

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MAY 11, 2010

The Honorable Board of Supervisors of Lake County, California, met in regular session this 11th day of May, 2010, there being present Supervisors Jim Comstock, Jeff Smith, Denise Rushing, Rob Brown and Anthony Farrington, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Georgine Hunt.

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

1. **ITEM A-1 - 9:00 A.M. - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Consent Agenda Items C-1 through C-18, with the exception of Consent Item C-1, which will be taken up immediately following the approval of the Consent Agenda.

Adopted Proclamation designating the week of May 16-22, 2010 as Emergency Medical Services Week.

Adopted Proclamation designating May 7, 2010 as California Peace Officers Memorial Day and the week of May 9-15, 2010 as National Police Week in Lake County.

Adopted Proclamation designating the week of May 22-28, 2010 as National Safe Boating Week in Lake County.

Approved letter to Bertha Russ Lytel Foundation in support of grant application for funding of the North Coast Emergency Medical Services Regional Medical Director's fee and authorized the Chair to sign.

Approved the termination of the Memorandum of Understanding with the Administrative Office of the Courts to maintain the South Civic Center and authorized the Chair to sign.

Approved the composition of the Housing Element Update Advisory Committee and authorize staff to advertise for applicants to serve on the committee, as per the Community Development Director's Memorandum to the Board dated April 30, 2010.

Approved expenditure of funds in the amount of \$105.49 for purchase of a Conservationist of the Year plaque from Budget Unit No. 2701 - Fish and Game.

Approved Contract between the County of Lake and Kerry Shearer for development of training material, written procedures and creation of three or more video projects relating to emergency preparedness and H1N2 Influenza in the amount of \$17,500 and authorized the Chair to sign.

Adopted Resolution No. 2010- 78, approving the Medi-Cal Targeted Case Management Contractor Certification Clause (CCC-307) between the County of Lake and the California Department of Health Care Services and authorized the Board Chair to sign.

Adopted Resolution No. 2010-79, authorizing Environmental Health to apply for \$2,500 from the U.S. Department of Health and Human Services to be used for the completion of tasks related to food safety and prevention of food borne illness.

Approved revised Redbud Library Meeting Room Policy (changing the hours from 7:00 a.m.-10:30 p.m. to 10:00 a.m.-5:00 p.m. Tuesday, Thursday, Friday and Saturday and 12noon to 8:00 p.m. on Wednesday; closed Sunday and Monday).

Adopted Resolution No. 2010-80, authorizing application to the State to fund of the Lake County Victim-Witness Assistance Program Grant Project.

Approved the Agreement between the County of Lake and the California Institute for Mental Health for Aggression Replacement Development Team training to the juveniles on probation in the amount of \$22,126 (received from the Corrections Standard Authority), and authorized the Chair to sign.

Approved the submittal of the Fiscal Year 2010 Emergency Management Performance Grant application in the amount of \$136,056 (with a 50% County match), to be used for salary and benefits and authorized the Chair to sign.

Approved the First Time Homebuyer and Owner Occupied Rehabilitation Guidelines for the CalHome Program and Home Investment Partnerships Program.

Waived the 900 hour limit for extra-help Eligibility Worker Brenda Ferrario.

Sitting as the Board of Directors of Lake County Air Quality Management District, (a) Approved the Agreement for funding of a replacement diesel engine between the Lake County Air Quality Management District and Adobe Creek Orchards, Contract #CMP 2010-01 (in the amount of \$14,397);

(b) Approved the Agreement for funding of a replacement diesel engine between the Lake County Air Quality Management District and Adobe Creek Orchards, Contract #CMP 2010-02 (in the amount of \$13,932); and

(c) Approved the Agreement for funding of a replacement diesel engine between the Lake County Air Quality Management District and Adobe Creek Orchards, Contract #CMP 2010-03 (in the amount of \$12,751, and authorized the Chair to sign the three agreements.

CONSENT AGENDA C-1 - Consideration of proposed Minutes of the Board of Supervisors meeting held on April 20 and 27, 2010 - A memorandum from Assistant Clerk of the Board Georgine Hunt, dated May 11, 2010, requesting the Board to pull the April 27, 2010, Minutes and approve the April 20, 2010, Minutes.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Minutes of the Board of Supervisors meeting held on April 20, 2010.

The April 27, 2010, Minutes will be placed on the April 27, 2010, agenda for consideration.

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

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

3. **ITEM A-4 - Current Construction Projects - Contract Change Orders** - Deputy Redevelopment Director Eric Seely was present and gave a brief overview as follows:

Change Order No. 4 - Lucerne 3rd Avenue Plaza Pier - This change order addresses additional backfill rock and concrete. This work was authorized by the project Manager as a field order and the contractor has preformed the tasks. The contractor did not change labor for these two tasks. The additional backfill rock was required to fill the area behind the existing seawall that washed out after the bid was accepted. The additional concrete was required to raise and slope the surface of the pier deck to improve drainage.

On motion of Director Rushing and by vote of the Board (5 ayes), approved Change Order No 4, for an increase of \$6,031, Stewart Engineering Inc., Lucerne 3rd Avenue Plaza Pier and authorized the Chair to sign.

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

4. **ITEM A-5 - 9:15 A.M. - Presentation of Proclamation designating May 7, 2010 as California Peace Officers Memorial Day and the week of May 9-15, 2010 as National Police Week in Lake County** - Supervisor Rushing read the proclamation into the record. The proclamation was presented to Sheriff Rodney Mitchell, Captain Jim Bauman and Mr. Dane Hayward.
5. **ITEM A-14 - (a) Discussion/consideration of request to waive the formal bidding process and make a determination that competitive bidding would produce no economic benefit to the County for the purchase of nine vehicles; and (b) Consideration of request to authorize the Sheriff/Coroner/Assistant Purchasing Agent to issue a purchase order to Holder Ford in the amount of \$201,017.79 for the purchase of nine 2010 Ford Crown Victoria Police Interceptors** - Sheriff Rodney Mitchell was present.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the request to waive the formal bidding process and make a determination that competitive bidding would produce no economic benefit to the County for the purchase of nine vehicles.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the request to authorize the Sheriff/Coroner/Assistant Purchasing Agent to issue a purchase order to Holder Ford in the amount of \$201,017.79 for the purchase of nine 2010 Ford Crown Victoria Police Interceptors.

6. **ITEM A-15 - Discussion/consideration of proposed Agreement between the County of Lake and Sierra Air Helicopters Inc. (rate of \$550 per hour, not to exceed \$10,000), for marijuana reconnaissance and eradication on public and private lands** - Sheriff Rodney Mitchell was present and gave a brief overview. On April 20, 2010, the Board approved an Agreement with Sierra Air Helicopters at an hourly rate of \$525. After approval of the agreement, staff was informed by Sierra Air that due to an increase in liability insurance, they will have to increase the hourly rate to \$550.

After discussion by the Board regarding the increase in the hourly rate, the Board agreed to the original hourly rate of \$525.

The following amendment was made to agreement:

Changed the hourly rate from \$550 to \$525, and if contractor does not agree with the amendment, a proposal will be sent to other companies that provide helicopter services for marijuana reconnaissance and eradication on public and private lands.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Agreement, as amended, between the County of Lake and Sierra Air Helicopters Inc. (rate of \$525 per hour, not to exceed \$10,000 for marijuana reconnaissance and eradication on public and private lands and authorized the Chair to sign.

7. **ITEM A-7 - 9:30 A.M. - Presentation of Proclamation designating the week of May 22-26, 2010 as National Safe Boating Week in Lake County** - Supervisor Smith read the proclamation into the record. The proclamation was presented to Mr. Dane Hayward, Mr. Harry DeLope and Ms. Dorothy DeLope.
8. **ITEM A-6 - 9:20 A.M. - PUBLIC HEARING - Planning Commission's recommendation for approval of a rezone (RZ 10-04) proposed for the County of Lake for reestablishment of "RD" (Residential Design Combining District) for the Spring Valley Lakes, Clearlake Keys and Orchard Shores subdivisions located in Clearlake Oaks, CA, and a rezone of approximately one acre from "CR-DR" (Commercial Resort-Design Review) to "R1" (Single-Family Residential), located at 10931 Lakeshore Drive, Clearlake Park, CA (APN 036-311-04); and reconsideration of an Environmental Impact Report (EIR 09-01) previously certified for the Shoreline Communities Area Plan** - Community Development Director Rick Coel and Senior Planner Kevin Ingram were present.

Mr. Ingram gave a brief overview of the proposed rezone.

Chair Farrington opened the public hearing and the following persons spoke: Ms. Tina Bradley and Mr. Gene Bradley. No one else was present wishing to speak and the public hearing was closed.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), that the environmental impact report which was previously prepared for the Shoreline Communities Area Plan General Plan Amendment (GPAP 09-02) and Rezone (RZ 09-05) does meet the requirements of Section 15162(a) of the CEQA Guidelines that no additional environmental review need be prepared, and with the findings listed in the memorandum dated April 29, 2010.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), waived the reading of the ordinance and had it read in title only (Clerk so did).

Supervisor Rushing offered Ordinance No. 2925, and it was passed by a roll-call vote (5 ayes).

9. **ITEM A-8 - 9:35 A.M. - PUBLIC HEARING - Discussion/consideration of the Byrne Memorial Justice Assistance Grant (JAG) Program for funding of a Special Victims/Vulnerable Persons Investigator** - Sheriff Rodney Mitchell and Deputy Sheriff Mike Curran were present.

Mr. Curran gave an overview of the proposal. This position, which would not be allocated until July 1, 2011, would be utilized to investigate crimes and combat the victimization of "special victims" including children and the elderly and disabled. Due to their mental and/or physical status, are prime targets for criminals. This position has been added to the Sheriff's Department preliminary budget for Fiscal Year 2010/2011.

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

There was no action taken on this item. This was an informational item only.

10. **ITEM A-9 - 9:45 A.M. - Discussion/consideration of proposed Resolution approving the County of Lake and the State of California Combined Negotiated Net (NNA) and Drug Medi-Cal (DMC) multi-year contract to provide alcohol and/or drug services for Fiscal Years 2010/2011, 2011/2012 and 2012/2013 and authorizing the Mental Health Director to sign** - Mental Health Director Kristy Kelly and AODS Administrator Laura Solis were present.

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Supervisor Brown offered Resolution No. 2010-82, and it was passed by a roll-call vote (5 ayes).

After a short recess, the Board reconvened at 10:20 a.m.

- 11. **ITEM A-10 - 10:00 A.M. - Discussion/consideration of Request for Proposal for mechanical harvesting and herbicide spraying of aquatic plants in Clear Lake** - Director of Water Resources Scott DeLeon was present and gave an overview of each of the proposals that were received.

Agriculture Commissioner Steve Hajik was also present.

Chair Farrington asked if anyone present wished to speak on this item and the following persons spoke: Mr. Buzz Bruns, Ms. Sandra West, Mr. Joseph Zabella, Ms. Jan Runs, Mr. Joey Lewis, Mr. Roy Disney and Ms. Melissa Fulton. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Comstock and by vote of the Board (5 ayes), awarded the proposal for herbicide spraying of aquatic plants in Clear Lake to Clean Lakes Inc., authorized the Director of Water Resources to make changes to the size of the areas to be sprayed by decreasing the size of one area and increasing the size of another, contractor is to establish and maintain boat lanes from the shoreline at County parks, selected launching ramps, Rodman Slough and the City of Lakeport's Library Park and directed staff to have the contractor begin spraying as soon as possible.

On motion of Supervisor Brown and by vote of the Board (5 ayes), directed staff to contact the state for approval of a mechanical harvesting test site (possibly Holiday Harbor) and is to be used as the test site, and issue a new RFP for mechanical harvesting.

- 12. **ITEM A-11 - 10:30 A.M. - (a) Discussion/consideration of purchasing buoys for the purpose of marking boat lanes to and from the shoreline at County parks, selected launching ramps, Rodman Slough and at the City of Lakeport's Library Park;**

(b) Discussion/consideration of directing staff to relocate acquired barges and equipment barges in order to perform algae abatement activities; and

(c) Discussion/consideration of directing staff to have the necessary repairs done on the algae abatement boat that was purchased from Kelseyville Fire District - Director of Water Resources Scott DeLeon was present.

During the discussion of Item A-10, the boat lanes were addressed and no further action was necessary regarding the boat lanes.

On motion of Supervisor Smith and by vote of the Board (5 ayes), authorized the Director of Water Resources to purchase buoys for the purpose of marking boat lanes to and from the shoreline at County parks, selected launching ramps, Rodman Slough and at the City of Lakeport's Library Park, not to exceed \$20,000, funding for the purchase of the buoys will come from the monies received from the sale of the Cover Resort.

On motion of Supervisor Smith and by vote of the Board (5 ayes), directed staff to have any necessary repairs made to one barge (the one currently in Lower Lake), in order for it to be launched into Clear Lake, and return to the Board at a later date with a report identifying what additional equipment and resources are need in order to be able to use the barge for algae abatement, the cost thereof and recommended funding sources.

- 13. **ITEM A-16 - Continued from May 4, 2010 - Discussion/consideration of request to award Bid No. 10-15 in the amount of \$53,668, to Holder Ford, for the purchase of one 2010-2011 full size 4 wheel drive, extended cab/super cab, dual rear wheel, flat-bed truck (with snow plow)** - Public Works Director Brent Siemer was present.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), awarded Bid No. 10-15 in the amount of \$53,668, to Holder Ford, for the purchase of one 2010-2011 full size 4 wheel drive, extended cab/super cab, dual rear wheel, flat-bed truck (with snow plow), and authorized the Chair to sign bid award.

- 14. **ITEM A-13 - Consideration of proposed revision to the County Vehicle Policy (amending criteria for vehicle replacement)** - Public Works Director Brent Siemer was present. County Administrative Officer Kelly Cox presented this proposed policy revision, which was drafted in accordance with the Board's previous discussions.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the revision to the County Vehicle Policy (amending criteria for vehicle replacement).

- 15. **ITEM A-17 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert, M. Perry and J. Hammond; and (b) Employee Organization: LCCOA, SDA and DDAA; 2. Conference with Legal Counsel - Existing Litigation - Government Code Section 54956.9, Subdivision: The Mishewal Wappo Tribe of Alexander Valley Salazar; 3. Personnel - Public Employee Disciplinary Appeal No. EDA 2010-01, Government Code Section 54957; and 4. Public Employee Performance Evaluations: Titles: Social Services Director and Public Services Director** - Chair Farrington announced that the Board will now go into Closed Session for the reasons stated on the agenda.

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

On motion of Supervisor Rushing and by vote of the Board (3 ayes, Supervisors Smith and Farrington NO), in the matter of the Public Employee Disciplinary Appeal No. EDA 2010-01, denied the appeal and directed County Counsel to prepare Finding of Facts.

Supervisor Brown was absent at 3:21 p.m.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), in the matter of Employee Disciplinary Appeal No. EDA 2010-02, denied the request of the employee to have this matter heard by a hearing officer selected from the California State Mediation and Conciliation Services.

There being no further business, the Board adjourned at 3:23 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt

