

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD DECEMBER 20, 2011

The Honorable Board of Supervisors of Lake County, California, met in regular session this 20th day of December, 2011, there being present Supervisors Jeff Smith, Denise Rushing, Anthony Farrington, Rob Brown and Jim Comstock, 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 Comstock. Following a moment of silence, County Counsel Anita Grant led the salute to the flag of the United States of America.

1. **ITEM A-1 - APPROVAL OF THE CONSENT AGENDA** - On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Consent Agenda items C-1 through C-19, with the exception of Consent Agenda Items C-1 and C-14, which were carried over to later in the day.

Consent Agenda Item C-1 - Approve Minutes of the Board of Supervisors meeting held on December 13 and 20, 2011 - This item was carried over to later in the day.

Approved the 2012 California State Fair Counties Exhibit Entry Form, and authorize the Chair to sign.

Approved Amendment No. 1 to Lease Agreement by and between Bruno & Associates and the County of Lake for office facility at 6302 13th Avenue, Lucerne, CA (modifying language in section 3.3 providing for a late penalty for a delay in possession of the facility), and authorized the Chair to sign.

Adopted Resolution No. 2011-196, amending Resolution No. 2011-125 establishing position allocations for Fiscal Year 2011-2012, Budget Unit No. 5011, Department of Social Services (deleting five (5) Senior Staff Services Analyst allocations and establishing one (1) Staff Services Analyst I/II allocation, two (2) Supervising Staff Services Analyst allocations, one (1) Account Clerk Supervisor, and one (1) Staff Services Specialist allocation).

Approved request to waive 900 hour limit for one extra-help Mental Health Specialist Allison Hillix.

Approved Memorandum of Understanding between the County of Lake and the Lake County Office of Education for FY 2011-2012 provision of Educationally Related Mental Health Services (ERMHS), in the amount of \$71,300, and authorized the Mental Health Director to sign.

Approved Facility Space License Agreement between the County of Lake and Digital Path, Inc., on Buckingham Peak, and authorized the Chair to sign.

Approved request to waive 900 hour limit for one extra-help Public Works Worker I William Nelson.

Approved request to waive 900 hour limit for one extra-help Public Works Worker I Felipe Lopez.

Adopted Resolution No. 2011-197, authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under Agreement dated April 26, 2011 (Hot Mix Asphalt Overlay to facilitate ice and snow removal on Bottle Rock Road from Harrington Flat Road to 1.0 miles north of Harrington Flat Road, Federal Project No. HSIPL-5914 (056) Bid No. 10-22).

Adopted Resolution No. 2011-198, authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under Agreement dated November 23, 2011 (Elk Mountain Road PM 4.14 Embankment Repair Bid No. PW 11-03).

Adopted Resolution No. 2011-199, authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under Agreement dated September 20, 2011 (Countywide Culvert Replacement Bid No. PW 11-02).

Adopt Resolution No. 2011-200, approving Final Parcel Map and the signing of the Final Parcel Map (Humble PM 07-11).

Consent Agenda Item C-14 - Adopt Resolution approving Final Parcel Map and the signing of the Final Parcel Map (Sutter West Bay Hospitals PM 10-05) - This item was carried over to later in the day.

Adopted Resolution No. 2011-201, approving Final Parcel Map and the signing of the Final Parcel Map (Allen PM 10-04).

(a) Adopted Resolution No. 2011-202, approving Final Parcel Map and the signing of the Final Parcel Map (Kelley PM 09-01); and (b) Approved Deferred Improvement Agreement between the County of Lake and Mary Kelley, and authorized the Chair to sign.

Approved request to waive 900 hour limit for one extra-help Staff Services Analyst II Janice Hubbell and Social Services Aide Malissa Linz.

Sitting as the Lake County Air Quality Management District Board of Directors, approved Funding Agreement between the Lake County Air Quality Management District and Epidendio Construction for a replacement diesel engine, Contract #CMP 2011-01, and authorized the Chair to sign.

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

3. **ITEM A-11 - Supervisors' weekly calendar, travel and reports** - The Board of Supervisors adjourned and convened as the Lake County Local Board of Equalization and scheduled future dates for the hearing of Assessment Appeals.

The Lake County Local Board of Equalization adjourned and reconvened as the Board of Supervisors.

This item was taken up again later in the day.

4. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - Consideration of proposed Ordinance establishing a fee for digitized record maps on disc prepared by the Department of Public Works** - County Surveyor Gordon Haggitt presented the staff report.

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

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

On motion of Supervisor Smith and by vote of the Board (5 ayes), advanced the ordinance two weeks, to January 3, 2011.

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BACK TO #1 - CONSENT AGENDA ITEM C-14 - Adopt Resolution approving Final Parcel Map and the signing of the Final Parcel Map (Sutter West Bay Hospitals PM 10-05) - County Surveyor Gordon Haggitt presented the staff report.

This item was continued to later in the day.

5. **ITEM A-12 - Consideration of the following appointments: Glenbrook Cemetery District, Lower Lake Cemetery District, Lower Lake County Waterworks District, Mental Health Board, Vector Control District** - On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Milton Andreasen to the Glenbrook Cemetery District Board of Trustees, for a term to expire January 1, 2016.

On motion of Supervisor Smith and by vote of the Board (5 ayes), appointed Cheryl Craddick to the Lower Lake Cemetery District Board of Trustees, for a term to expire January 1, 2016.

On motion of Supervisor Smith and by vote of the Board (5 ayes), appointed Cynthia LeBrun and Edwin Wooster to the Lower Lake County Waterworks District #1 Board of Trustees, for terms to expire January 1, 2016.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), appointed Toni Jordan to the Mental Health Board, for a term to expire June 30, 2016.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), appointed Ron Nagy to the Vector Control District Board of Trustees, for a term to expire January 1, 2016.

On motion of Supervisor Smith and by vote of the Board (5 ayes), appointed Chuck Leonard to the Vector Control District Board of Trustees, for a term to expire January 1, 2016.

6. **ITEM A-6 - 9:30 A.M. - HEARING - Nuisance Abatement of 6488 Soda Bay Road, Kelseyville, CA (APN 044-034-07 - Ron Rose)** - Community Development Director Rick Coel, Building Inspector James Vagnone, Trudy Nagy, Gene Comden and Mike Ulrich were sworn in by the Clerk.

Mr. Coel presented the staff report.

Ms. Nagy, Mr. Comden and Mr. Ulrich gave testimony.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Greg Scott and Michelle Decody. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), adopted the order to abate nuisances located at 6488 Soda Bay Road, Kelseyville, CA (APN 044-034-07 - Ron Rose) and authorized staff to abate said nuisances if not voluntarily abated by the property owner by January 5, 2012; the costs associated with this case to become a charge against the property.

BACK TO #1 - CONSENT AGENDA ITEM C-14 - Adopt Resolution approving Final Parcel Map and the signing of the Final Parcel Map (Sutter West Bay Hospitals PM 10-05) - Community Development Director Rick Coel was present.

This item was continued to later in the day.

7. **ITEM A-7 - Continued from December 6, 2011 - 9:45 A.M. - HEARING - Appeal of Vicious Animal Abatement Orders located at 22430 East Road, Middletown, CA (Justin Milne and Amanda Glover)** - Animal Control Director Bill Davidson, Animal Control Officer Ben Cheek, Elizabeth Kershaw, Justin Milne and Amanda Glover were sworn in by the Clerk.

Supervisor Brown recused himself and was absent at 10:06 a.m.

After a brief recess, the Board reconvened into Regular Session at 10:56 a.m.

Ms. Lorne Borge attended via conference call.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved an Order of Nuisance, with the restrictions that are currently in effect, with the additional requirement of keeping the property gate closed at all times (other than entering and exiting the property), and with the stipulation that the Board would reconsider this Order in a year.

Supervisor Brown was present at 11:37 a.m.

The Board of Supervisors adjourned and convened as the Board of Directors of the Lake County Air Quality Management District.

8. **ITEM A-9 - 10:15 A.M. - (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; (b) Consideration of proposed Resolution canceling a portion of the LCAQMD Air Monitoring Equipment Reserve and appropriating Funds to FY 2011/2012 Budget #8799, Object Code 62.74 Equipment - Other; and (c) Consideration of request to authorize the Air Pollution Control Officer/Purchasing Agent to issue a purchase order to Lakeport Trailer, in the amount of \$30,500, for the purchase of one (1) Air Monitoring Trailer** - Air Pollution Control Officer Doug Gearhart presented the staff report.

(a) On motion of Director Brown and by vote of the Board (5 ayes), waived the formal bidding process, making the determination that competitive bidding would produce no economic benefit to the County.

(b) Director Brown offered Resolution No. 2011-203, and it was passed by roll call vote (5 ayes).

(c) On motion of Director Brown and by vote of the Board (5 ayes), authorized the Air Pollution Control Officer/Purchasing Agent to issue a purchase order to Lakeport Trailer, in the amount of \$30,500, for the purchase of one (1) Air Monitoring Trailer.

The Board of Directors of the Lake County Air Quality Management District adjourned and reconvened as the Board of Supervisors.

9. **ITEM A-8 - 10:00 A.M. - CLOSED SESSION - Meeting with the Lake County Grand Jury pursuant to Government Code Section 54953.1** - Chair Comstock announced the Board would now go into Closed Session, for the reasons stated on the agenda.

The Board reconvened into Regular Session at 11:53 a.m. with no action taken.

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10. **ITEM A-14 - Consideration of proposed Agreement between the County of Lake and the California Office of Administrative Hearings** - Human Resources Director Kathy Ferguson presented the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and the California Office of Administrative Hearings, and authorized the Chair to sign.

- BACK TO #1 - CONSENT AGENDA ITEM C-1 - Consent Agenda Item C-1 - Approve Minutes of the Board of Supervisors meeting held on December 13 and 20, 2011** - On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Minutes of the Board of Supervisors meeting held on December 13 and 20, 2011, and authorized the Chair to sign.

11. **ITEM A-10 - 10:30 A.M. - Employee Grievance Hearing (EGH 2011-01)** - Human Resources Director Kathy Ferguson, Community Development Director Rick Coel and Grading and Stormwater Inspector Thomas Blavet were sworn in by the Clerk.

Mr. Blavet gave testimony.

Ms. Ferguson presented the staff report.

After a brief recess, the Board reconvened into Regular Session at 12:55 p.m.

After a lunch recess, the Board reconvened into Regular Session at 2 p.m.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), denied the grievance, but directed the Reclassification Committee to move forward immediately with the adjustment of the Grading and Stormwater Inspector position to a I/II classification, and directed staff to prepare Findings of Fact.

- BACK TO #1 - CONSENT AGENDA ITEM C-14 - Adopt Resolution approving Final Parcel Map and the signing of the Final Parcel Map (Sutter West Bay Hospitals PM 10-05)** - Community Development Director Rick Coel was present.

Supervisor Farrington offered Resolution No. 2011-204, and it was passed by roll call vote (5 ayes).

12. **ITEM A-13 - Consideration of request to award Bid No. 12-09 to Jim Jonas, Inc., for the provision of diesel and unleaded gasoline** - Deputy County Administrative Officer Jeff Rein presented the staff report.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), awarded Bid No. 12-09 to Jim Jonas, Inc., for the provision of diesel and unleaded gasoline, and authorized the Chair to sign the Agreement.

- BACK TO #3 - ITEM A-11 - Supervisors' weekly calendar, travel and reports** - The Board of Supervisors adjourned and reconvened as the Lake County Local Board of Equalization and scheduled dates for Assessment Appeal hearings.

The Lake County Local Board of Equalization adjourned and reconvened as the Board of Supervisors.

The Board cancelled Board of Supervisors meetings for July 3, November 20 and December 25, 2012, and January 1 and 2, 2013, and approved the 2012 Regular Meeting Calendar.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved out of County travel for Supervisor Rushing to attend the Mendocino Broadband Alliance meeting in Ukiah, CA, in January, 2013.

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

13. **ITEM A-15 - Discussion/consideration of proposed Resolution declaring intent to adopt a Resolution of public use and necessity (Clearlake Sewer Force Main Improvement Project)** - Special Districts Administrator Mark Dellinger presented the staff report.

Director Farrington offered Resolution No. 2011-205, and it was passed by roll call vote (5 ayes).

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

14. **ITEM A-16 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, S. Harry, L. Guintivano, M. Perry and J. Hammond; and (b) Employee Organization: DSA, LCCOA and DDAA; and 2. Conference with Legal Counsel Existing Litigation pursuant to Gov. Code Sec. 54956.9 (a): Friends of Rattlesnake Island v. County of Lake, et al.** - Chair Comstock announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session at 3:53 p.m. with no action taken.

There being no further business, the Board of Supervisors adjourned at 3:53 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

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