

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD DECEMBER 6, 2011

The Honorable Board of Supervisors of Lake County, California, met in regular session this 6th 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. A moment of silence was dedicated to the memory of the lives lost at Pearl Harbor and to the Pearl Harbor survivors present this morning. Following the moment of silence, Bill Slater 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-20, with the exception of Consent Agenda Item C-10, which will be taken up later in the day.

Approved Minutes of the Board of Supervisors meeting held on November 15, 2011.

Approved Certified Statement of the Results of the November 8, 2011 General District Election.

Approved Amendment to the Agreement between the County of Lake and Modesto Residential Living Center, for a decrease in the total compensation amount of \$70,000, and authorized the Chair to sign.

Approved request to waive 900 hour limit for extra-help Parks Maintenance Worker David Treadway.

Approved permit to conduct aeronautical activities at Lampson Field Airport (Jack Olof), and authorized the Chair to sign.

Approved permit to conduct aeronautical activities at Lampson Field Airport (Steve's Airport), and authorized the Chair to sign.

Approved permit to conduct aeronautical activities at Lampson Field Airport (Lake Aero Styling & Repair), and authorized the Chair to sign.

Adopted Resolution No. 2011-181, authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under Agreement dated August 2, 2011 (Morgan Valley Road PM 8.81, Lake County, Bid No. 10-12).

Adopted Resolution No. 2011-182, authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under Agreement dated September 28, 2011 (Elk Mountain Road PM 35.9, Lake County, Bid No. 11-12)

Consent Agenda Item C-10 - Public Works - (a) Approve Budget Transfer B-50, from Budget Unit 9907 ISF Heavy Equipment, in the amount of \$2,771, to purchase a flat bed truck with snow plow; and (b) Award Bid No. 12-07 to Lakeport Ford, in the amount of \$57,770.64, for one (1) new Ford F450 4WD Ext Cab Flat-bed Truck with Snow Plow; and authorize Chair to sign - At the request of Supervisor Farrington, this item was removed from the Consent Agenda, to be taken up later in the day.

Adopted Resolution No. 2011-183, declaring intent to vacate a portion of a roadway, Malpas Way, in the County of Lake, and **setting the public hearing for January 3, 2012, at 1:30 P.M.**

Approved the 2009/10 and 2010/11 annual report for the Inmate Welfare Trust Fund #460.

Approved Agreement between the County of Lake and the County of Sacramento, for FY 2011/12 and 2012/13 forensic pathology services, in an amount not to exceed \$30,000, and authorized the Chair to sign.

Approved Federal Annual Certificate Report (asset forfeiture funds received and expended during the fiscal year), and authorized the Chair to sign.

Approve First Amendment to the Agreement between the County of Lake and Dan Gardner (dba Fiscal Experts, Inc.), for an increase in maximum compensation of \$20,000, for web-based Time Study Buddy service, and authorize the Chair to sign.

Sitting as the Board of Directors of the Lake County Sanitation District, approved Second Amendment between the Lake County Sanitation District and the State Water Resource Control Board, implementing AB 2356, placing interest payments for the Northwest Regional Wastewater Treatment Plant Improvement Project (Basin 2000) into the Small Communities Wastewater Grant Program, and authorized the Special Districts Administrator to sign.

Sitting as the Board of Directors of the Lake County Sanitation District, approved Escrow Agreement between the Lake County Sanitation District, Preston Pipelines, Inc. and Comerica Bank for security deposits in lieu of retention for retainage on the Southeast System Pump Station and Force Main Project, and authorized the Special Districts Administrator to sign.

Sitting as the Board of Directors of the Lake County Sanitation District, approved Easement Deed and directed Clerk to certify for recordation (APNs 010-043-33, 010-043-44 and 010-043-45 - Clear Lake Highway 53 Associates, L.P.), and authorized Chair to sign.

Adopted Resolution No. 2011-180, authorizing the submittal of an application to the California State Department of Housing and Community Development for funding under the CalHome Program; the execution of a Standard Agreement if selected for such funding and any amendments thereto; and any related documents necessary to participate in the CalHome Program.

Approved in concept the Classification and Compensation Committee Recommendations to establish classifications for Staff Services Specialist, Account Clerk Supervisor and Supervising Staff Services Analyst; and reclassify (and approve Y-rating incumbents, as applicable) five Senior Staff Services Analyst positions to the following: Staff Services Specialist, Staff Services Analyst II, Account Clerk Supervisor, and two Supervising Staff Services Analyst positions, per the memorandum from Human Resources, dated November 18, 2011, and authorized the Human Resources Director to begin the meet and confer process necessary to implement the recommendations.

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-4 - Current Construction Projects - Contract Change Orders:**

Change Order #2 - Elevator Renovation Project - This change order addresses the need to replace the existing drum brakes in Elevator #1 - Public Works Director Caroline Chavez presented the staff report.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD DECEMBER 6, 2011

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Change Order #2 - Elevator Renovation Project - Dream Ride Elevator, Inc., for an increase of \$14,881.00, and authorized the Chair to sign.

CITIZEN'S INPUT - Haji Wharf spoke regarding a national radio program regarding Rattlesnake Island.

Pearl Harbor Survivors Association Chair Bill Slater spoke regarding the 70th anniversary of Pearl Harbor Day, December 7, 2011, and presented the Board with a commemorative plaque. Many members of the Lake County Pearl Harbor Survivors Association were present.

4. **ITEM A-5 - 9:05 A.M. - PUBLIC HEARING - Consideration of recommendations for allocation of Supplemental Law Enforcement Services Funds (SLESF)** - County Administrative Officer Kelly Cox 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), approved the recommendations for allocation of Supplemental Law Enforcement Services Funds (SLESF), in the following amounts: Sheriff/Coroner \$100,000, Sheriff/Jail \$20,746 and District Attorney \$20,746.

5. **ITEM A-6 - 9:15 A.M. - PUBLIC HEARING - (a) Discussion/consideration of proposed purchase of real property consisting of land located at 7130 Konocti Road, Kelseyville, CA (APN 009-003-03 - Lawrence J. Mazzola and Stephanie Mazzola), selling price \$91,000, to be used as additional access to public county park area on Mt. Konocti; and (b) Discussion/consideration of proposed purchase of real property consisting of land located at 6500 Konocti Road, Kelseyville, CA (APN 009-003-02 - Douglas Harbey and Carole Harbey), selling price \$5,600, to be used as additional access to public county park area on Mt. Konocti** - Public Services Director Caroline Chavez presented the staff report.

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

(a) Supervisor Brown offered Resolution No. 2011-184 (Mazzola), and it was passed by roll call vote.

(b) Supervisor Brown offered Resolution No. 2011-185 (Harbey), and it was passed by roll call vote.

6. **ITEM A-7 - 9:25 A.M. - PUBLIC HEARING - Public bid opening and consideration of proposals in the upgrade of telecommunications equipment for the provision of cellular telephone services in Lake County** - Public Services Director Caroline Chavez presented the staff report.

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

One bid was received from AT&T.

This item was continued to later in the day to allow staff to prepare a recommendation regarding the proposal.

7. **ITEM A-8 - 9:30 A.M. - Presentation and request for Board direction on a proposal by Meridian Construction Company for nuisance algae collection in Clear Lake** - Water Resources Director Scott De Leon and Public Services Director Caroline Chavez were present.

Meridian Construction representatives Todd Falconer and Jim Irwin presented the proposal to the Board.

Chair Comstock asked if anyone was present wishing to speak and Joan Moss spoke. No one else was present wishing to speak and the public input portion of this item was closed.

There was Board consensus to direct staff to distribute a Request for Proposals to collect, de-water and dispose of algae mats from the waters of Clear Lake.

8. **ITEM A-9 - Continued from October 25 and November 1, 2011 - 10:15 A.M. - Discussion/consideration of proposed Resolution supporting the mandatory labeling of genetically engineered food** - Thurston Williams presented the proposed Resolution to the Board.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Leslie Sheridan, Catherine Harris, Haji Wharf, Francis Howland, Annelle Durham, Barbara Brown, Tom Slight and Dennis Nicholson. No one else was present wishing to speak and the public input portion of the item was closed.

Supervisor Rushing offered Resolution No. 2011-186, and it was passed by roll call vote (3 ayes, Supervisors Brown and Comstock NO).

After a brief recess, the Board reconvened into Regular Session at 11:22 a.m.

9. **ITEM A-10 - 11:00 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 Allison Mewborn, Animal Control Officer Ben Cheek, Bob Tinnnet, Amanda Glover, Justin Milne, Elizabeth Kershaw, Loma Borge, Daniel Olson and Benjamin Elliott were sworn in by the Clerk.

Officers Cheek and Mewborn presented the staff report.

Ms. Kershaw gave testimony.

Mr. Tinnnet presented the case of the appellant's.

This item was continued to 3:00 p.m.

10. **ITEM A-11 - 11:30 A.M. - Presentation of update regarding status of new casino project in Upper Lake** - Habematolet Pomo of Upper Lake Chairperson Sherry Treppa presented the update to the Board.

This item was informational only. No Board action was taken on this item.

11. **ITEM A-17 - Consideration of the following appointments: Glenbrook Cemetery District and Middletown Cemetery District** - On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Harry Deffenbaugh and Rob Bostock to the Glenbrook Cemetery District, for terms to expire January 1, 2016.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD DECEMBER 6, 2011

On motion of Supervisor Smith and by vote of the Board (5 ayes), appointed Bonnie Albertson and Gregory Conley to the Middletown Cemetery District, for terms to expire January 1, 2015.

Supervisor Brown was absent at 12:21 p.m. and present at 12:23 p.m.

After a lunch recess, the Board reconvened into Regular Session at 1:34 p.m. Supervisor Brown was absent.

Supervisor Brown was present at 1:35 p.m.

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

12. **ITEM A-12 - 1:30 P.M. - Annual meeting of the Lake County Redevelopment Agency and presentation of the Agency's Annual Report for Fiscal Year 2010/2011 (Northshore Project Area)** - Redevelopment Executive Director Kelly Cox, Administrative Analyst Kathy Barnwell and Administrative Analyst Alan Flora were present.

Mr. Cox presented the annual report.

This item was informational only. No Board action was taken on this item.

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

13. **ITEM A-13 - 1:45 P.M. - Consideration of request for Board direction regarding proposed modifications to the Quagga Mussel Prevention Program** - Water Resources Director Scott De Leon and Jim Steele were present.

Mr. Steele presented the proposed modifications to the Board.

Supervisor Brown was absent at 2:33 p.m., present at 2:39 p.m. and absent for the remainder of the day at 2:42 p.m.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Conrad Colbrandt, Betsy Cawn, Victoria Brandon, Melissa Fulton and Art Serini. No one else was present wishing to speak and the public input portion of this item was closed.

There was Board consensus to approve the report and direct staff to have the 2012 stickers ready for distribution by January 1, 2012.

14. **ITEM A-15 - 2:30 P.M. - (a) Discussion/consideration of request to rescind "Economic Development Project Procedures"; (b) Discussion/consideration of request to rescind "Performance Based Development Incentive Policy"; (c) Discussion/consideration of request to approve amended "Policy on Fee Waivers"; and (d) Discussion/consideration of request to approve and adopt the "Fee Waiver and Deferral Policy for Economic Development Projects" (per Board direction of November 15, 2011)** - This item was carried over one week to December 13, 2011, at 11:30 a.m.

15. **ITEM A-14 - 2:00 P.M. - Presentation of update and possible Board direction regarding Code Enforcement actions relative to marijuana dispensaries** - Community Development Director Rick Coel was present.

Mr. Coel presented an update to the Board.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Ron Green and Daniel Chadwick. Due to time constraints, the public input portion of this item was closed.

There was Board consensus to direct staff to delay further Code Enforcement action, pending direction from the Board.

This item was continued one week, to December 13, 2011, at 1:30 p.m.

After a brief recess, the Board reconvened into Regular Session at 4:18 p.m.

- BACK TO #9 - ITEM A-10 - 11:00 A.M. - HEARING - Appeal of Vicious Animal Abatement Orders located at 22430 East Road, Middletown, CA (Justin Milne and Amanda Glover)** - Mr. Tinnnet continued his presentation of the appeal.

Ms. Kershaw, Mr. Tinnnet, Daniel Olson, Benjamin Michael Elliott and Lorna Borg gave testimony.

This item was continued two weeks, to December 13, 2011, at 9:45 a.m. to allow for the collection of requested documents.

- BACK TO #6 - ITEM A-7 - 9:25 A.M. - PUBLIC HEARING - Public bid opening and consideration of proposals in the upgrade of telecommunications equipment for the provision of cellular telephone services in Lake County** - Public Services Director Caroline Chavez presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown ABSENT), awarded the bid for the upgrade of telecommunications equipment for the provision of cellular telephone services in Lake County to AT&T, and authorized the Public Services Director to begin negotiations on a contract which will be brought back to the Board at a later date.

16. **ITEM A-20 - Consideration of proposed Resolution approving the reversion of title to certain real property previously used as a garbage disposal transfer site from the County of Lake to the City of Lakeport** - Public Services Director Caroline Chavez presented the staff report.

Supervisor Smith offered Resolution No. 2011-187, and it was passed by roll call vote (4 ayes, Supervisor Brown ABSENT).

17. **ITEM A-19 - Discussion/consideration of proposed Resolution amending Resolution No. 2011-153 establishing salaries and fringe benefits for Management Employees for Fiscal Years 2011-12 and 2012-13 (adding position of Undersheriff to eligibility list for educational incentive)** - County Administrative Officer Kelly Cox presented the staff report.

Supervisor Rushing offered Resolution No. 2011-188, and it was passed by roll call vote (4 ayes, Supervisor Brown ABSENT).

- BACK TO #1 - Consent Agenda Item C-10 - (a) Consideration of proposed Budget Transfer B-50, from Budget Unit 9907 ISF Heavy Equipment, in the amount of \$2,771, to purchase a flat bed truck with snow plow; and (b) Consideration of request to award Bid No. 12-07 to Lakeport Ford, in the amount of \$57,770.64, for one (1) new Ford F450 4WD Ext Cab Flat-bed Truck with Snow Plow** - Assistant Public Works Director Lars Ewing presented the staff report.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD DECEMBER 6, 2011

(a) On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved Budget Transfer B-50, from Budget Unit 9907 ISF Heavy Equipment, in the amount of \$2,771, to purchase a flat bed truck with snow plow, and authorized the Chair to sign.

(b) On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown ABSENT), awarded Bid No. 12-07 to Lakeport Ford, in the amount of \$57,770.64, for one (1) new Ford F450 4WD Ext Cab Flat-bed Truck with Snow Plow, and authorized the Chair to sign.

18. **ITEM A-18 - Continued from November 15, 2011 - CLOSED SESSION - (a) Public Employee Disciplinary Appeal No. EDA 2011-06, Government Code Section 54957 AND ITEM A-21 - 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: LCEA, DSA, LCCOA and DDAA 2. Public Employees Performance Evaluation: Title: Health Services and Veterans Services Director 3. Conference with Legal Counsel: Significant exposure to litigation pursuant to Government Code Section 54956.9 (b)(1)(A): One potential case - 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 6:40 p.m. and took the following action:

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), adopted the Findings of Fact and denied Disciplinary Appeal EDA 2011-06.

There being no further business, the Board of Supervisors adjourned at 6:41 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

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