

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MARCH 15, 2011

The Honorable Board of Supervisors of Lake County, California, met in regular session this 15<sup>th</sup> day of March, 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 9:02 a.m. by Chair Comstock. The moment of silence was dedicated to the people of Japan, struck by the earthquake and tsunami last week. After the moment of silence, District Attorney Don Anderson 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-12, with the exception of a portion of Item C-1, the Minutes from the March 8, 2011 meeting, which was carried over one week, to March 22, 2011, and Item C-7, which will be taken up later in the day.

Approved Minutes of the Board of Supervisors meeting held on March 1, 2011 **(At staff request, March 8, 2011 proposed Minutes were carried over one week, to March 22, 2011).**

Adopted Proclamation designating March 15, 2011 as National Agriculture Day and the week of March 13-19, 2011 as National Agriculture Week in Lake County.

Approved waiver of 900-hour limit for extra-help Janitor employee, Diana Hasty, as per staff memorandum, dated March 3, 2011.

Approved in concept the Classification and Compensation Committee Recommendations for Fiscal Year 2011-2012, and authorized the Human Resources Director to begin the meet and confer process necessary to implement the recommendations.

Approved the Second Amendment to the Agreement between the County of Lake and Hilltop Recovery Services, for an increase of \$15,000, and to add Hilltop Recovery for Women to the contract, and authorized the Chair to sign.

Adopted Resolution No. 2011-36, changing mileage in county maintained road system.

Approved waiver of 900-hour limit for extra-help Deputies Jim Campbell, Dane Hayward, Robert Piveronas Lloyd Wells, Wes Frey, David Jones, Steve Jones and Assistant OES Coordinator Willie Sapeta, as per staff memorandum, dated March 1, 2011.

Approved Boating Safety and Enforcement Financial Aid Program Contract between the County of Lake and the California Department of Boating and Waterways, for boating safety and enforcement activities, in the amount of \$315,312, for Fiscal Year 2011-2012, and authorized the Sheriff to sign.

Approved First Amendment to Agreement between the County of Lake and Lexipol LLC, for policy manual development services, for an increase of \$8,925, and authorized the Sheriff to sign.

Adopted Resolution No. 2011-37 rescinding Resolution No. 97-229 and designating the Welfare Fraud Investigator Supervisor and Welfare Investigator positions as Peace Officers, authorized to carry firearms while acting in the scope of their duties.

Adopted Resolution No. 2011-38, authorizing the destruction of records in the custody of the Water Resources Department (expired encroachment permits from 2009 and earlier).

**Consent Agenda Item C-7 - Award Bid No. 11-07 to Steiny and Company, for construction of the Middletown Decorative Lighting Project, in the amount of \$106,215, and authorize the Chair to sign** - This item was carried over to later in the day.

2. **ITEM A-17 - Consideration of request to appoint Richard Hinchcliff as Chief Deputy District Attorney (retroactive to December 13, 2010)** - District Attorney Don Anderson presented the request to the Board.

On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the recruitment process.

On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Richard Hinchcliff to the permanent Chief Deputy District Attorney position, effective March 15, 2011.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Rushing NO), overrode the Personnel Rules and assigned a rate of pay at step 5 (\$7938.36 per month), effective March 15, 2011.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Rushing NO), overrode the Personnel Rules and assigned a salary anniversary date of January 2, 2013, effective March 15, 2011.

**BACK TO #1 - CONSENT AGENDA ITEM C-7 - Consideration of request to award Bid No. 11-07 to Steiny and Company, for construction of the Middletown Decorative Lighting Project, in the amount of \$106,215** - On motion of Supervisor Smith and by vote of the Board (5 ayes), awarded Bid No. 11-07 to Steiny and Company, for construction of the Middletown Decorative Lighting Project, in the amount of \$106,215, and authorized the Chair to sign the bid award.

3. **ITEM A-5 - 9:15 A.M. - Presentation of Proclamation designating March 15, 2011 as National Agriculture Day and the week of March 13-19, 2011 as National Agriculture Week in Lake County** - Supervisor Brown read the Proclamation into the record and presented it to Bonnie Sears and Annette Hopkins, who spoke.

4. **ITEM A-15 - Consideration of appointments to the following: Planning Commission, District 3; and (Continued from March 1, 2011) Sheriff's Office of Quality Assurance Exploratory Committee** - Sheriff Francisco Rivero was present.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), appointed Olga Martin Steele to the Planning Commission, District 3 category, for a term to expire January 1, 2013.

On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed the Jim Steele, Bob Malley and Mike Linnell to the Sheriff's Office of Quality Assurance Exploratory Committee. (This committee is ad hoc and therefore has no term expiration date).

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5. **ITEM A-16 - Consideration of proposed Resolution urging the California Citizens Redistricting Commission to keep Lake County, Napa County, Sonoma County, Mendocino County and Yolo County within the same U.S. Congressional District** - County Administrative Officer Kelly Cox presented the staff report.

Supervisor Brown offered Resolution No. 2011-39, and it was passed by roll call vote (5 ayes).

6. **ITEM A-6 - 9:30 A.M. - Presentation of Employee Service Awards** - Chair Comstock presented certificates, pen/pencil sets, clocks and keepsake boxes to the following County staff:

The following employees received certificates for 5 years of service: Dan Hurse - Chief Probation Officer

The following employees received pen/pencil sets for ten years of service: Sharon Anderson - Social Services, Julianna Bisaccio - Juvenile Home, Felicia Bridges - District Attorney, Rob Brown - Board of Supervisors, Laura Calderon - Mental Health, Victoria Cortez - Social Services, Jeanne Dishman - Sheriff, Garson Elliott - Social Services, Kristene Eutenier - Agriculture, Anthony Farrington - Board of Supervisors, Robert Garay - Social Services, Rachel Geary - Mental Health, James Gessner - AODS, Stacy Hill - Public Works, Carla Hockett - Sheriff, Scott Hornung - Public Works, Cheryl Johns - Information Technology, Sandra Jones - Auditor-Controller, Eric Keener - Sheriff, Valdine Kuhn - Public Health, Linda Lake - Museum, John Langan - District Attorney, James Lewis - Sheriff, Lynda Lindsay - Health Administration, Arthur Loucks - Public Works, Carol Madieros - District Attorney, Tasha Magana - Information Technology, Elizabeth Martinez - Auditor-Controller, Janice Mills - Sheriff, Emily Minton - Community Development, Kristy Moore - Sheriff, Melanie Norwood - Treasurer-Tax Collector, Catherine O'Connell - County Counsel, Mary Pagan - Social Services, Gehlen Palmer - Library, Julie Pimentel - Environmental Health, Faye Plinck - Social Services, Elona Porter - Sheriff, Everette Prescott - Special Districts, Diane Purdy - Social Services, Kristin Reynolds - Sheriff, June Richmond - Social Services, Joanne Ruddock - Social Services, Michael Silva - Sheriff, Barbara Smith - Community Development, Christine Smith - Child Support Services, Martha Telez - Veterans Services, Krista Van Vranken - Mental Health, Douglas Wacker - Assessor-Recorder, Deborah Wallace - District Attorney, Donald Walsh - Public Services, Richard Ward - Sheriff, Robert Weiss - County Counsel, Gavin Wells - Sheriff, Judy Wilhite - Mental Health, Pierre Williams - Special Districts, June Wilson - Mental Health and Caren Wisdom - Social Services.

The following employees received clocks for fifteen years of service: Virginia Barajas - Sheriff, Edward Bean - District Attorney, Carolyn Call - Treasurer-Tax Collector, Caroline Chavez - Public Services, Christopher Chwialkowski - Sheriff, Darren Daskam - Sheriff, Sherri Delatorre - Social Services, Diana Dixon - Social Services, Kathy Hatchell - Information Technology, Marlene Keven - Social Services, David Lance - Sheriff, Renee Leffler - Sheriff, Kathy Maes, Social Services, Charles Maves - Public Services, Tamara Newby - District Attorney, Louise Olney - Public Works, Corey Paulich - Sheriff, Christopher Prather - Public Works, Michael Sedgwick - Special Districts, Dennis Skinner - Mental Health, Paula Snyder - Probation, Forrest Stogner - Special Districts and Maria Valadez - Elections.

The following employees received keepsake boxes for twenty years of service: Rick Coel - Community Development, Gary Crane - District Attorney, Lester Deter - Social Services, Kathy Harrison - Social Services, Bessie Kniss - Child Support Services, Linda Lepp - Special Districts, Morton Levine - Air Quality, Yvonne McPherson - District Attorney, Ilene Pinch - District Attorney, Jeff Rein - Administration, Lon Sharp - Information Technology and Tammy Widener - Child Support Services.

The following employees received keepsake boxes for twenty-five years of service: Stan Beach - Assessor-Recorder, Dean Eichelmann - Special Districts, David Hutton - Community Development, Shirley Morse - U.C. Cooperative Extension, Christopher Rivera - Sheriff, Raymond Ruminski - Environmental Health - Jill Shaul - Special Districts, Andrew Tritchler - Agriculture and Nikki White - Air Quality.

The following employees received keepsake boxes for thirty years of service: Mary Beth Strong - Sheriff, Pam Cochrane - Auditor-Controller, Crystal Esbert - Sheriff and Sandra Thompson - Assessor-Recorder.

The following employees received keepsake boxes for thirty-five years: Robert Renker - Assessor-Recorder and Jim Campbell - Assessor-Recorder.

7. **ITEM A-7 - 10:00 A.M. - Presentation by Mendocino National Forest Supervisor Tom Contreras regarding the budget, projects and other issues related to the Mendocino National Forest** - Mendocino National Forest Supervisor Tom Contreras presented the update to the Board.

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

8. **ITEM A-8 - 10:30 A.M. - Presentation by Buxton of Lake County Retail Development Report** - Buxton Representative Lisa Hill presented the Lake County Retail Development Report to the Board.

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

9. **ITEM A-9 - 11:15 A.M. - Presentation of activities and services of Lake County Mediations** - Lake County Mediations Board members Terry Dereniuk, Bill Kohler, and Executive Director Barbara Johnson presented the report to the Board.

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

After a brief recess, the Board reconvened into Regular Session at 11:40 a.m.

10. **ITEM A-10 - Continued from February 22 and March 1, 2011 - 11:30 A.M. - PUBLIC HEARING - Appeal (AB 11-01) of Friends of Cobb Mountain of the Planning Commission's certification of the Final Environmental Impact Report (EIR) prepared for the Bottle Rock Power Steam, geothermal field development-expansion project and further appeals the Planning Commission's approval of the Use Permit (UP 09-01) and minor modifications to existing Use Permit 85-27 and associated Traffic Control and Road Maintenance Plan (MMU 01-01); located at 6743, 6825, 7358, 7385 and 7500 High Valley Road, Cobb, CA (APNs 011-012-97, 013-002-01, 013-002-03, 013-002-04 and 013-002-05)** - Community Development Director Rick Coel was present.

Supervisor Farrington reported on his attempts to meet with Pacific Gas and Electric representatives.

Bottle Rock Power General Manager Brian Harms spoke.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Rushing NO) made the intended decision to deny the appeal, and directed County Counsel to prepare Findings of Fact.

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11. **ITEM A-11 - Carried over from February 22 and March 1, 2011 - 11:45 A.M. PUBLIC HEARING - Consideration of request for Rezone (RZ 09-07) of approximately 60 acres from "PDR-BF", Planned Development Residential-Frozen parcel size to "RL-BF", Rural Lands-Frozen parcel size; project applicant is Bottle Rock Power, LLC.; located within the Binkley Leasehold at 6743 and 7385 High Valley Road, Cobb, CA (APNs 011-012-97 and 013-002-03) - Community Development Director Rick Coel presented the staff report.**

Supervisor Brown was absent at 12:18 p.m. and present at 12:21 p.m.

Chair Comstock opened the public hearing and the following people spoke: Hamilton Hess, Scott Stegeman, Ron Fidge, Dave Coleman, Kelly Fletcher, Linda Fung, Tom Slaight, Randy Fung, Chris Manhke and Joan Moss. No one else was present wishing to speak and the public hearing was closed.

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

Supervisor Brown offered Ordinance No. 2943, and it was passed by roll call vote (5 ayes).

After a brief recess, the Board reconvened into Regular Session at 3:00 p.m.

12. **ITEM A-13 - Continued from March 8, 2011 - 2:30 P.M. - Request to approve lease for an office building at 6302 13<sup>th</sup> Avenue, Lucerne, for the Mental Health Department - Chief Deputy Administrative Officer Matt Perry presented the updated staff report.**

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Kim Pemberton, Suzanne Lyons, Carol Bettencourt, Randy Taylor and Cliff Ruzicka. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Rushing and by vote of the Board (3 ayes, Supervisors Smith and Farrington NO), approved the lease for an office building at 6302 13<sup>th</sup> Avenue, Lucerne, for the Mental Health Department, with Bruno and Associates, and authorized the Chair to sign.

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

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

**Change Order #3 - Lucerne Third Avenue Plaza** - This change order includes a \$20,400 reduction for light fixtures not ordered, and addresses extra work performed by the contractor, previously authorized by staff through field orders.

Deputy Redevelopment Director Eric Seely presented the staff report.

Director Farrington was absent at 3:48 p.m. and present at 3:51 p.m.

On motion of Director Rushing and by vote of the Board (4 ayes, Director Farrington ABSENT), approved Change Order #3 - Lucerne Third Avenue Plaza, for an increase of \$956, KAT Construction, and authorized the Chair to sign.

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

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

**Extra #1 - Update on levee breach in Rodman Slough** - Water Resources Director Scott De Leon presented an update to the Board.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Ruth Valenzuela and Carol Bettencourt. No one else was present wishing to speak and the public input portion of this item was closed.

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

**CITIZEN'S INPUT** - California State Assembly Member Wesley Chesbro's Field Representative Ruth Valenzuela introduced State Senator Noreen Evans' Field Representative Jeff Burrell.

15. **ITEM A-12 - 1:30 P.M. - CLOSED SESSION - Public Employee Appointment (interviews of applicants for Animal Control Director)** - Chair Comstock announced the Board would now go into Closed Session for the reason stated on the agenda.

The Board reconvened into Regular Session at 5:07 p.m. Supervisor Rushing was absent.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Rushing ABSENT), appointed William Davidson Animal Control Director.

16. **ITEM A-18 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert, M. Perry and J. Hammond; and (b) Employee Organization: LCEA, DSA, LCCOA and DDAA 2. Conference with Legal Counsel: Existing Litigation pursuant to Government Code Section 54956.9, Subdivision (a): (a) County of Lake v. Bouchey; and (b) Rogers 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 5:15 p.m. Supervisor Rushing was absent.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Rushing ABSENT) approved the settlement in the matter of Tessa Rogers v. County of Lake, et al., in the amount of \$30,000.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Rushing ABSENT), approved the settlement in the matter of Freedom Mechanical Enterprise, Inc. v. Bouchey Roofing, Inc. and County of Lake v. Bouchey Roofing, Inc. (Case No. SCUKCVG 10-55981) whereby the County of Lake retains \$38,828.73 representing the final progress payment under the contract, remits \$2,000 to Bouchey Roofing, Inc., and agrees to accept \$8,000 from Bouchey Roofing, Inc. through its insurance company.

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There being no further business, the Board adjourned at 5:18 p.m.

KELLY F. COX  
Clerk of the Board

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Chair - Lake County Board of Supervisors

By: \_\_\_\_\_  
Mireya G. Turner  
Assistant Clerk of the Board