



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MAY 1, 2007

The Honorable Board of Supervisors of Lake County, California, met in regular session this 1st day of May, 2007, there being present Supervisors Ed Robey, Denise Rushing, Anthony Farrington, Rob Brown, Jeff Smith, Administrative Officer Kelly Cox, County Counsel Anita Grant, and Assistant Clerk of the Board Mireya Turner.

The meeting was called to order at 9:00 a.m. by Chair Smith. Following a moment of silence, Supervisor Farrington led the salute to the flag of the United States of America.

1. **ITEM A-3 - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Robey and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-24, with the exclusion of C-9, C-17, and C-24, which will be taken up later in the day.

Adopted Proclamation designating the month of May, 2007, as National Military Appreciation Month.

Adopted Proclamation designating the month of May, 2007, as Veteran Appreciation Month.

Adopted Proclamation designating the month of May as California Water Awareness Month.

Adopted Proclamation designating the month of May, 2007, as Mental Health Month in Lake County.

Adopted Proclamation designating the month of May, 2007, as Motorcycle Awareness Month in Lake County.

Appointed Donald Clay to the Upper Lake Cemetery District Board of Trustees, for a term ending on May 1, 2011.

Adopted Resolution No. 2007-83 to appropriate over-realized and unanticipated revenue (received from a donation from the Resort and Restaurant Association in the amount of \$4,798.42), for multi-use pathways projects.

Adopted Resolution No. 2007-84 in support of Housing Legislation Bill No. 1019 (pertaining to annexation policy and state mandated housing element).

Approved Amendment No. 1 to Agreement between the County of Lake and Toshiba Business Systems for rental of digital photocopy machines (adding upgrades to numerous copy machines), for a .0009 per copy increase to original contract, and authorized the Chair to sign.

Approved Environmental Consultant Agreement between the County of Lake and SHN Consulting Engineers & Geologists, Inc. to provide required reporting documents and information to the State for groundwater monitoring for the Eastlake Landfill through March 31, 2009, in the amount of \$11,900, and authorized the Chair to sign.

Adopted Resolution No. 2007-85 changing mileage in County maintained road system (612.95 miles for 2006).

Adopted Resolution No. 2007-86, authorizing the Director, Public Works Department, to sign a notice of completion for work performed under agreement dated December 27, 2006, (improvements on Fairway Drive Safe Routes to School in Lake County).

Adopted Resolution No. 2007-87 to appropriate over-realized and unanticipated revenue (received from an increase in fleet service in the amount of \$45,000), for purchase of specific parts and inventory items and professional mechanic services - Budget Unit No. 9905 - Central Garage Division.

Approved Request from REM Construction (primary contractor for the Lake County Animal Care and Control Facility), for replacement of floor seal technology (subcontractor) with Tera Lite, due to an inadvertent clerical error in Bid #07-17.

Approved Third Amendment to Agreement between the County of Lake and Willow Glen Care Center for mental health services (an increase of \$88,000 for an annual contract maximum of \$200,000), and authorized the Chair to sign.

Approved Emergency Management Performance Grant (in the amount of \$57,181 and a 50% County match) to be used for salaries and benefits, and authorized the Chair to sign.

(A) Adopted Resolution No. 2007-88 to appropriate over-realized and unanticipated revenue (received from an outlawed check in the amount of \$14,020), for payment of a maintenance agreement for Citywatch Notification System - Budget Unit No. 2209 - Sheriff/High Technology; and

(B) Adopted Resolution No. 2007-89 to appropriate unanticipated revenue (received from an outlawed check in the amount of \$478.01), for payment of dart emblems to "Perfect T's" and Screening - Budget Unit No. 2704 - Emergency Services.

Adopted Resolution No. 2007-90 appropriating unanticipated revenue (received from the County General Fund in the amount of \$122,000), to help fund water tank replacement - Budget Unit 8482 - Mount Hannah CSA #22.

Sitting as the Board of Directors of the Lake County Sanitation District - Accepted dedication and conveyance of mainline sewer extension, for public utility purposes, Donald Tripp (13640 Mountain View Street, Clearlake - APN 039-652-07), and directed Clerk to certify for recordation.

Sitting as the Board of Directors of the Lake County Sanitation District accepted dedication and conveyance of mainline sewer extension, for public utility purposes, Homer Williams (13251 County Club Drive, Clearlake - APN 038-271-27), and directed Clerk to certify for recordation.

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Sitting as the Board of Directors of the Lake County Sanitation District Approved Mainline Extension Agreement between the Lake County Sanitation District and Thomas Snyder, to extend a sewer mainline to service (14519 Burns Valley Road, Clearlake - APN 010-049-01), and authorized the Chair to sign.

2. **ITEM A-14 - (a) PROPOSED BUDGET TRANSFER B-228, IN THE AMOUNT OF \$30,000, TO COVER THE COSTS OF A JUVENILE HALL NEEDS ASSESSMENT STUDY, BUDGET UNIT NO. 2302 - PROBATION; and (b) CONSIDERATION OF REQUEST TO WAIVE THE CONSULTANT SELECTION POLICY AND FIND THAT IT IS NOT IN THE PUBLIC INTEREST TO FOLLOW THE CONSULTANT SELECTION BOARD PROCESS FOR A JUVENILE HALL NEEDS ASSESSMENT STUDY; and (c) PROPOSED CONTRACT BETWEEN THE COUNTY OF LAKE AND CRIMINAL JUSTICE RESEARCH FOUNDATION FOR CONSULTANT SERVICES FOR THE DEVELOPMENT OF A JUVENILE HALL NEEDS STUDY - Chief Probation Officer Steven Buchholz gave a brief summary.**

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved Budget Transfer B-228, in the amount of \$30,000, to cover the costs of a Juvenile Hall Needs Assessment Study, Budget Unit No. 2302 - Probation, and authorized the Chair to sign.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the request to waive the consultant selection policy and find that it is not in the public interest to follow the consultant selection board process for a juvenile hall needs assessment study.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved Contract between the County of Lake and Criminal Justice Research Foundation for consultant services for the development of a Juvenile Hall needs assessment study, and authorized the Chair to sign.

3. **ITEM A-5 - 9:15 A.M. - (a) PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF MAY, 2007, AS NATIONAL MILITARY APPRECIATION MONTH; and (b) PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF MAY, 2007, AS VETERAN APPRECIATION MONTH - (a) Supervisor Farrington read the proclamation into the record and presented it to Jenny Craven who spoke.**

(b) Supervisor Brown read the proclamation into the record and presented it to Frank Parker who spoke.

Many veterans and supporters were present.

4. **ITEM A-6 - 9:30 A.M. PUBLIC HEARING - (a) PROPOSED RESOLUTION APPROVING OF REAL PROPERTY CONSISTING OF LAND AND A BUILDING LOCATED IN LUCERNE, CALIFORNIA, AT THE FOLLOWING ADDRESS: 6005 EAST STATE HIGHWAY (APN 034-081-030); THE AGREED PURCHASE PRICE IS \$570,000; THE SELLERS ARE DENNIS CRILLY and PAM CRILLY; and (b) CONSIDERATION OF PROPOSED BUDGET TRANSFER B-222, IN THE AMOUNT OF \$365,000 (PROP 40 STATE PARK BOND GRANT FUNDS) FOR THE PURCHASE OF SAID PROPERTY, BUDGET UNIT NO. 7011 - PARKS - Deputy Redevelopment Director Eric Seely gave a brief summary.**

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

Supervisor Rushing offered Resolution No. 2007-82, approving real property consisting of land and a building located in Lucerne, California at the following address: 6005 East State Highway 20 (APN 034-081-030) and it was passed by roll call vote (4 ayes, Supervisor Brown NO).

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown NO), approved Budget Transfer B-222, in the amount of \$365,000 (Prop 40 State Park Bond Grant funds), for the purchase of said property, Budget Unit No. 7011 - Parks, and authorized the Chair to sign.

5. **ITEM A-7 - 9:45 A.M. - PUBLIC HEARING - CONSIDERATION OF RESOLUTION APPROVING RESOLUTIONS AND CAPITAL FIRE FACILITY AND EQUIPMENT PLANS SUBMITTED BY LAKE COUNTY FIRE AGENCIES AND UPDATING THE LAKE COUNTY CAPITAL FIRE FACILITY AND EQUIPMENT PLAN - Chair Smith opened the public hearing. No one was present wishing to speak and the public hearing was continued to May 15, 2007, at 10:30 a.m.**

6. **ITEM A-16 - CONSIDERATION OF REQUEST TO WAIVE THE FORMAL BIDDING PROCESS FOR PURCHASE OF VEHICLES, AND MAKE A DETERMINATION THAT COMPETITIVE BIDDING WOULD PRODUCE NO ECONOMIC BENEFIT TO THE COUNTY FOR PURCHASE OF FOUR (4) 2007 FORD ECONOLINE 12 PASSENGER VANS, AND AUTHORIZE THE SHERIFF/ASSISTANT PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO HOLDER FORD IN THE AMOUNT OF \$88,364.68, FOR PROCUREMENT OF VEHICLES IN THE CURRENT BUDGET - Sheriff Rod Mitchell gave a brief summary.**

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the request to waive the formal bidding process for purchase of vehicles, and made a determination that competitive bidding would produce no economic benefit to the County for purchase of (4) four 2007 Ford Econoline 12 passenger vans, and authorized the Sheriff/Assistant Purchasing Agent to issue a Purchase Order to Holder Ford in the amount of \$88,364.68, for procurement of vehicles.

7. **CONSENT AGENDA ITEM C-17 - CONSIDERATION OF DRUG ENFORCEMENT ADMINISTRATION MARIJUANA ERADICATION (DEA) AGREEMENT (DEA WILL PAY LAKE COUNTY \$175,000 TO DEFRAY THE COST RELATING TO THE ERADICATION AND SUPPRESSION OF ILLICIT MARIJUANA), AND AUTHORIZE THE CHAIR TO SIGN - Sheriff Rod Mitchell gave a brief summary.**

On motion of Supervisor Brown and by vote of the Board (3 ayes, Supervisors Robey and Rushing NO), approved Drug Enforcement Administration Marijuana Eradication (DEA) agreement (DEA will pay Lake County \$175,000 to defray the cost relating to the eradication and suppression of illicit marijuana), and authorized the Chair to sign.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved drafting a letter to our state and federal representatives, requesting to be informed of their plan of action to address the illegal consumer demand for marijuana, and authorized the Chair to sign.

8. **ITEM A-8 - 10:00 A.M. - PRESENTATION OF PROCLAMATIONS DESIGNATING THE MONTH OF MAY AS: (a) CALIFORNIA WATER AWARENESS MONTH; (b) MOTORCYCLE AWARENESS MONTH IN LAKE COUNTY; and (c) MENTAL HEALTH MONTH IN LAKE COUNTY - (a) Supervisor Rushing read the proclamation into the record and presented it to Greg Dills, who spoke.**

(b) Supervisor Robey read the proclamation into the record and presented it to Jack Gaspar, who spoke.

(c) Supervisor Robey read the proclamation into the record and presented it to Kristy Kelly, Jenny Guzman, and Valerie Harris, who spoke.

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9. **ITEM A-17 - (a) CONSIDERATION OF VARIOUS RECOMMENDATIONS FROM THE RECRUITMENT AND RETENTION COMMITTEE; and (b) PROPOSED RESOLUTION AMENDMENT NO. 3 TO RESOLUTION NO. 2006-166 ESTABLISHING SALARIES AND BENEFITS FOR MANAGEMENT EMPLOYEES FOR FISCAL YEAR 2006-2007 (TO ALLOW USE OF VACATION LEAVE DURING THE PAY PERIOD FOLLOWING ITS ACCRUAL, INCREASING THE 240 HOUR CEILING ON VACATION LEAVE ACCRUAL TO 280 HOURS, INCREASING COUNTY PAYMENT OF EMPLOYEE'S SHARE OF PERS FOR SAFETY MANAGEMENT EMPLOYEES, ALLOWING CASH OUT OPTION FOR ADMINISTRATIVE LEAVE AND PROVIDING EDUCATION INCENTIVE BONUS FOR CLASSIFICATIONS OF CHIEF DEPUTY SHERIFF-CORONER, CHIEF CUSTODY OFFICER AND LIEUTENANT)** - Deputy County Administrative Officer Matt Perry gave a brief summary.

On motion of Supervisor Robey and by vote of the Board (5 ayes) approved recommendations 1-6 from the Recruitment and Retention Committee.

Supervisor Brown offered Resolution No. 2007-91 ((Amendment No. 3 to Resolution No. 2006-166 establishing salaries and benefits for management employees for Fiscal Year 2006-2007 (to allow use of vacation leave during the pay period following its accrual, increasing the 240 hour ceiling on vacation leave accrual to 280 hours, increasing County payment of employee's share of PERS for safety management employees, allowing cash out option for administrative leave and providing education incentive bonus for classifications of Chief Deputy Sheriff-Coroner, Chief Custody Officer and Lieutenant)), and it was passed by roll call vote (5 ayes).

10. **ITEM A-10 - 11:00 A.M. - (a) CONSIDERATION OF REQUEST TO WAIVE THE CONSULTANT SELECTION POLICY AND FIND THAT IT IS NOT IN THE PUBLIC INTEREST TO FOLLOW THE CONSULTANT SELECTION BOARD PROCESS FOR IMPLEMENTATION OF A DIFFERENTIAL RESPONSE SYSTEM; and (b) CONSIDERATION OF APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF LAKE AND LAKE FAMILY RESOURCE CENTER, THE LAKE COUNTY OFFICE OF EDUCATION - HEALTHY START PROGRAM AND SUSAN JEN, FOR IMPLEMENTATION OF A DIFFERENTIAL RESPONSE SYSTEM** - Social Services Director Carol Huchingson, Child Protective Services Director Kathy Maes, Lake County Office of Education Healthy Start Director Joan Reynolds, Lake Family Resource Center CEO Gloria Flaherty, and Health Leadership Network Director Susan Jen were present.

Ms. Huchingson gave a brief summary.

Chair Farrington opened this item to the public and Joan Moss spoke. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the request to waive the consultant selection policy and find that it is not in the public interest to follow the consultant selection board process for implementation of a Differential Response System.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the Memorandum of Understanding between the County of Lake and Lake Family Resource Center, The Lake County Office of Education - Healthy Start Program, and Susan Jen, for implementation of a differential response system.

11. **ITEM A-18 - CONSIDERATION OF REQUEST FOR WAIVER OF THE 900 HOUR LIMIT FOR EXTRA-HELP ON-CALL EMERGENCY RESPONSE (ER) SPECIALIST DIANA LONGACRE** - Social Services Director Carol Huchinson gave a brief summary.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the waiver of the 900 hour limit for extra-help On-Call Emergency Response (ER) Specialist Diana Longacre.

12. **ITEM A-11 - Continued From April 24, 2007 11:30 A.M. - DISCUSSION/CONSIDERATION OF REQUEST FOR APPROVAL OF PROPOSED RENTAL AGREEMENT BETWEEN THE COUNTY OF LAKE AND TERRY SOCHET FOR PROPERTY LOCATED AT 14141 AND 14147 LAKESHORE DRIVE, CLEARLAKE** - Mental Health Director Kristy Kelly gave a brief summary.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the Rental Agreement between the County of Lake and Terry Sochet for property located at 14141 and 14147 Lakeshore Drive, Clearlake, and authorized the Chair to sign.

13. **ITEM A-15 - CONSIDERATION OF REQUEST TO WAIVE THE FORMAL BIDDING PROCESS FOR PURCHASE OF VEHICLES, AND MAKE A DETERMINATION THAT COMPETITIVE BIDDING WOULD PRODUCE NO ECONOMIC BENEFIT TO THE COUNTY FOR PURCHASE OF TWO (2) HYBRID FORD ESCAPES, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR/ASSISTANT PURCHASING AGENT TO ISSUE PURCHASE ORDER TO HOLDER FORD IN THE AMOUNT OF \$51,409, FOR PROCUREMENT OF VEHICLES IN THE CURRENT BUDGET** - Mental Health Director Kristy Kelly was present.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the request to waive the formal bidding process for purchase vehicles, and made a determination that competitive bidding would produce no economic benefit to the County for purchase of two (2) Hybrid Ford Escapes, and authorize Public Works Director/Assistant Purchasing Agent to issue Purchase Orders to Holder Ford in the amount of \$51,409.00 for procurement of vehicles in the current budget.

14. **CONSENT AGENDA ITEM C-9 - CONSIDERATION OF RESOLUTION DECLARING COUNTY PROPERTY SURPLUS TO THE NEEDS OF THE COUNTY AND AUTHORIZING PURCHASING AGENT TO SELL SAID PROPERTY (1973 CASE 580-B 2X4 BACKHOE; 1966 CASE 580-C, 2X4 BACKHOE; 1984 580-E, 4X4; 1886 CASE 580-E, 4X4 BACKHOE; 1991 DEERE 310-C, 4X4 BACKHOE AND 1987 JCB 3CXB, 4X4 BACKHOE)** - Supervisor Brown offered Resolution No. 2007-92, declaring County property surplus to the needs of the County and authorizing Purchasing Agent to sell said property (1973 Case 580-b 2x4 Backhoe; 1966 Case 580-c, 2x4 Backhoe; 1984 580-e, 4x4; 1886 Case 580-e, 4x4 Backhoe; 1991 Deere 310-c, 4x4 Backhoe and 1987 JCB 3cxb, 4x4 Backhoe), and it was passed by roll call vote (5 ayes).

The Board of Supervisors adjourned and reconvened as the Board of Directors of the Lake County Sanitation District.

15. **ITEM A-19 - CONSIDERATION OF FIRST AMENDMENT TO AGREEMENT BETWEEN THE LAKE COUNTY SANITATION DISTRICT AND ENS RESOURCES, INC. FOR PROFESSIONAL SERVICES TO AID IN LEGISLATIVE ADVOCACY IN DEVELOPING THE KELSEYVILLE WASTEWATER TREATMENT PLANT IMPROVEMENTS AND RECYCLING SYSTEM AND THE FULL CIRCLE PROJECT (FOR AN ADDITIONAL AMOUNT OF \$60,000)** - Utility Systems Compliance Coordinator Peggie King and ENS Representative Eric Saperstein were present and spoke.

On motion of Director Robey and by vote of the Board (3 ayes, Supervisors Rushing and Brown NO) approved the First Amendment to Agreement between the Lake County Sanitation District and ENS Resources, Inc., for professional services to aid in legislative advocacy in developing the Kelseyville Wastewater Treatment Plant improvements and recycling system and the Full Circle Project (for an additional amount of \$60,000) and authorized the Chair to sign.

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16. **CONSENT AGENDA ITEM C-24 - CONSIDERATION OF PLANS AND SPECIFICATIONS FOR THE SOUTHEAST GEYSERS EFFLUENT PIPELINE CHLORINATION FACILITY PROJECT, AND AUTHORIZE THE ASSISTANT PURCHASING AGENT TO ADVERTISE FOR BIDS** - Special District Utility Systems Compliance Coordinator Peggie King gave a brief overview.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved plans and specifications for the Southeast Geysers Effluent Pipeline Chlorination Facility Project, and authorized the Assistant Purchasing Agent to advertise for bids.

The Board of Directors of Lake County Sanitation District adjourned and reconvened as the Board of Supervisors.

17. **ITEM A-12 - 1:30 A.M. - HEARING- CLOSED SESSION - EMPLOYEE APPEAL OF DISCIPLINARY ACTION** - Chair Smith announced the Board would now go into Closed Session for the reason stated on the agenda.

After a short break, the Board reconvened 5:30 p.m.

18. **ITEM A-20 - CLOSED SESSION - 1. Sitting as the Board of Directors of the Lake County IHSS Public Authority: Conference with Labor Negotiator: (a) Agency Negotiator: F. Buchanan (b) Employee Organization: United Domestic Workers of America 2. Conference With Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9 - One Potential Case** - Chair Farrington announced the Board would go into Closed Session for the reasons stated on the agenda, including discussion of the employee appeal that was taken up earlier in the day.

The Board reconvened into Regular Session at 5:55 p.m.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved Settlement Agreement between Provencher and McQueen, and authorized the Chair to sign.

There being no further business, the meeting was adjourned at 5:56 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Mireya G. Turner
Assistant Clerk of the Board