

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD NOVEMBER 1, 2011

The Honorable Board of Supervisors of Lake County, California, met in regular session this 1st day of November, 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 Pfc Steven Shapiro and Glendale Police Officer Brad Jones, Lakeport Councilman Tom Engstrom's nephew. Following the moment of silence, County Administrative Officer Kelly Cox 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-7.

Approved Minutes of the Board of Supervisors meeting held on October 25, 2011.

Adopted Resolution No. 2011-167, establishing new CalWORKS Maintenance of Effort Fund; and revising revenue estimates and appropriations in Social Services Fund 168 and General Welfare Fund 169 to amend the FY 2011-12 Adopted Budget.

Adopted Agreement between the County of Lake and the Lake County Chamber of Commerce for FY 2011-12 marketing, economic development and visitor information services, in the amount of \$50,000, and authorized the Chair to sign.

Adopted Resolution No. 2011-168, appropriating unanticipated revenue in BU4012 and BU4016 in order to reissue a check to the State of California Department of Public Health, California Tobacco Control Program in the amount of \$7,051 (refund of previous overpayment by the State).

Adopted Resolution No. 2011-169, declaring Intent to License County of Lake property (Buckingham Peak), and set public hearing and opening of bids for **December 6, 2011, at 9:25 A.M.**

Adopted Resolution No. 2011-170, of Intention to change the name of an existing road in the County of Lake (Fredericksen Drive) and set public hearing for **December 13, 2011, at 9:15 A.M.**

Adopted Resolution No. 2011-171, authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under Agreement dated August 16, 2011 (Orchard Shores Subdivision Pavement Rehabilitation, Clearlake Oaks, Bid No. 11-18).

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 present one canine currently available for adoption.

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

Change Order No. 1 - Elk Mountain Road Improvements MPM 27.00 to 27.19 Bid No. 10-04, Federal Project No. ER 4402 (006) - This change order addresses the need to replace the existing drainage inlet to allow for proper function of the new subdrain and replace the existing cross culvert which failed and separated under the roadway.

Public Works Director Scott De Leon presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Change Order No. 1 - Elk Mountain Road Improvements MPM 27.00 to 27.19 Bid No. 10-04, Federal Project No. ER 4402 (006), Bouthillier's Construction, for an increase of \$3,761.54, and authorized the Chair to sign.

Change Order No. 2 - Elk Mountain Road Improvements MPM 27.00 to 27.19 Bid No. 10-04, Federal Project No. ER 4402 (006) - This change order addresses the balancing of Final In-Place quantities.

Public Works Director Scott De Leon presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Change Order No. 2 - Elk Mountain Road Improvements MPM 27.00 to 27.19 Bid No. 10-04, Federal Project No. ER 4402 (006), Bouthillier's Construction, for a decrease of \$225.02, and authorized the Chair to sign.

4. **ITEM A-20 - Consideration of request to issue a purchase order for asphalt for Nice Lucerne Cutoff Roadway repairs (previously approved on October 25, 2011)** - Public Works Director Scott De Leon presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), authorized the Public Works Director/Assistant Purchasing Agent to issue a purchase order for asphalt for Nice Lucerne Cutoff Roadway repairs, Granite Construction, in an amount not to exceed \$131,274.

- BACK TO #3 - ITEM A-4 - Current Construction Projects - Contract Change Orders:**

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

Change Order No. 2 - Southeast Force Main & Pump Station Improvement Project - This change order eliminates the contractor's responsibility for obtaining Builder's Risk - "all risk" insurance coverage under the contract.

Special Districts Administrator Mark Dellinger presented the staff report.

On motion of Director Smith and by vote of the Board (5 ayes), approved Change Order No. 2 - Southeast Force Main & Pump Station Improvement Project, for a decrease of \$8,450 (a net savings of \$6,450), Preston Pipelines, Inc., and authorized the Chair to sign.

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

5. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - Public bid opening to license County of Lake property (At departmental request, this item has been carried over to a future date.)** - Chair Comstock announced this item would be carried over to December 6, 2011, at 9:25 a.m.

6. **ITEM A-14 - Consideration of Board appointment to the Public Defender Oversight Committee** - Supervisor Farrington introduced this item.

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On motion of Supervisor Smith and by vote of the Board (5 ayes), appointed Supervisor Comstock to the Public Defender Oversight Committee, with Supervisor Rushing appointed as Alternate.

7. **ITEM A-15 - Consideration of proposed letters to Federal Representatives opposing the proposed elimination of Geothermal Royalty payments to Counties** - County Administrative Officer Kelly Cox presented the staff report.

Amendments were made to the letter.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the letters to Federal Representatives opposing the proposed elimination of Geothermal Royalty payments to Counties, as amended, and authorized all Supervisors to sign.

8. **ITEM A-6 - 9:20 A.M. - (a) Update regarding Resolution No. 2011-120, requesting the Governor declare a statewide emergency resulting from infestation of dreissenid mussels into the water bodies of the State of California; and (b) Discussion/consideration of Clear Lake Advisory Committee's progress on the development of a work plan - (a)** Supervisors Rushing and Farrington gave an update.

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

This portion of the item was informational only. No Board action was taken.

(b) Clear Lake Advisory Committee Chair Melissa Fulton 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.

This portion of the item was informational only. No Board action was taken.

9. **ITEM A-7 - 9:45 A.M. - Consideration of staff request for Board direction regarding the development of a policy on recovery of overpayment of employee wages** - County Clerk/Auditor Cathy Saderlund and Human Resources Director Kathy Ferguson presented the staff report to the Board.

There was Board consensus to direct staff to move forward with the recommendations in the staff memorandum dated October 17, 2011.

10. **ITEM A-8 - 10:00 A.M. - Consideration of proposed Resolution canceling reserve designation and appropriating funds for CSA #2 - Spring Valley Camp ground (\$12,500 for Community Center roof repair)** - Special Districts Fiscal Officer Jan Coppinger presented the staff report.

Supervisor Rushing offered Resolution No. 2011-172, and it was passed by roll call vote (5 ayes).

11. **ITEM A-9 - 10:05 A.M. - Consideration of proposed Resolution canceling reserve designation and appropriating funds for CSA #2 - Spring Valley (\$12,000 for Chalk Mountain Bridge repair)** - Special Districts Fiscal Officer Jan Coppinger presented the staff report.

Supervisor Rushing offered Resolution No. 2011-173, and it was passed by roll call vote (5 ayes).

12. **ITEM A-10 - Continued from October 25, 2011 - 10:20 A.M. - Discussion/consideration of proposed Resolution supporting the mandatory labeling of genetically engineered food** - Chair Comstock asked if anyone was present wishing to speak and Barbara Brown spoke. No one else was present wishing to speak and this item was continued five weeks, to December 6, 2011, at 10:15 a.m.

13. **ITEM A-18 - Consideration of proposed Agreement between the County of Lake and the National Council on Crime and Delinquency (NCCD), for the reporting service subscription for internet access to Safe Measures, in the amount of \$21,000, for a two year period** - Social Services Director Carol Huchingson presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and the National Council on Crime and Delinquency (NCCD), for the reporting service subscription for internet access to Safe Measures, in the amount of \$21,000, for a two year period, and authorized the Chair to sign.

After a brief recess, the Board reconvened into Regular Session at 10:41 a.m.

14. **ITEM A-17 - Consideration of proposed Resolution adopting the 2011 Lake County Regional Transportation Bikeway Plan** - Public Works Director Scott De Leon presented the staff report.

Supervisor Brown offered Resolution No. 2011-174, and it was passed by roll call vote (5 ayes).

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

15. **ITEM A-19 - Consideration of proposed Agreement between the Lake County Watershed Protection District and Alameda County Flood Control and Water Conservation District for Right of Way and Relocation services (for the Flood Protection Corridor Program), in an amount not to exceed \$100,000** - Public Works Director Scott De Leon presented the staff report.

On motion of Director Rushing and by vote of the Board (5 ayes), approved the Agreement between the Lake County Watershed Protection District and Alameda County Flood Control and Water Conservation District for Right of Way and Relocation services (for the Flood Protection Corridor Program), in an amount not to exceed \$100,000, and authorized the Chair to sign.

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

16. **ITEM A-12 - Supervisors' weekly calendar, travel and reports** - On motion of Supervisor Brown and by vote of the Board (5 ayes), authorized out of County travel for Supervisor Rushing to represent the County at the CETF meeting on December 1-2, 2011, in San Francisco.

17. **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** - Chair Comstock announced the Board would now go into Closed Session for the reason stated on the agenda.

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The Board reconvened into Regular Session at 11:22 a.m, with no action taken.

18. **ITEM A-16 - Consideration of proposed Agreement between the County of Lake and E Center, for FY 2011-12 nutrition education services, in the amount of \$150,000 (funding from the Supplemental Nutrition Assistance Program Education Grant)** - Health Services Director Jim Brown and Fiscal Officer Denise Pomeroy were present.

Mr. Brown presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and E Center, for FY 2011-12 nutrition education services, in the amount of \$150,000 (funding from the Supplemental Nutrition Assistance Program Education Grant), and authorized the Chair to sign.

19. **ITEM A-13 - CLOSED SESSION - Public Employee Disciplinary Appeal EDA2011-05, Government Code Section 54957** - Chair Comstock announced the Board would now go into Closed Session for the reason stated on the agenda.

After a lunch recess, the Board reconvened into Regular Session at 2:01 p.m. and took the following action.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Smith ABSTAIN), adopted the recommendations of the hearing officer in the matter of the disciplinary action ESA 2011-05, upheld the disciplinary action in the form of termination, and denied the appeal.

20. **ITEM A-11 - 2:00 P.M. - Presentation of the proposed Lake County Economic Development Marketing Strategic Plan for 2011-2013** - Deputy Administrative Officer Economic Development Debra Sommerfield and Senior Administrative Analyst Jennifer Hammond were present.

Ms. Sommerfield and Clay Shannon introduced the item.

Strategic Advisory Group representative Dan Fenton, and community stakeholders Julie Hoskins, Anne Garner, Nancy Brier and Mr. Shannon presented the Economic Development Marketing Strategic Plan.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Linda Armstrong, Cheryl Trammel-George, Travis Lipscomb, Tony Barthel, Karen Turcotte, Sherrie Harris, Dennis Krentz, Rebecca Diersson, Melissa Fulton, Monica Rosenthal, Peggy Barthel and Nancy Ruzicka. No one else was present wishing to speak and the public input portion of this item was closed.

There was Board consensus to support the Lake County Economic Development Marketing Strategic Plan for 2011-2013.

This item will return to the Board in one week, November 8, 2011, for formal approval.

There being no further business, the Board of Supervisors adjourned at 4:23 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

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