



## Legislation Details (With Text)

**File #:** 21-21      **Version:** 1      **Name:**  
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**File created:** 1/28/2021      **In control:** BOARD OF SUPERVISORS  
**On agenda:** 10/6/2020      **Final action:**  
**Title:** EXTRA ITEM: (a) Consideration of “extra” agenda item, and, (b) Consideration of Discussion and consideration for temporarily funding the purchase of a property in the Middle Creek Restoration Project

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
10/6/2020	1	BOARD OF SUPERVISORS		

### Memorandum

**Date:** October 6, 2020

**To:** The Honorable Moke Simon, Chair, Lake County Board of Supervisors

**From:** Scott De Leon, Public Works/Water Resources Director

**Subject:** EXTRA ITEM: (a) Consideration of “extra” agenda item, and, (b) Consideration of Discussion and consideration for temporarily funding the purchase of a property in the Middle Creek Restoration Project

**Executive Summary:** (include fiscal and staffing impact narrative):

(a) This item is being submitted as an “extra” agenda item. The justification for this request to consider an item not on the posted agenda is as follows:

This item came to my attention subsequent to the posting of the current agenda and there is a need to take action before the next agenda.

(b) Your Board, sitting as the Board of Directors for the Lake County Watershed Protection District, previously approved the purchase of the residential property owned by Mary Martin as part of the Middle Creek Marsh Restoration project. This purchase is being funded through a Flood Protection Corridor Program Grant we have obtained through the State of California, which funds 100% of the property acquisition and relocation costs. Prior to making an offer to the seller, an environmental review of the property and an appraisal was performed. The State reviewed and approved these documents prior to any discussions with the property owner, and all final paperwork is currently in processing for funding by the State with an anticipated funding release date of six to eight weeks. We

recently were informed however that Ms. Martin's escrow on the property where she intends to relocate needs to close prior to the anticipated funding date from the State and without that State funding her escrow is in jeopardy. Your Board has previously provided temporary loans for property purchases for similar situations with this project, and staff is respectfully requesting your consideration of once again using County reserve funds to complete this acquisition.

It is important to note that the acquisition of property for this project consists of two parts: the purchase of the existing property and the purchase of a comparable relocation property. Both of these require appraisals to determine current value and the purchase differential, and though separate actions, each need to occur to complete the process. If the escrow for the relocation property is not completed, the entire process will need to start over.

A summary of the property purchase and the estimated costs that would be required is as follows:

APN 004-016-33, 8220 Sailor Ave., Upper Lake: The 7.6 acre property contains a residence and out buildings and is owned by Mary T. Martin. The acquisition costs are as follows:

Purchase Price: \$210,000  
Purchase Differential: \$79,000  
Total Costs: \$14,159  
Total Expenditure = \$303,159

Please recall that these fees have been established by an independent fee appraisal and review by the State of California, Department of Water Resources, Real Estate Division. These acquisitions are fully funded by the DWR Grant.

The Lake County Watershed Protection District does not have sufficient funds in reserve to complete this purchase and we are recommending that the funds be loaned from the County infrastructure reserve.

**If not budgeted, fill in the blanks below only:**

Estimated Cost: \_\_\_\_\_ Amount Budgeted: \_\_\_\_\_ Additional Requested: \_\_\_\_\_ Future Annual Cost: \_\_\_\_\_

**Consistency with Vision 2028 and/or Fiscal Crisis Management Plan** (check all that apply):

- |  |  |   |   |
|--|--|---|---|
| <input type="checkbox"/> Well-being of Residents | <input type="checkbox"/> Public Safety               | <input type="checkbox"/> Infrastructure   | <input type="checkbox"/> Not applicable             |
| <input type="checkbox"/> Economic Development    | <input type="checkbox"/> Disaster Recovery           | <input type="checkbox"/> County Workforce | <input type="checkbox"/> <i>Technology Upgrades</i> |
| <input type="checkbox"/> Community Collaboration | <input type="checkbox"/> Business Process Efficiency | <input type="checkbox"/> Clear Lake       | <input type="checkbox"/> <i>Revenue Generation</i>  |
|  |  |   | <input type="checkbox"/> <i>Cost Savings</i>        |

**If request for exemption from competitive bid in accordance with County Code Chapter 2 Sec. 2-38, fill in blanks below:**

Which exemption is being requested?  
How long has Agreement been in place?  
When was purchase last rebid?  
Reason for request to waive bid?

**Recommended Action:**

- (a) I request that the Board take action by motion to accept this item for consideration as an "extra" agenda item.
- (b) Should your Board wish to proceed, staff recommends you take the following action by motion:
- "Approve transfer of funds from Fund 153 to Water Resources in an amount not to exceed \$600,000."

