



MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD NOVEMBER 10, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 10th day of November, 2009, there being present Supervisors Jim Comstock, Jeff Smith, Anthony Farrington, Rob Brown and Denise Rushing, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Georgine Hunt.

The meeting was called to order at 9:01 a.m. by Chair Rushing. Following a moment of silence, Supervisor Comstock led the salute to the flag of the United States of America.

1. **ITEM A-1 - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-8, with the exception of Consent Item C-8, which will be taken up immediately following the approval of the Consent Agenda.

Approved Minutes of the Board of Supervisors meeting held on November 3, 2009.

Adopted Proclamation designating the week of November 8 through 14, 2009, as In-Home Supportive Services Caregiver Week in Lake County.

Adopted Resolution No. 2009-201, approving Agreement 09-C0015 with the State of California, Department of Pesticide Regulation and authorizing execution and signature for the electronic submission of pesticide use data during Fiscal Year 2009/2020.

Adopted Resolution No. 2009-202, appropriating unanticipated revenue in the amount of \$4,157, received from the California Environmental Protection Agency (CalEPA) Above Ground Petroleum Storage Act (APSA) Grant Agreement No. 07-626-550, Budget Unit No. 4010 - Environmental Health.

Adopted Resolution No. 2009-203, approving the Maternal and Child Health (MCH) Grant Application with the State of California, Department of Health Services for Fiscal Year 2009 through 2010, and authorizing the Director of Health Services to sign said application and grant.

Adopted Resolution No. 2009-204, approving the Standard Agreement between the County of Lake and the State Department of Rehabilitation for vocational rehabilitation services, Fiscal Year 2009/2010, and authorizing the Director of Mental Health to sign Agreement Number 27577.

Waived the 900 hour limit for extra-help Facilities Maintenance Technician Andrew Hoffmann and extra help Office Assistant Elizabeth Medina.

CONSENT AGENDA ITEM C-3 - (a) Proposed Amendment One to the Memorandum of Understanding by and between the County of Lake and the Lake County Deputy Sheriff's Association for 2008/2009; (b) Proposed Amendment One to the Memorandum of Understanding by and between the County of Lake and the Lake County Correctional Officer's Association for 2008/2009; (c) Proposed Resolution approving Amendment No. 1 to Resolution No. 2009-68, establishing salaries and benefits for employees assigned to Confidential Unit, Section B for Fiscal Year 2008/2009; (d) Proposed Resolution approving Amendment No. 1 to Resolution No. 2009-67, establishing salaries and benefits for employees assigned to Confidential Unit, Section A for Fiscal Year 2008/2009; and (e) Proposed Resolution approving Amendment No. 1 to Resolution No. 2009-66, establishing salaries and benefits for management employees for Fiscal Year 2008/2009 - Supervisor Comstock request this item be pulled from the Consent Agenda and announced that he was very pleased that the County is able to provide this benefit to employees.

(a) On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved Amendment One to the Memorandum of Understanding by and between the County of Lake and the Lake County Deputy Sheriff's Association for 2008/2009, and authorize the Chair to sign.

(b) On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved Amendment One to the Memorandum of Understanding by and between the County of Lake and the Lake County Correctional Officer's Association for 2008/2009, and authorize the Chair to sign.

(c) Supervisor Comstock offered Resolution No. 2009-205 (approving Amendment No. 1 to Resolution No. 2009-68, establishing salaries and benefits for employees assigned to Confidential Unit, Section B for Fiscal Year 2008/2009), and it was passed by a roll-call vote (5 ayes).

(d) Supervisor Comstock offered Resolution No. 2009-206 (approving Amendment No. 1 to Resolution No. 2009-67, establishing salaries and benefits for employees assigned to Confidential Unit, Section A for Fiscal Year 2008/2009), and it was passed by a roll call vote (5 ayes)

(e) Supervisor Comstock offered Resolution No. 2009-207 (approving Amendment No. 1 to Resolution No. 2009-66, establishing salaries and benefits for management employees for Fiscal Year 2008/2009), and it was passed by a roll-call vote (5 ayes).

2. **ITEM A-2 - Presentation of animals that are available for adoption at the Lake Control Services County Animal Care and Control Shelter** - Animal Control Officer Ben Cheek presented one feline currently available for adoption.

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3. **ITEM A-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**

Extra #1 - Consideration of request to ward Bid No. 09-07 to Granite Construction in the amount of \$813482.50, for construction of Sulphur Bank Drive PM 1.94 Storm Damage Repair - Public Works Director Brent Siemer was present.

This item was considered as an extra for the following reasons:

An error was discovered in the Public Works Departmental UDBE good faith effort review process that required staff to pull the original award recommendation for the October 13, 2009, agenda. The correction was made and all UDBE materials were reviewed again by the property process. However, the review was not completed until after the posting of today's agenda. The bids for this project were opened on September 25, 2009, and bids must be awarded within 60 days after opening. Public Works does not have staff available for the November 17, 2009, Board meeting and today's meeting is the only one available to award this project.

Supervisor Smith made a motion to take up this item as an extra. After further discussion by the Board, Supervisor Smith withdrew his motion.

This item will be placed on the November 17, 2009, agenda, for further consideration.

4. **ITEM A-4 - Current Construction Projects - Contract Change Orders:**

Change Order No. 2 - State Street Pavement Rehabilitation and Accessibility Improvement Project (from Main Street to Gaddy Lane, Kelseyville) - Public Works Director Brent Siemer was present.

This change order addresses the need to remove unsuitable soil that was found within the existing subgrade and place it with fabric and cobbles to stabilize the new roadway and the balancing of final in-place quantities.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Change Order No. 2, for an increase of \$70,724.80, Team Ghilotti, Inc., State Street Pavement Rehabilitation and Accessibility Improvement Project (from Main Street to Gaddy Lane, Kelseyville), and authorized the Chair to sign.

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

Change Order No. 3 - Upper Lake Main Street Project - Deputy Redevelopment Director Eric Seely was present.

This change order addresses thirty-five billing items including extra work performed by the contractor via force account and one field order with a quote from the contractor.

On motion of Director Smith and by vote of the Board (5 ayes), approved Change Order No. 3, for an increase of \$51,035.08, Argonaut Construction, Upper Lake Main Street Project, and authorize the Chair to sign.

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

5. **CITIZEN'S INPUT** - Mr. Lawrence Ratcliffe stated that he is concerned with the Public Guardian's inability to protect citizens while incarcerated and the treatment of inmates by the Lake County jail staff.

Chair Rushing announced that Citizen's Input will be continued to 11:00 a.m., in order to allow Assembly Member Chesbro's Field Representative Ruth Valenzuela, who will be present at that time, to make a public announcement.

6. **ITEM A-5 - 9:10 A.M. - Proclamation designating the week of November 8 through 14, 2009, as In-Home Supportive Services Caregiver Week in Lake County** - Chair Rushing read the Proclamation into the record.

The Proclamation was presented to Social Services staff and numerous members of the IHSS Advisory Committee.

7. **ITEM A-6 - 9:15 A.M. - Quarterly Report on the Alternative Selection Process for construction related activities** - Public Works Director Brent Siemer was present and gave a brief overview of the success the department has had with the Alternative Selection Process.

Mr. Siemer also commended Principal Civil Engineer Ken Brown on his dedication and outstanding work regarding construction projects.

There was consensus by the Board to continue the Alternative Section Process, which included the expansion of the list to include all Public Works managed projects and allow Public Works to use the current list of pre-qualified firms to contract for construction management services for those projects.

8. **ITEM A-7 - 9:25 A.M. - PUBLIC HEARING - Proposed Resolution awarding license to T-Mobile West Corporation and approving the Facility Space License Agreement by and between the County of Lake (Licensor) and T-Mobile West Corporation (Licensee)** - Supervisor Comstock offered Resolution No. 2009-208, and it was passed by a roll-call vote (5 ayes).

9. **ITEM A-8 - 9:30 A.M. - CLOSED SESSION - Employee Grievance Hearing (EGH 2009-01)** - Chair Rushing announced that a request for continuance of this item from Attorney Michael D. Nelson was received.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), granted the continuance of the Employee Grievance Hearing (EGH 2009-01), to December 15, 2009, at 1:30 p.m.

After a short recess, the Board reconvened at 10:02 a.m.

10. **ITEM A-12 and ERRATUM TO AGENDA - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: DDAA and LCEA; 2. Public Employee Performance Evaluations: Titles: (1) Health Services Director/Veterans Services Officer, (2) County Counsel; and 3. Erratum to Agenda - Conference with Legal Counsel - Anticipated Litigation - Initiation of litigation pursuant to California Government Code Section 54956.9(c): International Surfacing Systems** - Chair Rushing announced that the Board will now go into Closed Session at this time for the reasons stated on the agenda (including the Erratum to the Agenda).

The Board reconvened into Regular Session with the following action taken:

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On motion of Supervisor Farrington and by vote of the Board (5 ayes), refused the issuance of final payment to International Surfacing Systems (ISS), and proceed with a rescission or cancellation of the contract, if ISS contests the rescission or cancellation of the contract, the Board of Supervisors will proceed with court action against ISS.

11. **ITEM A-9 - 11:00 A.M. - Update by Assembly Member Chesbro's Field Representative Ruth Valenzuela regarding new state requirements in the In-Home Supportive Services Program** - Ms. Ruth Valenzuela was present.

IHSS Program Manager Michele Dibble and Social Worker Supervisor Paul Frindt were also present.

Ms. Valenzuela gave an update on the new state requirements in the In-Home Supportive Services Program. Ms. Valenzuela stated that background checks and fingerprinting will be required for all caregivers. The caregiver will be responsible for the cost of the background check and fingerprinting. However, there are many unclear restrictions in the new state requirements, which include that certain convicted felonies will be excluded, but there is little direction as to which type of felonies would eliminate potential caregiver employment. The new regulations also does not allow employment for caregivers with P.O. boxes. Until the restrictions are addressed by the state, counties cannot move forward with the regulations.

The issues regarding how to implement and fund the state requirements will be brought back to the Board on December 8, 2009, at 11:00 a.m. for further discussion.

- BACK TO #5 - CITIZEN'S INPUT** - Assembly Member Chesbro's Field Representative Ruth Valenzuela announced that a First-time Homebuyer and Foreclosure Prevention Workshop has been scheduled for Saturday, November 21, 2009, at 1:30 p.m. at the Lake County Fairgrounds. The workshop will provide individual foreclosure prevention assistance, counseling informational exhibits and take-away materials.

12. **ITEM A-10 - 11:30 A.M. - Request for Board direction regarding composition and membership of the Genetically Engineered (GE) Crops Advisory Committee** - Chair Rushing announced that a request for continuance of this item from Mark Hooper was received.

This item will be placed on the agenda at a later date.

There being no further action, the Board adjourned at 11:58 a.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board