

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MAY 24, 2011

The Honorable Board of Supervisors of Lake County, California, met in regular session this 24th day of May, 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 victims of the recent tornadoes and to the memory of former State Assembly Field Office Representative Harry Bistron. Following the 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-15, with the exception of Consent Agenda Item C-15, which Via Erratum, was removed from the Consent Agenda and placed on the Regular Agenda as Item A-19.

Approved Minutes of the Board of Supervisors meeting held on May 17, 2011.

Adopted Proclamation in recognition of Older American's Month, May 2011, "Older Americans: Connecting the Community".

Adopted Resolution No. 2011-66, amending Resolution No. 2010-165 establishing position allocations for Fiscal Year 2010-2011, Budget Unit No. 2703, Animal Control (deleting one Deputy Director and adding one 0.75 FTE Office Assistant I/II position).

(a) Adopted Resolution No. 2011-67, establishing 2011-2012 appropriations limit for the County of Lake; and (b) Adopted Resolution No. 2011-68, establishing 2011-2012 appropriations limit for special districts governed by the Board of Supervisors.

Adopted Resolution No. 2011-69, amending Resolution 2010-164 to amend the Adopted Budget for FY 2010-11 by making various adjustments to Budget Unit 2110 - District Attorney and Budget Unit 2116 - Asset Forfeiture (applying unanticipated revenue to extra help staff and travel budget units).

Approved waiver of 900-hour limit for extra-help Office Assistant II Christine Love, as per staff memorandum, dated March 8, 2011.

Adopted Resolution No. 2011-70, authorizing the amendment of the County of Lake's Salary and Classification Plan to bring all permanent positions into the standard grade table as vacancies occur.

Adopted Resolution No. 2011-71, approving the application to apply for grant funds for the Statewide Park Program Grant Funds.

Approved request to allow County to solicit and receive donations to assist with the Konocti Regional Trails Master Plan (KRT).

Adopted Resolution No. 2011-72, order approving Final Parcel Map and the signing of the Final Parcel Map (Brooks).

Adopted Resolution No. 2011-73, order approving Final Parcel Map and the signing of the Final Parcel Map (Rolfe); and approved the Agreement between the County of Lake and Glenn Richard Rolfe and Lori Anne Rolfe, for deferred improvements, and authorized the Chair to sign.

Approved Budget Transfer B-261 from Permanent budget, in the amount of \$162,000, to purchase a CISCO phone system, and authorized the Social Services Director to execute a purchase order with the Development Group, in an amount not to exceed \$161,628.27, for the phone system.

Adopted Resolution No. 2011-74, declaring intent to sell surplus real property owned by the County and setting the date and time to open and consider bids on June 21, 2011, at 9:30 a.m. (Property located at 4960 Roland Drive, Lucerne, CA - APN 034-292-87)

Adopted Resolution No. 2011-75, authorizing the Chairman of the Board to approve and direct the Tax Collector to sell, at public auction via internet, tax defaulted property which is subject to the power to sell in accordance with Chapter 7 of Part 6 of Division I, of the California Revenue and Taxation Code and approving sales below minimum price on specific cases.

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.

CITIZEN'S INPUT - Robinson Rancheria Tribal Youth Coordinator Frank Gudmunson announced the upcoming Prescription Medication Collection Drive on June 1, 2011.

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

Extra #1 - Consideration of request for endorsement of the upcoming Robinson Rancheria Prescription Medication Collection Drive on June 1, 2011 - On motion of Supervisor Rushing and by vote of the Board (5 ayes) approved taking up this item.

This item was taken up due to the fact the request for endorsement was made following the posting of the agenda and the event will take place before the next meeting.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), expressed the Board's endorsement of the Robinson Rancheria Prescription Medication Collection Drive on June 1, 2011.

CITIZEN'S INPUT - Nick Jiles and Antonio Gamino-Turner spoke regarding In Home Health Care Services in Lake County.

3. **ITEM A-5 - 9:10 A.M. - Presentation of Proclamation in recognition of Older American's Month, May 2011, "Older Americans: Connecting the Community"** - Supervisor Rushing read the Proclamation into the record and presented it to Dennis Fay, who spoke.

4. **ITEM A-6 - 9:15 A.M. - (a) Protest hearing for proposed increase of water charges and fees for County Service Area (CSA) #22 - Mt. Hannah; and (b) Consideration of proposed Ordinance amending the charges and fees for County Service Area (CSA) #22 - Mt. Hannah** - Special Districts Administrator Mark Dellinger and Fiscal Officer Jan Coppinger were present.

Mr. Dellinger presented the staff report.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MAY 24, 2011

(a) Chair Comstock opened the protest hearing. No one was present wishing to speak and the protest hearing was closed.

Assistant Clerk of the Board Mireya Turner reported a total of one (1) protest ballot received.

(b) 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).

On motion of Supervisor Brown and by vote of the Board (5 ayes), advanced the ordinance two weeks, to June 7, 2011.

5. **ITEM A-16 - Advanced from May 17, 2011 - Consideration of proposed Ordinance amending Article II of Chapter 18 of the Lake County Code relating to the Transient Occupancy Tax (SECOND READING)** - Treasurer-Tax Collector Sandra Shaul was present.

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

Supervisor Brown offered Ordinance No. 2948, and it was passed by roll call vote (5 ayes).

6. **ITEM A-19 - (CONSENT AGENDA ITEM C-15) - Discussion/consideration of proposed Maintenance Agreement and Web Services Addendum between the County of Lake and Megabyte Systems Inc., for the Megabyte Property Tax System, in the amount of \$166,747, for FY 2011/12, with annual CPI increases during the following three years** - Treasurer-Tax Collector Sandra Shaul and Assessor-Recorder Doug Wacker were present.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Maintenance Agreement and Web Services Addendum between the County of Lake and Megabyte Systems Inc., for the Megabyte Property Tax System, in the amount of \$166,747, for FY 2011/12, with annual CPI increases during the following three years, and authorized the Chair to sign.

7. **ITEM A-7 - 10:00 A.M. - PUBLIC HEARING - Consideration of proposed extension of an existing named road (Konocti Road), and the proposed naming of an existing unnamed road (Buckingham Peak Road)** - 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 Brown and by vote of the Board (5 ayes), approved the extension of an existing named road (Konocti Road), and the naming of an existing unnamed road (Buckingham Peak Road).

8. **ITEM A-13 - Consideration of appointments to the following: Emergency Medical Care Committee, Fish and Wildlife Advisory Committee and Solid Waste Appeals Panel** - On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed the following people to the Emergency Medical Care Committee, for terms to expire January 1, 2012: Mary Brown - Hospitals, Mary Cardinale-Stein - Hospitals, James Dowdy - Fire Department, Randy Lyman - Private Ambulance, Chrissy Pittman - Fire Department, Robert Ray - Fire Department, William Sapeta - Fire Department, Steven Schepper - ER Affiliated and Bryan Schwartz - EMT Representative.

On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed the following people to the Emergency Medical Care Committee, Others-Consumer-Interested Group category, for terms to expire January 1, 2012: David Fromer, Yvonne Fuqua, Ron Nagy and Sandra Richards.

Fish and Wildlife Advisory Committee: This committee was inadvertently placed on the agenda. No Board action was taken on this item.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), appointed the following people to the Solid Waste Appeals Panel, for terms to expire June 30, 2014: Ross Kauper - Public Member and Bill VanDerWall - Technical Expert.

After a brief recess, the Board reconvened at 10:30 a.m.

9. **ITEM A-8 - 10:15 A.M. - Discussion/consideration of request to direct staff to prioritize the application to the State Water Resources Control Board (SWRCB) to secure surface water supplies to the waters of Clear Lake in connection with the Middle Creek Restoration Project; to immediately develop a Request for Proposals (RFP) be sent out to qualified water resources engineers for hydrological modeling; and to approve letter to Yolo Flood Board of Directors to request the placement of our Memorandum of Understanding on a future Yolo Flood Board Meeting Agenda and request their support of our water rights application in connection with the Middle Creek Restoration Project** - Public Works Director and Acting Water Resources Director Scott DeLeon was present.

Supervisor Farrington introduced this item.

Mr. DeLeon presented the staff report.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Joan Moss and Betsy Cawn. 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), directed staff to prioritize the application to the State Water Resources Control Board to secure surface water supplies to the waters of Clear Lake in connection with the Middle Creek Restoration Project, to immediately develop a Request for Proposal (RFP) to perform the appropriate hydrological modeling to support the processing of the application, and approved a letter requesting the Yolo Flood staff place the Memorandum of Understanding between the County of Lake and the Yolo County Flood Control and Water Conservation District on a future agenda and request the Yolo Flood Board of Directors' support for the application.

10. **ITEM A-9 - 10:45 A.M. - (a) Consideration of the merger of the Water Resources and Public Works Departments, to be under the supervision of one department head and directing the cost savings in Water Resources to be appropriated to aquatic weed and algae abatement projects on Clear Lake; and (b) Consideration of advanced step appointment in the existing Public Works Director salary range, for the combined Public Works/Water Resources Department head** - Public Works Director and Acting Water Resources Director Scott DeLeon was present.

County Administrative Officer Kelly Cox presented the staff report.

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

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MAY 24, 2011

(a) On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the merger of the Water Resources and Public Works Departments, to be under the supervision of one department head and directing the cost savings in Water Resources to be appropriated to aquatic weed and algae abatement projects on Clear Lake.

(b) On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the advanced 4th Step appointment in the existing Public Works Director salary range, for the combined Public Works/Water Resources Department head.

11. **ITEM A-10 - 11:00 A.M. - Lake County Energy Watch Update and request for Board direction** - Principal Planner Emily Minton, Associate Planner Brian Horn and Assistant Planner Michalyn DeValle presented the update to the Board.

Chair Comstock asked if anyone was present wishing to speak and Betsy Cawn spoke. 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 (5 ayes), directed staff to prepare an energy action plan for County facilities, continue benchmarking County-owned buildings and develop a benchmarking guide to be included in the municipal energy action plan, continue working with other County departments to establish a revolving energy efficiency fund, including funding parameters, and develop commissioning/retro-commissioning policies and strategies for County-owned buildings to be incorporated into the municipal energy action plan.

12. **ITEM A-15 - (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 request to purchase four (4) 2012 Ford Fusions from Holder Ford, in the amount of \$70,419.16; and (c) Consideration of proposed Budget Transfer B-248 from Professional & Specialized Services and Support & Care of Persons budgets, in the amount of \$70,419.16, for the purchase of four (4) 2012 Ford Fusion vehicles** - (a) On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the formal bidding process and made a determination that competitive bidding would produce no economic benefit to the County.

(c) On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Budget Transfer B-248, from Professional & Specialized Services and Support & Care of Persons budgets, in the amount of \$70,419.16, for the purchase of four (4) 2012 Ford Fusion vehicles, and authorized the Chair to sign.

(b) On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the purchase four (4) 2012 Ford Fusions from Holder Ford, in the amount of \$70,419.16.

13. **ITEM A-12 - Supervisors' weekly calendar, travel and reports** - On motion of Supervisor Brown and by vote of the Board (5 ayes), retroactively approved out of county travel for Supervisor Rushing to testify at the California Redistricting Committee meeting in Santa Rosa on May 20, 2011.

14. **ITEM A-17 - Consideration of proposed Agreements between the County of Lake and Aquatic Environments, Pestmasters and Clean Lakes, for aquatic weed abatement services** - Public Works Director Scott DeLeon presented the staff report.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Joan Moss and Betsy Cawn. 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), approved the Agreement between the County of Lake and Aquatic Environments, for aquatic weed abatement services, and authorized the Public Works Director to sign.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Pestmasters, for aquatic weed abatement services, and authorized the Public Works Director to sign.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Clean Lakes, for aquatic weed abatement services, and authorized the Public Works Director to sign.

- BACK TO #13 - ITEM A-12 - Supervisors' weekly calendar, travel and reports** - County Counsel Anita Grant announced the California Workforce Investment Board recommendation to allow Lake and Napa Counties to align their workforce investment areas had been approved by Governor Jerry Brown's representative.

15. **ITEM A-11 - 1:30 P.M. - Carried over from May 10, 2011 - (a) Discussion/consideration of proposed Amendment No. 5 to Agreement between the County of Lake and Franchise Haulers (Lake County Waste Solutions, Inc. and South Lake Refuse-Recycling, LLC) to implement a quarterly variable fuel surcharge on curbside service rates; Continued from May 10, 2011 - (b) Update on revenue and costs to operate the Eastlake Landfill and consideration of options to mitigate the anticipated budgetary shortfall for Fiscal Year 2011; (c) Consideration of proposed Agreement between the County of Lake and Lake County Waste Solutions to import solid waste from the City of Ukiah, beginning January 1, 2012, with an option for a five-year extension; and (d) PUBLIC HEARING - Discussion/consideration of proposed ordinance amending gate fees to be charged at the Eastlake Landfill for County Solid Waste Services** - Public Services Director Kim Clymire and Deputy Public Works Director Caroline Chavez were present.

(a) Ms. Chavez presented the staff report.

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

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington NO), approved Amendment No. 5 to Agreement between the County of Lake and Lake County Waste Solutions, Inc., to implement a quarterly variable fuel surcharge on curbside service rates, and authorized the Chair to sign.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington NO), approved Amendment No. 5 to the Agreement between the County of Lake and South Lake Refuse-Recycling, LLC, to implement a quarterly variable fuel surcharge on curbside service rates, and authorized the Chair to sign.

(b) Ms. Chavez presented the staff report.

After a brief recess, the Board reconvened into Regular Session at 3:07 p.m.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Bruce McCracken, Donna Christopher, Victoria Brandon and Melissa Fulton. No one else was present wishing to speak and the public input portion of the item was closed.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MAY 24, 2011

Supervisor Brown made a motion to implement Option 2, as described in the staff memorandum dated April 25, 2011, but the motion died for lack of a second.

Supervisor Brown made a motion, seconded by Supervisor Smith, to accept the importation of waste from the City of Ukiah, in concept, and direct staff to pursue a proposal within the next two years for the development of a MERF facility, either through the County or the franchise hauler.

Supervisor Rushing requested a few minutes to reflect before voting. After a brief recess, the Board reconvened into Regular Session at 4:10 p.m.

County Counsel Anita Grant proposed amended wording to the agreement, supportive to the motion made prior to the recess.

On motion of Supervisor Brown and by vote of the Board (3 ayes, Supervisors Rushing and Farrington NO), approved the option to allow the importation of solid waste from the City of Ukiah, in concept, as amended.

(c) On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington NO), approved the Agreement between the County of Lake and Lake County Waste Solutions to import solid waste from the City of Ukiah, beginning January 1, 2012, with an option for a five-year extension, as amended, and authorized the Chair to sign.

(d) Ms. Chavez presented the staff report.

Chair Comstock opened the public hearing and Betsy Cawn spoke. 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 (4 ayes, Supervisor Farrington NO), waived the reading of the ordinance, with Appendix A - the 4-year schedule, to be read in title only (Clerk so did).

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington NO), advanced the ordinance, as amended, two weeks, to June 7, 2011.

16. ITEM A-14 - Continued from May 17, 2011 - Consideration of request to approve letter of support for AB 1178 (Ma) regarding the prohibition of disposal of solid waste based on its geographical origin - Supervisor Farrington introduced the item.

Regional Council of Rural Counties Analyst Paul Smith spoke via conference call.

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

Amendments were made to the letter.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the letter of support for AB 1178 (Ma) regarding the prohibition of disposal of solid waste based on its geographical origin, as amended, and authorized the Chair to sign.

17. 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. Public Employee Performance Evaluations: Titles: Public Services Director 3.Public Employee Disciplinary Appeal No. EDA 2011-02, Government Code Section 54957 4. Conference with Legal Counsel: Existing Litigation pursuant to Government Code Section 54956.9, Subdivision (a): Application of Pacific Gas and Electric Company for approval of modifications to its SmartMeter Program and increased revenue requirements to recover the costs of the modifications - Chair Comstock announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board of Supervisors adjourned at 5:27 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

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