk up coffee shop located at 14760 Olympic Drive. Please review the attached project description packet and if you have any comments or concerns, please submit them via email to [mroberts@clearlake.ca.us](mailto:mroberts@clearlake.ca.us) or in writing to the address noted on the **RFR no later than June 9, 2021. Below is a brief summary of the project.**

**Project Description:** The applicant is requesting approval for a Conditional Use Permit to allow a drive to through/walk up coffee shop located at the above noted address. According to the application packet, the development would consist of the following: *(Refer to attached Application packet for full details)*

- Construction of a 10' X 16' structure, consisting of one (1) drive through window and one (1) walk up window. There would be an outside seating area with approximately three (3) tables/chairs with umbrellas.
- The hours of operation would be Monday through Friday 6:00AM to 6:00PM and Saturday/Sunday from 8:00AM to 5:00 PM.
- During non-peak hours there would be one (1) employee and two or more employee during peak operational hours. (peak hours are typically 7:00 AM to 11:00 AM)

***Access Lanes:***

- The entrance land is approximately 24 feet in width.
- The exist land is approximately 12 feet in width.
- The staking lane is approximately 12 feet in width and 250 feet in length.
- There will be approximately 15 parking's spaces and one 91) ADA parking space.

***Prosed Signage:***

- Menu Board is 3' wide X 4' tall.
- Mudslingers Brand Sign: 60" wide X 18" tall.

- Mudslingers Lighted Sign (Roof top): 6' wide X 2 tall.



**Mark Roberts | Senior Planner**

**City of Clearlake**

14050 Olympic Drive | Clearlake, CA 95422

707-994-8201

**From:** [Fahmy Attar](#)  
**To:** [Mark Roberts](#)  
**Subject:** Re: Request for Review (RFR) Conditional Use Permit, CUP 2021-30 - Mudslingers coffee  
**Date:** Wednesday, June 9, 2021 4:10:49 PM  
**Importance:** High

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Here is a list of Air Quality requirements that may be applicable to the site location:

1. Any demolition or renovation is subject to the Federal National Emissions Standard for Hazardous Air Pollutants (NESHAP) for asbestos in buildings requires asbestos inspections by a Certified Asbestos Consultant for all major renovations and all demolition. An Asbestos Notification Form with the Asbestos inspection report must be submitted to the District at least 14 days prior to beginning any demolition work. The applicant must contact the District for more details and proper approvals. Regardless of asbestos content or reporting requirements all demolition and renovation activities should use adequate water/ amended water to prevent dust generation and nuisance conditions.
2. Construction activities that involve pavement, masonry, sand, gravel, grading, and other activities that could produce airborne particulate should be conducted with adequate dust controls to minimize airborne emissions. A dust mitigation plan may be required should the applicant fail to maintain adequate dust controls.
3. If the construction activities are conducted within Serpentine soils, a Serpentine Control Plan may be required. Any parcel with Serpentine soils must obtain proper approvals from LCAQMD prior to beginning any construction activities. Contact LCAQMD for more details.
4. Any stationary prime power or backup diesel generator requires an application submitted to LCAQMD. All engines must be notified to LCAQMD prior to beginning construction activities and prior to engine Use. Mobile diesel equipment used for construction and/or maintenance must be in compliance with State registration requirements. All equipment units must meet Federal, State and local requirements. All equipment units must meet RICE NESHAP/NSPS requirements including proper maintenance to minimize airborne emissions and proper record-keeping of all activities, all units must meet the State Air Toxic Control Measures for CI engines, and must meet local regulations. Contact LCAQMD for more details.
5. Site development, vegetation disposal, and site operation shall not create nuisance odors or dust. During the site preparation phase, the District recommends that any removed vegetation be chipped and spread for ground cover and erosion control. Burning is not allowed on commercial property, materials generated from the commercial operation, and waste material from construction debris, must not be burned as a means of disposal.
6. Significant dust may be generated from increase vehicle traffic if driveways and parking areas are not adequately surfaced. Surfacing standards should be included as a requirement in

the use permit to minimize dust impacts to the public, visitors, and road traffic. At a minimum, the District recommends chip seal as a temporary measure for primary access roads and parking. Paving with asphaltic concrete is preferred and should be required for long term occupancy. All areas subject to semi truck / trailer traffic should require asphaltic concrete paving or equivalent to prevent fugitive dust generation. Gravel surfacing may be adequate for low use driveways and overflow parking areas, however, gravel surfaces require more maintenance to achieve dust control, and permit conditions should require regular palliative treatment if gravel is utilized. White rock is not suitable for surfacing (and should be prohibited in the permit) because of its tendency to break down and create excessive dust. Grading and re-graveling roads should utilizing water trucks if necessary, reduce travel times through efficient time management and consolidating solid waste removal/supply deliveries, and speed limits.

Best,

**Fahmy Attar**

Air Quality Engineer

Lake County Air Quality Management District

2617 S. Main Street, Lakeport, CA, 95453

(707) 533-3469 | [fahmya@lcaqmd.net](mailto:fahmya@lcaqmd.net)

On May 25, 2021, at 10:22 AM, Mark Roberts <[mroberts@clearlake.ca.us](mailto:mroberts@clearlake.ca.us)> wrote:

Good Morning,

This email is in regards to the Request for Review (RFR) for the proposed drive through/walk up coffee shop located at 14760 Olympic Drive. Please review the attached project description packet and if you have any comments or concerns, please submit them via email to [mroberts@clearlake.ca.us](mailto:mroberts@clearlake.ca.us) or in writing to the address noted on the **RFR no later than June 9, 2021. Below is a brief summary of the project.**

**Project Description:** The applicant is requesting approval for a Conditional Use Permit to allow a drive to through/walk up coffee shop located at the above noted address. According to the application packet, the development would consist of the following: *(Refer to attached Application packet for full details)*

- Construction of a 10' X 16' structure, consisting of one (1) drive through window and one (1) walk up window. There would be an outside seating area with approximately three (3) tables/chairs with umbrellas.

- The hours of operation would be Monday through Friday 6:00AM to 6:00PM and Saturday/Sunday from 8:00AM to 5:00 PM.
- During non-peak hours there would be one (1) employee and two or more employee during peak operational hours. (peak hours are typically 7:00 AM to 11:00 AM)

***Access Lanes:***

- The entrance land is approximately 24 feet in width.
- The exist land is approximately 12 feet in width.
- The staking lane is approximately 12 feet in width and 250 feet in length.
- There will be approximately 15 parking's spaces and one 91) ADA parking space.

***Prosed Signage:***

- Menu Board is 3' wide X 4' tall.
- Mudslingers Brand Sign: 60" wide X 18" tall.
- Mudslingers Lighted Sign (Roof top): 6' wide X 2 tall.

<image001.png>

**Mark Roberts | Senior Planner**

**City of Clearlake**

14050 Olympic Drive | Clearlake, CA 95422

707-994-8201

<CUP 2021-30 Request for Review (RFR) - Mudslingers.pdf>





# City of Clearlake

14050 Olympic Drive, Clearlake, California 95422  
(707) 994-8201 Fax (707) 995-2653

(Please type or print)

## Planning Application

Type: Administrative Use permit application AUP 2021-07  
Project Name: Mudslingers Drive through and Walk-up coffee shop  
Assessor's Parcel #: 039-570-18-000

### INITIAL FEES:

|             |          |
|-------------|----------|
| Permit      | \$880.00 |
| CEQA        |          |
| Receipt #   |          |
| Received By | ML       |
| Date        | 8-2-2021 |
|             |          |
|             | \$880    |

### APPLICANT:

NAME: Diane Drake / Sisters Coffeehouse  
MAILING ADDRESS: 14812 Olympic Dr.  
CITY: Clearlake  
STATE: CA ZIP: 95422  
PRIMARY PHONE: (707) 349-4674  
EMAIL: dianedrk@yahoo.com  
SIGNATURE:

I declare under penalty of perjury that I am the owner of said property or have written authority from property owner to file this application. I certify that all of the submitted information is true and correct to the best of my knowledge and belief. I understand that any misrepresentation of submitted data may invalidate any approval of this application

### PROPERTY OWNER (IF NOT APPLICANT):

NAME: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_  
STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
PRIMARY PHONE: ( ) \_\_\_\_\_  
EMAIL: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_

I declare under penalty of perjury that I am the owner of said property or have written authority from property owner to file this application. I certify that all of the submitted information is true and correct to the best of my knowledge and belief. I understand that any misrepresentation of submitted data may invalidate any approval of this application

### PROJECT LOCATION:

ADDRESS: 14760 Olympic Dr. Clearlake CA.  
PROPERTY SIZE: \_\_\_\_\_  
PRESENT USE OF LAND: \_\_\_\_\_  
WATER SUPPLY: \_\_\_\_\_  
SEWER/SEPTIC: \_\_\_\_\_  
FLOOD ZONE: \_\_\_\_\_

### OFFICE ONLY:

ZONING: \_\_\_\_\_  
GENERAL PLAN: \_\_\_\_\_  
APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_  
RELATED FILES: \_\_\_\_\_  
NOTES: \_\_\_\_\_

### DESCRIPTION OF PROJECT:

~~See attached.~~

See attached.

Also attached are over 200 signatures of Lake County residents opposed to Mudslingers Drive Through and Walk-up coffee shop being built at 14760 Olympic Dr. Clearlake CA. Signatures were collected in 2 1/2 days only.

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CITY OF CLEARLAKE

Appeal of Administrative Use Permit for Mudslingers Drive Through and  
Walk-up Coffee Shop, 14760 Olympic Dr. Clearlake, Ca. 95422.

Parcel Number 039-570-18-000

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To whom it may concern,

CITY OF CLEARLAKE

I am writing this appeal on behalf of Diane Drake and Erin Elward, Owners of Sisters Coffeehouse. The intent of this appeal is to bring to attention things that are concerning to us as business owners and residents of Clearlake.

We respectfully appeal the Administrative Use Permit for Mudslingers Drive Through and Walk-up Coffee that is being considered by the planning commission and ask that it be denied. According to the intentions set forth in the 2020 Zoning Regulations, we believe that allowing the Mudslingers Drive Through and Walk-up Coffee building set to be built at 14760 Olympic Dr. Clearlake, Ca 95422 would be detrimental to our business. We believe there should be a limit to the use permits granted to coffee shops within a half mile or less of each other for the following reasons.

Certain studies show the percent of people who go out for coffee is higher among people with a higher income. While statistically 79% of people brew coffee at home, of the remaining population, 66% of people making more than \$30,000 annually will purchase their coffee at a coffee shop and 58% of people making less than \$30,000 annually will go out for coffee on a regular basis. With the average household income in Clearlake at \$31,551 and the unemployment rate at 14.20% there are not many Clearlake residents that choose their daily cup of

Java from a coffee shop. That does not include the number of residents that commute out of Clearlake to work and purchase their coffee out of town.

Over the last three and a half years we have been in business we have relied heavily on new customers to help us grow our business. We, at Sisters Coffeehouse, were very excited to learn of the MUX zone and the plans to bring new customers to the Burns Valley Mall area giving us the potential for new customers. From construction workers, Clearlake and visiting Lake County residents attending ball games to the people staying in the housing area being built behind us. Allowing another coffee shop limits potential growth for us. As outlined in point A. on pg. 25 of the 2020 Zoning Regulations, one of the purposes of the MUX is to “encourage mixed-use projects that combine residential with nonresidential uses in the same building or building site area as a means to create and active street life, enhance the vitality of businesses and reduce the need for automobile travel”. We feel that dividing the already small customer base with another coffee shop decreases the vitality of our business. With 2 vacant store fronts in the Burns Valley Mall alone, not to mention all of the empty and dilapidating businesses in Clearlake, building a competing business so close to an existing business will add to the struggling/failed businesses and empty store fronts keeping small business owners from being able to grow and/or expand. We also don’t believe building a drive-thru (while Mudslingers Drive Through and Walk-up Coffee will have limited outdoor seating) promotes “creating and active street life” as the customer base will be primarily drive-thru, based on the location of the building outlined in the diagram in the staff report submitted. And the

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fact that it will be at one of the entrance/exits to the housing and ball parks being built.

Point B. pg. 25 of the 2020 Zoning Regulations says to “provide a meaningful blend of residential and nonresidential uses that enhances and builds upon the City’s commercial base”. We feel that the enhancement of Sisters Coffeehouse was not considered when deciding the placement of Mudslingers Drive Through and Walk-up Coffee. During non-tourist seasons, all businesses in Clearlake (and all around Lake County) rely on local customers to sustain them. The last 2 years have been a perfect example of locals having to sustain local businesses. Through fires, blackouts, Coronavirus and now a severe drought, tourism in Lake County has been almost non-existent. Not even close to what it has been in years past. We have seen longtime businesses have to close their doors because the challenges have been too many and too difficult to overcome. We have been working tirelessly and yet we still struggle to not be added to the list of failed businesses and ultimately end up another empty store front in Clearlake. Between the the rise in Covid cases, drop in tourism, the homeless population and aggressive panhandling that is prevalent in heavily commercialized areas (Walmart, Foods, Burns Valley Mall), we have fought hard to retain customers and gain new customers. Once Starbucks opens at 15881 Dam Rd. Ext. Clearlake Ca, we will be losing some of the “new” customers we would have gained simply from being on the Google search when you type in ‘Starbucks near me’ or similar Web search. Pasqual has been working to open Marcel’s for months and once he is operational we will lose “new” customers coming in from Hwy 53 down Olympic Dr. simply because his coffee shop is before ours and most people looking for something other than

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Starbucks visit the first coffee shop they see and assume that in a small town such as Clearlake, there wouldn't be another coffee shop a block further. If Mudslingers Drive Through and Walk-up Coffee is built at 14760 Olympic Dr. Clearlake, Ca. we would also lose "new" customers coming up Olympic Dr. from Lakeshore Dr. because Mudslingers Drive Through and Walk-up Coffee would be before us coming in that direction too. With that being said, we would then be restricted to our loyal customers limiting our growth and completely blocking us from the chance to exceed in this community and hopefully be successful enough to expand OUR business.

Point F. pg. 25 of the 2020 Zoning Regulations says one of the purposes of the MUX is to "ensure compatibility of mixed-use projects with surrounding uses and development patterns". While some competition is healthy and keeps businesses honest and prices fair, we feel Sisters Coffeehouse and the long term success of our established, contributing business was not considered in the approval of the placement of the Mudslingers Drive Through and Walk-up Coffee. We would like to see the City of Clearlake limit the number of use permits for coffee shops on Olympic Dr. to give already established and operational businesses a chance to exceed and not contribute to the empty store fronts and struggling businesses in Clearlake. Thriving businesses means more money that stays in the community, the ability to hire more people creating more jobs and not have to lay off current employees, a more consistent and stable economy that customers can count on and will continue to trust and patronize rather than expecting "any business that opens here will be closed in a couple years anyway so don't get your hopes up for success". This is an actual quote someone told my sister and I when we started Sisters Coffeehouse.

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Did Mudslingers Drive Through and Walk-up Coffee solicit Clearlake for space in the MUX? If so, why was the property offered next to an established coffee shop offered? Where is the research that shows having a drive-thru (Muslingers) next to another drive-thru (Marcel's) on either side of a walk-in coffee shop (Sisters) does not negatively affect one if not all three businesses? Or was this approved without considering the longevity of ALL businesses involved? The consideration that 1, 2 or all 3 of the businesses could fail based on the small amount of coffee drinkers in the area, thus creating more failed businesses and more blight in the community with empty buildings? The distrust among potential businesses looking to venture into Clearlake but, would then turn away based on the fact that a typical new business in Clearlake is only guaranteed to last a few years of struggling? Did the City of Clearlake solicit Mudslingers? If so, is the property being offered at fair market value? If the City is covering the costs of the building is the rent/lease of the building being offered at fair market or is it being offered at a discount just to bring more businesses into Clearlake? Why weren't any other businesses that aren't already represented in Clearlake sought? Why not try to create MORE customers rather than pull from the same small pool of coffee drinkers? Even with new people moving into any housing/hotels being built, the fact is that a large portion of people brew their coffee at home and we do not have enough residents in the area to support three coffee shops within .3 miles and have them all be successful thriving businesses. We are a small city with a potential for new customers for a variety of different businesses. Allowing three coffee shops to operate within a block of each other is not economically responsible.

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We would like to see something go into the MUX that we ourselves, as business owners and residents of Clearlake could patronize. We would love to be able to send our loyal customers to another new exciting business to help build this community while supporting that new business, not to the detriment of our and other existing businesses. While we all hope to increase residents and tourism to Clearlake, our customers and the general public would like a variety of things to choose from, causing them to spend more money per day/ outing creating more tax revenue for the City of Clearlake and helping to grow our economy.

Just to be clear, we are absolutely not against Mudslingers Drive Through and Walk-up Coffee nor are we against someone following their dream to open a business. We are, however, against letting three coffee shops open and operate within .3 miles of each other. That business model may work in a large metropolis like Seattle, where over 50,000 of the 724,305 people that live there, walk to work daily. Here in the beautiful, growing City of Clearlake, we need to support and uplift the businesses that work hard to stay open, that have carried this city through these troubling times and help prepare for a prosperous future by diversifying the opportunities set forth on the blank slate that is laid out in the MUX.

Thank you for your time and consideration of this appeal.

On behalf of Sisters Coffeehouse,

Diane Drake

Owner at Sisters Coffeehouse

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CITY OF CLEARLAKE

14812 Olympic Dr. Clearlake, Ca. 95422

707-349-4674

dianedrk@yahoo.com

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CITY OF CLEARLAKE



**Help us stop  
Mudslingers from  
being built less  
than a block  
away from us!**

---

**The city approved the  
permit for them to build  
a drive-thru right next to  
the recycle center.**

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CITY OF CLEARLAKE

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CITY OF CLEARLAKE

we, the undersigned, do hereby petition against the building  
of Mudslingers Drive-thru coffee at 14760 Olympic Dr. Clearlake, CA. 95422

| SIGNATURE          | DATE      | ADDRESS                                        |
|--------------------|-----------|------------------------------------------------|
| Chris Spurlock     | 7-30-21   | 3602 Jefferson St.<br>Clearlake CA             |
| Sharon Janscher    | 8-1-21    | PO BOX 1145 Clearlake CA                       |
| PAUL HARRIS        | 7-31-21   | P.O. Box 6351 Clearlake                        |
| Monica Clifford    | 7-31-21   | P.O. Box 1729 /lowerlake.ca                    |
| Brian E. Bunn      | 7-31-21   | P.O. Box 849 middle town, CA                   |
| Renee Stumberg     | 7-31-21   | P.O. Box 1103 Clearlake CA 95422               |
| COY KICKS          | 7-31-21   | 3509 mountain view st. cvlt                    |
| Hopero M           | 7-31-21   | <del>3550</del> PO BOX 3530 Clearlake CA 95425 |
| Juan Martinez      | 7-31-21   |                                                |
| Javier Olivares    | 7-31-21   |                                                |
| Sophia LaRose      | 7/31/21   | PO Box 4002 Clearlake, CA                      |
| Christina Flaherty | 7/31/21   | 5840 32nd Clearlake CA                         |
| Alejandra Horan    | 7/31/21   | Clearlake, CA                                  |
| Luis Tena          | 7/31/21   | Clearlake, CA                                  |
| Mindy Ramos        | 7/31/21   | Napa, CA                                       |
| Sebastian Soto     | 7/31/21   | Napa, CA                                       |
| Brandy Vallejo     | 7/31/21   | Clearlake Oaks CA                              |
| Jolene Murphy      | 7/31/21   | Clearlake, CA                                  |
| Carol Vasquez      | 7/31/21   | Clearlake, Ca.                                 |
| Victor Pulido      | 7/31/2021 | Clearlake, CA                                  |
| Joshua Bunn        | 7/31/2021 | Loch Lomond, Ca                                |
| Darin Wilk         | 7/31/2021 | KEISEYVILLE                                    |
| Cate Small         | 7/31/2021 | Clearlake CA                                   |
| TERRY McNEIL       | 7/31/21   | CLEARLAKE, CA.                                 |
| Donte Price        | 7/31/21   | clearlake, Ca                                  |

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## CITY OF CLEARLAKE

we, the undersigned, do hereby petition against the building  
of Mudslingers Drive-thru coffee at 14760 Olympic Dr. Clearlake, CA. 95422

*[Signature]*  
*[Signature]*  
*[Signature]*

Clearlake  
 14641 Hwy 29 Lowerlake Ca 95457  
 Clearlake resident  
 Clearlake

CIVIC  
 Jennifer Chan

CLEARLAKE  
 Hidden Valley Lake

7/31

Cheryl Mary  
 Gladis Tenorio  
 Maria Alvarez

14360 Aluita Ave Clearlake Ca  
 Clearlake resident  
 Clearlake resident

Mary E Martin  
 Mary Newberry

Clearlake, CA  
 3646 Cleander Ct

Layla Bawaly 7/31

Clearlake resident

Charlene Christie 7/31  
 7/31

Clearlake Ca  
 3572 Moose Trail, 95422

Rachyn Guerra 7/31

Clearlake resident

Linda Williams 7/31

16173 13th Ave  
 5810 Old Hwy 53 CK, CA. 95422

*[Signature]*  
 Shelly Harlan 7/31

1854 84th St Ct 94522

Cheyenne Williamson 7-31

Clearlake

Lex Vella

Mirabel - Clearlake

Eric Gallo

Clearlake

Natalya Fortino 7/31

Clearlake

Damian Burrus 7/31

Clearlake

Darren Gardette 7-31-21

3681 Madison Dr Clearlake

Tam Landrum 7-31-21

3572 Moose Trl Clearlake

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CITY OF CLEARLAKE

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| SIGNATURE       | DATE     | ADDRESS                            |
|-----------------|----------|------------------------------------|
| Sarah Duschka   | 8/1/2021 | Clearlake Oaks, P.O. Box 283       |
| JOHN JOHNSON    | 8/1/2021 | CLEARLAKE EAKS, 2625 SPRING VALLEY |
| John Johnson    | 8/1/2021 | Clearlake Oaks, 2625 Spring Valley |
| JOSH O'NEAL     | 8/1/2021 | LOWER LAKE, 11195 PERINI RD.       |
| Ruben Jacques   | 8/2/2021 | Lower Lake MAY HOLLOW RD           |
| Samuel Sheridan | 8/2/2021 | Clearlake, CA 6825 Meadowbrook     |
| David Wilson    | 8-2-2021 | Lakeport CA 1075 Martin St         |
| ROBERT TULWERC  | 8-2-2021 | Clearlake CA 9750 Spreen           |



**Help us stop  
Mudslingers from  
being built less  
than a block  
away from us!**

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**The city approved the  
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| SIGNATURE             | DATE    | ADDRESS                             |
|-----------------------|---------|-------------------------------------|
| Diane Drake           | 7/31/21 | 3602 Jefferson Ave Clearlake        |
| Christina LaRose      | 7/31/21 | 14946 Burns valley Clearlake        |
| James [unclear]       |         | 14187 Sorbus [unclear] Legal Lake   |
| Rapdall Pines         | 7-31-21 | POB 301 Clearlake                   |
| Sergio Ceyra          | 7-31-21 | 3160 1th St Clearlake.              |
| Erin Axel             | 7/31/21 | 12938 Clearlake Oaks                |
| Diana Wilson          | 7-31-21 | 9982A Sequoia Rd Kelseyville        |
| [unclear]             | 7-31-21 | 2705 Old Hwy 53                     |
| Wendell Shaffer       | 7-31-21 | 15455 Rumsey Rd Clearlake 95422     |
| Eric K. Howell        | 7-31-21 | 15455 Rumsey Rd Clearlake CA 95422  |
| Tim Shields           | 7-31-21 | 15860 32nd Ave Clearlake 95422      |
| Dorothy Hurst         | 7-31-21 | 5845 Old Highway 53 Clearlake 95422 |
| Leah [unclear]        | 7/31/21 | 16080 Dam Rd Clearlake CA 95422     |
| Jessica Jones         | 7/31/21 | PO Box 3355 Clearlake               |
| Richard Bussear       | 7-31-21 | PO Box 2721 Clearlake               |
| Pick England          | 7-31-21 | PO Box 2108 Clearlake               |
| Jerry Bloom           | 7-31-21 | 3650 Locust St Clearlake            |
| Bella Bloom           | 7-31-21 | 3650 Locust St Clearlake            |
| Jesse Maren [unclear] | 7-31-21 | 4016 Sunset Ave Clearlake           |
| [unclear]             |         | Clearlake Resort                    |
| Dakyla Lamonte        |         | PO Box 6998 Clearlake, CA           |
| Darisha Cohn          |         | PO Box 6998 Clearlake CA            |
| Garsun Elliott        |         | PO Box 6998 Clearlake, CA           |
| Sidney Bates          |         | PO Box 6998 Clearlake CA            |
| Marylin Lamonte       |         | PO Box 6998 Clearlake CA            |

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## CITY OF CLEARLAKE

we, the undersigned, do hereby petition against the building  
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| SIGNATURE          | DATE    | ADDRESS                       |
|--------------------|---------|-------------------------------|
| Robert J. C.       | 7-31-21 | CL RES                        |
| Eduardo Torres     | 7-31-21 | 14630 Walnut Ave. Clearlake   |
| Danniah Senthil    | 7-31-21 | 16280 Ridgeway Dr.            |
| Pamela Senthil     | 7-31-21 | Clearlake Ca.                 |
| Gabriela Crest     | 7-31-21 | 16881 Morgan Valley Rd        |
| Reston Yorking     | 7-31-21 | 16851 Morgan Valley Rd        |
| Brandon Emery      | 7-31-21 |                               |
| Sam Donahue        | 7-31-21 | CL RES                        |
| Kenny Moran        | 7-31-21 | 215 Alicia Ave                |
| Sabrina Farnan     | 7-31-21 | Clearlake Res.                |
| Kym Vaughn         | 7-31-21 | Clearlake Res. Burns Road     |
| Halei Blake        | 7-31-21 | 30th Ave Clearlake CA         |
| Michelle Blakely   | 7-31-21 | 4213 Cedar Ave CA             |
| Rosa Fabian        | 7-31-21 | 4372 Sunset Ave CL CA         |
| Jesse Casf. 110    | 7-31-21 | 1560 Hys+4 Drive HOP AS       |
| Jon Fallon         | 7-31-21 | 18966 Hidden Valley Road      |
| Heather Hunter     | 7-31-21 | 24 Hoover St GANS             |
| Patricia Russell   | 7-31-21 | Clearlake Resident            |
| Charota Jones      | 7-31-21 | Clearlake Resident            |
| Katherine Eastburn | 7-31-21 | 3155 Smith Ln #60 Clearlake   |
| Jenna Ortega       | 7/31/21 | 3046 15th St. Clearlake       |
| Trevor Gilbert     | 7/31/21 | 3324 Grey St Clearlake        |
| Bryton             | 7/31/21 | 3220 10th St. Clearlake       |
|                    | 7/31/21 | 3220 10th St. Clearlake       |
| Jeff Geller        | 7-31-21 | 3785 Schunk Ave Clearlake     |
| Jasmine Garcia     | 7-31-21 | 14880 Clement Dr Clearlake CA |
| Sharon Hoshui      | 7-31-21 | Clearlake CA                  |
| Dee Edick          | 7-31-21 | Clearlake CA                  |

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| SIGNATURE              | DATE     | ADDRESS                 |
|------------------------|----------|-------------------------|
| Rodriguez S. Lavel     | 7-31-21  | 14375 Austin Rd         |
| Andrew Johnson         | 07/31/21 | Clearlake               |
| Blaze Pearson          | 7/31/21  | clearlake               |
| Steven Hunt            | 7/31/21  | Clearlake 3584 ciwa sr. |
| Jack Biederback        | 7/31/21  | Clearlake               |
| Jason Smith            | 7-31-21  | Kelseyville/Clearlake   |
| Brooke Mackay          | 7-31-21  | Nevada City             |
| Alex Resch             | 7-31-21  | Clearlake               |
| <del>[Signature]</del> | 7-31-21  | clearlake               |
| <del>[Signature]</del> | 7-31-21  | CLEARLAKE               |
| <del>[Signature]</del> | 7-31-21  | Clearlake               |
| <del>[Signature]</del> | 7-31-21  | Clearlake               |
| Sandra Scott           | 7-31-21  | Clearlake               |
| Susan Heidebrecht      | 7-31-21  | Clearlake               |
| Judi Engle             | 7-31-21  | Lower Lake              |
| Gary Valenzuela        | 7/31/21  | clearlake               |
| Rick Corwin            | 7/31/21  | Lower Lake              |
| Frank Caluso           | 7-31-21  | Lower Lake              |
| <del>[Signature]</del> | 7-31-21  | 1517 OLYMPIC DR         |
| Mammi Javier           | 7/31/21  | clearlake               |
| Kerlin Schaefer        | 7-31-21  | clearlake               |
| Larsen Braun           | 7-31-21  | Kelseyville             |
| J Buckner-Bridges      | 7-31-21  | Lakeport                |
| Whitney R.             | 7-31-21  | Clearlake               |
| Man [Signature]        | 8-1-21   | clearlake               |
| Armanda Gardette       | 8-1-21   | 3687 madison DR. 95429  |



we, the undersigned, do hereby petition against the building  
of Mudslingers Drive-thru coffee at 14760 Olympic Dr Clearlake, CA 95422

| SIGNATURE          | DATE     | ADDRESS                          |
|--------------------|----------|----------------------------------|
| Vicky Wickham      | 8-1-2021 | 3596 Sacramento Way CL.          |
| George Davis       | 8-1-2020 | 3250 Oakton Ln                   |
| CHARLIE AGEE       | 8-1-20   | Clearlake resident               |
| Katie Davis        | 8/1/21   |                                  |
| Kim Stevens        | 8/1/21   | Clearlake, 15227 Jeff Dr.        |
| Marlene Schollard  | 8/1/21   | Clearlake, Ca 5895 Old Hwy 53    |
| Auracynne Vineyard | 8/1/21   | 15237 Jeff Dr Clearlake          |
| Kaitlyne Vineyard  | 8/1/21   | Same as above                    |
| Taylor Churchill   | 8/1/21   | 3566 Halika St.                  |
| Alfred Lewis       | 8-1-21   | 3566 Halika St.                  |
| Ben Schallert      | 8-1-21   | 14375 Walnut Ave.                |
| Dale Robbers       |          | Clearlake                        |
| Hazel Wayman       | 8-1-21   | Clearlake Ca 707.262.2435        |
| Xavier Miller      | 8-1-21   | 15235 Lakeview Ave Clearlake Ca. |
| Samantha Phillip   | 8-1-21   | 3504 Risher Dr Clearlake Ca      |
| Jeremy Strunk      | 8-1-21   | 15248 Polk Dr. 95422             |
| Joey Strunk        | 8-1-21   | 15248 Polk Dr. 95422             |
| Amanda Plumeau     | 8/1/21   | 3662 Cypress St 95422            |
| Aaron Sprague      | 8/1/21   | 3662 Cypress St 95422            |
| Melinda            | 8-1-21   |                                  |
| Saul Campos        | 8-1-21   |                                  |
| Sandra Yahn        | 8-1-21   | 15255 Highland Ave, CL           |
| Kim Lepore         | 8-1-21   | Clearlake resident               |
| Jamie Howkins      | 8/2/21   | Clearlake resident               |

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AUG 02 2021

CITY OF CLEARLAKE

we, the undersigned, do hereby petition against the building  
of Muddling's Drive-thru coffee at 14760 Olympic Dr. Clearlake, CA. 95422

| SIGNATURE        | DATE     | ADDRESS            |
|------------------|----------|--------------------|
| Isiah Poyett     | 8/1/2021 | Clearlake Resident |
| Sean Poyett      | 8-1-21   | Clearlake          |
| Chris Poyett     | 8-1-21   | Clearlake          |
| Christina Poyett | 8-1-21   | Clearlake          |
| Katrina Poyett   | 8-1-21   | Clearlake          |
| Jeff Poyett      | 8-1-21   | Clearlake          |
| Thyle Poyett     | 8/1/21   | Clearlake          |
| Melissa Hill     | 8/1/21   | Clearlake          |
| Daniel Poyett    | 8/1/21   | Lower Lake         |
| Sylvia Pham      | 8/1/21   | Clearlake          |
| Thyle Poyett     | 8/1/21   | Clearlake          |
| Brandon Clark    | 8/1/21   | Clearlake          |
| Vern Churchill   | 8/1/21   | Clearlake          |
| Goddie Mordant   | 8/1/21   | Clearlake          |
| Nora Montes      | 8/1/21   | Clearlake          |
| CORRIS GONZALES  | 8/1/21   | CLEARLAKE          |
| Jolina Gonzales  | 8/1/21   | Clearlake          |
| Moi-ya Greary    | 8/1/21   | Clearlake          |
| Adreana Gonzales | 8/1/21   | Clearlake          |
| Decky Martin     | 8/2/21   | Clearlake          |
| Jeffrey White    | 8/2/21   | Clearlake          |
| Jeffrey White    | 8/2/21   | Clearlake          |
| Thyle Poyett     | 8/2/2020 | 2815 Robin Ln      |
| Thyle Poyett     | 8/2/2020 | Clearlake          |
| Thyle Poyett     | 8/2/21   | Clearlake          |

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AUG 02 2021

CITY OF CLEARLAKE

we, the undersigned, do hereby petition against the building of Mudslingers Drive-thru coffee at 14760 Olympic Dr Clearlake, CA 95422

| SIGNATURE          | DATE     | ADDRESS                                |
|--------------------|----------|----------------------------------------|
| Cassie Lauman      | 8/2/21   | 11237 Loch Lomond Rd.                  |
| Anthony Bigness    | 8-2-21   | 13961 Lakeshore Dr #8                  |
| Rebecca Sines      | 8-2-21   | 7055 Old Highway 53 Apt. 124 Clearlake |
| Gaston             | 8-2-21   | PO Box 2366                            |
| Regina Castro      | 8/2/21   | Clearlake, CA                          |
| R. Kyp             | 8/2/21   | lilyvaliente87@gmail.com               |
| Shalinda           | 8/2/21   | Shalindaclaire21@gmail.com             |
| Steve              | 8/2/21   | 9343 Lower Lake                        |
| JoAnn              | 8/2/2021 | 2980 Smith Ln, Clearlake.              |
| JoAnne Moore       | 8/2/2021 | 16032 23rd Ave Clearlake               |
| Cody Moore         | 8/2/2021 | 16032 23rd Ave Clearlake               |
| James E. Prater    | 8/2/21   |                                        |
| Q. W.              | 8/2/21   | Clearlake Res                          |
| Bradley M. M. M.   | 8/2/21   | Clearlake                              |
| Alyssa Gueple      | 8/2/21   | Clearlake Oaks                         |
| NICHOLAS H. VINING | 8/2/21   | CLEARLAKE 3460 HARRISON ST.            |
| Olanna Bobbitt     | 8/2/21   | Clearlake 3872 Schultz                 |
| Heather Pike       | 8/2/21   | 16080 Dam Rd Clearlake                 |
|                    |          |                                        |
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AUG 02 2021

CITY OF CLEARLAKE



August 4, 2021

City of Clearlake  
14050 Olympic Drive  
Clearlake, California 95422

RE: Administrative Use Permit (039-570-18-000) Rebuttal Sister's Coffeehouse (Diane Drake)

Dear Planning Commission,

I will be clear and short as I feel this appeal, unfortunately, is clothed in emotion. As I stated in the previous meeting, I can empathize with Sister's Coffee but the facts are we have to look at the ordinances. Capitalism is competition in a free market, and Clearlake is no different than any other town in America with an ordinance. That ordinance, once followed, allows a person/company the ability to open a business in a free market.

As was stated in the appeal, Sister's Coffee is requesting that the city of Clearlake limits the amount of coffee shops within a half mile of each other. When does it stop? Do you limit the amount of burger joints? Do you tell McDonalds yes and then tell Burger King to move on down the road? The city simply cannot and that is a benefit to the public that they do not have that kind of control. The same way that Mudslingers was concerned about Marcel's we never dreamed of appealing Marcel's.

As you are well aware since you have a business, there was a structure and a process you had to complete in order to open your business. Mudslingers pursued the city and worked through the process of approval and followed the city's ordinances. I could go into each detail of your rebuttal but I feel that my point above trumps all of the points that were brought up as well as being mostly emotional points.

We hope that ultimately Mudslingers and Sister's Coffee can be on the same team that provides products and services enjoyable to the people in Clearlake and its visitors.

Sincerely,

April Sides  
Director of License Development  
Mudslingers Drive-Thru Coffee  
Direct: 989-858-0645  
Fax: 989-688-6000  
TOLL FREE: 877-306-0645  
[www.mudslingerscoffee.com](http://www.mudslingerscoffee.com)

August 3, 2021

City of Clearlake  
14050 Olympic Dr  
Clearlake, CA 95422

RE: Mudslinger's Rebuttal to appeal; Parcel# 039-570-18-000,  
14760 Olympic Dr. Clearlake

Good afternoon planning commission,

We are writing in response to the appeal filed by Diana Drake, the owner of Sister's Coffee House located at 14812 Olympic Dr., Clearlake on August 2, 2021.

We fully understand and empathize with the feelings of the petition by what you might consider competitors to their coffee house. It is understandable and almost expected. We would simply point out some factual matters at hand in our endeavor to help liven the business districts of the city of Clearlake by offering its citizens more choices of things they desire.

We fully respected and patiently endured the process to gain approval from the city of Clearlake and were fully aware that the city had already pre-zoned the districts and our being added to the area in respect to the location of the Sister's Coffee House. We felt that by bringing our services and products to the area, we'd be able to offer services they were not, like a drive thru.

Some services being offered by the Sister's Coffee House are services that Mudslinger's Drive-thru may not have to offer and vice versa.

This is not only fair practice in business competition but the opportunity to award the citizens of the city of Clearlake as well as Lake County and those that travel to visit our beautiful area, variety in what they get to discover in the ever-growing city of Clearlake.

It is already proven that offering the hard-working citizens variety to make the informed selections they would like has been working successfully for many years and such can be displayed, for example look at the proximity of Napa Auto, O'Reilly Auto Parts, and Auto Zone, they all offer the same type of products only different. People come from all around the Lake and beyond when they find something they need is within reach in the city of Clearlake. Some people may prefer Starbucks, others are happy with coffee at home, while others love supporting any local coffee shop but may prefer one over the other.

By offering a drive-thru we can serve a paraplegic the opportunity to drive up and grab their favorite cup of coffee when otherwise they might be deterred from driving to town, unloading, then making their way to a storefront coffee shop, or a mother in a rush to get her kids to school or an appointment that just wants coffee, doesn't have to look for a parking spot then walk in possibly with her child or children, it's convenience. You see what Sister's Coffee House doesn't have to offer, Mudslinger's does.

In closing we would just like to add that we are long time residents of Lake County, Shana was born and raised in Clearlake, and I moved to Lakeport in 1976 from southern CA. We both love the community and want to establish a friendly establishment and become familiar faces to the area. We will find our "pay it forward" at some point to support the community as well.

Best Regards,



Lisa Reynolds & Shana Parker

Partner's/Owner's Mudslingers Drive-Thru Coffee





# City of Clearlake

14050 Olympic Drive, Clearlake, California 95422  
(707) 994-8201 Fax (707) 995-2653

**Project Name:** Mudslingers Drive-through and Walk-up  
Coffee Shop

To be completed by Staff (Project Numbers)

ACC: \_\_\_\_\_

ACC 2021-01

## INITIAL FEES:

Appeal to CC

\$880.00

Receipt #

Received By

Date

\$880.00

## APPLICANT:

**NAME:** Sisters Coffeehouse / Diane Drake  
**MAILING ADDRESS:** 14812 Olympic Dr.  
**CITY:** Clearlake  
**STATE:** CA **ZIP:** 95422  
**PRIMARY PHONE:** (707) 994-2200  
**EMAIL:** dianedrk@yahoo.com  
**SIGNATURE:** [Signature]

I declare under penalty of perjury that I am the owner of said property or have written authority from property owner to file this application. I certify that all of the submitted information is true and correct to the best of my knowledge and belief. I understand that any misrepresentation of submitted data may invalidate any approval of this application

## PROPERTY OWNER (IF NOT APPLICANT):

**NAME:** \_\_\_\_\_  
**MAILING ADDRESS:** \_\_\_\_\_  
**CITY:** \_\_\_\_\_  
**STATE:** \_\_\_\_\_ **ZIP:** \_\_\_\_\_  
**PRIMARY PHONE:** ( ) \_\_\_\_\_  
**EMAIL:** \_\_\_\_\_  
**SIGNATURE:** \_\_\_\_\_

I declare under penalty of perjury that I am the owner of said property or have written authority from property owner to file this application. I certify that all of the submitted information is true and correct to the best of my knowledge and belief. I understand that any misrepresentation of submitted data may invalidate any approval of this application

## PROJECT LOCATION:

**ADDRESS:** 14760 Olympic Dr. Clearlake  
**PROPERTY SIZE:** \_\_\_\_\_  
**PRESENT USE OF LAND:** \_\_\_\_\_  
**WATER SUPPLY:** \_\_\_\_\_  
**SEWER/SEPTIC:** \_\_\_\_\_  
**FLOOD ZONE:** \_\_\_\_\_

## OFFICE ONLY:

**ZONING:** \_\_\_\_\_  
**GENERAL PLAN:** \_\_\_\_\_  
**APPROVED:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
**RELATED FILES:** \_\_\_\_\_  
**NOTES:** \_\_\_\_\_

## DESCRIPTION OF PROJECT:

See attached

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SEP 02 2021

CITY OF CLEARLAKE

SEP 02 2021

City Council Members,

CITY OF CLEARLAKE

We are filing this in response to the meeting held on August 24<sup>th</sup> where the members of the Clearlake Planning Commission voted 4 to 1 to deny our appeal of Administrative Use Permit Application (AUP-07) granted to Mudslingers Drive-thru and Walk-up Coffee shop at 14760 Olympic Dr. Clearlake, Ca. 95422. We respectfully request that you deny the Use Permit for Mudslingers Drive-thru and Walk-up Coffee Shop and implore them to find an alternate location.

While we believe everyone has the right to follow their dream, we don't feel it should be at the expense of our own dream. As we have explained in our first appeal, we know without a shadow of doubt that allowing Mudslingers to build their Drive-thru at 14760 Olympic Dr. would be detrimental to our business. From the loss of business to our local vendors, to the decrease of foot traffic to Burns Valley Mall, to potential lay-offs of our employees to the personal financial loss my sister and I would sustain at the decrease/closure of our coffee shop just to name a few.

When we read the MUX the intentions seemed pretty clear, to bring more business to Clearlake while improving the overall appearance, to increase tourism and bring more people to the downtown areas. We support this 100% and have been doing our part to bring in and retain new business, not only for us but for our neighboring businesses as well. Whether we are sending people to the Clearlake Pet Center because customers love our fish tank, promoting Castle Donuts by having their products in our shop, even sending people over to Elegant Touch simply because customers like our hairstyle, we are huge supporters of our neighbors and make sure our customers know that the best products come from local small businesses like us. We spend over \$20,000 per year at Castle Donuts alone and a decline in our business would be detrimental to theirs as well. They are one of the many local businesses we use to purchase our products and goods sold in our store. Local repair people, milk vendors, paper products and more, we shop mostly locally. Around 75% of our products come from around the lake. A corporate Coffee shop like Mudslingers gets their products from corporate warehouses, and use company approved repair people. They could never match



the business we put back into the community. Allowing Mudslingers to open at 14760 Olympic Dr. would negatively impact those other local businesses by losing our accounts.

We didn't try to stop Starbucks from being built even though we know we will lose some of our customers to them. We didn't try to stop Marcel's even though it is before us on the most traveled route to our shop. This is not about the "competition" for us at Sisters Coffeehouse. We are standing up against Mudslingers Drive Through and Walk-up Coffee Shop because it would make the 3<sup>rd</sup> coffee shop within .3 miles of us and another drive-thru coffee shop. It is excessive and there is no way all 3 coffee shops could be thriving, profitable and successful. Why was a 3<sup>rd</sup> coffee option approved for the Burns Valley area? In the 48 or 49 places that Mudslingers looked at with our City Manager Alan Flora over the last year, why was the lot next to an established coffee shop selected? Did they not know they would be competing with a drive-thru just up the road from them (Marcel's)? Did they not know they would be competing with a walk-in coffee shop? Did they not know there was already a Starbucks drive-thru being built? Or in their research did they find that there were so many Clearlake residents yearning for a 4<sup>th</sup> drive-thru/5<sup>th</sup> coffee shop/3<sup>rd</sup> within .3 miles of each other, they just had to have that location? Or is their corporate strategy to move into an established area and take from an existing business? How is that our city supporting an existing well established business that has almost 4 years of dedicated service to the community? If Mudslingers was already promised that spot over a year ago, why approve Marcel's? Burns Valley area simply does not have enough customers to support 3 coffee shops so close together.

In our last appeal we submitted over 450 signatures of people that come to our shop and say they did not understand the logic behind the location of the approved permit for Mudslingers Drive through and Walk-up Coffee shop. Most of them had no idea this proposal was even on the agenda. Over 450 people say they would rather spend their money in a business that would be new to Clearlake. Why are the citizens of Clearlake not notified when a new business is proposing coming to our city? A few weeks ago we received an email from the Lakeport Planning Commission asking for public opinion on an apartment complex

that may be built within their city limit simply because we are signed up for Nixle alerts. Why couldn't we do this? If you ask the people of Clearlake "What new business would you like to see in Clearlake?" they won't say Coffee. A few used to say Starbucks but that is already being built. We've filled that need for our community, now it's time to fill another by bringing in something different than what is already here.

We know the Planning Commission says they are not here to decide what businesses come in to Clearlake. That they are just here to determine if the zoning is correct, but what is a Planning Commission or a City Manager for, if not to Plan out the long term goals for success of your City and to manage the choices made in planning to ensure the success of those choices? To make sure the residents and visitors of the City of Clearlake have a multitude of choices to spend their hard earned money. When people have more choices they spend more money. For example if you have a store that sells sandwiches, people will buy their favorite sandwich and go home. But if you have a store that sells sandwiches, drinks, chips, potato salad, picnic baskets, blankets, silverware etc. the owner of the second store will be making more money and the surrounding areas will have people outside picnicking with their families. The point is that Clearlake could be the second store. By giving your citizens different options they are more likely to frequent more businesses daily rather than a single business every day.

Mudslingers' position has been 'at the end of the day we have filled out the proper applications and were approved so we should be allowed to be there. We dotted all the I's and crossed all the T's so it doesn't matter if we negatively affect Sisters, Catfish, Marcel's because we filled out the paperwork.' We also dot the I's and cross the T's and have followed every rule to opening and maintaining our business and to maintain ourselves as respected business owners and productive members of this community. In fact we have tried to go above and beyond for the residents and visitors of Clearlake. We stayed open throughout Covid to make sure our 1<sup>st</sup> responders, nurses, restaurant and retail workers had a place to get a warm cup of coffee and a quick bite on their way out to run the world while everyone else stayed home. During fire season our firefighters don't pay for their drinks. Whether local or visiting, we make sure they have everything they need to

stay awake to keep us all safe and have a little something special to take to the front lines. We bought a generator that can power our entire shop so that during PSPS blackouts residents have a place to warm up and charge their devices and use the WiFi to check essential emails and communicate with loved ones. We've kept women and young girls safe within our walls and helped protect them from predators, abusive partners and sketchy situations. We haven't even raised our prices in over 2 years to make sure that all of our customers can still afford their daily coffee or special treat for the kids. The list goes on and on but those are just a few of the values we have at Sisters Coffeehouse and from the 1<sup>st</sup> time you walk through the front door you can feel that we value each and every customer and treat them like family. You can't get that from another drive-thru.

At the end of the day, we don't want to be looked at like we are afraid of competition. If we were worried about the competition we would have tried to stop Starbucks or Marcel's but we didn't. This is more about market oversaturation and our area not having enough customers to successfully support 3 separate coffee shops within such a short distance. When there are too many of the same thing you aren't creating new customers, you aren't making more money. You are just spreading the same money around. We just want to be successful and not end up as another empty store front. We actually want that for Lisa and Shana too. Putting their branch of the Mudslingers chain next to us, down the street from Marcel's, around the corner from Catfish and across town from Starbucks is not beneficial to anyone in the long run. And let's face it, if they don't do well and end up having to close their store, Mudslingers absorbs that loss not Lisa and Shana. If Sisters doesn't do well, Diane and Erin absorb that loss. Our personal lives, the lives of our families, our kids are the ones that lose. Not any corporate overhead or sponsor. We have been established here for almost 4 years whereas they haven't broken ground yet and it would be easier for them to find a more suitable location for their drive-thru that would be a positive business venture for everyone involved without the threat of closure to them or any surrounding business.

We hope that by bringing this to the attention of the City Council you all can work with us to make sure we stay open, successful and thriving and help Mudslingers

find a place that will be lucrative for them as well because ultimately we want all of us to be successful.

***Here is a copy of a petition we started only to find out what others would have to say about a business coming in close proximity to an established one. We got a total of 340 signatures in our favor. Some people from here, some elsewhere. We just wanted to know what the general public thought. Attached are comments that were left by people that signed.***

Section I, Item 11.

**Lisa Reynolds started this petition to City Of Clearlake and 2 others**

We have been trying to build and operate a Drive-thru coffee shop on Olympic Drive in Clearlake. The site chosen is on the west side of the Burns Valley Mall in an open field owned by the city. Sister's Coffeehouse filed an appeal and after that meeting on August 24th were denied their appeal with a 6 to 1 vote in our favor. Now they are going forward to the City Council for a second appeal.

We completely understand their complaint, but the city can't pick and choose what business goes where if the zoning/ordinance is suited to support our business, which it is.

We have had a dream to open and operate a drive thru coffee shop for many years and it is almost a reality except these hoops we must jump through to reach our final phase of building. I am asking please for your help to get behind us to support our dream. We have lived in Lake County over 45 years, raised our children and now grandchildren. We want to be a productive member of the community.

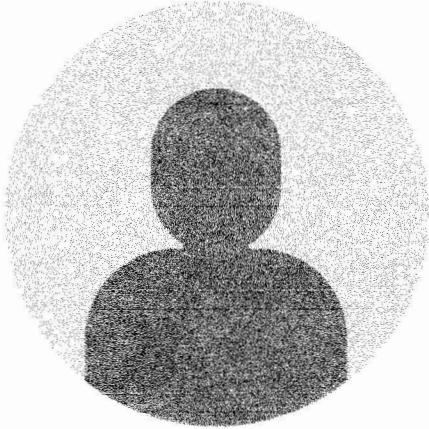
Please don't let Sister's Coffeehouse keep us from opening our dream coffee shop. What we have to offer, they don't. Although we are both coffee shops, it is different coffee, some may prefer theirs over ours, it's up to the community to decide where to go!

## Reasons for signing

Section I, Item 11.

See why other supporters are signing, why this petition is important to them, and share your reason for signing (this will mean a lot to the starter of the petition).

Thanks for adding your voice.



**Jennifer Dorman**

6 days ago

Lake County could only benefit from adding another high quality business run by longtime residents who love and support this community. And who doesn't love a drive-thru coffee shop? What a great opportunity for all.

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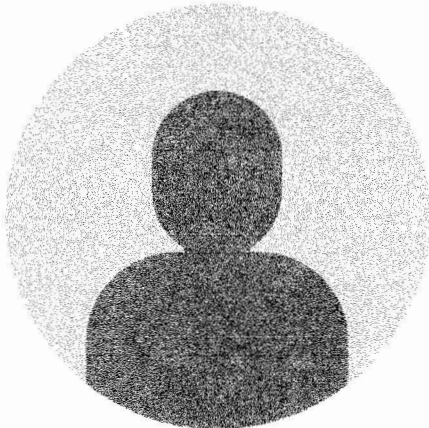


**Delete this comment**

This comment will be deleted permanently. Are you sure you want to delete it?

DeleteCancel

Thanks for adding your voice.



**Jerry Bennett**

7 days ago

I believe anyone has a right to open up their own business serving the community the way THEY think the people should be treated. Most anywhere you go, you see Coffee shops within a couple blocks from each other and surviving. A drive-thru offers a different reduction and services than a... Read more

Section I, Item 11.

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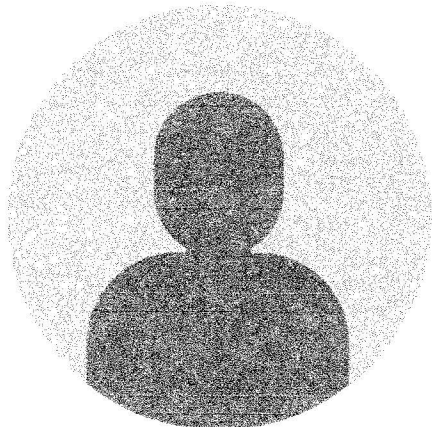


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DeleteCancel

Thanks for adding your voice.



**Shana Parker**

1 week ago

No need for donations please do not donate. We are just looking for support to open our coffee kiosk! Thank you to all who have signed already and we appreciate any who have not yet signed. Thank you thank you thank you!

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Share

Tweet



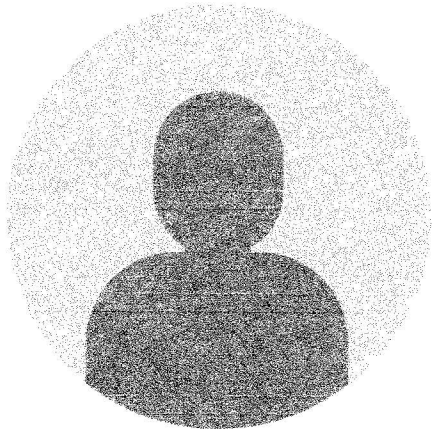
**Delete this comment**

This comment will be deleted permanently. Are you sure you want to delete it?

DeleteCancel

Thanks for adding your voice.





**Carolyn Garcia**

1 week ago

If you have dreams, you should follow them.

- 
- 1

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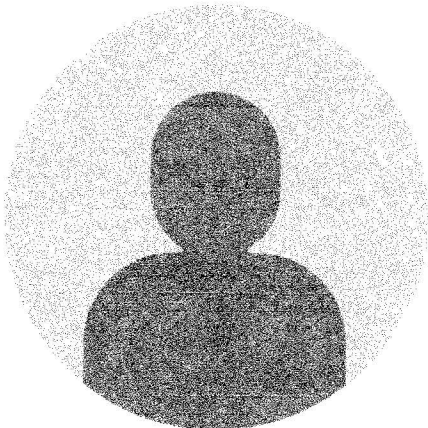


**Delete this comment**

This comment will be deleted permanently. Are you sure you want to delete it?

DeleteCancel

Thanks for adding your voice.



**Connie AHLQUIST**

2 weeks ago

I want you guys to have it for all of us !! It's only right!! Gooood luck!! Buffi Ahlquist!!

- 
- 1

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This comment will be deleted permanently. Are you sure you want to delete it?

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Section I, Item 11.

Thanks for adding your voice.



**kimberly maynard**

2 weeks ago

Every business deserves a chance here in clearlake. As a local business owner we all need to support eachother in our dreams.

- 
- 2

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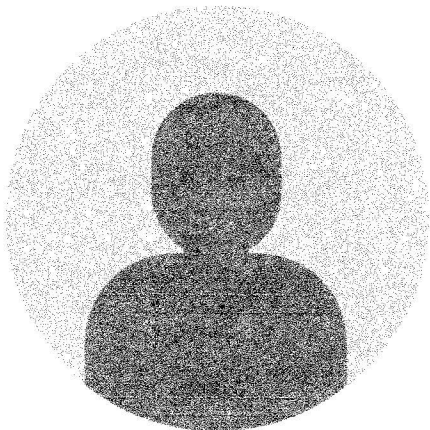


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This comment will be deleted permanently. Are you sure you want to delete it?

[Delete](#)[Cancel](#)

Thanks for adding your voice.



**Denise Ogilvie**

2 weeks ago

Denise Ogilvie, I'm all for it!!□□

- 
- 2

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### Delete this comment

This comment will be deleted permanently. Are you sure you want to delete it?

Section I, Item 11.

[Delete](#)[Cancel](#)

Thanks for adding your voice.



**Diane Payne**

2 weeks ago

I'm signing because... I grew up in Clearlake (highlands). I have been thinking about moving back to area. COUNTY needs to let new businesses open, it creates, Jobs, people want to stay in the area and the only way to do that is good jobs.

- 
- 3

Share

Tweet

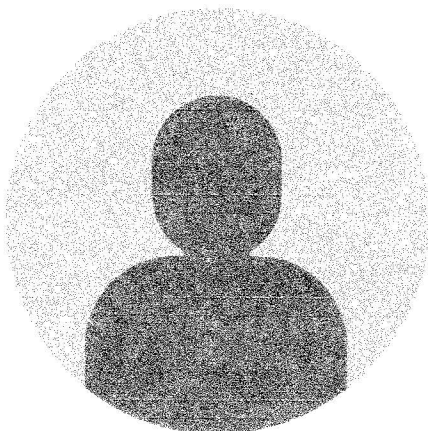


### Delete this comment

This comment will be deleted permanently. Are you sure you want to delete it?

[Delete](#)[Cancel](#)

Thanks for adding your voice.



**Cathy Smith**

2 weeks ago

We have enough coffee shops

- 
- 0

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[Tweet](#)  


**Delete this comment**

This comment will be deleted permanently. Are you sure you want to delete it?

[Delete](#)[Cancel](#)

Thanks for adding your voice.



**[Janice Douglas](#)**

[2 weeks ago](#)

Another useful Buisness in Clearlake is a good choice. We have 4 car part businesses and a whole bunch of Mexican places to eat. Why not 4 coffee houses?

- 
- 3

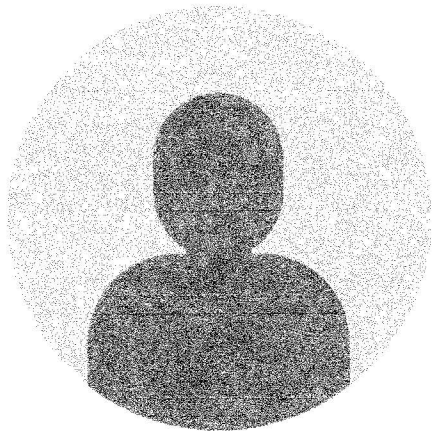
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[Tweet](#)  


**Delete this comment**

This comment will be deleted permanently. Are you sure you want to delete it?

[Delete](#)[Cancel](#)



**Jennie Sainsbury**

2 weeks ago

I am signing because I support local business competition!! It creates the best service. Checks and balances

- 
- 4

Share  
[Tweet](#)

Thanks for adding your voice.



**chris mcewen**

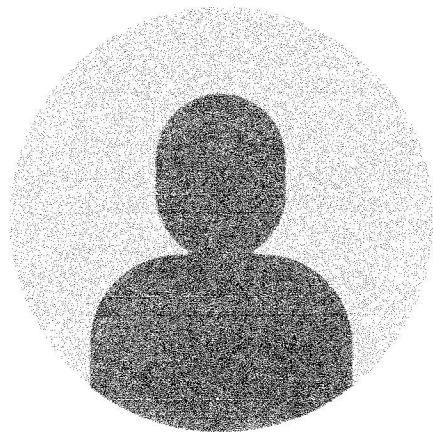
2 weeks ago

I support it

- 
- 2

Share  
[Tweet](#)

Thanks for adding your voice.



**Glenn Campbell**

2 weeks ago

Clearlake needs more business owners like these. They will be great for the community!!

Section I, Item 11.

- 
- 2

Share

Tweet

Thanks for adding your voice.



**Sheila Gatton**

2 weeks ago

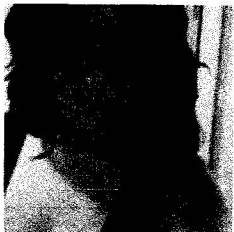
I believe a business operated by Lisa Reynolds will benefit the community.

- 
- 2

Share

Tweet

Thanks for adding your voice.



**Krystal Pasalo**

2 weeks ago

I think this business would be beneficial as well as maintained.

- 
- 2

Share

Tweet

Thanks for adding your voice.



**Lisa Gavazza**

2 weeks ago

I'm signing this petition because I believe it's not fair for Sisters Coffee to try to impede another business coming

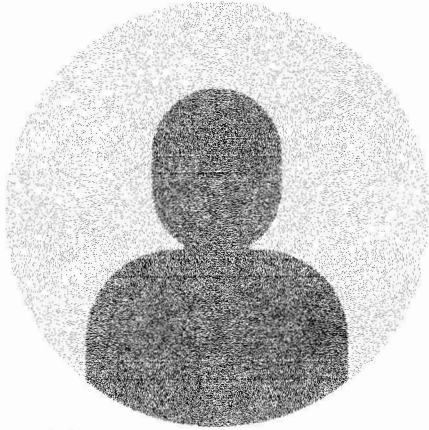
Section I, Item 11.

- 
- 2

Share

[Tweet](#)

Thanks for adding your voice.



**Hali Farcash**

2 weeks ago

Everyone deserves a chance to fulfill their dreams!!!

- 
- 2

Share

[Tweet](#)

Thanks for adding your voice.



**Loni Bennett**

2 weeks ago

It is a good business idea. Nothing harmful or bad for the community. Who doesn't love coffee!?

- 
- 2

Share

[Tweet](#)



September 8, 2021

Mudslinger's Rebuttal to appeal

Lisa Reynolds      Parcel# 039-570-18-000

Shana Parker      14760 Olympic Dr. Clearlake

Good afternoon City Council,

We are writing in response to the appeal filed by Diana Drake, the owner of Sister's Coffee House located at 14812 Olympic Dr., Clearlake on September 2, 2021.

We first want to make some clarification to appeal filed by Diana Drake on September 2, 2021, as we have tried many times to clarify that our business is not a franchise. We are privately owned by the two of us, Lisa and Shana. We absorb the cost in the event we do not survive. However, we plan fully on surviving. The costs are completely ours to bare.

We fully intend on using local distributors for our supplies. One should not assume we would not support our locals being locals and members of this community ourselves for over 45 years.

There are similar businesses in very close proximity of one another in this community in many locations within the city. Examples such as, Auto parts stores, food franchises, Mexican food restaurants, gas stations, thrift shops, etc... if the city can allow for these businesses to thrive next to one another then why should we be denied our dream of opening a coffee shop in said location.

We searched long and hard to find a location to no avail until this. We shouldn't be subject to have to continue to search when after a multitude of locations did not work out.

Statics prove that competition is in fact healthy for small businesses. How can you ensure that the path chosen for a small business is not only good for it but also something that people need? One simple answer to this is "competition." For a small business, the competition does not have to be a death knell. In fact, it is one of the major causes why a small business survives in the first place. With the right amount of competition, focus, strategy, perspective and innovation, competition plays a significant role in the evolvement of any small business. When you enter a grocery store do you see everything is the same brand from the same company? No, you have choices and see competition throughout the store with several different brands, types and costs including many different coffees to choose from. We want to provide that to our community and when you have competition in an industry, the ultimate winners will always be the customers.

We don't want to bring something different our dream is to have our own coffee shop and want nothing more than to be cohesive together in our community with Sister's (Diana and Erin)

At the end of the day our position is to supply an upstanding business, choice and employment to our community.

This Community is growing and will continue to grow the more business we have that work together with their community to make this a successful place to live and thrive seems like a win!

We thank you for your time

Best regards,

Lisa Reynolds



Shana Parker





September 9, 2021

City of Clearlake  
14050 Olympic Drive  
Clearlake, California 95422

RE: Administrative Use Permit (039-570-18-000) Rebuttal Sister's Coffeehouse (Diane Drake)

Dear City Council of Clearlake,

First, thank you for your time and efforts in reviewing this rebuttal response from Mudslingers corporate office in reference to the proximity of the Mudslingers Drive-Thru Coffee (determined) and attempting to open at 14760 Olympic Drive, Clearlake.

I would like to start out by mentioning, as I did in the previous meeting that I feel this appeal, unfortunately, is clothed in emotion. As I stated in the previous meeting, I can empathize with Sister's Coffee but the facts are we have to look at the ordinances. Capitalism is competition in a free market, and Clearlake is no different than any other town in America with an ordinance. That ordinance, once followed, allows a person/company the ability to open a business in a free market. With that being said, I will address some items pertaining to competition in an effort to address Sister's specific issue.

It may be hard to believe but the proximity of competitors may actually help you attract more clients. This is because a higher concentration of similar businesses makes the customers start to associate that area with a particular service/product(s). As a result, the area attracts more people than it would if there were fewer competing businesses (keep in mind you have a sit down café and serve different coffee and folks have different tastes). In the end, there is typically more business for everyone.

More importantly, I believe it also forces you to become better. Competition tends to bring out the best in people. The same counts for business. In order to retain the existing clients/customers and hopefully win new ones, businesses that operate near similar businesses are compelled to offer a higher value than their competitors. And to do that, they need to increase productivity, optimize the use of the available staff and equipment, invest in innovation, stimulate creativity, look for new opportunities,... all of which makes them perform better and more resilient to market changes.

The current population of Clearlake (would not include visitors to the town that would enjoy the new park facilities or tourists) is just over 15,000. When we open a store we rely on traffic, population, annual salary, housing market and competition among other smaller variables. Mudslingers, which has been in business for 20 years assisting folks in opening their independently owned coffee shops, has a

95% success rate. This success rate is not only due to our knowledge and expertise in coffee and specialty coffee products but it is about location. We are not in the business of setting up our stores to fail and although we consider other competition for what we believe is a healthy market, we choose our locations based on the success rate for our licensees. Not for the demise of local competition. Meaning it is our plan that all of the stores succeed. How the competition deals with it and/or creates a relationship with our Licensees is not put into consideration for our stores. As we are 60 or more stores across the country we have never once decided to put a store where we thought we could put competition out of business. And we have NEVER been approached and pleaded not to open. There are more than enough population and potential customers to meet the criteria of a new store in Clearlake in our research.

I believe that Sister's Coffee, although seemingly good-hearted folks, will be pleased with the customers they retain and may even gain new customers if they work to have a good relationship with Lisa and Shana. We do not offer interior sit-down or wifi and would be more than happy to direct potential customers their way. However, with this appeal it is my opinion you have set a precedent for other businesses to rely on no competition and folks to accept that there will be no other new coffee shops, burger joints, auto part stores, etc.. The consumer has the right to choose as the business owner should have the right to choose the location of their business. And more importantly not be told WHERE they can put their business.

Sincerely,

Best Regards,

April Sides

Director of License Development

Mudslingers Drive-Thru Coffee

*Direct: 989-858-0645*

*Fax: 989-688-6000*

TOLL FREE: 877-306-0645

[www.mudslingerscoffee.com](http://www.mudslingerscoffee.com)

Follow us on [Instagram!](#)



# CITY OF CLEARLAKE

## City Council

### STAFF REPORT

**SUBJECT:** Update and Discussion on the Cache Fire

**MEETING DATE:** Sept. 16,  
2021

**SUBMITTED BY:** Alan D. Flora, City Manager

**PURPOSE OF REPORT:** ☐ Information only ☒ Discussion ☒ Action Item

#### WHAT IS BEING ASKED OF THE CITY COUNCIL:

The City Council is being asked to discuss response to the Cache Fire and provide possible direction as needed.

#### BACKGROUND/DISCUSSION:

On August 18<sup>th</sup> the Cache Fire erupted within the City boundary, destroying 57 homes, 81 outbuildings and various other property. On August 19<sup>th</sup> the City Council Ratified the City Manager/Emergency Services Director's State of Emergency and request for a state declaration and aid. On August 24<sup>th</sup> the County Board of Supervisors ratified the Public Health Emergency and declared a County state of emergency as a result of the Cache Fire.

While no state or federal declarations or significant aid have yet been approved, we are working with various state agencies and our legislative representatives to respond to the immediate need for housing, and cleanup as we prepared for rebuilding. This item is to provide an update to the Council and community on the current status of various aspects of the recovery efforts from the Cache Fire and to facilitate discussion and possible direction to staff as needed.

#### OPTIONS:

1. Provide Direction to Staff.

#### FISCAL IMPACT:

☐ None ☐ \$ Budgeted Item? ☐ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☐ No If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other:

Comments:

#### STRATEGIC PLAN IMPACT:

☒ Goal #1: Make Clearlake a Visibly Cleaner City

☐ Goal #2: Make Clearlake a Statistically Safer City

☒ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities

- ☒ Goal #4: Improve the Image of Clearlake
- ☒ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

**SUGGESTED MOTIONS:**

☐ **Attachments:**



# CITY OF CLEARLAKE

## City Council

### STAFF REPORT

**SUBJECT:** Award of Contract for the Sulphur Fire Disaster Roadway Improvement Project

**MEETING DATE:** September 16, 2021

**SUBMITTED BY:** Adeline Brown, Engineer Tech

**PURPOSE OF REPORT:** ☐ Information only ☐ Discussion ☒ Action Item

#### WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to approve a contract with Argonaut Constructors.

#### BACKGROUND/DISCUSSION:

The City advertised a Notice Inviting Bids for a REBID of the Sulphur Fire Disaster Roadway Improvement Project on August 6, 2021. This project was advertised on the City website, advertised in the newspaper and sent to various Builders Exchange Plan rooms throughout the state. The City opened bids on September 2, 2021 from the following contractors:

- |                          |                |
|--------------------------|----------------|
| 1. Argonaut Constructors | \$6,494,914.00 |
| 2. Granite Construction  | \$6,643,962.02 |
| 3. Team Ghilotti         | \$6,857,141.00 |
| 4. Ghilotti Construction | \$7,052,195.00 |

#### OPTIONS:

1. Move to approve the contract with Argonaut Constructors in the amount of \$6,494,914.00
2. Other direction

#### FISCAL IMPACT:

☐ None ☒ \$6,494,914.00 Budgeted Item? ☒ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☒ Other: Capital Projects Fund

Comments: The funding for this project is provided through the CDBG 2017- Disaster Recovery Program.

**STRATEGIC PLAN IMPACT:**

- ☐ Goal #1: Make Clearlake a Visibly Cleaner City
- ☐ Goal #2: Make Clearlake a Statistically Safer City
- ☒ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☒ Goal #4: Improve the Image of Clearlake
- ☐ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

**SUGGESTED MOTIONS:**

Authorize City Manager to enter into a contract with Argonaut Constructors for the Sulphur Fire Disaster Roadway Improvement Project in the amount of \$6,494,914.00 and authorize the City Manager to approve up to 10% for additional unforeseen contract amendments.

☐ **Attachments:**





# CITY OF CLEARLAKE

## City Council

### STAFF REPORT

**SUBJECT:** Award of contract for Inspection and Materials Testing for the Sulphur Fire Roadway Disaster Repair Project

**MEETING DATE:**  
September 16,  
2021

**SUBMITTED BY:** Adeline Brown, Engineer Tech

**PURPOSE OF REPORT:** ☐ Information only ☐ Discussion ☒ Action Item

#### WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to approve a contract with Green Valley Consulting Engineers for \$227,360.00.

#### BACKGROUND/DISCUSSION:

The City solicited proposals to retain a qualified consultant for full time Construction Inspection and as-needed Materials Testing Services during the construction of the Sulphur Fire Roadway Disaster Repair Project. The Request for Proposals was advertised in the newspaper, on the city website, and sent out to various agencies via email. Although was initial interest in the project, only one consultant submitted a proposal. Green Valley has previously provided inspection services for the City on multiple projects and is versed in all aspects of civil construction as well as the process and requirements necessary to meet local, Federal, and State funding requirements. Staff has prepared an Independent Cost Estimate as per CDBG requirements.

#### OPTIONS:

1. Move to approve the contract with Green Valley Consulting Engineers for \$227,360.00.
2. Other direction

#### FISCAL IMPACT:

☐ None ☒ 227,360.00 Budgeted Item? ☒ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☒ Other: CDBG DR-Infrastructure Funds

Comments:

#### STRATEGIC PLAN IMPACT:

☐ Goal #1: Make Clearlake a Visibly Cleaner City

- ☐ Goal #2: Make Clearlake a Statistically Safer City
- ☒ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☐ Goal #4: Improve the Image of Clearlake
- ☐ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

**SUGGESTED MOTIONS:**

Move to approve the contract with Green Valley Consulting Engineers for \$227,360.00.

☐ **Attachments:**



# CITY OF CLEARLAKE

## City Council

### STAFF REPORT

**SUBJECT:** Consideration of Extending Temporary Agreements with North Bay Animal Services for Animal Control Officer and Kennel Technician Services

**MEETING DATE:** 9/16/21

**SUBMITTED BY:** Andrew White, Chief of Police

**PURPOSE OF REPORT:** ☐ Information only ☐ Discussion ☒ Action Item

#### WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to consider approving the continuation of temporary, month to month agreements with North Bay Animal Services for Animal Control Officer and Kennel Technician Services.

#### BACKGROUND/DISCUSSION:

The Clearlake Police Department's Animal Care & Control Bureau is responsible for animal control services within the City of Clearlake, including operating the animal shelter. In June 2021, both animal control officers (ACO) resigned to take on new jobs with other entities.

In July 2021, a temporary contract was entered into with North Bay Animal Services (NBAS) to provide an ACO five days per week for \$5,733 per month. Shortly thereafter, due to staffing challenges with the Kennel Technician position, NBAS agreed to provide a temporary Kennel Technician seven days per week for \$5,753 per month.

The agreements have provided stable staffing of employees trained and qualified to deliver services. NBAS provides similar contract services to several other government agencies, including the Cities of Petaluma, Cloverdale, Calistoga and Healdsburg. Staff desires to continue the monthly contracts while longer term staffing and operations options are explored. Because the aggregate amount of each agreement will exceed \$25,000 in the fiscal year, City Council approval is required.

Staff recommends City Council authorize the Police Chief to continue month-to-month contract agreements with NBAS for Animal Control Officer and Kennel Technician Services for the remainder of the fiscal year. Furthermore, Staff recommends the City Council exempt these agreements from competitive bidding pursuant to Section 3-4.5 of the Clearlake Municipal Code due to the specialized nature of the services and to maintain continuity of service to the public and the animals as we explore long term options.

#### FISCAL IMPACT:

☐ None ☒ \$137,832 Budgeted Item? ☒ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase: \$

Affected fund(s): ☒ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other:

Comments:

**STRATEGIC PLAN IMPACT:**

- ☐ Goal #1: Make Clearlake a Visibly Cleaner City
- ☐ Goal #2: Make Clearlake a Statistically Safer City
- ☐ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☐ Goal #4: Improve the Image of Clearlake
- ☒ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

**SUGGESTED MOTIONS:**

Move to authorize the Police Chief to continue month-to-month contract agreements with NBAS for Animal Control Officer and Kennel Technician Services for the remainder of the fiscal year and waive competitive bidding pursuant to Section 3-4.5 of the Clearlake Municipal Code due to the specialized nature of the services and to maintain continuity of service to the public and the animals as we explore long term options.

- ☐ **Attachments:** 1)



# CITY OF CLEARLAKE

## City Council

### STAFF REPORT

**SUBJECT:** Discussion and Possible Action Regarding the City's Response to the 2020-21 Grand Jury Report

**MEETING DATE:** Sept. 16, 2021

**SUBMITTED BY:** Alan D. Flora, City Manager

**PURPOSE OF REPORT:** ☐ Information only ☒ Discussion ☒ Action Item

#### WHAT IS BEING ASKED OF THE CITY COUNCIL:

The 2020-21 Lake County Civil Grand Jury released its report in July. One of the Reports, "Homeless Not Hopeless", "required" a response from the City Council.

#### OPTIONS:

1. Approve Response to the Grand Jury and Authorize the Mayor to Sign.
2. Provide Direction to Staff.

#### FISCAL IMPACT:

☒ None ☐ \$ Budgeted Item? ☐ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☐ No If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other:

Comments:

#### STRATEGIC PLAN IMPACT:

- ☐ Goal #1: Make Clearlake a Visibly Cleaner City
- ☐ Goal #2: Make Clearlake a Statistically Safer City
- ☐ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☒ Goal #4: Improve the Image of Clearlake
- ☐ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

#### SUGGESTED MOTIONS:

☒ **Attachments:**

1. Draft Response to the Grand Jury
2. 2020-21 Grand Jury Report



**City of Clearlake**  
14050 Olympic Drive, Clearlake, California 95422  
(707) 994-8201 Fax (707) 995-2653

September 16, 2021

Lake County Civil Grand Jury  
PO Box 1078  
Kelseyville, CA 95451

Dear Grand Jurors:

**RE: RESPONSE TO THE 2020-2021 LAKE COUNTY CIVIL GRAND JURY REPORT “HOMELESS – NOT HOPELESS”**

The Lake County Civil Grand Jury released a report on homelessness in Lake County as part of its 2020-2021 report. This Grand Jury’s recommendations “required” the Clearlake City Council respond to recommendations R-1, R-3, R-10, R-13, R-14.

The report provided a wide-ranging review of homelessness within the county and the larger region. While much could be said about the case studies included in the report, we will simply focus our response on those specifically requested by the Grand Jury. The City would like to clarify one erroneous fact in the report on page 174. In the discussion around the Hope Center the report states that the City contributed \$200,000 in bond funds towards the project. However, the actual amount provided by the City was \$500,000.

*R1: All First Responders within Lake County should consider collecting individualized longitudinal data on their interactions with the homeless and referrals for services.*

The City Council is aware that the Police Department collects a variety of data when interacting with the public. In January 2021, this data collection will vastly expand with the implementation of the Racial and Identity Profiling Act. At this time the Police Department supports the Point in Time Count for the systematic collection of data regarding homelessness.

*R3: Lake County should sell the former Juvenile Hall to Elijah House, if so requested, so that their vital services can continue to benefit Lake County’s vulnerable populations.*

The City Council agrees the Elijah House plays a key role in assisting in the transition from those experiencing homelessness to permanent housing and would generally support a longer-term arrangement between the County and Elijah House. However, the City acknowledges the County has the exclusive purview of disposition of county property and does not opine on the appropriateness of selling or not selling the property.

*R10: Behavioral Health should clarify and communicate its crisis-response protocols to law enforcement and fire/EMS agencies in the County so that all parties know what to expect when dealing with relevant urgent/emergent situations.*

The City Council agrees Behavioral Health needs to do more to communicate its crisis response protocols. Many requests for response from law enforcement for behavioral health/substance abuse issues are currently left unanswered.

*R13: Lake County Animal Control and Clearlake Animal Control could consider investigating how safe and secure overnight shelter for pets of those homeless who are seeking their own overnight or long-term sheltering.*

The City Council understands that our Animal Control Division is stretched thin and is unlikely to be able to accommodate this type of program. Further, few homeless pet owners are willing to be separated from their animals, even for a short period of time.

*R14: The County and the Cities of Lakeport and Clearlake should form a taskforce to devise a workable and coordinated method of determining the true costs to law enforcement and fire/EMS agencies of responding to emergency calls pertaining to the homeless so that limited resources could be allocated and targeted based on factual understanding. This would be an expansion of R1.*

The City Council is always willing to discuss and consider regional information gathering and problem solving.

Sincerely,

\_\_\_\_\_  
Dirk Slooten, Mayor

Cc: Michael Lunas, Lake County  
Superior Court Presiding Judge



**2020 – 2021**

**Lake County**

**Civil Grand Jury**

**Final Report**



### Art Work:

The paintings throughout this report are from one of our own Grand Jurors – Mr. John Portner. After a career in the urban portions of the Bay Area, John retired to Lake County where the landscapes he sees daily join with faraway scenes imagined to create a wondrous and beautiful look at the world. These paintings herein represent only a small fraction of John’s large portfolio.

We hope you are as inspired by John’s talent and artistry as we are. We thank him for sharing it.

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Superior Court of California  
COUNTY OF LAKE  
255 NORTH FORBES STREET  
LAKEPORT, CALIFORNIA 95453

MICHAEL S. LUNAS  
SUPERIOR COURT JUDGE

(707) 263-2374 EXT 2232  
FAX (707) 262-1327

June 15, 2020

Dear Members of the 2020-2021 Lake County Civil Grand Jury:

Thank you for the submission of your Final report. I have reviewed the Final Report and find it complies with governing law. The clerk of the court is directed to accept and file the Final report pursuant to Penal Code section 933(b).

The 2020-2021 Civil Grand Jury, as with the 2019-2020 Civil Grand Jury, has been forced to undertake their work through emergency conditions created by the Covid-19 pandemic. Based on the experience gained last year, the Grand Jury, in their work commencing July 2020, has improvised, adapted and persevered, with remote and virtual work, to perform their tasks against the significant impediments created by the Covid-19 virus including closures, physical distancing, face covering mandates, and stay at home directives.

The timely completion and issuance of the Final Report is testament to the hard work, sacrifice, diligence, dedication and leadership of each member of the Grand Jury during these times. As your term comes to a close, thank you for your service on behalf of the court.

While there may be disagreements with the findings and recommendations set forth in the Final Report, your work will promote review and discussion directed at increasing the public knowledge of the local government and improving the functioning of government systems.

The 2020-2021 Civil Grand Jury is to be commended for their work to improve local government and the lives of the citizens of Lake County.

Sincerely,

Michael S. Lunas

Presiding Judge of the Superior Court







**Civil Grand Jury2020/2021**  
**County of Lake**  
**P.O. Box 1078**  
**Kelseyville, CA 95451**



June 20, 2021

The Honorable Michael S. Lunas  
Presiding Judge for the Civil Grand Jury  
Superior Court of California  
County of Lake  
255 Forbes Street  
Lakeport, CA 95453

Dear Judge Lunas,

In accordance with California State Law, we respectfully submit the 2020-2021 Lake County Civil Grand Jury Report.

The Grand Jury has fulfilled its responsibility to the Court and to the people of our County. Despite the limitations imposed by the public health realities that had to be faithfully followed, the collected output of the jurors work continues to set a ‘high bar’. Each of the Grand Jurors has put significant time, energy, and attention into the committees that researched, investigated, and generated these individual reports.

The Grand Jury system remains strong and needed. It has been our distinct honor to be a part of that.

Dee M. (Russ) Schroy  
Foreman – Lake County Civil Grand Jury





**Civil Grand Jury2020/2021**  
**County of Lake**  
**P.O. Box 1078**  
**Kelseyville, CA 95451**



**Grand Jurys Foreman’s Letter to the Public**

May 20, 1861. That is when Lake County was formally established. Abraham Lincoln had been in office for 77 days. The War Between the States had only been going on for 38 days. Since then, the people of Lake County have endured through more than a few major wars, two pandemics, economic downturns and depressions, droughts, and clearly more than our fair share of immense fires. It is said the challenges we overcome make us stronger. Nowhere is that more readily seen than in the people with whom we share our County.

During those years since 1861, there have been more than 160 Grand Juries and more than 2200 Lake County residents who have served on them. When Grand Juries are first empaneled, they start off with no preset biases, no agendas to try to push, and no immediate idea of where their investigations will lead. Juries can develop their own paths looking into the myriad areas of our County governance and Public Safety services. But they are also looking into complaints that have been filed by citizens from the County. Almost half of this year’s reports were initiated by or affected by citizen complaints looking to understand their governance and hold those in authority accountable.

This Grand Jury has spent thousands of hours diligently looking into many areas; and then verifying and re-verifying the facts. Their motivation for doing all of this is simply service to the people of our County.

It has been a distinct privilege to serve with this jury. I would encourage anyone looking to achieve this same sense of accomplishment and civic pride to consider joining a future Grand Jury.

Russ Schroy  
Foreman

June 18, 2021



# COUNTY CIVIL GRAND JURY HISTORY

The institution of the Grand Jury dates back to 1170 in England. When the Magna Carta was written in 1215, of its 63 clauses the longest and most detailed is in the permanent establishment and operation of Grand Juries. They were used by some of our colonies before the American Revolution and then formalized into our U.S. Constitution in Amendment 5 of the Bill of Rights. It has been continued and used since then in several differing forms. As constituted today in the State of California, the Grand Jury is a part of the judicial branch of government – “an arm of the court”. It does not have the functions of either the legislative or executive branches, and is not a police agency. Additionally, it does not mandate policy changes. It is an examining and investigative body that makes recommendations to improve systems, procedures, and methods of operations in designated local government agencies. In Lake County, the Grand Jury generally performs only civil functions.

## ORGANIZATION

The Lake County Civil Grand Jury (Grand Jury) is composed of nineteen men and women of various backgrounds chosen from throughout Lake County.

The presiding Superior Court Judge appoints a foreperson who presides over all jury proceedings and is responsible for directing the business of the Grand Jury.

Most Grand Jury work is done by committees. The areas of focus of these committees usually includes: Environment, Juvenile Justice, Social Services, Health, Administration, Criminal Justice, Public Works, Special Districts and Public Schools.

The Grand Jury and its committees meet several times a month. They meet with county and city officials, visit county facilities, and conduct independent research on matters of interest or concern. The committees report to the full Grand Jury and conclusions are reached after discussion and study of

issues. The Grand Jury may seek advice or request the services of the Lake County Counsel, District Attorney, Presiding Judge of the Superior Court, or State Attorney General.

FUNCTIONS

**Watchdog Responsibilities:**

The major function of the Grand Jury is to examine county and city government and special districts to ensure that their duties are being lawfully carried out. The Grand Jury reviews and evaluates procedures, methods and systems utilized by these entities to determine whether more efficient and economical programs may be employed. The Grand Jury is also authorized to:

1. Inspect and audit books, records and financial expenditures to ensure that public funds are properly accounted for and legally spent.
2. Inspect books and records of special districts in Lake County.
3. Examine the books and records of any nonprofit organization receiving county or city funds.
4. Inquire into the conditions of jails and detention facilities.
5. Inquire into any charges of willful misconduct in an office by public officials or employees.

**Response to Citizens Complaints:**

The Grand Jury receives letters from citizens alleging mistreatment by officials, suspicions of misconduct or governmental inefficiencies. Anyone may ask the Grand Jury to conduct an investigation. All complaints are confidential. The jury generally limits investigations to the operations of governmental agencies, charges of wrong-doing within public agencies, or the performance of unlawful acts by public officials. Any complaints that fall into an area of criminal misconduct are referred to the District attorney. The Grand Jury cannot investigate disputes between private parties.

FINAL REPORT

At the end of its term the Grand Jury issues a Final Report, including any reports released during the year, documenting its investigations and recommendations. Copies of the Final Report are distributed to public officials, libraries, the news media, any interested parties and any entity that is the subject of one if the reports. According to law, the elected County officers must respond within sixty (60) days following the release of the Final Report. The Board of Supervisors and other public agency governing boards must respond within ninety (90) days.

The Grand Jury’s Final Report summarizes the year’s activities and contains its findings and recommendations for action and study. The new Grand Jury reviews the responses of the affected public agencies and the process of protection the public interest begins anew.

SUBMISSION OF COMPLAINTS

Although is it not required, complaints should first be addressed to those responsible for resolution unless it will be detrimental to the complainant. The Lake County Grand Jury will respond to all citizens submitting complaints. The citizen may not have further acknowledgement other than their complaint was received. A Complaint Form is available in the Appendix. Additional Complaint Forms may be obtained from:

Lake County Informational Portal  
County Departments  
Grand Jury  
Select ‘Web site’

[http://www.lakecountycalifornia.gov/Government/Boards/Grand\\_Jury.htm](http://www.lakecountycalifornia.gov/Government/Boards/Grand_Jury.htm)

GRAND JURY SELECTION PROCESS

The court solicits applications for the Grand Jury by several means. An Application Form is available in the

Appendix. Additional Applications may be obtained by mailing a letter with a self-addressed, stamped envelope to:

Grand Jury Coordinator  
255 North Forbes Street  
Fourth Floor  
Lakeport, CA 95453.  
(707) 263-2374 ext. 2282

Applications are also available at each Superior Court Clerk’s office at the above address.

Once applications have been screened and approved, they are randomly selected to be members of the Grand Jury.

QUALIFICATIONS FOR GRAND JURORS

**Prospective Grand Jurors must possess the following qualifications (Penal Code 893):**

1. Be a citizen of the United States, of the age of eighteen (18) years or older who shall have been a resident of the state and county for one year immediately prior to being selected.
2. Be in possession of his or her natural faculties, or ordinary intelligence, sound judgment, and fair character.
3. Possess sufficient knowledge of the English language.

**A person is not legally required to serve if any of the following apply:**

1. The person is serving as a trial juror in any court of this state.



2. The person has been discharged as a Grand Juror in any court of the state within one year.
3. The person has been convicted of malfeasance in office or any felony or other high crime.
4. The person is serving as an elected public officer.

**Desirable qualifications for a Grand Juror include the following:**

1. Have the time to make the necessary commitment. It is not uncommon to serve fifteen to twenty hours a week or more.
2. Be open-minded with concern for the positions and view of others.
3. Have the ability to work with others.
4. Have an interest in community affairs.
5. Possess investigative skills and an ability to write reports
6. Have a general knowledge of the functions, authorities and responsibilities of county and city government and other civil entities.
7. Does not pursue a personal agenda/vendetta against governmental concepts or officials.

Responses to Findings and Recommendations

In past responses to the Final Reports submitted by the Grand Jury, the jury and general public has at times found it difficult to fully understand what has been written.

The Grand Jury submits the following format to be used in responding to the reports in the hopes all peoples reading this Final Report can fully appreciate what the county is doing. (PC §933.05). This is a format that has been used by the Board of Supervisors in responding to past reports and has worked very well.

Name or Report: \_\_\_\_\_  
Finding or Recommendations #: \_\_\_\_\_

- ☐ AGREE, has been implemented
- ☐ AGREE, will be implemented within: \_\_\_\_\_
- ☐ NEUTRAL, Requires further analysis to be completed within \_\_\_\_\_
- ☐ DISAGREE, will not be implemented. Explanation: \_\_\_\_\_

Response to Citizens Complaints

The Grand Jury receives letters from citizens alleging mistreatment by officials, suspicions of misconduct or governmental inefficiencies. Anyone may ask the Grand Jury to conduct an investigation. All complaints are confidential. The jury generally limits investigations to the operations of governmental agencies, charges of wrongdoing within public agencies, or the performance of unlawful acts by public officials. The Grand Jury cannot investigate disputes between private parties.

## 2020-2021 Lake County Civil Grand Jury

| <b>Name</b>            | <b>Role</b>                             | <b>City</b>        |
|------------------------|-----------------------------------------|--------------------|
| Annette Gingles        | Committee Chair                         | Clearlake          |
| Mary Ann Bannan-Haines | Recording Secretary,<br>Committee Chair | Nice               |
| Beverly Hill           | Committee Chair                         | Cobb               |
| Tom Marquette          |                                         | Lower Lake         |
| Chris Partida          |                                         | Upper Lake         |
| John Portner           |                                         | Clearlake          |
| Mark Rothrock          | Committee Chair                         | Clearlake          |
| Dee (Russ) Schroy      | Foreman                                 | Hidden Valley Lake |
| Paula Schroy           | Committee Chair                         | Hidden Valley Lake |
| Carla Turchin          |                                         | Hidden Valley Lake |
| Bill Waite             |                                         | Hidden Valley Lake |
| Jane Weilbacher        | Committee Chair                         | Kelseyville        |



## Accolades From The Grand Jury

Throughout the year, and via interviews, direct observation, and kindnesses shown to us, the Grand Jury encounters people throughout our County who deserve special recognition for the selfless and extraordinary actions and accomplishments they have made.

Rachelle Sapeta and her husband – Chief Willie Sapeta – for the street banners honoring the High School Graduates from Clearlake and Lower Lake that can be found along the main thoroughfares of their district for 2019/2020 and 2020/2021. These students graduated during a time when so many of the traditional activities and events that become lifelong memories of those their age had been overshadowed by the COVID-19 pandemic. This recognition from their broad community shows how proud all are of the success these students have earned.

The City Manager – Mr. Alan Flora – and the entire city government of Clearlake - for making their Council chambers available for the Grand Jury to continue to meet under the distancing/space requirements of the pandemic. We recognize many regularly scheduled activities were displaced by our weekly sessions, but your accommodating the Grand Jury greatly helped us continue our work for the people of the County.

The Food Service staff of the Kelseyville High School District. With the large number of students from primary school through high school who receive important daily nutrition from school programs having this critical need interrupted by the realities of the pandemic, many of these staff members used their personal cars to deliver this essential factor in children’s health and development direct to the student’s/family’s door. It took time and personal energy to accomplish this voluntary service. They made a true difference.











## Civil Grand Jury 2020/2021 County of Lake

### Potential Financial Improprieties and Resultant Actions and Improvements Middletown Unified School District

#### Summary:

From December, 2016 until May, 2018 a series of events raised concerns about potential financial improprieties within the Middletown Unified School District focusing on handling and accountability of funds surrounding the district's food service programs. The concerns were eventually elevated to the Lake County Office of Education (LCOE), which entered into a contract with the Financial Crisis & Management Assistance Team (FCMAT) of the California School Information Services (CSIS – a statewide investigative and analytical service). This contract was fulfilled when an extensive analysis report was delivered to LCOE documenting the extent of the issue, the specific areas in which problems occurred, the recommended procedural solutions to any continuance of the problems, and the actions/improvements already put into place at the time the final report was issued – seven months after the field investigations were made.

A citizen complaint was received by the Grand Jury that was concerned that the actions/recommendations of the FCMAT report had not received any official attention.

#### Background:

Our schools have been providing food services to students for many years. The procedures that were utilized over most of that time were those familiar to many Lake County citizens who went through their primary and secondary educations decades ago. It was, for the most part, a system of students paying cash for their meals in a similar manner as one would find in any commercial cafeteria. The funds were, most often, supplied by the student's parents or guardians. As is the case in many semi-rural areas, there was a well-justified assumption of this long-standing system working properly and no reason to suspect any intentional impropriety - people had always trusted one another.

However, as systems began to change with increased governmental supply of nutritional supplementation in areas of the country (and within the state), new methods of financial handling and accounting were being introduced to – hopefully – facilitate the changes. These new systems were digitally based and intended to be integrated into monitoring and supply programs designed to get the best nutrition program possible to the widest number of students.

Discussion:

In May, 2017, the Middletown District migrated to a new ‘point of sale’ (POS) system called ‘Meals Plus’. During its first year of operation, this system had significant problems with questionable student eligibility (for governmental nutritional assistance programs), inaccurate student account balances, questionable recognition of food service sales, and potentially erroneous meal reimbursement claim submissions. An adjunct to these technology driven concerns were the long-standing methods handling of cash from the ‘snack bar’ concession available to the middle school and high school students and significant inconsistencies in its reporting, accountability, and movement of the cash into expected banking accounts.

The FCMAT report, issued April 1, 2019, was unable to fix a precise number on the amount apparently ‘missing’ due to the spotty record keeping and inconsistent procedures occurring during the periods being looked at. The estimate is in the \$43,000 range. They did make a very specific end point recommendation to LCOE (who had commissioned the investigation). ***See below for detail on that.*** They also detailed areas of inadequate methodology and safeguards in all of the financial management of the food service operation and firmly pointed out what actions and improvements had already been put in place between May, 2018 when the problems first received attention and the issuance of the report in April, 2019. At that time, the Middletown district – with new management in the office of ‘chief business official’ (CBO) reporting to the Director of Food Services – had addressed each area cited by the FCMAT report and instituted secure, documented, and protected methods of cash and assistance handling including multiple personnel documenting cash transfers, regular and documented cash deposits in a local banking facility, and multiple reporting systems for cross-checking all accounts.

The FCMAT report itself had only one endpoint recommendation:

“The county superintendent should:

1. Notify the governing board of the Middletown Unified School District, the state controller, the superintendent of public instruction, and the local district attorney that fraud or misappropriation of district funds and/or assets may have occurred.”

The Grand Jury ascertained through multiple level inquiries that the Lake County Superintendent of Schools did follow through on every aspect of the recommendation. The Lake County District Attorney’s office confirms that an appropriate complaint was registered with them within three days of the FCMAT report being released.

\*\*\*\*\* It is not in the purview/authority of a county civil Grand Jury to inquire into criminal matters or investigations. After receiving confirmation of receipt of the formal complaint, no additional actions or attention was made by the civil Grand Jury on this aspect. \*\*\*\*\*

Inquiries and interviews were made to insure that the ‘improvements/fixes’ instituted after the FCMAT audits in August, 2018 were still in place and being used.

Interviews were conducted with several other County school districts to inquire as to their procedures and practices.

This, of course, all occurred ‘pre-pandemic’ and what is transpiring in the school nutrition programs today is far different from all systems put into place before March 19, 2019. However, attention was paid into how these systems would be fully utilized upon the (eventual) return to the standard/expected norms of our educational system.

Findings:

- F1.) The Middletown Unified School District food service program has now established, documented, and trained staff in programs and methods consistent with standard and expected degrees of control and accountability.
- F2.) Other unified school districts within Lake County have good programs and methodology in proper handling of, and accountability for, food/nutrition programs.
- F3.) All actions, attention, and follow through by the individual district and by LCOE were consistent with organizations trying to identify and solve problems they had never expected to encounter. LCOE notified Lake County District Attorney.

Recommendations:

- R1. Lake County District Attorney should regularly update Lake County Superintendent of Schools on the status of the issue.









## Civil Grand Jury 2020/2021



### County of Lake COVID-19 Mandate Ordinance

(NOTE: Grand Jury Reports are completed many weeks ahead of release to allow for multiple legal reviews and full report compilation. On June 15, 2021 the State eased many COVID-19 restrictions. The only effects of that action on the below report is on R2. All other portions remain viable and important.)

Lake County, like California and the rest of the nation, wasn't prepared for the COVID-19 pandemic.

The basics of disease control were long ago established: self-quarantine and isolation were almost universal in the Black Plague all the way back in 1348 to 1352. Contact tracing was developed for the impact of Typhoid Mary in 1907. Masking and social distancing were both widely encouraged and utilized in the Spanish Flu pandemic of 1918 to 1920.

The Lake County Chief Medical Officer (of the Public Health Department) declared a County Health Emergency on March 9, 2020. On March 19, 2020 the Governor of California declared a statewide Emergency Order N-33-20. On August 18, 2020, the Lake County Board of Supervisors issued Ordinance #3097, which was titled and defined as "An Ordinance of the County of Lake to Provide For Graduated Levels of Enforcement of Public Health Orders Through Education and Training and The Imposition of Administrative fines."

In Lake County, in early March of 2020, the County Medical Department staff was already active in establishing and defining not only Lake County's roles and responsibilities, but in the required actions of our citizens needed to quell the rapid spreading of the virus.

Simultaneously, our cities, with their separate governments and policing agencies, set in motion a number of effective and enforceable controls in their respective districts. By mid-March the city of Clearlake City Manager, in his role as the city’s Director of Emergency Services (and as authorized by their Governmental Code and Municipal Code), declared a local emergency with clearly defined citizen requirements and methods of municipal enforcement. A local ordinance was immediately drafted and implemented by the elected government.

That same coordinated inter-departmental and multi-level urgency and clarity were not as readily evident in the County responses. Clarity in goals, procedures, communications and intentions were an on-going set of challenges not efficiently met.

Lessons learned will guide our county in future challenges. Effective leadership is imperative.

Discussion

Lake County Health recognized the potential extent of the problem and started work on planning on March 9, 2020. Ten days later, the State declared an official health emergency. The state does not have the authority to enact a wide variety of specific rules and restrictions as these have been legally delegated to the individual county Health Officers across California. The state, through established channels, asked the counties to develop and enact local ordinances to support extensive compliance to the needed restrictions and safety efforts. Many counties, including Lake County, struggled with both the breadth of what should be covered as well as how to put in place a workable method of enforcement. Many policing agencies – both city and county – throughout the state expressed reluctance or refusal to be the enforcing agencies as they were already stretched quite thin on fulfilling their normal and expected duties as well as questioning the overall responsibility of enforcing health protocols and guidance through sworn officers.

Over the summer of 2020, the CARES (Coronavirus Aid Relief and Economic Security) Act was enacted by the federal government which provided (via a broad range of focusses) funds to various governmental levels to assist in COVID-19 related activities including medical safety protocols. In Lake County, two groups were put together to try to determine the best and most probable for success means of getting the public compliance that was key to our communal fight against the



virus. One group, although initiated by a member of the Board of Supervisors, was an informal group comprised of local business leaders and other concerned and involved citizens and called themselves the ‘Blue Collar Committee’. The other was an officially established committee (OC) including two members of the Board, staff from Public Health, other departmental staff and management and county administration.

The ‘Blue Collar Committee’ was the first to develop a set of recommendations and procedures for the county governance to consider. These recommendations focused exclusively on information, communications, training, and guidance as the means of obtaining maximum citizen involvement and compliance. These were forwarded to the OC who then inserted a significant section on the imposition of administrative fines as a ‘next step’ to force compliance should the information, communications, training and guidance not be taken/followed. The ‘Blue Collar Committee’ had specifically recommended against such actions.

Simultaneously, another County Supervisor developed his own recommendations for an official set of guidelines. These, too, did not include punitive fines as a policy.

The OC sent their recommendations to County Counsel to be written into a proper format. These were then returned to the committee and, subsequently presented to the entire Board of Supervisors for consideration and approval. The COVID-19 Mandate Ordinance was placed on the next board meeting agenda as an ‘emergency’ action. However, as such ‘emergency’ actions require a passage by four of the five supervisors – and it was clear that two of the voting members would not approve – it was quickly pulled from the agenda. It was replaced on the following week’s agenda as a non-emergency issue which would then only require three votes to pass. The Lake County Board of Supervisors approved the ordinance on August 18, 2020 by a 4 – 1 vote.

Before implementation could be made, a citizen petition was formulated to demand the ordinance be rescinded, or brought before a general vote of the county population, or that the supervisors themselves face recall potentials. The implementation of the ordinance was put on hold. By September the petition was submitted to the County and by codified procedure went to the Registrar of Voters to qualify the signatures to ensure validity of the signatures and that the proper quantity of signatures were submitted. The statutes allow 30 days for this review.

The analysis was that the petition did not reach the required level of qualified signatures and it was then dismissed. The ordinance was free to be fully enacted in early November 2020.

Communications and coordination surrounding the actual implementation of the ordinance were non-existent. Two departments, County Health and the Department of Community Development were chartered, in the ordinance, to be the enforcers of the ordinance up to and including the levying of the administrative fines. Neither of those departments was consulted as to what their responsibilities would be or how they could manage to meet those responsibilities. No directions were issued from the Board or from County Administration as to what was expected or required at the time of enactment. No staffing enhancements were initially considered (although a ‘staffing requisition’ for a specific COVID-19 Compliance person was created in late December with the hope/intent of someone presently working for the county would bid on the opening. As of April 2021, this opening remained unfilled.)

Specific inquiries made to various members of the Board all provided the response that there actually was no real intent of enforcement of the ‘administrative fine’ segment of the ordinance. From September through February in excess of four hundred complaints came into the ‘contact lines’ for citizens to report specific concerns. This function, although not specified in the ordinance, unofficially functioned under the guidance of the Department of Health. A limited number of ‘instructional/guidance’ visits were made to non-compliant businesses. Although they were generally successful, they were not universally successful. However, no administrative fines were levied on those businesses who continued to ignore/refuse the recognized public health orders.

As the vaccines became approved and then began to be available, the focus of the public health department went to providing protection for the residents of the county. Firstly to the most vulnerable (our elderly citizens and those in congregate living situations) and then through a controlled series of specified tiers for other portions of our county. There was no effort to continue ‘education/guidance’ on the ordinance requirements as this would have deterred from the critical vaccine distribution activities.

As a point of reference, when the city of Clearlake enacted their ordinance with administrative fines, they very quickly set up visits to non-compliant locations. When, if after several educational, guidance and encouragement visits might prove fruitless, they did levy stiff administrative fines and ensured their enforcement. Word spread quickly throughout the city of the commitment to follow through on this and non-compliance concerns dropped off quickly.

The Grand Jury, in viewing the process and methodology of developing and enacting the County ordinance, with acknowledgment to the expected citizen/business push-back, and the lack of communication, coordination, and intent to follow through in which the ordinance was put into place, determined that it lacked effectiveness. This suggests that a more clearly delineated set of guidelines and procedures more explicit than the existing Emergency Operations Plan needs to be developed to deal with any future unexpected crises of great magnitude in the areas of public health, environmental or geologic or tectonic emergencies, or other potential areas of great impact.

## Facts

- Departments of the County did not know exactly what their responsibilities were under the ordinance.
- The affected departments of the County were not consulted before, during, or after the ordinance was passed.
- A position to enforce ordinance compliance has, as of this date, not been filled.
- No one currently working for the county applied for the COVID-19 compliance position.
- More than 400 complaints were filed by citizens concerned about business or individual non-compliance to the Health Department directives.
- No administrative fines were imposed by the county for persistent non-compliance.

Findings

- F1. No effective communication occurred between the Board of Supervisors, County Administration, and the designated responsible departments leading to ineffective implementation of the COVID-19 enforcement ordinance.
- F2. As no administrative fees were levied by the county, and education/guidance methods were only sporadically utilized, the ordinance in its present form did not enhance protection of the County.
- F3. No process currently exists to guide effective response to unexpected urgent and serious county-wide challenges. Existing Emergency Operations Plans do not effectively address this area.
- F4. There are no documented set of policies and procedures completed for implementation and/or enforcement of the current ordinance.

Recommendations:

- R1. All future county-wide ordinances which designate multi-departmental involvement are discussed in advance with the specific departments including feasibility studies, staffing needs, training needs, and additional departmental budgeting to support the efforts. (F1)
- R2. The current ordinance be amended to accurately represent what the County is willing and prepared to follow through on and then reissued to be on public record. (F2)
- R3. An adaptive and workable set of guidelines in dealing with unforeseen emergencies be developed to aid future county Boards, staff, and departments in addressing governmental leadership, regulations, and public conformity. (F3, F4)

Request for Responses:

Pursuant to Penal Code section 933(c), the following responses are required:

|                      |              |           |
|----------------------|--------------|-----------|
| Board of Supervisors | (R1, R2, R3) | (90 days) |
|----------------------|--------------|-----------|







## Civil Grand Jury 2020/2021



### EMERGENCY EVACUATIONS IN RESPONSE TO WILDFIRES

#### INTRODUCTION

In response to a complaint, the Grand Jury assessed the procedures involved in ordering evacuations and permitting repopulation - and attendant communication issues - particularly during the LNU Complex (LNU) Fire in August 2020. In response to another complaint, the Grand Jury reviewed what agencies and departments could generate lists of the most at-risk elderly and disabled residents in Lake County who would need assistance to evacuate when Advisory or Mandatory Orders were issued by the Sheriff. This investigation did not include institutionalized populations.

#### HISTORICAL CONTEXT

In the United States, disaster response and relief has historically not been considered the responsibility of government, and, most especially, not of the federal government. People caught in natural calamities turned to family and to community organizations like churches and private charities for support. State and local governments readily engaged in rescue operations and the task of re-establishing and enforcing civil order when necessary, but the federal government maintained a hands-off stance until the early 20th century.

Over the years, the federal role in disaster relief has grown exponentially. In 1950, Congress gave the President the power to designate “disaster areas.” The designation triggers the availability of federal funds for rebuilding infrastructure and public buildings like schools, courts, libraries, police and fire departments, and other public institutions. In 1969, the Disaster Relief Act made federal aid available to individual citizens. In 1979, President Jimmy Carter issued the executive order that created FEMA, the Federal Emergency Management Administration.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), passed in 1988 as an amended version of the Disaster Relief Act, was designed to effect an orderly and systematic means of federal natural disaster assistance for state and local governments in carrying out their responsibilities to aid citizens. Congress' intention was to encourage states and localities to develop comprehensive disaster preparedness plans, devise better intergovernmental coordination in the face of a disaster, encourage the use of insurance coverage, and provide federal assistance programs for losses due to a disaster. The Stafford Act gives FEMA the responsibility for coordinating government-wide relief efforts and includes contributions from 28 federal agencies and non-governmental organizations such as the American Red Cross.

Title I of the Stafford Act cites the intent of Congress to provide continued and orderly assistance from the federal government to state and local governments to relieve hardship and damage that result from disasters. As defined by Title I, an emergency is "any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States. A major disaster is defined as any natural catastrophe, fire, flood, or explosion, determined by the president to warrant the additional resources of the federal government to alleviate damages or suffering they cause."

The disabled in any population are at high risk during emergencies.

The **Americans with Disabilities Act (ADA) of 1990** prohibits discrimination against people with disabilities and guarantees equal opportunities for individuals with disabilities in employment, transportation, public accommodations, state and local government services, and telecommunications. ADA disabilities include both mental and physical medical conditions affecting independence, communication, transportation, and medical care, which may not need to be severe or permanent to qualify. Increasingly, dependence upon continuous electrical service for essential medical devices is recognized as a qualifying disability.

Not until following Hurricane Katrina in 2005, however, was FEMA given the responsibility to plan for the evacuation of the elderly and disabled. Nonetheless, the federal Government Accountability Office in 2017 in the aftermath of Hurricanes Irma & Harvey audited FEMA's efforts and concluded that its policies for assistance were so unclear that its "disaster integration specialists" in its Office of Disability Integration and Coordination (who were sent to disaster sites) did not understand what was expected of them. In response, FEMA's training has subsequently been improved.



## CURRENT PRACTICES

State and local governments are primarily responsible for disaster management. The FEMA’s National Response Framework (NRF) defines the roles of entities that respond to all types of incidents, including local and state governments, the federal government, the private sector, and voluntary organizations. A core principle is that response efforts must adapt to meet evolving demands resulting from changes in disaster size, scope, and complexity. State and local agencies are primarily responsible for carrying out evacuations and administering shelters. In Lake County, The Sheriff, as Director of Emergency Services, per the Emergency Operations Plan, “will” coordinate the County's disaster response in conformance with its Emergency Services Ordinance.

The public’s contemporary expectations of government in the wake of major disasters are substantial and include, at a minimum, maintaining and enforcing the rule of law and preserving human lives. People have an expectation of being engaged and involved and they don’t want to wait for information. They expect that their government agencies will not only be transparent and responsive, but that the response will be customized to the incident and be as rapid as the flow of electrons.

This first section of the report both focuses on evacuations as a Lake County governmental responsibility to protect its residents and also emphasizes the genuine disruptions evacuations create and the communication shortcomings that can result. The second section focuses on how its disabled and elderly can be identified more rapidly and efficiently so that they can be relocated to safe zones outside an evacuated area.

## METHODOLOGY

The Grand Jury interviewed in-person or via questionnaires: Hidden Valley Lake (HVL) residents who were evacuated; the principals from the Departments of Social Services, Behavioral Health, and Public Health; as well as all fire and police agencies, the Sheriff’s Office, the California Highway Patrol, senior centers, Lake Transit, People’s Services, and Pacific Gas & Electric (PG&E). Also reviewed were the Lake County Emergency Operations Plan, particularly its Mass Care and Shelter Annex and its Access and Functional Needs Annex, the Lake County Codes & Ordinances, and the Office of Emergency Services’ online and Facebook information. Additionally, FEMA’s procedures and the National Fire Protection Association's (NFPA) Emergency Evacuation Planning Guide for People with Disabilities were perused. Extensive Internet research was also undertaken.

DISCUSSION

Three levels of evacuation alerts are customarily employed:

- I. Evacuation Alert – a wildfire threat exists in your area, and you would be wise to consider planning and/or packing.
- II. Evacuation Warning – there is a high probability of a need to evacuate and you should pack necessary items and prepare your family, pets, and vehicle for departure. Now is the time to move persons with mobility or medical issues and livestock.
- III. Evacuation Order – you are being told to leave within a specific time period and by pre-designated routes.

Evacuation of one’s home and community, although a necessary response to a wildfire, is an abrupt and disorienting disturbance in its own right to individuals, families, and communities. In fact, it is perhaps the most disruptive aspect of a wildfire, after loss of life and property, for most residents of fire-affected communities.

The Committee looked at published literature on the topic. Some of the prevalent findings about evacuation are: (1) the disaster warning systems are integrated among multiple agencies, with each having responsibility (at times overlapping) for different aspects of the emergency; (2) an initial disbelief or denial about the threat or warning leads to delayed action due to attempts to confirm the threat or warning; (3) evacuation is a social-media group activity, therefore, warnings are communicated and processed as a group; (4) most evacuees stay with friends or family rather than in shelters; (5) panic is rare; (6) looting is not common; and (7) generally, prior experience with a disaster event leads to greater preparedness and a positive response to warnings at the household and community levels, with the exception being those who believe that the government agencies overreacted or “cried wolf.”

The sad reality is that the disabled and elderly are most likely to die during a disaster. In Hurricane Katrina in 2005, 49% of the dead were 75 or older. After Hurricane Maria struck Puerto Rico in 2017, 77% of the dead were 65 or older.

EVACUATION/REPOPULATION EXPERIENCES DURING THE LNU FIRE

The Sheriff is the Director of Emergency Services and, as such, is responsible for initiating alerts, warnings and evacuation orders, notifying the affected residents, and controlling access to the evacuated area(s) during states of emergency within the territorial limits of Lake County. The Sheriff also authorizes repopulation when the immediate danger has passed. During wildfires, the most common emergency

in Lake County in recent years, the Sheriff and his emergency management team are intended to be in continuous contact with local/regional fire-district and CalFire personnel, PG&E, and State OES officers.

Looking at the Hidden Valley Lake (HVL) evacuation during the LNU fires in 2020, the Grand Jury found that the primary problems for residents were to interpret the information, clues, and rumors they were receiving from various sources (phones, television, radio, social media, and neighbors) about the location and growth of the fire and also to prepare for the very real possibility of evacuation. The situational constraint in this stage was the amount of time emergency managers and HVL residents had to process information, assess risk, and prepare for evacuation. Whether or when to impose the evacuation order was a concern for the emergency managers. Public safety and local government officials wanted residents to have time to prepare, per the steps established in their community-wide training, but were concerned that waiting – if “firebrands” (wind borne embers) were blown into the subdivision - would make some escape routes nonviable and create traffic jams, or that evacuees would impede access by fire personnel. No preliminary advisory evacuation order was issued by the Sheriff’s Office or emergency managers. When the mandatory evacuation order was invoked, residents were notified by bullhorn broadcasts from the HVL security personnel in vehicles, NIXLES/LakeCoAlerts, and reverse 9-1-1 calls, as well as Facebook public-safety scanner sites.

TO EVACUATE OR NOT

One concern that the Sheriff’s deputies had was dealing with residents who would not evacuate. Residents generally knew that they could stay behind, and some wanted to do so to protect their homes and property from the fire, if it arrived, and potential looters, as well as to maintain access to their homes and pets. Numerous others did not think they were in danger from the fire because of its distance from HVL, and they questioned whether evacuation was “really” necessary.

During evacuation, one’s daily routines are upended. The first problem is to find shelter and then try to maintain a normal routine amid disorder. Compounding the disorder and uncertainty is the frustration, anxiety, and tension resulting from lack of control over the situation and having to conform to a daily routine established by others. Most evacuees avoided the evacuation shelters and stayed with friends and family or in hotels or in campgrounds. There were significant ‘out-of-pocket’ costs associated with the latter options. Finding food was more difficult because of the effects of the pandemic on restaurants.

Evacuees avoided shelters because of noise, the lack of privacy, or the “no pet” policies. The boarding of pets and livestock was a problem for many. Evacuation shelters did not take pets, and boarding facilities required proof of vaccination, something evacuees did not always have with them. Animal shelters and boarding facilities were filled beyond capacity with pets, and fairgrounds were used to house horses and cattle. Caring for so many animals stretched shelter staff and volunteers thin. Lake County Animal Care and Control has an emergency service called LEAP – Lake Evacuation and Emergency Protection – that could assist with removing animals to safety and/or providing food for those remaining behind.

County law enforcement officers patrolled evacuated areas, checked on residents who stayed behind, and continued with their normal duties in unaffected parts of the County. Both law enforcement and CalTrans personnel manned roadblocks. Dispatch Center phones rang constantly with residents wanting information on the fire and specifics as to when they could return home. They also asked the Sheriff’s Office to check on their homes, look for and/or care for animals, and requested permission to visit their homes. Many were concerned about rotted food. Some residents used their knowledge of the back roads to avoid the roadblocks and check on their homes, retrieve possessions, or care for animals.

Many evacuees expressed dismay at the exceptions that were allowed for non-emergency actions such as routine refuse pick-up and a special luncheon – requiring cooks, wait staff, and cleaning staff. Universal enforcement was lacking.

## COMMUNICATION – EARLY & OFTEN

To respond to these inquiries and to reach nonlocal property owners and evacuees who did not stay at shelters or that left the area, the Sheriff posted frequent videos on his department website and on Facebook and was interviewed on KPFZ. This frequent communication was intended to be reassuring to displaced residents and to help reduce their anxiety. The videos were in English. NIXLE alerts were also issued in English. LakeCoAlerts, however, are available in Spanish. But because they are “opt-in” emergency alert systems, they do not broadcast to all phones. The reality is, of course, that communications are often severely disrupted during wildfires, including phone and internet connections, leaving residents without crucial information for making important decisions for their families.

Regarding the expected duration of evacuation, some evacuated residents felt that they were receiving inadequate information, especially as the days wore on. Being denied re-entry to one’s community at the roadblocks seemed like unnecessary

government interference to some residents, but, to a Sheriff's deputy or CalTrans personnel, it was believed to be a necessary step in protecting the public. The problem for the Sheriff and CalFire personnel was determining when it would be safe to let people return. Officials, recognizing that every wildfire and evacuation are different, wanted to be intentionally flexible and to be able to convey accurate, if delayed, information. They were concerned about uncertain fire behavior, the depleted ranks of firefighters in Lake County, at what point the fire would cease to threaten HVL, the winds and humidity, status of roads for ingress and egress, and lack of power and water. Conflicting information was conveyed to the public from several differing official sources.

The Grand Jury concluded that communication was a major issue with evacuees. Specifically, they wanted more real-time, site-specific information than was, in many instances, available. Attempts by fire and law enforcement officials to control the quality of such information were, in some cases, viewed by residents as being non-responsive or as creating needless delays in information flow.

The Grand Jury was told that when residents tried to access the County Emergency Operations Center website, it was marked "closed" during overnight hours. If access is not generally available during emergencies due to staffing shortages, the County now has a Community Emergency Response Team (CERT) in-training through North Coast Opportunities that could be utilized in support roles.

## SHELTER IN PLACE

Fortunately, the LNU fire did not reach HVL. Oft-expressed reluctance to leave in the event of another wildfire evacuation is an unfortunate side-effect. The Grand Jury would like to emphasize that this is an increasing point of concern and has implications for public safety in any future fire. However, what people say they will do and what they actually do when the event happens are often two different things. Homeowners recognize that they cannot control or stop a hurricane or tornado, but they appear to believe they could put out the spot fires that erupt after a flame-front has passed or construct a fire line to save their own and neighboring homes. Residents' refusing to evacuate is the last thing that fire crews want. Most residents do not have relevant training and may not appreciate the peril they are in. The reality is, during multiple simultaneous wildfires and evacuations, firefighting and law enforcement resources are overextended and may be unable to respond to calls for help from those remaining behind. That reality needs to be communicated clearly during community preparations for disaster response.

Given the difficulty of predicting what a wildfire will do and the fact that some people likely will stay behind to protect their homes and neighborhoods, evaluation of whether shelter-in-place might be an option for some people in some communities could be considered. At the very least, residents need to be informed that, by choosing to remain on their properties in the event of a mandatory evacuation order, they assume the risk that later rescue may be impossible, which may result in serious injury or death.

A. EVACUATION OF LAKE COUNTY’S MOST AT-RISK RESIDENTS

This section is rooted in two realities – wildfires are inevitably going to happen in Lake County, and firefighters will be unable to extinguish these fires at a pace to save all of the people and property in their path. As not enough government emergency personnel may be available to rescue the elderly and disabled, the ultimate responsibility for preparation rests with the individuals needing help during emergencies and with their families and communities.

The Firewise Communities / USA Recognition Program teaches people living within the Wildland-Urban Interface (WUI) how to adapt to living with wildfire by preparing for a fire before it occurs. This program is offered through the National Fire Protection Association (NFPA) and provides communities with resources on how to work together to create and implement strategies and practices to reduce wildfire risk. At least 10 Firewise Communities have been certified in Lake County. Information about the disabled and elderly is solicited within these communities.

Pursuant to California Penal Code **409.5(a)**, state, county, and city peace officers, and other designated officials, are vested with the authority to close public and private lands, and order evacuations. Some states, including Texas and Florida, have established statewide voluntary registries for residents who may need specialized assistance in an emergency. In California, residents who depend on a consistent source of electricity to power medical equipment can opt to register with PG&E as a way of communicating their need to access generator power in the case of a widespread power outage.

NFPA's *Emergency Evacuation Planning Guide for People with Disabilities* provides useful information on categories of disabilities and the evacuation information that is most needed. The Five General Categories of Disabilities are: Mobility, Blind or Low Vision, Deaf or Hard of Hearing, Speech, and Cognitive. In addition to people with permanent or long-term disabilities, there

are others who have temporary conditions that affect their usual abilities. Broken bones, illness, trauma, or surgery can affect a person’s mobility and self-reliance for a short time. Diseases of the heart or lungs, neurological diseases with a resulting lack of coordination, and seizures can be disabling long-term. Reduction in overall ability is also experienced by many elderly. The morbidly obese often need assistance, as well.

While not “disabled,” strictly speaking, persons without vehicles or access to transportation are clearly also at-risk during emergencies and resulting evacuations. In Lake County, Lake Transit and People’s Services make transportation available for both able-bodied and disabled populations, and school buses may also be pressed into service.

The NFPA’s Four Elements of Evacuation Information That People Need include:

- a. Notification (What is the emergency?),
- b. Way-finding (Where is the way out?),
- c. Use of the way (Can I get out by myself or do I need help? – for myself, myself with mobility device or with power-dependent equipment, myself with service animal?), and
- d. Assistance (How Much and What Kind of assistance might I need? Who - What - Where - When – How?)

The Planning Guide also includes a checklist that government agencies and people with disabilities can use to design a personalized evacuation plan. While this particular published checklist pertains to persons living in urban areas, it is helpful in both emphasizing that the information can be customized and distributed to first responders and also in urging practice of the evacuation ahead of an actual emergency. What is essential is that the elderly and disabled **have a plan**.

Additional helpful resources include:

*American Red Cross, Preparing for Disaster for People with Disabilities and Other Special Needs.*

FEMA, Preparing Makes Sense for People with Disabilities, Others with Access and Functional Needs and the Whole Community.

WHO IDENTIFIES THE NEEDY?

Actual lists of residents known or expected or suspected to need evacuation assistance are generated from at least five sources – Social Services, Behavioral Health, the Senior Centers, the school districts, and PG&E.

The “Access and Functional Needs (AFN) Annex” of the Lake County Emergency Operations Plan, intended to support the disabled and elderly community, was last updated in 2017. The Sheriff’s Office of Emergency Services (OES) is the lead agency responsible “in planning for effectively responding to the AFN population.” Further, “[s]pecific needs for the AFN population will be determined during a disaster operation.”

The Annex lists In-Home Supportive Services (IHSS) and Child Welfare Services, both within the Department of Social Services (DSS), as being responsible to identify and contact their clients to ensure that they are aware of the emergency and are receiving adequate care or being evacuated, if necessary. Both IHSS (DHS) and also Behavioral Health maintain databases of their clients that could be utilized. The IHSS list, updated monthly, includes approximately 2,200 clients in Lake County who need assistance from a caretaker, with 70% disabled and 30% seniors. [NB: this list does not include clients/families who pay privately for in-home care.] DSS also receives a monthly updated list from the Area Agency on Aging (AAA) of the Senior Centers’ Meals-on-Wheels clients, the number of whom is not currently known to the Grand Jury. The Behavioral Health list of more than 2,000 persons receiving services for both mental health and substance-use disorders is not provided to first responders; their own staff contact the clients to inform them of the plan of action and may also provide transportation.

The Annex also recognizes that the school districts are required to have their own emergency plans for, *inter alia*, evacuations and that they have automated phone-call capability to reach the parents/guardians. At-risk children with physical and/or mental disabilities are noted.

Residents who are dependent on electronic devices can opt-in to PG&E’s Medical Baseline Program (MBP). In addition to charging a lower rate on the enrollees’ monthly energy bill, the program provides extra notifications in advance of a planned Public Safety Power Shutoff (PSPS) – but **not** during emergency shutoffs. Obviously, the shutoffs accompanying a wildfire may or may not be planned in advance. Access to names and addresses of this at-risk population is permitted by PG&E only if the first-responder agencies or others involved in emergency management first submit a Non-Disclosure Agreement (NDA). (Lakeport Police Dept. has done so.) The utility also provides portable charging stations at several sites in the event of power outages. As of March 2021, there were 2,757 MBP customers in Lake County. PG&E now has assigned a representative to be present in the Emergency Operations Center (EOC).



The County's six Fire Protection Districts, in responding to all EMS calls, indicated that they are generally aware of the most needy residents within their district who frequently request aid, although no formal list is kept. However, during a wildfire, the districts do not have the staff to focus solely on who needs help evacuating and they believe that the law enforcement agencies should be in charge of evacuations.

Therefore, lists are available of approximately 7,000 elderly and disabled within Lake County, with undoubtedly considerable overlap. The Grand Jury raises the question of whether one single list could and should be generated, regularly updated, and maintained under proper confidentiality requirements by one single agency. Social Services would seem to be the logical group to "host" the list, especially as the Director is present in the EOC during disasters. The Grand Jury recognizes that at least one additional staff member may be needed to maintain such a list. Confidentiality requirements are suspended during declared emergencies, so first responders could have rapid access to a geographically-targeted evacuation list.

Attendant to identifying at-risk residents is determining their location. Where are they and how do responders reach them? The County IT Department has sophisticated GIS software that could be linked to evacuation lists. The Sheriff is in the process of acquiring a special database – Zonehaven - that will permit minute mapping of the geographic areas in the County within each fire district and will both integrate with the County GIS system and also overlap with the emergency alert system. Zonehaven will also provide a public-facing website where residents can get information, as well. Lastly, CalFire maintains very detailed maps of roads within the entire County and is currently updating its comprehensive atlas.

## FINDINGS:

F-1: The evacuation decisions and implementation are coordinated by the Sheriff with extensive collaboration from partnering agencies.

F-2: Evacuations are extremely disruptive to residents and equally stressful for emergency management personnel.

F-3: Perceived communication deficits between emergency managers/law enforcement and the public are common during evacuations, with residents generally wanting instantaneous information and first responders prioritizing accurate, if delayed, information.

F-4: How to motivate residents who refuse to evacuate in order to decrease risk of injury to themselves and first responders remains a conundrum. This concern was less after the Valley Fire but has become a greater concern following the actions surrounding the LNU evacuation implementation and repopulation.

F-5: The Sheriff's videos and radio interviews were intended to be effective for the audience they reached and could be, in the future, supplemented/targeted to reach additional segments of the population, especially with simultaneous or sequential bilingual translation.

F-6: Lists of at-risk residents are maintained by at least five groups, with approximately 7,000 names on the lists that are currently available.

F-7: The PG&E Medical Baseline Program list is made available only if a NDA has been provided by the requesting agency.

F-8: Information on preparing for wildfires is widely available online and provided as handouts and mailers by CalFire, County agencies, and non-profits such as Firewise Communities/USA, but individualized evacuation plans created for the disabled and elderly are far less common.

F-9: The Sheriff's customization of the new Zonehaven database will provide essential geographic information during emergencies and will be available to County administration, emergency managers, and the public.

F-10: The AFN Annex of the County's Emergency Operations Plan was last updated in 2017.

F-11: The EOC website and/or phone may not be available to the public 24/7 during an emergency.

F-12: CERT training has been effected by North Coast Opportunities, and team members can fill support roles during emergencies.

F-13: HIPPA restrictions may be waived during declared emergencies.  
(Privacy section of the Health Information Technology for Economic and Clinical Health Act)

## RECOMMENDATIONS:

R-1: The Sheriff – or his designee(s) – should investigate how to achieve greater compliance with, and confidence in, future evacuation orders so as to reduce potential injury to both residents and sheriff’s deputies and other first responders. At the very least, the Sheriff’s Office should communicate prior to an emergency that residents refusing to evacuate when so ordered remain behind at their own risk. (F-4, F-5)

R-2: If the EOC phone cannot practically be utilized as a consistent information portal for the public 24 hours/day during declared emergencies, another phone line ( such as 3-1-1) should be designated for emergency information and be made available by the County, perhaps manned by CERT team members. (F-11, F-12)

R-3: The Department of Social Services should consider consolidating and centralizing the available lists of the elderly and disabled from all sources into one regularly-updated master list that could be linked to the County’s GIS system and to the Sheriff’s new Zonehaven database - and be made available to first responders during emergencies. (F-6, F-9, F-13)

R-4: County government departments serving the elderly and disabled and AAA/Senior Centers should consider assisting their clients or encouraging their clients’ families/caregivers to create an individualized evacuation plan. (F-6, F-8, F-13)

R-5: County government departments serving the elderly and disabled, as well as the law-enforcement agencies, should confirm that they can currently access the PG&E Medical Baseline Program list or else submit a NDA to permit access. (F-7, F-13)

R-6: The Sheriff should consider providing bilingual communications universally to the public during emergencies. (F-5)

R-7: The OES Manager should update the AFN Annex of the County’s Emergency Operations Plan from its 2017 edition. (F-10)

RESPONSES:

Pursuant to Penal Code section 933(c), the following Responses are required:

|                      |                      |         |
|----------------------|----------------------|---------|
| Board of Supervisors | (R-2)                | 90 days |
| Sheriff              | (R-1, R-2, R-6, R-7) | 60 days |

The following Responses are invited:

|                                 |                 |         |
|---------------------------------|-----------------|---------|
| Department of Social Services   | (R-3, R-4, R-5) | 90 days |
| Department of Behavioral Health | (R-4, R-5)      | 90 days |
| Clearlake Police Department     | (R-5)           | 60 days |











## Civil Grand Jury 2020/2021



### Wastewater - Getting It Right

Conservation, ecology, and the environment: these are areas getting increased interest everywhere around the world. It is always easy to focus on portions of these topics getting lots of attention in the news. However, the greater subjects contain perhaps less noticeable but critically important segments that underlie all of our daily lives. One of these segments is sewage and the removal of wastewater. In Lake County, a good portion of rural residences and businesses are maintained by septic systems. The larger majority of locations, though, are serviced by specialized semi-private or public departments. The primary systems the Grand Jury investigated are:

Clearlake Oaks Community Water District

Hidden Valley Lake Community Services District

Lake County Special Districts

Each of these systems provides well designed and monitored, as well as high quality and efficient, modern technology to fulfill their needed goals. Each of them has broad coverage over wide service areas maintaining everything from the sewers under the streets as the primary movement points through pumping stations, through filtration processing, and through cleaning/sanitizing techniques until the re-processed water is returned to the environment in several ways. In each of these differing districts, great attention is given to not only deal with a standard or normal level of need but also to have working systems and methods to deal with unexpected and exceptional needs (such as during very significant weather/rain occurrences).

In addition to the extent of the residential and commercial wastewater handling in our cities and towns, the realm of wastewater processing and handling for selected areas of agriculture – particularly the vineyards – has importance to the County.

While not necessarily a topic of common conversation, Lake County citizens should take pride in how our combined systems are not only servicing the basic need but also in participation in quite innovative and future-thinking solutions benefiting both our people and our environment.

Discussion

Sewage, when reaching the end of the sewer piping system, goes through three basic treatment steps: a) the ‘primary’ has the removal of large objects, some solids (such as debris or gravel or sand), and certain liquids and semi-liquids (such as fats, oils, and grease); b) the ‘secondary treatment’ which is the degradation of biological content (human waste, food, soaps, detergents); and c) the ‘tertiary treatment’ which is the final process to increase the water quality to desired levels before it is returned to the environment. There can be many segments, each of importance and working in unison with the others, in these basic steps. The Grand Jury reviewed engineering plans for each of the three districts as well as emergency and overflow systems and procedures to assure maximum safety and environmental responsibility. An extended tour was made of the County operations located northwest of Lakeport and in Middletown. This proved to be far more interesting and informative than any of the jurors would have imagined prior to the visit. A “step-by-step” description of the Lakeport facility shows:

- 1) All raw sewage that has moved through piping and pumps arrives at the preliminary screening and ‘comminutor’ (grinder) station



(Note – this was the only point in the entire facility/process that evidenced any particular or expected odor at all.)

- 2) The wastewater continues through grit filters and the primary clarifier for removal of sludge that is separately treated for disposal.
- 3) The water then proceeds to the first aeration tank to begin a further separation of sludge through an activated biological process.



- 4) The water is then moved to a different pond where a new technology called the “Blue Frog System” (a commercial name) where oxygen is moved laterally through numerous water columns – as opposed to the more traditional vertical movement – to dissolve bio-solids, which allows them to settle and then, at a known and controlled rate, decompose. This step keeps a quantity of active bio-material in the pond to facilitate the ongoing process.



- 5) Upon completion of the lateral oxygenation process, the water passes through a chemical monitoring station where small amounts of disinfectant chemicals are added as necessary.
- 6) The water moves to another aeration pond to complete the purification process.
- 7) The water then is pumped to a final holding pond.



\*\*\*\*\*All measures for safety are rigorously identified and followed at the facility\*\*\*\*\*



Within this processing facility is a central district monitoring system that entails a quite large number of factors. In addition to the chemical/purity sensors throughout the above processes, there are reporting sensors from every pumping station throughout the entire County-operated sewage and effluent (ready for return to the environment) water. These data inputs are formatted and recorded to allow long term tracking, monitoring, and projection of system maintenance needs, which is very thorough and efficient. Short-term planned updates to this capability will allow real-time monitors to immediately alert Special Districts staff of any system shutdown or failure and to assure response on the scene in a very short time anytime day or night.

This overall facility has a large solar panel array (joining with conventional generators) to provide power even during times of area-wide disruptions (such as Public Safety Power Shutoffs)

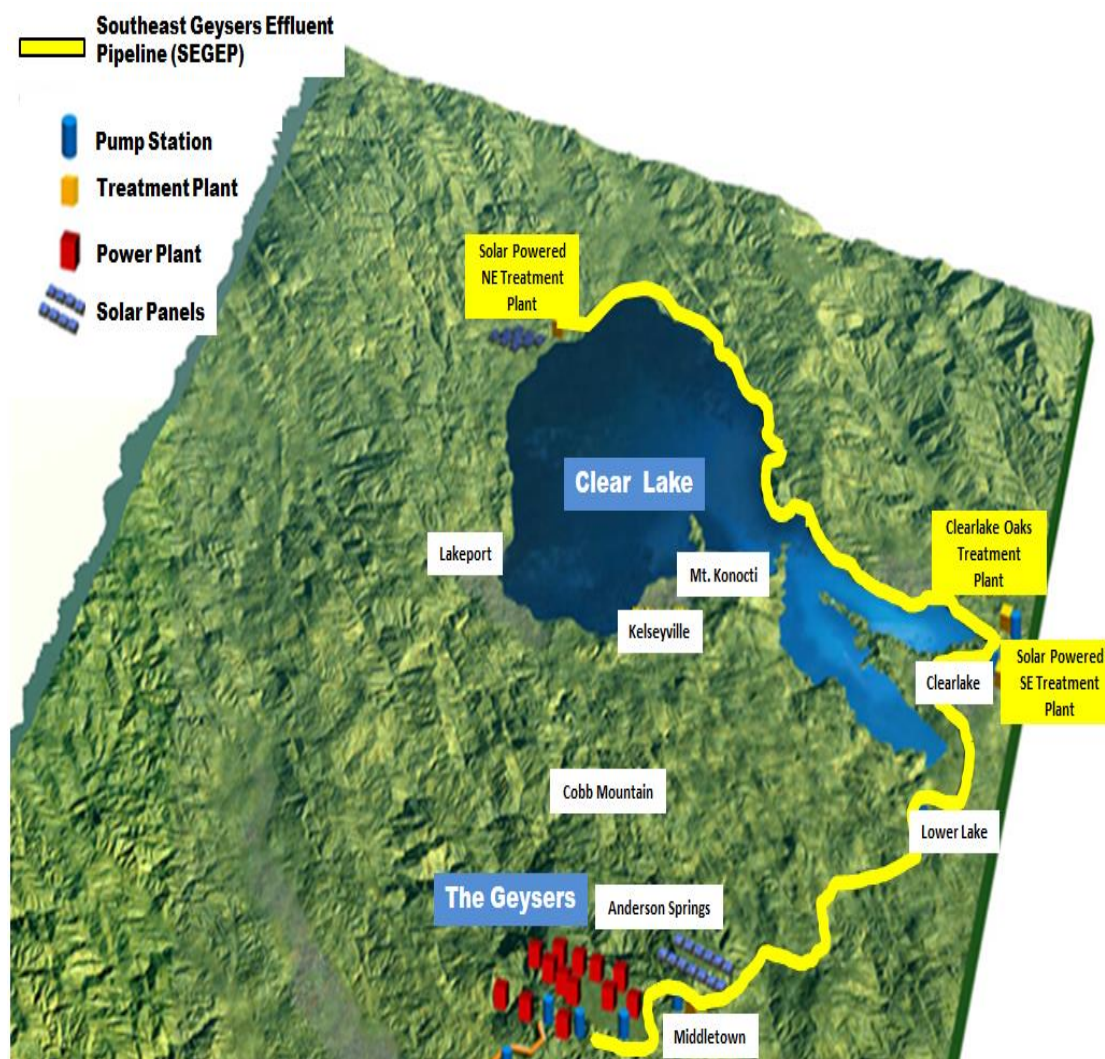


A system upgrade is planned to install Tesla storage batteries for increased capacity and efficiency for the solar array.

As noted earlier, the effluent water can be returned to the environment in several ways. For Hidden Valley Lake, some of the effluent is spread (via giant sprinklers) over large tracts of open fields. Some other portions are sent for non-potable usages in their areas. Some other portions are intentionally funneled to water runs that flow away from any public waterway and allow for natural evaporation to progress.

For Lake County Special Districts, including Clearlake Oaks, the effluent water is used in a unique and highly environmentally sensitive way. The combined effluent from the several facilities that operate similarly to the one described above (located in Lakeport, Clearlake Oaks, Clearlake, and Middletown) is sent through a major pipeline with multiple pumping stations from the north central part of the county, all the way around the Lake, down to the southwestern portion of the county





The effluent leaves the control of Lake County outside of Middletown where it is then further pumped by CalPine (commercial energy production consortium) to ‘The Geysers’ twenty plus steam geothermal electricity generation sites. The effluent water is injected under high pressure into the geothermal active areas (322 steam wells and 54 injection wells) in the Mayacamas Mountains where it is converted to steam that powers turbines for generation of electricity. The heat for this process comes from magma located four miles beneath the surface. This group of generation facilities, utilizing Lake County effluent wastewater as well as effluent water from Santa Rosa, is the largest geothermal electricity generation center in the world. Lake County delivers eight to nine million gallons of reclaimed water per day through our county-wide pipeline, equating to roughly 3 billion gallons each year.

## Winery Wastewater

For our county's important wine industry, a very different set of factors, processes, and controls are used. Across California there are more than 4,600 wine grape growers and more than 2,800 wineries. California produced 680 million gallons of wine last year. Wastewater production from the wine industry varies (by location and type of grape/wine) from 3 to 10 gallons of wastewater per gallon of consumable wine. Looking at averages would indicate about 4 billion gallons of specialized wastewater statewide per year. To manage this, a number of Regional Water Quality Control Boards have been established for differing sections of California. The largest is the Central Valley region and Lake County is within their designated control area. The individual regional boards have differing standards they set for their districts. The Central Valley regional standards have been the most restrictive/controlled of any region in the state.

Untreated wastewater from wine production contains everything from organic solids (leaves, stems, skins, seeds and pulp) to yeast to salts and other chemicals to regular dirt. All winery wastewater is collected for cleansing/processing. The smaller growers and bottlers often ship the untreated wastewater out to specialized facilities for processing. The larger producers generally do that conversion from untreated to effluent on their own property.

The actual process has many similarities to the general sewage treatment process. Greater attention is paid to agricultural specific chemical/biological supplements and additives such as pesticides and fertilizers. Often aeration ponds are replaced with evaporation ponds wherein remaining sludge can be more readily collected and further processed. But, the aeration pond process does still have some significant usage in the industry. The goal of any effluent water production is to finally utilize it for other agricultural, construction (roads/highways would be common), decorative, and other non-potable applications.

As the volume of consumable wine increases at any given industry location, the wastewater processing testing, quality, handling, and effluent dispersal regulations becomes more stringent. Mistakes leading to ground water or surface water contamination – while quite rare – are dealt with quickly and severely. For such a large and broad geographic based industry, the successes in meeting and exceeding the required standards are a matter of industry-wide pride. Lake County's wineries attain the same forward thinking and environmentally protective results as does our general sewage processing system.

COVID-19 and Wastewater

The public has brought forward numerous questions regarding COVID-19 and the sewage processing systems in our county. Very early on in the first stages of learning about, and reactions to, the virus, testing was done by an out-of-state company specifically looking for signs of waste bearing the virus. As our county health department, using nasal swab techniques, was determining how much the virus might have spread in certain portions of our population, the simultaneous wastewater testing was confirming that the actual spread of the virus was broader based and detectable in many areas of the county. Even though both methods still showed small numbers of actual cases, they did verify the presence and spread of the virus. These kinds of wastewater testing began in March, 2020 and continued through until July, 2020 at which point no questions remained as to the reality of the virus spreading throughout the entire county.

It is most important to note that the careful processing steps turning wastewater into effluent water done by all of the sewage districts in Lake County completely disinfects any traces of COVID-19. There has not been, nor will there be, any spread of COVID-19 via these facilities.



Findings:

- F1. The sewage processing facilities maintained by Lake County Special Districts and the reviewed operations in Clearlake Oaks and Hidden Valley Lake are meeting their quality and service goals.
- F2. The processing of wastewater into effluent water for agricultural and energy production usage is a progressive achievement for Lake County and of significant importance in environmental protection and renewable resource management.

Recommendations:

- R1. A specific program be developed - that provides information and tours (methods of operation and environmental impact) for appropriate secondary school science classes - between the Lake County Office of Education and Lake County Special Districts Department.

The Grand Jury *invites* the following to respond:

|                                       |      |           |
|---------------------------------------|------|-----------|
| Board of Supervisors                  | (R1) | (90 days) |
| Lake County Superintendent of Schools | (R1) | (60 days) |









## Civil Grand Jury 2020/2021

### County of Lake

## No-Bid Contracts

Governments, from the federal, to the state, to local, must spend a great deal of money. That is what allows governments to operate. At the local level, generally the largest portion of overall budgets is in salaries and benefits. But there are other significant areas of government spending ranging from construction and improvements to health and wellness programs to education to ... the list can be long. All government departments and activities require supplies and services to function as they are expected. Needed supplies and services are almost always attained through a purchasing procedure. At all levels of government, these purchasing procedures are usually well defined and have built-in methods for ensuring that the purchases have the best results for both the government and the people they are serving.

There are some purchases where only one source is available for a needed item or service. Perhaps a very specific software program used to streamline an area and increase usability and efficiency; or a unique medical or psychological service that can be only obtained through one qualified source. For these, once that qualified source is identified, there is a designated point of purchase. A good example of this is “fleet purchasing” for automobiles where repetitive standard needs are designated – such as specific police cruisers.

For most items, though, a system of bidding for fulfillment of the need is a proven method for obtaining the best value or best desired results for the product or service. This can take into account more than just the lowest pricing; but can factor in other aspects such as servicing availability, lead-time for delivery, usage, and accessibility, in helping guide the best decision. Having most of the expenditures of local government qualified by a bidding system is a common practice by governments at all levels. It is considered a critical portion of budget control and efficiency of operations.

Lake County, during this current fiscal year, has seen a significant increase in no-bid purchase contracts proposed and approved under the description of “Waive the formal bidding process, pursuant to Lake County Code Section 38.2, as it is not in the public interest due to the unique nature of goods or services.”

Discussion

Each individual department in Lake County governance generates its own purchase orders based on continuing needs and in keeping with established budgets. Differing total purchase levels require various levels of departmental approval. At certain specified levels these purchasing requirements need approval by the Board of Supervisors. Purchases are recorded and documented by the Lake County Auditor-Controller’s office.

For the past five fiscal years, looking at the time frame of July 1 to the following end of March (to match the portion of the current fiscal year highlighted by this report), actual purchase expenditures have been

|                      |                 |
|----------------------|-----------------|
| 7/1/2015 – 3/30/2016 | \$ 7,978,937.55 |
| 7/1/2016 – 3/31/2017 | \$ 7,136,692.84 |
| 7/1/2017 – 3/30/2018 | \$11,825,294.95 |
| 7/1/2018 – 3/28/2019 | \$ 7,827,816.89 |
| 7/1/2019 – 3/26/2020 | \$ 9,797,812.28 |

From July 1, 2020 to March 23, 2021 a total of \$9,388,164.13 was submitted and approved as “Waive the formal bidding process, pursuant to Lake County Code Section 38.2, as it is not in the public interest due to the unique nature of goods or services.” This appears to be an exceptionally high number for a county with our budget. See attachment for details.

Without question, some of the total will clearly be of unique and single sourced nature. (As an example, significant funding for 5150’s – the health regulations that allow involuntary holding of a person for psychological evaluation - is, eventually, fully funded from state and federal sources or private insurance. Multiple bids would not be effective.) It is practical to acknowledge that some portion of this may be directly related to how any business, including government business, has been affected by the COVID-19 safety protocols and necessities. However, the amount of the no bid contracts, when compared against recent previous years actual spending has raised concerns. Of the \$9.3 million total, \$7,041,980.40 is in

the ‘health and wellness’ arena (both physical health and psychological/behavioral health). The remaining \$2,346,183.73 is spread across a range of other county departments.

Findings:

F1. No regular schedule for review of on-going large scale contracts has been formalized across all county departments.

F2. The language/classification designated for no-bid contracts utilized in Board of Supervisors agendas and minutes does not allow for specification or detail into why any given contract has the competitive bidding process waived.

Recommendations:

R1. A system of regular and scheduled reviews of on-going contracts and supplier usage be instituted to ensure optimal efficiency in expenditure of county funds. (F1)

R2. No bid contracts/purchase orders for Board of Supervisors review and approvals to have specific references on the formal meeting agendas indicating accurately as to an actual unique good or service or as to when the last competitive analysis was performed on this category of good or service. (F2)

Request for Responses:

Pursuant to Penal Code section 933(c), the following responses are required:

|                      |          |           |
|----------------------|----------|-----------|
| Board of Supervisors | (R1, R2) | (90 days) |
|----------------------|----------|-----------|

|    |                                  | <u>Other</u>          |  |                        |
|----|----------------------------------|-----------------------|--|------------------------|
|    | Contractor                       | Amount                |  | Purpose                |
| 1  | Management Connections           | \$150,000.00          |  | Temporary Staffing     |
| 2  | Redwood Community Services       | \$54,000.00           |  | Transitional Age Youth |
| 3  | A&P Helicopters                  | \$100,000.00          |  | Transport              |
| 4  | Helico Sonoma Helicopters        | \$50,000.00           |  | Transport              |
| 5  | Redwood Community Services       | \$96,000.00           |  | Drop in Center         |
| 6  | LOCE                             | \$250,000.00          |  | Safe Schools           |
| 7  | Harmony Research                 | \$0.00                |  | Default Land Sales     |
| 8  | Social Solutions Global          | \$115,800.00          |  | Software               |
| 9  | Resource Development Association | \$61,675.00           |  | Planning Program       |
| 10 | Regional Housing Authority       | \$88,823.00           |  | Home Loans             |
| 11 | Regional Housing Authority       | \$69,901.00           |  | Home Loans             |
| 12 | Behavioral Health Service        | \$200,000.00          |  | Operation Hope Center  |
| 13 | Idea Consulting                  | \$40,000.00           |  |                        |
| 14 | Redwood Community Services       | \$221,000.00          |  | Family Stabilization   |
| 15 | Redwood Community Services       | \$54,000.00           |  | Transitional Age Youth |
| 16 | Enterprise Fleet Management      | \$94,850.00           |  | Leased Vehicles        |
| 17 | Data Solutions Inc.              | \$54,300.00           |  | Software               |
| 18 | EOA Inc.                         | \$104,000.00          |  | tmdl Compliance        |
| 19 | Momoment Inc.                    | \$0.00                |  | Flood Damage           |
| 20 | Elijah House                     | \$376,834.73          |  |                        |
| 21 | Carbon Activated Corp            | \$0.00                |  |                        |
| 22 | Redwood Community Services       | \$165,000.00          |  | Drop in Center         |
| 23 | Planet Labs                      | \$0.00                |  | Satellite imagery      |
| 24 | Planet Labs                      | \$0.00                |  | Satellite imagery      |
|    |                                  | <b>\$2,346,183.73</b> |  |                        |









## Civil Grand Jury 2020/2021 County of Lake

### LAKE COUNTY NEEDS ITS OWN COMMUNITY MENTAL HEALTH FACILITY

During several of its investigations this year, the Grand Jury learned that Lake County needs either its own inpatient psychiatric facility or access to one closer to home.

At present, most services provided by the County’s Behavioral Health Services are walk-ins or by appointment. However, some clients require a higher level of care, usually against their will, at least initially. After being detained and possibly receiving acute services, these involuntary patients are placed in residential community mental health facilities.<sup>1</sup> Because there are none of these facilities in Lake County, local clients are sent to out-of-county placements, often ones far from home. This disrupts their already fragile community ties and family relationships.

#### The Involuntary Treatment Process

Typically, a patient who is detained involuntarily enters the process after a confrontation with law enforcement officers who take the individual into custody and initiate a 72-hour hold for treatment and evaluation under section 5150 of the Welfare and Institutions Code.<sup>2</sup>

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<sup>1</sup> These facilities are licensed by the California Mental Health Licensing section of the Department of Health Care Services..

<sup>2</sup> Colloquially “5150’d.”

Next, either law enforcement or a mental health worker from the County transports the individual to the Emergency Room either at the Adventist Hospital in Clearlake or at Sutter Lakeside Hospital in Lakeport. A psychiatric evaluation is made to determine whether the person is a danger to himself or herself or others or gravely disabled as a result of a mental disorder.<sup>3</sup>

At any time from this point on, the individual may agree to accept treatment on a voluntary basis. If voluntary treatment is refused and if a doctor determines that the person is a danger or gravely disabled, the doctor may then approve a 72-hour involuntary hold. After the first 72 hours, the Lanterman Petris Short Act (Welfare and Institutions Code, section 5000, et seq) allows involuntary detention for longer periods if warranted.

### **What is Happening Today**

The conditions cited above do not do justice to the community disruption these mentally ill individuals may cause. Local social media sites are full of complaints and concerns regarding these situations. Law enforcement is burdened and frustrated when these disturbed individuals are repeatedly released from jail with just a court date. Disruptive behavior has been reported in many locations including parks, stores and restaurants. Of course, potential community damage has a corollary of potential harm the individual may inflict on themselves.

For the patient, being arrested and then detained involuntarily is upsetting and frightening. Some may not fully comprehend what is happening. A move far away from home adds more stress for an already fragile person.

Because there are no dedicated facilities in Lake County in which to place 5150 patients, evaluations are done at one of the other of the County's two local hospitals emergency rooms. When the patient does not respond immediately to treatment, usually psychotropic drugs, or refuses treatment, a placement has to be found. The 5150 hold and authorization for treatment lasts 72-hours but can be extended if the patient refuses voluntary treatment. At this point, the patient may be administered additional psychotropic medications against his or her will. Most clinicians receiving the patient in a community placement prefer, however, that the patient be unmediated on arrival to facilitate an accurate psychiatric assessment.

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<sup>3</sup> The legal standard for grave disability is whether, as a result of a mental disorder, the individual is a danger to self or others or gravely disabled, that is unable to care for himself or herself with or without the help of willing friends or family.

Behavioral Health Services staff may be summoned and become involved either with law enforcement in the field or at the hospital. They are charged with finding suitable placements for ongoing treatment. Behavioral Health Services has pre-existing agreements with many qualified potential facilities outside of Lake County that agree in advance to accept its patients. Once a suitable and available placement is identified, the patient is then transported there either by Behavioral Health Services staff or by ambulance if the patient is agitated or combative.

At the placement facility, the patient is admitted, evaluated again and treatment begins. The treatment can sometimes last a year or more on an involuntary basis. Most often, per Behavioral Health, patients convert to voluntary status sometime after beginning treatment. However, until they are released from treatment altogether, they remain Lake County’s legal and financial responsibility.

Lake County has billed MediCal and Medicare in excess of \$3.5 million for its 20 most recent 5150 patients who were placed out-of-county (all billings are fully paid.) It would be less expensive, more convenient and more therapeutic for patients to stay in Lake County close to family, friends and familiar places. Developing a facility here would be helpful all around and might also add funds to Lake County’s coffers.

What is Needed and Feasible

What is needed is a fully staffed inpatient facility with just 10 or 12 beds. Having one in Lake County could eliminate the County’s reliance on expensive hospital emergency rooms and transportation to, and supervision of, the patient’s progress in distant placements. Many mental patients need both social support from family and friends, as well as community-based treatment after being released from placements. The Grand Jury believes this help is best provided at home for Lake County residents.

Behavioral Health Services offers a full array of community treatment options. If there were an inpatient facility in Lake County, the current practice of paying for duplicative services elsewhere would be unnecessary.

The 20 most recent 5150 Behavioral Health patients were placed in 20 different facilities around the state and were transferred from one to another placement 54 times. Only two of these patients were placed just once. The rest were transferred

more than once. The most frequently used facilities were in Angwin and St. Helena (9 times). After that, the next most frequent placements were in Redding (7 times). The remaining placements were in Ukiah, Vallejo, San Jose, Pacifica, Eureka, Woodland, Yuba City, Modesto, and Jarupa Valley in Riverside County.<sup>4</sup>

Developing a facility in Lake County has been suggested before and rejected. The need for one is more pressing now due to the ongoing increase of homeless persons, many of whom need mental health treatment before they can reasonably be expected to find or succeed in housing.

A potential alternative may soon be available in Mendocino County where a short-term facility for 5150 evaluations and to ‘house’ persons returning home from placements has been established. Mendocino County is also considering whether to open a mental hospital, perhaps at a closed hospital site in Willits.<sup>5</sup> Some preliminary discussions to induce Lake County to join this effort have already occurred.<sup>6</sup> However, significant concerns are caused by continuing disarray in the Mendocino County agency that is in charge of mental health services.<sup>7</sup>

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<sup>4</sup> Data provided by a senior administrator from Lake County Behavioral Health Services.

<sup>5</sup> *The Ukiah Daily Journal*, Mendocino County looking at Partnership with Adventist Health for Mental Health Facilities, January 10, 2020, *The Willits News*, Measure B Committee asks Supervisors to inquire about old Howard Hospital, January 28, 2021, *Undated 2021, Mendocino County*, Measure B Projects Update: Crisis Residential Treatment Facility, Crisis Assessment and Psychiatric Hospitalization Aftercare, Mobile Crisis Response Team Pilot...Psychiatric Hospital Facility,

<sup>6</sup> Senior Behavioral Health Services, *supra*.

<sup>7</sup> *The Ukiah Daily Journal*, HHSA employees concerned about changes, May 17, 2021.

FINDINGS

F-1. The Grand Jury finds that there is an urgent need for a small, 10-12 bed 24-hour inpatient psychiatric and rehabilitation care facility in Lake County.

F-2. If such a facility or mental hospital becomes available in Mendocino County and would be suitable for treatment of Lake County patients, it might also meet the current need. A contractual relationship could be established with Mendocino County to authorize joint services.

RECOMMENDATIONS

R-1. Lake County Behavioral Health Services should explore opportunities to establish a small, 24-hour inpatient mental health facility in Lake County or in concert with programs in Mendocino County. (F1, F2)

R-2. The Director of Lake County Behavioral Health Services should report to the Lake County Board of Supervisors his findings and recommendations regarding establishment of 24-hour inpatient service facility for Lake County mental patients in either Lake or Mendocino County within six months. (F1, F2)

INVITATION TO RESPOND:

Director of Lake County Behavioral Health Services (Via BOS) (R1, R2) 90 days.











## Civil Grand Jury 2020/2021



# *We the People*

We all know these words. They are the introduction to our Constitution which grants authority – by the people – for the establishment of a government for all the people. This authority – by the people – extends from the national level, to the state level, to the county and local level. These governmental levels exist to serve the people, not themselves. In all California elected and appointed senior governmental positions, an oath is sworn which begins with a commitment to support the Constitution. Some positions also include separate oaths to also serve ethically. When governmental actions look more to its own self-protection than in responding to, and serving, the people, those oaths and the bonds of the government to the people are severely strained – if not completely broken. If such occurs, it is in the best interest of the people that those actions be brought to light.

### Background:

Sewer systems are common in many parts of our county. The normal connection of a single property to a sewer system is through a pipe called a ‘lateral’. While laterals most often are for a residence, multiple occupancy situations like an apartment building or a mobile home park are also served by a single lateral.

In the 1960’s the city of Lakeport constructed a new sewer system serving the northern section of the city. A main segment of it ran along Lakeshore Boulevard. At a point after the main construction, a lateral – quite a long one - was put into place parallel to that main line. That lateral was in a location with no buildings or properties specifically in need of sewage support at that time. As many documents

from that time have been lost or misplaced, the rationale for such lateral construction cannot be identified. During the 1980's two mobile home parks, with separate ownership, were founded along the stretch of unused land with each of them being connected to the parallel lateral. These will be referred to in this report as Park A and Park B. In the 1990's a church was build adjacent to the south side of the mobile home parks and it, too, was connected to the parallel lateral. (See attached 'representation' drawing). Each of these connections received approvals from the city of Lakeport permits department for their suitability for occupancy which includes proper sewer service. It is quite unusual – although not unheard of – for three unrelated properties to be connected to one lateral.

In the later 1990's control and responsibility for that main sewer line and all customers serviced by it was transferred from the city of Lakeport to the county and assigned to the Department of Special districts. The concerns about a multi-party usage of a single lateral and who bore the responsibility for it appear to have become noticeable in 2017 but a letter from the Special Districts department to the Park B owners references direct communication with them specifically about this responsibility on May 30, 2018. The owners of Park A were in extended communication with Special Districts during most of 2018 and early 2019.

#### Chronology:

April 8, 2019: A Park B resident noticed significant sewage pouring out of a manhole servicing the lateral. That manhole is on Park A property. That person phoned Special Districts who promptly sent out a staffer who corroborated and video documented the ongoing spill – and, importantly, the free flow of the main line - and then left without any notification to the owners of Park A. This departure was in complete indifference to the proud boast of the Special Districts management several months earlier (when the Grand Jury was making a general inquiry as to potential sewage spills into our lake) that there were “strike teams” who immediately tackle any sewage into the lake issue to prevent damage to our most important resource. No such ‘strike team’ was dispatched. Approximately one hour later, the spillage was noticed by the owners of Park A who immediately called Special Districts and informed them sewage was visibly flowing into the lake. They were informed that Special Districts was aware of the situation, but it ‘wasn’t a problem they could fix’. They directed the owners to contact the Lake County Department of Environmental Health as ‘they have more power than us to

do something’. The Park A owner contacted Environmental Health and was informed by clerical staff that the responsible person was ‘in a meeting but would get back to them by the end of the day’.

Raw sewage continued to flow into the lake.

By 6:00 p.m. it was clear that no one from Environmental Health was going to call so the Park A owner contacted the California State Office of Emergency Services for Hazardous Spills.

Overnight there was a power failure at the next closest pumping station ‘downstream’ from the site.

April 9, 2019: Representatives from the state, the Department of Environmental Health, and the Special Districts department all arrived at the site. The state documented that by that point 15,000 gallons of raw sewage had entered the lake and the negative effects were demonstrated by dead fish as well as visual confirmation of floating sewage. This was generated, revised, and completed at 12:50 p.m. – approximately 24 hours after the first report of the leakage was made. (Attachment A) No agency made any attempt or action (such as simply blocking the openings to the storm drain (on public property) that was the conduit for the spill to the lake. They merely told the owner of Park A to ‘deal with it’. That owner called a business firm specializing in sewage issues to come and render assistance. That company did arrive and in the course of preparing to clear the lateral looked into a manhole on the main line and found it to be ‘backed up to the brim’. (This claim is refuted by Special Districts despite their own monitoring records which show a 100 times increase in the metric measuring outflow versus inflow at that pumping station at the critical time.) The commercial firm did clear the line to the point of free flow of sewage through the lateral, but had to return several days later to re-clean the line which they estimated had become reclogged by backflow from the main line not properly flowing. (This, too, is disputed by Special Districts staff.)

Over the next number of days, then weeks, then months the owners of Park A had multiple meetings with staff from Special Districts as well as their supervisor and another supervisor from an adjacent district. These meetings occasionally had Department of Health and other county department’s staff involved as well. The owners of Park A had now done significant research into the original plans for the sewer main. According to their calculations the original plans had not been followed and some of the critical elements were improperly built on what

eventually became the defined property of Park A. Park A owners reviewed the roadway layouts, the lateral vs. main line vs. water main positioning, decades old aerial photographs and a wide swath of other documentation. As noted earlier in this report, so many of the original official documents had been lost over the years that easy conclusions were not possible. No solutions emanated from any of these meetings over the ensuing months. Eventually the owners of Park A were advised to bring the issue directly to the Board of Supervisors.

July 28, 2020: The owner of Park A, in working with another area supervisor and then their own, scheduled a significant portion of the regularly scheduled Board meeting to make a presentation. A simplified summation of what was being requested is: relief from providing the only emergency maintenance on the shared lateral, in full awareness that they have no legal right to curtail or shut off Park B or the church's free access to it even during emergency maintenance, by having the county recognize that the pre-existing multi-hookup is a 'public lateral' and that the county (via Special Districts) assume responsibility for maintaining that lateral. Park A owner was willing to grant full 24/7 access to their property to the county but thought the issuance of an easement would make the concept cleaner.

\*\*\*\*\*It is important to note that despite a simplified summation, solutions were not simple or easily defined/agreed to. There were numerous other considerations from property rights, to liabilities, to many others under the complex legal system that has been created. \*\*\*\*\*

Approximately one hour and twenty minutes into the Board meeting (reference video recording of that meeting), Park A owner began a lengthy presentation replete with what documentation was available, original maps for the sewer system in the area, communications with various county departments, and other supporting information. At (approximately) one hour fifty-five minutes into the meeting, the appropriate senior county staffer interjected that a claim against the county was required as, without such a claim, any expenditure in this arena would be considered a 'gift of public funds' to the owner and that is prohibited by the (state) constitution. This was misinformation. Had the property owner been the sole beneficiary of such expenditure it would – correctly – fall under that definition.

But as referenced by the property owner and repeated emphatically by several supervisors, the primary concern was for the integrity of the lake. As the lake (a public asset) would be the primary beneficiary, the state constitution clearly defines that any secondary benefit to an individual would not be considered a gift of public funds and would be allowable.

The property owner was clear in stating they did not want to file a claim, or any legal action, but was only looking for a solution. The senior staff member, along with several supervisors strongly urged the property owner that this was a most common, everyday, procedure and it was the only way that the ‘start of a solution’ could be initiated. The ‘start’ would be the production of a 3<sup>rd</sup> party (engineering) analysis that would provide an independent overview and details of the entire situation. This report was called ‘critical’ by two members of the board. The senior staffer, along with two supervisors, repeated several times that this report would be ‘made available to all’ to allow ‘all to participate in working toward a solution’. (Reference multiple points between timestamp 1:58:00 and 2:20:00 on the video). One supervisor specifically stated that this whole thing must get “fast tracked” to get it solved quickly. The owner of Park A, after reiterating that no financial remuneration was being sought, agreed to submit a claim straight away. Two senior county staff members offered to assist in the filling out of that form.

The Board meeting then moved on to other items.

Park A property owner, with the guidance of the two staff members, did fill out and submit the Claim form that day – July 28, 2020. On that claim form it specifically states that no financial remuneration is being sought.

(The information in the next multiple paragraphs was researched after February 19, 2021. See page 6 paragraph 4 for context.) While claims against the county may be considered an ‘everyday’ occurrence by the governance, there is extraordinary little understanding of it by both the public and by almost all of the individuals who had encouraged the claim to be filed.

Claims are first registered by the Clerk of the Board (simple file tracking to show receipt) and then immediately forwarded to the County Counsel’s office. There, they are again recorded as to receipt and further forwarded to an out-of-county arbiter service. (This arbiter service is connected to a ‘liability pool’ which covers potential payments to claimants thereby minimizing claim effects on existing budgets. It would clearly be in the financial interest of the County to ensure any potential is in ‘claim’ form even if that misrepresents the intent of the citizen.)

Claims can reach but a few conclusions: some – very few – are approved and returned to the county for negotiation/payment. The vast majority are denied. Some few are forwarded back to specific county departments with special knowledge that could potentially resolve the concern, and others receive no specific resolution. California Government Code (Title 1, Division 3.6, Part 3, Chapter 2, Article 1, Section 912.4, segments (a), (b) and (c) sets a 45 day limit on claims (unless an extension is agreed to by all parties). Those that are approved during that period get properly processed. Those that are specifically denied are required that the claimant be officially notified of that result. However – importantly – any claim not resolved in that 45 day time period is deemed to be denied and such official notification of denial is also required.

45 days after the submission of the claim was September 12, 2020.

The engaging of the 3<sup>rd</sup> party independent analyst was made early in the time window. It does not appear that any resultant report was generated during the time window. Park A owner was not notified (ever) that the claim had been denied (by virtue of the incomplete action) and was never requested, in any fashion, for a time extension. This is a complete failure of the County to fulfill its obligations. The property owner was completely unaware of any time limits as none are noted on the claim form or in the scant instructions included on the form. It is noted that several county supervisors, when interviewed by the Grand Jury, were also completely unaware of any time limits. The supervisor who called for ‘fast tracking’ the claim indicated to the Grand Jury that the meaning implied and expected was ‘sometime before the end of the year’. The property owner over the course of September, October and November, having received nothing official, made several inquiries into the status of the issue. Park A owner was – unofficially – informed by several people involved that the 3<sup>rd</sup> party report had been completed and that it was favorable to Park A. Shortly thereafter they were informed that ‘new information’ had been submitted to the 3<sup>rd</sup> party analyst by the county that, while of extremely questionable origin or value, forced a revised report to be issued which was now described as ‘inconclusive’. When the property owner then inquired as to how long this process could take they were told ‘these things can go on indefinitely’. Clearly under the California State Government Code that is wholly incorrect information.



Nothing further official occurred at the Board of Supervisors level until December, 2020. During that month three separate ‘closed session’ items were put on various weeks Board meeting agendas. (Note: ‘closed sessions’ are common and normal actions for a variety of reasons for County Boards of Supervisors.) (One of those sessions may not have occurred for some reason.) All three of those items specifically cited ‘Claim of (name of Park A owner)’. This was three months after the claim had expired and there was no (continued) existing claim. The agenda item also specifically called out (as defined by County Counsel) “Cal Gov Code 54956.9 (d2), (e3)”. Section (d2) addresses ‘exposure to litigation’. When the official notification of denial of claim is sent, there is a Governmental requirement that that notification include a specific statement that litigation can be filed within six months of that notification regarding the issue. The California Government Code further stipulates that if the county fails to include that specific notification that period of allowance for litigation extends to two years. The cited Cal Gov Code 54956.9 section (e)(3) is a different thing. This cites (and is mentioned in the Board meeting closed session agenda minutes) a “threat of litigation”. This was not accurate. The Cal Gov Code specifically defines threats in this area as verbal or written statements of the potential for litigation direct to county officials, or publically made verbal or written statements for potential litigation. These in no way occurred. Park A owner is on video record and the claim form reconfirms that no financial remuneration is being sought. No threats were made in any form. It would have been more accurate and proper to cite (e)(1): “Facts and circumstances that might result in litigation against the local agency...”

It is important to note that when this matter was visited in closed session by the Board, board members were not informed of two versions of the 3<sup>rd</sup> party independent report. They were only made aware of the ‘revised’ report which – purportedly – contains questionable late developed county departmental inputs. No recorded results or actions came out of these closed session meetings.

February 5, 2021: the owner of Park A filed a complaint with the Grand Jury. Having already been looking into the way sewage was processed in much of our County and in potential spillage into the lake, the Jury voted to investigate this. Interviews were quickly arranged with Park A owner as well as appropriate County department management. As would be expected, there were certainly differing opinions. It became clear to the Grand Jury that a review of the 3<sup>rd</sup> party independent reports (both original and revised) could shed light on this could assist the County and the citizen in communications and understanding.

February 12, 2021: a request was made to the appropriate County department for a copy of both versions of the report. This request went unanswered.

February 19, 2021: a formal request for the same was again made. Justification for this request was California Penal Code (pertaining to Grand Juries) section 925 ***The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county....***in which all accounts, records, etc. are to be made fully available to the Grand Jury. There are no preclusions for potential litigation, embarrassing facts, or situations that the County leadership would prefer not to disclose. This request was responded to by departmental management who stated “Due to the nature of the claim and potential litigation surrounding that address I forwarded your initial email to County Counsel. I am awaiting direction from that office on what documents I can or cannot release to the Grand Jury.” A brief while later County Counsel notified the Grand Jury, “I received a communication from (named department) on this last week. I will review the nature of the information sought today and advise. While not currently under actual litigation, there has been a claim filed and that does, under the law, create a significant exposure to litigation which, in turn, may impact some, but certainly not all, of the information sought.”

No further information or response was received from either the department or from County Counsel. The Grand Jury views this as a very clear violation of the Penal Code in an area specifically designed to hold county departments and operations accountable to the citizens of the county.

February 19, 2021: an item regarding this multi-month subject was again entered onto the Board’s ‘closed session’ agenda for February 23, 2021 citing all of the same misinformation used in the December 2020 sessions. No decisions or actions are noted as coming out of this session.

February 24, 2021: The Grand Jury then requested a subpoena for the reports. Our legal advisors (as defined by the Penal Code) had told us the subpoena would likely be met with a motion to quash (which would most likely emanate from the office of County Counsel.) We decided it was imperative to pursue as, left as an open and tacitly accepted governmental response, it would set a negative precedent that would hamper the responsibilities and performance of future Grand Juries.

April 15, 2021: the owner of Park A was invited to a Zoom meeting with staff of the 3<sup>rd</sup> party administrator company. The property owner requested the Grand Jury join and monitor. In this meeting the administrator presented a “compromise” offer from the County. The compromise entailed the property owner needing to contract and pay for all upgrades of the existing manhole and lateral to current standards, and then the County would assume maintenance of that lateral from that point forward. As an incentive, the potential of a grant (up to \$3000) from a program operated by Special Districts was suggested as a means of defraying the cost. There were several significant problems with this offer:

- 1) The property owner of park A was being asked to solely bear the cost of any work even though other properties are connected to and using the lateral.
- 2) Such repair work would entail shutting down the entire lateral for a period of time, and Park A does not have the authority under state regulations to shut down or impede Park B’s access/usage of the lateral.
- 3) The estimated costs would be many thousands of dollars to Park A.
- 4) The proffered potential grant has—within its rules for usage and confirmed by the Grand Jury – a stipulation that it can only be used for private laterals...not ‘public’ or multi-property laterals. This would deny usage of any grant funds.
- 5) The general term of ‘bring up to current standards’ was not defined. The only description provided was a full copy of the 2013 Lake County standards for all sewage handling, construction guidelines, and materials deemed approvable, etc. for the entire County. It would take an expert in the field to fully understand its complexities (thereby making potential cost estimates impossible for Park A owners in any efforts to decide if the compromise was acceptable).
- 6) Repeated references were made to the lateral having a ‘90 degree long bend’ that would need correction. As the existing lateral is basically parallel to the main sewer line, this would mean that the lateral flow enters the sewer line on a ‘T’ connection and would flow against the opposite side wall of the sewer line. Because of the reality of gravity flow, and as is common lateral/sewer construction for many, many decades, this is never a utilized or approved connection method. No video line inspection was made by any County department in any investigation to support this concept; and the commercial firm utilized over the several years of ownership by Park A proprietors had made such a video inspection, which does not support this assertion.

7) As payments from Park A owners to the commercial firm for occasional cleaning of the multi-property lateral have already averaged \$750 per year, and since Special Districts department already have the necessary equipment and trained staff to accomplish what they are proposing, the actual outlay by the County would be approximately several hundred dollars per year, which is far less than what the Park A owners would expect to pay for the same work.

8) Importantly, the proposed compromise in no way specifically addresses the potential of future back-ups and spillage into the Lake. As this was the key element to both the property owner and to the Board of Supervisors as expressed during the 7/28/2020 meeting, the compromise falls far short of what all meeting participants (as well as anyone viewing that meeting) were led to believe was the most critical portion of why a common solution needed to be developed. The inclusion in the current County standards of a ‘backflow prevention valve’ for lateral construction or repair is inadequate to fully address the spillage/pollution concerns.

Prior to the conclusion of the April 15, 2021 meeting, the owners of Park A requested a full description of the required scope of work, of the effect of limitations of the proffered potential for grant money, and as to how this compromise would address the initial concern of protecting the Lake. A subsequent request for clarification was made by Park A owners in response to the simple offering of the general County code for sewer construction. This request remains unanswered.

April 21, 2021: the subpoena for the 3<sup>rd</sup> party engineering analysis was issued and served.

May 5, 2021: per the directions of the subpoena, the documents were delivered to the Grand Jury. Review of these documents evidenced a number of concerns. These included:

- The 3<sup>rd</sup> party engineering service never visited the site.
- All referenced maps and diagrams were from the materials gathered and shared by the property owner.
- Additional visual input was derived solely from Google Maps (street view).
- No reference was made to the relationship of any spill – via the storm drain – into the Lake (which was the expressed primary concern of the property owner and the Board).
- No analysis of existing facts for overall plausible solutions was included.

The preliminary report supported the property owners' claim that the lateral and connections were not properly constructed per the original drawings. The 'revised' report was issued three months later, following the input from the County of 'new information.' This report had two additional conclusions. There were ten 'new information items' proffered. Two were of minor interest and eight were noted in the revised report as having no supporting documentation. The two additional 'conclusions' added to the revised report continued to support the property owners' belief that the system had been incorrectly constructed and never intended to be their sole responsibility.

The Grand Jury has since made a number of informational requests of the property owners to establish some (clearly missing) key points of analysis. (See findings below)

May 26, 2021 Grand Jury reports take time for completion. There are multiple internal reviews to verify facts and ensure appropriate sources for information. There are – then – several external legal reviews. When all reports are through this process there is final book compilation, printing, distribution.

For this report, as of the above date, no conclusion to the initial issue of the lateral and the raw sewage flowing into the Lake had been reached. It is possible that some portion of that may attain a form of solution before our reports are made public. If so, that would affect ONLY F14 and F15 and R6 below. It would not minimize or discount any other of the findings and recommendations.

There is little doubt that there will be criticism and pushback regarding this report. This 'circling of the wagons' reaction has become a common feature of bureaucracies in our modern times. The intent and desire of this report, though, is to bring to light the components of this overall situation to encourage responsiveness, fairness, and integrity for citizens who bring forth a problem and trust their government to treat it, and them, with continuous openness and respect. We believe that – moving forward – consistently and broadly meeting those ideals by both elected officials and appointed staff is the best way to make a reality of governance that is dedicated to, and successful in, serving "we the people."

## Findings:

F1. Multiple County agencies failed to adequately respond to a serious sewage/pollution spill into the Lake. This lack of response occurred despite assertions of staff that ‘strike teams’ had been established to be deployed when necessary.

F2. Repeated meetings and communications by the property owners and County departments failed to produce any discernable results or decisions over a 14-month period.

F3. The property owners were given, and trustingly accepted, statements and implied assurances by both elected officials and senior County staff. These were, in some cases, unable to be fulfilled because of lack of knowledge of the system procedures; or in other cases by conscious decisions made not supporting those statements and assurances.

F4. The property owners were misguided into submitting a claim with the County despite the property owners’ several statements of not wishing to do so. The citing of ‘gift of public funds’ was utilized incorrectly as the California State Constitution adds the explanatory language that when the main beneficiary of public funds is a public domain (such as our Lake that all commenting Supervisors stated was their greatest concern), any secondary benefit to an individual shall not be considered cause for prohibition.

F5. Responsible County staff failed to ensure legal aspects of the claim procedure were being consistently followed by the retained out-of-county service handling claims.

F6. Multiple procedural mistakes were made in the processing/notification to the citizen regarding this claim.

F7. The initial 3<sup>rd</sup> party engineering report, despite early assurances, was not made available to the property owner for six months after it was completed. (April 2021)

F8. The initial engineering report was revised based on ‘new information’ supplied by the County. This was completed in January 2021. Eight of the ten items of ‘new information’ were deemed unsupported by documentation.

F9. The revised report was made available to the property owners simultaneous to the initial report. (April 2021)

F10. Four months after the issue had been extensively discussed in an open Board of Supervisors meeting, it was then – multiple times – brought back to the Board in closed sessions (in December 2020) under two California Government Code references – one of which (i.e. “significant exposure to litigation”) does follow procedures expected in review/discussion of any filed claim –and the second (i.e. “threat of litigation”) being incorrect and potentially misleading to the Board members.

F11. The Board members were not informed that there had separately been an initial report and then a subsequent revision; nor did they know the circumstances (additional County inputs) leading to the revision and supplemental conclusions.

F12. A County department initially failed to provide to the Grand Jury documents, which, per the California Penal code, the Grand Jury has the right and the responsibility to inspect.

F13. County Counsel initially advised the County department to not provide the documents pending a review. If such a review was actually accomplished, no results of that review were provided to the Grand Jury by either County Counsel or the County department.

F14. By eight months after the extended Board meeting presentation and the required submission of a claim by the County, the only ‘compromise’ proposal proffered to the property owners had all responsibility assigned to Park A for financing and work based on a complicated set of criteria and including potential financial assistance that would be in violation of County departmental rules. (*ergo*, unlikely to actually be approved.)

F15. The proffered ‘compromise’ hinged on statements that the lateral entered into the main sewer line at a 90° angle. There is no supporting evidence (industry standards, construction documentation, direct video examination by the county) to indicate that is factual. Visual inspection and reporting by the commercial firm retained for the April 9, 2019 spill by the property owner directly refutes that notion.

F16. While no other ‘major spill’ has occurred at the specific site since April 2019, based on significantly reduced rainfall (which can be a large contributing factor) it is possible another occurrence could happen if circumstances alter significantly in the upcoming years.

F17. The State documented 15,000 gallons of raw sewage entered the Lake. This occurred during the 24-hour period between the first reporting of the leak to the County department and the completion of the State inspection and report. Water usage by Park A averaged less than 3000 gallons a day (established by water bills) and an assumed equal amount is expected for similar sized Park B. The combined 6,000 gallons per day is significantly short of the 15,000 gallons documented. Raw sewage from the main system had to be ‘back flowing’ into the lateral and became the largest percentage of the material entering the Lake.

#### Recommendations:

R1. The Board of Supervisors should direct responsible County departments to fulfill their commitments to ensure the safety of the Lake. (F1)

R2. Commitments from elected officials to the public, even implied ones, should be based on practical procedural realities and a willingness to ensure those commitments are met. (F3, F4)

R3. A procedural review and periodic independent inspections should be conducted of the retained out-of-county arbiter service to ensure full compliance to the California Government Code laws as pertains to claims against the County. As claims are filed with the Board of Supervisors, their responsibility for proper handling does not go away by assigning the task to a staff department. (F5, F6)

R4. County staff, when dealing with claims, should provide the Board members with accurate and complete information to allow them to make informed and deliberative decisions. (F10, F11)

R5. County departments and staff should be directed to comply with legal requests, and ‘best practices,’ and fulfill commitments in the utilization of publically financed documents. (F7, F8, F9, F10, F12, F13)



R6. To forego a new spillage problem occurring, but with deference to the legal complexities surrounding a final resolution, a temporary solution comprised of:

- a) reclassify the multi-property lateral as ‘public’ pending final outcome (as concluded by the 3<sup>rd</sup> party independent engineering report.) A sunset date can be placed on this action.
- b) assign responsibility for dealing with back-ups/overflows of this lateral to the Special Districts that has the equipment and trained staff to deal with such issues. This should be tied to the final outcome. A sunset date can be placed on this action.
- c) obtain written approval for 24/7 access to the lateral manhole/maintenance opening on Park A property from the property owner.
- d) a means of stopping backflow leakage from the lateral access point to the affected storm drain (as simple as sized metal plates held in place by sand bags) should be planned and developed for potential future lake pollution occurrences at this site.

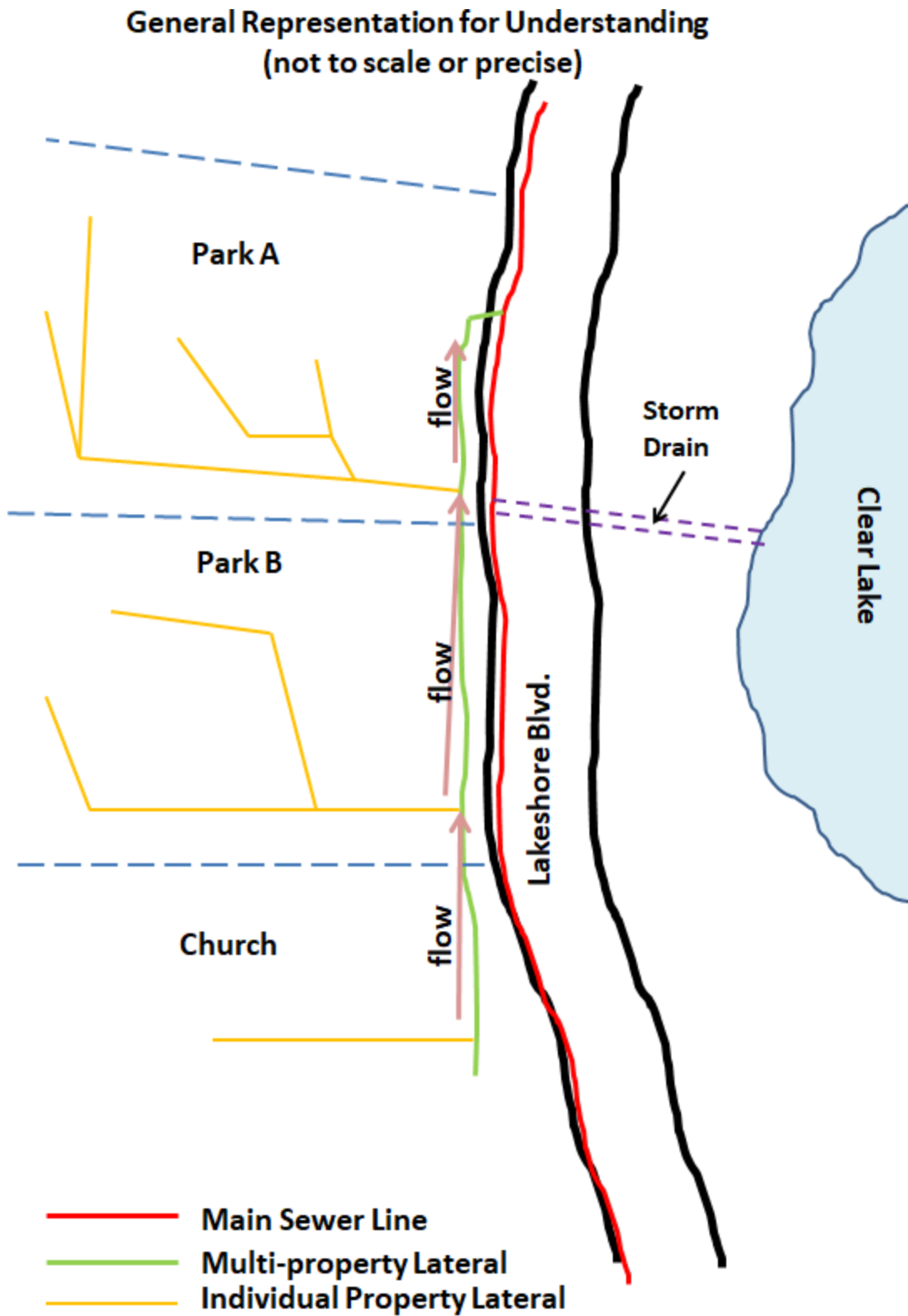
The County, and – as necessary – the several property owners should work towards a final plan and proposal to be met before the expiration of the sunset date. (F14, F15)

R7. Lake County Civil Grand Jury 2021-2022 to continue to monitor this issue utilizing information included in this report and analysis of 3<sup>rd</sup> Party independent engineering reports (both original and revised). (F12, F13, F15, F15, F16, F17)

Request for Responses:

Pursuant to Penal Code section 933(c), the following responses are required:

|                      |                          |           |
|----------------------|--------------------------|-----------|
| Board of Supervisors | (R1, R2, R3, R4, R5, R6) | (90 days) |
|----------------------|--------------------------|-----------|



Attachment A

**Governor's Office Emergency Services  
Hazardous Materials Spill Report**

|                                |              |                                         |
|--------------------------------|--------------|-----------------------------------------|
| DATE: 04/09/2019<br>TIME: 1211 | RECEIVED BY: | CONTROL#:<br>Cal OES - 19-2334<br>NRC - |
|--------------------------------|--------------|-----------------------------------------|

**1.a. PERSON NOTIFYING Cal OES:**

1. NAME:                      2. AGENCY:                      3. PHONE#:                      4. Ext:                      5. PAG/CELL:

County of Lake Water  
Resources Department

**1.b. PERSON REPORTING SPILL (If different from above):**

1. NAME:                      2. AGENCY:                      3. PHONE#:                      4. Ext:                      5. PAG/CELL:

**2. SUBSTANCE TYPE:**

| 2. a. SUBSTANCE: | b. QTY: >= Amount | Measure | c. TYPE: | d. OTHER: | e. PIPELINE | f. VESSEL >= 300 Tons |
|------------------|-------------------|---------|----------|-----------|-------------|-----------------------|
| 1. Sewage        | =                 | 15,000  | Gal(s)   | SEWAGE    | No          | No                    |
| 2.               | =                 |         |          |           | No          | No                    |
| 3.               | =                 |         |          |           | No          | No                    |

**g. DESCRIPTION:**

RP states approximately 15,000 gallons of sewage has released, due to unknown reasons, impacting a drainage ditch which leads to Clear Lake. The release has not been stopped and it is not contained. The sewage pipe causing the release is a private lateral, Rota-Rooter has been contacted to stop the release and conduct the clean-up. It is believed Rota-Rooter will be on-site within the hour. It is unknown when the release began.

**h. STOPPAGE/CONTAINMENT: INVOLVED:**

Stopped                      Yes                      Clear Lake                      Yes

**i. WATER                      j. WATERWAY:                      k. DRINKING WATER IMPACTED**

**l. KNOWN IMPACT                      Drinking Water**

**3. a. INCIDENT LOCATION:** 3075 Lakeshore Blvd

**b. CITY:** Lakeport                      **c. COUNTY:** Lake County                      **d. ZIP:** 95453

**4. INCIDENT DESCRIPTION:**

**a. DATE:** 04/01/2019                      **b. TIME (Military):** 1200                      **c. SITE:** Waterways                      **d. REPORTED CAUSE:** Unknown

**e. INJURIES:** No                      **f. FATALITY:** No                      **g. EVACUATION:** No                      **h. CLEANUP BY:** Contractor

**6. NOTIFICATION INFORMATION:**

**a. ON SCENE:** Co Health                      **b. OTHER ON SCENE:**                      **c. OTHER NOTIFIED:**

**d. ADMIN. AGENCY:** Lake County Health Department                      **e. SEC. AGENCY:**

**f. ADDITIONAL COUNTY:** Mendocino County, Sonoma County                      **g. ADMIN. AGENCY:** Mendocino County Health Department, Sonoma County Fire Services Department

**h. NOTIFICATION LIST:**

**DOG Unit:**                      **RWQCB Unit:** 5B

AACUPA, DTSC, RWQCB, US EPA, USFWS, DFG-OSPR, CDFG-D.O., DWP-DO, LANDS, Cal OES HAZMATUNIT, Cal OES PLANS UNIT, Cal OES REG, PARKS & REC, USCO, Co/WP, Co/Hdb, Co/E-Hdb

Photo Attachment:

\*\*\*\*\* Control No: 19-2334 \*\*\*\*\*









**Civil Grand Jury 2020/2021  
County of Lake**



**PUBLIC SAFETY IN THE TIME OF COVID**

**INSPECTION OF THE LAKE COUNTY**

**DETENTION AND HOLDING FACILITIES 2021**

**SUMMARY:**

Code §919(b) states that: “The Grand Jury shall inquire into the condition and management of the public prisons within the county.” All facilities met or exceeded the minimum formal requirements. The Lake County Jail experienced some issues with COVID-19, but these were extraordinary and were addressed by Public Health and state officials. Areas investigated included food preparation, healthcare, recreation, education, visitation, living areas, probation, COVID-19 precautions, staffing, and retention.

**METHODOLOGY:**

In accordance with California Penal Code: §919(b), inquiries were conducted by the 2020-2021 Lake County Civil Grand Jury (Grand Jury) into the conditions of the following facilities:

- Clearlake Police Department holding facility
- Tehama County Juvenile Detention Center in Red Bluff
- Lake County Courthouse holding cells
- Konocti Conservation Camp #27
- Lake County Jail

The Grand Jury visited the Clearlake facility in person, but due to COVID-19 restrictions, committee members met, in person or on Zoom, with management from the County Jail on Hill Road, Conservation Camp #27, and the Probation Department regarding the Juvenile Detention Center. Because the Courthouse has severely restricted its criminal trials, the holding cells there were not visited this term.

The Grand Jury also reviewed both the current inspection reports from the Board of State and Community Corrections (BSCC) to assist with the inspections, as well as previous Grand Jury reports prior to the interviews.

#### 1. CLEARLAKE POLICE DEPARTMENT HOLDING FACILITY:

The Clearlake Police Department Holding Facility was opened in 1996 and is currently evaluated under the 1994 Title 24 standards. The facility consists of an interview room, three holding cells, and two sobering cells, with a combined seating cell capacity for 18 detainees (non COVID-19 restricted). One officer must be present for monitoring, and safety checks are documented on a special sheet. The detainees can be fingerprinted and held up to 24 hours prior to transfer to the County Jail, but, if held more than six hours, they must be fed. If they are injured, medical clearance from one of the two local Emergency Rooms is required prior to acceptance at the Jail. The Sutter Lakeside Hospital ER was reported that it often assessed detainees more quickly than Adventist Health-Clearlake. If a prisoner is uninjured, the processing time at Sutter is only about 30 minutes. As the distance to the Jail is 27 miles, the officers try to transport several prisoners at a time. The transport van can carry six persons. The holding facility can also be used by the CHP, Parole, and Probation.

Due to COVID-19 restrictions, the holding and sobering cells are not currently in use.

Also due to COVID-19, the BSCC could only perform a “desk audit” in February 2020 and found that the facility was non-compliant with its completion of the Monthly Fire Inspection Log, but a new form was instituted and approved prior to completion of the BSCC report.



FINDINGS:

F-1: The Clearlake Police Department Holding Facility is not currently in use due to COVID-19 restrictions.

F-2: The BSCC final report determined that the facility was in compliance with applicable regulations.

RECOMMENDATIONS:

None.

2. TEHAMA COUNTY JUVENILE HALL:

Lake County Probation no longer operates a juvenile hall and, instead, contracts with Tehama County for juvenile detention services. Youths are detained in juvenile hall in Red Bluff pending their Juvenile Court hearings, while they are serving a commitment or while they are awaiting home detention or out-of-home placement in a foster/group home, camp, or other institution. The Tehama County Juvenile Facility houses as many as 60 wards of the Court and has as homelike an environment as possible. The Facility disciplinary system relies on positive behavior management rather than on punishment. Multiple programs for the youths are available.

Only parents, legal guardians, and grandparents are allowed to visit, and no children younger than age 18 can visit. Maintaining family ties is encouraged. The youths can make collect phone calls only to home and are entitled to two hours of visitation each week. Both Zoom visits and Zoom court hearings are utilized. The facility has a courtroom on-site. Medical care is available in an adjacent building.

The population has been declining, due in part to changes in the approach to juvenile justice. As of mid-April 2021, Lake County had placed only two male detainees there, both age 14. The cost is \$150/detainee/day plus all medical costs after the first medical visit. If no detainees are placed there, Lake County is not charged. Since the County contracted with Tehama County on 10/1/17, 85 youths have been incarcerated there. In 2020, an average of 4-6 detainees were placed there. The total cost in 2020 was \$61,000, out of the annual department budget for juveniles of \$350,000. The overall recidivism rate for youths in 2020 was 1.9%. When the Juvenile Hall in Lake County was last operational, the average number of detainees was in the 12-19 range.

When a child is arrested and transported to Probation, the child’s offense, social/criminal history, and an assessment score on the Detention Risk Assessment Instrument all determine whether the child will remain in custody and be transferred to Red Bluff until a court hearing is held. The County occasionally accesses two other juvenile facilities for more violent youths or those in gangs. The duration of the sentence is up to the judge, usually about six months. Customized care plans are created for each youth that involve education, life skills, group meetings for alcohol and other drugs, mental health, anger management, and, whenever possible, child-parent classes. About 90% of the youths have substance use disorders, mostly marijuana. The length of time on probation depends on the needs of the child. The upper age limit is currently 21, although that may be raised to 26.

The most current BSCC report from February 2020, stated that, overall, they found the facility to be operated in a safe and secure manner for the detention of youth. They noted the positive effects of the efforts made by staff and supervisors working directly with the youth under their care and observed that a great deal of time was spent directly engaged with the youth throughout their stay, extra counseling efforts were made to deescalate in times of crisis, and particular efforts were made to communicate facility expectations. The BSCC also found that the policy manual needed to be updated, and documentation of events in incident reports, forms, and logs lacked consistency.

All juvenile traffic tickets are sent by the CHP to Probation. From Traffic Court, the youths are usually sentenced to community service.

With additional training, Probation Officers can act as School Resource Officers. Currently, only the Upper Lake Unified School District contracts with Probation to have an officer on-campus.

FINDINGS:

- F-1: At the time of this report, the Tehama facility was housing two Lake County detainees.
- F-2: The cost per detainee is \$150.00 per day.
- F-3: If there are no detainees, there is no cost to Lake County.
- F-4: The current Probation Department budget for Juveniles is \$350,000.00.
- F-5: The BSCC complimented the staff for the amount of one-on-one time effectively spent with the youths.

F-6: The Lake County Probation Department can provide School Resource Officers to the school districts who can coordinate with staff and can identify and counsel problem students before they enter juvenile detention.

RECOMMENDATIONS:

R-1: Due to its exceptional facility and programs, the County should continue to contract with Tehama County for detaining troubled youths. (F-5)

R-2: Using Probation officers as school resource officers should be encouraged by the County’s school districts. (F-6)

REQUESTED RESPONSES:

Pursuant to Penal Code section 933(c), the following responses are required:

Board of Supervisors – R-1 – 90 days

Probation Department – R-1, R-2 – 60 days

Lake County Superintendent of Schools – R-2 – 60 days

3. LAKE COUNTY COURTHOUSE HOLDING FACILITY:

This facility has “aged out” of the BSCC system and is on permanent waiver. As a part of the courthouse, the holding facility falls under state jurisdiction and is only maintained by the County. The facility is very basic and has had no improvements for many years and is rarely used. Inmates are usually taken directly to the courtroom for appearances and are rarely placed in the holding cells.

CONCLUSION:

There were no reportable findings.

4. KONOCTI CONSERVATION CAMP #27:

The facility is jointly operated by the State Departments of Forestry and Fire Prevention (CalFire) and the Department of Corrections and Rehabilitation (CDCR). Its primary mission is to provide inmate fire suppression crews wherever needed in California. There are 35 minimum-security camps, statewide, in 25 counties, of which two are for women. Inmates volunteer to be assigned to a camp, and only those with fewer than five years left on their sentences and no history of arson, rape, or other sex crimes are eligible. Rehabilitation is continuously emphasized, beginning with simple discipline, such as getting up at 6 a.m., to help

them “make it in the world.” The formal disciplinary procedures progress from verbal warnings to written warnings to, at the extreme, being returned to prison. The Camp has a capacity of 100 inmates and currently houses 33 inmates, with some on fire crews and the rest in support roles (kitchen, vehicle maintenance, water treatment, office). In order to build cohesion, each fire crew has 12-16 members that train together, work together, sleep in the same pod, eat together, and relax together 24/7.

All of the training is for wildland, not structure, fires. If an inmate passes an initial one week of physical education, he is then sent for two weeks of firefighting training. The inmates also prepare food in the field using mobile trailers. The inmates are paid \$2.45/day, with an extra \$1/hour when actually fighting a fire. Their sentences may be reduced because of their participation in this program. During the recent years of wildland fires, the inmates spent nearly eight thousand man-hours fighting fires throughout the State.

CalFire has changed its policies to permit hiring qualified inmates after release. The US Forest Service and private fire agencies also can hire inmates, but municipal fire departments cannot.

CC#27 also provides equipment maintenance and repair for all manner of fire service equipment. This unit can also operate as a mobile unit that travels to make repairs on-site. CC#27 also participates in conservation, fuel-reduction, and community-service programs in Lake, Napa, Sonoma, Yolo, Colusa, and Mendocino counties.

The BSCC does not inspect this facility.

FINDINGS:

- F-1: The model Conservation Camp program serves a vital role in the rehabilitation of inmates through fire-fighting training and experience and the provision of land conservation and fuel reduction projects for local communities.
- F-2: The decrease in the number of fire camps and in the number of inmates at CC#27 raises concerns about the availability of inmate ground crews to respond to wildfires in Lake County during this year’s looming fire season.
- F-3: CalFire’s decision to hire eligible inmates after they serve their sentences is to be commended.

RECOMMENDATIONS:

None.

## 5. LAKE COUNTY JAIL

The facility on Hill Road operates as the county jail under the supervision and budget of the Sheriff. Lake County Public Health manages the budget for medical care. The Jail houses both pre-trial adult male and female inmates, those serving court-ordered sentences, and those awaiting transfer to a State prison or hospital, as well as those being held on bail while awaiting court appearances.

The capacity of the jail is 286, but, due to the effects of COVID-19 precautions and the reclassification of some crimes from felonies to misdemeanors, the count at the time of Grand Jury interviews was 175. Local law enforcement agencies are expected (by inter-department agreement) to bring suspects in for booking only if they were arrested for felonies or violent or sexual crimes. For 11 months, the State did not accept transfers from county jails until February 2021. This bottleneck created a management issue because the more violent inmates headed for prison required higher security, thus impacting shift staffing levels. When 35 inmates were recently transferred to prison all at once, six officers had to accompany them and spend the night, away from their primary assignment.

### COVID-19

The COVID-19 pandemic presented a number of additional challenges, all of which the Jail handled well. The staff worked closely with the County Public Health Officer and the State Department of Health, which was invited by the Sheriff to visit the jail to assist with developing safety and cleaning protocols. Every new inmate routinely undergoes rapid PCR testing for COVID-19, with results in 72 hours, but they cannot wait in Booking for that length of time and are placed in the general population. The rapid testing will likely continue another year.

COVID-19 spreads notoriously quickly in congregate settings. Due to screening deficiencies at most state prisons, the vast majority of COVID-19-positive inmates were infected when they were transferred to the Hill Road Jail. An asymptomatic inmate could infect others after being transported together, despite being quarantined while other inmates in the pod were tested. Even so, in a few days, everyone in the pod tested positive. Fortunately, only one inmate became seriously ill and required hospitalization. Approximately 70 inmates were diagnosed with Covid-19. About 10 staff also tested positive, but displayed only mild symptoms.

In March 2021, Public Health offered vaccination to all inmates, but only 31 of the 175 inmates accepted.

MEDICAL CARE

Medical services at the Jail used to be provided by CFMG (California Forensic Medical Group in Monterey), but the company was absorbed into, and the Jail contract was taken over by, Wellpath Management Inc., a nationwide company based in Tennessee, within the last two years. There were initial issues regarding adequate levels of staffing, but currently the Jail is managing. The consulting physician is on-site only four hours per week. The Jail needs a broader contract for increased mental-health services, with Medical Assisted Treatment especially desired.

DRUGS

Drug interdiction remains a serious issue. Drugs generally are smuggled inside body cavities, thus are difficult to detect. The Jail did purchase a body scanner, which works well for cell phones and guns and plastic containers, but not for powders. All inmates are scanned on admission. The company providing the scanner recently submitted a bill for \$12,400 to extend the warranty. There is the occasional “influx” of drugs – enough for one or two people. Opiate-based drugs are often adulterated with Fentanyl, unbeknownst to users. All officers now carry Narcan. There have been three ODs in the past year. Two inmates were revived with 1-2 Narcan administrations by Jail staff. A 3<sup>rd</sup> inmate had to be transported to the Sutter ER to be revived. The most recent OD, a woman, had a cellmate who had just come into custody. Presumably, the roommate smuggled the drugs inside a body cavity.

The Jail also has a mail scanner that can detect chemicals in the paper when the paper is soaked in a drug solution. The scanner also searches for “key words” and “instructions to do something.” The Jail also relies on informants. Contraband is found regularly, and the search for it is an all-day every-day activity.

MENTAL HEALTH

As of February 2021, the Jail had 37 “mental health inmates” – those who were admitted with a psychiatric diagnosis or who were prescribed psychoactive medications after admission. Most of these inmates have both substance abuse and

mental health issues. The correctional officers receive minimal special training – other than OJT and a five-week general program - to deal with inmates with serious mental health conditions. These inmates require a higher level of care and can be difficult to manage. At one point, 14 of these inmates required two-officer contact and one required three officers to be present during any interaction. The Jail has access to a full-time mental health nurse and an on-call therapist for prescriptions. These inmates also have access to tele-health video calls with a psychologist or psychiatrist.

Nonetheless, the Jail is far from an ideal place for mental health treatment, and some inmates deteriorate while in custody. The added stress of imprisonment can exacerbate their symptoms, making life more difficult for both the inmate and correctional staff. Mentally ill inmates are more likely to violate rules and be involved in altercations and staff assaults than are other inmates. This acting-out leads to increased sentences and progressive disciplinary interventions such as administrative segregation and isolation, both of which have been found to provoke active symptoms in this vulnerable population. The classic correctional tenet that most inmates are rational and make choices based on how they will respond to facility rules and officer direction is no longer realistic now that a substantial portion of the inmates are mentally ill.

Disturbed inmates are only rarely removed from the Jail via a 5150 process (health regulations that allow involuntary holding of a person for psychological evaluation). Access to state hospitals from the Jail is usually possible only for those found to be incompetent to stand trial. State hospitals did not accept transfers for eight months but have now reopened. Jail staff frequently mentioned the critical need for a psychiatric facility to be available in Lake County. Five or so years ago, consideration was given to – and funds were expended to explore – committing one wing of the jail to becoming a psychiatric unit, but, in the end, reducing the number of cells in the Jail was deemed to be ill advised.

## COMMUNITY PROGRAMS

While COVID-19 restrictions eliminated most of the overcrowding, the Jail also utilizes:

- a) Alternative Work Program – e.g., County road work crews, cemeteries and fairgrounds maintenance, and janitors in the main office.

- b) Home detention, which is voluntary for low-level offenders with 30-day sentences. They are required to wear an ankle monitor.
- c) Sheriff's Parole, which is like probation. The Sheriff determines who can be released with supervision until they can return to the workforce.
- d) Involuntary home detention, usually for inmates with major medical issues.

However, the Sheriff's Office does not have sufficient staff to supervise these inmates in the community. These jail alternatives have funding for only one Deputy and a Records Technician.

### JAIL STAFFING

Correctional Officers are sworn peace officers. Staffing overall at the Jail remains a substantial problem. Although funding for 41 correctional officers is approved – and that number itself is insufficient – only 33 line-staff positions are currently filled. Among those, however, some staff may be in training and others may be injured or out on family leave. Since 2016, 50 correctional officers have left. As of this report, seven additional correctional officers were set to resign, and another five have indicated that they, too, want to leave. The estimated “replacement cost” of an officer is several tens of thousands of dollars. The recruitment and hiring process requires approximately a year, and a vast majority of the applicants are not hired. The County has to pay for the medical and psychiatric evaluations, regardless if they make the grade or not. During the last hiring period, 13 persons applied, but only five showed up, of whom two were hired.

The correctional officers are all full-time and work four days on and three off (or vice versa), plus 30-40 hours of overtime. When inmates are removed from their cells, four officers stand watch. Seven-to-eight correctional officers are assigned per shift. If the number drops below five, the Jail has to be locked down. Patrol officers are brought in when necessary for transportation and to staff the courts. As many as seven patrol officers were assigned to the Jail recently. Of the 12 approved positions for correctional aides (civilians who watch the inmates and officers from the towers) only six are filled, which requires that an officer must then be assigned to tower-duty.

The Jail was built in 1990. A survey at that time estimated that it would need 50 new hires/year, but that figure did not account for realignment or for the different levels of offenders or for turnover due to persistent low wages.

The primary difficulty in retaining officers is the low salary paid in Lake County. No cost-of-living-allowance was available for 14 years. The County's recent Classification & Compensation Survey showed that correctional officers were



being paid 17.7% below the median. In response, the County offered them an additional 37 cents per hour. A beginning correctional officer is paid \$19.23/hour, and a beginning aide is paid \$15.83/hour. The officers top out at \$25.53/hour. The cost of health insurance is also an issue. Single officers do not pay for health coverage, but adding a spouse and one child costs \$1,260.91/month and effectively lowers their hourly rate by \$8.60. Of note, the patrol officers with a family have negotiated with the County to pay 80% of their health insurance. In comparison, correctional officers in Napa County are paid \$11-12/hour more than in Lake County.

Training does not begin until after new officers start work. Approximately 96% of new hires have no military or law enforcement experience. After one week of orientation, they are assigned to a training officer. Within three months, they must complete a 5-week training course.

## BSCC REVIEW

The Jail has corrected a deficiency identified by BSCC in an earlier report. There are now more than enough restraints for the inmates they have currently if evacuation is again necessary, as it was for the Mendo Complex fires. The Jail is still in the process of completing the State requirement and has a plan to purchase more restraints every quarter. The last biennial BSCC report was in 2019, and its findings were discussed extensively in the Grand Jury's 2019-2020 Final Report. Overcrowding was found to be the basis of a rare "non-compliant" rating during the last inspection. That issue, too, is being addressed by the Sheriff's Office through facility reconstruction, which was paused by the pandemic.

## LEGISLATIVE/JUDICIAL INFLUENCES ON JAIL POPULATION

Given the Courts' backlogs due to COVID-19, Jail staff worry that the Jail will be inundated with additional inmates when criminal caseloads return to normal (expected) levels. As long as CDCR stops "parking" its prisoners in the Jail and accepts its long-term inmates, the Jail population should be manageable during 2021, but perhaps not in 2022.

The inmate population at Hill Road has been decreasing, in part because arrestees accused of misdemeanors stopped being booked in March 2020, and "zero bail" was implemented in April 2020. (Exhibit A, and see discussion below). The Sheriff reports that serious crimes did not increase in this year of COVID-19, property crimes remained the same, and assaults and batteries dropped only a little. (Exhibit B) More people in Lake County died of drug overdoses than of COVID-19.

Recent State laws have also affected the state prison and county jail populations. In the past decade, California has passed three measures—AB 109 (2011), Proposition 47 (2014), and Proposition 57 (2016)—intended to reduce the state prison population.

- **AB 109** shifted people convicted of a variety of nonviolent felonies from state to local county jails (a change called “realignment”).
- **Prop 47** redefined certain nonviolent, non-serious felonies as misdemeanors unless the defendant had previous convictions for certain violent crimes, and it allowed resentencing for people convicted for the redefined offenses.
- **Prop 57** increased opportunities for parole for inmates convicted of nonviolent felonies who had completed the sentence for their primary offense.

While having the beneficial effect of lowering the State prison population, AB 109 and Prop 47 increased the population of county jails, including at Hill Road.

The Legislature also passed **SB 10**, which abolished cash bail. Then-Gov. Jerry Brown signed it into law in August 2018. It was supposed to take effect in October 2019, but a challenge from the bail industry blocked it pending the results of **Proposition 25**, a referendum to uphold the new law. In more serious cases, SB 10 gave judges, aided by algorithms meant to assess the risk each defendant posed to their community, substantial authority in deciding who would be released. Prop. 25 and SB 10 would have created a new system releasing most misdemeanor defendants without bond. However, California voters last November rejected Proposition 25.

Then, only four months later, in March 2021, the California Supreme Court ruled that it is unconstitutional to require defendants to remain behind bars simply because they cannot afford bail. In a unanimous decision, the State’s top court told judges to favor pretrial release and consider a person’s ability to pay before setting bail. That ruling is considered likely to lead to many more people being released on low or no bail before trial. Judges may keep criminal defendants in custody only when “clear and convincing” evidence shows there is no other way to protect the public and ensure the defendants’ return for court appearances.

FINDINGS:

- F-1: The Lake County Jail worked diligently with County and State public health officials to control the spread of COVID-19, with the result that relatively few positive cases and no fatalities occurred among inmates and staff.
- F-2: Jail reconstruction was temporarily interrupted by COVID-19 restrictions.
- F-3: Drug interdiction remains nearly impossible, despite technologic adjuncts.
- F-4: Recent laws have reduced the number of arrests for low-level crimes, and the State Supreme Court has mandated new rules regarding bail, both of which reduce the number of inmates.
- F-5: The Jail population is expected to increase once criminal trials for the Lake County Superior Court docket return to expected (pre-pandemic) caseloads.
- F-6: Jails are not best suited to provide mental-health treatment, especially when staff are minimally trained, which increases substantially the risk of injury to both inmates and officers.
- F-7: Additional mental-health support from Behavioral Health is desirable.
- F-8: More funding needs to be committed to the community-supervision alternatives-to-jail programs.
- F-9: Critical staffing issues continue to exist in several departments of the Sheriff’s Office, including among both correctional officers and aides at the Jail, and such short-handedness impacts morale and retention and increases overtime and retraining costs.

RECOMMENDATIONS:

- R-1: The County and the Sheriff’s Office consider formal periodic on-site group training for correctional officers to increase their understanding of the manifestations and management of mental disorders. (F-6)
- R-2: The Sheriff’s Office and Behavioral Health examine whether additional mental health workers could provide more comprehensive psychological treatment of the inmates. (F-7)
- R-3: The County should negotiate a higher hourly rate for correctional officers and aides in accordance with the Class & Comp survey findings and supplement their health-care benefit costs on a par with the patrol officers. (F-5, F-8)

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933(c), the following responses are required:

|                      |               |         |
|----------------------|---------------|---------|
| Board of Supervisors | R-1, R-2, R-3 | 90 days |
| Lake County Sheriff  | R-1, R-2, R-3 | 60 days |

The following response is *invited*:

|                             |     |         |
|-----------------------------|-----|---------|
| Behavioral Health (via BOS) | R-2 | 90 days |
|-----------------------------|-----|---------|







## Civil Grand Jury 2020/2021

### COUNTY OF LAKE LABOR DEVELOPMENTS 2020-2021

The Grand Jury investigated the state of Lake County’s labor relations. In the summer of 2020 when the Grand Jury began its work, the County had developed a plan to stem the tide of employee departures and improve morale. It had delayed implementing it, however, in March due to the COVID-19 pandemic restrictions. This delay left County employees frustrated and mistrustful that promised raises would be forthcoming. In September the process resumed. Presentations were made to the Board of Supervisors who approved raises and other changes in late October, after employees’ unions decided whether to sign on or not. Most employees received raises and a cash stipend in December.<sup>8</sup> Four unions did not approve the plan. Not all of them have reached an agreement as of yet.

The linchpin of this process was a ‘class and compensation study’ that was completed in 2018.<sup>9</sup> It concluded that Lake County’s

*Existing compensation practice results in an inflexible pay system that limits the County’s ability to address employee salary movement on a yearly basis effectively. The practice also hinders the County’s ability to respond to market dynamics effectively. The County’s salary ranges are lagging in the market based on the benchmarks survey collected.*<sup>10</sup>

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<sup>88</sup> Employee salaries were increased to 80% of the market pay for managers and 85% for line employees. However, when an employee was already being paid at the proposed “higher” rate, the employee was “Y-rated.” This meant that that employee would not get a raise at the outset because he or she was already receiving the recommended salary.

<sup>9</sup>CPS HR Consulting, *County of Lake Total Compensation Final Report*

<sup>10</sup> CPS HR, at p. 13

In short, the County was not paying its employees enough or promoting them often enough to retain them.

For County employees, the two most important issues before the study was implemented were that the pay was too low and benefits <sup>11</sup> were too expensive, especially for employees with families and those who were just starting out in their careers. For example, for the newest employees, usually the youngest ones, but also sometimes part-time retirees, this often meant that many of them could not afford to live independently. For employees with children, it was said that they “work for benefits.” <sup>12</sup>

Whether the changes the County ultimately made in response to the study were enough is still uncertain. The County continues to have an employee vacancy rate of 20%. <sup>13</sup> Informal reports suggest that, even after the raises and other changes, employees are still leaving, often to move out of county or even to other states. <sup>14</sup> A concern is that most of the employees who leave are in their 30s and 40s, in the prime of their careers. They are especially difficult to replace.

1. METHODOLOGY

In preparing this report, the Grand Jury interviewed senior County administrators, including seventeen department heads, and representatives of four of its six employee unions, as well as individual employees. Some witnesses were interviewed more than once and some also provided specific information and documents.

<sup>11</sup>Deductions from each check for benefits are about \$1000 per month per interviews with multiple County employees. \*\*\*\*\*According to a senior County administrator \$1000 is equal to 2% of the average gross wages for all employees. (The Grand Jury questions the accuracy of this figure.)\*\*\*\*\*

<sup>12</sup> Interview with County department head.

<sup>13</sup> Interview with senior County staff, May 2021.

<sup>14</sup> Interview County administrative staff, May 25, 2021



With respect to documents, the Grand Jury relies primarily upon the *Class and Compensation Study*, financial information supplied by senior financial officers, data regarding retention supplied by several department heads as well as a “Labor Negotiations History,” supplied by a senior administrator. Various witnesses provided other data and documents. The Grand Jury also reviewed other information that is publicly available online, including local news reports, especially one dated October 23, 2020 in Lake County News,<sup>15</sup> and employee recruitment files. The Grand Jury observed several Lake County Board of Supervisors’ meetings and reviewed the agendas and minutes.

In addition, the Grand Jury reviewed California statutes, regulations and administrative decisions, especially ones that relate to collective bargaining. It also investigated and relied on publicly available population data and the Social Security Administration’s annual COLA (cost of living adjustment) history.

The Grand Jury did not examine County benefits for employees in any detail. The subject is complex and varies too much from individual to individual employee to include it in this report. For purposes of analyzing recent events, there were several crucial questions concerning benefits that the Grand Jury could answer in broad strokes. How much was deducted from line employees’ paychecks? Could new, especially young employees or single parents, afford benefits offered by the County or would they turn to other alternatives such as the Affordable Care Act?

The responses were that – based on an average \$1000 that is deducted for benefits monthly - many employees with families do turn to the Affordable Care Act or rely on a spouse’s benefits. It is reportedly difficult for a single person in a junior position to live independently on his or her County salary.

2.     **BACKGROUND**

<sup>15</sup> Larson, Elizabeth, LakeCoNews “Board of Supervisors begins process of approving millions of dollars in pay raises for staff,” October 23, 2020, hereinafter Larson Oct. 23

The cost to replace each employee who leaves is estimated to be at least \$1,000. Between November 1, 2020 and March 10, 2021, or in less than 5 months after the new salaries went into effect, forty Lake County employees left their employ. Seventy-six employees earned less than \$15 per hour.<sup>16</sup> It is unclear whether those seventy-six employees include library assistants paid \$9 per hour.

Historically, Lake County's employee recruitment has been challenging. Aside from issues with pay and benefits, potential employees may be discouraged because it is a small rural county, which, although beautiful with many recreational opportunities, lacks some educational, social and cultural amenities available in other more populous and more affluent nearby counties. Often, Lake County has trained new employees, only to see them depart once their positions have been mastered. The Sheriff's Department resolved this dilemma in part by providing its training locally after previously sending new employees outside to train. Now it also offers training to outsiders who pay for it. One witness reported that because his department is chronically short-staffed, new employees have to learn much very quickly. By the time they move on, they have mastered most jobs in the department and are, therefore, very attractive recruits elsewhere because other similar departments tend to specialize officers' duties.

It has been especially difficult for Lake County to recruit professionals, such as planners, lawyers, doctors and executives. The County's salaries are comparatively low to very low. The County resists offering special incentives to applicants, although there are rare exceptions.<sup>17</sup> Such accepted incentives might include such things as paying down the applicant's student loans, covering moving expenses, providing housing assistance, paying travel expenses or tuition or finding employment for a spouse. Despite these incentives recruitment of these applicants frequently fails.

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<sup>16</sup> Data provided by County Human Resources in March 2021 per Grand Jury request.

<sup>17</sup> The Sheriff's department's Pathologist is an anomaly. He works under two contracts, one for autopsies, the other for toxicology services. The Grand Jury understands he is not a full-time County employee. To date this fiscal year, he has been paid \$595,114.58. A department representative explained that such services are required by law and are consistent with costs the department has incurred from previous pathologists.

Recently, this has been true for lawyer applicants to the District Attorney's and the County Counsel's offices, both of which have open positions and need help. Recent recruits declined employment offers. Department managers felt that uncompetitive salary offers were not the only reasons applicants decided not to sign on. For younger ones, the ones most likely to accept low salaries, it was thought that the limited social and entertainment opportunities were too limited in Lake County. More than one department head thought applicants from rural backgrounds were more likely to accept and continue in County employment.

One difficulty agencies have faced when recruitment fails is that some of their grantors or public funders require the County to provide an alternative. For example, telemedicine may have to replace a physician, even though it may cost more than hiring an applicant and be less satisfactory. However, at the other end of the spectrum, the Grand Jury learned that one part-time Lake County medical professional is paid more than County employees/contractors because his expertise is mandatory, critical, and there is no viable alternative. (See, fn. 8)

Exactly how long it was before 2020 since County employees last received a raise is unclear. Without question, for employees, it was too long. One witness said he had not gotten a raise for fourteen years. The last time there was a cost of living adjustment (or COLA) was in 2003, eighteen years ago.<sup>18</sup> Even though employee unions negotiated raises and other accommodations from time to time after 2009<sup>19</sup> not all County employees are union members.<sup>20</sup> Some employees cannot afford to have union dues deducted from their pay, especially after the \$1000 deductions most employees are required to pay monthly for benefits. According to one news report:<sup>21</sup>

*In the 2015-16 fiscal year, a County senior administrator said, essentially all county employees received a 3% cost of living adjustment and a 7% salary adjustment. At the same time, due to pension reform, he also said*

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<sup>18</sup> Interview senior administrative staff, May 2021

<sup>19</sup> "County Labor History" 2009-2019, document provided by senior County official, May 2021

<sup>20</sup> County Supervisors have approved union negotiated benefits and raises but they were not extended to non-union County employees.

<sup>21</sup> Larson *supra*, Oct. 23, 2020

*public employees were required to cease paying the employee's share of retirement costs, equivalent to 7%, which meant most employees netted an increase of less than 3%.*

[\*\*\*The Grand Jury finds these numbers/changes do not make sense in terms of overall effects on employee income.\*\*\*]

In any event, only two of the County's unions secured raises in 2017. There was not another one until 2020.

Since the Valley Fire in 2015, some County salaried employees have frequently been called on to work in emergencies during the many disasters Lake County has since endured. It is a mandatory job requirement for which there is no extra pay.

By 2018, when the study was completed, many County employees were discouraged and mistrustful of the County government. During this period of stagnant wages morale continued to deteriorate, compounded by the many disasters the County faced after 2015. By 2020, the County's employee vacancy rate had climbed to 25%. There was a sense among employees that if they protested and asked for more, there would be 'unpleasant consequences'.

To guide it in solving chronic employee attrition, the County hired consultants to conduct a class and compensation study. Eventually, when it was completed, the County was guided in part by the *Class and Compensation* study's findings. The study's key finding regarding salaries was that the County's median pay was between 4.09% and 69.1%, lower than the market rate for specific jobs.

Lake County's overall pay, including salaries and benefits, was from 0.49% to 52.02% lower than comparable market rates.<sup>22</sup> The market was defined to include twelve other counties or water agencies and several cities--Calaveras, Colusa, Glenn, Humboldt, Mendocino and Napa counties; the Nevada Irrigation District; and the Cities of Eureka, Ukiah, Yuba City, Davis and Woodland.

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<sup>22</sup> Study at p. 13.

From these results, it was obvious that, without raises and other changes, the County would continue to lose employees and experience ongoing deterioration of employee morale, retention and recruitment. To be competitive, the study recommended the County should raise all its salaries by from 10%-30%.

It also recommended that at the very least, the County should pay 100% of the market median for each position.

The County chose not to do either of these things because, after consulting with the County's finance experts, it concluded it was too risky to spend so much, in the range of \$8,000,000 more a year, until it could assess the impact of the COVID-19 pandemic. Its compromise was to give managers raises that were 80% of the market median and to give 85% of the market median to non-managerial employees,<sup>23</sup> or, for both groups, less than half of what its competitors were paying. The added cost to the County budget of the 2020 raises and changes to benefits is estimated to have been \$5,252, 910. The final cost of the study, including the work done by employees and supervisors, is estimated have been \$488,800,<sup>24</sup> not the \$100,000 usually mentioned.

In December 2020, the County raised employees' pay at the 80% or 85 % of the study's median rate. Most employees accepted the raises but some unions did not and are still engaged in negotiations as of this writing. Despite the raises and other improvements (some benefits changes) to the County's total compensation, there is still a 20% vacancy rate.<sup>25</sup> This is especially a problem at the Sheriff's Department where departures of jail staff has recently forced the department to pull patrol deputies off their beats to staff the jail.<sup>26</sup>

Recruitment of professionals has stalled.<sup>27</sup> There were concerns by department heads handling court cases about their ability to manage their caseloads when the courts reopen after pandemic restrictions are lifted. There is a large backlog and

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<sup>23</sup> Interview with senior financial staff.

<sup>24</sup> Email to Grand Jury from senior County financial officer, May 2, 2021.

<sup>25</sup> Interview senior county administrator, May 19, 2021.

<sup>26</sup> The state requires there be set staffing levels at the jail.

<sup>27</sup> Interviews with a senior County administrator.

not enough attorneys to handle it. Overall recruitment is disappointing. Even with \$5,000 signing bonuses the Sheriff secured from a rural sheriffs’ fund,<sup>28</sup> and after a lengthy hiring process, he was only able to hire one new deputy. It is a given that County employees who remain on the job are burdened by having to fill in for their missing former colleagues.

There is still no permanent replacement for the County’s Public Health Officer. There is also attrition at the Department of Social Services. As of June 5, 2021, there were County vacancies for Substance Abuse Counselors, for an Assistant Public Works Director, for a Principal Planner, for a Principal Civil Engineer, for a County Surveyor, for a Director of Nursing, for positions at the Sheriffs’ department, including for a Sergeant, for a Senior Public Health Nurse, and for Deputy District Attorneys.<sup>29</sup>

**3. EMPLOYEE MORALE**

County government, especially at its most senior levels, would benefit from a concerted effort to improve relationships with its employees and lift their morale, which is low and marked by mistrust.

It did not help morale when, at the Supervisor's first meeting to consider the new raises in October 2020, County administrators were ready to present their own and managers’ raises but were not ready with those for staff employees. At the time of this report, some unions had not even voted on the proposals. Administrators pressed for a quick vote so that raises would begin countywide in December. To its credit, the Board of Supervisors refused to vote on the staff employees’ package until unions had a chance to vote on changes and fiscal officers authorized raises for both employee groups effective by the end of the year. Board members were unwilling to vote on a promise. The Board approved managers’ pay raises at that first meeting and staff employees’ raises several weeks later. Nevertheless, without

<sup>28</sup> Confidential interview with the Grand Jury.

<sup>29</sup> Email to Grand Jury, 6/5/21, *New Job Openings*, Lake County Human Resources

pressure from the Supervisors, those staff employees' raises would have been delayed into the New Year. Fortunately, their raises went through with their December 2020 paychecks. All employees also received a \$1500 stipend in December. (These stipends have also occurred in some previous years.)

Another series of events that left staff employees resentful was that, over the years, the Board of Supervisors had given itself, but not its employees, raises. Although in October 2020, the Board paid themselves" \$63,714 with \$ 2,400 additional pay for the board chair,<sup>30</sup> some employees were somehow convinced that the Board was paying itself \$100,000. In 2020, when the Board of Supervisors approved the first reading of the proposed ordinance to raise salaries, it specifically ordered that the Board's pay would not increase as it otherwise would have.<sup>31</sup>

The Grand Jury does not suggest there was any malfeasance in these events. They do, however, reveal an insensitivity of the Board and administrators to their employees' sensibilities. Sometimes, appearances matter, especially in politics and governing.

One thing the Supervisors might consider doing to improve employee morale is to spend more time with them, perhaps by regularly visiting them at work. Employees say a plaque rewarding their service from the Supervisors is very nice, but they also want the Supervisors to know first-hand what they do and how hard they work.

After the raises went through, and even beforehand, department heads were given an opportunity to appeal to the "Class and Compensation Committee," a newly formed committee consisting of administrators and department heads that reviewed individual employees' pay or alter remuneration under the study for certain positions. Out of 23 appeals, only two were granted.<sup>32</sup> Those two were for managers. Committee members were urged to remain faithful to the study's "principles."

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<sup>30</sup> Larson, *supra*, Oct. 23, 2002

<sup>31</sup> *Id.*

<sup>32</sup> The Grand Jury was initially told that there were 33 appeals.

After being turned down at the Class and Compensation Committee, at least two department heads continued fighting on behalf of their employees for more pay by asking the County to change the category those employees were in, to ones that paid more. The employees affected were reported to be exemplary people working above their formal titles. The outcome of those appeals is unknown at this time. The Grand Jury acknowledges those department heads' loyalty to their staff employees. One of them surmised that the rigid adherence to the study principles was discouraging employees in her department because it had eliminated long-standing paths for advancement, something outside the study parameters and not relevant in 2021. Another stated he just wished the County had gone with the study median in all cases.<sup>33</sup>

The only employees that successfully appealed their salary increases were managers. Lest there be any question about who was distressed by this rigid application of the study's principles, it was department heads who wished for more flexibility and generosity.

The 2020 raises were not given to probationary employees, even ones who are highly skilled and have professional certifications.<sup>34</sup> One department director also pointed out that new employees are being hired in the same positions at rates often several dollars less than ones who got raises. This leaves some employees doing the same jobs at different pay, regardless of experience or skill. Rigidity still taints County employment.

**4. EMPLOYEE RETENTION IS ESSENTIAL**

Retention is a concern for all department executives. With turnover a long-term concern for County senior staff, there are few departments with satisfactory retention rates. Although 100% retention is difficult in any work environment, lack of effective management of it impacts service quality, fiscal management and creates supervisory challenges that were reported by most department heads interviewed. Critical staff in the Sheriff's department, in particular, are constantly having to address cost control of overtime and maintaining a healthy work environment.

<sup>33</sup> Confidential interviews with the Grand Jury.

<sup>34</sup> Confidential communications to Grand Jury re: several employees, including a facilities manager.



Staff across multiple departments have to take overtime and extra shifts to maintain minimum services standards for citizens of Lake County. Such overtime and extra shifts can lead to staff burn out. None of the department heads claimed this was a problem, although union representatives did.

Although there are intermittent attempts at workplace team building and retention, there is no countywide plan for them and no apparent standards to which department heads are held accountable. No doubt low pay is one cause for the County's poor employee retention, but other factors also contribute. These include poor workplace morale, lack of chain of command transparency for staff, poorly designed or maintained employee work or break areas. Improving these conditions can bolster employee morale, a key component in retaining staff.

No senior administrators mentioned the potential benefit of requiring exit interviews. They seem to take place somewhat haphazardly, even with retiring employees. It could be enlightening for management to learn why retirement seems a better alternative to continuing to work. Although administrators frequently mentioned employees left for better pay in neighboring counties, a more in depth examination of this claim could be helpful. Commuting through poorly maintained and dangerous mountain passes can be challenging.

The Grand Jury did hear from some employees who had previously left and then later returned from jobs in other nearby counties. Most often, the reason given for the initial departure was the County's expensive benefits for families. Others reported conflict with superiors or losing out on a promotion as causes for taking a job out of County. Some witnesses spoke about why they stayed in or returned to County employment. Most often, it was because of family ties to Lake County. Several directors reported better retention when employees came from rural backgrounds.

One positive development from the pandemic experience is that the County adopted its first remote work policy. This came after having a good experience during the months many County employees were forced to work from home. This can afford employees more flexibility in their schedules to deal with family and personal business.

## 5. THE UNIONS WHO DID NOT GO ALONG

Unions that did not accept the proposed raises for their members and who exercised their collective bargaining rights, have found that the process dragged on until six months later, just before annual negotiations were originally set to begin. They were working on last years' issues at the same time as new ones were supposed to be addressed.

Reports concerning these negotiations suggest some possibly unfortunate tactics are being employed by County representatives, even possibly a punitive stance that is disfavored in the law. Both the employer and the union are required to negotiate in good faith.<sup>35</sup>

For example, one group of employees who were 18% underpaid according to the study were offered just cents on the dollar. The law does not approve offers in collective bargaining that are likely to be rejected. Or, one Y-rated employee was not moved to Step 5 as was the protocol as per the study. His proposal to be moved to Step 5 was firmly rejected, even though his proposal is per the study protocol as well as the industry standard.<sup>36</sup>

Not all of the County's proposals have been roughly equal, even in the same department. One union got a very significant bump in benefits while another union in the same department did not. To those left behind, it seems they are less valued. However, without them, the department could not conduct essential functions. That inequality was particularly galling, so much so that a number of union members have announced their intention to leave County employ.

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<sup>35</sup> The Meyers-Milias-Brown Act or MMBA (Govt. Code, sec. 3500.5et. seq.) requires public employers to meet and confer or collectively bargain in good faith regarding wages, hours and other terms and conditions of employment with recognized employee organizations. The duty to bargain ends only when the parties reach agreement or when a *bona fide* impasse occurs and impasse resolution procedures (for example mediation) have been exhausted. *Local 21, Organization of Professional Technical Engineers*. .

<sup>36</sup> Confidential communication from two union representatives,

6.     **HOW THINGS STAND**

As of March 10, 2021, there were 1,199 authorized employee positions in Lake County.<sup>37</sup> Only 81% of them or 975 were filled. In some agencies, especially the Sheriff’s Department and Public Health, low pay is adversely affecting operations in situations that can be dangerous.

The Sheriff’s Department is struggling to staff the jail after sworn deputies and civilian workers departed. There are nearly 30 positions unfilled department wide. Many deputies are leaving to go to nearby counties who pay more. For example, the median pay for correctional (jail) deputies in the County’s labor market three years ago was nearly 18% higher than what Lake County pays.

The District Attorney, County Counsel and Public Health departments also need to fill critical positions, including replacing the County’s Public Health Officer. Recently, in order to staff the jail, patrol deputies were called in to maintain minimum staffing at the jail which corrections deputies are leaving for better pay elsewhere. When patrol deputies are transferred to the jail, some parts of the County are potentially at risk.

The Sheriff’s Department has been aggressive in seeking grants and other funding to hire staff and successfully secured a grant in 2019 to hire four deputies in 2020. This year, grants funded \$5000 signing bonuses for new employees. This funding came from a rural sheriffs’ organization. However, after a yearlong recruitment process, the department was only able to hire one new deputy.

The Public Health Department struggled during the pandemic to hire nurses. The County could not compete with outside employers. Eventually, the County relented and allowed Public Health to pay nurses signing bonuses.

The County Library currently has just 19 employees after 17 employees retired since 2015. Library assistants are filling in as much as possible. They are paid just \$9 per hour. (This needs further investigation.) However, the department head offers them library science classes they cannot afford otherwise.

<sup>37</sup> Although the individual who initially supplied the data in this section was offered an opportunity to update them, the offer was declined.

Some departments, including Behavioral Health Services, Social Services, the County Library, and Public Health are not funded by the County but rely on other sources such as grants: Medicare and MediCal, the Mental Health Services Act, property taxes, state prison realignment funds and federal money to support the homeless or for low income housing. Obtaining these funds involves significant administrative effort to secure funding. None of these departments is flush with cash. The Department of Social Services and Behavioral Health Services have their own accounting departments.

Recent improvements at the Human Resources department are very welcome to other department heads who uniformly applaud them. For example, the department now offers to mediate disputes, thus reducing tension and personality conflicts that can cause employees to depart. Human Resources views the whole Class and Compensation study process as an effort to improve employee retention. Unfortunately, the County employee vacancy rate remains at 20%.<sup>38</sup>

Some departments are income generating, such as Public Works or the Agricultural Commissioner. There is an expectation that new cannabis programs will produce abundant income to the County.

It must be understood that the County's taxes and fees do not cover the entire expense of local government. Many of its employees chase funding. The Grand Jury suggests that more thought be given to developing profit making ventures.

## **7. PLANNING FOR MANAGERS' RETIREMENTS**

Several department heads, including elected officials, are considering retirement. Only one has definitely stated he will. In the meantime, there needs to be serious consideration given to retirement planning for department heads. Most importantly, the Grand Jury believes the County should, if it can, avoid interfering in individual department heads' efforts to groom a successor. Too often, these 'number twos' have been promoted to other departments, leaving his or her former boss in the lurch, having to start over training a successor.

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<sup>38</sup> Interview senior County administrator, May 20, 2020

8. THE COUNTY’S DEPARTMENTS ARE WELL-MANAGED

Some departments, such as the Registrar of Voters, County Counsel and IT are very small with fewer than 10 full-time employees each - but they are very efficient. At the other end of the spectrum are Public Works, Behavioral Health Services, and Social Services who are relatively large departments. Social Services is the largest with 220 employees.

The Grand Jury has discovered how efficient, energetic and creative the department heads are. One director, who was tired of hand-me-downs, secured a \$46,000 grant to renovate her offices and replace outdated equipment.

All individual department heads work with their employees to try to boost morale and employee retention, despite a lack of a general countywide set of programs or guidelines. At Public Services, which has a high number of seasonal and part-time employees, the average length of service for workers at all levels is 7.1 years. Seasonal workers usually return for up to 3 years. One worker in this department was there for 28 years. Similarly, the Probation Department has many long-term employees, upwards of 20 years in some cases, but it has trouble retaining younger workers who often move on to higher paying jobs in cities which can offer them a more robust social life.

All the directors offer a variety of social activities to employees such as barbecues, holiday parties, birthday parties, baby showers and so forth. Probation Officers arrive in costume on Halloween. The Chief Probation Officer flips pancakes like an expert at department breakfasts. At Public Health they are Secret Santas and a luncheon at Christmas. Public Works hosts barbecues.

The department that really stands out for its social events is Social Services, which hosts a competitive Frog Jump contest every year. Employees race frogs in a parking lot with results judged by other County officials. Unfortunately, this year’s Frog Jump was cancelled because of COVID-19. The department substituted a “team building exercise.” e.g. a picnic where it hosted employees from all its many offices around the Lake. It was an opportunity for employees to meet colleagues they know only by phone in person.

Directors are also actively involved in employee training and education. They pay for at least some of it or, in lieu of paying for it, they offer time off or scheduling changes. All of them, of course, provide mandatory training, such as diversity or continuing education classes required to maintain professional licenses. One director, whose department can be very technical and who believes that one learns best by teaching, assigns subjects that are new to his employees to teach their colleagues.

**9. IMPLEMENTATION OF THE STUDY**

Once the Board of Supervisors had approved pay for non-management employees in October 2020 the changes went into effect that December. Most employees accepted the County’s offer despite feeling ambivalent about them. Many agreed because they feared retaliation, “something worse” if they did not go along with the plan. This is just one example of County employees ‘perceptions of their employer as untrustworthy, callous and indifferent.’ The Grand Jury did not understand them to be just grouching but was indicative of something more serious, possibly fear of retaliation or feeling coerced.

The Grand Jury surmises that the rigidity the County has shown in handling objections to the recent raises and benefits changes may have been intended as an object lesson for all its employees--it does not pay to complain. Ironically, that concern was just what motivated many to sign off/accept the original offers. The Grand Jury believes that the County should model fairness and straight dealing with its employees. The County could do much to improve its reputation and relationships with its employees, especially in those regards.

**10. CONCLUSION**

The Grand Jury commends Lake County for having started to address employee salaries and benefits and for its good management of County departments. It urges the Board of Supervisors and senior administrators to consider what steps they can take to avoid a repeat performance of miscommunications and delayed raises when it comes to caring for its employees who, after all, do the work that keeps the government in Lake County running efficiently.

The Grand Jury urges County consideration of some changes, especially to improve employees' perceptions of, and passive acceptance of, County actions that suggest that its acceptance of the study's recommendations were mere window dressing, not anything substantive. In most instances, the only salary relief on appeals went to managers. Such apparent cynicism and/or favoritism should not be countenanced in public service. The Grand Jury would also like to see a more cooperative and sincere stance in the County's collective bargaining with its unions.

For the Board of Supervisors, the Grand Jury recommends more day-to-day contact with employees in their workplaces and that they carefully consider the impact their actions may have on employee morale. For example, by insisting that all pay raises, not just managers', be put before them, they did much to reassure employees.

The Grand Jury is well aware how difficult the many disasters and other hurdles, including a pandemic, that have plagued this county for the past six years have been to manage. However, neglect of County employee salaries and benefits preceded and continued during all those emergencies. It is well past time for County government at all levels to tend to better employee relations.

More than one department head expressed distress over the way employees were treated in the Class and Compensation process. Although employees were especially troubled by getting less pay than the study recommended, managers were more troubled by the County's rigid refusal to accommodate reasonable requests for changes to the study recommendations. Rigid adherence to the letter of the process may have killed its spirit. Some would also have asked for more pay for all; some for more for just a few employees; but it seemed to jurors that they knew it would prove fruitless to ask. It was accepted that the so-called 'appeals' were window dressing, not anything substantive because the only relief went to managers.

Lake County would benefit from attaining salary and benefit parity with its market.

**FINDINGS**

- F. 1 - Until 2020 many Lake County employees had not received raises.
- F. 2 - At various times, the Lake County Board of Supervisors gave themselves but not their employees raises. Employees resented this disparate treatment.
- F.3 - In October 2020, the Board of Supervisors insisted on timely passage of the proposed pay increases for staff.
- F. 4 - In October 2020, County administrators presented their own and managers’ proposed salary increases but not ones for staff; this upset staff and exacerbated mistrust among them.
- F. 5 - Many County employees have long-standing mistrust of County administration.
- F. 6 - Ordering preparation of the Class and Compensation Study (hereinafter ‘the study’) was a good first step toward repairing the County’s relationships with its employees.
- F. 7 - Lake County is insufficiently flexible in designing and offering recruitment incentives for professionals and executives.
- F. 8 - For some employees, the deductions for benefits are too expensive.
- F. 9 - The County offers a large array of benefits to its employees. This variety actually increases the overall cost to employees.



F. 10 - The County did not adopt the study's recommendation to modify its step system (from 12 step to 5 step) for employee advancement.

F. 11- Recommendations from the study for some Y ratings were not adhered to, and the 'selected application' of others was viewed as unfair.

F 12 - The County does not conduct exit interviews with all employees who leave its employ.

F. 13 - County administrators interfered with some directors' succession planning.

F. 14 - The County has made questionably legal offers to unions during collective bargaining.

F.-15 - Some employee worksites are not properly designed or well maintained.

F.-16. – Not Every County department head has a succession plan.

## RECOMMENDATIONS

R-1. The County should regularly, at least every three years, review its employees salaries and benefits levels to ensure they are competitive and reasonable for employees and within the County's labor market. (F-1, F-8, F-9)

R-2. The Board of Supervisors and County administrators should take care not to suggest by any action or statement lack of appreciation for the concerns of staff employees. (F-2, F-4, F-5, F-6)

R-3. Every County employee's contract/work agreement should include an annual COLA. (F-1)

R-4. The Board of Supervisors and County administrators must remain cognizant of and avoid the appearance of self-dealing, unfairness or disregard of their employees in all their activities, especially when setting their own remuneration. (F-2, F-4, F-5)

R-5. The County must be more flexible and open to alternatives for salaries and benefits when recruiting managers and professionals. (F-7)

R-6. Every department should have its own employee retention plan. (F-13, F- 16)

R-7. The County should conduct an exit interview with every employee who leaves. (F-12)

R-8. The County should provide an array of benefit plans that allow employees to select ones that are within their means and which permit them to maintain a reasonable income. (F-8, F -9)

R-9. The Board of Supervisors should have more in-person contact with County employees, preferably in the employees' workplaces. (F-2)

R-10. The County should pay attention to the state of employee work sites and break areas to make sure they are comfortable, well-lit, clean and conducive to the employees' duties. (F-15)

R-11. Every department head should have a succession plan. (F 16)

R-12. County administrators should defer to a department head's succession plan and avoid interrupting training of a successor. (F -16)

R-13. The County should review and, if necessary, revise its decision to Y-rate mission critical employees (i.e., Nurses, Heavy-Equipment Operators.) (F-13)

R-14. The County should ensure that all employees who were Y-rated are currently paid at Level 5 or above. (F-11)

R-15. The County should reconsider whether it should alter its 12-steps for employee advancement as recommended by the study. (F-10)

R-16. The County should always negotiate in good faith with its unions. (F-14)

R-17. The County should not make offers in collective bargaining that it knows the union will reject. (F-14)

## **INVITATIONS TO RESPOND PER PENAL CODE 933:**

### **Required Responses:**

Lake County Board of Supervisors (R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-9,  
R-10, R-11, R-12, R-13, R-14, R-15, R-16, R-17) (90 days)







## Civil Grand Jury 2020-2021 County of Lake



### HOMELESS - NOT HOPELESS

#### INTRODUCTION

For the second consecutive year, the Civil Grand Jury has been dedicated to seeking a better understanding of homelessness in Lake County as well as regionally. This term began with multiple inquiries by the Grand Jury regarding the number and financial impacts of fires started by the homeless, especially in Clearlake. However, we found that such statistics are not being kept – not for fires nor for the emergency medical services provided to the homeless by the County’s fire departments. Therefore, no estimated costs are available. Lake County Fire Protection District (Clearlake/Lower Lake) can track calls to addresses, and a definite pattern was found. Concentrations of calls are linked to several areas, such as, for example, around Wal-Mart or down Dam Road where a number of fires caused by homeless have been concentrated.

The investigation was then broadened to inquire as to the number and cost of law enforcement agencies’ interactions with the homeless. Again, no specific statistics are being captured. The Jail does note those inmates who are said to be “transients,” although the Grand Jury could not ferret out specific associated costs. The Grand Jury believes that County government officials and the public would be taken aback by the total costs related to first-responder encounters with homeless individuals.

In a search for statistics, the scale of our inquiry was then again broadened to assess how other California communities are responding to the escalating impact of homelessness. The Grand Jury’s review also included novel “hybrid” interdisciplinary approaches by first responders, here and elsewhere, in dealing with the chronically homeless.

From the multiple interviews conducted, two schools of thought emerge – (a) with more outreach and funding, homelessness can be eliminated in Lake County or (b) the problem is impossible, and homelessness can never be eradicated. All parties appear to agree, however, that the number of homeless is increasing, despite formal counts to the contrary, and that more housing and additional mental-health/substance abuse treatment is absolutely essential. Many individuals within County agencies and non-profits are working collaboratively to help the homeless, and progress is demonstrable by the opening of two residential facilities – Hope Center and Elijah House - this past year. (*Vide infra*)

Despite the “formal” count of chronically homeless in Lake County showing “only” 241 this year, the professionals consistently estimate that the total number is likely closer to 1,000. Almost every community across the country is affected to some degree by trying to cope with the multiple attendant serious problems associated with chronic homelessness, while at the same time trying – repetitively - to provide appropriate services to many who do not necessarily welcome them. Therefore, the experiences of a number of State-wide communities are included in this report, as the problems encountered elsewhere AND in Lake County differ only in scale – and documentation.

METHODOLOGY

The Grand Jury interviewed all County, State agency, and municipal police and fire first-responders; the directors of the County health agencies; the principals of the two new residential facilities; and the directors of the several non-profits who have labored collaboratively for years in this arena. Also interviewed were principals of agencies not in Lake County that appear to have instituted creative means of dealing with and assisting this difficult population. Extensive Internet research was also conducted. (To conserve pages, a Bibliography is not attached, but anyone wishing identification of articles is welcome to contact the Grand Jury.)

DISCUSSION

▪ HOW THE HOMELESS ARE COUNTED

The U.S. Department of Housing & Urban Development (HUD) since 2003 has required every county in the country to count its unsheltered homeless residents in January in odd-numbered years in order to receive federal funding for its homeless programs. This census is the Point-In-Time (PIT) count. Multiple sources agree that



the tallies are certainly an undercount - some experts say by half - while also acknowledging their importance for measuring trends. HUD wants a count of chronically homeless, excluding those who are couch-surfing or in a motel for a night.

The PIT count is low by design, to a degree. HUD requires that the count be held during the last ten days of January so that it can account for people who cycle in and out of homelessness and may be unable to pay for temporary shelter at the end of the month. HUD also states that holding the count on one of the coldest nights of the year can be very effective in raising public awareness of the challenges faced by homeless people without shelter, which makes it easier to recruit volunteers to conduct the counts. However, advocates and service providers argue that scheduling the event in the winter creates an undercount. The count is during the winter early in the morning, when it's harder to actually find folks because they are seeking some sort of refuge, plus they want to stay out of sight in general for their own safety.

A new digital program has been added by California this year to capture the broader picture of homelessness. This new online dashboard, called the Homeless Data Integration System (HDIS), was the first-in-the-nation and was released in January 2021. The State spent \$1.2 million on this new data platform, which was built in 15 weeks. Its implementation marked the first time that the subgroup of people seeking homelessness services was tracked throughout an entire state. Considered key was whether those services were helping the homeless obtain housing. The data came from California's 44 individual "Continuums of Care" (COC) - county-based networks that administer homelessness services to their local residents and include county, city, and nonprofit stakeholders.

In 2020, the number unhoused people connected with service providers throughout California was 248,130. Of those, 37%, or 91,626 people, had secured permanent housing by the end of the year, which was heartening. However, 47% still were awaiting housing, and 16% had fallen off the grid entirely - they stopped interacting with service providers, and the State lost track of them.

The new platform does not capture the full scope of California's homeless in that it does not count unhoused people who visit domestic violence centers for help, nor does it count unhoused people who are **not connected with service providers**.

Nonetheless, the data may be even more meaningful in 2021 because many counties cancelled their PIT counts due to COVID-19 concerns, thus omitting this

county-by-county snapshot of the unhoused. HDIS enables a more all-encompassing look at one of the State’s most serious problems. In 2019, the last time most counties tallied people living on their streets as well as in their shelters, the State recorded a total of 151,278 people without housing. In 2020, the HUD PIT count tallied 161,548 homeless persons in California. (Exhibit 1).

▪ LAKE COUNTY PIT COUNTS

In 2020, 572 homeless persons were identified in the PIT count. (Exhibit 2) On January 28, 2021, the day this year’s census was conducted, 241 homeless were counted who met the HUD definition. (Exhibit 3) However, according to the Chair of the Lake County COC, the number may be skewed in part due to the COC’s switching from paper to digital counting applications (HMIS) for the first time and also due, again, to how homelessness is officially (restrictively) defined by HUD. Even though 600 surveys were attempted, only 319 were actually completed and, of those, only 241 were accepted using HUD criteria. This year’s count was also impacted not only by COVID-19 restrictions, but also by the severe weather on January 28th, including a snowstorm and intermittent rain, leading to additional difficulties for volunteers conducting the count. As well, homeless who are incarcerated are excluded from most official counts, including in Lake County. Therefore, despite the widely held belief that the homeless rate in Lake County is higher, the official data – as collected – do not support this perception.

The information gleaned from the 319 completed questionnaires was useful: 115 of the 319 self-identified as having a chronic health disability (36%), 104 indicated they had a physical disability (32%), 62 said they receive disability benefits (19%), and 227 of respondents reported that they had lived in Lake County longer than five years (71%), dispelling a common misconception that an area’s homeless population is composed mostly of people coming in from out of the area.

Breakdown of the data into various categories included specific regions: Clearlake continued to show the largest number of homeless, although that figure decreased from 241 in 2020 to 117 this year. Lakeport and Lucerne ranked second and third, respectively. This year’s PIT count also documented members of Lake County’s tribes who self-reported, including Robinson, Pomo, Chippewa and Cherokee, with Robinson having the greatest number at 13. Twenty-six people identified themselves as being veterans, but the official PIT report only included 16, with the difference again representing the number of surveys that were not accepted. Eighty-five respondents indicated that they were dealing with a serious mental illness or substance use disorder, just under half – 49.3%.

Those surveyed were also asked what they believed they most needed to help them, and the responses indicated the top three choices to be low-income housing, affordable housing, and immediate emergency shelter. Next came housing vouchers, access to nutritious food, and transitional shelter. Homelessness and housing, then, are inextricably intertwined.

The Grand Jury believes that also including questions about having a history of incarceration would expand the understanding of the contributors to chronic homelessness.

▪ REGIONAL REACTIONS

HUD estimated that, roughly, 553,000 people experienced homelessness nationwide in 2018, with more than one-third living unsheltered. The largest increases in the unsheltered homeless were reported in Western states, with California and Washington together accounting for more than half of the unsheltered in the entire country.

Homelessness — not COVID, not wildfires, and not even the sky-high price of housing — is the problem San Francisco Bay Area residents are most concerned about. Massive encampments shine a spotlight on the issue in nearly every corner of the region. In an April 2021 poll, 60% of respondents said they are very concerned about homelessness in the nine-county Bay Area Region, according to results released by the Bay Area Council.

More than 160,000 people are currently without housing in California, and Bay Area officials are struggling to manage massive encampments and makeshift RV communities, as housing and shelter resources pale in comparison to the scale of the problem.

The results reflect residents’ mounting dissatisfaction with growing homeless camps that display the abject suffering of people without homes, while often blocking sidewalks and roads and posing a fire and crime danger to surrounding houses and businesses. This critical state of affairs has become more visible during the pandemic, as cities stopped clearing encampments and officials raced to create more shelter space and protect vulnerable unhoused people from the virus.

▪ STATE RESPONSE – PROPOSED BUDGET

In his 2019 and 2020 budgets, the Governor allocated about \$1 billion to decrease homelessness. Prior to the Governor’s recent budget proposals, the mayors of San Jose, San Francisco, and other large cities had asked the State for \$20 billion to

create at least 100,000 new homes. According to the 2020 HUD estimates, more than 70% of California’s homeless residents — about 113,660 people — currently live outside.

In May 2021, having the advantage of a major budget surplus, the Governor announced a historic plan to allot \$12 billion to housing and services for the homeless. The cornerstone of his proposed new plan is using \$8.75 billion to create at least 46,000 homes for unhoused Californians. Of that, \$7 billion would be used to expand Project Homekey — the pandemic initiative that provides funding for cities and counties to convert hotels, dormitories, and other buildings into homeless housing. Last year, Project Homekey used \$846 million in federal COVID-19 relief dollars, State funding, and donations to create more than 6,000 new units of homeless housing. Through the State’s earlier 2020 Project Roomkey, 36,000 vulnerable unhoused Californians were sheltered in hotels around the State in an effort to prevent them from becoming infected with and spreading COVID-19. As those hotel programs end, the Governor’s new plan intends to dedicate \$150 million to stabilize and rehouse Project Roomkey clients.

The Governor also set the ambitious goal of ending homelessness for California families within five years. His plan would invest \$1.85 billion in new housing for families, \$1.6 billion in rental support for families at risk of losing their homes, and \$40 million in grants to local governments to address the issue.

The Governor hopes to house a total of 65,000 people through this effort and prevent another 300,000 at-risk Californians from losing their homes. The plan would create at least 28,000 homes for seniors and for people struggling with behavioral health issues.

His plans also addressed homeless encampments, which have grown in size and visibility during the pandemic, causing significant tension in Bay Area communities and vastly straining local officials’ efforts to address health, safety, and fire concerns posed by the massive camps. His plan somewhat vaguely earmarks \$1.5 billion to “clean public spaces” and another \$50 million to help local governments move people out of “unsafe, unhealthy encampments” and into housing in a “responsible and respectful way.”

Whether the final approved budget will retain these proposals and whether these lofty goals can be implemented in the ‘real world’ remain to be assessed.

## ▪ ENCAMPMENTS ARE PROLIFERATING

For much of the past year, local governments across Northern California found themselves in an uneasy truce with the spread of encampments. As the pandemic raged, the Centers for Disease Control and Prevention (CDC) urged officials to keep people “where they are” if no individual shelter was available. While cities like San Francisco kept clearing sidewalks, the Governor advocated providing hotel/motel rooms for the most vulnerable and ordered state workers (CHP & CalTrans) not to sweep the many encampments that sprung up along highways and train tracks.



Now that truce is over. As complaints about more visible encampments escalate throughout the region, cities, counties and State agencies are expanding sweeps and debating strict new laws governing where homeless residents can sleep. Many in these governments are attempting to do so while fending off legal challenges after a landmark 2018 California court ruling limited their ability to clear encampments without providing the residents with alternative shelter.

Some local governments are also weighing new approaches to coexistence with encampments — regular trash pickups, sanctioned camps, tiny homes — as short-term workarounds for a vexing combination of unaffordable housing and stubborn neighborhood resistance to new shelters. The process varies widely, from offering residents incentives to move out to bulldozing anything left. Harsher approaches last year led to a class-action settlement over belongings destroyed in East Bay sweeps.

For a while, Santa Cruz authorized an “agreement camp,” wherein residents pledged to clean up the area daily and avoid theft, violence, and the “open use of illegal substances” in exchange for stability, portable bathrooms, and trash service.

The residents currently, however, are all facing eviction to make way for post-pandemic public outings now that mask mandates and social distancing requirements are loosening. Santa Cruz says it will now consider encampment clearings on a case-by-case basis. However, the dispute over its “agreement camp” illustrates a battle playing out across the State over which areas to consider relinquishing to encampments, and which to deem off-limits. In San Jose, the City Council voted in late March to prioritize clearings based on proximity to schools, waterways, and other sensitive locations.

In a different tact, The Sacramento Mayor, whom the Governor previously appointed to lead a State homelessness commission, is among the local officials considering whether to declare homelessness an ongoing health emergency or a legal right that governments must recognize.

A new generation of advocates for homeless people is also pushing to make sure cities do not have a choice other than to house homeless residents. These advocates have sued Sacramento, Emeryville, Santa Cruz, Chico, Sausalito, and other cities, to stop encampment sweeps, leaving officials scrambling to sanction alternatives. With such daunting numbers of homeless, some activists fear that cities will resort to “warehousing” people in large, tightly controlled facilities. For now, they worry about the toll on those who are shuffled endlessly among camps.

ABT ASSOCIATES REPORT ON ENCAMPMENTS (January 2021)

▪ OVERVIEW

To learn more about encampments and cities’ approaches in responding to them, ABT Associates conducted the study *Exploring Homelessness Among People Living in Encampments and Associated Costs* for the U.S. Department of Health and Human Services and HUD. After completing a literature review, the study team selected nine cities currently responding to encampments to participate in telephone interviews in early 2019. The nine cities were Chicago, Fresno, Houston, Las Vegas, Minneapolis, Philadelphia, Portland, San Jose, and Tacoma. Then, in the fall of 2019, the team conducted site visits to Chicago, Houston, San Jose, and Tacoma to collect cost information on expenditures explicitly related to encampments, interview implementation partners, observe encampments, and interview a small number of encampment residents.

The consulting firm found that, as of 2019, homeless encampments were appearing in numbers not seen since the 1930's. The growth of encampments mirrored the increase in unsheltered homelessness overall and seemed to reflect a complex set of societal factors, including a lack of affordable housing and the persistence of deep poverty and chronic homelessness. Even before the COVID-19 pandemic, communities nationwide were struggling to respond to public pressure to relocate people living in encampments and prevent the formation of new encampments with only a weak knowledge base on which to structure that response.

The ABT study laid out a novel framework for approaches to encampments in cities around the country: clearance with support, clearance with little or no support, tacit acceptance, and formal sanctioning. Local officials in the four cities that were the main focus of this study – Chicago, Houston, Tacoma, and San Jose – generally converged on a common strategy for responding to their most visible encampments: “clearance and closure with support.” In this approach, camp clearance and closure followed a resource-intensive outreach to help connect encampment residents with needed services - to try to ensure that every resident had somewhere to go at the time of encampment closure.

Annual spending in fiscal year 2019 related to community responses to encampments ranged from \$3,393,000 in Houston to \$8,556,591 in San Jose. All but about \$170,000 in San Jose was for labor costs. (Exhibit 4) The cost per unsheltered homeless person ranged from \$1,080 in San Jose to \$6,208 in Tacoma. Across the four cities, the greatest expenditures for encampment-related activity were for outreach, while efforts related to cleaning, clearance, and shelter/housing placement varied considerably, based on local priorities and approaches. This study was not designed to measure the relative effectiveness of approaches to encampments. However, the findings demonstrated that permanent resolution of any given encampment (resolving homelessness for the people in the encampment, and preventing formation of a new encampment at that site) requires substantial investment, both in services and housing/shelter options. However, mitigation, management, and removal efforts just by themselves all come with considerable costs.

With cities and counties now preparing for an influx of State and federal stimulus aid, the question is what kind of shelter to prioritize and how much to keep paying toward often shocking bills. This is exemplified by the \$12.6 million the ABT

Associates report which found that Oakland spent clearing and cleaning-up hundreds of encampments during the 2019 and 2020 fiscal years. The ABT Associates audit emphasized that in Oakland — where officials have conducted 1,982 trash pickups, larger-scale cleanings, and encampment clearings since March 2020— the city “lacked an effective strategy” to deal with scattered camps.

However, in April 2021, Oakland announced that it is implementing a new phone app – the Homelessness Resource App – set to roll out in July and intended to connect unhoused residents with shelter, mental health care, food banks, medical care, legal aid, and many other services. The app is designed to be a more direct and tech-savvy alternative to the City’s 2-1-1 phone line and will provide updated information about new services. The app could also help Oakland track how many homeless are accessing which services and can be downloaded by front-line workers. Of course, not all homeless have a smartphone or a reliable place to charge one. Neither can the app fix what is most broken – the lack of housing to offer the homeless.

▪ CAMP STRUCTURE

The internal organization and motivations of residents significantly vary among encampments. Some encampments have a strong social structure and organization, sometimes with oversight or assistance from local charitable or faith-based organizations. Residents may be required to assume responsibility. Residents may vote in governance decisions, and they may be expected to attend weekly resident meetings in accordance with an encampment-wide code of conduct. A key researcher conducting studies on encampments described the social structure established by a group of mothers staying with their children in a recently cleared encampment in Oakland, California. Residents of the encampment prohibited drug use and shared responsibility for childcare. These expectations promote a sense of community and have been credited with helping encampment residents “feel human” and believe that they have something to contribute. Other encampments have less cohesion and more informal rules and structure, which may on occasion result in friction and conflict among residents. Larger encampment “communities” may be less cohesive than smaller groups composed of family members and friends.



According to the ABT Associates report, the potential for exploitation exists in encampments. For example, younger people may offer to provide protection to older residents but then expect some form of compensation in exchange. Nonetheless, people staying together in encampments tend to look out for one another and have some sense of solidarity.

REGIONAL CALIFORNIA EXPERIENCES

▪ SAN JOSE REPORT

The population of San Jose in 2019 was about 1,035,317. The PIT count documented 7,922 unhoused individuals. Available emergency shelter beds numbered 900 in 49 shelters. As of then, prior to the COVID-19 pandemic, there were roughly 350 encampments just along the waterways of San Jose – an approximately 50% increase from 2018. Multiple encampments are also present in other locations throughout the city: on sidewalks, under highway overpasses, and alongside highways and railroad tracks.

In each of those locations, the physical presence of encampments varied; however, common features among all types of encampments were tarps covering tents and areas next to the tents, personal belongings (usually in shopping carts), and large quantities of trash. These encampments result in environmental degradation, such as water contamination from human waste and trash; habitat destruction; and the accumulation of garbage, drug paraphernalia, and other hazardous materials. These pose a threat not only to camp residents but also to first responders and service providers. Encampments also become dumping grounds for the wider community, with old bikes, sofas, mattresses, tables, rugs, and other household items. Encampments in more open areas often are littered with old boats and vehicle hulks generally dumped by non-homeless area residents.

Encampments along railroad tracks often formed in the limited space between the tracks and barrier fence or wall and logistically are the most difficult to respond to, have the additional threat of passing trains. The tunnels under bridges are favored for their protection from the weather. Encampments on sidewalks are often located in neighborhoods with liquor stores, inexpensive motels, auto body shops, recycling facilities, and other industrial uses.

The heightened visibility of encampments is attributed both to an increased number of people who live in encampments across the city and to the clearance of encampments in other areas near waterways, which has pushed encampments to city streets, into residential neighborhoods, and into business districts.

A significant increase in vehicular encampments (people living in cars and RVs) is apparent, often in groups that are parked together. Outreach workers observe that the homeless living in vehicles are less likely to have mental health and substance-use issues than those living on the sidewalks. However, they often will not accept offers of emergency shelter because they perceive their vehicles to be their home.

While people of all ages, races, and ethnicities reside in encampments, the majority are single, older, and white males. The numerous small encampments consisting of veterans are easily identified because they are observed to be cleaner and have American flags and army fatigues around the site.

The San Jose Housing Department has a Homelessness Response Team that responds to public complaints through its Homeless Concerns Hotline, dispatches outreach workers, and coordinates the closure and cleanup of encampments. The Response Team uses a database to track outreach and engagement. The outreach teams also visit encampments that are not the subject of complaints. In all camps visited, they attempt to engage the residents, conduct assessments for the database, and connect residents to emergency or permanent housing when available. They estimate that only about 20 percent of encampment residents accept shelter referrals before a clearance and closure. Encampment residents often decline emergency shelter because of shelter rules (e.g., no partners or pets allowed), ongoing substance use, and safety and theft concerns. Often, encampment residents prefer to move to another encampment location or to establish a new encampment with their partners, pets, and personal belongings.

Despite widespread support among unhoused residents and their advocates for city-sanctioned tent sites, San Jose leaders are just not ready to commit to the concept.

Instead, the San Jose City Council in May 2021 decided to simply expand the number of homeless encampments that are regularly provided with hygiene and sanitation services, trash pickup, dumpsters, and housing outreach. The City

implemented a “Cash for Trash” program last November that pays encampment residents for the bags of trash they collect. In addition, the Council plans to create a policy that ensures unhoused people living in those encampments will not be forced out without extended notice of two to three months.

Similarly, a small handful of cities on the West Coast, including Seattle, Sacramento, and San Francisco, have recently turned to permitted tent encampments as an interim solution to addressing their homelessness crisis while they work to find permanent housing for their unhoused residents. The sites offer services such as toilets, showers, food and access to social workers. They provide residents with a safer, more stable alternative to illegal encampments on city sidewalks, under overpasses and in parks. In addition, they aim to curb frustrations from residents and business owners who say the crisis creates public safety issues, health concerns, unsightly neighborhoods, and negative impacts on businesses.

Although San Jose has attempted to create sanctioned encampments in the past, the attempts have not proven fruitful. Instead, the city [has built interim housing developments](#) known as “bridge housing sites” with dozens of tiny homes and modular units to serve unhoused residents as they search for long-term housing. Thanks to an influx of federal funding associated with the COVID-19 pandemic, San Jose in 2020 established a new program called Services Outreach Assistance and Resources — known as SOAR — to routinely provide services, such as bathrooms, laundry, routine trash pickup and housing outreach, to unhoused residents living in about 14 of the city’s largest encampments.

Since the establishment of the program, San Jose employees have collected or removed more than 125 tons of debris per month, which seems to have tempered [an inclination from some people to illegally dump their unwanted materials in the area](#), and engaged with more than 123 individuals to connect them with services such as rental assistance and addiction counseling.

▪ SAN JOSE FIRST RESPONDERS

The San Jose PD has a dedicated group of eight officers known as the Street Crimes Unit that focuses on quality-of-life issues across the city (prostitution, graffiti, criminal complaints related to encampments, crimes committed against and by homeless individuals). Information about those issues is passed on to the Street Crimes Unit from police captains, housing department staff, and other city officials. These officers are noted to differ from other police officers in that they

try to build trust and rapport with encampment residents while also enforcing the law. Police staff estimated that the Street Crimes Unit spends 60 percent of its time responding to illegal activity in homeless encampments rather than in other locations. Not captured was the amount of time providing security during removal of camp residents and camp cleanup during the closure of approximately 300 encampments in 2019.

The San Jose Fire Department (SJFD) does not have a particular unit dedicated to responding to problems at encampments, but they do keep statistics. The most common SJFD responses related to encampments are calls for medical services or vegetation, cooking, or trash fires. During fiscal year 2018–2019, 8.7 percent of all calls to SJFD were related to homelessness (8,009 out of 91,901 calls), and 63 percent of those calls were requests for medical support.

#### ▪ UNION CITY

Efforts to help house people who are homeless in Union City are getting a major boost from the State, which is set to award the City a little more than \$1.5 million in grant money over five years to hire the city's first ever homelessness coordinator. The money, which comes from the Permanent Local Housing Allocation grant program, is funded by \$75 fees attached to home sales in the state, will also fund the hiring of a part-time outreach worker, and will help support the city's long-running safe parking program.

City officials said people making use of the safe parking program — known as CAREavan, which lets people living in their cars park overnight in secure lots around the city — will benefit from the new hires, which will be chiefly tasked with case management work, increasing the city's focus on assisting homeless people in finding permanent housing and employment opportunities. The homeless coordinator and outreach worker will also expand City outreach to other homeless people in encampments around the city,

Currently, multiple people in the City touch the issue of homelessness, but there is not one main point of contact whose sole job and responsibility is to do outreach and also respond to the public and the business community.

Officials counted 106 unsheltered homeless people living in Union City during the 2019 Alameda County PIT count and survey, a major increase from 2017, in which 40 homeless people were counted among the city's residents. Alameda County, like

many other Bay Area governments, postponed the 2021 count because of safety concerns arising from the coronavirus pandemic. City staff believes that the 2021 count would have shown a dramatic increase in homelessness in the city.

Staff observe an increase in the unhoused population throughout the city, with more encampments popping up. People are living in RVs and campers and often park along industrial roads and in major shopping center parking lots, resulting in many complaints. So while the City provided a service with safe parking, they were not able to bridge the gap as successfully to provide the means to obtain employment and retain permanent housing.

Roughly \$200,000 will go annually to paying for the new positions. In the first year, the City expects to receive \$253,953, the remainder of which will go toward operational costs for the parking program, including providing some mobile shower days at the parking sites. The monies will fund what was primarily missing – case management.

The coordinator and outreach worker will also maintain and log “critical homelessness data,” such as demographic information, location, health status, services offered, and the like.

▪ MARIN COUNTY

Just two years ago, Marin County was celebrating a rare achievement for a Bay Area community — successfully decreasing its homeless population. Now, however, new encampments that are highly visible and “in your face” along the waterfronts in Sausalito and Novato are inspiring protests, floods of complaints, litigation, and even reports of vandals’ slashing unhoused people’s tents. They are also putting pressure on local officials to remove the encampments.

Marin County, where the median household income is about \$111,000 — nearly 1.5 times that of the rest of California — and a typical home sells for \$1.6 million, has always had homeless residents. But pre-pandemic, the homeless tended to set up small camps for shorter time periods, moving along at the behest of law enforcement or camping out of view in the county’s large expanses of undeveloped land. When COVID-19 hit, Marin County joined other Bay Area communities in largely letting encampments alone — even in city centers — to give residents a chance to shelter in place from the virus.

In Sausalito, there is a months-long controversy concerning a new homeless encampment that recently formed along the City's scenic waterfront the encampment started with one tent in Dunphy Park in December 2020 and has grown from there into a tent city populated by dozens of eclectic people. Many live part-time on boats illegally anchored off the shore and use the camp as a safe place to come ashore for supplies or spend the night in case of a storm. They call the encampment Camp Cormorant, and fly rainbow flags emblazoned with drawings of the black water birds.



In February 2021, the City Council decided that Marinship Park — which, unlike Dunphy Park, has bathrooms and is regularly visited by a shower truck — would make a better location for the encampment. However, when the City attempted to move the encampment, camp residents, backed by the California Homeless Union, sued. So far, a federal judge has sided with the camp residents, blocking the City from forcing them to relocate during the pandemic. This uncertain state of affairs has caused the Sausalito Arts Festival, a Bay Area arts scene staple for nearly seven decades, to cancel its 2021 event scheduled for Marinship Park.

In a park in central Novato, numerous tents can be seen lining a path that winds through the trees beside the Novato Creek. Camp residents have set up an open-air kitchen, complete with a grill, a filing cabinet full of spices, and shelves stocked with donated food. But some Novato residents are appalled by the encampment and furious with the city for allowing it to remain. Customers at a nearby restaurant complain about the encampment constantly, says the manager, who believes it is costing the restaurant business.

This kind of tension was nearly inconceivable two years ago, when Marin County saw a 7% drop in homelessness between 2017 and 2019. Even more impressively, the County reduced its population of chronically homeless residents — people

whom they defined as disabled and having been homeless for more than a year — by 28%. In contrast, Alameda, Contra Costa, San Francisco, San Mateo and Santa Clara counties all saw significant increases in homelessness during that same time. Marin County officials did not conduct a full homeless census this year due to COVID-19 concerns, but they did count the number of people living in vehicles and found the figure to have nearly doubled since 2019.

▪ BAKERSFIELD “Ended” Chronic Homelessness

Bakersfield, seat of Kern County, is a city of some 350,000 people. The Bakersfield Kern Regional Homeless Collaborative began meeting regularly after joining the “Built for Zero” campaign to end homelessness in 2015. The cornerstone of the Built for Zero approach is creating a by-name list of every person experiencing homelessness in different categories — chronically homeless, veterans, youth, families, and so on. The collaborative worked to find housing for every person on the list through case conferencing, regularly meeting to discuss individual cases, and figuring out what it would take to get that one person into an apartment.

The Bakersfield Collaborative in 2017 first established a by-name list of chronically homeless people, those who had experienced homelessness repeatedly or for more than a year while struggling with a disabling condition such as a serious mental illness, substance use disorder, or physical disability. Between that time and the beginning of 2020, they reduced the number of chronically homeless people from 72 to 2, achieving “functional zero” for chronic homelessness, according to the definition provided by Community Solutions (the group that coordinates the Built for Zero campaign.) As the pandemic began, the number of chronically homeless people began to creep back up, but, thanks to an established collaboration between service providers and housing providers in the area, and a well-timed investment from California’s Project Homekey, the community was able to reduce the number again. In January of 2021, Bakersfield announced that it was the first city in California to end chronic homelessness.

Principals at Community Solutions and the Built for Zero campaign stated that the organization is hoping to work with a diverse enough group of cities to prove that any type of community can end homelessness with good data and sustained effort. Communities in the Built for Zero campaign typically either start with veterans, because it is one of the more identifiable subcategories of homelessness, with

dedicated resources and often strong political support, or they start with chronic homelessness, which is often the toughest subcategory, and hope that finding strategies to reduce those numbers will help them in other subcategories as well.

Bakersfield is a medium-sized city combined with a huge rural county with complex geography and conservative politicians in one of the highest-cost states in America. One reason professionals believe why Bakersfield has had success in reducing its chronically homeless population is because the Housing Authority of the County of Kern had committed time and resources to helping. A community cannot effectively address homelessness without a strong partnership with its housing authority. One strategy the Housing Authority used was taking on a “master lease” with private landlords who were hesitant to rent directly to people experiencing homelessness. That allowed the Housing Authority to sublet units to unhoused people, while taking on the liability for any damages that might be incurred and agreeing to carry out an eviction if they needed to. The program was small, starting with just eight units. By the end of the first year, all but one of the people housed through the program either took over the lease and stayed in the same unit or used their housing voucher to move to a different unit.

Another reason why the master-lease concept worked was that a lot of people who have been chronically homeless have experienced frequent rejection and denial and can be averse to filling out paperwork for something that might be denied to them. With the Housing Authority technically as the leaseholder, the tenants did not have to go through an application process as they would have with a normal apartment. The funding for the master-lease program came through a grant from Kaiser Permanente. The principals found it beneficial to have grant funds that were flexible enough to, for example, partner with landlords, help people find documents like birth certificates, or buy bus passes, or purchase small appliances.

The group found that not all strategies worked in every instance, but they concluded that when you start to tackle homelessness one-person-at-a-time and know who the homeless individuals are by name and personalize their situation, this overwhelming problem starts to be solvable.

The Grand Jury notes that the Kern County Mental Health Department has been renamed, less stigmatically, Behavioral Health & Recovery Services.



▪ CLEARLAKE

For a small city, Clearlake has large challenges that have bedeviled administrations for 40 years. These include poverty, unpaved roads, vacant businesses, difficulty attracting new developments, visible homeless, widespread vehicle abandonment, trash dumping, and rampant drug addiction. Nonetheless, the Fire Chief, the new Police Chief, the City Manager and City Council work well together and are committed to breaking these challenges down into smaller pieces so they can be addressed for the betterment of the City and its residents. In regard to the primary subject of this report, the Grand Jury notes the following:

a. Police Department

The Clearlake Police Department (CPD) over the years had had extensive involvement with the homeless, crime, and nuisance-related activity in a 45-acre area of the City referred to colloquially as the “Gobi Desert.” The Gobi Desert area, bordering Clearlake Park; is largely inaccessible by autos; is bounded by Acacia to the east, Eastlake Drive to the north, 2<sup>nd</sup> Street to the west, and Sonoma to the south; and is across the road from the Pomo School. The area was subdivided in the 1920s-30s into 60 x 100’ “residential” parcels before the City was created in 1980. The area, containing a number of “paper lots,” already had power and water, but no sewer system, so development would require engineered septic systems.

After a cleanup in May 2018, the CPD again in 2020-21 tackled the myriad problems at this site stemming from gatherings of homeless, fires and crime, the illegal dumping of trash/garbage and all manner of vehicles, and the location of a “chop shop.” One contributing factor to the area’s decline was the fact that Clearlake had eliminated Code Enforcement from 2009 to 2014 due to budgetary constraints.

Phase I of the cleanup was prefaced by multiple enforcement operations to make arrests and issue citations, followed by a coordinated extensive brush cutting, removal of cars/trucks/RVs/boats, and blocking all “roads” with K-rails. Three Code Enforcement officers and five Public Works persons were involved, plus a backhoe and a *toolcat* and Public Works chippers. 46 vehicles were abated – 36 cars/trucks and 10 RV/trailers. Five 30-cu.yd. waste dumpsters and one 30-yd recycling (green waste) dumpster were filled. The total cost was almost \$40,000 (see Exhibit 5). The CPD stated that the City was

committed to maintaining this area once the cleanup was completed. The first goal was to lock the area down. This was needed prior to attempting to revitalize it and the repaving of Acacia Street.

Here are photos before the Phase I enforcement-and-abatement was completed:



The second area of homelessness and blight that Clearlake, CalFire, and Public Works coordinated to clear in April-May, 2021 was the 30+ acre area behind Tractor Supply and along Dam Road. The 3rd area on the cleanup agenda is the area east of Cache Creek Apartments.

#### b. Fire Department

The Lake County Fire Protection District does NOT specifically track fires caused by the homeless. The national database of fire statistics – National Fire Incident Reporting System (NFIRS) - does not permit keyword searching. In response to our request, the Department downloaded and read through 1602 reports [from a total of 10-12 thousand over 10 years] involving fires on Dam Road between 1<sup>st</sup> Ave and 12<sup>th</sup> Ave. and found reports of **74 fires** that appeared to involve the encampments. Two threatened the Cache Creek apartment complex and required evacuations. The cause of many such fires are said to be “undetermined,” not “intentional.” [“Incendiary” would indicate arson.] Most of these fires spread from cooking or warming fires and from burning garbage. Wildland engines (typically smaller, 4WD, with more hose), not structure engines, needed to be deployed.

The Department also looked at reports near the Gobi Desert, from 1<sup>st</sup> to 16<sup>th</sup> Streets, during the same period and found **48 fires**, most of which were structural, not wildland.

In their experience, the main groups of homeless are found behind WalMart and Safeway, in the Avenues, behind El Grande, and in vacant homes, especially in Clearlake Park and the Avenues, yet some live in town, near stores.

They could not estimate the costs involved in fighting these fires. In their opinion, the number of homeless had “skyrocketed” over the past 5-6 years, and they are in favor of keeping statistics so as to track “areas and trends.”

The Fire Department’s EMS reports are classified as Medical or Fire. In 2020, ambulances were dispatched 6673 times – 3434 were medical and 1239 were for fires (which could also involve fire alarms or Haz-Mat calls).

In terms of formal training that firefighters receive that may pertain to interacting with the chronically homeless, the Department responded that it does provide conflict-resolution in-service training. They emphasized that the EMT/firefighters do not experience many confrontational interactions with the homeless.

▪ FIRE DANGER AND THE HOMELESS

Fire is an ever-present menace where the unhoused congregate in group living areas, and the risk is worsening as the encampments increase in both size and number. Flames sparked by fires started for cooking or warmth can engulf highly combustible wooden shacks, tents, and RVs and spread rapidly to nearby vegetation and structures before firefighters arrive. Fires can also start when the homeless tap into street poles for power, running extension cords to their tents. Some camp residents store propane, butane, car batteries, generators, and other fire hazards in their tents. The homeless may tamper with fire hydrants to provide water for drinking, bathing, and laundry, thus affecting fire suppression capability.

An additional consideration is the safety of the firefighters and trucks responding to an encampment fire. As the Lake County Fire Protection District management pointed out, firefighters have to be used as lookouts to both make sure equipment stays on the rigs and is undamaged; and also to search for any potential safety concerns such as needles, drugs, and aggressive behavior by camp residents. A further risk to firefighters is exposure to communicable diseases.

In the three years since the Los Angeles Fire Department began keeping relevant statistics, fires related to homelessness have nearly tripled. In the first quarter of 2021, they occurred at a rate of 24 a day, making up 54% of all fires the department responded to. Many of the fires were limited to dumpsters and piles of trash, and the most common outcome was the destruction of tents or other types of shelter. A few were costly and tragic. Seven homeless people died in fires in 2020.

Fires starting in camps lined beside businesses have caused tens of millions of dollars in damage, according to a Fire Department spokesperson. Some of those fires were the result of attacks on homeless camps by outsiders.

Oakland firefighters responded to 552 encampment fires between January and November 2020, up 15% from the same time period in 2019. During the last fiscal year, July 2019 through June 2020, San Jose firefighters responded to 1,573 fires related to homeless camps, up 27% from the prior year. Data from the San Francisco Fire Department show a 55% increase during January through November 2020 compared to the year before — but the staggering increase is partly because the department improved its tracking of encampment fires in 2020.

In response to these increases, San Francisco firefighters are visiting encampments and handing out “open flame pamphlets” with tips on fire safety. In Oakland, the East Oakland Collective passes out donated fire extinguishers in camps, and the Fire Inspector goes from camp to camp looking for fire code violations and also attempts to educate the residents about existing fire hazards. However, the Inspector noted, the unhoused people he encounters do not always trust him or welcome his tips.

### Oakland’s Struggles

In the period June 1, 2020 to January 1, 2021, Oakland encampment fires have disrupted BART service 17 times between the Lake Merritt and Fruitvale stations and four times near the Coliseum, according to a BART spokesman. Fires next to or below BART tracks can fill the area with smoke and force drivers to stop their trains. Flames can damage cables and concrete, and an August 2020 fire near the Coliseum damaged an emergency walkway along the BART tracks.

Along Oakland’s East 12th Street, where a large community of people lives in makeshift shacks, tents and cars, the Fire Inspector estimated that his department has responded to more than 100 encampment fires in the past two years. Although there is a fire station just seven blocks from the camp, the flames spread so fast that, by the time a truck arrives, any dwelling on fire is likely to be destroyed.

Fires that spread rapidly to overgrown vegetation are especially concerning. In October 2020, a fire that started in an encampment off Interstate 580 in Oakland quickly spread into surrounding brush and trees and damaged a row of homes and a gas station. To give one a sense of the likely costs, firefighters called second and third alarms, and Oakland police also responded to the area to assist with traffic control. The fire was eventually contained due to the work of more than 50 Oakland

firefighters aboard about a dozen engines and at least three trucks, as well as to additional 18 firefighters from Alameda County, Fremont, and Hayward who fortuitously were prepositioned to respond to ongoing red-flag weather conditions.

The fire professionals who read this account may be able to estimate the associated costs of controlling just this one fire in one location in one city on one day.

In February and March 2021, two community non-profits in Oakland were destroyed by fires that spread from tents set up against the buildings, despite warnings to the City about these fire hazards. The two blazes started as the City struggled to implement its new encampment management policy, which prioritizes the removal of camps near homes, businesses, parks and other “high-sensitivity” areas, and prohibits the unsafe storage of flammable materials in camps. Inadequate staff to implement this new policy has impeded the process.

In February 2021, a fire started behind the Vietnamese American Community Center of the East Bay, where a camp had formed up against the wooden building. The Executive Director had complained for months about people cooking and storing propane tanks there and she said that her staff had rushed outside more than once to put out fires. City workers visited the camp to remove flammable materials and give occupants food and other supplies, but that visit failed to prevent the fire that disrupted the center’s food bank, which feeds 2,500 people each month. The City is working on ramping up enforcement of the encampment policy, which went into effect in January, but it is grappling with more than 150 camps and a backlog of hundreds of complaints.

The March 2021 fire that seriously damaged the Junior Center of Arts and Sciences in Oakland (in operation since 1954) started on the Center’s porch, where a small encampment had set up tents on the deck because it had an electrical outlet. Due to COVID-19, the Center was not open to the public. Staff had noticed the tents about a week prior to the fire and had posted a complaint on the City’s online portal about the tents’ blocking the front door and the smell of a campfire. Afterwards, fire inspectors found a space heater, camping stoves, and cooking supplies.

Contrast these single events with the 1,158 acre May 2021 Southern California conflagration named the “Palisades Fire” in Topanga Canyon that was started by a homeless man and forced thousands of people to evacuate. The arson suspect was arrested after he was observed to start additional brush fires the following day. After six days, the fire was still not fully contained.

While the epidemic of fires generally is largely attributable to the built-in conditions for combustion in street camps — cooking stoves and campfires in close proximity to tent fabric and piles of other flammable material -- a third of the 15,610 fires in Los Angeles related to homelessness in the past 3 ¼ years were classified as **arson**. Some were set by outsiders, but police said that most stemmed from disputes between homeless people.

- A COLLABORATIVE POLICE RESPONSE IS INCREASINGLY COMMON

Sociologists describe a pyramid of social inertia, where the majority in communities – the largest segment at the bottom of the pyramid – want to maintain the status quo and let others deal with the problem of homelessness. Then there is a smaller segment in the middle of the pyramid who try to offer solutions, such as a charity handing out food or sleeping bags or providing showers, but that doesn’t solve the problem. The small top tier of the pyramid is where solutions are achieved, and in this tier law enforcement officers are found. The police are consistently responding to calls involving homeless individuals, many of whom suffer from mental health issues, so agencies have needed to equip their officers with appropriate tools and coordinate outreach efforts with other community organizations and resources. Like it or not, homelessness is, de facto, a police problem, but displacing the homeless to jail, especially those individuals with psychiatric disorders, serves neither the homeless nor correctional staff well.

Providing help to homeless individuals rather than arresting them represents an important transition for law enforcement. Civil infractions lead to legal troubles that can perpetuate homelessness. According to the National Law Center on Homelessness and Poverty, ordinances banning camping, panhandling, loitering and the like are ineffective, expensive to enforce, and often violate homeless persons’ constitutional and human rights.

The more enlightened law enforcement agencies, in both cities and counties, have altered their approach and are working collaboratively with behavioral health, social services, and community homeless-service providers. Such homeless outreach teams can be found in police departments from Florida to California, though no hard data on exactly how many exist could be found. Each operates slightly differently, but the goal is the same: Specially trained or handpicked police

officers are tasked with linking unsheltered individuals — particularly the chronically homeless — with appropriate services and addressing unsafe encampments. Most often, these teams operate in conjunction with social workers, substance abuse counselors, mental health outreach workers, and nonprofits serving the same population.

Research identifies three examples of teams that can promote efficient use of limited resources while effectively addressing outreach and enforcement needs:

1. **Community Care Response Unit/Team (CCRT)**

A community care response unit consists of a fire/paramedic captain and a licensed nurse practitioner and responds to non-life-threatening calls and provides treatment in the field. High-level medical expertise at the ready both prevents unnecessary hospitalization and begins the process of creating a bond with homeless individuals. Establishing connections via coordinated homeless outreach efforts is important, as they increase the chances that homeless individuals will accept shelter.

2. **Psychiatric Emergency Response Team (PERT) or Crisis Intervention Team (CIT)**

PERTs/CITs are a collaboration between law enforcement and county mental health/substance abuse services. Two officers are paired with a licensed clinician on a full-time basis, 24/7. PERTs frequently follow up with individuals they previously worked with who had been voluntarily or involuntarily hospitalized or jailed after a mental health crisis. With a single follow-up, the chance the individual will experience another mental health crisis has been shown to decrease as much as 50%.

3. **Centralized Assessment Team (CAT)**

CATs provide mobile clinical response services that include conducting assessments, initiating hospitalizations, and arranging transportation. CATs also handle all incoming mental health calls for service and will pass off relevant calls to the PERTs.

Additional regional examples include:

1. The police chief in Anaheim in 2021 instituted a CCRT. The department was fielding approximately 20,000 calls a year related to homelessness, representing about 13% of all service requests. For a year, the chief had emphasized needing to stop responding to calls without a criminal nexus, which primarily were calls for service about the city’s homeless. The CCRT opened its dispatch office on January 1, 2021, with the goal of diverting non-violent, non-emergency calls to CCRT. In just three months, the team has responded to and provided services following more than 3,500 calls – situations with which police officers in the past would have been tasked, such as dealing with somebody sleeping on a sidewalk, acting erratically, or begging for money outside a grocery store.

In January, the team fielded 800 calls that were redirected from the police department and sent to the CCRT. In February, the calls increased to 1,000 as more community members began to learn about the program, and, in March, the numbers jumped to more than 1,700 calls. The CCRT dispatch office is open from 7 a.m. to 9 p.m. seven days a week, with dispatchers working from home or the office. The CCRT is staffed with caseworkers, health clinicians, social workers, and security officers who work in tandem with those who respond to the field. The outreach workers help homeless people connect with mental health services and assist with shelter access, medical needs, social service programs, or even a bus ticket back home where they may have family.

2. The Oceanside Police Department’s Homeless Outreach Team (H.O.T.) was created in 2014 and, as of 2019, is comprised of four officers and a sergeant who have adopted a “non-enforcement” approach to dealing with the unhoused. There are several social workers, volunteers from the faith community, and other housing and mental health staff that work closely with the H.O.T. officers both in the office and out in the field. Funding for the contract social worker is \$77,000/year.
3. In Carlsbad, an informal working group known as the Homeless Response Team (HRT) was created after Housing & Neighborhood Services convened staff from several City departments, including Police, Fire, Library, Parks & Recreation, Public Works, and the City Attorney’s Office to share experiences and collaborate on potential strategies. In formulating their HRT, the City pulled together helpful cost figures, for perspective.



Based on data from Fire Department emergency responders and medical service providers throughout the San Diego region, the City estimated that it cost \$45,000 to \$50,000 per year to provide assistance to one homeless resident from a medical emergency response and care standpoint. When one considers response costs for the Fire Department, transport to the hospital, and related hospital costs for individuals with no insurance, the cost per person adds up fairly rapidly. A count of 100 unsheltered homeless residents in Carlsbad reportedly has a related medical response and service cost of \$4,500,000 to \$5,000,000 on an annual basis, which is significant. The Police Department estimated that it utilized about 3600 police-officer-hours per year to respond to calls related to homeless individuals. These calls for service range from suspicious individuals to disruptive behavior to criminal or threatening activity. If the fully burdened hourly cost of a police officer was estimated at \$99.79, the annual cost for police service calls was estimated to be about \$360,000.

4. The Sacramento Police Department, noting the presence of approximately 2,000 homeless, has created units of dedicated mental-health workers who are teamed with five police officers (one Sgt., 4 officers, full-time) in addition to a unit of two specific homeless-outreach police officers - collectively known as the Impact Team. The mental health units are overseen by the City's Social Service Administrator. Their statistics as of February 2020 are attached at the end of this report.
  
5. San Francisco is a good example of the trials and tribulations a city experiences that accompany the balancing of sometimes competing interests while trying to improve its response to homelessness. The City employs a "command-center approach." Their Healthy Streets Operation Center (HSOC) launched in January 2018 within the Community Engagement Division. This is a coordinated effort between six City agencies and the police department. Around 70 police officers were dedicated to homeless outreach, with more than 30 directly assigned to HSOC. When calls come in, they were quickly assessed at HSOC headquarters, and then the appropriate responder was dispatched, leaving other police officers free to do traditional police work. However, advocates say these outreach efforts have failed to properly distance themselves from the police, leading to distrust in the homeless community.

San Francisco police responded to more than 65,000 calls related to homelessness in 2019. The consequences of inaction are also increasingly hard to ignore. Deaths of homeless people surged around the Bay Area during the pandemic, including a 123% spike to 203 deaths in San Francisco during the first nine months of 2020.

In November 2020, San Francisco rolled out a different police reform initiative—the Street Crisis Response Team. Under that pilot program, teams of paramedics, behavioral health clinicians, and peer specialists respond to certain mental health calls instead of sworn officers. The San Francisco Police Department and San Francisco Police Officers Association agreed to let some non-emergency calls be routed away from the police department. These included mental health checks, well-being checks, calls for service at city parks, and certain public-health-order violations. This move came as cities around the Bay Area and nationwide have been grappling with demands to “defund the police” and re-invest the money in social service programs.

In January 2021, in a new proposal intended to shake up the city’s day-to-day response to its homelessness crisis, San Francisco community leaders proposed a plan to take the police out of the equation altogether. Under the new framework, police would no longer respond to complaints about encampments or aggressive panhandling, reports of unhoused persons trespassing, or other non-emergency calls involving homeless San Franciscans. Instead, those calls - and more - would be rerouted to civilian members of a new Compassionate Alternate Response Team, known as CART.

CART would respond to overflow mental health calls that the Street Crisis Response Team could not handle. However, CART also would respond to requests for well-being checks, complaints of illegal camping or blocking a sidewalk, trespassing, panhandling and suspicious-person reports involving unhoused residents. Responders would be trained to de-escalate the situation and then provide conflict resolution, first aid, referrals to mental health, addiction and housing services, and transportation to a hospital or service provider. CART would focus on hiring and training responders who have themselves been homeless. In addition to hiring paid street responders, CART also would recruit and train volunteers to resolve minor disputes in their neighborhoods. CART would cost the city an estimated \$6.83 million per year. How this proposal is working is unknown at present.

6. The El Dorado County Sheriff's Office Homeless Outreach Team (HOT) was initiated in 2018 as a joint venture between the County and the cities of Placerville and South Lake Tahoe. It modified a 7x14' dual-axle cargo trailer that was donated to the Sheriff's Office. This became the mobile HOT office, with a desk, cabinets, computer, heater & AC inside, and custom cabinets on the outside that include a charging station, personal supply items (toothpaste, soap, etc.), small washing machine/dryer, and a "Doc Ready" area to assist with obtaining needed documents such as a CDL or other ID, Social Security card, Partnership card, and the like. Sometimes a barber comes along to cut hair. The trailer also has a 3,000-watt generator aboard. HOT enlists the help of Animal Control, Behavioral Health, HHS, CPS, and staff from Marshall Hospital in Placerville. No homeless individual is discharged from Marshall without an "exit strategy" that is communicated to the HOT.

A database management system is being developed for the trailer that employs GIS (geographic information system) technology to assess and track the location and characteristics of homeless individuals and encampments, which allows better understanding of patterns and trends in the County. HOT subcontracts the database from the County.

HOT takes the trailer to the encampments or areas where the homeless congregate every 3-4 weeks and stays about 5-6 hours each visit. The lead Sgt. is generally accompanied by three other persons from County agencies. The trailer has become a beacon recognized by the homeless, and they come up to it immediately. If they want to change their lives, HOT arranges for 30-60 day drug/alcohol treatments and for 4-6 month transitional housing, using Project Roomkey funds. Former convicts who are eligible for the San Francisco-based Delancey Street programs must make a 2-yr commitment. Of the 180-200 homeless who have been treated/housed through HOT intervention, the Sgt. estimated that 90% have stayed clean.

7. No discussion of alternative responses would be complete without reference to Eugene, Oregon **and** CAHOOTS (Crisis Assistance Helping Out On The Streets), which is a mobile crisis-intervention program staffed by White Bird Clinic personnel using City of Eugene vehicles. This relationship has been in place for nearly 30 years and is well embedded in the community. CAHOOTS provides support for Eugene PD (EPD) personnel by taking on many of the social-service-type calls for service to include crisis counseling.

CAHOOTS personnel often provide initial contact and transport for people who are intoxicated, mentally ill, or disoriented, as well as transport for necessary non-emergency medical care. CAHOOTS is dispatched on EPD’s service channel, and calls are assessed through the Central Lane Communication Center. Each van is staffed with a medic (nurse or EMT) and an experienced crisis worker.

The City funds CAHOOTS through the Eugene Police Department. In Fiscal Year 2018, the contract budget for the CAHOOTS program was approximately \$798,000, which funded two vans for 31 hours of service per day, seven days a week. One van was on duty 24 hours a day and another provided overlap coverage 7 hours per day. Over the last several years, the City has increased funding to add more hours of service. The Fiscal Year 2020 budget included an additional \$281,000 on a one-time basis to add 11 additional hours of coverage to the existing CAHOOTS contract. CAHOOTS was able to add five of the 11 hours of service to bridge an afternoon gap to maintain two-van coverage. The City has carried over the funding for the five-hour expansion through Fiscal Year 2021.

Over a six-year period, the demand for CAHOOTS services has increased significantly:

**2014:** CAHOOTS handled 9,646 calls for service

**2019:** CAHOOTS handled 18,583 calls for service

In 2019, the entire EPD received 105,403 public initiated calls for service and had 31,685 self-initiated calls for crisis-intervention service. CAHOOTS is estimated to divert 5%-8% of calls from the EPD. If not for CAHOOTS, an officer would be dispatched to handle these calls. Some of the CAHOOTS calls clearly require a joint response, or CAHOOTS is summoned to a police or fire call after it is determined their services are a better match to resolve the situation. However, CAHOOTS remains a primary responder for many calls, thus providing a valuable and needed resource to the community.

LAKE COUNTY’S COORDINATED SERVICES

1. Variations on these themes are numerous and can be adapted to the circumstances in specific communities. The most effective responses start with basic trust building as the core of homeless outreach, as exemplified by the Lakeport Police Department (LPD), which has a dedicated officer, in uniform, who focuses first on getting to know the homeless in the City. This officer has learned that the process is time-consuming and can require 15-20 or more contacts to overcome resistance to accepting services. Word of this outreach quickly spread through the homeless community, and the officer transitioned from being a symbol of enforcement to one of assistance and advocacy. Even on days off, this officer makes time to visit with the homeless. When outreach is effective, the officer finds that homeless individuals are more willing to accept an offer of shelter, which will lead to greater access to additional vital resources over time. The officer keeps notes regarding the homeless she encounters.

The Grand Jury notes that at one point within the last three years, LPD and Behavioral Health approved a plan for Mental Health clinicians to have access to an office and computers at LPD and, when appropriate, to respond to calls pertaining to the evidently mentally ill along with LPD officers. While this initially was not established, the collaboration is now again under discussion.

The city of Clearlake PD (CPD) also has a team approach, with a Sgt., and an officer who respond to complaints about persons displaying aberrant behavior. Information gathered on these individuals is maintained in a three-ring binder – the “Look Book.” Among the information solicited is the person’s next-of-kin. The team does not hesitate to provide information on available services or to call upon Social Services or Behavioral Health for assistance.

One benefit of small cities is that both CPD and LPD know their homeless population. They interact frequently with the same persons and know when they are having a “bad day” and are not a threat to the community at-large or when they are in need of law enforcement, medical, or other intervention.

2. Hope Center in Clearlake, the first interim housing facility in Lake County, opened in 2020 with 20 beds. The Department of Social Services (DSS), in partnership with Adventist Health Clear Lake, contracted with Hope Is Rising Lake County Inc. to operate Hope Center. DSS used the State’s Project Roomkey funds to help underwrite Hope Center operations, in addition to seed funding from, among others, Partnership Health Plan, which provided \$1.3M. The City of Clearlake contributed \$200,000 in bond funds. As well, Behavioral Health Services also contributed \$200,000 of homeless mentally ill-outreach grant funding to help Hope Center open and operate and further provides ongoing staffing. The kitchen will be operated by the NGO North Coast Opportunities. The cost per client is expected to be approximately \$85-109/day.



The facility is also a Housing Navigation Hub that provides additional housing navigation services and other medical, mental, addiction, and legal services for persons not sheltered at Hope Center. The goal is to “find sustainable paths to housing.” Homeless persons meeting eligibility requirements can self-refer or be referred by the Adventist ER, law enforcement, or EMS personnel. The Hope Center residents must take the next step in treatment, such as taking medication or seeking therapy. The participants can be evicted for not following the rules. Transitional housing is seen as a “training ground” for societal reintegration. The Center is licensed for 15 males and 5 females who can stay as long as one year, although nine months is seen as the “sweet spot.” Each resident is assigned a Housing Navigator and a Case Manager. The residents are required to pay 30% of the facility cost, which is then returned at the end of their stay.

Using 2017 figures, the homeless-treatment professionals in Lake County associated with the CoC and Project Restoration estimated that one unsheltered person costs society \$35,578/year in terms of the gamut of services they receive, e.g., EMS, ER, social services, mental health. The high utilizers - about 1% of homeless - may cost \$75-100K/year and are a substantial drain on the system. Once again, the cost of providing services to the homeless far exceeds the cost of housing them.

3. Elijah House opened in August 2020 at the site of the former Juvenile Hall in North Lakeport. The locked facility has 36 beds, with 10 allotted for women, and is located on four fenced acres. There are two male dorms and one female dorm. One wing of the building is still under the control of the Probation Department. There is a Site Manager, Housing Navigator, Case Manager, and six Resident Supervisors (covering 3 shifts). Some of the supervisors are medical technicians. Due to COVID-19, there are no volunteers permitted there currently. They also hired a Job Developer. The Housing Navigator identifies necessary services as well as the clients thought to have the best success rate. The Navigator then “walks” with the clients for 12 months, also providing classes on budgeting and on being a good neighbor. There is also a “roommate network” available after discharge.

Lake County has donated the building, and Elijah House pays the utilities. The lease extends until June 2022. As of February 2021, the number of homeless residents ranged from 17-22. The requirements for admission are: not being on the “banned list” due to violence; for testing negative for COVID-19; for wanting to come; and being able to follow the rules & regulations. They will accept folks actively “under the influence” and impose a 15-day blackout, during which they shelter in place. A Lakeport physician provides free medical screening. Narcotics Anonymous holds weekly meetings. From August 2020 to February 2021, 33 residents had been de-toxed, 33 had obtained work, and 11 had moved into permanent housing. The average length of stay was 35 days, with the goal being 30-60 days.

The parent Elijah House Foundation operates four sober-living facilities as well as a 15-bed residential center in Tehama County. Recently, funding had been secured to permit their purchase of the former Visitor’s Center in

Lucerne, to be used primarily as a “resource center,” not a shelter. The Foundation has also purchased the former Starlite Resort, an apartment housing complex in Glenhaven, which may be able to house as many as 30 residents.

4. Lake County Behavioral Health has recently purchased a trailer that will become its outreach van for the homeless mentally ill. The Department is currently stocking it with supplies and plans to have it operational by July 1<sup>st</sup>. The details are currently in process, and the Grand Jury will follow its deployment with great interest.

## HOUSING

A lack of affordable housing in Lake County and the limited scale of housing assistance programs have contributed to the current housing crisis and to homelessness. There is no freestanding Housing Division in Lake County. The Director of the Lake County Department of Social Services is the Executive Director of the “Lake County Housing Commission.” As such, the Director is responsible for administering the Lake County Section-8 Housing-Choice Voucher program funded by HUD. However, due to a lack of low-income housing and willing landlords, the waiting list has been closed for quite some time, and no applications are being accepted. Recent COVID-19-caused job losses and the expiration of the foreclosure moratorium at the end of June are widely anticipated to increase the number of people who will experience homelessness.

The “Housing First” philosophy is premised on the idea that pairing the homeless with immediate access to their own living spaces – without screening barriers and without mandated compliance with services - is the best sustainable way to end their homelessness. With housing, they can better deal with whatever challenges they have from a position of greater stability. The concept of Permanent Supportive Housing, combining housing assistance with voluntary support services, has further been shown to reduce criminal justice involvement and overall reduced societal cost.

All levels of government in the County own real property that is vacant and/or surplus to their needs and could productively be made available to provide needed housing and services to the homeless. In addition, the federal Title V program, authorized under the McKinney-Vento Homeless Assistance Act, grants states, local governments, and 501©(3) non-profit organizations a right-of-first-refusal to free federal surplus property for homeless housing and services.



A ray of light accompanying the pandemic is that the State of California has funneled FEMA money to counties to fund the rental of motel rooms for those most at-risk of contracting COVID-19 (Project Roomkey) and, now that the pandemic is far less a health threat, the Governor has committed to continue to house the homeless with Project Housekey monies. The most encouraging news in Lake County is that two 24-hour homeless shelters – Hope Center and Elijah House - have opened and are serving County residents.

COMMENTARY

Housing alone will not solve California’s homelessness problem. Without expansion of mental health services and drug treatment programs – and also job training for paroled inmates – California’s most vulnerable population will remain at-risk. In cities and towns around the State, homeless encampments and the often disturbing public behavior of seriously mentally-ill people stand as reproof to claims that the problem is being dealt with comprehensively.

To reiterate, in 2015, only 2 percent of Californians polled by the Public Policy Institute of California listed homelessness as the biggest challenge facing the state. But by early 2020, just before the pandemic knocked every other issue to the side, nearly a quarter of Californians listed it as the top policy concern for the state, making it far and away the leading issue. In a distant second place was a related issue—housing affordability.

We have seen that the Governor recently announced that his newly revised budget would include an eye-popping \$12 billion to tackle the crisis. That is an increase of roughly 1,000 percent in the resources devoted to the challenge, and will—if implementation is not stymied by local zoning restrictions, NIMBY public sentiment, and dysfunctional local politics around the building of shelters—allow for the construction of 46,000 housing units catering to the State’s more than 150,000 homeless individuals.

However, it is going to be extraordinarily hard to simply build one’s way out of a crisis that ties in with so many other social inequities:

- 1) The 1960s70s-era decisions to close most of the State’s inpatient mental hospitals left California without anywhere near the community mental health service infrastructure necessary to treat

those caught up in the broader societal changes. Our collective failure to meet mental illness head-on is coming back to haunt us. These have often occurred under the escapist guise of 'protecting the individual's constitutional rights. More realistically, people do not want to take responsibility for, or pay for, other people's issues.

- 2) A spiraling opioid epidemic—an epidemic of despair, if ever there was one—that, in 2020, resulted in more San Franciscans dying of overdoses than of Covid-19. A huge swath of the explosive drug use is directed at the loss of hope and overwhelming sense of defeat that are deadened by the drugs. Once addictions take over, the painful emotions are simply forgotten in the unending search for a continuing supply of drugs.
- 3) The decades-long push to mass incarceration in California, followed by decisions in recent years to lower the prison population without investing in housing, job training, and, above all, mental health services for them. Surveys show that 70 percent of the State's on-the-streets homeless have spent some time behind bars, and many of those individuals are suffering from serious mental illness. Half-hearted criminal justice system reform efforts in recent years have often just dumped people onto city streets without proper access to housing or support services, and with almost no chance of finding employment.

We have for decades marginalized those needing special help and we mostly continue to marginalize them today. They are the physical reminders that no one wants to see of a devastating loss of humanity and hope. There is hesitation to expose social realities and flaws that have created and grown a very palpable feeling of hopelessness that is far larger than simply finding temporary shelter or 'kicking the habit' for a brief while. Like it or not, our greater society is changing dramatically. The long-held concept that anyone willing to 'work for/put in the effort to' get on their feet could become a contributing member of society is fading away at an unprecedented pace. Lower skilled jobs, once union-protected and treated with at least a modicum of social respect, have given way to a near universal 'get it at the lowest cost possible to enhance company profits' attitude towards labor.

The homeless and mental health crises playing out on the streets of cities throughout the Pacific West—for these affect Oregon and Washington as much as they do California—are unprecedented in scale and in severity. Bad public policies have created this humanitarian calamity. While potential solutions - and

expansive funding to enact them – have become polarized along partisan political lines, the reality of the situation are glaringly obvious to all: health services and interventions have to be dramatically expanded; drug treatment and overdose prevention methods should be made more widely and easily available; job training programs for ex-prisoners and other homeless individuals must be ramped up; and enormous, ongoing, investments in affording housing must be made, at speed.

None of these will end homelessness in California overnight. But acting collaboratively, with thinking across bureaucratic and ideological boundaries, at the very least surely ought to reduce the numbers of residents living out in the open, where their mental well-being is made ever more fragile by conditions on the streets, in some of the world’s wealthiest and resource-rich cities.

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FINDINGS

- F-1: Emergency responders in Lake County do not routinely track/identify calls relating to fires, health emergencies, or criminal acts by homeless persons and thus the impact on, and the resulting costs to, society cannot readily be calculated.
- F-2: An unknown, but substantial, number of law enforcement calls pertain to complaints about troublesome behaviors by the homeless that evidence mental-health or substance abuse causes.
- F-3: Hospitals and Jails have become cost centers for treating the homeless, with healthcare costs accounting for about half of expenditures and justice-system costs accounting for about one-third of expenditures.
- F-4: No acute-care psychiatric facility exists in Lake County, resulting in both patients’ needing acute hospitalization having to be placed out-of-county and also in the Jail’s becoming a *de facto* psych ward for the chronically mentally ill.
- F-5: Both Hope Center and Elijah House, as residential centers, are providing a significant step in helping to break the cycle of homelessness complicated by mental health and substance-abuse issues and lack of transitional housing.
- F-6: No freestanding “housing department” exists in Lake County and thus the County has no centralized focus on providing housing for the homeless.
- F-7: Section-8 housing vouchers are currently not available in Lake County due to a lack of available housing.
- F-8: Bakersfield has had impressive success in providing housing for its homeless population.
- F-9: Other jurisdictions report that documenting a history of incarceration via the PIT count is useful in augmenting their understanding of the contributors to homelessness.
- F-10: First responders find that Behavioral Health staff are sometimes unable to respond at all to their calls for assistance or respond only after lengthy delays.
- F-11: A number of homeless individuals refuse offers to enter shelters because the shelters do not accept their pets.

## RECOMMENDATIONS

R-1: All First Responders within Lake County should consider collecting individualized longitudinal data on their interactions with the homeless and referrals for services. (F-1, F-2)

R-2: Lake County – and the cities of Lakeport and Clearlake - should inventory their vacant and surplus property to assess whether any structure/parcel could be realistically modified to provide affordable housing for the chronically homeless. (F-5, F-6, F-7)

R-3: Lake County should sell the former Juvenile Hall to Elijah House, if so requested, so that their vital services can continue to benefit Lake County’s vulnerable populations. (F-5)

R-4: The Probation Department should remove its property from Elijah House so that the facility’s housing capacity could be increased. (F-5)

R-5: The Continuum of Care should augment its PIT questionnaire to include queries about prior incarceration so as to permit a more comprehensive view of the causes of homelessness. (F-9)

R-6: The County should make a concerted effort to arrange for the availability of Section-8 housing. (F-6, F-7, F-8)

R-7: Subsidized housing that can be made available and affordable for homeless residents should be prioritized by the County for the most frequent users of public services (high-cost, high-need) so as to stabilize the neediest – and most costly – individuals. The Bakersfield approach would be a useful model. (F-3, F-6, F-7, F-8)

R-8: Targeted supportive services from Behavioral Health and Social Services should continue post-housing to improve housing retention rates and reduce the staffing logistics and cost burdens on the two hospitals, the first responders, and the Jail. (F-3, F-4)

R-9: The County and Behavioral Health should focus on the costs of shipping acute psychiatric homeless patients out-of-county and of perpetuating the “revolving door” maintenance of homeless chronic psychiatric patients at the Jail and determine whether providing an in-county facility is economically feasible. (F-4)

R-10: Behavioral Health should clarify and communicate its crisis-response protocols to law enforcement and fire/EMS agencies in the County so that all parties know what to expect when dealing with relevant urgent/emergent situations. (F-10)

R-11: The County should create a specific position dedicated to assessing the needs of - and coordinating the provision of housing to - its homeless residents (F-6, F-7, F-8)

R-12: The 2020-2021 Civil Grand Jury urges the 2021-2022 Grand Jury to follow-up on the above Recommendations to assess what progress the County is making in providing services, including stable housing, for its most vulnerable residents. (R-2, R-6, R-7, R-11)

R-13: Lake County Animal Control and Clearlake Animal Control could consider investigating how safe and secure overnight shelter for pets of those homeless who are seeking their own overnight or long-term sheltering. (F-11)

R-14: The County and the Cities of Lakeport and Clearlake should form a taskforce to devise a workable and coordinated method of determining the true costs to law enforcement and fire/EMS agencies of responding to emergency calls pertaining to the homeless so that limited resources could be allocated and targeted based on a factual understanding. This would be an expansion of R1. (F-1, F-2)

RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the following responses are *required*:

- Lake County Board of Supervisors (R-2, R-3, R-6, R-7, R-9, R-11, R-13, R-14) (90 days)
- Lake County Sheriff (R-1, R-10, R-14) (60 days)
- City of Lakeport (R-1, R-2, R-10, R-13, R-14) (90 days)
- City of Clearlake (R-1, R-3, R-10, R-13, R-14) (90 days)

The following responses are *requested*:

- Continuum of Care (R-5) (within 60 days)
- Dept. of Social Services (via BOS) (R-6, R-7, R-8) (within 60 days)
- Behavioral Health Services (via BOS) (R-8, R-9, R-10) (within 60 days)
- Probation Department (via BOS) (R-4) (within 60 days)
- Kelseyville Fire Protection District (R-1, R-10) (within 60 days)
- Lake County Fire Protection District (R-1, R-10) (within 60 days)
- Lake Pillsbury Fire Protection District (R-1, R-10) (within 60 days)
- Lakeport Fire Protection District (R-1, R-10) (within 60 days)
- Northshore Fire Protection District (R-1, R-10) (within 60 days)
- South Lake County Fire Protection District (R-1) (within 60 days)





## Exhibit 1 (A)



## HUD 2020 Continuum of Care Homeless Assistance Programs Homeless Populations and Subpopulations

**Important Notice About This Data:** This report is based on point-in-time information provided to HUD by Continuums of Care (CoCs) as part of their CoC Program application process, per the Notice of Funding Availability (NOFA) for the Fiscal Year 2020 Continuum of Care Program Competition. CoCs are required to provide an unduplicated count of homeless persons according to HUD standards (explained in HUD's annual HIC and PPT count notice and HUD's Point-in-Time Count Methodology Guide <https://www.hudexchange.info/hud/guides/pit-hic/>). HUD has conducted a limited data quality review but has not independently verified all of the information submitted by each CoC. The reader is therefore cautioned that since compliance with these standards may vary, the reliability and consistency of the homeless counts may also vary among CoCs. Additionally, a shift in the methodology a CoC uses to count the homeless may cause a change in homeless counts between reporting periods.

State Name: California

### Summary by household type reported:

|                                                               | Emergency Shelter | Sheltered | Transitional Housing* | Unsheltered    | Total          |
|---------------------------------------------------------------|-------------------|-----------|-----------------------|----------------|----------------|
| Households without children <sup>1</sup>                      | 20,783            |           | 6,882                 | 99,996         | 127,661        |
| Households with at least one adult and one child <sup>2</sup> | 4,643             |           | 1,609                 | 1,778          | 8,030          |
| Households with only children <sup>3</sup>                    | 136               |           | 30                    | 501            | 667            |
| <b>Total Homeless Households</b>                              | <b>25,562</b>     |           | <b>8,521</b>          | <b>102,275</b> | <b>136,358</b> |

### Summary of persons in each household type:

|                                                                                |               |               |                |                |
|--------------------------------------------------------------------------------|---------------|---------------|----------------|----------------|
| <b>Persons in households without children<sup>1</sup></b>                      | <b>21,098</b> | <b>6,953</b>  | <b>106,930</b> | <b>134,981</b> |
| Persons Age 18 to 24                                                           | 1,402         | 1,246         | 8,979          | 11,627         |
| Persons Over Age 24                                                            | 19,696        | 5,707         | 97,951         | 123,354        |
| <b>Persons in households with at least one adult and one child<sup>2</sup></b> | <b>14,711</b> | <b>4,931</b>  | <b>6,135</b>   | <b>25,777</b>  |
| Children Under Age 18                                                          | 8,970         | 3,047         | 3,334          | 15,351         |
| Persons Age 18 to 24                                                           | 863           | 374           | 527            | 1,764          |
| Persons Over Age 24                                                            | 4,878         | 1,510         | 2,274          | 8,662          |
| <b>Persons in households with only children<sup>3</sup></b>                    | <b>157</b>    | <b>38</b>     | <b>595</b>     | <b>790</b>     |
| <b>Total Homeless Persons</b>                                                  | <b>35,966</b> | <b>11,922</b> | <b>113,660</b> | <b>161,548</b> |

### Demographic summary by ethnicity:

|                           | Emergency Shelter | Sheltered | Transitional Housing* | Unsheltered    | Total          |
|---------------------------|-------------------|-----------|-----------------------|----------------|----------------|
| Hispanic / Latino         | 12,141            |           | 4,075                 | 35,750         | 51,966         |
| Non-Hispanic / Non-Latino | 23,825            |           | 7,847                 | 77,910         | 109,582        |
| <b>Total</b>              | <b>35,966</b>     |           | <b>11,922</b>         | <b>113,660</b> | <b>161,548</b> |

### Demographic summary by gender:

|                                                             |               |  |               |                |                |
|-------------------------------------------------------------|---------------|--|---------------|----------------|----------------|
| Female                                                      | 15,942        |  | 5,001         | 32,562         | 53,505         |
| Male                                                        | 19,780        |  | 6,722         | 79,235         | 105,737        |
| Transgender                                                 | 191           |  | 139           | 1,271          | 1,601          |
| Gender Non-Conforming (i.e. not exclusively male or female) | 53            |  | 60            | 592            | 705            |
| <b>Total</b>                                                | <b>35,966</b> |  | <b>11,922</b> | <b>113,660</b> | <b>161,548</b> |

\* Safe Haven programs are included in the Transitional Housing category.

<sup>1</sup>This category includes single adults, adult couples with no children, and groups of adults.

<sup>2</sup>This category includes households with one adult and at least one child under age 18.

<sup>3</sup>This category includes persons under age 18, including children in one-child households, adolescent parents and their children, adolescent siblings, or other household configurations composed only of children.

Tuesday, December 15, 2020

## Exhibit 1 (B)



**Important Notice About This Data:** This report is based on point-in-time information provided to HUD by Continuums of Care (CoCs) as part of their CoC Program application process, per the Notice of Funding Availability (NOFA) for the Fiscal Year 2020 Continuum of Care Program Competition. CoCs are required to provide an unduplicated count of homeless persons according to HUD standards (explained in HUD's annual HIC and PIT count notice and HUD's Point-in-Time Count Methodology Guide <https://www.hudexchange.info/keywords/pit-hic/>). HUD has conducted a limited data quality review but has not independently verified all of the information submitted by each CoC. The reader is therefore cautioned that state compliance with these standards may vary; the reliability and consistency of the homeless counts may also vary among CoCs. Additionally, a shift in the methodology a CoC uses to count the homeless may cause a change in homeless counts between reporting periods.

## HUD 2020 Continuum of Care Homeless Assistance Programs Homeless Populations and Subpopulations

### Demographic summary by race:

|                                           | Sheltered         |                       | Unsheltered       |                       | Total          |
|-------------------------------------------|-------------------|-----------------------|-------------------|-----------------------|----------------|
|                                           | Emergency Shelter | Transitional Housing* | Emergency Shelter | Transitional Housing* |                |
| Black or African-American                 | 12,697            | 3,795                 | 33,118            | 49,610                | 49,610         |
| White                                     | 19,356            | 6,777                 | 61,306            | 87,439                | 87,439         |
| Asian                                     | 719               | 229                   | 2,292             | 3,240                 | 3,240          |
| American Indian or Alaska Native          | 1,049             | 368                   | 4,969             | 6,386                 | 6,386          |
| Native Hawaiian or Other Pacific Islander | 397               | 123                   | 1,264             | 1,784                 | 1,784          |
| Multiple Races                            | 1,748             | 630                   | 10,711            | 13,089                | 13,089         |
| <b>Total</b>                              | <b>35,966</b>     | <b>11,922</b>         | <b>113,660</b>    | <b>161,548</b>        | <b>161,548</b> |

### Summary of chronically homeless households by household type reported:

|                                                                                    | Sheltered         |                       | Unsheltered       |                       | Total |
|------------------------------------------------------------------------------------|-------------------|-----------------------|-------------------|-----------------------|-------|
|                                                                                    | Emergency Shelter | Transitional Housing* | Emergency Shelter | Transitional Housing* |       |
| Chronically Homeless households with at least one adult and one child <sup>a</sup> | 510               | 0                     | 427               | 937                   | 937   |

### Summary of chronically homeless persons in each household type:

|                                                                                               |              |           |               |               |
|-----------------------------------------------------------------------------------------------|--------------|-----------|---------------|---------------|
| Chronically Homeless persons in households without children <sup>a</sup>                      | 7,912        | 97        | 40,714        | 48,723        |
| Chronically Homeless persons in households with at least one adult and one child <sup>a</sup> | 1,554        | 0         | 1,419         | 2,973         |
| Chronically Homeless persons in households with only children <sup>a</sup>                    | 27           | 0         | 62            | 89            |
| <b>Total Chronically Homeless Persons</b>                                                     | <b>9,493</b> | <b>97</b> | <b>42,195</b> | <b>51,785</b> |

### Summary of all other populations reported:

|                              |       |       |        |        |
|------------------------------|-------|-------|--------|--------|
| Severely Mentally Ill        | 6,125 | 1,859 | 29,615 | 37,599 |
| Chronic Substance Abuse      | 3,599 | 1,762 | 30,460 | 35,821 |
| Veterans                     | 1,619 | 1,786 | 7,996  | 11,401 |
| HIV/AIDS                     | 500   | 230   | 1,831  | 2,561  |
| Victims of Domestic Violence | 1,960 | 819   | 8,134  | 10,913 |
| Unaccompanied Youth          | 1,374 | 1,288 | 9,510  | 12,172 |
| Unaccompanied Youth Under 18 | 154   | 53    | 595    | 802    |
| Unaccompanied Youth 18-24    | 1,220 | 1,235 | 8,915  | 11,370 |
| Parenting Youth              | 563   | 269   | 295    | 1,127  |
| Parenting Youth Under 18     | 3     | 8     | 6      | 17     |
| Parenting Youth 18-24        | 560   | 261   | 289    | 1,110  |
| Children of Parenting Youth  | 771   | 333   | 459    | 1,563  |

\* Safe Haven programs are included in the Transitional Housing category.

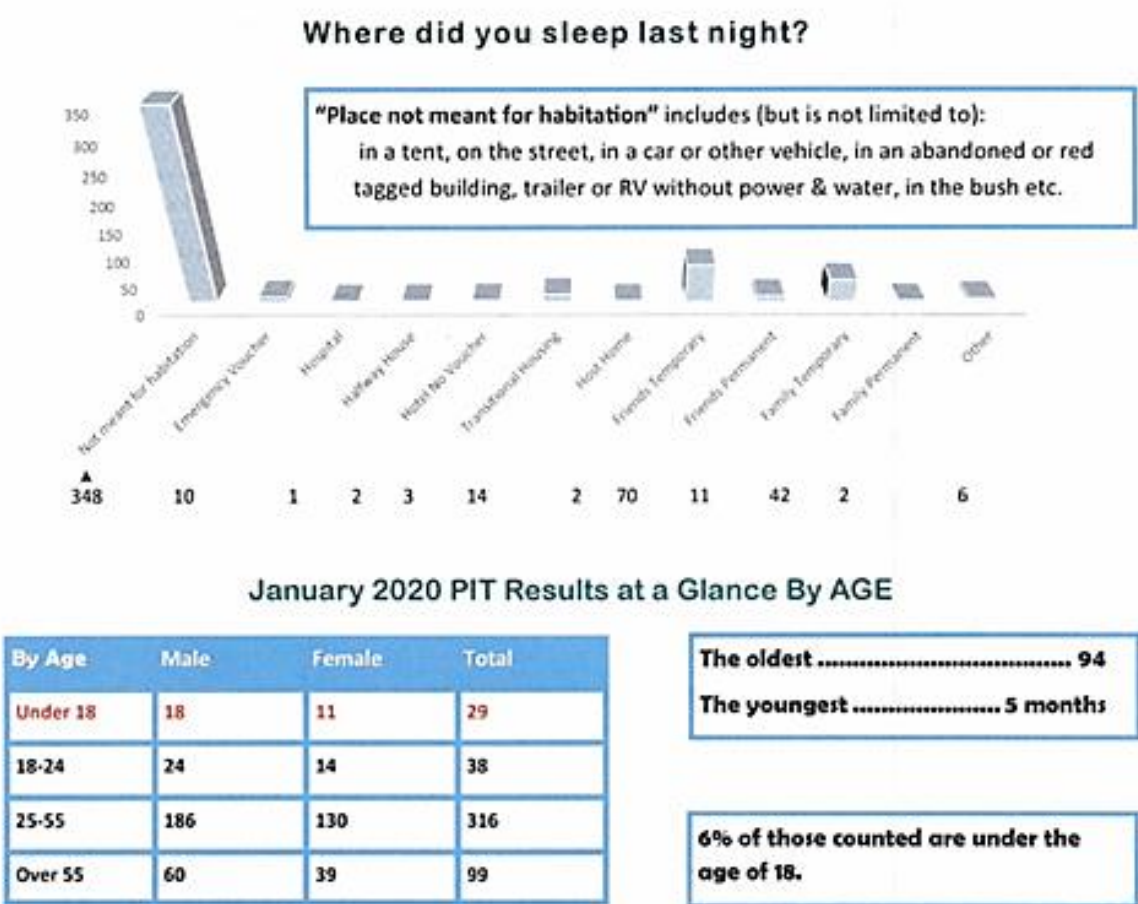
<sup>a</sup> This category includes single adults, adult couples with no children, and groups of adults.

<sup>b</sup> This category includes households with one adult and at least one child under age 18.

<sup>c</sup> This category includes persons under age 18, including children in one-child households, adolescent parents and their children, adolescent siblings, or other household configurations composed only of children.

Tuesday, December 15, 2020

Exhibit 2 (A)

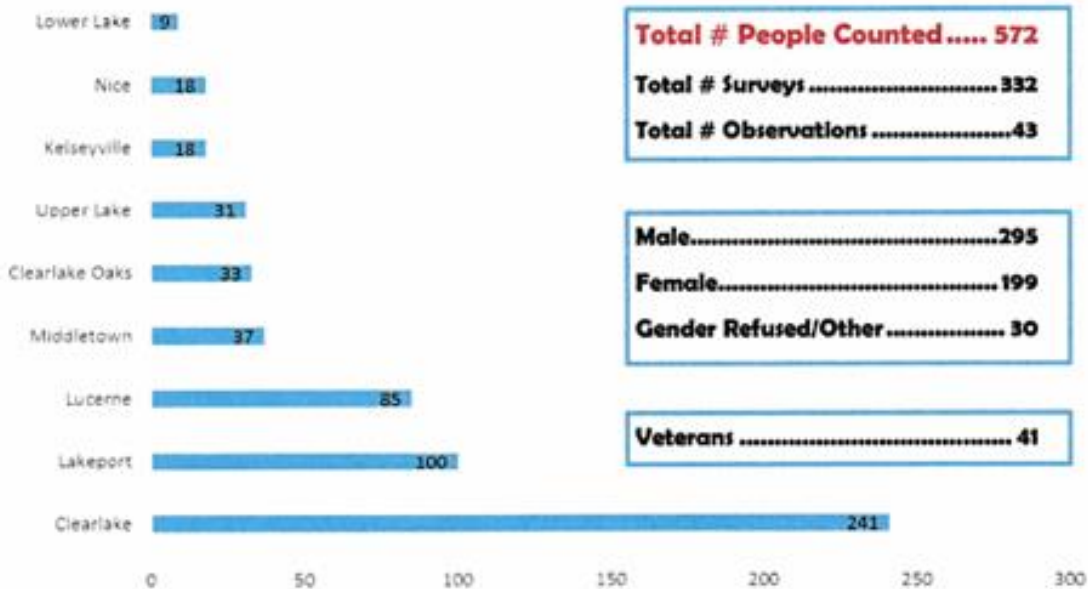


|                                                                                                                                                                                                                                                                                                                                                                     |              |      |        |       |         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------|--------|-------|---------|
| <div><b>Contrast Our PIT Count data with Partnership Health Plan (PHP).</b><br/>PHP data is for 2019 and includes people who:<br/>1) have PHP insurance<br/>2) sought medical care Jan—Nov 2019 in Lake County<br/>3) identified their address as homeless, camping, living in car, on the streets, place to place or had "homeless" diagnosis from provider.</div> |              |      |        |       |         |
|                                                                                                                                                                                                                                                                                                                                                                     | Age          | Male | Female | Total | Percent |
|                                                                                                                                                                                                                                                                                                                                                                     | 0-5 y.o.     | 124  | 106    | 230   | 7%      |
|                                                                                                                                                                                                                                                                                                                                                                     | 6-12 y.o.    | 113  | 114    | 227   | 7%      |
|                                                                                                                                                                                                                                                                                                                                                                     | 12 - 18 y.o. | 98   | 115    | 213   | 6%      |
|                                                                                                                                                                                                                                                                                                                                                                     | 19 - 21 y.o. | 79   | 99     | 178   | 5%      |
|                                                                                                                                                                                                                                                                                                                                                                     | 22 - 44 y.o. | 962  | 667    | 1629  | 48%     |
|                                                                                                                                                                                                                                                                                                                                                                     | 45- 64 y.o.  | 488  | 330    | 818   | 24%     |
|                                                                                                                                                                                                                                                                                                                                                                     | 65+          | 42   | 33     | 75    | 2%      |
|                                                                                                                                                                                                                                                                                                                                                                     | Total        | 1906 | 1464   | 3370  | 100%    |
| <div>The PHP numbers above represent individuals and are unduplicated.</div>                                                                                                                                                                                                                                                                                        |              |      |        |       |         |

Exhibit 2 (B)

Lake County, CA January 2020 Point In Time Results at a Glance

PIT Count By City



**Social & Community**

**Average # of Years in Lake County .....17.98**

**# who reported FAMILY in Lake County .....207**

**Experiencing homelessness due to DV .....50**

**Have you been served by Foster Care ..... 82**

**First time homeless.....182**

**Health**

**Question #16: ongoing health problems such as diabetes, cancer or heart disease?**

**Yes .....130**

- Diabetes ..... 25**
- Heart Disease ..... 22**
- Cancer ..... 9**

**The Fires**

**Question #27 asked, "Did any of the Lake County or other fires make you homeless?"**

**177 people (out of 332 surveys) answered YES.**

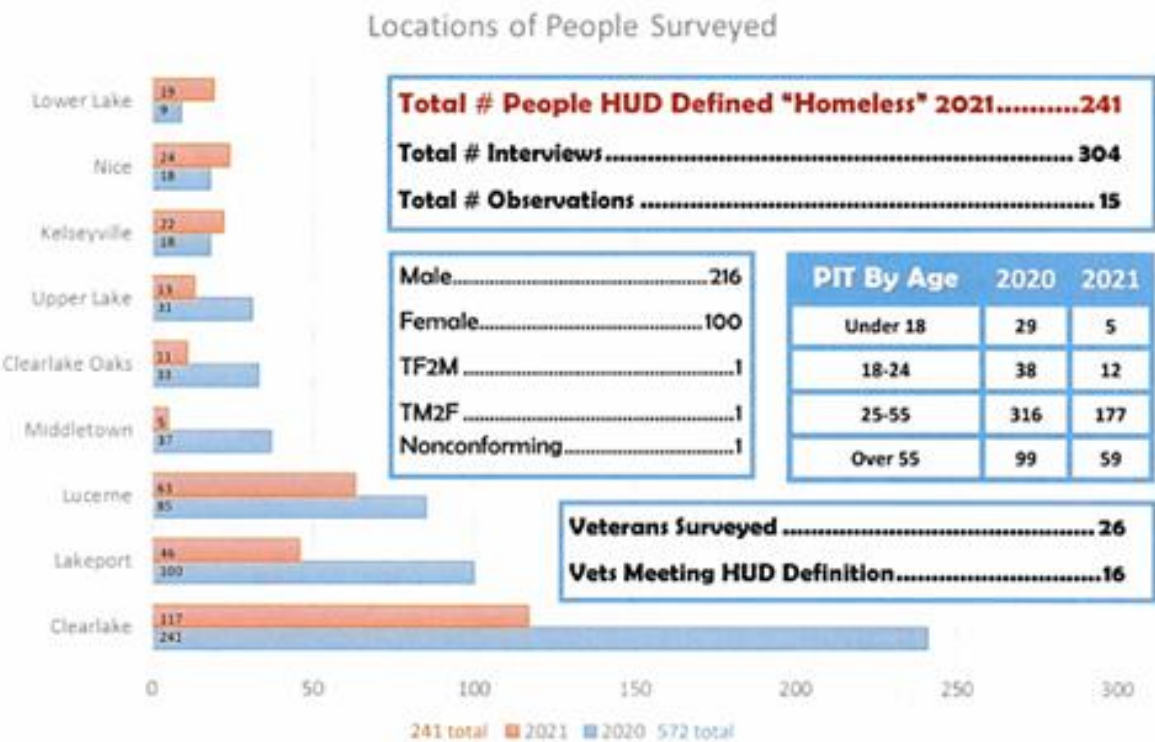
**Did a specific fire cause you to be homeless? (107 out of 177)**

- Mendocino Complex..... 38**
- Valley Fire ..... 33**
- Sulphur Fire .....18**
- Clayton Fire ..... 7**
- Rocky/Jerusalem ..... 6**
- Pawnee..... 1**
- Other (S.R., Camp etc) ..... 4**



Exhibit 3 (A)

Lake County, CA January 2021 Point In Time (PIT) Results at a Glance



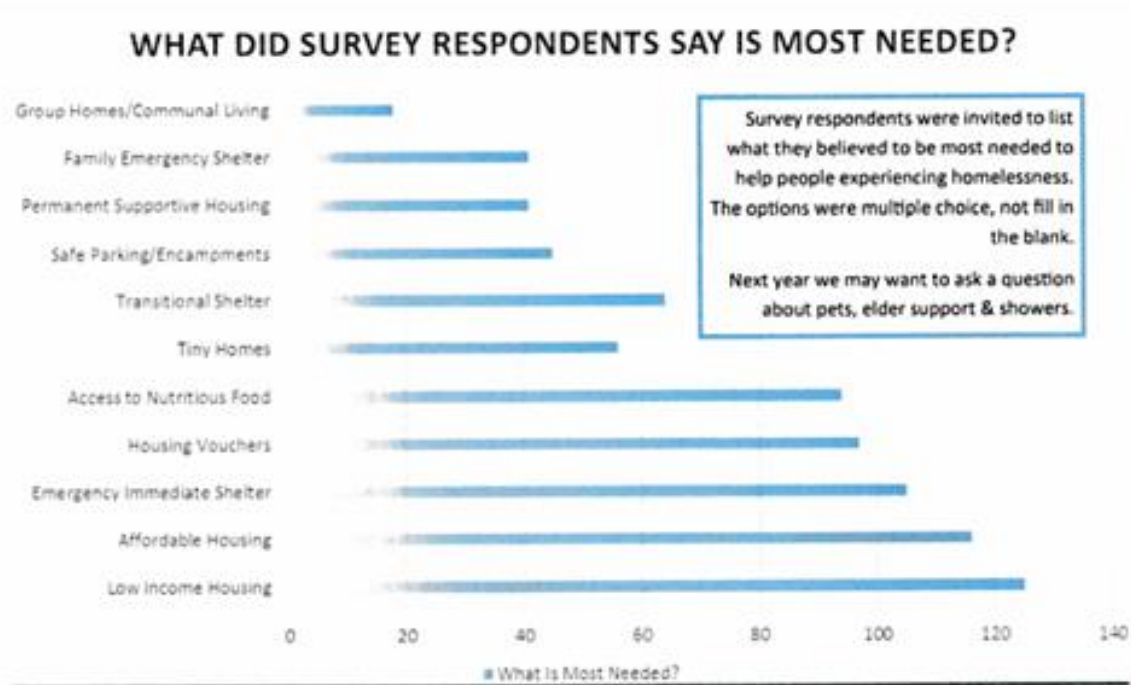
| Ethnicity               | # Counted | % of PIT | Lake County % |
|-------------------------|-----------|----------|---------------|
| Non-Hispanic/Non Latino | 204       | 79%      | 68.9%         |
| Hispanic/Latino         | 54        | 21%      | 22%           |
| Mixed                   |           |          | 4.7%          |

| Race                                | # Counted | % of PIT | Lake County % |
|-------------------------------------|-----------|----------|---------------|
| White                               | 172       | 66%      | 87%           |
| American Indian/ or Alaska Native   | 58        | 22.5%    | 4.5%          |
| Black/ African American             | 9         | 3.5%     | 2.1%          |
| Native Hawaiian or Pacific Islander | 5         | 2%       | .3%           |
| Asian                               | 0         |          | 1.4%          |
| Multiple/Other                      | 10        | 4%       | 4.7%          |

Tribal Membership  
As Self Reported in PIT

|                 |    |
|-----------------|----|
| Robinson        | 13 |
| Pomo            | 4  |
| Chippewa        | 4  |
| Cherokee        | 4  |
| Choctaw         | 2  |
| Upper Lake      | 2  |
| Round Valley    | 2  |
| Aztec           | 1  |
| South Dakota    | 1  |
| Banning         | 1  |
| Creek           | 1  |
| Blackfoot       | 1  |
| Easter Shoshone | 1  |
| Montana         | 1  |
| Yakima          | 1  |
| Chinook         | 1  |
| Disenrolled     | 3  |

Exhibit 3 (B)



**Health & Homelessness**

- 115 of 319 people surveyed self identified as having Chronic Health disability (36%)
- 104 people survey identified as having a physical disability (32%)
- 62 people said they receive disability benefits (19%)

**Family**

- 32 individuals said they would like help reconnecting with family
- 70 is the longest number of years a respondent has lived in Lake County, as with many, it matched her age, she has lived here her entire life.
- Of the 319, only 24 had been in Lake County one year or less (7%)
- 227 of respondents have lived in Lake County longer than 5 years, these neighbors went through the fires with us (71%)

**Experiences of Homelessness**

**Chronic homelessness** is used to describe people who have experienced homelessness for at least a year, or repeatedly, while struggling with a disabling condition such as a serious mental illness, substance use disorder, or physical disability. Our 2021 count identified 40 people that met this criteria.

People experiencing homelessness for the 1st time ....100

Homelessness Directly Caused by COVID .....58

- 31 reported COVID caused them to lose job (53%)
- 17 reported eviction due to COVID (29%)
- 5 reported both job loss and eviction (9%)
- 13 did not say how COVID caused their homelessness

Homelessness caused by Domestic Violence .....22

Homelessness caused by disaster (fire, flood etc) .....29

Being helped by homeless service provider .....74

Self reported as having Serious Mental Illness.....49

Self reported as having Substance Use Disorder.....36

**Average # of Years Respondents have lived in Lake County: 21.55**

This PIT Summary was prepared by Rev. Shannon Kimbell-Auth, LCOC PIT Chair, Manager Community Integration Adventist Health Clear Lake, kimballsa@ah.org

## Exhibit 4

Exhibit 2. Total estimated spending on San Jose's encampment response in FY 2019

|                                                 | Labor              | Nonlabor         | Total              |
|-------------------------------------------------|--------------------|------------------|--------------------|
| Encampment clearance and closures               | \$4,865,945        | \$ 6,262         | \$4,872,207        |
| Encampment prevention                           | \$1,420,104        | \$ 75,000        | \$1,495,104        |
| Outreach and engagement                         | \$ 740,174         | \$ 59,850        | \$ 800,024         |
| Coordination and management                     | \$ 709,198         | \$ 0             | \$ 709,198         |
| San Jose Police Department's Street Crimes Unit | \$ 555,200         | \$ 0             | \$ 555,200         |
| Health care in encampments                      | \$ 42,384          | \$ 10,664        | \$ 53,048          |
| Financial assistance to encampment residents    | \$ 0               | \$ 17,476        | \$ 17,476          |
| Encampment supports                             | \$ 16,533          | \$ 0             | \$ 16,533          |
| Site reclamation                                | \$ 37,801          | \$ 0             | \$ 37,801          |
| <b>Total</b>                                    | <b>\$8,387,339</b> | <b>\$169,252</b> | <b>\$8,556,591</b> |

## Exhibit 5 (A)

**PHASE 1 - ENFORCEMENT & ABATEMENT**

|                           |                          |                       |                                             |                   |
|---------------------------|--------------------------|-----------------------|---------------------------------------------|-------------------|
| <b>TIMELINE</b>           | 09/10/20 - 11/03/20      |                       | Notice of violations to property owners     |                   |
|                           | 09/30/20 - 01/19/21      |                       | Administrative citations to property owners |                   |
|                           | 12/14/20 - 12/17/20      |                       | City executed abatements                    |                   |
| <b>CITATIONS</b>          | <b>LOCATION</b>          | <b># OF CITATIONS</b> | <b>OWNER ABATED</b>                         | <b>% COMPLIED</b> |
|                           | Toyon St.                | 19                    | 11                                          | 57                |
|                           | Peony St.                | 18                    | 16                                          | 89                |
|                           | Oleander St.             | 12                    | 11                                          | 92                |
|                           | Mint St.                 | 12                    | 8                                           | 67                |
|                           | <b>Total</b>             | <b>61</b>             | <b>46</b>                                   | <b>75</b>         |
| <b>VEHICLE ABATEMENT</b>  | Cars or pickups          |                       | 36                                          |                   |
|                           | RVs / travel trailers    |                       | 10                                          |                   |
|                           | <b>Total</b>             |                       | <b>46</b>                                   |                   |
| <b>PROPERTY ABATEMENT</b> | 30cu. yd. waste dumpster |                       | 5                                           |                   |
|                           | 30cu. yd. green waste    |                       | 1                                           |                   |
|                           | <b>Total</b>             |                       | <b>6</b>                                    |                   |

**PHASE 1 - COST**

|                           |                          |                  |                    |
|---------------------------|--------------------------|------------------|--------------------|
| <b>PERSONNEL</b>          | Public Works             | 128 hours        | \$8,659.68         |
|                           | Code Enf.                | 112 hours        | \$8,044.62         |
|                           | <b>Total</b>             | <b>240 hours</b> | <b>\$16,704.30</b> |
| <b>EQUIPMENT</b>          | Backhoe                  | 32 hours         | \$1,585.60         |
|                           | Toolcat                  | 24 hours         | \$786.00           |
|                           | <b>Total</b>             | <b>56 hours</b>  | <b>\$2,371.60</b>  |
| <b>VEHICLE ABATEMENT</b>  | Cars and Pickups         | 36 tows          | \$6,588.00         |
|                           | RVs and Travel Trailers  | 10 tows          | \$6,700.00         |
|                           | <b>Total</b>             | <b>46 tows</b>   | <b>\$13,288.00</b> |
| <b>PROPERTY ABATEMENT</b> | 30cu. yd. waste dumpster | 5 full           | \$6,864.45         |
|                           | 30cu. yd. green waste    | 1 full           | \$477.72           |
|                           | <b>Total</b>             | <b>6 full</b>    | <b>\$7,342.17</b>  |
| <b>TOTAL COST</b>         |                          |                  | <b>\$39,706.07</b> |





## Exhibit 5 (B)

**PHASE 2 - ENFORCEMENT & ABATEMENT (IN PROGRESS)**

|                           |                 |                          |                                             |               |                   |
|---------------------------|-----------------|--------------------------|---------------------------------------------|---------------|-------------------|
| <b>TIMELINE</b>           |                 | 12/28/20 - 01/21/21      | Notice of violations to property owners     |               |                   |
|                           |                 | 01/12/21 - Current       | Administrative citations to property owners |               |                   |
|                           |                 | TBD                      | City executed abatements                    |               |                   |
| <b>CITATIONS</b>          | <b>LOCATION</b> | <b># OF CITATIONS</b>    | <b>OWNER ABATED</b>                         | <b>ACTIVE</b> | <b>% COMPLIED</b> |
|                           | Toyon St.       | 17                       | 7                                           | 3             | 50                |
|                           | Peony St.       | 16                       | 7                                           | 3             | 54                |
|                           | Oleander St.    | 14                       | 6                                           | 2             | 50                |
|                           | Mint St.        | 12                       | 6                                           | 2             | 60                |
|                           | Boxwood St.     | 4                        | 2                                           | 2             | 100               |
|                           | Total           | 63                       | 28                                          | 12            | 55                |
| <b>VEHICLE ABATEMENT</b>  |                 | Cars or pickups          | TBD                                         |               |                   |
|                           |                 | RVs / travel trailers    | TBD                                         |               |                   |
|                           |                 | Total                    | TBD                                         |               |                   |
| <b>PROPERTY ABATEMENT</b> |                 | 30cu. yd. waste dumpster | TBD                                         |               |                   |
|                           |                 | 30cu. yd. green waste    | TBD                                         |               |                   |
|                           |                 | Total                    | TBD                                         |               |                   |

**PHASE 2 - COST**

TBD









# Grand Jury Appendix



Superior Court of California, County of Lake  
(707) 263-2374 x2282

## GRAND JURY APPLICATION

If you are selected to serve on the Lake County Grand Jury, during your twelve months on the panel, you will be asked to evaluate and investigate citizens' complaints, interview officials in charge of various County or City or Special District activities, and visit agencies and sites relevant to your area of interest and focus. You will also be asked to write reports based on these investigations, interviews, and visits.

1. Name: \_\_\_\_\_; Birth Date \_\_\_\_\_  
                     Last                      First                      Middle
- Street Address: \_\_\_\_\_
- Mailing Address: \_\_\_\_\_
- Phone: \_\_\_\_\_ (home); \_\_\_\_\_ (office); \_\_\_\_\_ (cell);
- E-Mail Address: \_\_\_\_\_; Fax No.: \_\_\_\_\_
- California Driver's License or I.D. No.: \_\_\_\_\_
2. Supervisorial District: \_\_\_\_\_
3. Education: High School \_\_\_\_\_; Junior College \_\_\_\_\_; 4-Yr College Graduate : \_\_\_\_\_  
                     Post-Graduate \_\_\_\_\_; Majors: \_\_\_\_\_; Degrees: \_\_\_\_\_  
                     Licenses, Certifications, Credentials \_\_\_\_\_
4. Occupation(s), past & present: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
5. How long in Lake County? \_\_\_\_\_; Are you retired now? \_\_\_\_\_
6. Special Skills/Knowledge: \_\_\_\_\_ Computer Processing; \_\_\_\_\_ IT; \_\_\_\_\_ Accounting;  
                                             \_\_\_\_\_ Budget Analysis; \_\_\_\_\_ Auditing; \_\_\_\_\_ Management;  
                                             \_\_\_\_\_ Interviewing; \_\_\_\_\_ Research; \_\_\_\_\_ Writing;  
                                             \_\_\_\_\_ Government Services; \_\_\_\_\_ Law Enforcement;  
                                             \_\_\_\_\_ Teaching; \_\_\_\_\_ Law; \_\_\_\_\_ Elected Office

7. Other Specialized Training:\_\_\_\_\_

LEGAL QUALIFICATIONS

- ☐ Yes    ☐ No    I am a US Citizen and at least 18 years old.
- ☐ Yes    ☐ No    I will have been a resident of Lake County for at least 1 year by next July 1.
- ☐ Yes    ☐ No    I am in possession of my natural faculties, of ordinary intelligence, of sound judgment, and fair character.
- ☐ Yes    ☐ No    I have been convicted of malfeasance in office or a felony.
- ☐ Yes    ☐ No    I am presently serving as an elected public officer.
- ☐ Yes    ☐ No    I understand the spoken and written English language.

8. List any organization(s) in which you are presently and/or have been active over the past five years.

| Name of Organization | Purpose | Duties | Dates |
|----------------------|---------|--------|-------|
| _____                | _____   | _____  | _____ |
| _____                | _____   | _____  | _____ |
| _____                | _____   | _____  | _____ |

9. Prior County Grand Jury Service: Yes\_\_\_\_\_; County:\_\_\_\_\_Year(s):\_\_\_\_\_  
Prior Federal Grand Jury Service: Yes\_\_\_\_\_; No:\_\_\_\_\_

10. An appointment to the Lake County Grand Jury generally demands attendance at Grand Jury plenary sessions, an assignment to two committees, regular attendance at committee meetings, and extensive investigative duties. If appointed to the Lake County Grand Jury, how many hours each week can you devote to these responsibilities?\_\_\_\_\_

11. Do you have a disability or illness which would have to be accommodated in order to allow your full participation in Grand Jury activities?\_\_\_\_\_ If yes, please explain.\_\_\_\_\_  
\_\_\_\_\_

12. Do you currently hold a civic elective position (school board, commission, etc.)?\_\_\_\_\_  
If yes, please list the identity of the agency, position held and term of expiration date.\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Why would you like to serve on the Grand Jury?:\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. What departments of County or City government or County/City services, if any, do you believe warrant closer scrutiny, and why?:\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



15. Are you or your spouse now, or have you ever been employed by a governmental body or agency, and if so in what capacity?: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Pursuant to Penal Code Section 903.2, I understand an investigation that will include a criminal record check will be conducted to help determine my eligibility to serve as a Grand Juror. I further understand that if my name is drawn as a Grand Juror or as an alternate, I may be required to attend grand jury training; if I am seated as a Grand Juror, I will be available to attend grand jury meetings and devote the required time to complete grand jury work for one year, from July through June. I further understand that if my name is drawn as an alternate, I will remain available for one year to serve as a member of the grand jury if called upon.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: \_\_\_\_\_ Signature: \_\_\_\_\_  
(Please insert date signed) (Please sign your name here)

For statistical records, please mark appropriate boxes.

Age Range; specifically: ☐ 18-25 ☐ 26-34 ☐ 35-44 ☐ 45-54 ☐ 55-64 ☐ 65-74 ☐ 75 and over

Gender: ☐ Male ☐ Female

Race or Ethnicity: ☐ American Indian or Alaskan Native  
☐ Asian ☐ Black or African American  
☐ Hispanic/Latino ☐ Native Hawaiian or other Pacific Islander  
☐ White (Anglo) ☐ Other Race or Ethnicity (Please state \_\_\_\_\_)  
☐ Decline to Answer

Place of Residence by Supervisorial District:  
☐ District 1 ☐ District 2 ☐ District 3 ☐ District 4 ☐ District 5



**Grand Jury Complaint Form**



**COUNTY OF LAKE**  
**LAKE COUNTY GRAND JURY**  
**P.O. BOX 1078**  
**KELSEYVILLE, CALIFORNIA 95451**

**COMPLAINT FORM**

**WHEN COMPLETED – MAIL THIS FORM TO THE ABOVE ADDRESS**  
**ALL COMMUNICATION TO THE GRAND JURY ARE CONFIDENTIAL**

This complaint should be submitted after all attempts to resolve a situation have been explored unsuccessfully.

Person or agency your complaint is about

Name and Title

Organization

Address

Telephone

My complaint is (be as precise as possible, providing dates, times, and names of individuals involved. Describe more specific instances instead of making broad statements. Attach any available photographs, correspondence or documentation which pertains to this complaint. Use extra sheets as necessary.)

Other persons or agencies you have contacted about this complaint.

Describe the action you wish the Grand Jury to take.

Using additional sheets provide any further information you feel may be helpful in an investigation.  
COMPLAINANT:

Name (please print)

Telephone

Address:

City:

State:

Zip Code:

Signature:

Date:

*Your confidentiality will be vigorously protected. All complaints will be acknowledged promptly.*  
Please read additional instructions attached.

..





# CITY OF CLEARLAKE

## City Council

### STAFF REPORT

**SUBJECT:** Discussion and Possible Action Regarding California's Redistricting Process

**MEETING DATE:** Sept. 16, 2021

**SUBMITTED BY:** Alan D. Flora, City Manager

**PURPOSE OF REPORT:** ☐ Information only ☒ Discussion ☒ Action Item

#### WHAT IS BEING ASKED OF THE CITY COUNCIL:

The City Council is being asked to discuss California's Redistricting Process and Provide Possible Direction to Staff.

As a result of the 2020 Census most political boundaries must be redrawn to adjust districts based on population. This process has been significantly slowed due to the Census being conducted during the global COVID pandemic. In November 2008, California voters passed the Voters FIRST Act, authorizing the creation of the Independent Citizens Redistricting Commission to draw new district lines, taking the job out of the hands of the California Legislature and transferring it to the citizens. In 2010, the VOTERS FIRST Act for Congress added the responsibility of drawing Congressional districts to the Commission.

The Commission is currently gathering public input on boundaries. The City's political support (or lack thereof) in the state and federal legislature's critically important to our plans for the future. It is important for the City to provide input on any redistricting that provides the best footing for ensuring support for issues that are important to Clearlake residents.

In April the Lake County Board of Supervisors adopted a resolution asking the Commission to continue to include Lake County with Napa and Sonoma in representation due to similar issues, the wine industry, etc. The Council should consider requesting specific goals in our representation and possibly consider requesting the Board of Supervisors support and requests with and additional letter to the Commission.

#### OPTIONS:

1. Provide Direction to Staff.

#### FISCAL IMPACT:

☒ None ☐ \$ Budgeted Item? ☐ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☐ No If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other:

Comments:

**STRATEGIC PLAN IMPACT:**

- ☐ Goal #1: Make Clearlake a Visibly Cleaner City
- ☐ Goal #2: Make Clearlake a Statistically Safer City
- ☒ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☒ Goal #4: Improve the Image of Clearlake
- ☒ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☒ Goal #7: Support Economic Development

**SUGGESTED MOTIONS:**

☒ **Attachments:**

1. Draft Resolution to Redistricting Commission

**RESOLUTION NO. 2021-47**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE  
URGING THE CALIFORNIA CITIZENS REDISTRICTING COMMISSION TO  
COMBINE ALL OF LAKE COUNTY WITHIN THE SAME UNITED STATES  
CONGRESSIONAL DISTRICT AND TO KEEP ALL OF LAKE COUNTY WITHIN  
THE SAME STATE SENATE AND ASSEMBLY DISTRICTS**

**WHEREAS**, as a result of the passage of Proposition 20 by California voters in 2010, the California Citizens Redistricting Commission is responsible to establish new District boundaries based on information gathered through the decennial Census; and

**WHEREAS**, Lake County was split into two Congressional Districts after the 2010 Census, with Lakeport, Kelseyville and the southern part of the County included in the 5<sup>th</sup> Congressional District with portions of Napa and Sonoma Counties; and Clearlake and the northern part of the County included in the 3<sup>rd</sup> Congressional District with all or portions of Colusa, Glenn, Solano, Sutter, Yolo, and Yuba Counties; and

**WHEREAS**, the current 5<sup>th</sup> Congressional District wraps around the City of Clearlake on three sides, but does not include the City; and

**WHEREAS**, the criteria of the Commission state, *“Districts must respect the boundaries of cities, counties, neighborhoods and communities of interest, and minimize their division, to the extent possible”*; and

**WHEREAS**, the criteria of the Commission state, *“Districts should be geographically compact, that is, have a fairly regular shape”*; and

**WHEREAS**, Lake County qualifies as a community of interest based on the definition in the California Constitution, *“A community of interest is a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Examples of such shared interests are those common to an urban area, a rural area, an industrial area, or an agricultural area, and those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process.”*; and

**WHEREAS**, the criteria of the Commission and intent of the California Constitution are best accomplished by ensuring the entirety of Lake County is represented in each district rather than being segregated; and

**WHEREAS**, Lake County is geographically distinct and includes natural features that have created a well-defined and largely homogenous community within its borders; and

**WHEREAS**, Lake County, and particularly the City of Clearlake, is a region rich in Native American history and accompanying cultural resources. Keeping this region connected under a unified Congressional District will help protect and advocate for their interests; and

**WHEREAS,** Lake County shares many interests with Napa and Sonoma Counties, including similar agricultural, geothermal and tourism industries, and regional watersheds and water rights; and

**WHEREAS,** State Senate and Assembly Districts both incorporate all of Lake County as one unit and include all or portions of both Napa and Sonoma County;

**WHEREAS,** these points of common interest provide strong ties both within Lake County and with our southern neighbors, and long-term relationships among our three counties, making common, effective, and fair representation and advocacy in a shared Congressional District with the entirety of Lake County truly critical.

**NOW, THEREFORE, BE IT RESOLVED:**

The City Council of the City of Clearlake strongly urges the California Citizens Redistricting Commission to rejoin all of Lake County with our neighbors in Napa and Sonoma County within the same United States Congressional District, and to keep all of Lake County within our current State Senate and Assembly Districts, to provide the most logical, efficient and effective representation possible.

PASSED AND ADOPTED on September 16, 2021 by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

\_\_\_\_\_  
Mayor, City of Clearlake

\_\_\_\_\_  
City Clerk, City of Clearlake